

# LONG LAKE TOWNSHIP ZONING ORDINANCE

LONG LAKE TOWNSHIP

8870 NORTH LONG LAKE ROAD

TRAVERSE CITY, MICHIGAN 49685

[LONGLAKETOWNSHIP.COM](http://longlaketownship.com)

231.946.2249

## ORDINANCE #109

ADOPTED AUGUST 10, 2010    EFFECTIVE AUGUST 29, 2010

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## AS AMENDED BY

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Ordinance #116, adopted February 8, 2011, effective February 22, 2011  
Ordinance #117, adopted February 8, 2011, effective February 22, 2011  
Ordinance #118, adopted June 14, 2011, effective June 29, 2011  
Ordinance #119, adopted August 9, 2011, effective August 24, 2011  
Ordinance #120, adopted December 13, 2011, effective December 26, 2011  
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## **THE TOWNSHIP OF LONG LAKE ORDAINS:**

# ARTICLE 1

## DECLARATION OF POLICY, TITLE AND INTENT

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### **PREAMBLE**

AN ORDINANCE established under the Michigan Zoning Enabling Act, Act 110 of 2006, as amended, to establish land use districts as described in the Current Master Land Use Plan as adopted by the Long Lake Township Planning Commission; to prescribe regulations for the use of land in the Township of Long Lake; to provide for the use of certain state licensed residential facilities; to prescribe for the nonconforming property; to provide for the administration and enforcement of this Ordinance and to prescribe penalties for the violation of the provisions hereof.

### **SECTION 1.1 DECLARATION OF POLICY**

It is the declared policy of Long Lake Township to implement a Zoning Ordinance that will limit the inappropriate overcrowding of land and congestion of population, also it shall not have the effect of totally prohibiting the establishment of a land use within the township in the presence of a demonstrated need for that land use within either the Township or surrounding area within the state, unless there is no location within the Township where the use may be appropriately located, or the use is unlawful; to prescribe a plan for land use designed to promote and protect the public health, safety, energy, and general welfare of the residents of Long Lake Township.

### **SECTION 1.2 TITLE**

This Ordinance shall be known and may be cited as the Long Lake Township Zoning Ordinance.

# ARTICLE 2

## TOWNSHIP ZONING DISTRICTS

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### SECTION 2.1 ZONING DISTRICTS

For the purpose of this Ordinance, the Township of Long Lake is hereby divided into the following zoning districts:

- |  |   |
|--|---|
| CR - Conservation and Recreation (Article 7) | AG – Agricultural (Article 8)                   |
| NL - Natural Lakefront (Article 9)           | LDR - Low Density Residential (Article 10)      |
| LR - Lake Residential (Article 12)           | MDR - Moderate Density Residential (Article 13) |
| HDR - High Density Residential (Article 14)  | LB - Local Business (Article 15)                |
| GB - General Business (Article 17)           |   |

This Ordinance applies to littoral and riparian bottomlands. Bottomlands shall be in the same zoning district as the corresponding upland parcel to which the bottomland is associated.

### SECTION 2.2 DISTRICT BOUNDARIES

The boundaries of these districts are hereby established as shown on the Long Lake Township Zoning Map that accompanies this Ordinance, except that district boundaries which involve waterside land shall be deemed to continue into the lake, river or stream along the riparian or littoral property lines as determined by state law. The Long Lake Township Zoning Map along with all notations, references, and other explanatory information shall accompany and be made a part of this Ordinance.

### SECTION 2.3 OFFICIAL ZONING MAP

[The Zoning Map has been amended by Ordinance #117, adopted February 8, 2011, effective February 22, 2011, and by Ordinance #134, adopted 10/8/2013, effective 10/22/2013, and by Ordinance #136, adopted 8/12/2014, effective 8/26/2014, and by Ordinance #182, adopted 8/11/2020, effective 8/29/2020]

Regardless of the existence of purported copies of the Long Lake Township Zoning Map, which may be published, a true and current copy of the zoning map shall be maintained by the office of the Township Clerk and made available for public inspection. The Township Clerk's copy shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, or structure in the Township.

1. **Conditional Zoning:** Land identified on the Zoning Map as conditionally zoned is subject to the following conditions:
  - a. Use of the premises shall be limited to the following:
    - 1) All permitted and conditional uses in the Low Density Residential district
    - 2) Accessory dwelling to a commercial use, subject to Section 4.9

- 3) Convenience commercial establishment as a permitted use
  - 4) General retail sales establishment as a permitted use
  - 5) Office building/clinic as a permitted use
  - 6) Personal service establishment as a permitted use
  - 7) Restaurant without drive-through as a permitted use
  - 8) Graphic and performing arts studio as a conditional use
  - 9) Open air business as a conditional use
- b. In the event that the primary building on the land conditionally zoned Local Business is removed, the land reverts to Low Density Residential zoning.

## **SECTION 2.4 DISTRICT BOUNDARIES INTERPRETED**

When uncertainty exists with respect to the boundary lines of the various districts as shown on the Zoning Map, the Zoning Board of Appeals shall determine the boundaries according to the following rules: See also Section 23.4.

1. Boundaries indicated as approximately following the centerline of roads, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following recorded lot lines or the line bounding a parcel shall be construed as following such lot or parcel lines.
3. Boundaries indicated as approximately following a municipal boundary line shall be construed as following such municipal boundary line.
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
5. Boundaries indicated as approximately following the centerline of a stream, river, or other drainageway shall be construed to follow such centerline. In the event of a change in shoreline, the boundary shall be construed as following the shoreline existing at the time the interpretation is made.
6. Boundaries indicated as following the shoreline of a body of water shall be construed as following such shoreline and shall be deemed to include adjoining bottomland. In the event of a change in shoreline, the boundary shall be construed as following the shoreline existing at the time the interpretation is made.
7. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 6 above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
8. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by subsections 1 through 7 above, the Zoning Board of Appeals shall interpret the district boundaries.



9. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns or heavy lines that, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any road right-of-way.

## **SECTION 2.5 ZONING VACATED AREAS**

Whenever any road, alley, or other public right-of-way within Long Lake Township is vacated, such road, alley, or other public way or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.

## **SECTION 2.6 TABLE OF ZONING DISTRICT REGULATIONS** (This Section has been amended by Ordinance #123, adopted December 10, 2013, effective December 25, 2013)

Table 2.6 – Schedule of District Regulations provides an overview of the dimensional requirements of this Zoning Ordinance. It is provided for expeditious reference. However, it should not be substituted for a precise reference to the specific language of this Ordinance.

## **SECTION 2.7 TABLE OF LAND USES** (This Section has been amended by Ordinance #181, adopted March 9, 2021, effective March 21, 2021)

Table 2.7 –Table of Land Uses summarizes the applicable regulatory standards for the land uses governed under this Zoning Ordinance. It is provided for expeditious reference, but should not be substituted for careful reference to the specific language of this Ordinance.

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**Table 2.6 Table of District Regulations for Primary Structures**

Zoning District		Minimum Parcel Size		Minimum Yard Setback Dimensions (feet)			Maximum Height <sup>a</sup> (feet)	Minimum Livable Floor Area (square feet) <sup>fg</sup>	Maximum Lot Coverage [amended by Ordinance #119, adopted 8/9/11, effective 8/24/11]
		Area	Width (feet)	Front	Side <sup>e</sup>	Rear			
CR	Conservation & Recreation	5 acres	300	50	15	50	35	960	Determined by setbacks
AG	Agricultural	2 acres	200	50	15	Waterside: 50 Other:40	35	960	Determined by setbacks
NL	Natural Lakefront	2 acre	At road: 200 At water: 200	50	15	Waterside: 100 Other: 40	35	960	Determined by setbacks
LDR	Low Density Residential (w/o community wastewater)	1 acre	150	50	15	Waterside: 50 Other: 40	35	960	Determined by setbacks
	Low Density Residential (with community wastewater)	15,000 sq. ft	100	30	10	Waterside: 50 Other: 30	35	960	Determined by setbacks
LR	Lake Residential	1 acre	At water: 100 At road:150	50	15	Waterside: 50 Other: 40	35	960	Determined by setbacks
MDR	Moderate Density Residential With community wastewater	10,000 <sup>b</sup>	80				35	1 & 2 unit 700 Multi-unit: 700	Determined by Setbacks
	Without community wastewater Parcel size of 10 acres or less	20,000 <sup>b</sup> 10,000 <sup>h</sup>	100	30	10	25			
HDR	1&2 Unit, w/ community wastewater	8,500 <sup>c</sup>	60				35	1&2 unit: 700  Multiple: 700	Determined by Setbacks
	Without community wastewater	20,000 <sup>c</sup>	100						
	Multiple Unit, area per dwelling	4,000 <sup>c</sup>	60	25	6	25			
	With community wastewater	10,000 <sup>c</sup>	100						
Without community wastewater									
LB	Local Business	See Article 15 for Local Business Standards							
GB	General Business	1 acre	150	40 <sup>d</sup>	20 <sup>d</sup>	20	40	n/a	Determined by setbacks

**Notes to Table 2.6 *This table applies to primary structures, also see Section 4.6 Accessory Buildings***

[This Section has been amended by Ordinance #123, adopted December 10, 2013, effective December 25, 2013]

- a. Except for agricultural buildings. Also see Section 4.6.
- b. For two-unit and multiple unit dwellings, densities shall not exceed two units per acre unless community wastewater is provided, in which case densities shall not exceed four units per acre.
- c. For two-unit and multiple unit dwellings, densities shall not exceed two units per acre unless community wastewater is provided, in which case densities shall not exceed eight units per acre.
- d. Except for parcels abutting M-72, where the front or side setback along M-72 shall be 100 feet.
- e. Side yards shall be equal to the minimum required front yard on corner lots abutting side streets.
- f. All single family residential dwellings shall have a minimum ground floor area of 700 square feet.
- g. All single family residential dwellings shall also meet the requirements of **Section 4.10** including a living area with minimum exterior dimensions of 24 feet by 24 feet; or 20 feet by 20 feet in the Lake Residential District.
- h. Applies only to parcels of 10 or less acres in net lot area existing on the date of adoption of this Ordinance, with or without a community wastewater system.

**Table 2.7 – Table of Uses**

	CR	AG	NL	LDR	LR	MDR	HDR	LB	GB
<b>Use and Type of Review</b>	R=Use by Right; C=Conditional Uses; *=Use by Right subject to additional requirements; (P) = requires plot plan review per to Article 20; (S) = requires site plan review by Planning Commission per Article 24								
Aboveground Storage Flammable Liquids (S)									C
Accessory Building (P)	R	R	R	R	R	R	R	R	R
Accessory Dwelling to a Commercial Use (S)								R	
Accessory Use* (P)	R	R	R	R	R	R	R	R	R
Adult Care Facility (P)	R	R	R	R	R	R	R	R	R
Agricultural Building (P)	R	R	R	R	R	R	R	R	R
Agri-Tourism or Agri-Business (S)	R	R		R					
Banking Establishment (S)								R	R
Billboard (S)								C	C
Building Material Supplier (S)									C
Building with excess floor area (S)								C	C
Car Wash (S)									C
Child Care Center (S)	C	C		C		C	C	C	
Commercial Forestry/Timber Operation (P)	R	R							
Contractor Facility, Minor (S)								R	R
Contractor Facility, Major (P)									R
Convenience Commercial Establishment (S)								R	R
Drive through business (S)								C	C
Dwelling, multiple unit (S)						C	R	C	
Dwelling, single family, detached* (P)	R	R	R	R	R	R	R	R	

Use and Type of Review	CR	AG	NL	LDR	LR	MDR	HDR	LB	GB
	R=Use by Right; C=Conditional Uses; *=Use by Right subject to additional requirements; (P) = requires plot plan review per to Article 20; (S) = requires site plan review by Planning Commission per Article 24								
Dwelling, two-unit [(P) if permitted by right]						R	R	C	
Easement to Water (S)					C				
Educational Facility (S)		C		C				C	C
Extraction (S)	C	C		C					C
Family Child Care Home (P)	R	R	R	R	R	R	R	R	
Funeral Home/Mortuary (S)								C	C
General Farming and Agriculture [(P) if permitted by right]	C/R	R	C/R	C/R	C/R	C/R	C/R	C/R	C/R
General Retail Sales Establishment (S)								R	R
Kennel (S)		C							C
Manufactured Housing Community (S)							R		
Mini-Warehouse (S)								C	C
Motor Vehicle Fuel Service w/ Repair (S)								C	C
Motor Vehicle Fuel Service w/o Repair (S)								C	R
Motor Vehicle Salvage/Scrapping Yard (S)									C
Office Building or Clinic (S)								R	R
Open Air Business and Storage (S)								C	C
Parking Garage (S)									C
Personal Service Establishment (S)								R	R
Place of Public Assembly (S)				C	C	C	C	C	C
Private or Institutional Recreational Area (S)	R		R						
Processing, assembly and manufacturing (S)								C	R
Propane Service Facility (S)									C

	CR	AG	NL	LDR	LR	MDR	HDR	LB	GB
<b>Use and Type of Review</b>	R=Use by Right; C=Conditional Uses; *=Use by Right subject to additional requirements; (P) = requires plot plan review per to Article 20; (S) = requires site plan review by Planning Commission per Article 24								
Public Utility Structure (S)				C		C	C	C	C
Research and Development Establishment (S)									R
Restaurant w/o Drive-thru (S)								R	R
Roadside Stand for Agricultural Products (P)	R	R	R	R	R	R	R	R	R
Second Hand Store/Pawn Shop (S)								C	C
Sexually Oriented Business (S)									C
Tavern (P)								C	C
Truck Freight Terminal (S)									C
Vehicle Repair Service (S)								C	C
Veterinary Establishment (S) [amended by Ordinance #116, adopted February 8, 2011, effective February 22, 2011]		C						C	C
Warehouse (S)									C
Wholesale Trade Business (S)									C
Wind Energy Conversion System, Large (S)		C		C		C	C		C
Wind Energy Conversion System, Small (P)	R	R	R	R	R	R	R	R	R
Wireless Communication Facility (S)	C	C		C		C	C	C	C
Development Options	See Article 18 Development Options								

# ARTICLE 3

## DEFINITIONS AND INTERPRETATION

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### SECTION 3.1 DEFINITIONS AND INTERPRETATION

For the purpose of this Ordinance, certain terms are herein defined. Any word not defined herein shall have the meaning of common or standard use that is reasonable for the context in which the term is used herein.

1. **Rules of Construction.** For the purpose of this Ordinance, certain numbers, abbreviations, terms and words used herein shall be used, interpreted and defined as set forth in this section. Unless the context clearly indicates to the contrary:
  - a. Words used in the present tense include the future tense;
  - b. Words used in the singular number include the plural; and words used in the plural number include the singular;
  - c. The word "herein" means this Ordinance;
  - d. The word "regulation" means the regulations of this Ordinance;
  - e. The words "this Ordinance" shall mean "the Ordinance illustrations, text, tables, maps and schedules included herein, as enacted or subsequently amended."
  - f. The term "shall" is always mandatory.
  - g. Lists of examples prefaced by "including the following, "such as," or other similar preface shall not be construed as exclusive and shall not preclude an interpretation of the list including other similar examples which are not expressly mentioned.
  - h. The term "building", "structure," "premises" or any similar term, shall be interpreted to include any part of the building, structure, premises or other similar term unless otherwise stated.
  - i. The "Township" is the Long Lake Township in the County of Grand Traverse, State of Michigan; and "Township Board", "Zoning Board of Appeals," and "Planning Commission" are respectively the Township Board, Zoning Boards of Appeals, and Planning Commission of Long Lake Township
2. **Tables, Illustrations and Figures.** The graphics, tables and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics. Any photographs and illustrations marked "example" or text marked "commentary" is not regulatory and is provided for illustrative purposes only.
3. **Defined Terms.** For the purpose of this Ordinance, the following terms shall take the meaning set forth in this Article.

**SECTION 3.2 DEFINITIONS – A** [This Section has been amended by Ordinance #137, adopted August 12, 2014, effective August 26, 2014, and amended by Ordinance #157, adopted November 10, 2016, effective November 27, 2016]

**Above Ground Storage of Flammable Liquids:** Any combination of storage tanks or containers, including pipes connected thereto, which is used to contain petroleum or other flammable liquids.

**Access Easement:** An easement granted over a parcel of land to permit private access or access by the general public to one or more parcels of land.

**Accessory Building:** A building detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

**Accessory Building, Attached:** An accessory building that is structurally attached (see definition of Structurally Attached, Section 3.20) to and is an integrated part of (by location, materials, and architectural design) a principal building.

**Accessory Building, Major:** An accessory building that is larger than 100 square feet, regardless of its height.

**Accessory Building, Minor:** An accessory building having a total floor area of no more than 100 square feet and a height no greater than 10 feet from the floor to the highest peak.

**Accessory Dwelling to a Commercial Use:** A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area and full bathroom facilities, which is an attached or a detached extension to an existing commercial or business use.

**Accessory Use:** A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

**Adult Care Facility:** A facility as defined under Michigan Public Act 218 of 1979, as amended, that provides foster care to adults, aged eighteen (18) years of age or older. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped that require supervision on an ongoing basis. An adult foster care center does not include nursing homes, alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult foster care center.

**Agri-Business Use:** A farm enterprise that has either a retail character, by virtue of customer and off-street parking characteristics, or an industrial or entertainment character, by virtue of performance characteristics. Agribusiness use includes, but is not limited to, pick-your-own farms, cider mills, farmers markets, farm dairies, corn mazes, orchards, wineries, greenhouses, and similar uses.

**Agri-Tourism Use:** A farm enterprise operated for the enjoyment and education of the public that may also generate additional farm income by promoting farm products and whose proprietor resides on the site in a single-family dwelling unit; and which may include, but not be limited to, educational and/or outdoor recreational programs; a public accommodation use; farm tours; horseback riding; and similar activities.

**Agricultural Building:** A building designed, constructed, and used for an agricultural use and/or for the storage and maintenance of agricultural equipment.

**Agricultural Conservation Development:** A subdivision (plat) or condominium subdivision pursuant to this Ordinance which permits housing units to be grouped on lots with dimensions and setback standards that may be



adjusted from the standards of the underlying zoning, providing the remainder of the site is dedicated as permanent farmlands.

**Agricultural Conservation Easement:** A perpetual easement granted by the property owner to Long Lake Township, the Michigan Department of Natural Resources or another easement grantee acceptable to the Township Board conveying all development rights on the described lands.

**Agricultural Use:** The production and keeping of plants and animals useful to humans, including forage and sod crops; grain and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing; bees and apiary products; fur animals; trees and forest products; fruits of all kinds; nursery and greenhouse products; and other similar uses. As used in this ordinance, “agricultural use” refers to “limited agricultural use”. See definition of Farm under Section 3.7 and Limited Agricultural Use under Section 3.13.

**Alternative Support Structure:** Any structure used to mount a wireless communication antenna that is not a wireless communication tower. This includes but is not limited to new or existing buildings, water towers, silos, steeples, etc.

**Anchoring:** The act of securing a floating watercraft to the bottomland of a lake, river or stream by means of an anchor, line or chain.

**Artificial Beach:** An area along the water’s edge of an important body of water as defined herein onto which beach sand or similar material has been imported and deposited to create an unnatural beach area.

**Attic:** That part of a building that is immediately below and wholly or partly within the roof framing, and which is not finished livable floor area.

**Auditorium:** A building or a part of a building devoted to public assembly for live dramatic, musical or dance performances, motion pictures, and public meetings.

**SECTION 3.3 DEFINITIONS - B** [This Section has been amended by Ordinance #135, adopted February 11, 2014, effective February 25, 2014; and by Ordinance #168, adopted September 11, 2018, effective September 24, 2018; and by Ordinance #180, adopted December 10, 2019, effective December 25, 2019; and by and Ordinance #181, adopted March 9, 2021, effective March 21, 2021]

**Banking Establishment:** A business or association providing financial services to the public including savings, credit, investment brokerage and services and similar facilities, with or without drive-through facilities and/or automated teller facilities. Examples include bank, savings and loan, credit union.

**Basement:** That portion of a building that is partly or completely below grade. A basement shall be deemed a story if the basement ceiling is more than 5 feet above the median adjoining grade.

**Billboard:** See Sign, Billboard

**Boat:** Means every description of watercraft used or capable of being used as a means of transportation on water, but not including personal watercraft and nonmotorized boats such as canoes, rowboats, and rafts. Boat also does not include an air mattress, paddleboard, boogie board, or similar device used by one (1) or two (2) persons for floating or paddling.

**Bottomland:** The land area of an inland lake or stream which lies below the ordinary highwater mark and which may or may not be covered by water.

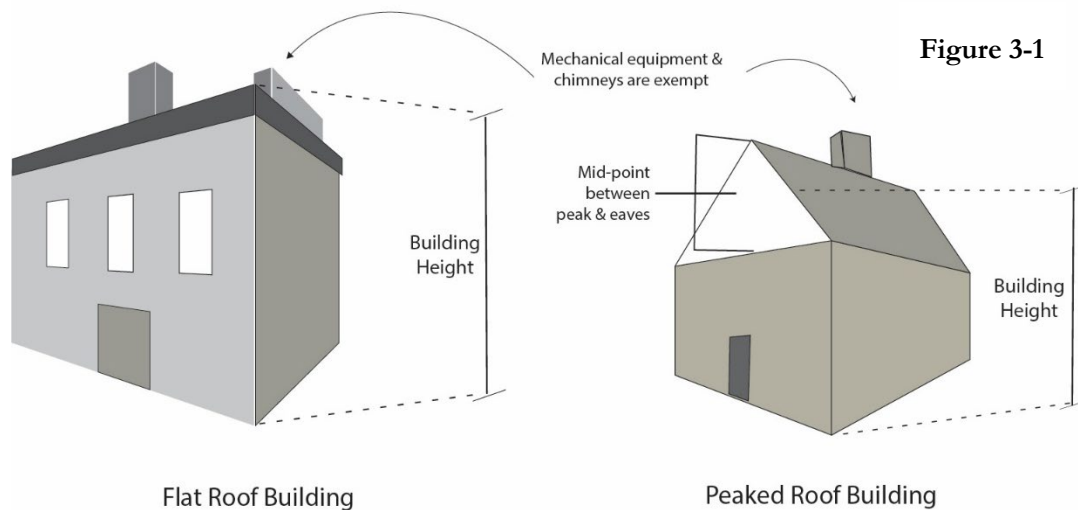
**Buffer Strip:** Natural, landscaped, and open space areas or any combination thereof used to physically separate or screen one use, property, or land feature from another in order to visually shield or block noise, lights, or other nuisances or filter storm water runoff.

**Building:** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

**Building Envelope:** A portion of a parcel remaining after excluding setbacks required by this Ordinance.

**Building Footprint:** The total area contained within the exterior foundation or framing area taken on a horizontal plane at the largest floor level of a building or an accessory building exclusive of unroofed porches, terraces, patios, decks, steps, awnings and nonpermanent canopies.

**Building Height:** The vertical distance from the median finished grade of the footprint of the building to the top of the highest roof beams on a flat roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level of a gable, hip and gambrel roofs. Mechanical equipment, chimneys, air conditioners, church spires and steeples, water towers, and similar appurtenances shall not be included in this measurement.



**Building Material Supplier:** A business primarily engaged in the sale of materials, tools and equipment for the building construction industry and/or the general public; including such materials as lumber and hardware, roofing material, pre-fabricated building components, yard and landscape materials other than plantings, fencing and related materials.

**Business Park, General:** A group of structures housed on a single access, road, or drive with a mixture of retail business, office or commercial ventures, and intended to serve both residents of the immediate area and the larger population of the region.

### SECTION 3.4 DEFINITIONS – C [This Section has been amended by Ordinance #154, adopted April 12, 2016, effective April 27, 2016]

**Car Wash:** Any structure or premises containing facilities for washing automobiles including any or all of the following: automatic or semi-automatic application of cleaner, brushes, rinse water, polishes and similar materials and heat or forced air for drying.

**Child Care Facilities.** The following definitions shall apply in the construction and application of this Ordinance:

1. **Family Child Care Home.** A private residence in which one (1) but not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
2. **Group Child Care Home.** A private residence in which more than six (6) but not more than twelve (12) children are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks in a calendar year.
3. **Child Care Center.** A facility, other than a private residence, receiving one (1) or more children for care and supervision for periods of less than twenty-four (24) hours, and where the parents or guardians are not immediately available to the child.

**Clear View Area:** A triangular-shaped portion of land established at each angle of a street intersection in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists or pedestrians entering or leaving the intersection.

**Clinic:** An establishment providing health services including medical and surgical care, dental care and mental health care on an in-patient or out-patient basis to persons suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions. Such facility may include such accessory uses as laboratories, pharmacies, medical offices and training facilities.

**Cluster:** A grouping of residential dwellings arranged in harmony with the natural features and topography of the site and in compliance with the terms of this Ordinance.

**Co-location:** The use of a wireless telecommunication tower by more than one wireless telecommunication provider.

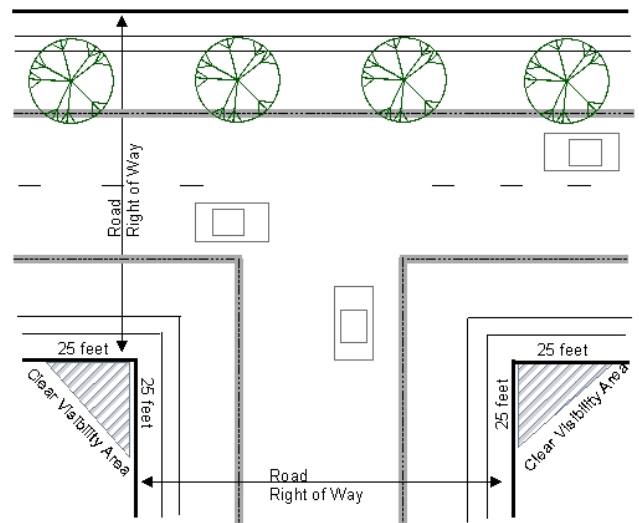
**Commercial Forestry/Timber Operation:** The cutting or clearing of forested areas for the commercial sale of timber.

**Common Elements:** Those portions of a condominium project other than the condominium units.

**Common Elements, Limited:** A portion of the common elements in a condominium project reserved in the master deed for the exclusive use of less than all of the co-owners.

**Common Open Space:** Land within an open space conservation development or PUD which is not individually owned and which may not be subdivided.

**Figure 3-2**



**Community Wastewater System:** A privately-owned and properly licensed and permitted system for the collection, treatment and discharge of wastewater. For purposes of this ordinance, a community wastewater system is generally a clustered/collective seepage system that services an entire residential development or that services more than one multiple family building. The system may be owned and maintained by a single owner or by several owners through an association.

**Community Water System:** A privately-owned and properly licensed and permitted system for the acquiring, treatment, storage and distribution of potable water. For purposes of this ordinance, a community water system is generally a community well that services an entire residential development or that services more than one multiple family building. The system may be owned and maintained by a single owner or by several owners through an association.

**Community Forestry Plan:** An analysis and plan for the identification and protection of significant woodlands and wildlife habitat in Long Lake Township adopted by the Township as a policy guide on January 18, 2000.

**Comprehensive Plan.** The Comprehensive Plan of Long Lake Township as prepared and adopted by the Planning Commission pursuant to the planning statutes of the state of Michigan then in effect. The Comprehensive Plan may also be referred to as the “Master Plan”.

**Conditional Land Use:** A use permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in the Zoning Ordinance and authorized by the Planning Commission.

**Condominium Act:** Means Act 59 of 1978, as amended.

**Condominium Project:** A plan or project consisting of not less than two condominium units established and approved in conformance with the provisions of the Condominium Act, Public Act 59 of 1978.

**Condominium Subdivision:** A division of land on the basis of condominium ownership, which is not subject to the provisions of the Land Division Act, Act 288 of the Public Acts of 1967, as amended.

**Condominium Subdivision Plan:** The drawings and information attached to the master deed including, but not limited to, a survey plan, floodplain plan, site plan, utility plan, floor plans, description of the size, location, area, and horizontal boundaries of each unit, number assigned to each unit, vertical boundaries and volume of each unit, building sections, and description of the nature, location, and size of common elements.

**Condominium Unit:** That portion of a condominium project which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

**Confined Animal Feeding Operations (CAFO):** Agricultural operations as defined by the Michigan Department of Agriculture which involve the raising, breeding or feeding of beef or dairy cattle, swine, sheep, goats, poultry/fowl, turkeys/ducks or other livestock in concentrations greater than two (2) animal units per acre; including any buildings, structure, excavations, or enclosed areas directly involved therein, including land used for pasture or feedlot purposes or for the cultivation of animal feed, and any animal waste storage structures, excavations or areas directly connected to or associated with such operations.

**Conservation Cluster Development:** (See Open Space Conservation Development).

**Contractible Condominium:** Means a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

**Contractor's Facility, Minor, Carpenter, Electrician, Plumber:** A building or structure, or a portion thereof used to store tools, trucks, equipment, supplies, and materials utilized by construction contractors, subcontractors, and builders.

**Convenience Commercial Establishment:** Any retail establishment offering for sale prepackaged food products, tobacco products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods for off-site consumption.

**Crawl Space:** A basement area with a maximum height of 5 feet between the floor and ceiling. A crawl space shall not be deemed a story.

**SECTION 3.5 DEFINITIONS – D** [This Section has been amended by Ordinance #116, adopted February 8, 2011, effective February 22, 2011; and amended by Ordinance #137, adopted August 12, 2014, effective August 26, 2014; and amended by Ordinance #148, adopted January 14, 2016, effective February 5, 2016; and amended by Ordinance #159, adopted April 18, 2017, effective May 6, 2017]

**Deck:** An attached or detached accessory structure or platform, supported by pillars or posts with a surface consisting of individual members with sufficient spacing between them to allow precipitation to pass through.

**Deck Paths:** A raised walking surface located between the ordinary highwater mark of a water body and the waterside setback line.

**Development:** The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any permanent structure, including any mining, excavation, landfill, or land disturbance; or any use or extensions of the use of land.

**District:** A portion of the Township of Long Lake for which regulations governing land uses are uniform.

**Dog Daycare:** A land use that is distinct from a kennel wherein dogs are cared for for remuneration with no overnight boarding.

**Docks:** Shall include all forms of seasonal dock, wharf, pier, etc., fixed to the ground and bottomland and/or anchored thereto or resting thereon, used as a means of entrance to or exit from boats or for the purpose of mooring boats, or other purposes related to access to water.

**Domestic Animals:** Any of various animals that have been tamed and made fit for a human environment.

**Drive-Thru Business:** A principal use or accessory use of an establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

**Dwelling or Dwelling Unit:** A building or portion thereof that is used exclusively or primarily for human habitation and which provides complete living facilities, including permanent provisions for sleeping, eating, cooking and sanitation.

**Dwelling, Multiple Family:** A building or structure designed and intended for use as dwellings for two (2) or more families and so arranged as to provide separate sleeping, eating, cooking and sanitation accommodations for each family.

**Dwelling, Single Family Detached:** A detached building or structure designed and intended for use as a dwelling for one (1) family.

**Dwelling, Two-Family:** A building or structure designed and intended for use as dwellings for two (2) families and so arranged as to provide separate sleeping, eating, cooking and sanitation accommodations for each family.

### **SECTION 3.6 DEFINITIONS – E** [This Section has been amended by Ordinance #165, adopted August 14, 2018, effective August 26, 2018]

**Easement:** A grant by the owner of the use of a strip of land by the public, a corporation, or persons, for specific uses and purposes, to be designated as a “public” or “private” easement depending on the nature of the use.

**Easement Grantee:** The person, organization, corporation or other legal entity, which receives the grant of an easement.

**Easement to Water:** An instrument creating a legal access to a body of water, including but not limited to lake, river, or stream for the benefit of a nonriparian or nonlittoral lot whether granted by single fee ownership, joint fee ownership, an interest in a general or limited common element of a condominium development, an easement, or a lease.

**Educational Facility:** A public or parochial institution, or private business, that is not a school as defined herein. Examples may include, but not necessarily be limited to, community colleges, dance schools, driver’s education schools, vocational and trade schools.

**Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions, or boards of underground or overhead electrical, land-based communication, steam, water, gas, or sewer transmission, distribution, collection supply or disposal systems including poles, wires, mains, drains, pipes, conduits, cables, fire hydrants, and other similar equipment and appurtenances necessary for such systems to furnish an adequate level of service. Wireless communications facilities and antennae and wind energy conversion systems (WECS) are not included in this definition. Solar energy collectors are not included in this definition.

**Existing Building:** A building existing or for which the foundations are in place or upon which there has been substantial work done, prior to the effective date of this Ordinance, or any amendment thereto.

**Existing Use:** A use of premises or buildings or structures actually in operation, openly, visibly and noticeably prior to the effective date of this Ordinance, or any amendment thereto.

**Expandable Condominium:** Means a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

**Extraction:** A business involved in the excavation, processing, stockpiling and removal of soil, gravel, sand, minerals and other materials from the earth.

**SECTION 3.7 DEFINITIONS – F** [This Section has been amended by Ordinance #157, adopted November 10, 2016, effective November 27, 2016]

**FAA:** The Federal Aviation Administration

**Family:**

1. One or more individuals related by blood, marriage, or adoption, together with foster children and servants of the principal occupants, with not more than three (3) additional unrelated persons, living together as a single nonprofit housekeeping unit, or
2. Individuals domiciled together in one (1) dwelling whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity sorority, association, lodge, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

**Family Child Care Home:** See: Child Care Facilities

**Farm:** For purposes of this Ordinance, a farm, farm operation, and farm products shall be as defined under the Michigan Right to Farm Act, Public Act 93 of 1981, as amended.

**FCC:** The Federal Communications Commission

**Fence:** A structure or barrier, constructed of wood, metal or other durable parts, rails, boards, wire mesh, etc., and used to mark a boundary or to define and enclose a specific area for the purpose of protection, privacy or confinement. Railings, along or adjacent to front stoops, porches, steps, landings, culverts, or bridges, shall not be considered as fences under this definition.

**Fence, Wall:** A masonry or wood structure used as an enclosure, boundary marker or as a means of retention for either water or earth.

**Fence, Decorative:** A structure, composed of wood, metal or other durable parts and used in a manner which is designed to add to the aesthetics or attractiveness of the lot upon which it is placed, rather than as an enclosure or barrier. Railings, along or adjacent to front stoops, porches, steps, landings, culverts, bridges or sidewalks, shall not be considered as decorative fences under this definition.

**Fifty Percent Rule:** In consideration of an agri-business or agri-tourism business, the fifty percent rule is met where more than fifty (50) percent of the stored, processed, or merchandised products are produced by the farm operator or by an affiliated farm for at least three (3) of the immediately preceding five (5) years. Or alternately, where more than fifty percent (50%) of the agricultural product will be produced by the farm operator or affiliated farm within the following five (5) years. An “affiliated farm” is one that is owned or leased by the farm operator or where there exists a contractual relationship between the affiliated farm and the farm operator to supply farm product. Components of value added products that are not namesake components (by way of example, the flour, sugar, box, and pie tin components of a cherry pie) are not subject to the 50 percent rule

**Floor Area, Ground:** The total floor area of the first story of a building. In the case of bi-level or tri-level dwellings, the first story shall equal the main floor livable floor area extended to the exterior walls of the dwelling.

**Floor Area, Livable:** The total floor area of a dwelling unit used, or intended to be used, for permanent habitation including, but not limited to sleeping, cooking, personal sanitation areas, but excluding storage space in attics, garages, and any below-grade room without a window or door affording egress to the outdoors.

**Floor Area, Total:** The total floor area of all stories within a building, measured from the exterior face of the exterior walls, or from the centerline of a wall separating two buildings, but excluding porches, decks or patios and interior spaces where the floor to ceiling height is less than 6 feet.

**Foot Candle:** A unit of measurement of illumination equivalent to the amount of light cast on an object situated one (1) foot from a candle.

**Full Cutoff Shielding:** A light fixture that includes equipment to cut off all upward transmission of light and emits light projected below an imaginary horizontal plane passing through the fixture below the light source.

**Funeral Home and Mortuary:** A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation at another location.

### **SECTION 3.8 DEFINITIONS - G** [This Section amended by Ordinance #137, adopted August 12, 2014, effective August 26, 2014]

**Garage:** A non-habitable attached or detached accessory building, which is designed for the storage of private automobiles, materials, tools or other equipment necessary to maintain the property.

General Farming and Agriculture: See: Agricultural Use

**General Retail Sales Establishment:** A business selling new or used merchandise and using no more than ten percent (10%) of the total floor area for repair facilities.

**Golf Course or Country Club:** A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards such as waterways, which may include such accessory uses as a pro shop, a clubhouse, restaurant, meeting facilities, driving range, practice greens, service buildings, tennis courts, swimming pool and related amenities. Such facility may be fully or partially open to the public or a membership-only club.

**Government Facility:** A building, area or premises owned and/or used by a department, commission, agency or instrumentality of the United States, the State of Michigan, Grand Traverse County, Long Lake Township or an authority, district or instrumentality thereof.

**Grade:** The ground surface of land with a slope that deviates from the horizontal plane calculated as the ratio of vertical rise divided by horizontal run and expressed in terms of a percentage.

**Grade, Finished:** The final grade after development.

**Grade, Median:** The finished median grade along the perimeter of the building.

**Graphic and Performing Arts Studio:** A facility designed, constructed, or used for instructional, practice or production purposes in graphic and performing arts, including sculpture, painting, music, photography, drama, dance, yoga and other similar pursuits.



**Greenhouse:** A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

**Greenway:** A contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, natural reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

**Group Child Care Home:** See: Child Care Facilities

## SECTION 3.9 DEFINITIONS – H

**Hazardous Materials:** One or more of the following:

1. A chemical, toxic substance, or other material which is or may become injurious to the public health, safety, or welfare or to the environment.
2. “Hazardous substance” as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980.
3. “Hazardous waste” as defined in Article II, Chapter 3, Part 111 of P.A. 451 of 1994, as amended, being the Hazardous Waste Management part of the Natural Resources and Environmental Protection Act.
4. “Petroleum” as defined in Article II, Chapter 8, Part 213 of P.A. 451 of 1994, as amended, being the Leaking Underground Storage Tanks part of the Natural Resources and Environmental Protection Act.

**Highway:** A designated public thoroughfare in Long Lake Township under federal or state jurisdiction whether constructed at grade or of depressed surface or elevated construction.

**Hobby:** An activity conducted primarily for enjoyment, educational or personal improvement purposes as opposed to commercial or monetary gain.

**Home Occupation:** An accessory use of a dwelling unit or accessory building for gainful employment by the resident(s) thereof, involving the provision of handcrafted goods and/or professional services.

**Home Occupation, Major:** An accessory use of a dwelling unit or accessory building for gainful employment by the resident(s) thereof, involving the provision of hand crafted goods and/or professional services and which is readily apparent to neighboring residents by virtue of activities on site, signage, outdoor storage or modifications to structures or grounds.

**Home Occupation Sign:** (See Sign, Home Occupation)

**Horse Stable:** A building fitted with stalls and necessary appurtenances for the keeping of horses either for personal use, as a hobby or for commercial purposes.

**Hospital and Long-term Care:** An institution providing health services and medical or surgical care to persons, primarily in-patients suffering from illness, disease, injury, permanent or temporary deformity and/or terminal conditions and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, training facilities, medical offices and staff residences.

**Hotel:** A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment and recreational facilities. (See also Motel).

## SECTION 3.10 DEFINITIONS - I

**Illumination, Internal:** A source of illumination entirely encased within a sign, which makes the sign display area visible at night by means of the light being transmitted through a translucent material.

**Impervious Surface:** Any surface, including streets and roads, driveways, parking lots, sidewalks, patios, pools, and rooftops, which prevents, or significantly retards, storm water from percolating into the ground.

**Improvements:** Any one or more of the features, actions and/or structural changes associated with the conversion of undeveloped land to a developed state.

## SECTION 3.11 DEFINITIONS – J

**SECTION 3.12 DEFINITIONS – K** [This Section has been amended by Ordinance #159, adopted April 18, 2017, effective May 6, 2017]

**Kennel:** An establishment wherein or whereon four (4) or more dogs, cats or other domestic animals are confined and kept, either for sale, boarding, breeding or training purposes for remuneration. For purposes of this ordinance, a kennel does not include a Dog Daycare.

**SECTION 3.13 DEFINITIONS - L** [This Section amended by Ordinance #137, adopted August 12, 2014, effective August 26, 2014]

**Light Industry:** Uses characterized by assembly or fabrication from previously prepared materials.

**Light Source:** The bulb, or other device, that emits the light.

**Limited Agriculture:** Customary agriculture practices as defined by the Michigan Department of Agriculture, but excluding Confined Animal Feeding Operations, as defined herein.

**Lot:** A parcel of land separated from other parcels of land by description on a recorded plat, condominium subdivision plan created by a master deed recorded in the office of the register of deeds or by metes and bounds description that complies with the district requirements for access, minimum area, lot width, width to depth ratio, and setbacks. See also “Lot of Record.”

**Lot Area:** The gross lot area excluding any public or private road rights-of-way or access easements.

**Lot Area, Gross:** Total area within the boundaries of the lot.

**Lot Area, Net:** See Lot Area.

**Lot, Corner:** A lot abutting upon two or more roads at their intersection or upon two parts of the same road forming an interior angle of less than 135 degrees. See Figure 3-4.

**Lot Coverage:** The part or percent of a lot occupied by buildings and accessory buildings.

**Lot, Depth:** The average distance measured from the front lot line to the rear lot line. For an irregularly shaped lot, lot depth shall be the average distance measured from the front lot line to the rear lot line. In cases where the front and rear lot lines are not parallel or there is a change in bearing along a front or rear lot line, the lot depth

shall be measured by drawing several evenly spaced perpendicular lines at ten foot intervals from the front to rear of the lot and averaging the length of these lines. See Figure 3-3.

**Figure 3-3**

**Lot, Divided:** A lot or a lot of record as defined herein, legally in existence on December 31, 2000, that includes a public or private road right-of-way or road easement where part of the lot area is isolated from the remainder by the road right-of-way or road easement.

**Lot, Easement Grantee:** A non-waterside lot on which is located no more than one (1) single family dwelling which is benefited by the grant of an easement to water from one (1) or more waterside lots.

**Lot, Flag:** A lot that does not meet the minimum width requirement and where access to a road is provided by a narrow strip of land (Pole) that is part of the lot located on either side lot line and provides access to the rear portion of the lot. See Figure 3-4 and Section 4.4.

**Lot, Interior:** A lot with frontage on one road and abutted by other lots. See Figure 3-4.

**Lot Line, Front:** The lot line or lot lines that separate a lot from a road right-of-way or access easement. For through lots, the lot line abutting the road providing access shall be the front lot line. For corner lots, every lot line that abuts a right-of-way shall be front lot lines. For flag lots, the interior lot line parallel to and nearest the road providing access shall be the front lot line. See Figure 3-5.

**Lot Line, Rear:** The lot line opposite and most distant from the front lot line. In the case of a lot irregularly shaped at the rear, it is an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.

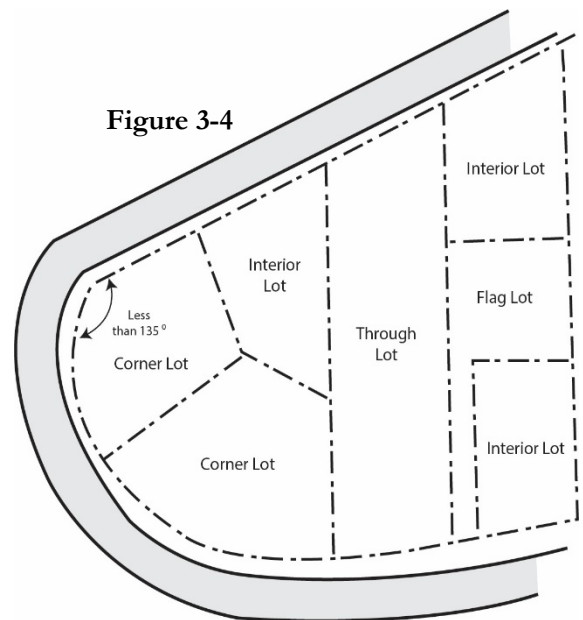
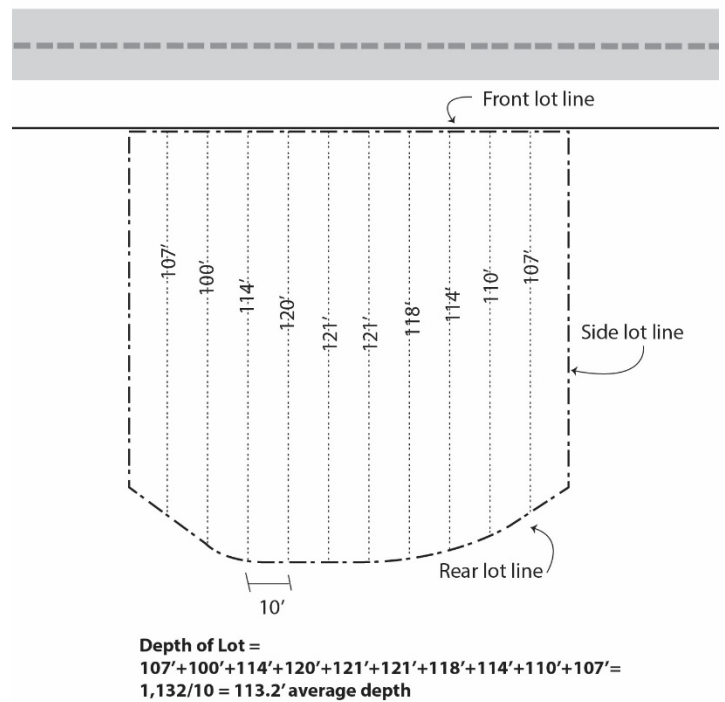
**Lot Line, Side:** A lot line other than a front or rear lot line. See Figure 3-5.

**Lot Line, Waterside:** The ordinary high water mark shall be the waterside lot line.

**Lot Lines:** The lines bounding a lot. See Figure 3-5.

**Lot, Nonconforming:** Any lot, outlot, or parcel of land lawfully existing at the effective date of this Ordinance, or amendments thereto, which does not meet the land area or dimensional requirements of the Ordinance.

**Lot of Record:** A tract of land which is part of a subdivision shown on a plat or map which has been recorded in the Office of the Register of Deeds from Grand Traverse County, Michigan; or a tract of land described by metes and bounds, which is the subject of a deed or land contract, which is likewise recorded in the Office of the Register of Deeds.



**Figure 3-4**

**Lot, Through:** A lot that fronts on two parallel roads or that fronts on two roads that do not intersect at the boundaries of the lot. Also known as a “double frontage lot.” See Figure 3-4.

**Lot, Waterside:** A lot which has water frontage on a water body or water course.

**Lot Width:** The distance between side lot lines. Lot width shall be measured along a straight line measured between the two points where the front setback line intersects the side lot lines. When the front setback line follows a curve, the straight line shall be tangent to the top of the arc. In the cases where there is a change in bearing along a side lot line, the lot width shall be provided along at least 51 percent of the depth of the lot.

**Lot, Zoning:** Two or more contiguous lots under single ownership and

1. Used as one lot; or
2. Designated by its owner for treatment as one lot for the purposes of determining compliance with the requirements of this Ordinance.

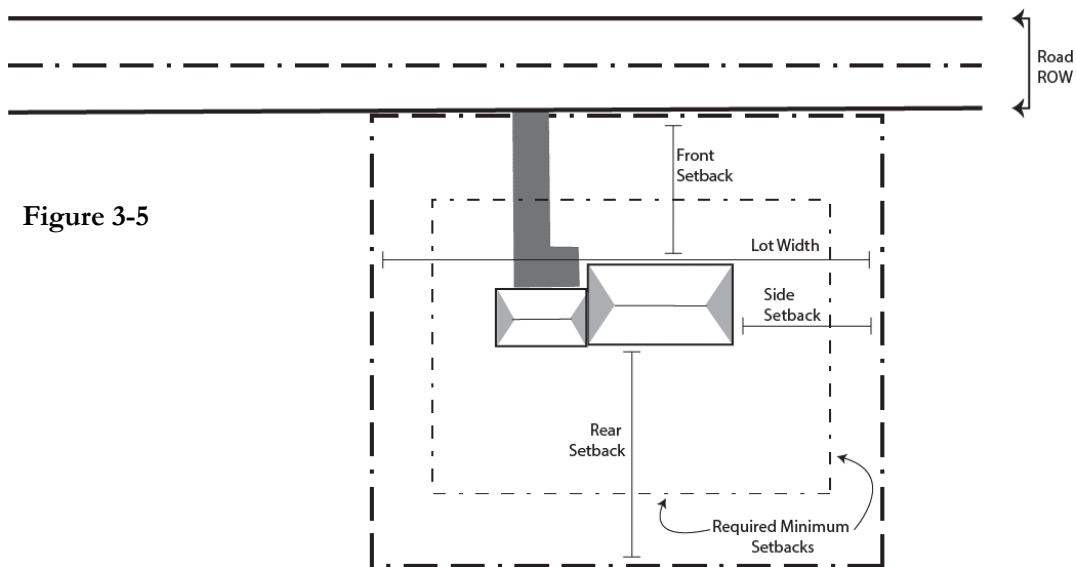


Figure 3-5

**SECTION 3.14 DEFINITIONS – M** [This Section has been amended by Ordinance #126, adopted June 19, 2012, effective July 3, 2012; an amended by Ordinance #162, adopted October 10, 2017, effective October 26, 2017]

**Manufactured Home:** Per Section 2 (g) of the Mobile Home Commission Act, Act 96 of 1987, as amended, a Manufactured Home shall be a structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

**Manufactured Housing Community Homesite (or homesite):** The designated parcel of land within a manufactured housing community upon which one single family manufactured home and accessory buildings, if any, are placed.

**Manufactured Housing Community:** A parcel of land consisting of not less than fifteen (15) acres designed and intended as a permanent residential community consisting of manufactured homes designed, sited, constructed, operated and maintained in accord with the requirements of this Zoning Ordinance, Act 96 of the

Public Acts of 1987, as amended and the rules and regulations of the Michigan Manufactured Housing Commission.

**Marihuana:** Also known as Marijuana or Cannabis; as defined under Section 7601 of the Michigan Public Health Code, Michigan Public Act 368 of 1978, as amended.

**Master Deed:** The condominium document recording the condominium project to which are attached, as exhibits and incorporated by reference, the approved bylaws for the condominium project and the condominium subdivision plan for the project. The master deed shall include all the information required by the Condominium Act, Public Act 59 of 1978.

**Master Plan or Master Land Use Plan:** (see Comprehensive Plan).

**Medical Marihuana Dispensary:** Any business, facility, association, cooperative, location, or operation, whether fixed or mobile, where medical marihuana is transferred, sold, delivered, transmitted, dispensed, or distributed or is made available for these or similar purposes. A medical marihuana dispensary does not include the lawful dispensation of medical marihuana by a primary caregiver personally dispensing to not more than five (5) qualifying patients in full compliance with this Ordinance, and all applicable state and federal law.

**Medical Use of Marihuana:** as defined under the Michigan Medical Marihuana Act, Initiated Law 1 of 2008.

**Mini Warehouse, or Self-storage Units:** A commercial venture that rents individual cubes of space for storage purposes. Individuals typically have joint access to the lot but possess individual access and keys to their respective units.

**Mobile Home:** (See Manufactured Home).

**Motel:** A facility providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby or building.

**Motor Vehicle Fuel Service Without Repair:** Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels and related products.

**Motor Vehicle Fuel Service With Repair:** Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels and related products; and also including general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair, and overall painting.

**Motor Vehicle Salvage and Scrapping Yard:** An establishment that salvages automobile parts and cuts up, compresses or otherwise disposes of motor vehicles.

### **SECTION 3.15 DEFINITIONS – N** [This Section has been amended by Ordinance #115, adopted February 8, 2011, effective February 22, 2011]

**Natural Features Inventory:** An analysis and plan for the identification and protection of significant natural features including, surface water, wetlands, woodlands and wildlife habitat in Long Lake Township.

**Natural State:** For purposes of this ordinance, “natural state” shall refer to a state provided by nature, without manmade changes; uncultivated.

**Native Vegetation:** Native vegetation refers to grasses, wildflowers, shrubs, trees, and other plant life that grows naturally in a certain region and climate; that are indigenous to the area and are not invasive species.

**Net Lot Area:** See Adjusted Parcel Acreage.

**Nonconforming Structure:** Any structure, or portion thereof, lawfully existing at the effective date of this Ordinance, or amendments thereto, which does not conform to the dimensional requirements of this Ordinance.

**Nonconforming Use:** Any use which lawfully occupied land, a structure, or land and structure in combination at the time of this Ordinance, or amendments thereto, which does not conform to the use requirements of the district in which it is located.

**Nudity or State of Nudity:** The appearance of the human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernible turgid state even if completely and opaquely covered.

**SECTION 3.16 DEFINITIONS – O** [Amended by Ordinance #122, adopted January 10, 2012, effective January 24, 2012; and amended by Ordinance #158, adopted April 18, 2017, effective May 6, 2017; and amended by Ordinance #160, adopted April 18, 2017, effective May 16, 2017]

**Office(s):** An establishment for the conduct of a recognized profession maintained for the conduct of that profession and in which the primary activity includes, but is not limited to, study, writing, information processing, communications, consultation, design and related services to businesses or to the general public.

**Office Building:** A building used primarily for conducting the affairs of a business, profession, service or industry (exclusive of manufacturing activities), or similar activity and may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, and childcare facilities.

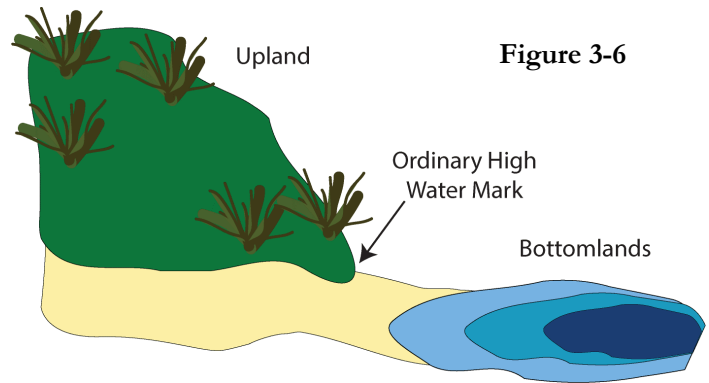
**Open Air Business and Storage:** The display and sales of products and services primarily outside of a building or structure, including vehicles, garden supplies, boats and aircraft, farm equipment, motor homes, burial monuments, manufactured housing, recreational vehicles, building and landscape materials, and lumber yards.

**Open Space Conservation Development (OSCD):** A form of residential development, whether subdivision, site condominium or simple land division, pursuant to this Ordinance which is coordinated with the Natural Features Inventory in that it groups housing units on the least sensitive portions of a site while protecting more sensitive areas as dedicated permanent common open space.

**Open Space Development:** A form of residential development, whether subdivision, site condominium or simple land division, pursuant to this Ordinance which fulfills the requirements of Section 506, Open Space Preservation, of the Michigan Zoning Enabling Act, as amended.

**Ordinance Enforcement Officer:** A person appointed by the Township Board to the position of Ordinance Enforcement Officer.

**Ordinary High Water Mark:** The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. See Figure 3-6.



**Figure 3-6**

**Outdoor Furnace:** A device or structure that is designed, intended, or used to provide heat and/or hot water to a residence or other structure, also known as an outdoor wood-fired boiler, outdoor wood-burning appliance, or hydronic heater; which operates by the burning of wood or any other solid fuel, including but not limited to, coal, paper pellets, and agricultural products; and which is not located within a residential structure or other structure for which it is providing heat and/or hot water. Indoor fireplaces, indoor wood burning furnaces, and outdoor burners that are not used to provide heat or heat water for a building, are not included in this definition.

**Outdoor Sales Facility:** The display and sales of new or used products and services primarily outside of a building or structure, including but not limited to vehicles, garden supplies, boats and aircraft, farm equipment, motor homes, burial monuments, manufactured housing, recreational vehicles, building and landscape materials, and lumber yards.

**Overhang:** For purposes of this Ordinance, an overhang is an architectural feature that is a rigid protuberance, molding, roof, or awning attached to an exterior building wall offering weather protection over an exterior door, window, or garage door. An overhang is not supported by columns, but may be otherwise supported by braces or by similar means. An overhang is distinct from a porch as defined in this Ordinance.

**SECTION 3.17 DEFINITIONS – P** [This Section has been amended by Ordinance #123, adopted December 10, 2013, effective December 25, 2013 and by Ordinance #137, adopted August 12, 2014, effective August 26, 2014 and by Ordinance #126, adopted June 19, 2012, effective July 3, 2012; and amended by Ordinance #158, adopted April 18, 2017, effective May 6, 2017; and amended by Ordinance #160, adopted April 18, 2017, effective May 6, 2017, and amended by Ordinance #162, adopted October 10, 2017, effective October 26, 2017]

**Parent Parcel:** A tract of land lawfully in existence on March 31, 1997, if one exists in connection with a proposed division, if one does not exist, a parcel lawfully in existence on March 31, 1997.

**Park:** Properties and facilities owned and operated by any governmental agency, or owned and operated by any private agency, which are open to the general public for recreational purposes.

**Parking Garage:** A parking area or structure available to the public as a commercial enterprise and used to temporarily store motor vehicles.

**Permeable Materials:** Materials that permit full or partial absorption of stormwater into underlying soils, including, but not limited to shredded bark, wood chips, paving bricks if installed without mortared joints, and landscape stone.

**Permitted Use:** Any use allowed by right in a zoning district and subject to the restrictions applicable to that zoning district.

**Perpetual Preservation:** A deed, conveyance, easement, deed restriction, development covenant, plat restriction or other legal mechanism which results in lands being maintained permanently in an undeveloped state.

**Personal Service Establishment:** A business providing care for a person or his or her personal goods or apparel and may include laundry and dry cleaning, beauty shops, barbershops, shoe repair, health and fitness and tanning salons.

**Place of Public Assembly:** Buildings, structures and grounds, including theaters, places of worship, auditoriums, sports arenas, banquet halls, lecture halls and other similar facilities intended for commercial or non-commercial entertainment, instruction, worship or similar activities involving assembled groups of people numbering thirty (30) or more.

**Place of Public Assembly, Large:** A place of public assembly shall be considered a large facility if it has either four thousand (4,000) square feet or more in total floor area, total seating capacity of more than two hundred (200) in the largest room intended for public assembly, or the capability to expand to meet these standards in the future.

**Place of Public Assembly, Small:** A place of public assembly shall be considered a small facility if it has either less than four thousand (4,000) square feet in total floor area or total seating capacity of less than two hundred (200) in the largest room intended for public assembly.

**Planned Unit Development:** An area of the Township to be planned, developed, operated, and maintained as a single entity and containing one or more residential, recreational, commercial, industrial, public or quasi-public land uses configured as an integrated entity and carried out in conformance with an approved plan.

**Planner:** A person appointed by the Township Board to the position of Township Planner.

**Plot Plan or Sketch Plan:** A drawing to accompany a land use permit request for small parcels, such as single-family homes, or land uses with very minimal impacts.

**Porch:** For purposes of this ordinance, a porch is a roof extending from a building or structure where such roof is supported by columns. A porch projects out from the exterior wall of said building or structure and may have a separate roof or an integral roof with the principal building or structure to which it is attached. For purposes of this ordinance, a porch may extend over the ground, or may extend over a patio, decking, or a stoop.

An unenclosed porch is open except for columns supporting the porch roof. An enclosed porch is partially or fully enclosed by walls, windows, or screen.

**Pre-Existing Nonconforming Use:** A non-residential use of land that was established prior to the adoption of zoning in Long Lake Township on May 8, 1979 and where such use was made legally nonconforming through the adoption of zoning. Pre-existing nonconforming uses have been in continuous operation and have not changed to a different use since May 8, 1979.

**Primary Building:** See Principle Building

**Primary Caregiver:** as defined under the Michigan Medical Marihuana Act, Initiated Law 1 of 2008.

**Principal Building:** A building in which the principal use of the lot is conducted, also called “primary building” in this Ordinance.

**Principal Use:** The primary or predominant use of any lot.



**Processing, Assembly and Manufacturing:** Establishments engaged in a series of operations, in a continuous and regular action or succession of actions, taking place or carried on in a definite manner associated with chemical or mechanical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, liquors, food and fiber products, minerals and compounds, and such related activities as storage, packaging, shipping and scrapping.

**Propane Service Facility:** A commercial operation providing liquid propane gas and bulk gas containers on a wholesale basis to fuel providers, retailers and dealers.

**Public Utility Structure:** A building or structure used in connection with public water, wastewater, drainage, electrical, natural gas or telecommunications infrastructure.

**SECTION 3.18 DEFINITIONS – Q** [This Section has been amended by Ordinance #126, adopted June 19, 2012, effective July 3, 2012; and amended by Ordinance #162, adopted October 10, 2017, effective October 26, 2017]

**Qualifying Patient:** as defined under the Michigan Medical Marihuana Act, Initiated Law 1 of 2008.

**SECTION 3.19 DEFINITIONS – R** [This Section amended by Ordinance #137, adopted August 12, 2014, effective August 26, 2014]

**Reasonable Building Envelope:** An area on a lot or parcel containing either one hundred-fifty percent (150%) of the ground floor area of the proposed building (if known) or not less than three thousand, two hundred (3,200) square feet, configured in a rectangle with the ratio of the longer side to the shorter side no greater than two to one (2:1).

**Recreational Areas and Uses:** Human activities for the enjoyment of existing natural features and amenities, which may be conducted without degrading, endangering or requiring significant modification of such features. Such activities may include, but not necessarily be limited to, hunting, fishing, hiking, bird watching and similar activities.

**Recreational Vehicle:** Any of the following:

1. Boats and Boat Trailers.
2. Folding Tent Trailer. A canvas folding structure mounted on wheels and designed for travel and vacation use.
3. Motor Home. A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.
4. Other Recreational Equipment. Other recreational equipment includes snowmobiles, all-terrain or special terrain vehicles, utility trailers, plus the normal equipment to transport them on the highway.
5. Pickup Camper. A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.

6. **Travel Trailer.** A portable vehicle on a chassis, not exceeding thirty-six (36) feet in length or nine (9) feet in width, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a "travel trailer" by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.

**Research and Development Establishment:** An establishment of a facility for carrying on investigation in natural, physical or social sciences, agriculture, which may include engineering and product development.

**Restaurants:** Establishments where food and drink are prepared, served and consumed either within the principal building or on a take-out or drive-through basis.

**Right-of-Way:** A street, alley or other thoroughfare or easement for passage of persons or vehicles.

**Road:** A right-of-way or ingress/egress easement that provides direct access to one or more abutting properties.

Related Definitions:

**Private Road:** A means of direct access to one or more abutting properties; where such access is privately owned by a private individual, a group of individuals, or a corporate body and that has been approved by Long Lake Township under its Private Road Ordinance #49 or its successor ordinance.

**Public Road:** A means of direct access to one or more abutting properties; where such access is publicly owned and or maintained by the Grand Traverse County Road Commission or Michigan Department of Transportation.

**Shared Driveway:** A private access that is used predominantly for the purpose of vehicular access to no more than two (2) single family residential dwellings but does not serve as the road frontage for the lots.

**Private Access Easement:** An easement granted over a parcel of land to permit private access or access by the general public to one or more parcels of land, that serves as the road frontage for the lots and that is approved by Long Lake Township's Planning Commission for this purpose but is not a private road as defined herein.

**Pre-existing Private Road:** A means of direct access to one or more abutting properties; where such access is privately owned by a private individual, a group of individuals, or a corporate body that was in existence prior to the adoption of the Long Lake Township Private Road Ordinance, Ordinance #49, effective date September 13, 2000 and that was recognized at that time as a pre-existing private road.

**Pre-existing Private Access Easement:** An easement granted over a parcel of land to permit private access or access by the general public to one or more parcels of land and that was in existence prior to the adoption of the Long Lake Township Private Road Ordinance, Ordinance #49, effective date September 13, 2000 but not recognized at that time as a pre-existing private road.

**Road, Public:** A road, as defined herein, under the jurisdiction of a public agency.

**Road, Private:** A road, as defined herein, owned by a private individual, group of individuals or a corporate body.

**Roadside Stand for Agricultural Products:** A temporary or seasonal booth or stand for the display and sale of agricultural and related products typically grown or produced on site; such structure shall not have space for customers within the stand or booth itself.

**Roof:** An elevated and impervious top covering of a building intended to shelter its contents from the elements.

**Rural and Scenic Easement:** A permanent easement granted to the Township or an approved conservancy for the perpetual preservation of a natural area along a public roadway.

**SECTION 3.20 DEFINITIONS – S** [This Section has been amended by Ordinance #135, adopted February 11, 2014, effective February 25, 2014; and amended by Ordinance #160, adopted April 18, 2017, effective May 6, 2017; and amended by Ordinance #165, adopted August 14, 2018, effective August 26, 2018]

**School:** A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

**Second Hand Store/Pawn Shop:** Retail sales of previously used merchandise, such as clothing, household furnishings or appliances, and recreational equipment. This definition does not include secondhand motor vehicles, parts or accessories.

**Secondary Conservation Area:** Natural or cultural features including, but not limited to, riparian forests, shoreline, mature woodlands, groundwater recharge areas, prominent meadows and hillsides, wildlife habitat areas, historic sites, prime and/or unique farmlands and scenic views.

**Semi-nudity or State of Semi-nudity:** A state of dress in which clothing covers no more than the human bare buttocks, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernible turgid state even if completely and opaquely covered.

**Service Provider:** An individual, corporation, government, or entity that provides communications using Wireless Communication Antenna.

**Setback:** The minimum horizontal distance measured from a lot line, ordinary high water mark, or right-of-way line, as applicable, within which this Ordinance may restrict the erection of a building or structure.

**Setback, Waterside:** The required setback from the waterside lot line, as defined herein.

**Sexually Oriented Businesses:** Establishments, which include but are not limited to:

1. **Adult Arcade:** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion pictures machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
2. **Adult Bookstore or Adult Video Store:** A commercial establishment that, as one of its principal business purposes, offers for any form of consideration any one or more of the following:
  - a. Books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
  - b. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.
  - c. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall

be deemed to constitute a principal business purpose of an establishment if it comprises thirty-five (35) percent or more of yearly sales volume or occupies more than thirty-five (35) percent or more of the floor area or visible inventory within the establishment.

3. **Adult Cabaret:** A nightclub, bar, restaurant or similar commercial establishment that regularly features:
  - a. Persons who appear in a state of semi-nudity or nudity;
  - b. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
  - c. Films, motion pictures, video cassettes or video reproductions, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities of Specified Anatomical Areas; or
  - d. Persons who engage in lewd, lascivious or erotic dancing or performance that are intended for the sexual interests or titillation of an audience or customers.
4. **Adult Motel:** A hotel, motel or similar commercial establishment that:
  - a. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes or video reproductions, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public road right-of-way that advertises the availability of any of the above.
  - b. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
  - c. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
5. **Adult Motion Picture Theater:** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes or video reproductions, slides, or other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
6. **Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Sexual Activities or Specified Anatomical Areas.
7. **Escort:** A person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform striptease for another person.
8. **Escort Agency:** A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for any form of consideration.
9. **Nude Model Studio:** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an education institution funded, chartered, or recognized by the State of Michigan.

10. **Sexual Encounter Center:** A commercial establishment that, as one of its principal business purposes, offers for any form of consideration.

- a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- b. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity.

11. **Shielding:** A permanently installed, non-translucent shade, baffle or other construction, which limits, restricts or directs light to meet the standards of this Zoning Ordinance.

**Sign:** A structure, including its base, foundation, erection supports and cabinetry upon which is displayed any words, letters, figures, emblems, symbols, designs, or trademarks by which any message or image is afforded public visibility from out of doors on behalf of and for the benefit of any product, place, activity, individual, firm, corporation, institution, profession, association, business or organization.

**Sign, Billboard:** An off-premise sign applied to panels used for outdoor advertising of a business, product, service, event, person or subject including those signs as regulated by the Michigan Department of Transportation pursuant to Public Act 106 of 1972, as amended.

**Sign, Building Construction:** Located on the site of construction and identifying contractors, architects, builders, or owners name during the period of construction.

**Sign, Directional:** An on-premise sign used exclusively to direct motorists or pedestrians to parking, entryways or on-site features.

**Sign, Display Area:** That portion of a sign excluding its base, foundation and erection supports on which information pertaining to a product, use, occupancy, function, service, activity, or idea is displayed.

**Sign, Height:** The height of a sign shall mean the maximum vertical distance from the uppermost extremity of a sign or sign support to the average ground level at the base of the sign.

**Sign, Home Occupation:** A sign containing only the name and occupation used for the purpose of advertising services in conjunction with a lawful home occupation

**Sign, Identification:** A sign giving the nature, logo, trademark or other identifying symbol, address, or any combination of the name, symbol and address of a building, business, development or establishment on the premises where it is located.

**Sign, Institutional:** A sign setting forth the name of any single announcement for any charitable, educational, or religious institution located entirely within the premises of that institution.

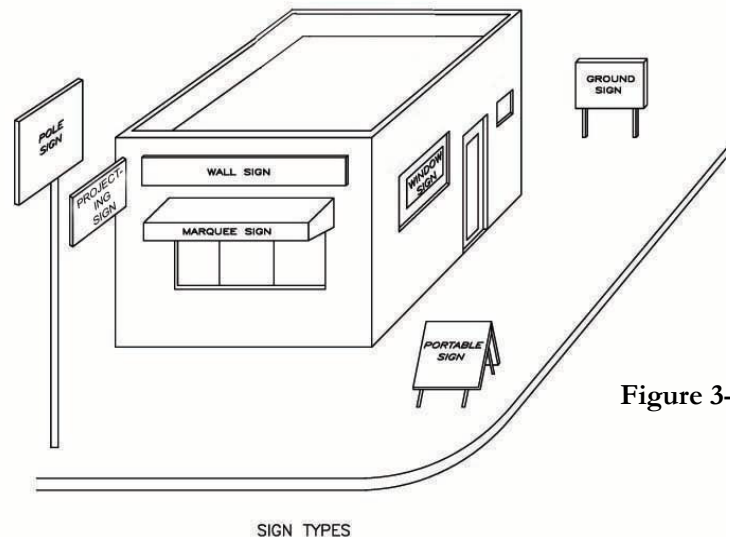


Figure 3-7

**Sign, Marquee:** A sign which is attached to or hung from the underside of an awning, canopy, or other covered structure projecting from and supported by a building and does not project horizontally beyond or vertically above said marquee, awning, canopy, or other covered structure.

**Sign, Monument:** A sign not attached to any building which is mounted on or incorporated into a solid base, and shall be a self-supporting structure.

**Sign, Name Plate:** A sign on premises, giving the name or address, or both, or the owner or occupant of a building or premises.

**Sign, Off-Premise:** An outdoor sign or other device used to advertise services or products, activities, persons, or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the sign is located.

**Sign, Pole:** A sign, which is supported on one (1) or more supports where the sign height is greater than eight (8) feet.

**Sign, Setback:** The minimum linear distance as measured from the road right-of-way line to the nearest part of the sign including base, foundation, erection supports, and cabinetry.

**Signs, Temporary Development:** A sign pertaining to the sale, lease, rent, or development of a subdivision, multi-family development, or commercial park.

**Sign, Vehicle Mounted:** A sign located on vehicles, trailers and/or semi-trailers and is parked primarily for the purpose of attracting attention to a product or business

**Sign, Wall-Mounted:** A sign that is attached directly to a wall of a building or structure, which projects not more than twelve (12") inches from the wall of the building or structure.

**Sign, Window:** Any sign, picture, symbol, or combination thereof, designed to communicate information about any activity, business, commodity, event, sale, or service that is placed on a window pane or glass so that it is visible from the out-of-doors.

**Site Plan:** A scaled drawing(s) illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with the zoning provisions.

**Slope:** See definition of Grade, Section 3.8.

**Slope, Steep:** A slope which has a topographic grade of eighteen percent (18%) or greater.

**Soil Erosion:** The wearing away of land by the action of wind, water, gravity or a combination thereof.

**Solar Energy System, On-Site:** An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy requirements of the on-site user.

**Specified Anatomical Areas:** Are defined as:

1. Less than completely and opaquely covered human genitals, pubic region, buttock, anus and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernible turgid state even if completely and opaquely covered.

**Specified Sexual Activities:** Include any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;

2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in 1. through 3., above.

**Stable:** See definition of Horse Stable, Section 3.9.

**Stop Work Order:** An order issued by a Township official empowered to do so, advising the operator and owner to immediately cease part or all clearing, grading, excavation, development and/or construction activities as specified within the Stop Work Order.

**Story:** That portion of a building included between the surface of a floor and the surface of the next floor above it, or, if there is no floor above it, then the space between the floor and the ceiling above it.

**Street:** (see Road).

**Structurally Attached:** Structurally attached shall be interpreted to mean attachment completely enclosed by four (4) walls and roof construction that meets the residential dwelling unit construction requirements of Grand Traverse County Building Code.

**Structure:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

**Subdivision:** Partitioned or divided lands created pursuant to the Land Division Act, Act 288 of 1967, as amended; the Township's Subdivision Control Ordinance, Ordinance 3 B, as amended; and/or the Condominium Act, Act 59 of 1978, as amended.

**Subdivision, without significant open space:** A subdivision as defined herein in which the substantial majority of the lands included are described and intended for sale or conveyance for individual homesites, and in which little if any area is set aside as permanent natural area, recreation area or open space.

**Supervisor, Township:** A person duly elected and sworn in to the position of Township Supervisor in the Township of Long Lake.

**SECTION 3.21 DEFINITIONS – T** [This Section has been amended by Ordinance #128, adopted November 7, 2012, effective November 20, 2012; by Ordinance #175 adopted December 19, 2019, effective December 25, 2019; and by Ordinance #177, adopted December 19, 2019, effective December 25, 2019]

**Tavern:** A restaurant as defined herein in which the primary products dispensed are alcoholic beverages intended for consumption on site.

**Temporary Storage Structure:** A framework of wood, plastic or metal which is secured to the ground by anchor, rod, rod drill, buried weight, or unburied weight, established for a limited duration with the intent to discontinue such use and remove said structure upon the expiration of a predetermined time period.

**Temporary Use, Exempt Minor:** A use of a temporary nature with limited impact on neighboring properties. Exempt minor temporary uses are located at a publicly or institutionally-owned site such as a Township or County park, Township hall, church, or school. Such uses include one-day community events, usually to benefit non-profits, such as indoor art sales, indoor carnivals, or a pancake breakfast. Such events also include weddings and private parties.

**Temporary Use, Non-Exempt Minor:** A commercial use of a temporary nature. Such uses include Christmas tree lot sales, farmer’s market, flea market or art sales. Such uses also include short term special events at an existing commercial establishment such as a grand opening sale or tent sale.

**Temporary Use, Major:** A use of a temporary nature with a significant impact on traffic circulation, neighboring or public property. Such uses may include outdoor festivals or open air concerts and include events that occur on either public or privately owned property.

**Tourist Resort:** A parcel of land on which three (3) or more separate accommodations are maintained, offered, or used for dwelling or sleeping quarters for transients, but shall not include bed and breakfasts, bed and breakfast inns, hotels, motels as those terms are defined herein.

**Tower Height:** When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point of the structure, including equipment attached to the structure. This includes but is not limited to the base pad, antenna and lighting fixtures.

**Tower Setback:** The distance between the lot line and tower base.

**Tract of Land:** Two (2) or more parcels that share a common property line and are under the same ownership.

**Truck Freight Terminal:** Facilities for the shipping and receiving of goods by truck including the transfer of goods between modes of transportation, the breaking down or the aggregation of shipments into smaller or larger loads, the storage of goods for future transport, and the parking of trucks and trailers.

**SECTION 3.22 DEFINITIONS – U** [This Section amended by Ordinance #137, adopted August 12, 2014, effective August 26, 2014]

**Undeveloped State:** A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space or a similar use or conditions. Land in an undeveloped state shall not include a golf course, but may include a recreational trail, picnic area, children’s play area, greenway or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

**Upland:** The land area which lies above the ordinary highwater mark.

**SECTION 3.23 DEFINITIONS – V**

**Variance:** A modification of literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause practical difficulties due to circumstances unique to the individual property on which the variance is granted.

**Vegetation:** Naturally occurring plant materials native to Long Lake Township as defined in Appendix 3 of the Long Lake Township Community Forestry Plan and Comprehensive Plan.

**Vehicle Repair Service:** Any building, premises, and land in which or upon which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

**Veterinary Establishment:** Facilities to provide medical treatment to pets and other domesticated or farm animals.



## SECTION 3.24 DEFINITIONS – W

**Warehouse:** A building used primarily for the storage of goods and materials.

**Water Body:** Any natural or artificial inland lake fed by a spring, water course or surrounding runoff.

**Water Course:** Any natural or artificial inland stream, river, creek, channel, or water way which has a continuous or frequently recurrent flow of water.

**Water Body, Important:** A water body which has been specifically identified by the Township of Long Lake for environmental sensitivity with regard to perimeter land use and development, and includes the following: Bass Lake, Bellows Lake, Bullhead Lake, Cedar Lake, Coffield Lake, Dyer Lake, Fern Lake, Huellmantel Lake, Long Lake, Lyons Lake, Mickey Lake, North Twin Lake, Page Lake, Ruth Lake, Skiver Lake, South Twin Lake, and Wheelock Lake.

**Water Frontage:** The straight-line horizontal distance measured between the two most widely separate points along the waterside lot line (ordinary highwater mark).

**Waterside Property:** Any property which has a property boundary, or any portion thereof, abutting the ordinary highwater mark of any important water body within Long Lake Township, as herein defined.

**Water's Edge:** The ordinary highwater mark along the shore of a body of water.

**Waterside Raised Decks:** A raised private platform located between the ordinary highwater mark of an important water body and the waterside setback line and constructed and maintained as required by this Ordinance.

**Wetland:** Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

**Wholesale Trade Business:** A business primarily engaged in selling merchandise to retailers; to industrial, commercial institutional or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to such individuals or companies.

**Wildlife Habitats:** As defined in the Natural Features Inventory, areas of the natural environment upon which wildlife depend for survival as self-sustaining populations in the wild, including land and water needed for cover, protection or food supply. Wildlife may include mammals, birds, reptiles, amphibians, fishes, and invertebrates. Areas may include nesting areas, aquatic habitat, waterfowl staging areas, deeryards, and habitat of endangered and threatened species.

**Wind Energy Conversion System:** "Wind Energy Conversion System" (WECS) shall mean all, or any combination of the following:

1. A wind mill, mill or machine operated by wind acting on oblique vanes or sails that radiate from a shaft;
2. A surface area, either variable or fixed, for utilizing the wind for electrical or mechanical power;
3. A shaft, gearing, belt, or coupling utilized to convey the rotation of the surface areas into a form suitable for driving a generator, alternator, or other mechanical or electricity producing device;
4. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy;

5. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted, and
6. A Wind Monitoring Station.

**Wind Energy Conversion System, Large:** A wind energy conversion system as defined herein, consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of more than 30 Kilowatts (kW).

**Wind Energy Conversion System, Small, or Small Windmill:** A wind energy conversion system as defined herein, consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 30 Kilowatts (kW) and which is intended to primarily reduce on-site consumption of utility power.

**Wind Monitoring Station:** An instrument for measuring and indicating the force or speed of wind. Also known as an anemometer.

**Wireless Communication Antenna:** Any exteriorly mounted device that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies, wireless communication signals, optical, laser or other communication signals. This definition includes but is not limited to cellular, personal communication (PCS), land mobile radio, marine, paging, AM/FM radio antenna, television antenna, satellite dishes, and licensed amateur radio facilities.

**Wireless Communication Equipment Shelter:** The structure in which the electronic equipment necessary for a Wireless Communication Antenna is housed. This definition includes but is not limited to accessory buildings, utility cabinets, etc.

**Wireless Communication Facility:** A facility consisting of all structures (including support guy wire and anchors), and all equipment involved in transmitting and/or receiving communication signals. This definition includes but is not limited to private and commercial mobile radio service, personal communication (PCS), cellular telephone, AM/FM radio, television, regulated satellite dishes, and federally licensed amateur radio facilities.

**Wireless Communication Tower:** A structure intended to support equipment used to transmit and/or receive communication signals. This definition includes, but is not limited to, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, monopoles, freestanding lattice structures and guyed lattice structures.

## **SECTION 3.25 DEFINITIONS – X**

**SECTION 3.26 DEFINITIONS – Y** [This Section has been amended by Ordinance #135, adopted February 11, 2014, effective February 25, 2014 and by Ordinance #137, adopted August 12, 2014, effective August 26, 2014; and amended by Ordinance #154, adopted April 12, 2016, effective April 27, 2016]

**Yard:** The open space that lies between the principal building or buildings and the nearest lot line, ordinary highwater mark, or right-of-way line, as applicable. See Figure 3.5.

**Yard, Front:** The open space extending the full width of a lot between any principal building and the front lot line and measured to the building at the closest point to the front lot line. In the case of a waterside lot, the front yard is that which abuts a road right-of-way. For situations where a road as defined herein abuts a parcel such that

(1) 66 feet or less of the road easement or right of way abuts the parcel and where (2) such road is not the primary means of access to the parcel, the front yard setback shall only be observed in a radius along such easement or right of way and not along the full adjacent lot line. See figure 3-9.

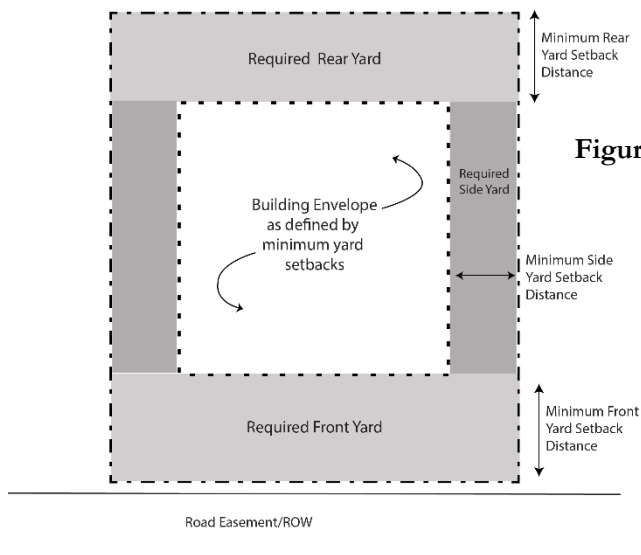


Figure 3-8

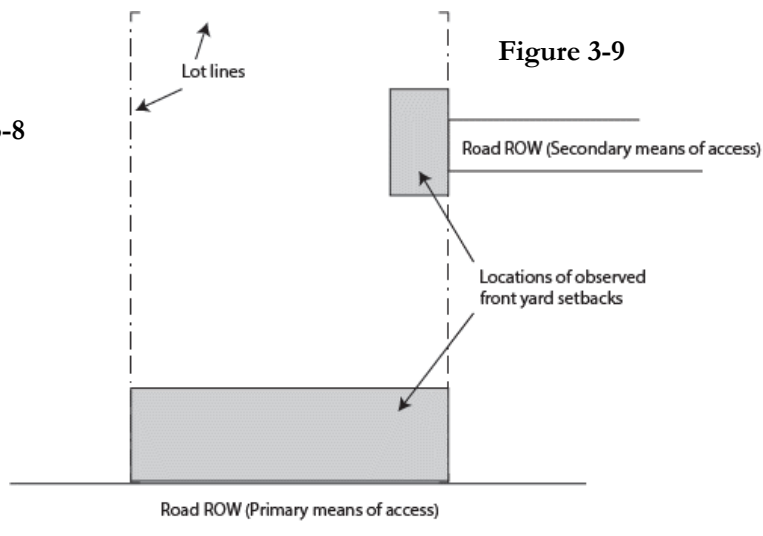


Figure 3-9

**Yard, Rear:** The open space extending across the full width of a lot between the principal building and the rear lot line and measured to the building at the closest point to the rear lot line. See Figure 3.8.

**Yard, Required:** The minimum permitted front, side, rear or waterside yard as determined by setback dimensions.

**Yard, Side:** The open space extending from the front yard to the rear yard between the principal building and the side lot line and measured to the building at the closest point along the side lot line. See Figure 3.8.

**Yard, Waterside:** The open space extending across the full width of a lot between the principal building and the ordinary highwater mark of any lake, stream or watercourse and measured to the building at the closest point to the ordinary highwater mark. If the waterside lot has frontage on more than one water body or water course, the yard with the largest amount of water frontage shall be the waterside yard. If more than fifty percent (50%) of the perimeter of the lot boundary has contiguous water frontage, then the property owner may specify the rear yard.

**SECTION 3.27 DEFINITIONS – Z** [This Section has been amended by Ordinance #160, adopted April 18, 2017, effective May 6, 2017]

**Zoning Administrator:** A person appointed by the Township Board to administer this Ordinance; an individual sworn in to administer the Zoning Ordinance.

**Zoning Lot:** (See Lot, Zoning)

# ARTICLE 4

## GENERAL PROVISIONS

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### **SECTION 4.1     PRESCRIBED LAND USES**

Except as otherwise provided in this Ordinance, no lot or parcel of land, no existing building, structure, or part thereof, and no new building, structure, or part thereof, shall be located, erected, constructed, reconstructed, altered or used for purposes other than in conformity with the provisions of this Ordinance.

### **SECTION 4.2     REQUIRED ROAD FRONTAGE** [This Section amended by Ordinance #137, adopted August 12, 2014, effective August 26, 2014]

1. No building shall be erected on a lot unless the lot has direct access to a public road, a private road, a pre-existing private road, or a private access easement as these road types are defined herein. Manufactured Housing Communities, multiple-family developments, commercial shopping centers, combinations of uses, or office parks do not need to have each building in the development meet this requirement provided that adequate interior access and vehicular circulation is provided.
2. No lot shall be newly created unless the lot fronts its full, required width upon a public road, a private road, a private access easement, or a pre-existing private road as these road types are defined in this Ordinance. The following shall apply:
  - a. Two adjacent lots may be created that are accessed by a shared driveway, provided the lots also have full required width upon a public or private road.
  - b. Flag lots are excepted as provided in Section 4.4.
  - c. No more than two lots may be created that front their full required width exclusively upon a private access easement, provided such easement is no less than 20 feet in width, and also provided such access is approved by the Planning Commission as part of an Open Space Conservation Development, an Agricultural Conservation Development, or a Planned Unit Development.
  - d. Lots may be created that front exclusively upon a pre-existing private road as herein defined provided that there is no expansion or extension of the road.
  - e. Lots may not be created that front exclusively upon a pre-existing private access easement as defined herein. Provided that pre-existing lots fronting exclusively upon a pre-existing private access easement may be developed as otherwise provided under this Ordinance.

### **SECTION 4.3     PRINCIPAL USES** [This Section amended by Ordinance #144, adopted August 11, 2015, effective August 25, 2015; and by Ordinance #180, effective December 10, 2019, adopted December 25, 2019; and by Ordinance #181, adopted March 9, 2021, effective March 21, 2021]

1. In all districts except LB and GB and except as otherwise provided in Section 4.3.2, no more than one (1) principal use shall be permitted for each lot.
2. Combinations of Uses
  - a. **Mixed-uses.** In the HDR, LB, and GB districts or under an approved PUD, mixed-use buildings and properties may be permitted subject to the requirements of said districts. A mixed-use building or property shall meet the requirements of this Ordinance for each use proposed. Where this Ordinance includes conflicting standards which may apply to the various uses in a mixed-use building or property, the most restrictive standard shall apply, unless the Zoning Administrator determines that the objectives of each standard will be met through application of a lesser standard.
  - b. **One Single Family Dwelling Per Lot.** No more than one (1) single-family dwelling may be permanently established on a lot. Legally established agricultural worker migrant housing is exempted from this Section. The Zoning Administrator may permit the occupancy of a temporary dwelling located on a parcel with another structure during the construction of a new single-family dwelling or the repair or remodeling of a single-family dwelling made uninhabitable by structural damage or said repair or remodeling, as determined by the County Building Official. Approval of the temporary dwelling shall not extend more than twelve (12) months. The Zoning Administrator may grant one (1) additional 12-month extension at the request of the property owner as long as the requirements of this subsection continue to be met.
  - c. **Residential Mixed Uses.** Unless specifically permitted under an approved PUD or otherwise expressly permitted in this ordinance, no single residential lot shall include another primary use that is non-residential. Specified uses issued a land use permit by the Township may coexist with a residential use and are not considered a second primary use for purposes of this Section. Such allowable uses are limited to major or minor home occupation, agri-tourism, agri-business, adult care facility, family child care home, group child care home, general farming, roadside produce stand, or wind energy conversion system.
3. A temporary dwelling shall be permitted provided the following conditions are met:
  - a. Evidence that the proposed location of the temporary dwelling will not be detrimental to adjacent property.
  - b. The proposed water supply and sanitary facilities shall be approved by the Grand Traverse County Health Department.
  - c. The proposed dwelling unit shall meet the building codes in effect and required by the Grand Traverse County Building Official.
  - d. The location of the temporary dwelling unit shall comply with all dimensional requirements of the district in which the unit is proposed to be located.

## SECTION 4.4 LOT CONFIGURATION

Lots created after the effective date of this Ordinance shall comply with the following requirements.

1. **General Provision.** No portion of a lot can be applied more than once in complying with the provisions of this Ordinance.

2. **Lot Width to Depth.** The following lot width to depth requirements shall apply to all newly created lots.
  - a. Lots one acre or less in area shall have a depth not greater than 3 times its width.
  - b. Lots greater than one acre shall have a depth not greater than 4 times its width.
  - c. Parent parcels and exempt parcels, as defined in the Long Lake Township Land Division Ordinance, shall be exempt from these requirements.

3. **Flag Lot Exception.** Flag lots may be established in conjunction with the division of parcels provided that the parent parcel is no less than 5 acres in area and all of the following requirements are met:

- a. Only one flag lot division is permitted per parent parcel.
- b. The pole section (the narrow strip of land) that provides road access or frontage shall be a minimum of 30 feet in width and a maximum 65-feet in width at the edge of the road right of way, shall retain the same width throughout the length of the pole section of the flag lot, and shall be used exclusively by the owner of the flag lot.
- c. The pole section that provides road access or frontage shall be located on either side lot line of the flag section (the wide strip of land) of the lot.
- d. The flag section (the wide strip of land) shall meet the minimum lot area, depth and width requirements in the district in which located.

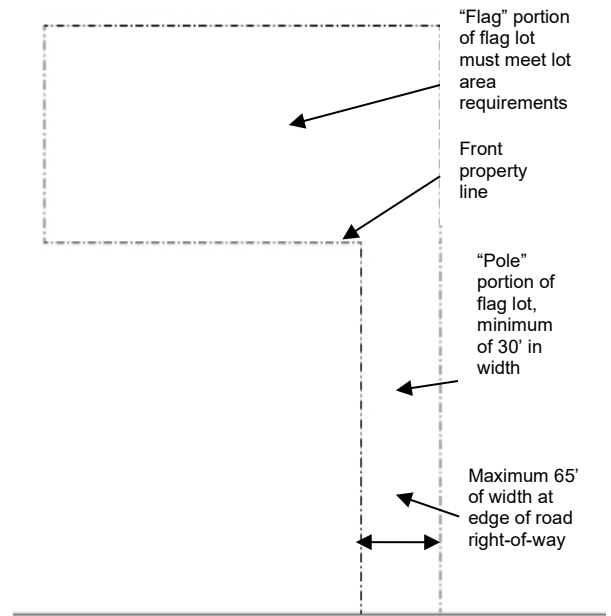


Figure 4-1

- e. Flag lots shall maintain an unobstructed turn around area adequate for local fire and emergency vehicles.
4. **Unbuildable Areas Excluded.** In determining the area of a lot less than 2 acres, any land that lies within an unbuildable area such as below the ordinary high water mark, within a wetland area, or in an area where the topographic grade is twenty-five percent (25%) or greater shall be excluded from the total lot area.
5. **Lot Depth for Irregular Parcels.** Lot depth shall be determined in conformance with the definition of Lot Depth in Section 3.13.

**SECTION 4.5 SPATIAL REGULATIONS** [This Section has been amended by Ordinance #135, adopted February 11, 2014, effective February 25, 2014; and amended by Ordinance #154, adopted April 12, 2016, effective April 27, 2016; and amended by Ordinance #158, adopted April 18, 2017, effective May 6, 2017]

1. **Applicability.** Required spatial relationships and physical requirements of this Ordinance shall apply uniformly within each respective zoning district to all uses, structures, buildings and parcels.

- a. Principal buildings are subject to spatial regulations listed in each zoning district (Articles 7, 8, 9, 10, 12, 13, 14, 15, and 17 herein) and as detailed in Table 2.6 Schedule of District Regulations for Primary Structures, and the footnotes thereto.
  - b. Accessory buildings are subject to the spatial and bulk regulations found in Section 4.6, Accessory Buildings and Uses.
  - c. Accessory structures are subject to the following spatial regulations as applicable:
    - 1) Section 4.12, Fences, Walls, and Decorative Fences.
    - 2) Section 4.13, Outdoor Lighting and Night Skies
    - 3) Section 4.16, Decks, Porches, and Patios
    - 4) Section 12.3.7 Waterside Decks
    - 5) Section 4.17, Recreational Vehicles
    - 6) Section 4.22, Roadside Stands for Agricultural Products
    - 7) Section 4.25, Small Wind Energy Conversion Systems (WECS)
    - 8) Article 21, Signs
  - d. Structures including, but not limited to the following are not intended to be regulated under this Ordinance and shall not be subject to the provisions of this Ordinance unless specified herein:
    - 1) Play structures
    - 2) Mailboxes
    - 3) Water wells, septic systems, and drainage structures regulated by other State or County authorities
    - 4) Landscaping and related water features
    - 5) Flag poles
    - 6) School bus stop structures
    - 7) Irrigation systems
    - 8) Underground shelters and cellars
    - 9) Break walls and retaining walls
    - 10) Structures similar to those listed above
2. **Setback Encroachments.** The following encroachments on required setback areas shall be permitted.
- a. Architectural Features. Cornices, bay windows, eaves, gutters, chimneys, pilasters, outside stairways, overhangs, fire escapes and similar features may encroach upon a required setback no more than 5 feet but in no case shall any architectural feature be closer than 5 feet to any property line or road right-of-way. Cantilevered floor space is not included in the exemption and will be included in determining setbacks. Architectural features include overhangs as defined in this ordinance.
  - b. Sidewalks no greater than 5 feet in width.
  - c. On a lot abutting a road right-of-way, paved, concrete, or otherwise improved driveways.

- d. **Waterside Setbacks.** Certain encroachments are permitted within a water side setback area; see Section 12.3.7 and Section 9.5.2.
- e. **Decks, Porches, and Patios.** Some limited encroachments are permitted for such structures, these are regulated under Section 4.16.

**SECTION 4.6 ACCESSORY BUILDINGS AND USES** [This Section has been amended by Ordinance #129, adopted November 7, 2012, effective November 20, 2012 and by Ordinance #123, adopted December 10, 2013, effective December 25, 2013, and by Ordinance #129 adopted November 7, 2012, effective November 20, 2012, and by Ordinance #141 adopted March 10, 2015, effective March 24, 2015, and by Ordinance #146 adopted November 10, 2105, effective November 24, 2015; and amended by Ordinance #161, adopted April 18, 2017, effective May 6, 2017; and amended by Ordinance #165, adopted August 14, 2018, effective August 26, 2018]

- 1. Accessory buildings shall be subject to the following regulations:
  - a. **General Provisions.**
    - 1) **Setback Requirements.** All accessory buildings shall be subject to the same setback requirements as the principal building and shall be a minimum of 10 feet from any other building. Within the LR district, major accessory buildings shall not be permitted to be located within fifty (50) feet of the ordinary high water mark. Within the NL district, major accessory buildings shall not be permitted to be located within one hundred (100) feet of the ordinary high water mark.
    - 2) **Construction Timing.** No accessory building shall be constructed prior to the principal building except as provided under 4)2. below.
    - 3) **Structural Attachment to Principal Building.** If an accessory building becomes structurally attached to a principal building, it shall be deemed to be part of the principal building and shall conform to all the regulations, which apply to principal buildings in the respective Zoning District. See definition “Structurally Attached” in Article 3.
    - 4) **Permitted Minor Accessory Buildings.**
      - 1. **Minor Accessory Buildings in Conjunction with a Primary Building.** In all zoning districts, up to 2 minor accessory buildings, as defined herein, shall be permitted per lot in conjunction with a primary building. Minor accessory buildings shall not be located in the front yard but may be located in the side yard setback five (5) feet from the side lot line and in the rear yard setback ten (10) feet from the rear lot line in the LDR, MDR and HDR Districts. In the LR Lake Residential District, minor accessory buildings may be permitted in the front yard, but not within the required front yard setback and minor accessory buildings may not be located within fifty feet (50’) of the ordinary high water mark. In the NL Natural Lake District, minor accessory buildings may be permitted in the front yard, but not within the required front yard setback and minor accessory buildings may not be located within one hundred feet (100’) of the ordinary high water mark. These buildings will not require a land use permit.
      - 2. **Minor Accessory Buildings without a Primary Building.** In all zoning districts, 1 minor accessory building, as defined herein, shall be permitted without a primary building provided that the following conditions are met



- a. The minor accessory building must be set back a minimum of 50 feet from any abutting public or private road right-of-way; 5 feet from any side lot line, 10 feet from any rear lot line; and 50 feet from the ordinary high water mark.
  - b. The building shall be locked or reasonably secured to prohibit trespass.
  - c. The building shall not be serviced with water or sewer, but may have electricity.
  - d. Such building shall be used exclusively for storage of personal items customarily associated with a residence, no commercial use or storage shall be permitted.
  - e. Such building shall under no circumstances be used as a temporary or permanent dwelling for human occupancy.
  - f. A land use permit shall be required prior to placement of a minor accessory building without a primary building on any parcel of land in the Township.
  - g. All other requirements of this and other ordinances of Long Lake Township shall be in full effect including, but not limited to, the Junk Ordinance.
  - h. Such building shall be designed and constructed to keep its contents secured from the elements and to be of weather-resistant construction.
- 5) **Residential Use Prohibited.** No accessory building shall be used as a permanent or temporary dwelling unit and no accessory building shall include living, sleeping, or cooking accommodations.
- 6) **Agricultural Building Exception.** Agricultural buildings constructed for or used in conjunction with the agricultural use of land will be exempt from the provisions of this Section but shall be subject to zoning district setback requirements. Agricultural buildings shall require a land use permit.
- 7) **School Bus Stop Exception.** School bus stop shelters will be exempt from the provisions of this Section. However, such shelters are not permitted to be located in the road right-of-way. School bus stop shelters will not require a land use permit.
- 8) **Accessory Buildings in Front Yards.**
- 1. In the LDR, MDR and HDR districts, major accessory buildings shall not be located in the front yard of any lot within the districts or within the side yard abutting a public or private road right-of-way on any corner lot within the districts unless all of the following conditions are met:
    - a. The parcel is in excess of two (2) acres in area; and
    - b. The major accessory building is set back a minimum of 100 feet from any abutting public or private road right-of-way; and
    - c. All other applicable standards are met.
  - 2. In the LR, AG, NL, and CR Districts, major accessory buildings may be located in the front yard of any lot within the districts, but not within the required front yard setback.
  - 3. Notwithstanding the provisions of 1.a.8)1. above, in the LDR, MDR, and HDR districts, a major or minor accessory building may be placed in the front yard of a corner lot, but not within the required front yard setback, provided that only one of the two fronts shall contain any accessory building or parts of accessory buildings.

- b. **Temporary Storage Structures.** Temporary Storage Structures, as defined herein, shall be located and regulated as Accessory Buildings in accordance with this Section. Manufactured housing, trailers and similar equipment placed on a property with a principal use shall be considered an accessory building and shall be regulated in accordance with this Section.
  
- c. **Number, Floor Area and Height of Major Accessory Buildings.** The following standards shall regulate the maximum number of major accessory buildings (as defined in Article 3) permitted, the maximum total floor area of major accessory buildings and the maximum height of major accessory buildings by zoning district and parcel size. The total floor area allotments set forth below may be combined in a single building, provided that the combined total floor area does not exceed the permitted maximum for all major accessory buildings permitted. A legally existing accessory building, which is nonconforming due only to the number of buildings on that parcel, may be expanded only if (a) the expansion fully complies with regulations of this ordinance and (b) the total floor area of all major accessory buildings on the parcel, including the floor area of the proposed expansion, does not exceed the total floor area for all major accessory buildings permitted on the parcel within the district.

Major Accessory Building Standards Associated with Residential Uses (D)

Parcel Size (in net acres)	Zoning Districts				
	Agricultural (AG)	Conservation/ Recreation & Natural Lake (CR & NL)	Low & Moderate Density Residential <sup>(B)</sup> (LDR MDR & LB)	Lake Residential (LR)	High Density (HDR) <sup>(B)</sup>
1 Acre or less	Number: 1 Floor. Area: (A) Height: 18’/1 story (C)	Number: 1 Floor. Area: (A) Height: 18’/1 story (C)	Number: 1 Floor. Area: (A) Height: 18’/1 story (C)	Number: 1 Floor. Area: (A) Height: 18’/1 story (C)	Number: 1 Floor. Area: (A) Height: 18’/1 story (C)
1.01 – 2 Acres	Number: 2 Floor. Area: (A) Height: 18’/1 story (C)	Number: 2 Floor. Area: (A) Height: 18’/1 story (C)	Number: 1 Floor. Area: (A) Height: 18’/1 story (C)	Number: 1 Floor. Area: (A) Height: 18’/1 story (C)	Number: 1 Floor. Area: (A) Height: 18’/1 story (C)
2.01 – 5 Acres	Number: 2 Floor. Area: (A) Height: 18’/1 story (C)	Number: 2 Floor. Area: (A) 2,000 s.f. Height: 18’/1 story (C)	Number: 2 Floor. Area: (A) Height: 18’/1 story (C)	Number: 2 Floor. Area: (A) Height: 18’/1 story (C)	Number: 2 Floor. Area: (A) Height: 18’/1 story (C)
5.01 – 11 Acres	Number: 3 Floor. Area: 3,000 s.f. Height: 18’/1 story (C)	Number: 3 Floor. Area: 3,000 s.f. Height: 18’/1 story (C)	Number: 2 Floor. Area: 2,000 s.f. Height: 18’/1 story (C)	Number: 2 Floor. Area: (A) Height: 18’/1 story (C)	Number: 2 Floor. Area: (A) Height: 18’/1 story (C)
More than 11.01 Acres	Number: 4 Floor. Area: 3,000 s.f. Height: 18’/1 story (C)	Number: 4 Floor. Area: 3,000 s.f. Height: 18’/1 story (C)	Number: 3 Floor. Area: 2,000 s.f. Height: 18’/1 story (C)	Number: 2 Floor. Area: 2,000 s.f. Height: 18’/1 story (C)	Number: 3 Floor. Area: (A) Height: 18’/1 story (C)

(A) Maximum area for each accessory building permitted shall be the greater of up to 1,200 square feet or the area of the ground floor of the principal building, but no more than 2,000 square feet.

(B) For multiple family developments in the HD, MD, or LB districts, one (1) accessory building of up to 500 square feet is permitted for each dwelling unit. In addition, such multiple family developments of between 10 and 25 units are permitted one (1) additional major accessory building up to 2,000 square feet in ground floor area; for such multiple family developments of 26 units or more, two additional major accessory buildings each up to 2,000 square feet in ground floor area are permitted.

(C) Maximum height of all accessory buildings shall be eighteen (18) feet or one (1) story whichever is less. See definition of Building Height in Section 3.3.

(D) For any Open Space Conservation Development Option, Subdivision without Significant Open Space Option, or Agricultural Conservation Development Option approved under Ordinance #109, this table shall apply corresponding to the underlying zoning district. For any Planned Unit Development approved under Ordinance #109, the size, number, and locations of major accessory buildings shall be as specifically approved by the Planning Commission.

## 2. Accessory Uses.

- a. **In General.** When an activity or use is conducted in conjunction with another principal use and the former use; (1) constitutes only an incidental and subordinate part of the total activity that takes place on a lot, or (2) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. Uses may be considered accessory to the principal use regardless of whether the accessory use is separately identified in this Ordinance as a permitted or conditional use. Provided, however, any accessory use that is normally treated as a Conditional Land Use under this Ordinance, must be shown to meet the applicable Conditional Land Use requirements of this Ordinance. All accessory uses shall require the issuance of a Land Use Permit by the Zoning Administrator pursuant to Sections 20.2 and plot plan review pursuant to Section 20.3.
- b. **Interpretation of Accessory Uses.** For purposes of interpreting accessory uses:
  - 1) A use may be regarded as incidental and subordinate if the viability of the principal use is not dependent in any significant way on the accessory use.
  - 2) To be "commonly associated" with a principal use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.
  - 3) An accessory use shall not generate any effects on neighboring properties, including, but not limited to, noise, parking, traffic, glare, or dust, greater than or more burdensome than such impacts from the main use on the property.
- c. **Outdoor Furnaces.** [Amended by Ordinance #122, adopted January 10, 2012, effective January 24th, 2012]
  - 1) **Intent.** An outdoor furnace may be regarded as a permitted accessory use if its location, installation and operation meets the requirements of this section. Outdoor furnaces that do not meet the requirements of this section shall be prohibited. It is generally recognized that the types of fuel used, and the scale and duration of the burning by such furnaces create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles, and other products of combustion that can be detrimental to citizen health, and can deprive neighboring residents of the enjoyment of their property. The adoption of this section is based on evidence and reports concerning the adverse health effects of wood smoke, increased air pollution, and smoke as nuisance as found in studies and in reports, including "Outdoor Wood Boiler & Air-Quality Fact Sheet," written and promulgated by the Air Quality Division of the Michigan Department of Environmental Quality.
  - 2) Outdoor furnaces shall be a permitted accessory use when all of the following requirements are met. These are minimum requirements, if manufacturer's specifications indicate a higher standard; the higher standard shall be required.
    1. The outdoor furnace shall be located not less than ten (10) feet from any building.
    2. All combustion gasses shall be emitted to the atmosphere at an elevation at least fifteen (15) feet above the median grade associated with the structure served by the outdoor furnace and at least

two (2) feet higher than the height of the highest roof peak of any dwelling not on the same parcel as the outdoor furnace and within three hundred (300) feet. Where this standard requires a stack which would exceed the manufacturer's specifications, the outdoor furnace shall not be permitted.

3. All required state and local building and fire code standards shall be met in conjunction with the installation, maintenance, and operation of the outdoor furnace.
  4. The outdoor furnace shall be limited to the heating and/or supply of hot water to the principal building and accessory buildings on a single parcel.
  5. The Zoning Administrator shall issue a land use permit for the installation of the free-standing wood burning furnace prior to such installation.
  6. All outdoor furnaces shall be EPA Phase 2 Qualified, or shall meet any successor standard applicable at the time of installation of the outdoor furnace.
- 3) An outdoor furnace shall not be used to burn refuse, trash, scrap, garbage or similar materials. Only firewood, untreated lumber, and materials that are designed and manufactured for use in outdoor furnaces (such as wood pellets and corn) as suggested or required by manufacturer's specifications, are permitted to be burned in any outdoor furnace.
- 4) The regulations of this Section shall not prohibit fire pits or other permitted fires in the Township, so long as they are safely constructed and attended in accordance with the regulations of the Rural Fire Department and the Michigan Department of Natural Resources.
- d. **Housing and Grazing of Animals.** The housing and grazing of animals such as horses, goats, llamas, and donkeys exclusively for the private use of the residents of the property shall be a permitted accessory to the permitted residential use of the property in any district and no site plan approval shall be required, providing the requirements of this Section are met.
- 1) The minimum lot area (exclusive of right-of-way) shall be five (5) acres
  - 2) All areas accessible to grazing animals shall be properly fenced in accord with Section 4.12 hereof, with fencing materials of sufficient design to properly contain grazing animals.
  - 3) Buildings and corral areas used for containing grazing animals shall not be located closer than one hundred (100) feet from any neighboring residential building.
  - 4) The applicant shall provide assurances satisfactory to the Zoning Administrator that all animals shall be properly housed and fenced at all times so as not to create a public nuisance.
- e. **Keeping of Chickens.** [This paragraph added by Ordinance #127, adopted November 7, 2012, effective November 20, 2012]

The keeping of chickens exclusively for the private use of the residents of the property shall be a permitted accessory to the permitted single family or two family residential use of property in any district and no land use permit shall be required, providing the requirements of this Section are met.

- 1) The number of mature chickens shall not exceed 6. For any parcel less than 20,000 square feet, the number of mature chicken shall not exceed 4.
- 2) No roosters shall be permitted.

- 3) Chickens shall be provided with a covered enclosure and must be kept in a fenced enclosure at all times. No enclosure or fenced area shall be closer than 10 feet to any property line. All other requirements of this Article related to fencing and minor accessory buildings shall apply. In no event shall an enclosure for chickens regulated under this Section be closer than 50 feet from the high water mark of any body of water.
  - 4) Chickens and associated feed shall be maintained so as to prevent harboring rodents.
  - 5) These provisions shall not apply to farm operations regulated under Section 19.24.
  - 6) Keeping chickens under this Section is limited to personal use only, no commercial activity may be associated with this accessory use.
- f. On-Site Solar Energy Systems It is the purpose of this regulation to promote the safe, effective and efficient use of solar energy systems installed to reduce the on-site consumption of utility supplied energy while protecting the health, safety and welfare of adjacent and surrounding land uses through appropriate controls.
- 1) An on-site solar energy system is permitted in all zoning districts as an accessory to an allowed principal use.
  - 2) A land use permit is required prior to installing any ground-mounted on-site solar energy system. No land use permit is required to install a building-mounted on-site solar energy system.
  - 3) An on-site solar energy system shall provide power for the principal use and/or accessory use of the property on which the solar energy system is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
  - 4) A roof mounted on-site solar energy system may be mounted on a principal building or accessory building. A roof mounted system, whether mounted on the principal building or accessory building, may not exceed the maximum principal building height or accessory building height specified for the building type in the underlying zoning district. In no instance shall any part of the solar energy system extend beyond the edge of the roof.
  - 5) A ground mounted on-site solar energy system shall not:
    1. Exceed the maximum building height for accessory buildings.
    2. Be located within any required yard setback.
  - 6) Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.

## **SECTION 4.7 ESSENTIAL SERVICES**

Essential services, as defined in Article 3, and as authorized and regulated by law, shall be permitted in all zoning districts. Essential services shall be exempt from the provisions of this Ordinance. However, buildings and structures associated with the provision of essential services, such as, but not limited to, waste water treatment plants and telephone switching buildings, shall require Site Plan approval by the Planning Commission in accordance with the requirements of Article 24 of this Zoning Ordinance.

## SECTION 4.8 DISTRICT HEIGHT LIMITATION

Determining Median Grade.

Building height shall be measured from median finished grade. See the definitions for Median Grade in Section 3.8 and Building Height in Section 3.3.

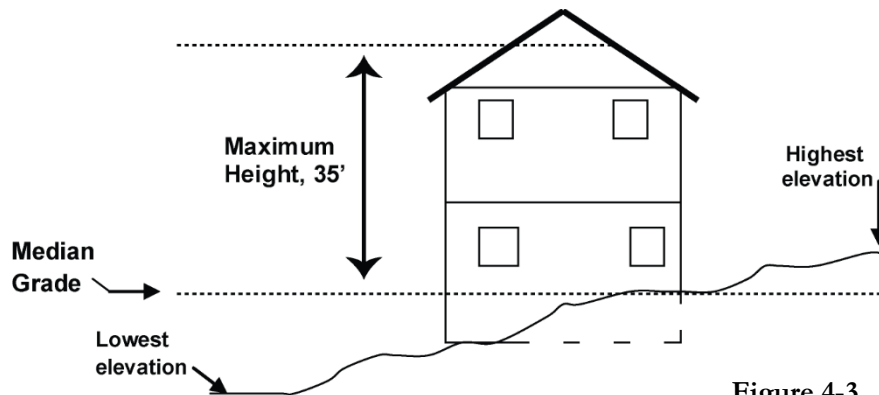


Figure 4-3

## SECTION 4.9 ACCESSORY DWELLINGS TO A COMMERCIAL USE

1. **Intent.** To encourage more efficient development and mixed residential, commercial and institutional neighborhoods, particularly in the Local Business district, the accessory dwellings to a commercial use shall be permitted, subject to the terms of this Section.
2. **Regulations and Conditions.**
  - a. An accessory dwelling to a commercial use, may provide year-round or seasonal accommodations.
  - b. An accessory dwelling to a commercial use shall be clearly subordinate to the principal use of the structure.
  - c. An accessory dwelling to a commercial use shall be located within the same building as the commercial use and shall be accessed from the outside by a separate entrance and not through a common hallway or lobby shared by patrons of the commercial use. All interior doors and entryways linking the principal use to the accessory dwelling unit shall be lockable.
  - d. An accessory dwelling to a commercial use shall meet all state, county and local building and health codes and requirements for a dwelling including requirements for separate cooking, sleeping, sanitation and living areas.
  - e. An accessory dwelling to a commercial use shall not result in excessive traffic, parking congestion, or noise.
  - f. The design and location of the accessory dwelling shall maintain a compatible relationship to adjacent properties and shall not significantly impact the privacy, light, air, or parking of adjacent properties.
  - g. Where applicable, the accessory dwelling shall be located and designed to protect neighboring views of the lakeshore and scenic coastal areas.
  - h. The combined floor area of any accessory dwelling(s) to a commercial use shall not exceed that of the commercial use on the property.
  - i. **Unit Size.** Accessory dwelling shall have a floor area no less than seven hundred (700) square feet and no greater than one thousand (1,000) square feet.

## SECTION 4.10 SINGLE-FAMILY DETACHED DWELLING

All single-family detached dwellings, excluding manufactured homes within an approved manufactured home park, shall comply with the following requirements:

1. The dwelling shall comply with the minimum livable floor area standards of this Ordinance under Section 2.6 and shall comply in all respects with the county building code. Where a dwelling is required by law to comply with a federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the county building code, then and in that event such federal or state standard or regulation shall apply. See definition of "Floor Area, Livable" in Article 3.2. The dwelling shall have a livable floor area with minimum exterior dimensions of at least twenty-four (24) feet by twenty-four (24) feet or twenty (20) by twenty (20) feet in the Lake Residential District. Minimum exterior dimensions are measured along one wall face including the sum of all wall segments with essentially the same general orientation (as illustrated in Figure 4-4).

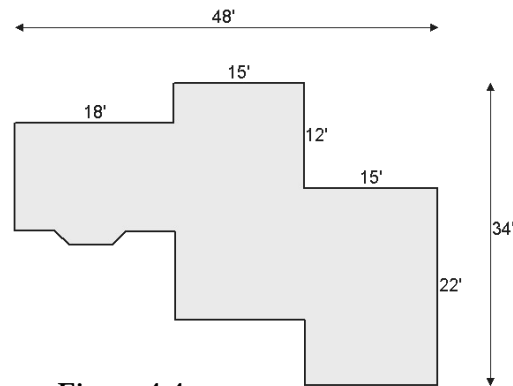


Figure 4-4

2. The dwelling shall be firmly attached to a permanent foundation constructed on the site in accordance with the county building code. The foundation shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a manufactured home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device, and shall be set on a concrete footing with a masonry wall extending from perimeter to ground, or on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground, such skirt shall be of commercial quality or equivalent, and with the rules and regulations of the Michigan Manufactured Housing Commission, the Public Health Department, and HUD Regulations 24 CFR 3280, being the "Mobile Home Construction and Safety Standards".
3. In the event that a dwelling is a manufactured home as defined herein, each manufactured home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
4. The dwelling shall be connected to a community water and wastewater system, or to such private facilities approved by the Grand Traverse County Health Department.
5. The dwelling shall comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to all state and federal regulations.
6. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable county building code provisions and requirements.



## **SECTION 4.11 HOME OCCUPATIONS**

These standards are intended to ensure compatibility with the other permitted uses and the residential character of the neighborhood, plus a clearly secondary or incidental status in relation to the residential use of the principal building as the criteria for determining whether a proposed accessory use qualifies as a home occupation. A home occupation, when meeting these standards, shall be so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence other than for the allowed nameplate.

1. Such occupation shall be conducted solely by the resident(s) of the dwelling, and entirely within the dwelling unit or an accessory building. The portion of the principal building devoted to the home occupation shall not exceed twenty-five percent (25%) of total floor area.
2. The use shall in no way alter the external appearance of the dwelling so as to cause the premises to differ from its residential construction, lighting, signs, or the emission of sounds, noises, fumes, or odors, or electrical interference beyond what normally occurs in this zoning district.
3. There shall be no outdoor storage or display of any kind related to the home occupation, excepting one nameplate, as addressed in item 6 below.
4. No traffic shall be generated by such home occupation in greater volumes than what normally occurs within the residential neighborhoods located in this zoning district.
5. Parking generated by the conduct of the home occupation shall be provided off the street and other than in a required front yard setback.
6. One non-illuminated home occupation sign advertising the home occupation may be allowed, not to exceed four (4) square feet in area, and mounted flush to a wall. See also Section 21.7.
7. A Home Occupation which may not meet the requirements of this Section 4.11, may be permitted as a conditional land use subject to Section 19.28

## **SECTION 4.12 FENCES, WALLS AND DECORATIVE FENCES**

Except as provided in Section 4.12,2,c,(3) hereof, the erection, installation and modification of fences, walls and decorative fences shall require a land use permit pursuant to Section 20.2 and shall comply with the following regulations and requirements. This Section and the requirement for a Land Use Permit shall not apply to agricultural fencing.

### **1. Location.**

- a. Fences, walls and decorative fences shall not be located outside or beyond the property or lot lines of the lot upon which said improvement shall be placed.
- b. Fences and walls shall be placed no closer to the front lot line than the required front yard setback line.
- c. Fences and walls shall be located no closer to the side lot line than the side yard setback line for residential corner lots that front or face onto the side street. Fences and walls may be located nearer the side yard line when said side yard is not on a street.

- d. Decorative Fences may be placed in the following locations: (1) That portion of the lot which lies in the front yard setback line and where applicable. (2) That portion of the lot which lies in the lakeside yard setback line to the beach area, provided that additional regulations enumerated in Subsections 4.12, 1, a and b are also met.

2. Height.

- a. Fences and walls shall not exceed six (6) feet in height in any district. However, the Planning Commission may approve a greater height in a General Business District if the increased height will better screen a use from the roadway or adjacent residential uses.
- b. Decorative fences shall not exceed four (4) feet in height as measured from the grade to the top of the highest horizontal rail.
- c. Design and Type:
  - 1) All fences shall be constructed with the finished side exposed, the support posts placed on the inside, and in a manner which serves to enhance the aesthetic appearance of the neighborhood or surrounding area.
  - 2) Decorative fences shall be constructed, by way of illustration, in a style similar to split rail or wrought iron fences. Decorative fences, although not these particular styles must be designed so that they are neither solid fences nor opaque screens. Openings in decorative fences, including gates, when closed, shall exceed fifty (50) percent of any one (1) square foot of vertical fence surface area.
  - 3) The erection of a decorative fence shall not require a permit from the Zoning Administrator.

## SECTION 4.13 OUTDOOR LIGHTING AND NIGHT SKIES

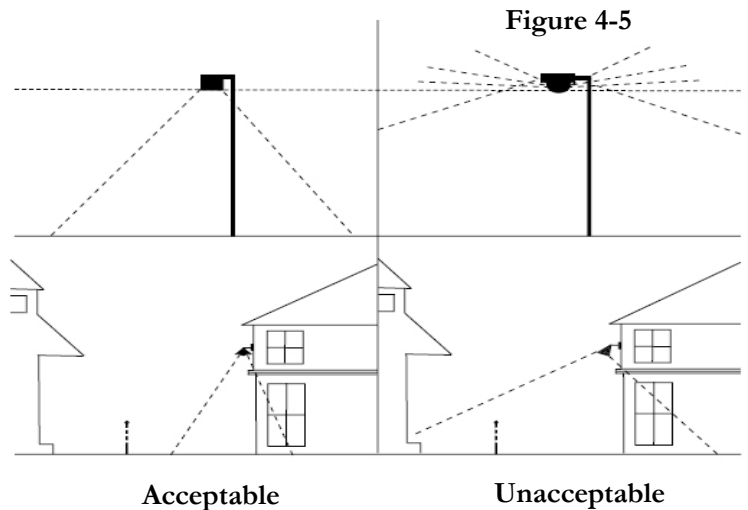
- 1. **Intent and Purpose.** To maintain safe nighttime driver performance on public roadways, by minimizing both brightly lighted surfaces and lighting glare, to preserve the restful quality of nighttime, by eliminating intrusive, artificial light and lighting that unnecessarily contributes to “sky glow”, and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission and Zoning Administrator in the review of all site plan or plot plans submitted for approval under the terms of this Zoning Ordinance.

2. **General Provisions.**

- a. **Exempted areas and types.** The following types of outdoor lighting shall not be covered by this Section:
  - 1) Residential decorative lighting such as porch lights, low level lawn lights, and special seasonal light such as for Christmas decorating, and residential yard lights whether building mounted or pole mounted.
  - 2) Sign lighting as regulated by Article 21, Signs.
  - 3) Lighting associated with detached single family housing.
  - 4) Lighting for the nighttime display of the flag of the United States.
- b. **Regulated Lighting.** The following types of lighting shall be regulated by this Section:

- 1) Parking lot lighting and site lighting for commercial, industrial and institutional developments.
  - 2) Multiple Unit Developments including Grouped Housing parking lot lighting and site lighting.
  - 3) Publicly and privately owned roadway lighting.
  - 4) Building facade lighting, including any lighting intended primarily as a decorative or aesthetic treatment of a building's exterior finish or for security or safety purposes.
  - 5) Other forms of outdoor lighting which, in the judgment of the Planning Commission is similar in character, luminosity and/or glare to the foregoing.
  - 6) All forms of neon lighting
  - 7) Lighting in public or common areas in residential subdivisions and condominium developments.
- c. **Standards.** Lighting shall be designed and constructed in such as manner to:

- 1) Insure that direct or directly reflected light is confined to the development site.
- 2) Lamps and luminaries shall be shielded, hooded and/or louvered to provide a glare free area beyond the property line and beyond any public right-of-way, or the light source is not directly visible from beyond the boundary of the site.
- 3) The light from any illuminated source shall be designed so that the light intensity or brightness at any property line shall not exceed one (1) foot candle.
- 4) Lighting fixtures shall have one hundred percent (100%) cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane (see Figure 4-5). No light fixture shall be mounted higher than twenty-five (25) feet above the average grade of the site.



- 5) Outdoor recreation area lighting may be mounted at heights greater than twenty-five (25) feet if properly equipped with baffling, glare guards or lenses to contain lighting to the site. Such lighting may use standard color metal halide sources.
- 6) There shall be no lighting of a blinking, flashing, or fluttering nature, including changes in light intensity, brightness or color. Beacon and search lights are not permitted.
- 7) No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

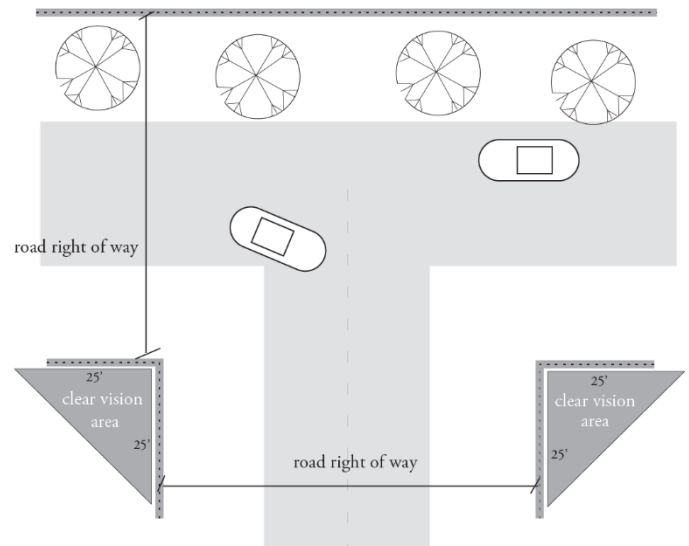
## SECTION 4.14 GOVERNMENT BUILDINGS AND PUBLIC PARKS

A building, area or premises owned and/or used by the department, commission, agency or instrumentality of trade of the United States, the State of Michigan, Grand Traverse County, Long Lake Township or an authority, district or instrumentality thereof, shall be considered a permitted use in any district in the Township.

## SECTION 4.15 TRAFFIC VISIBILITY

No parking space, fence, hedge, planting, sign, structure, or any other element of the built environment, shall be located, erected or maintained, within a distance of twenty-five (25) feet from a street right-of-way such that it obstructs safe vision at a street corner. Provided, however, the Zoning Administrator, upon consultation with the Township Engineer and/or Grand Traverse County Sheriff, may require a greater clear vision area where necessary due to traffic speeds, volumes or the topography of the site. Provided, further, the Planning Commission may, upon the recommendation of the Zoning Administrator, waive or modify such standard within the LB district to permit buildings to conform to existing front and side yard patterns in the immediate vicinity.

Figure 4-6



**SECTION 4.16 DECKS, PORCHES AND PATIOS** [This Section has been amended by Ordinance #135, adopted February 11, 2014, effective February 25, 2014; and amended by Ordinance #158, adopted April 18, 2017, effective May 6, 2017]

1. **Setbacks.** Non-waterside decks, porches, lean-tos, and patios, whether attached or detached, including any attached steps, but not including wheelchair ramps, shall meet the setbacks applicable to primary buildings in the zoning district.
2. Gazebos, pergolas, and similar structures are subject to the regulations of Section 4.6, Accessory Buildings and Uses
3. Unenclosed and unroofed stoops, porches, decks, and patios may be permitted to encroach upon required setback a distance no more than 10 feet, with the following exceptions:
  - a. In the Moderate Density Residential and High Density Residential zoning districts, no such setback encroachments will be permitted
  - b. Waterside decks are permitted to encroach only as detailed under Section 12.3.7.
4. Water side decks are regulated under *Section 12.3*

**SECTION 4.17 RECREATIONAL VEHICLES** [This Section has been amended by Ordinance #153, adopted April 12, 2016, effective April 27, 2016; and by Ordinance #168, adopted September 11, 2019, effective September 24, 2019]

1. No recreational vehicle shall be used and occupied on any lot or parcel of land in the Township of Long Lake for more than thirty (30) days, except in a licensed mobile home park or manufactured housing community, unless the occupant or owner of such recreational vehicle shall have first applied for and received a recreational vehicle permit.
2. Recreational Vehicle Permits Standards – for all recreational vehicles occupied for more than 30 days and requiring a permit, the following standards shall apply:
  - a. A maximum of 1 occupied recreational vehicle shall be permitted on any single zoning lot of record, either in conjunction with a permanent dwelling, or on a vacant parcel of land.
  - b. A maximum of one six-month permit may be issued on any single zoning lot of record during a 12-month calendar year.
  - c. The occupied recreational vehicle must be placed a minimum of 25 feet from the front lot line, 10 feet to any side lot line or rear lot line, and 50 feet from the ordinary water mark of any body of water.
  - d. The parcel shall have a driveway; such driveway shall be subject to permit requirements of the Grand Traverse County Road Commission if applicable.
  - e. The recreational vehicle shall be connected to a potable water supply and appropriately sized septic system in a means acceptable to the Grand Traverse County Health Department. An alternate management plan for potable water or sanitary wastewater disposal may be permitted if specifically approved by the Grand Traverse County Health Department. If the approved alternate management plan is not adhered to, this constitutes grounds for the Zoning Administrator to revoke the permit.
  - f. No rentals shall be permitted in a recreational vehicle permitted under this Section.
  - g. Such recreational vehicle must be licensed, insured, and must be operable
3. Unoccupied recreational vehicles may be stored or kept on any property in the Township if the following standards are met.
  - a. Definitions:
    - 1) For purposes of this Section, the term “stored” shall refer to the placement of an unoccupied recreational vehicle outside of a building whereby such recreational vehicle remains on site for a period of time exceeding 30 consecutive days.
    - 2) For purposes of this Section, the term “keep” or “kept” shall refer to the placement of an unoccupied recreational vehicle outside of a building whereby said recreational vehicle is periodically removed and is thereby placed on the site for a period of time less than 30 consecutive days.
  - b. Any unoccupied recreational vehicle stored or kept must be owned by the owner or occupant of the lot, must be licensed and insured, and must be operable.
  - c. Locational Restrictions

- 1) Any unoccupied recreational vehicle may not be stored, as this term is defined herein, within the required front yard setback area.
  - 2) Any unoccupied recreational vehicle shall not be kept, as this term is defined herein, in a location closer than 25 feet from the front lot line.
4. All recreational vehicles (installed for more than six (6) months) shall be considered a single-family dwelling as defined in Section 3.5 and as regulated in Section 4.10 of this Ordinance.

**SECTION 4.18 DIVIDED PARCELS OF LAND AND COMBINING  
NONCONFORMING PARCELS OF LAND** [This Section amended by Ordinance #137, adopted  
August 12, 2014, effective August 26, 2014]

Unless expressly approved by the Planning Commission as a part of a Planned Unit Development, after December 31, 2000, no parcel of land shall be divided by a public or private road such that any portion of the parcel isolated from the remainder of the parcel by such road right-of-way includes less than the minimum area and frontage for the zoning district in which it is located.

**SECTION 4.19 [Reserved]**

**SECTION 4.20 NATURAL FEATURES INVENTORY**

The Township has conducted a Natural Feature Inventory of the entire Township, which identifies areas of woodlands, wetlands, scenic views, floodplains, steep slopes, historic value sites and other resources that constitute the character of Long Lake Township. Protection of these resources is critical to the long-range preservation of residential values as identified and expressed in Township's Comprehensive Plan. Site plans, developments or land modification activities involving Township review and action will be subject to the preservation of resources identified in the Natural Feature Inventory, as set forth in this Ordinance, and as applied by the Planning Commission.

**SECTION 4.21 [Reserved]**

**SECTION 4.22 ROADSIDE STANDS FOR AGRICULTURAL PRODUCTS**

**Regulations and Conditions.** Roadside Stands that exceed a floor area of thirty-two (32) square feet and/or are operated for more than eight (8) weeks in any twelve (12) month period shall be subject to the following requirements:

1. The total floor area of the Roadside stand shall not exceed two hundred (200) square feet.
2. A Roadside Stand for Agricultural Products shall be subject to plot plan review per Section 20.3.
3. Only fruits, cut flowers, honey, vegetables or other products that have been grown or produced on the premises shall be sold in a Roadside Stand.

4. No part of the Roadside Stand, sales area or parking area shall be located within a road right-of-way.
5. All structures associated with the Roadside Stand shall be portable and shall be removed at the end of the growing season for the products sold.
6. Only one Roadside stand shall be permitted on any one parcel.
7. The Zoning Administrator shall give due consideration to the nature of the proposed use and its potential impact on the surrounding land uses and may establish appropriate site conditions to assure that the use will generate no detrimental impacts on surrounding property.
8. A Roadside Stand shall be permitted not more than one (1) sign with a surface area of thirty-two (32) square feet. Such sign shall not be lighted.
9. A minimum of two (2) off-street parking spaces shall be provided for each roadside stand.

### **SECTION 4.23 [Reserved]**

### **SECTION 4.24 AGRI-TOURISM AND AGRI-BUSINESS** [This Section has been amended by Ordinance #157, adopted November 10, 2016, effective November 27, 2016]

1. **Intent.** This section is intended to allow agri-business and agri-tourism uses as part of farm operations in the Township in order to promote the following:
  - a. Preservation of agricultural uses and the agricultural sector in the Township and in the region.
  - b. Retention of large tracts of land for land preservation and to sustain current-day and future farming opportunities.
  - c. Allow for agriculturally-related business opportunities to make agricultural pursuits economically viable.
  - d. Promote a multi-jurisdictional agricultural district and agri-business hub along the M-72 corridor.
  - e. Provide for food security for our region.
  - f. Conformance with all applicable laws, including but not limited to the Michigan Right to Farm Act, Act 93 of 1981 as amended, and the Michigan Agricultural Processing Act, Act 381 of 1998 as amended, and with the Generally Accepted Agricultural and Management Practices (GAAMPS) promulgated by the Michigan Commission of Agriculture and Rural Development.
2. **Agri-business/agri-tourism Uses Permitted by Right.** The following uses are permitted by right in association with a farm anywhere that agricultural uses are allowed under this Ordinance.
  - a. Storage, retail or wholesale marketing, or processing of agricultural products or value-added agricultural products provided that the fifty percent rule is observed.
  - b. Cider mills (non-alcoholic) selling product, with or without a tasting room, derived from crops provided that the fifty percent rule is observed.
  - c. Seasonal you-pick fruits and vegetable operations.
  - d. Food sales/processing, processing of fruits or produce provided that the fifty percent rule is observed.

- e. Seasonal outdoor mazes of agricultural origin such as straw bales or corn.
3. **Agribusiness/agri-tourism Uses Permitted Following Conditional Use Approval.** In addition to the uses in Paragraph 2 above, the following uses are permitted in the LB, GB, LDR, AG, or CR districts following conditional use approval provided that all standards of this Section 4.24 and the underlying zoning districts as listed and conditional use standards of Article 19 are met.
- a. Cider mills (alcoholic), distilleries, breweries, or wineries selling product, in a tasting room, where the 50 percent rule is observed.
  - b. Small event venues, open air or within an enclosed building, designed for use by fewer than 200 persons.
4. **M-72 Agribusiness Overlay.** The M-72 Agribusiness Overlay includes all properties located within the AG zoning district with a minimum of 2 acres of land and minimum of 200 feet of frontage on M-72. In addition to the uses in Paragraph 2 above, the following uses are permitted within the M-72 Agribusiness Overlay following conditional use approval:
- a. Small event venues, open air or within an enclosed building, designed for use by fewer than 200 persons
  - b. Cider mills (alcoholic), distilleries, breweries, or wineries selling product, in a tasting room, where the 50 percent rule is observed.
  - c. Restaurants or cafes with maximum seating capacity of 100 and no drive through service.
  - d. Agriculturally related tourist overnight accommodations (i.e., tourist work camps or dude ranch experiences)
  - e. Agriculturally related retailers such as a saddlery shop, feed store, or similar uses as approved by the Planning Commission.
  - f. Large event venues, open air or within an enclosed building, designed for use by over 200 persons but no more than 400 persons, provided that due to the location, buffers provided, hours of operation, access, and proposed lighting and sound amplification, there will be minimal impact upon neighboring properties.
5. **Standards and Requirements.** All agribusiness and agri-tourism uses regulated under this Section 4.24 are subject to the following conditions as applicable
- a. Parking shall be provided based on the capacity of the activity or the retail floor space in compliance with Section 25.4.
  - b. Parking for agri-tourism or agri-business uses may be located on a grass or gravel area for seasonal uses such as road side stands, you-pick operations and agricultural mazes. All parking areas shall be defined by either gravel, cut lawn, sand or other visible marking. Parking to be located on the same parcel as the agri-tourism or agri-business use. Parking shall not be located in any required setback area.
  - c. Signs associated with an agri-tourism or agri-business use shall be in conformance with Section 21.4.
  - d. The applicant shall secure and maintain all required state and local permits.
  - e. Outdoor event venues including such elements as, but not limited to, tents, restrooms, and parking areas shall provide a minimum 100 foot buffer from any residentially zoned or used property.



- f. Newly constructed buildings or additions to existing buildings housing an agri-business or agri-tourism use shall be set back a minimum of 50 feet from any property line of an adjacent parcel in residential use or zoned residentially.
  - g. The Planning Commission may limit the hours of operation for any use approved under this Section in consideration of adjacent land uses.
  - h. Landscaping may be required to buffer any proposed parking areas or outdoor public use areas including, but not limited to mechanical equipment, outdoor storage, trash dumpsters, etc. from adjacent residentially zoned or used properties.
6. **Accessory Uses Permitted.** The following accessory uses may be permitted in conjunction with any approved agribusiness or agri-tourism use:
- a. Value-added agricultural products or activities such as education tours or processing facilities, etc.
  - b. Bakeries selling baked goods containing produce grown in observance of the 50% rule
  - c. Petting farms, animal display, and pony rides
  - d. Wagon, sleigh and hayrides
  - e. Nature trails
  - f. Open air or covered picnic area with restrooms
  - g. Educational classes, lectures, seminars
  - h. Historical agricultural exhibits
  - i. Kitchen facilities for processing items for sale
  - j. Retailing of non-agriculturally related products such as antiques or crafts, packaged food or beverages, gifts, or other similar products, limited to twenty-five percent (25%) of gross sales

## **SECTION 4.25 SMALL WIND ENERGY CONVERSION SYSTEMS (WECS)**

- 1. **Intent.** It is the purpose of this section to promote the safe, effective, and efficient use of small wind energy systems installed to reduce the on-site consumption of electricity supplied by utility companies.
- 2. **Regulations.** A small WECS may be regarded as a permitted use in any district, if it meets the standards and requirements of this section.
  - a. Any small WECS system that is intended to include battery storage of electricity on site and that is intended to be off the electric grid shall only be regulated as a conditional use.
  - b. Any small WECS system that is proposed to be located within any woodland as identified in Figure 4 of the Long Lake Township Natural Features Inventory shall only be regulated as a conditional use.
  - c. Where there are three (3) or more small WECS proposed for a single parcel of land, the use shall be regulated as a conditional use.
  - d. Any small WECS system that, due to site features such as topography or trees, is proposed to be taller than allowed under Section 4.25.4 below. The Planning Commission may increase the allowable height by

up to thirty (30) feet where site conditions dictate and impact on neighboring properties and roadways is minimal. All other requirements of this section shall be met, including the setback provisions of Section 4.25.5.

3. **Permit Requirements:** A land use permit request filed under Section 24.2 for a small WECS shall include a plot plan and supporting information with the following information at a minimum:
  - a. Property lines and physical dimensions of the property;
  - b. Location, dimensions, and types of existing major structures on the property;
  - c. Location of the proposed wind system tower;
  - d. The right-of-way of any public road that is contiguous with the property;
  - e. Any overhead utility lines;
  - f. Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed), and color;
  - g. Tower foundation blueprints or drawings;
  - h. Tower blueprint or drawing; and
  - i. Any other information necessary to demonstrate compliance with the standards and requirements of this Section.
4. **Tower Height:** For parcels of less than two (2) acres in area, the tower height (not including the blades) shall be limited to thirty-five (35) feet. For parcels with land area greater than two (2) acres and located in the AG or CR districts, the tower height (not including the blades) shall be limited to sixty (60) feet. For purposes of this section, height shall be measured from the average grade at the base of the tower. Also see Section 4.25.2.d.
5. **Setback:** The tower shall be set back from all adjoining property lines and rights-of-way (public or private), the greater of the setback requirements of the zoning district or the combined height of the tower and the turbine blade in its vertical position. No part of the small WECS, including guy wire anchors, may extend into any required setback.
6. **Location:** In addition to the setback requirements above, a small WECS shall meet all location standards for an accessory building found under Section 4.6.1.a.8). The requirements of Section 4.6.1.c shall not apply to a small WECS.
7. **Noise:** The applicant shall provide evidence that a small WECS will not cause sounds in excess of 50 dB, as measured at any property line.
8. **Approval Required:** A small WECS shall bear an approval certificate from a certification program recognized by the American Wind Energy Association. The applicant shall demonstrate that all components of the proposed wind turbine meets all applicable safety standards and is UL certified.
9. **Compliance with Uniform Building Code:** Building permit applications for small WECS shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An

engineering analysis of the tower showing compliance with the Uniform Building Code and certified by a licensed professional engineer shall also be submitted.

10. **Utility Notification:** No small WECS shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
11. **Abandonment.** A small WECS that is inoperable and has not functioned for at least twelve (12) months shall be deemed to have been abandoned and the Zoning Administrator may order the removal of the turbine and tower at the owner's expense.
12. **Additional Towers.** A small WECS system may include more than one turbine and tower or a separate tower for a wind monitoring system if all other requirements are met including the setback requirements of Section 4.25.5 and the total of all turbines on the site does not exceed 30 kilowatts (kW). Also see Section 4.25.2.c.
13. **Advertising Prohibited:** No small WECS shall include advertising of the brand name or related information on any part of the turbine. Further, the tower and blades shall be a neutral color.
14. **Shadow Flicker:** The applicant shall provide evidence to demonstrate that no shadow flicker will fall on adjacent roadways or off-site habitable structures.
15. **Lighting:** A small WECS shall be not be artificially lighted unless such lighting is required by the Federal Aviation Administration
16. **New Technology:** These regulations pertaining to small WECS are intended to respond to equipment available at the time of adoption. Long Lake Township recognizes that this is an emerging technology and that new means of collecting wind energy, including but not limited to vertical axis wind turbine generators, are under development. Accordingly, these standards will be reviewed and may be amended as technology advances.
17. **Blade Clearance:** Blades on a small WECS shall have a minimum clearance from the ground or adjacent structures of fifteen (15) feet.

**SECTION 4.26, MEDICAL MARIHUANA** [This Section was added by Ordinance #126, adopted June 19, 2012, effective July 3, 2012; and amended by Ordinance #162, adopted October 10, 2017, effective October 16, 2017]

1. **History and Intent:** The voters of the State of Michigan enacted the Michigan Medical Marihuana Act, being Initiated Law 1 of 2008, referred to in this Section as "the Act". The Act offers protection from arrest and prosecution for the medical use of marihuana for qualifying patients and their primary caregivers. The Act does not address many aspects of the cultivation and distribution of medical marihuana. Long Lake Township intends to allow the use of medical marihuana for the relief of patients with debilitating conditions as intended by the voters of the State of Michigan while to the greatest extent possible protecting the health, security, and property values of Township residents and property owners from the potential negative impacts associated with the distribution and use of medical marihuana..
2. **General Regulations Regarding Primary Caregiver Residences**

- a. For purposes of this ordinance, primary caregivers do not qualify as home occupations but are permitted when meeting all regulations of this Section. No land use permit is required for a primary caregiver.
- b. The primary caregiver may grow and process marihuana in compliance with the Act within the residential dwelling where the primary caregiver lives.
- c. No person other than the members of the immediate family of the primary caregiver residing within the residence of that primary caregiver (and no person under 18 years of age) shall be engaged or involved in the growing, processing, dispensing, delivery, or handling of the marihuana.
- d. No qualifying patient shall visit, come to, or be present at the residence of the primary caregiver to purchase, smoke, consume, obtain or receive possession of any marihuana;
- e. No person shall deliver marihuana to a qualifying patient other than the primary caregiver for that qualifying patient. The primary caregiver must personally deliver the marihuana to his/her qualifying patient.
- f. There shall be no visible change to the outside appearance of the primary caregiver's residence, no advertising sign, or other visible evidence of the conduct of the medical marihuana operation occurring inside the dwelling.
- g. No marihuana, marihuana plants, marihuana paraphernalia or plant growing apparatus shall be visible from the exterior of the dwelling.
- h. No growing, processing, smoking or use of marihuana shall occur outdoors.
- i. No sale or distribution of merchandise or products shall be conducted on, within, or from the dwelling or residential premises (including the lot or parcel involved) of the primary caregiver apart from the medical marihuana itself.
- j. No equipment or process shall be used in growing, processing or handling medical marihuana which creates noise, vibration, glare, light, fumes, odors or electrical interference detectable to the normal senses outside the dwelling unit.
- k. The dwelling of the primary caregiver shall meet all building, housing, fire codes, local and state codes, and ordinance requirements.
- l. The growing, processing, distribution, sale or transfer and handling of medical marihuana shall comply at all times and all circumstances with the Act and any applicable regulations or requirements by the Michigan Department of Community Health or any other Michigan agency.
- m. The residence for the primary caregiver shall be located more than 1,000 feet from any school, preschool, daycare, school-owned property, church, library, or township-owned or county-owned park or natural area to minimize negative impacts.
- n. Not more than one (1) primary caregiver shall be permitted to grow, process, or handle medical marihuana at or from a given dwelling unit.
- o. All medical marihuana shall be contained within the primary caregiver's residential dwelling (except when being delivered by the primary caregiver to a qualifying patient off site) and in an enclosed, locked facility inaccessible to others on all sides and equipped with locks or other security devices that permit access only by the registered primary caregiver.

- p. No on-site consumption or smoking of marihuana is allowed within the residence of a primary caregiver except for any medical marihuana consumption by the primary caregiver himself/herself if he/she is a qualifying patient and in full compliance with the Act.
3. **Prohibition of Other Medical Marihuana Land Uses:** Medical Marihuana related land uses not addressed under Section 4.26.2 such as, but not limited to, dispensaries, collectives, fee-based storage facilities, or collective growing facilities, or similar uses are expressly prohibited.

**SECTION 4.27, TEMPORARY LAND USE PERMITS** [This Section was added by Ordinance #128, adopted November 7, 2012, effective November 20, 2012]

**1. Approval Standards for Temporary Uses:**

- a. Major Temporary Uses as defined in this Ordinance are subject to the standards of Ordinance #125.
- b. Exempt Minor Temporary Uses as defined in this ordinance are exempt from obtaining any permit. Such uses occurring at public parks are subject to adopted park rules.
- c. Non-Exempt Minor Temporary Uses as defined in this ordinance are subject to the following conditions:
  - 1) The Zoning Administrator may require a Site Plan meeting the requirements of Section 24.3.
  - 2) Non-exempt temporary uses shall only occur within the Local Business District, General Business District, or within a Village Center Planned Unit Development.
  - 3) The applicant and property owner certify in writing that the temporary use will be removed by a predetermined date specified in the permit.
  - 4) A Non-Exempt Minor Temporary Use shall not exceed two (2) weeks. The Zoning Administrator shall specify on the temporary use permit the duration of the use. The temporary use and any structures or signs associated with the use shall be removed upon expiration of the permit. No more than two (2) Minor Temporary Use permits shall be issued in any one (1) calendar year (January 1st through December 31st).
  - 5) All applicants for Non-Exempt Minor Temporary Uses shall demonstrate that there is adequate off-street turn around, circulation, and parking areas and that the driveway is appropriate for the expected level of traffic. In the Zoning Administrator's discretion, review by the Grand Traverse County Road Commission or the Michigan Department of Transportation may be required.
  - 6) Waste disposal, sanitary facilities or water supply (if necessary) shall be provided on the site meeting the standards of the Grand Traverse County Health Department or other affected agencies.
  - 7) Any temporary structures associated with the temporary use shall meet the setback and other applicable standards of the zoning ordinance if the structure is in excess of 200 square feet. For structures 200 square feet and under, no part of the structure may be located within the road right-of-way. All structures shall comply with Grand Traverse County Building Code requirements.
  - 8) Any Non-Exempt Minor Temporary Uses shall not include outdoor lighting or speakers if these are not normally in use for the operation of the property. Temporary lighting may be approved by the Zoning Administrator for uses such as Christmas tree sales if it is determined not to be a nuisance.

- 9) Non-Exempt Minor Temporary Uses may have one (1) unlit sign not to exceed 32 square feet in area and placed outside of the road right of way and shall meet all applicable standards of Section 21.4.
- 10) Any Non-Exempt Minor Temporary Uses shall be required to post a performance guarantee as defined under this Ordinance to ensure proper clean up of the site, removal of buildings or structures, or compliance with other condition of approval.
- 11) Any Non-Exempt Minor Temporary Uses shall be required to submit proof of liability insurance, approvals by other agencies such as the Health Department, operator's license, proof of nonprofit status, or other documentation.
- 12) Farm markets or roadside stands regulated under Section 4.22 or Section 4.24 are not subject to the requirements of this Section.

# ARTICLE 5

## NONCONFORMITIES

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[This article has been amended by ordinance #123, adopted December 10, 2013, effective December 25, 2013]

### SECTION 5.1 PURPOSE

Nonconformities are lots, structures, and uses that do not conform to one or more of the requirements of this Ordinance, or a subsequent amendment, which were lawfully established prior to the effective date of adoption of this Ordinance. The purpose of this Article is to specify the conditions under which a nonconformity is permitted to continue to exist, as well as the conditions, under which a nonconformity must be discontinued. A nonconformity shall not be permitted to continue to exist if it was unlawful at the time of establishment.

Except as otherwise provided in this Ordinance, the requirements of this Article shall be applied as follows:

Type of Nonconformity	Section 5.2	Section 5.3	Section 5.4	Section 5.5
Nonconforming <i>LOT</i> <u>only</u>	X			X
Nonconforming <i>STRUCTURE</i> <u>only</u>		X		X
Nonconforming <i>USE</i> <u>only</u>			X	X
Nonconforming <i>LOT and STRUCTURE</i>	X	X		X
Nonconforming <i>LOT and USE</i>	X		X	X
Nonconforming <i>STRUCTURE and USE</i>		X	X	X
Nonconforming <i>LOT, STRUCTURE, and USE</i>	X	X	X	X

Nothing in this Ordinance shall be deemed to require a change of plans, construction or designated use of any structure on which final site plan approval has been secured, any land use permit issued, or substantial construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance or upon which construction has been diligently conducted. Substantial construction shall include the placing and attaching of construction materials in a permanent position.

## SECTION 5.2 NONCONFORMING LOTS

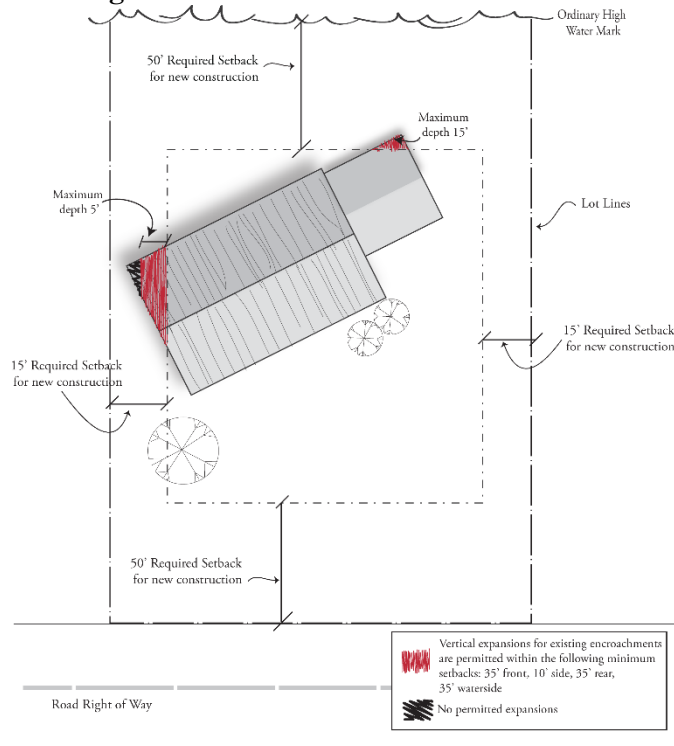
A principal building and customary accessory buildings may be erected on a nonconforming lot provided that all zoning requirements pertaining to said buildings or structures are met. If the variation of a setback or other zoning restriction is required in order to erect a building or structure on a nonconforming lot, then such building or structure shall only be permitted if a variance is granted by the Zoning Board of Appeals.

## SECTION 5.3 NONCONFORMING BUILDINGS

1. A nonconforming primary building may be continued provided it remains otherwise lawful. A nonconforming primary building may only be enlarged within area of the parcel which otherwise meets setbacks as defined in this Ordinance No. 109.
2. **Exception.** Vertical expansions of a legal nonconforming principal building are permitted when all of the following standards are met:
  - a. The parcel is zoned Low Density Residential or Lake Residential;
  - b. Setbacks for existing encroachments only may be any of the following:
    - 1) Minimum 35 foot setback front (roadside),
    - 2) Minimum 10 foot side setback
    - 3) Minimum 35 foot rear setback,
    - 4) Minimum 35 foot waterside setback.
  - c. A soil erosion and storm water runoff plan prepared by a qualified professional is provided for any expansion of a nonconforming building in the lakeside setback where the building's roof pitch or roof slope direction is proposed to change.
  - d. Any buffers or storm water control facilities called for under the soil erosion and storm water runoff plan shall become a condition of any land use permit. The record kept by the Township shall clearly indicate these conditions that will be permanent and will run with the land unless replaced by a new land use permit.
3. Notwithstanding subsection 1 above, a nonconforming building may be altered by altering the roofline, replacing or altering the siding, windows, and other architectural features provided that no additional occupiable floor area is added and also providing that the alteration is in conformance with Section 4.5 Permitted Setback Encroachments.

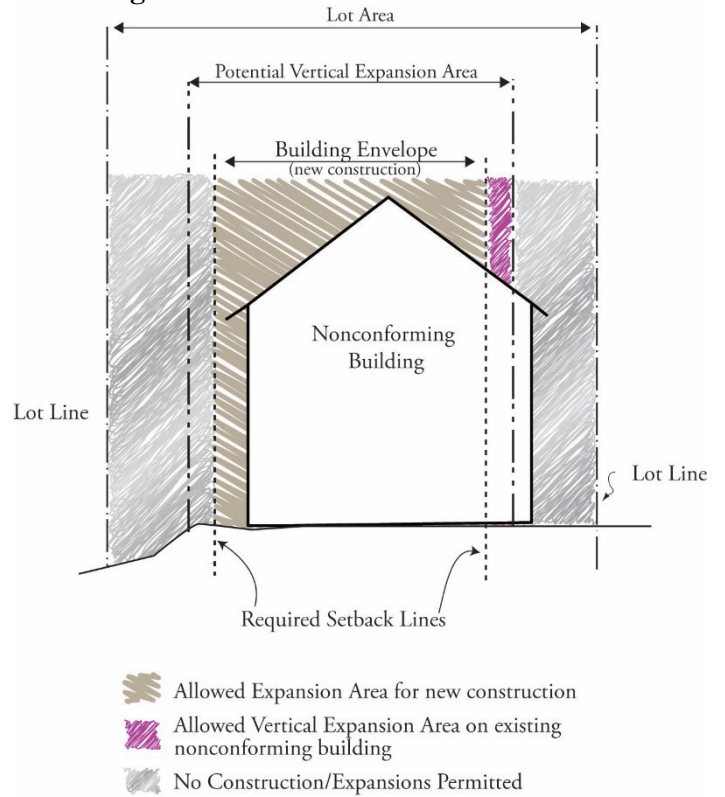


**Figure 5-1**



Expansions of Legally Existing Nonconforming Buildings for Lake Residential & Low Density Residential Parcels

**Figure 5-2**



**4. Nonconforming Accessory Buildings** The following shall apply to all nonconforming accessory buildings:

- a. A nonconforming detached accessory building may not be altered to become structurally attached to a primary building.
- b. Other alterations to a nonconforming accessory building are permitted if the following standards are met:
  - 1) The alteration or expansion shall fully comply with requirements of the table in Section 4.6 Accessory Buildings and Uses.
  - 2) A nonconforming accessory building may be altered to change the roof pitch or to add a rooftop deck, provided that the overall height of the building (including all parts of the decking and any railing or any portion of the building that is permanently or temporarily affixed to said accessory building) meets the Ordinance requirements.
  - 3) No alteration or expansion to a nonconforming accessory building shall increase the horizontal encroachment of a nonconforming accessory building
  - 4) A soil erosion and storm water runoff plan prepared by a qualified professional is provided for any expansion of a nonconforming building in the lakeside setback where the building's roof pitch or roof slope direction is proposed to change.
  - 5) Any buffers or storm water control facilities called for under the soil erosion and storm water runoff plan shall become a condition of any land use permit. The record kept by the Township shall clearly

indicate these conditions that will be permanent and will run with the land unless replaced by a new land use permit.

5. If a nonconforming structure is moved it shall thereafter conform to the regulations for the district in which it is located after it is moved.

## SECTION 5.4 NONCONFORMING USES

1. **Nonconforming Uses in General.** Except as provided for nonconforming single-family residential uses, a nonconforming use may be continued provided it remains otherwise lawful.
  - a. A nonconforming use shall not be enlarged or moved, in whole or in part, to any other portion of the lot or parcel that was not occupied by the use at the time the use became nonconforming. However, a nonconforming use may be extended throughout any part of a building, which was designed for such use, and which existed at the time the use became nonconforming.
  - b. A building or structure occupied by a nonconforming use shall not be structurally altered in any manner or moved except in connection with a change to a use permitted in the district in which it is located.
2. **Abandonment of Nonconformities.** If a property owner has an intent to abandon the nonconforming use – of land, a nonconforming building or structure or any combination thereof and in fact abandons this nonconformity for a period of six (6) months, or more, then any subsequent use of the property or building or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use, the Zoning Administrator shall consider such factors as the following:
  - a. Whether the property, buildings and grounds have fallen into disrepair.
  - b. Whether signs or other indications of the existence of the nonconforming use have been removed.
  - c. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
  - d. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use.
  - e. Whether utilities, such as water, gas, and electricity to the property have been disconnected.
  - f. Whether the classification of the property for tax purposes has been changed to reflect another use.
3. **Substitution of Uses.** A nonconforming use may be changed to another nonconforming use upon approval of the Planning Commission subject to the following conditions:
  - a. No structural alterations are required to accommodate the new nonconforming use and that the proposed use is equally or more appropriate in the district than the existing use. In approving such a request, the Planning Commission may require appropriate conditions in accordance with the purposes and intent of this Ordinance.
  - b. Once a nonconforming use is changed to a more conforming classification, it shall not thereafter be changed to a less conforming classification.

- c. When a nonconforming use is replaced by a permitted use, it shall thereafter conform to the regulations of the district in which the use is located and the nonconforming use may not thereafter be resumed.

## SECTION 5.5 GENERAL CONDITIONS

The following general conditions apply to all nonconforming lots, nonconforming structures, and nonconforming uses.

1. **Change of Tenancy or Ownership.** The tenancy or ownership of a nonconformity may be transferred or changed. However, in the case of a nonconforming use, there shall be no change in the nature or character of such nonconformity, except as permitted by this Ordinance.
2. **Maintenance and Repairs.** Normal maintenance and incidental repairs, including repair or replacement of non-bearing walls, fixtures, wiring or plumbing, may be performed on any nonconforming building or structure or building or structure containing a nonconforming use.

A nonconforming building or structure or building or structure that contains a nonconforming use which is unsafe or unlawful due to a lack of repairs or maintenance, as determined by the Zoning Administrator or County Building Official, may be restored to a safe condition without enlarging the nonconforming portion of the building or structure (refer to Section 5.3).

3. **Destruction of Nonconforming Structures.** In the event that a nonconforming building or structure or building or structure containing a nonconforming use is destroyed by fire, windstorm, snowstorm, flood, rainstorm, or other casualty damage to any extent the building or structure may be restored or reconstructed within the existing footprint and without increasing the nonconformity as per Section 5.3. Additions or alterations to the original footprint may be made provided that the allowable building envelope is observed with regard to any addition.
4. **Demolition.** Except as provided under Section 5.5.2 Maintenance and Repairs, if a nonconforming building or structure or a portion thereof is removed voluntarily, it may only be rebuilt in compliance with this ordinance.

# ARTICLE 6

## MEDICAL MARIHUANA MORATORIUM - REPEALED

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[This Article was created by Ordinance #118, adopted June 14, 2011, effective June 29, 2011  
and was amended by Ordinance #120, adopted December 13, 2011, effective December 26, 2011]

# ARTICLE 7

## CR CONSERVATION AND RECREATION DISTRICT

### SECTION 7.1 INTENT AND PURPOSE

This district is intended to provide for the conservation of important natural resources and for resource-based production activities. The district is characterized by environmentally sensitive natural systems, forest preserves and significant public and semi-public land holdings. Compatible land uses include very low density residential development, conservation cluster development, forestry and resource-based recreational activities.

Conservation design mechanisms should be utilized as development occurs with conservation easements encouraged to assure the perpetual protection of key natural areas and significant farmlands. Public utilities are not anticipated in the area, although small community systems may be employed where needed to serve the purposes of the district.

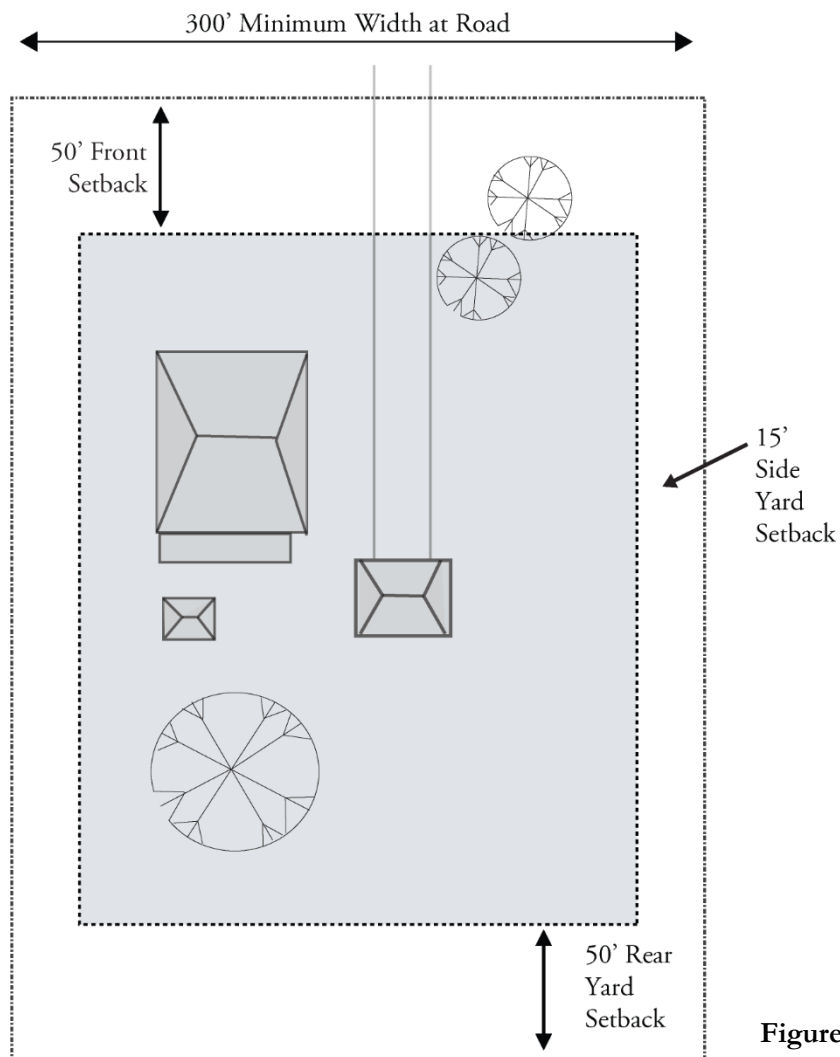


Figure 7-1

**SECTION 7.2 USES AND STANDARDS** [This Section has been amended by Ordinance #119, adopted August 9, 2011, effective August 24, 2011]

<p><b>Permitted Uses</b></p> <p>Accessory Buildings and Uses, <i>subject to Section 4.6</i>  Commercial Forestry/Timber Operation.  Dwelling, Single Family Detached, <i>subject to Section 4.10.</i>  Family Child Care Home.  Government Buildings and Public Parks.  Home Occupations, <i>subject to Section 4.11</i>  Horse Stables and the Housing and Grazing of Animals, <i>subject to Section 19.31 and 4.6.2.d</i>  Private or Institutional Recreational Areas.  Adult Care Facilities  Agri-tourism or Agri-business <i>subject to Section 4.24</i>  General Farming and Agriculture <i>subject to Section 19.24</i>  Roadside Stand for Agricultural Products, <i>subject to Section 4.22</i>  Development Options <i>subject to Article 18</i>  Agricultural Buildings <i>subject to Section 4.6</i>  Wind Energy Conversion Systems, Small <i>subject to Section 4.25</i></p>	<p><b>District Regulations</b></p> <table border="1"> <tr> <td>Minimum Net Lot Area:</td> <td>5 Acres</td> </tr> <tr> <td>Minimum Lot Width:</td> <td>300 feet</td> </tr> <tr> <td>Maximum Building Height:</td> <td>35 feet</td> </tr> <tr> <td>Minimum Building Setbacks</td> <td></td> </tr> <tr> <td>    Front:</td> <td>50 feet</td> </tr> <tr> <td>    Side:</td> <td>15 feet</td> </tr> <tr> <td>    Rear:</td> <td>50 feet</td> </tr> <tr> <td>    Waterside:</td> <td>50 feet</td> </tr> <tr> <td>Minimum Floor Area</td> <td>960 square feet</td> </tr> <tr> <td>Minimum Livable Floor Area Dimensions</td> <td>24' x 24'</td> </tr> <tr> <td>Maximum Lot Coverage</td> <td>As determined by setbacks</td> </tr> </table>	Minimum Net Lot Area:	5 Acres	Minimum Lot Width:	300 feet	Maximum Building Height:	35 feet	Minimum Building Setbacks		Front:	50 feet	Side:	15 feet	Rear:	50 feet	Waterside:	50 feet	Minimum Floor Area	960 square feet	Minimum Livable Floor Area Dimensions	24' x 24'	Maximum Lot Coverage	As determined by setbacks
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Minimum Livable Floor Area Dimensions	24' x 24'																						
Maximum Lot Coverage	As determined by setbacks																						
<p><b>Conditional Uses</b></p> <p>Child Care Centers, <i>subject to Section 19.13.</i>  Extraction, <i>subject to Section 19.22</i>  General Farming and Agriculture, <i>subject to Section 19.24</i>  Home Occupation, Major, <i>subject to Section 19.28</i>  Group Child Care Home, <i>subject to Section 19.33</i>  Wireless Communication Facilities and Wireless Communication Antennas, <i>subject to Section 19.57</i>  Development Options <i>subject to Article 18</i></p>	<p><b>Additional Standards</b></p> <p>Site Plan Requirements; subject to Article 24  Conditional Land Uses, subject to Article 19.  Lot Configuration subject to Section 4.4  Permitted Setback Encroachments, subject to Section 4.5.</p>																						

**SECTION 7.3 DISTRICT REGULATIONS** [This Section has been amended by Ordinance #119, adopted August 9, 2011, effective August 24, 2011]

1. **Minimum Lot Area.** The minimum lot area in the CR Conservation-Recreation District shall be five (5) acres.
2. **Minimum Lot Width.** The minimum lot width shall be three hundred (300) feet wide at the front setback line.
3. **Maximum Building Height.** No dwellings, buildings, or structures, or parts thereof shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a of thirty-five (35) feet, except that buildings and structures permitted in this district under this Ordinance for non-dwelling purposes may be erected, altered or moved on any land or premises in this district to a height of not exceeding fifty (50) feet if first approved by the Planning Commission.
4. **Minimum Building Setbacks:**
  - a. **Measurement.** All setbacks shall be measured to the foundation, or to the face of the building if cantilevered.
  - b. **Front.** Each lot shall have a front setback of not less than fifty (50) feet in depth from the right-of-way line.
  - c. **Side.** All lots shall maintain a fifteen (15) foot side setback along each side lot line.
  - d. **Rear.** Every dwelling or other principal building hereafter erected shall have a rear setback not less than fifty (50) feet in depth.
  - e. **Waterside Setback.** No building or structure shall be built closer than fifty (50) feet from the ordinary high water mark of any lake, stream or water course, excepting stairways not more than five (5) feet in width, stairway landings of the same width as the stairway and pump enclosures of no greater size than three (3) feet high, three (3) feet wide and three (3) feet long.
5. **Minimum Floor Area.** All dwellings shall contain a minimum of nine hundred sixty (960) square feet of floor area and a minimum core area of living space measuring at least twenty-four (24) by twenty-four (24) feet.
6. **Maximum Lot Coverage.** As determined by setbacks.

# ARTICLE 8

## AG AGRICULTURAL DISTRICT

### SECTION 8.1 INTENT AND PURPOSE

This district is primarily intended for agricultural operations and the development of low-density single-family dwellings generally located to be compatible with agricultural operations. This district is intended to permit the gradual conversion of marginal farm ground to more intense residential land uses. Lands without significant natural features may well support rural residential densities. Those lands with important wood stands, lakes, streams or wetlands or with important wildlife or view corridors should be carefully developed to protect these contributing features, while enabling a reasonable degree of development.

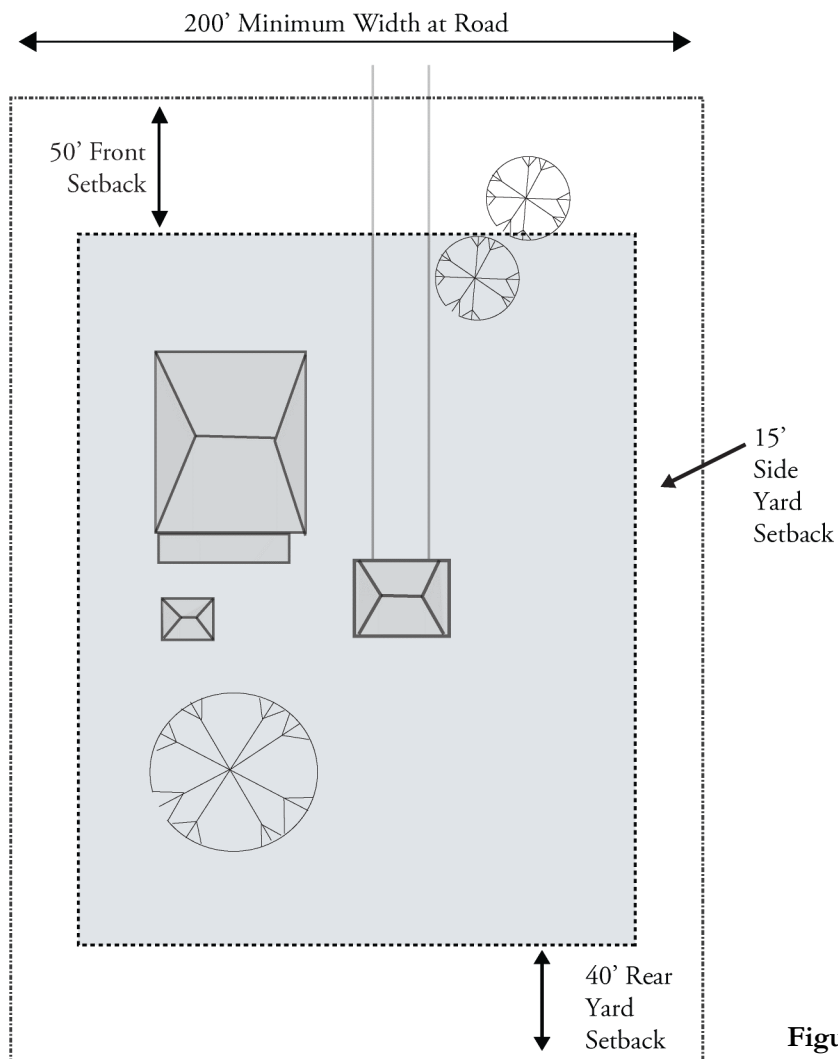


Figure 8-1



**SECTION 8.2 USES AND STANDARDS** [This Section has been amended by Ordinance #119, adopted August 9, 2011, effective August 24, 2011 and by ordinance #180, adopted December 10 2019, effective December 25, 2019; and by Ordinance #181, adopted March 9, 2021, effective March 21, 2021]

**Permitted Uses**

- Accessory Building and Use, *subject to Section 4.6.*
- Agricultural Building.
- Agri-tourism or Agri-business *subject to Section 4.24*
- Commercial Forestry/Timber Operation.
- Dwelling, Single Unit Detached, *subject to Section 4.10.*
- Family Child Care Home.
- General Farming and Agriculture *subject to Section 19.24*
- Government Buildings and Public Parks
- Home Occupation, *subject to Section 4.11.*
- Horse Stables and the Housing and Grazing of Animals *subject to Sections 19.31 and 4.6*
- Adult Care Facilities
- Roadside Stand for Agricultural Products, *subject to Section 4.22*
- Housing and Grazing of Animals *subject to Section 4.6*
- Development Options *subject to Article 18*
- Wind Energy Conversion Systems, Small *subject to Section 4.25*

**Conditional Uses**

- Child Care Centers, *subject to Section 19.13*
- Educational Facility, *subject to Section 19.21*
- Extraction, *subject to Section 19.22*
- Golf Courses and Country Clubs; public or private *subject to Section 19.25*
- Home Occupation, Major *subject to Section 19.28*
- Kennel, *subject to Section 19.32*
- Group Child Care Home; *subject to Section 19.33*
- Veterinary Establishment, *subject to Section 19.53*
- Wind Energy Conversion Systems (WECS) Large, *subject to Section 19.56*
- Wireless Communication Facility *subject to Section 19.57*
- Development Options *subject to Article 18*

**District Regulations**

Minimum Net Lot Area:	2 Acres
Minimum Lot Width:	200 feet
Maximum Building Height:	35 feet
Minimum Building Setbacks	
Front:	50 feet
Side:	15 feet
Rear:	40 feet
Waterside:	50 feet
Minimum Floor Area	960 square feet
Minimum Livable Floor Area Dimensions	24' x 24'
Maximum Lot Coverage	As determined by setbacks

**Additional Standards**

Site Plan Requirements; subject to Article 24  
 Conditional Land Uses, subject to Article 19.  
 Lot Configuration subject to Section 4.4  
 Permitted Setback Encroachments, subject to Section 4.5.

**Section 8.3 DISTRICT REGULATIONS** [This Section has been amended by Ordinance #119, adopted August 9, 2011, effective August 24, 2011]

1. **Minimum Lot Area.** The minimum net lot size in the AG Agricultural District shall be two (2) acres.
2. **Minimum Lot Width.** The minimum lot width shall be two hundred (200) feet wide at the front setback line.
3. **Maximum Building Height.** No dwellings, buildings, or structures, or parts thereof shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of thirty-five (35) feet; except that buildings and structures permitted in this district under this Ordinance for agricultural purposes may be erected, altered or moved on any land or premises in this district at any height.
4. **Minimum Building Setbacks.**
  - f. Measurement. All setbacks shall be measured to the foundation, or the face of the building, if cantilevered.
  - g. Front. Each lot shall have a front setback of not less than fifty (50) feet in depth from the right-of-way line.
  - h. Side. All lots shall maintain a fifteen (15) foot side setback along each side lot line.
  - i. Rear. Every dwelling or other principal building hereafter erected shall have a rear setback not less than forty (40) feet in depth.
  - j. Waterside Setback. No building or structure shall be built closer than fifty (50) feet from the ordinary high water mark of any lake, stream or water course, excepting stairways not more than five (5) feet in width, stairway landings of the same width as the stairway and pump enclosures of no greater size than three (3) feet high, three (3) feet wide and three (3) feet long.
5. **Minimum Floor Area.** All dwellings shall contain a minimum of nine hundred sixty (960) square feet of floor area and a minimum core area of living space measuring at least twenty-four (24) feet by twenty-four (24) feet.
6. **Maximum Lot Coverage:** As determined by setbacks.

# ARTICLE 9

## NL - NATURAL LAKEFRONT DISTRICT

### SECTION 9.1 INTENT AND PURPOSE

This district is intended to promote the preservation of natural features around and near lakefronts that are characterized by their current natural state, to protect water quality, and regulate development and the use of property which has water frontage along an important water body or water course, and property which is not located along the waterside, but shares the characteristics of waterside property. This district includes Bellows Lake and Cedar Lakes because these lakes are located in, or adjacent to, the Rural Preserve future land use designation in the Long Lake Township Master Land Use Plan and are among the least developed in the Township. The Rural Preserve future land use designation in the Master Land Use Plan calls for low density residential land uses and efforts to preserve and enhance the natural beauty of such important natural features as Bellows and Cedar Lakes.

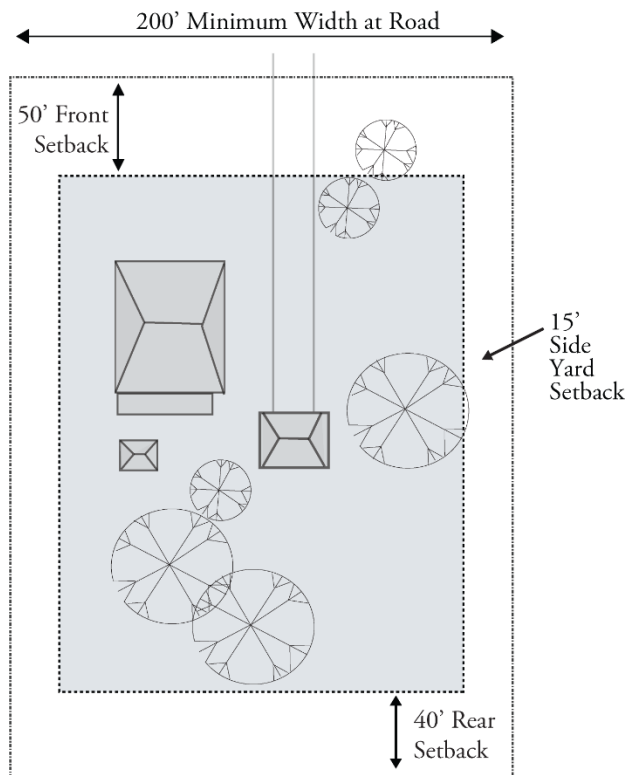


Figure 9-1

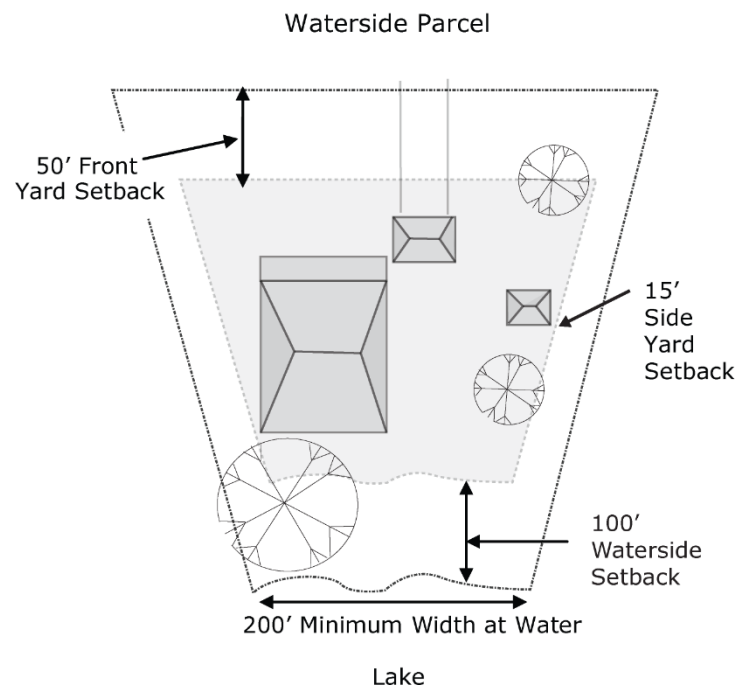


Figure 9-2

**SECTION 9.2 USES AND STANDARDS** [This Section has been amended by Ordinance #119, adopted August 9, 2011, effective August 24, 2011]

**Permitted Uses**

- Accessory Buildings and Uses, *subject to Section 4.6.*
- Dwelling, Single Unit Detached, *subject to Section 4.10.*
- Family Child Care Home.
- Government Buildings and Public Parks
- Home Occupation *subject to Section 4.11.*
- Private or Institutional Recreational Areas.
- Adult Care Facilities
- Roadside Stand for Agricultural Products, *subject to Section 4.22*
- Housing and Grazing of Animals *subject to Section 4.6*
- General Farming and Agriculture *subject to Section 19.24*
- Development Options *subject to Article 18*
- Wind Energy Conversion Systems, Small *subject to Section 4.25*

**District Regulations**

Minimum Net Lot Area:	2 Acres
Minimum Lot Width:	200 feet
Maximum Building Height:	35 feet
Minimum Building Setbacks	
Front:	50 feet
Side:	15 feet
Rear:	40 feet
Waterside:	50 feet
Minimum Floor Area	960 square feet
Minimum Livable Floor Area Dimensions	24' x 24'
Maximum Lot Coverage	As determined by setbacks

**Conditional Uses**

- Home Occupation, Major, *subject to Section 19.28*
- General Farming and Agriculture *subject to Section 19.24*
- Development Options *subject to Article 18*

**Additional Standards**

- Lot Configuration *subject to Section 4.4*
- Permitted Setback Encroachments, *subject to Section 4.5.*
- Site Plan Requirements; *subject to Article 24*
- Conditional Land Uses, *subject to Article 19.*

**SECTION 9.3 DISTRICT REGULATIONS** [This Section has been amended by Ordinance #119, adopted August 9, 2011, effective August 24, 2011]

1. **Minimum Lot Area.** The minimum net lot size in the NL Natural Lakefront District shall be two (2) acres.
2. **Minimum Lot Width.** The minimum lot width shall be two hundred (200) feet wide on the water and two hundred (200) feet measured at the front setback line.
3. **Maximum Building Height.** The maximum building height of principal structures in the NL Natural Lakefront District is thirty-five (35) feet.
4. **Minimum Building Setbacks:**
  - a. **Measurement.** All setbacks shall be measured to the foundation, or the face of the building if cantilevered.
  - b. **Front (Road Side).** Each lot shall have a front setback of not less than fifty (50) feet in depth from the right-of-way line.
  - c. **Side.** Every dwelling or other principal building or accessory structure over one hundred (100) square feet shall have a side setback of fifteen (15) feet.
  - d. **Rear or Waterside.** Each waterside lot shall have a waterside setback of not less than one hundred (100) from the ordinary high water mark as defined herein. No building or structure shall be built closer than one hundred (100) feet from the ordinary high water mark of any lake, stream or water course, excepting stairways not more than five (5) feet in width, stairway landings of the same width as the stairway and pump enclosures of no greater size than three (3) feet high, three (3) feet wide and three (3) feet long. Each non-waterside lot shall have a rear yard of not less than forty (40) feet from the property line.
5. **Minimum Floor Area.** All dwellings shall contain a minimum of nine hundred sixty (960) square feet of floor area and a minimum core area of living space measuring at least twenty-four (24) feet by twenty-four (24) feet.
6. **Maximum Lot Coverage.** As determined by setbacks.

**SECTION 9.4 SITE PLAN AND PLOT PLAN STANDARDS**

Any property located in the NL Natural Lakes District shall be required to obtain approval of a Plot Plan, Site Plan or Conditional Land Use prior to the commencement of construction of any structure or use within the zoning district.

1. **Plot Plan Approval.** Plot plan approval pursuant to Section 20.3 is required for the construction of a single-family dwelling, garage, deck, patio, major and minor accessory building, fence or wall and any other accessory structure permitted within the NL District. Plot plans shall contain the information required under Section 20.3 and the additional items listed below:
  - a. A boundary survey,
  - b. Location of all existing and proposed structures dimensioned with their distance to the property lines and other structures noted,
  - c. Location of the ordinary high water mark,

- d. Easements of record and
  - e. The location and sizes of all existing vegetation and notations as to whether it is to be removed or remain.
2. **Site Plan Approval.** Site plan approval is required for all permitted uses in the NL District except for those listed in Section 9.4, 1, above. All site plan applications shall meet the requirements of Article 24 Site Plan Review and all other applicable articles in this Ordinance.

**SECTION 9.5 DEVELOPMENT STANDARDS** [This Section has been amended by Ordinance#115, adopted February 8, 2011, effective February 22, 2011 and by Ordinance #123, adopted December 10, 2013 and effective December 25, 2013]

All property within the NL District shall conform to the applicable provisions of this Ordinance and the standards listed below. In the case of a property located in more than one (1) zoning district, the provisions of this section shall apply only to that portion of the property located in the NL District.

1. **Artificial Beach Areas.** Artificial Beach areas shall be reviewed as provided herein:
- a. Artificial beaches located below the ordinary high water mark are regulated by and subject to the conditions and requirements of the Grand Traverse County Drain Commissioner and the Michigan Department of Environmental Quality (MDEQ).
  - b. Artificial beaches located above the ordinary high water mark are subject to approval of the Grand Traverse County Drain Commissioner and the following restrictions.
  - c. Artificial beaches may not exceed fifteen (15) feet in depth as measured perpendicular to the ordinary high water mark and equal in width to ten percent (10%) of the length of the water frontage of the lot or ten (10) feet, which ever is greater.
  - d. Any such area used for an artificial beach area shall reduce the total area which may be cleared of native vegetation in the buffer strip as set forth in Section 9.5, 10,
  - e. Said artificial beach area shall be placed above the existing ordinary high water mark.
  - f. As a condition of plot plan, site plan or conditional land use approval for new development or redevelopment (both as defined in Section 9.5, 9) with an existing artificial beach, that existing artificial beach shall meet all Zoning Ordinance requirements specified in this paragraph for a new artificial beach.
2. **Buildings and Structures.** Except as provided in this section and in Section 9.5.9 of this Ordinance, no buildings or structures, permanent or temporary, shall be erected within one hundred (100) feet of the ordinary high water mark of Bellows and Cedar Lakes. Provided, however, stairways, stairway landings and deck paths not more than five (5) feet in width, and pump houses or enclosures not to exceed three (3) feet in height, three (3) feet in width, and three (3) feet in length shall be permitted within the waterside setback, provided that such stairways, stairway landings and pump houses or enclosures shall comply with all required side and rear yard setbacks.
3. **Docks.** A dock that is removed and replaced either on a seasonal basis or periodically shall be located in conformance with the terms of this paragraph. No structure greater than thirty (30) cubic feet in total volume shall be permitted to be placed on, or affixed to, a dock. Storage of petroleum, gasoline, lubricants or other

hazardous or toxic substances on a dock shall be prohibited. No dock shall be constructed within the side setbacks of the property on which it is located.

- 4. **Fences and Walls.** All fences and walls that generally parallel the side lot lines and are located within the waterside side setback area shall be no more than three (3) feet in height measured from the established grade. Seawalls, abutments and other similar walls or structures which significantly extend or reduce the land area or redefine the ordinary high water mark or the shape of a shoreline, shall be prohibited.
- 5. **Lighting.** All exterior lighting fixtures shall incorporate full cutoff shielding as defined herein installed to deflect any light away from adjoining properties, properties located on an opposite shoreline, buffer strips, water surfaces and the night sky.

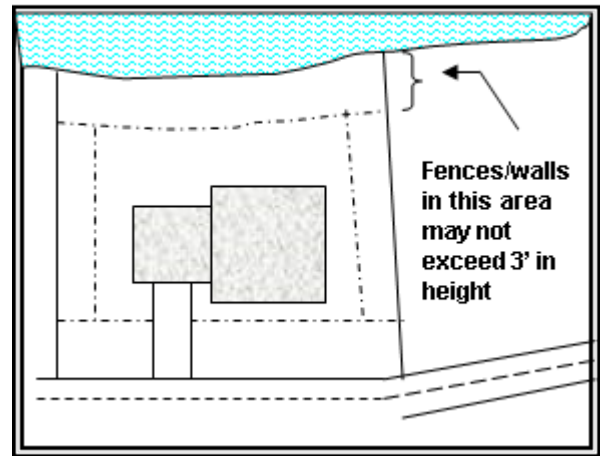


Figure 9-3

- 6. **Lot Area Ratio.** All new lots with an area greater than one (1) acre, but less than forty (40) acres shall have a maximum depth to width ratio of four to one (4:1) and lots with an area of one (1) acre or less, shall have a maximum depth to width ratio of three to one (3:1).
- 7. **Vegetation Removal and Land Grading.** The removal of any vegetation and the grading, filling or balancing of more than three-hundred (300) square feet of land located within fifty (50) feet of the ordinary high water mark shall comply with all applicable articles within this Ordinance and with Section 9.5.1.
- 8. **Waterside Lots.** All new waterside lots shall have a minimum of two hundred (200) contiguous feet of water frontage.
- 9. **Non-Conforming Waterside Lots.** On nonconforming waterside lots in the NL District where a reasonable building envelope, as defined herein, cannot be achieved in compliance with the setback regulations of Section 9.3.4, the following setback requirements shall be met:

Front Setback:	The greater of the front setback of the existing dwelling (if any), or ten (10) feet
Side Setback, either or both sides:	The greater of the side setback(s) of the existing dwelling (if any), or ten (10) feet
Waterside Setback:	One hundred (100) feet
Rear Setback (non-waterside lots):	Forty (40) feet

In no event shall the setback standards in this subparagraph result in a setback requirement greater than the standards for lots that meet the minimum district dimensional standards set forth in Section 9.4 of this Ordinance.

10. **Buffer Strip.** In order to protect water quality, preserve sensitive wildlife habitat, and reduce soil erosion and sedimentation, any proposed new development or, as a condition of plot plan, site plan or conditional land use approval, any redevelopment (both as defined in this subsection) shall be separated from any important water body, as defined herein, by a buffer strip a minimum of fifty (50) feet in depth, as described below.

For the purposes of this subsection development or redevelopment shall be defined as any of the following:

- The enlargement of the principal building square footage by more than fifty percent (50%) of the existing building square footage.
- The demolition of an existing principal building and the building of a new principal building.
- The creation of any new lot.
- The construction of any principal building on a vacant lot.

A limited amount of improvement may be permitted within the strip as described below and illustrated in Figure 9-4.

a. **Buffer Strip.** The depth of the buffer strip shall measure fifty (50) feet from the ordinary high water mark.

1) Removal of any vegetation within the buffer strip shall be limited to an area equal in width to ten percent (10%) of the length of the water frontage of the lot, or ten (10) feet, which ever is greater to a depth of the 50 foot setback. No contiguous area of clearance shall be wider than thirty (30) feet.

Features permitted in the buffer strip shall include footpaths constructed of permeable materials, stairways, fences and walls that otherwise meet the requirements of the ordinance. The buffer strip may not be used for the dumping of brush, clippings, fill dirt, trash, debris or other materials.

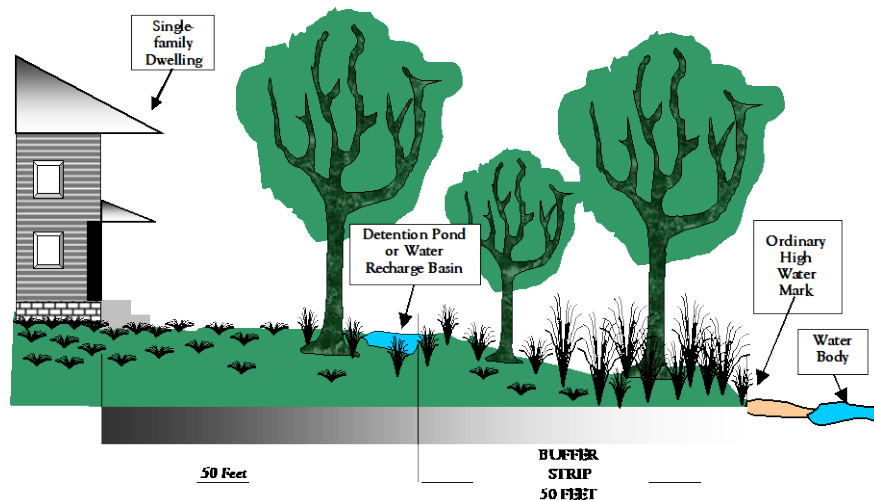


Figure 9-4



b. **Vegetative Cover Preservation, Restoration and Clearing Standards.** Selective trimming and maintenance of existing native vegetation shall be permitted as needed for the health of the species and to provide a filtered view of the water. Where natural and native vegetation as defined in this ordinance has been removed in violation of this ordinance, a site or plot plan shall provide for the restoration of as much of the natural and native vegetation as possible within the buffer strip. In the event clearance of natural vegetation is proposed in conformance with 9.5.10.a, above, the following standards shall be used to guide the selective clearance of vegetation within the buffer strip:

- Removal MOST Preferred: Dead, dying, diseased or damaged shrubs or trees constituting a hazard to life, property or healthy vegetation.
- Removal NEXT Preferred: Scrub thickets, brushwood and shrubs as well as various trees with diameter at breast height (DBH) of less than six (6) inches and/or a height of less than six (6) feet.
- Removal LEAST Preferred: Deciduous and conifer trees with a six (6) inch DBH and/or a height of at least six (6) feet, as well as native ground cover species.

# ARTICLE 10

## LDR LOW DENSITY RESIDENTIAL DISTRICT

### SECTION 10.1 INTENT AND PURPOSE

The LDR Low Density Residential District is the broadest district and it has been established in recognition of the transitional nature of development in much of the Township. There are some particular attributes of parts of the Township that should be recognized and respected, even as changes occur. With these attributes in mind, this district is intended to provide for an environment of predominantly low-density, single-family detached dwellings along with other residentially-related facilities which serve the residents in the district.

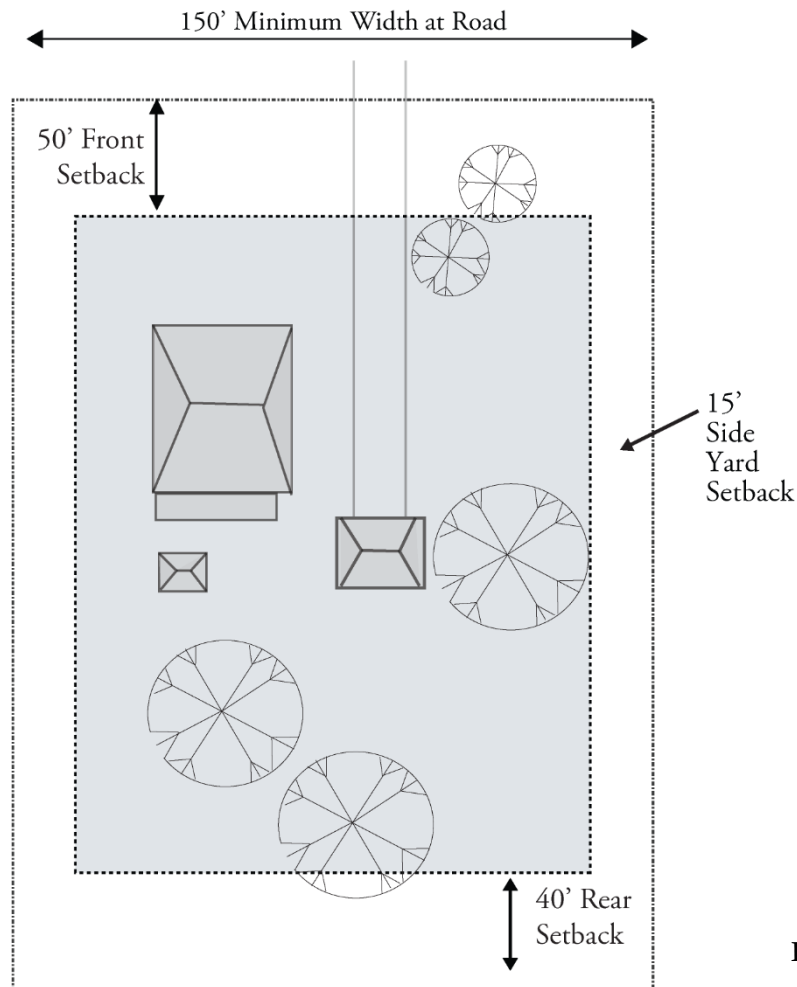


Figure 10-1

**SECTION 10.3 DISTRICT REGULATIONS** [This Section has been amended by Ordinance #119, adopted August 9, 2011, effective August 24, 2011; and by Ordinance #181, adopted March 9, 2021, effective March 21, 2021]

**Permitted Uses**

- Accessory Building and Use, *subject to Section 4.6.*
- General Farming and Agriculture *subject to Section 19.24*
- Dwelling, Single Unit Detached, *meeting the requirements in Section 4.10.*
- Family Child Care Home.
- General Farming and Agriculture *subject to Section 19.24*
- Government Buildings and Public Parks.
- Home Occupation, *subject to Section 4.11.*
- Roadside Stands for Agricultural Products, *subject to Section 4.22*
- Adult Care Facilities
- Agri-tourism or Agri-business *subject to Section 4.24*
- Small WECS *subject to Section 4.25*
- Housing and Grazing of Animals *subject to Section 4.6*
- Development Options, *subject to Article 18*
- Horse Stables *subject to Section 19.31*

**Conditional Uses**

- Child Care Centers, *subject to Section 19.13*
- Educational Facility, *subject to Section 19.21*
- Extraction, *subject to Section 19.22*
- Golf Courses and Country Clubs, public or private, *subject to Section 19.25*
- Home Occupation, Major, *subject to Section 19.28*
- Horse Stables *subject to Section 19.31*
- Hospital and Long Term Care Facility, *subject to Section 19.29*
- Group Child Care Home, *subject to Section 19.33*
- Place of Public Assembly, *subject to Section 19.41*
- Public Utility Structure, *subject to Section 19.44*
- Wind Energy Conversion Systems (WECS), Large, *subject to Section 19.56*
- Wireless Communication Facilities and Wireless Communication Antennas, *subject to Section 19.57*
- Development Options, *subject to Article 18*
- Pre-Existing Nonconforming Use, *subject to Section 19.51*

**District Regulations**

<b>Minimum Net Lot Area:</b>		
Without Community Wastewater		1 Acres
With Community Wastewater		15,000 square feet
<b>Minimum Lot Width:</b>		
Without Community Wastewater		150 feet
With Community Wastewater		100 feet
<b>Maximum Building Height:</b>		35 feet
<b>Minimum Building Setbacks</b>		
	With Community Wastewater	Without Community Wastewater
Front:	30 feet	50 feet
Side:	10 feet	15 feet
Rear:	30 feet	40 feet
Waterside:	50 feet	50 feet
<b>Minimum Floor Area</b>		960 square feet
<b>Minimum Livable Floor Area Dimensions</b>		24' x 24'
<b>Maximum Lot Coverage</b>		As determined by setbacks

**Additional Standards**

- Lot Configuration**, subject to Section 4.4
- Permitted Setback Encroachments**, subject to Section 4.5.
- Site Plan Requirements**, subject to Article 24
- Conditional Land Uses**, subject to Article 19

1. For properties without community wastewater service:
  - a. **Minimum Lot Area.** The minimum net lot area in the LDR District shall be one (1) acre.
  - b. **Minimum Lot Width.** The minimum lot width shall be one hundred fifty (150) feet wide at the front setback line.
  - c. **Minimum Building Setbacks:**
    - 1) **Measurement.** All setbacks shall be measured to the foundation or the face of the building if cantilevered.
    - 2) **Front.** Each lot shall have a front setback of not less than fifty (50) feet in depth from the road right-of-way line.
    - 3) **Side.** All lots shall maintain a fifteen (15) foot side setback along each side lot line.
    - 4) **Rear.** Every dwelling or other principal building hereafter erected shall have a rear setback not less than forty (40) feet in depth.
    - 5) **Waterside Setback.** No building or structure shall be built closer than fifty (50) feet from the ordinary high water mark of any lake, stream or water course, excepting stairways not more than five (5) feet in width, stairway landings of the same width as the stairway and pump enclosures of no greater size than three (3) feet high, three (3) feet wide and three (3) feet long.
  - d. **Maximum Lot Coverage.** As determined by setbacks.
2. **Minimum Floor Area.** All dwellings shall contain a minimum of nine hundred sixty (960) square feet of floor area and a minimum core area of living space measuring at least twenty-four (24) feet by twenty-four (24) feet.
3. **Maximum Building Height.** No dwellings, buildings, or structures, or parts thereof shall be hereafter erected, altered or moved on any land or premises in this district which shall exceed a height of thirty-five (35) feet.

# ARTICLE 11

[RESERVED]

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# ARTICLE 12

## LR - LAKE RESIDENTIAL

### SECTION 12.1 INTENT AND PURPOSE

This district is intended to protect the health, safety, and welfare of the residents of Long Lake Township by promoting preservation of natural features, protecting water quality, and regulating development and the use of property which has water frontage along certain water bodies. The shape, size, and character of the property located within this district may vary greatly due to circumstances imposed by the existing water bodies and water courses within the Township. Therefore, special consideration shall be given to achieving substantial compliance with the intent of this section in the event of a proposed expansion of a legal nonconforming building or structure, or new building construction by permitting the flexible application of the building setbacks standards.

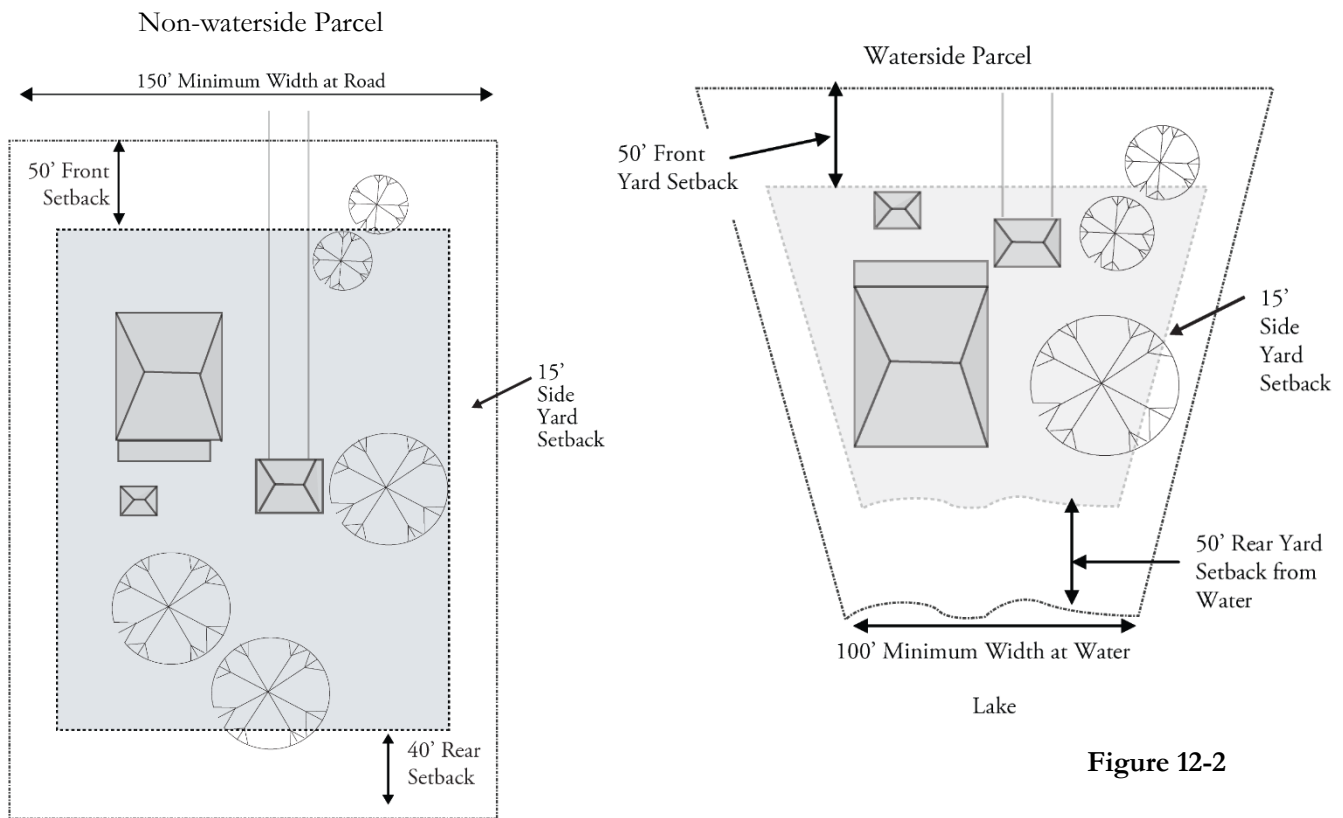


Figure 12-1

Figure 12-2

**SECTION 12.2 USES AND STANDARDS** [This section has been amended by Ordinance #119, adopted August 9, 2011, effective August 24, 2011, and Ordinance #180 adopted December 10, 2019, effective December 25, 2019; and by Ordinance #181, adopted March 9, 2021, effective March 21, 2021]

**Permitted Uses**

Accessory Buildings and Uses, *subject to Section 4.6*  
 Dwelling, Single Unit Detached, *subject to Section 4.10*  
 Family Child Care Home.  
 Government Buildings and Public Parks  
 Home Occupations, *subject to Section 4.11.*  
 Adult Care Facilities  
 Small WECS *subject to Section 4.25*  
 Roadside Stand for Agricultural Products, *subject to Section 4.22*  
 Housing and Grazing of Animals *subject to Section 4.6*  
 General Farming and Agriculture *subject to Section 19.24*  
 Development Options *subject to Article 18*

**Conditional Uses**

Easement to Water, *subject to Section 19.19*  
 Golf Courses and Country Clubs, public or private; *subject to Section 19.25*  
 Home Occupation, Major, *subject to Section 19.28*  
 Group Child Care Home, *subject to Section 19.33*  
 Place of Public Assembly, *subject to Section 19.41*  
 Development Options *subject to Article 18*

**District Regulations**

<b>Minimum Net Lot Area:</b>	1 Acres
<b>Minimum Lot Width:</b> At the Water At the Right-of-Way	100 feet 150 feet
<b>Maximum Building Height:</b>	35 feet
<b>Minimum Building Setbacks</b> Front: Side: Rear: Waterside:	50 feet 15 feet 40 feet 50 feet
<b>Minimum Floor Area</b>	960 square feet
<b>Minimum Livable Floor Area Dimensions</b>	24' x 24'
<b>Maximum Lot Coverage</b>	As determined by setbacks

**Additional Standards**

**Lot Configuration** subject to Section 4.4  
**Permitted Setback Encroachments**, subject to Section 4.5.  
**Site Plan Requirements**; subject to Article 24  
**Conditional Land Uses**, subject to Article 19.

**SECTION 12.3 DISTRICT REGULATIONS** [This Section has been amended by Ordinance #115, adopted February 8, 2011, effective February 22, 2011 and by Ordinance #119, adopted August 9, 2011, effective August 24, 2011, and by Ordinance #123, adopted December 10, 2013 and effective December 25, 2013]

1. **Minimum Lot Area.** The minimum net lot size in the LR Lake Residential District shall be one (1) acre.
2. **Minimum Lot Width.** The minimum lot width shall be one hundred (100) feet wide on the waterside and one hundred fifty (150) feet measured at the front setback line.
3. **Maximum Building Height.** The maximum building height of principal structures in the LR-Lake Residential District is thirty-five (35) feet.
4. **Minimum Building Setbacks:**
  - a. **Measurement.** All setbacks shall be measured to the foundation, or the face of the building if cantilevered.
  - b. **Front (Road Side).** Each lot shall have a front setback of not less than fifty (50) feet in depth from the right-of-way line.
  - c. **Side.** Every dwelling or other principal building or accessory structure over one hundred (100) square feet shall have a side setback of fifteen (15) feet.
  - d. **Rear or Waterside.** Each waterside lot shall have a waterside setback of not less than fifty (50) from the ordinary high water mark as defined herein, subject to Subparagraph 7, hereof. Each non-waterfront lot shall have a rear setback of not less than forty (40) feet from the property line.
5. **Minimum Floor Area.** All dwellings shall contain a minimum of nine hundred sixty (960) square feet of floor area and a minimum core area of living space measuring at least twenty (20) feet by twenty (20) feet.
6. **Maximum Lot Coverage.** As determined by setbacks.
7. **Buildings and Structures Within Waterside Setback.** Except as provided in this section, no buildings or structures, permanent or temporary, shall be erected within fifty (50) feet of the ordinary high water mark on any waterside lot. The following exceptions shall apply:
  - a. Stairways not more than five (5) feet in width, stairway landings the same width as stairways, deck paths no wider than five (5) feet, and pump houses or enclosures not to exceed three (3) feet in height, three (3) feet in width, and three (3) feet in length shall be permitted within the rear or waterside yard, provided that such stairways, stairway landings and pump houses or enclosures shall comply with all required side yard setbacks.
  - b. Waterside decks may be located within fifty (50) feet of the ordinary high water mark, under the following conditions:
    - 1) Such waterside deck shall be mounted on pillars or posts with the deck surface placed at an elevation of at least six (6) inches and not more than sixty (60) inches above the mean grade beneath such deck,
    - 2) Such waterside deck shall be located not less than fifteen feet from any side lot line.
    - 3) The maximum area of a waterside deck shall be three hundred (300) square feet.



- 4) A waterside deck shall not have a roof or other permanent impervious surface. This section shall not be interpreted to prohibit temporarily affixed roll-up canopies, umbrellas or other temporary shade-providing furnishings.
- 5) A waterside deck may include a railing; however such railing shall not exceed 36 inches above the surface of the deck, or as is consistent with current building codes, and further shall not be of a design and materials that is more than 50% visually obscuring as viewed perpendicular to the railing from any side.
- 6) A lot on which a new waterside deck is proposed shall include and retain in its existing natural state as defined in this ordinance, one or more areas of native vegetation, as defined in this ordinance, including conifer and deciduous trees native to northern Michigan, scrub brush and native ground cover. Such area(s) shall extend at least thirty (30) feet inland from the ordinary high water mark and cover a combined area of at least fifteen hundred (1,500) square feet. On a parcel which does not include existing areas which can fulfill this requirement, the Zoning Administrator may approve a plan for a waterside deck where the applicant provides for such an area as part of a plot plan.
- 7) A proposed waterside deck shall not be constructed until a plot plan meeting the requirements of Section 20.3, has been submitted and a land use permit has been issued therefore by the Zoning Administrator, subject to Section 20.2.

# ARTICLE 13

## MDR MODERATE DENSITY RESIDENTIAL DISTRICT

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### SECTION 13.1 INTENT AND PURPOSE

The MDR Moderate Density Residential District is intended to provide for single-family, two-family, and multiple family structures along with other residentially-related facilities serving the needs of the residents within this district.

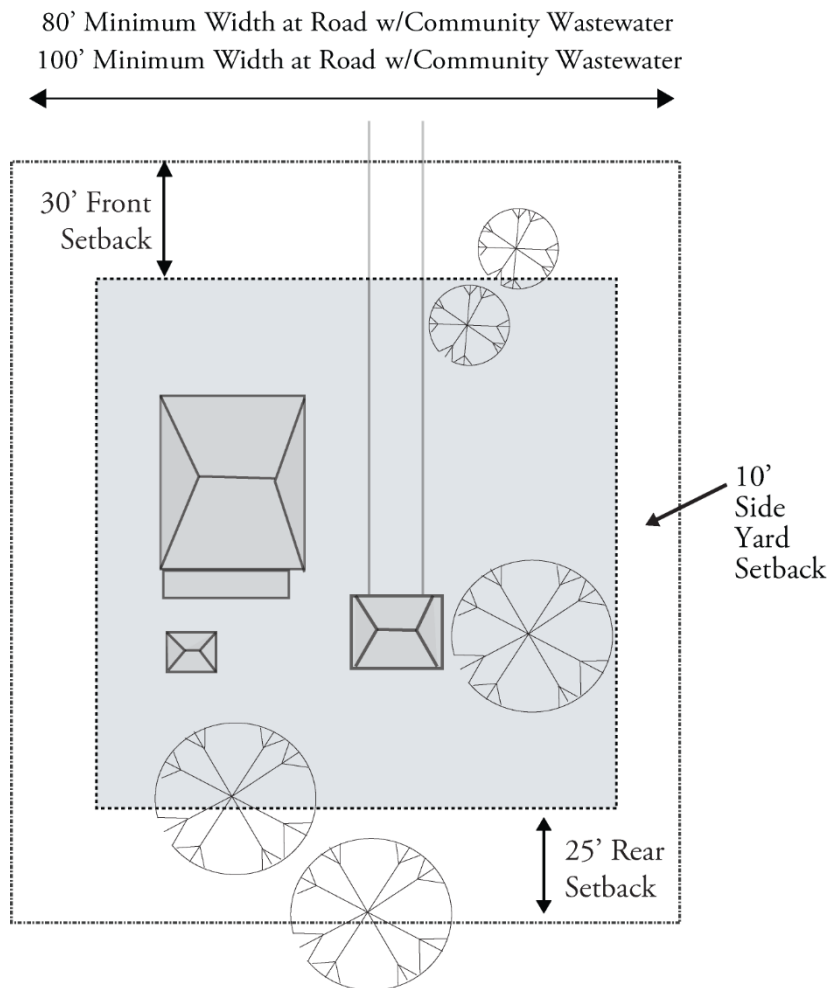


Figure 13-1

**SECTION 13.2 USES AND STANDARDS** [This section has been amended by Ordinance #119, adopted August 9, 2011, effective August 24, 2011, and Ordinance #180 adopted December 10, 2019, effective December 25, 2019; and by Ordinance #181, adopted March 9, 2021, effective March 21, 2021]

**Permitted Uses**

- Accessory Building and Use, *subject to Section 4.6*
- Dwelling, Single Unit Detached, *subject to Section 4.10*
- Dwelling, Two Family
- Family Child Care Home
- Government Buildings and Public Parks
- Home Occupation, *subject to Section 4.11*
- Adult Care Facilities
- Small WECS *subject to Section 4.25*
- Roadside Stand for Agricultural Products, *subject to Section 4.22*
- Housing and Grazing of Animals *subject to Section 4.6*
- General Farming and Agriculture *subject to Section 19.24*
- Development Options *subject to Article 18*

**Conditional Uses**

- Child Care Centers, *subject to Section 19.13*
- Multiple-Unit Dwelling, *subject to Section 19.17*
- Golf Courses and Country Clubs, public or private, *subject to Section 19.25*
- Home Occupation, Major, *subject to Section 19.28*
- Group Child Care Home, *subject to Section 19.33*
- Place of Public Assembly, *subject to Section 19.41*
- Public Utility Structure, *subject to Section 19.44*
- Wind Energy Conversion Systems (WECS), Large, *subject to Section 19.56*
- Wireless Communication Facilities and Wireless Communication Antennas, *subject to Section 19.57*
- Development Options *subject to Article 18*

**District Regulations**

<b>Minimum Net Lot Area:</b>	
With community wastewater	10,000 s.f.
Without community wastewater	20,000 s.f.
<b>Minimum Lot Width:</b>	
With community wastewater	80 feet
Without community wastewater	100 feet
<b>Maximum Building Height:</b>	35 feet
<b>Minimum Building Setbacks</b>	
Front:	30 feet
Side:	10 feet
Rear:	25 feet
<b>Minimum Floor Area</b>	
1&2 unit building	700 square feet
Multiple unit building	700 square feet
<b>Minimum Livable Floor Area Dimensions</b>	20' x 20'
<b>Maximum Lot Coverage</b>	As determined by setbacks

**Additional Standards**

- Lot Configuration** subject to Section 4.4
- Permitted Setback Encroachments**, subject to Section 4.5.
- Site Plan Requirements**; subject to Article 24
- Conditional Land Uses**, subject to Article 19.

**Section 13.3 DISTRICT REGULATIONS** [This Section has been amended by Ordinance #154, adopted April 12, 2016, effective April 27, 2016]

1. **Minimum Lot Area.** The minimum net lot area in the MDR Moderate Density Residential District shall be 10,000 square feet per dwelling unit if served with public sewer or community wastewater systems; 20,000 square feet per dwelling unit if not served with public sewer or community wastewater systems.
2. **Minimum Lot Width.** The minimum lot width shall be sixty (60) feet wide at the front setback line if the lot has public water and sewer or community wastewater systems; one hundred (100) feet wide at the front setback line if the lot does not have public sewer or community wastewater systems.
3. **Community Wastewater and Water.** Development in the HDR shall be served with public wastewater facilities, or properly licensed private community sewer systems, if the lesser lot areas and widths provided in subparagraphs 1 and 2 of this section are to be applied
4. **Maximum Building Height.** The maximum building height of principal structures in the MDR Moderate Density Residential District is the lesser of thirty-five (35) feet.
5. **Minimum Building Setbacks:**
  - a. **Measurement.** All setbacks shall be measured to the foundation, or the face of the building, if cantilevered.
  - b. **Front.** Each lot shall have a front setback of not less than thirty (30) feet in depth from the right-of-way line.
  - c. **Side.** Every dwelling or other principal building or accessory structure over one hundred (100) square feet hereafter erected on any lot or parcel with side lines of record, shall be located so that the side setback shall be no less than ten (10) feet in width.
  - d. **Rear.** Every dwelling or other principal building hereafter erected shall have a rear yard not less than twenty five (25) feet in depth.
6. **Minimum Floor Area.** All dwellings located in one- and two-unit buildings shall contain a minimum of seven hundred (700) square feet of floor area and dwellings located in multiple-unit buildings shall contain a minimum of seven hundred (700) square feet of floor area. In both instances, dwellings shall provide a minimum core area of living space measuring at least twenty (20) feet by twenty (20) feet in size.
7. **Maximum Lot Coverage.** Maximum lot coverage shall be determined by the setback requirements of the district.

# ARTICLE 14

## HDR HIGH DENSITY RESIDENTIAL DISTRICT

### SECTION 14.1 INTENT AND PURPOSE

The HDR High Density Residential District is intended to provide for single-family and multiple-family homes, and manufactured housing communities, along with other residentially-related facilities serving the needs of the residents within this district.

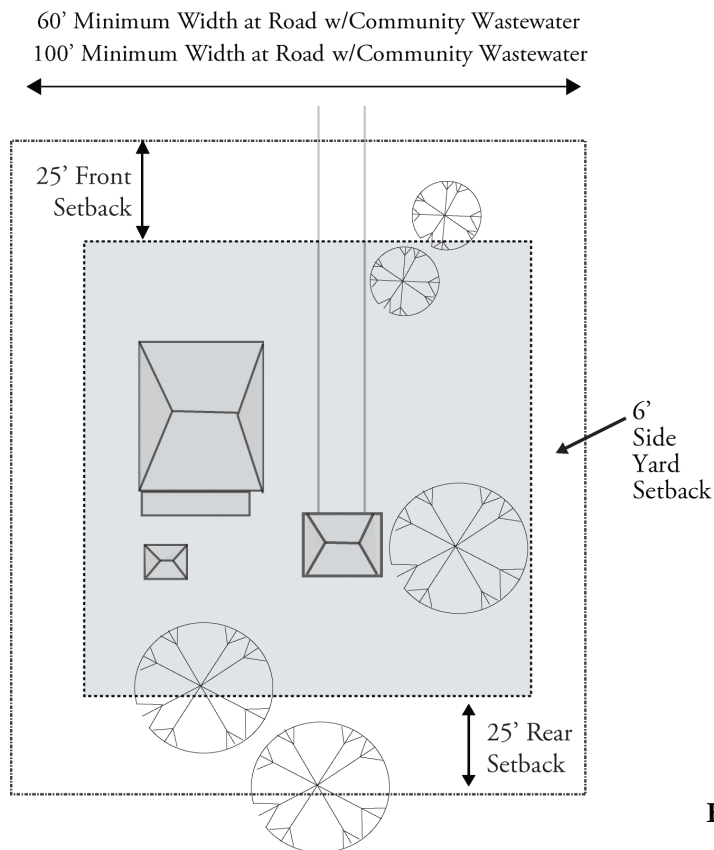


Figure 13-1

**SECTION 14.2 USES AND STANDARDS** [This section has been amended by Ordinance #180 adopted December 10, 2019, effective December 25, 2019; and by Ordinance #181, adopted March 9, 2021, effective March 21, 2021]

**Permitted Uses**

Accessory Building and Use, *subject to Section 4.6.*  
 Dwelling, Multiple-Unit  
 Dwelling, Single Unit Detached, *subject to Section 4.10.*  
 Dwelling, Two Family  
 Family Child Care Home.  
 Government Buildings and Public Parks  
 Home Occupation, *subject to Section 4.11.*  
 Manufactured Housing Community, *subject to Section 14.4.*  
 Adult Care Facilities  
 Small WECS *subject to Section 4.25*  
 Roadside Stand for Agricultural Products, *subject to Section 4.22*  
 Housing and Grazing of Animals *subject to Section 4.6*  
 General Farming and Agriculture *subject to Section 19.24*  
 Development Options *subject to Article 18*

**Conditional Uses**

Child Care Center, *subject to Section 19.13*  
 Golf Courses and Country Clubs, public or private, *subject to Section 19.25*  
 Group Child Care Home, *subject to Section 19.33*  
 Place of Public Assembly, *subject to Section 19.41*  
 Public Utility Structure, *subject to Section 19.44*  
 Wind Energy Conversion Systems (WECS), Large, *subject to Section 19.56*  
 Wireless Communication Facilities and Wireless Communication Antennas, *subject to Section 19.57*  
 Development Options *subject to Article 18*

**District Regulations**

	1 & 2 Units	Multi-Unit
<b>Minimum Net Lot Area:</b>		
With Community Wastewater	8,500 sf	20,00 sf
Without Community Wastewater	4,000 sf/unit	10,000 sf/unit
<b>Minimum Lot Width:</b>		
With Community Wastewater	60 feet	
Without Community Wastewater	100 feet	
<b>Maximum Building Height:</b>	35 feet	
<b>Minimum Building Setbacks</b>		
Front:	50 feet	
Side:	15 feet	
Rear:	40 feet	
Waterside:	50 feet	
<b>Minimum Floor Area</b>	700 square feet	
<b>Minimum Livable Floor Area Dimensions</b>	20' x 20'	
<b>Maximum Lot Coverage</b>	As determined by setbacks	

**Additional Standards**

Lot Configuration, subject to Section 4.4  
 Permitted Setback Encroachments, subject to Section 4.5.  
 Site Plan Requirements, subject to Article 24  
 Conditional Land Uses, subject to Article 19

## SECTION 14.3 DISTRICT REGULATIONS

1. **Minimum Lot Area.** For one- and two-unit dwellings, the minimum net lot area in the HDR Residential District shall be 8,500 square feet if the lot is served with public water and sewer or community water and wastewater systems; 20,000 square feet if the site is not served with public water and sewer or community water and wastewater systems. For multiple-unit dwellings, the minimum lot area shall be 4,000 square feet per unit if the lot is served with public water and sewer or community water and wastewater systems; and 10,000 square feet per unit if the lot is not served with public water and sewer or community water and wastewater systems.
2. **Minimum Lot Width.** The minimum lot width shall be sixty (60) feet wide at the front setback line if the lot has public water and sewer or community water and wastewater systems; one hundred (100) feet wide at the front setback line if the lot does not have public water and sewer or community water and wastewater systems.
3. **Community Wastewater and Water.** Development in the HDR shall be served with public wastewater and water facilities, or properly licensed private community water and sewer systems, if the lesser lot areas and widths provided in subparagraphs 1 and 2 of this section are to be applied.
4. **Maximum Building Height.** The maximum building height of principal structures in the HDR Residential District is thirty-five (35) feet.
5. **Minimum Building Setbacks.**
  - a. **Measurement.** All setbacks shall be measured to the foundation, or the face of the building, if cantilevered.
  - b. **Front.** Each lot shall have a front setback of not less than twenty five (25) feet in depth from the right-of-way line.
  - c. **Side.** Every dwelling or other principal building or accessory structure over one hundred (100) square feet hereafter erected on any lot or parcel with side lines of record, shall be located so that the side setbacks shall be no less than six (6) feet in width.
  - d. **Rear.** Every dwelling or other principal building hereafter erected shall have a rear setback not less than twenty-five (25) feet in depth.
6. **Minimum Floor Area.** All dwellings shall contain a minimum of seven hundred (700) square feet of floor area and a minimum core area of living space measuring at least twenty (20) feet by twenty (20) feet in size.
7. **Maximum Lot Coverage:** Maximum lot coverage shall be determined by the setback requirements of the district.

## SECTION 14.4 MANUFACTURED HOUSING COMMUNITIES

1. **Controlling Standards.** The regulations established by Michigan Public Act 96 of 1987, as amended, the Michigan Manufactured Housing Commission Rules, and the Long Lake Township Zoning Ordinance shall govern all manufactured housing communities in the Township. The controlling standards in this Section 14.4

are not designed to generally exclude mobile homes or persons who engage in any aspect pertaining to the business of mobile homes and mobile home parks.

2. **Site Plan Review.** Pursuant to Section 11 of P.A. 96 of 1987, as amended, a preliminary plan shall be submitted to the Township for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans but shall include the following materials:
  - a. The applicant's name, address and telephone number and the property owner's name, address and telephone number, if different than that of the applicant.
  - b. Notation of all federal, state and local permits required.
  - c. The location of the project including the permanent parcel number(s) of the property upon which the project is proposed to be located.
  - d. The layout of the project including an illustration of the internal roadway system proposed and typical homesite layout.
  - e. The general design of the proposed project including the proposed location and design of signs, trash receptacles, light fixtures and any accessory structures, open lands and recreation areas and accessory uses.
  - f. The location, spacing, type and size of proposed plant materials.
  - g. A general description of the proposed project including the number of homesites proposed, the anticipated phasing of project development and an indication of the number of homesites to be rented and the number to be sold, if any.
3. **Preliminary Plan Process.** In preparing a preliminary plan and when reviewing such a plan, the following procedures and requirements shall apply, except where these procedures and requirements are superseded by the requirements in PA 96 of 1987, as amended, or the Manufactured Housing Commission Rules.
  - a. **Application.** Any person(s) requesting action or review under the provisions of this Section 14.4 shall file an application on the forms provided by the Township.
  - b. **Pre-application Conference.** An applicant shall meet with Township staff to review an application prior to filing. This pre-application conference is intended to assist the applicant and facilitate the future review and approval of the application. However, no suggestions, recommendations, or other comments made by Township officials, staff or consultants at such conference shall be relied on by the applicant as any indication of approval of an application or any portions thereof.
  - c. **Process and Review.** Completed applications accepted by the Township shall be submitted to the appropriate Township staff for written review and recommendation. The application, along with all recommendations, shall be submitted to the Planning Commission. The staff and consultants may advise and assist the applicant in meeting Section 14.4 requirements, but shall have no power to approve or deny any application, or in any way restrict an applicant's right to seek formal approval thereof. A complete application must meet the requirements of this Zoning Ordinance.
  - d. **Planning Commission Action.** The Planning Commission shall review all applications at a public meeting. Following the review of the application and consideration of public comments and all recommendations of the staff and consultants, and pursuant to Section 11 of PA 96 of 1987, as amended,



the Planning Commission shall take action on the preliminary plan within sixty (60) days after the Township officially receives a completed application with a complete plan. All applications, which the Planning Commission is charged with authority to approve under the provisions of this Ordinance, shall be approved, denied, or approved subject to conditions. The Planning Commission may table an application for further study or to obtain additional information, provided that final action on such application is taken within the sixty (60) day review period. Provided, further, that the Planning Commission may extend its consideration of an application beyond said sixty (60) day limitation, upon the request of the applicant.

- e. **Fees and Deposits.** All applications submitted to the Township for review and approval shall be accompanied by a filing fee to cover the cost of processing and reviewing the application. The fee shall be established by resolution of the Township Board, in accordance with PA 110 of 2006, the Michigan Zoning Enabling Act, as amended.
- f. **Disclosure of Interest.** The full name, address, telephone number, and signature of the applicant shall be provided on the application. The applicant must be the fee owner, have identified legal interest in the property, or be an authorized agent of the fee owner. A change in ownership after the application is filed shall be disclosed prior to the public hearing or the final decision on the application. One of the following applicable disclosures shall be required:
  - 1) When Applicant is not Fee Owner: If the applicant is not the fee owner, the application must indicate the applicant's interest in the property, and the name, address, and telephone number of the fee owner(s). An affidavit of the fee owner(s) shall be filed with the application stating that the applicant has authority from the owner to make the application.
  - 2) When Applicant is a Legal Entity: When the applicant is a corporation, partnership, limited liability company, or other legal entity, and if the applicant or fee owner is an entity other than a sole proprietorship, the following information must be provided:
    - 1. The name, address, and telephone numbers of all corporate officers and of shareholders and the resident agent of the corporation.
    - 2. The name, address, and telephone numbers of all limited liability company members and managers.
    - 3. The name, address, and telephone numbers of all partners of any type of the partnership.
    - 4. As to all other legal entities, besides a sole proprietorship, the name, address, and telephone numbers of individuals having legal control and authority to make decisions for a legal entity.
    - 5. When Applicant or Owner is a Land Trust: If the applicant or fee owner is a trust or trustee thereof, the name, address, telephone number, and extent of interest of the trustees, co-trustees or successor trustees must be provided.
- g. **Records.** The Township shall keep accurate records of all decisions on all applications submitted pursuant to this Section 14.4.

#### 4. Operation Requirements.

- a. **Permit.** It shall be unlawful for any person(s) to operate a manufactured housing community unless that individual obtains a license for such operation in compliance with the requirements of Michigan Public

Act No. 96 of 1987, as amended. The Township shall communicate its recommendations regarding the issuance of such a license to the Director of the Michigan Department of Consumer and Industry Services, Corporation and Land Development Bureau, Manufactured Housing and Land Development Division. The applicant shall provide the Township with a copy of its application for a license to operate a Manufactured Housing Community in the Township and the operator of the Manufactured Housing Community shall provide the Township with copies of licenses issued by the Manufactured Housing Commission pertaining to facilities within the Township.

- b. **Violations.** If and when, upon inspection of any manufactured housing community, the Township finds that there are existing conditions or practices which violate provisions of this Ordinance or other regulations referenced herein, it shall give notice in writing by certified mail to the Director of the Michigan Manufactured Housing Commission, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance with the Ordinance or other regulations. The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the owner of the manufactured housing community or his or her agent.
  - c. **Inspections.** The County Building Inspector or another authorized Township agent is granted the authority, as specified in PA No. 96 of 1987, as amended, to enter upon the premises of any manufactured housing community for the purpose of determining compliance with the provisions of this Ordinance or other regulations referenced herein.
  - d. **Operation.** A manufactured housing community shall not be operated until a license has been issued by the Michigan Department of Commerce. Buildings which are constructed on-site shall require a Building Permit prior to construction and a Certificate of Occupancy prior to use, as applicable under the Ordinances of the Township.
5. **Development Standards.** Manufactured housing communities shall be subject to all the rules and requirements as established and regulated by PA 96 of 1987, as amended, and the Manufactured Housing Commission rules, and shall satisfy the following minimum requirements:
- a. **Minimum Parcel Area.** Each manufactured housing community shall be not less than fifteen (15) acres in area and shall be owned and operated as one (1) "person" as defined in PA 96 of 1987, as amended or on a condominium basis.
  - b. **Minimum Homesite Area.** The manufactured housing community shall be developed with homesites averaging fifty-five hundred (5,500) square feet per manufactured home unit. This fifty-five hundred (5,500) square feet for any one site may be reduced by up to twenty percent (20%) provided that the individual site shall be equal to at least forty-four hundred (4,400) square feet. For each square foot of land gained through the reduction of a site below fifty-five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R125.1946, Rule 946 and R125.1941 and R125.1944, Rules 941 and 944 of the Michigan Administrative Code.

- c. **Home Placement.** It is the intent of this Section 14.4 to encourage placement of homes parallel to perimeter roadways whenever possible, to maintain consistency of standards and aesthetic quality with other residential districts and adjacent land uses in the Township.
- d. **Obstructing Roads and Walks.** It shall be unlawful to permanently or temporarily locate or park a manufactured home so that any part of such home will obstruct any roadway or walkway within a manufactured housing community.
- e. **Occupancy Prior to Siting.** It shall be unlawful to occupy a manufactured home or for any manufactured home to be occupied in a manufactured housing community unless the manufactured home is situated on a homesite.
- f. **Building Permit Required.** A building permit shall be issued before a manufactured home may be placed on a homesite in a manufactured housing community.
- g. **Minimum Livable Floor Area.** A manufactured home in any manufactured housing community shall contain not less than seven hundred (700) square feet of livable floor area.
- h. **Maximum Building Height.** The maximum height of a building shall not exceed the lesser of two (2) stories or twenty-five feet. The height of storage sheds shall not exceed the lesser of fourteen (14) feet or the height of the manufactured home they are intended to serve.
- i. **Accessory and Site-built Structures.** Accessory and site-built structures constructed for use as management offices, public works facilities, storm shelters, storage buildings, laundry facilities, recreation or community centers, and other similar facilities shall be designed and operated for use by residents of the manufactured housing community only. Site-built structures within a manufactured housing community shall be constructed in compliance with the building codes and shall require all applicable permits.
- j. **Canopies and Awnings.** Canopies and awnings may be attached to any manufactured home and may be enclosed for use as a sun room or recreation room. Canopies and awnings shall comply with the setback and distance requirements set forth in this Section 14.4 and shall require a building permit.
- k. **Storage Sheds.** One (1) storage shed may be permitted for each homesite. Each storage shed shall comply with all Township regulations and requirements, including those requirements set forth in Section 4.6 of this Ordinance. Provided, however, the distance and setback standards of Rule 941 and 944 of the Michigan Administrative Code shall apply.
- l. **Recreation Vehicle Storage.** Common areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided by the owner of the manufactured housing community, but shall be limited to use by residents of the manufactured housing community only. If proposed, the location of such storage areas shall be shown on the preliminary site plan. No part of any such storage area shall be located in any required yard on the perimeter of the manufactured housing community. Such storage area shall be screened from view from adjacent residential properties and roadways with an opaque wooden fence or a masonry wall measuring six (6) feet in height above average grade, or a landscaped greenbelt. The landscaped greenbelt, if used, shall consist of closely—spaced evergreen plantings, no less than fifteen (15) feet apart, and shall provide a complete visual barrier at least six (6) feet in height above the average grade at planting.

- m. **Landscaping.** The following minimum landscaping standards shall be met:
- 1) **Perimeter:** Perimeter screening shall be provided for any manufactured housing community that abuts an existing residential, industrial or commercial land use. No screening shall be required along any perimeter side that abuts vacant and undeveloped lands. The perimeter screening shall consist of deciduous or evergreen shrubs and/or trees, which are planted so as to form a continuous, uninterrupted wall of vegetation, which in summer, blocks all views through the vegetation so as to be a solid hedge at maturity. In the alternative, the landscaped area can be planted in the form of a single line of deciduous or evergreen trees of a type suitable to survive in the local climate and spaced no more than five (5) feet apart. The landscaped area, whether planted in shrubs or trees, must be at least three (3) feet in height at planting.
  - 2) **Road Frontage:** A landscaped berm measuring 2 ½ to 3 feet in height from the average grade shall be provided adjacent to a public road right-of-way adjoining a manufactured housing community. The berm shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal. Landscaping of the berm shall include one (1) deciduous tree for every forty (40) lineal feet of road frontage and one (1) deciduous or evergreen shrub at least three (3) feet in height at planting spaced so as to provide a complete screen at maturity.
  - 3) **Homesite:** Landscaping shall consist of one (1) deciduous or evergreen tree for every two (2) homesites.
- n. **Open Space.** Each manufactured housing community that contains fifty (50) or more homesites shall include an open space area equal in size to the greater of two percent (2%) of the site, or twenty-five thousand (25,000) square feet. All open space areas shall be centrally located, well drained, and accessible to all residents of the manufactured housing community. Provided, however that up to twenty-five percent (25%) of the required open space may consist of wetlands, swamps and similar areas.
- o. **Internal Roads.** All internal roads shall be hard-surfaced and may be constructed with curbs and gutters. Internal roads shall be constructed of materials suitable for subgrades and hard surface in compliance with the standards of the American Association of the State Highway and Transportation Officials (AASHTO). All internal roads, walkways and driveways, shall be maintained in such a manner that they are of a sound and reasonably smooth surface for either walking or driving. Surfaces shall be maintained reasonably free of cracks, holes, upheavals, buckling, depressions, rutting, or channeling of the wearing surface, or shifting of the pavement base and sub-base, or both. An adequate clear vision area shall be provided at intersections. An offset at an intersection or an intersection of more than two (2) internal roads is prohibited. All entrances to the manufactured housing community shall be a minimum of thirty (30) feet in width.
- p. **Parking.** All homesites shall be provided with two (2) parking spaces in accordance with the Manufactured Housing Commission Rules. One (1) additional parking space for every three (3) homesites shall be provided for visitor parking and said visitor parking area shall be located convenient to the area served. Visitor parking shall be counted separately from those parking spaces required for employees or community facilities. Parking shall not be permitted in any required landscaped area.
- q. **Lighting.** Sufficient lighting, at not less than 0.15 footcandles nor more than 0.8 footcandles, shall be provided along the internal roads within a manufactured housing community in order to promote safe and

convenient movement from all homesites to principal destinations within the manufactured housing community and connections to public thoroughfares and walkways. No exterior light fixture shall cast light off the property of the manufactured housing community.

- r. **Mailbox Clusters.** The United States Postal Service may require that manufactured housing communities be served by clusters of mailboxes serving several homesites rather than individual mailboxes. If mailbox clusters are required, they shall be located at least two hundred (200) feet from any intersection of a manufactured housing community internal road and a public road.
- s. **Sale of Manufactured Homes.** The business of selling new or used manufactured homes as a commercial operation from within the manufactured housing community shall be prohibited after complete occupancy of a new or expanded manufactured housing community has been achieved. Thereafter, new or used manufactured homes located on homesites within the manufactured housing community to be used and occupied on that site may be sold by a licensed dealer or broker. This section shall not prohibit the sale of a used manufactured home by a resident of the manufactured housing community provided the manufactured housing community regulations permit such activity.
- t. **School Bus Stops.** School bus stops, if provided, shall be located within the manufactured housing community in an area that is acceptable to the school district.
- u. **Signs.** Any and all signs, other than traffic signs subject to state law, provided within the manufactured housing community shall not exceed a height of eight (8) feet measured from the average grade, and shall be set back (10) feet from any property line or road right-of-way.
  - 1) **Primary entrance:** One (1) sign not to exceed an area of sixteen (16) square feet, shall be permitted at the primary access of the manufactured housing community, in accord with Article 16 of this Ordinance.
  - 2) **Identification:** One (1) identification sign not to exceed an area of six (6) square feet shall be permitted for management offices and community buildings.
- v. **Trash Dumpsters.** Trash dumpsters, if provided, shall be placed in a location that is clearly accessible to the servicing vehicle. Each dumpster shall be set back a minimum of fifty (50) feet from the perimeter of the manufactured housing community, and shall be placed at least fifteen (15) feet from any building within the manufactured housing community. Dumpsters shall be positioned on a concrete pad. Dumpsters shall be screened on three (3) sides with a decorative masonry wall or wood fencing not less than six (6) feet in height. The fourth side of the dumpster screen shall be equipped with an opaque, lockable gate not less than six (6) feet in height.
- w. **Utilities.**
  - 1) **Fuel for Heating and Cooking:** Fuel for heating and cooking shall be provided by natural gas provided by underground gas transmission mains or liquid propane gas stored in approved containers. All fuel lines servicing homesites shall be placed underground and designed in conformance with the Manufactured Housing Commission Rules and other applicable local county and state regulations.
  - 2) **Telephone and Electric Service:** All telephone, electric, cable TV, and other lines within the manufactured housing community shall be placed underground.

- 3) **Water and Sewer Service:** All manufactured housing communities shall be served by an approved water and sewage systems which shall meet the requirements of the Michigan Department of Environmental Quality. The plumbing connections to each homesite shall be constructed so that all lines are protected from freezing, accidental bumping, or from creating any nuisance or health hazard.
- 4) **Storm Drainage:** The drainage of all exposed ground surfaces in a manufactured housing community shall, at a minimum, conform with and meet the standards of the Grand Traverse County Drain Commissioner as promulgated in the Grand Traverse County Drain Commissioner's standards pursuant to the requirements of MCLA 125.2311 contained in the Mobile Home Commission Act, and in conjunction with the MDEQ's Mobile Home Park Health Standards, being Part IV, R 325.3341 - R 325.3349.
- 5) **Skirting and Anchoring.** Skirting and anchoring of the manufactured home shall comply with sections R125.1604 Rule 604 and R 125.1605 Rule 605 of PA 419 of 1976, as amended.

# ARTICLE 15

## LB - LOCAL BUSINESS DISTRICT

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### **SECTION 15.1 INTENT AND PURPOSE**

The Local Business District is intended to encourage mixed use village patterns and pedestrian connections and serve the limited convenience retail and service needs of the immediate area through development of low intensity commercial activity with minimal impact on the community.

**SECTION 15.2 USES AND STANDARDS** [This Section has been amended by Ordinance #116, adopted February 8, 2011, effective February 22, 2011 and by Ordinance #176, adopted July 9, 2019, effective July 24, 2019 and by Ordinance #180, adopted December 10, 2019, effective December 25, 2019; and by Ordinance #181, adopted March 9, 2021, effective March 21, 2021]

**Permitted Uses**

- Accessory Buildings and Uses, *subject to Section 4.6*
- Accessory Dwelling to a Commercial use, *subject to Section 4.9.*
- Banking Establishment
- Contractor Facility, Minor
- Convenience Commercial Establishment
- Dwelling, single unit detached
- Family Day Care Home
- General Retail Sales Establishment
- Government Buildings and Public Parks
- Home Occupation
- Office Building/Clinic
- Personal Service Establishment
- Restaurant, without drive-thru
- Adult Care Facilities
- Small WECS *subject to Section 4.25*
- Roadside Stand for Agricultural Products, *subject to Section 4.22*
- General Farming and Agriculture *subject to Section 19.24*
- Development Options *subject to Article 18*

**Conditional Uses**

- Billboard, *subject to Section 19.7*
- Building With Excess Floor Area *subject to Section 19.11*
- Child Care Center, *subject to Section 19.13*
- Drive Through Business, *subject to Section 19.16*
- Dwelling, Multiple Unit, *subject to Section 19.17*
- Dwelling, Two-unit, *subject to Section 19.18*
- Educational Facility, *subject to Section 19.21*
- Funeral Home/Mortuary, *subject to Section 19.23*
- Graphic and Performing Arts Studio, *subject to Section 19.26*
- Home Occupation, Major, *subject to Section 19.28*
- Hotel or Motel, *subject to Section 19.30*
- Group Child Care Home, *subject to Section 19.33*
- Motor Vehicle Service Station, without repair, *subject to Section 19.38*

**District Regulations**

<b>Minimum Net Lot Area:</b>	1 Acre
<b>Minimum Lot Width:</b>	150 feet
<b>Maximum Building Height:</b>	40 feet
<b>Minimum Building Setbacks</b>	
Front:	40 feet
Side:	20 feet
Rear:	20 feet
<b>Building Floor Area Limits:</b>	
7,500 square feet total floor area or smaller shall be a permitted use, buildings greater than 7,500 square feet total floor area shall be a conditional use, subject to <b>Section 19.11</b>	

**Additional Standards**

- Parking Requirements** Article 25
- Signs** Article 21
- Fences** Section 4.12
- Lot Configuration** Section 4.4
- Site Plan Requirements** Article 24
- Conditional Land Uses** Article 19.



Open Air Business, *subject to Section 19.39*  
Place of Public Assembly, *subject to Section 19.41*  
Public Utility Structure, *subject to Section 19.44*  
Second Hand Store/Pawn Shop, *subject to Section 19.45*  
Tavern  
Veterinary Establishment, *subject to Section 19.53*  
Wireless Communication Facility, *subject to Section 19.57*  
Development Options *subject to Article 18*

### SECTION 15.3 SITE PLAN REVIEW

All uses in this district are subject to Site Plan Review as described in **Article 24** or plot plan review as described in Article 20 of this Ordinance.

### SECTION 15.4 DISTRICT REGULATIONS

1. **Minimum Lot Area.** One (1) acre.
2. **Minimum Lot Width.** One hundred fifty (150) feet wide at the front setback line.
3. **Minimum Yard Setbacks.**
  - a. **Measurement.:** All setbacks shall be measured to the foundation, or the face of the building, if cantilevered.
  - b. **Front Setback.** Forty (40) feet for parcels abutting for all public or private roads.
  - c. **Side Setback.** Twenty (20) feet, except when abutting a public or private road, where it shall meet all of the requirements of a front yard.
  - d. **Rear Setback.** Twenty (20) feet.
4. **Maximum Building Height.** Forty (40) feet.
5. **Building Size.** 7,500 sq ft total floor area or smaller is a permitted use; buildings greater than 7,500 sq ft total floor area shall be subject to the provisions of Section 19.11
6. **Other requirements.**
  - a. Side and rear yards may not be used for storage or display within the minimum side or rear yard setback areas. No portion of the front yard shall be used for storage. Temporary merchandise display may be permitted within the front yard setback area, in an area limited to no more than twenty-five percent (25%) of the front yard area bounded by the building, the side yard setback lines and the front lot line. Provided, however, that materials on display must not obstruct sight lines of drivers or pedestrians and all merchandise shall be removed from such outdoor display area when the business is closed. Outdoor

storage of materials must be screened on all sides. Such storage area shall be screened from view from surrounding properties and roadways. Screening shall consist of a fence, wall or evergreen landscaping meeting the requirements of Section 4.12.

- b. Trash containers, including dumpster type, shall be enclosed by a structure on at least three sides. Dumpsters shall be positioned on a concrete pad and located in an inconspicuous area and not within a required yard area.
- c. Air conditioning units, heating oil, storage tanks or similar appurtenances shall be screened from the view of surrounding properties and roadways. Screening shall consist of trees and/or shrubs or fencing meeting the requirements of Section 4.12 to the height of the particular piece of equipment.

**7. Site Design and Development Requirements.** The construction of any building or structure requiring site plan approval by the Planning Commission shall conform to the provisions set forth below or as modified by **Article 18**, Development Options; or as varied pursuant to **Article 23**, Zoning Board of Appeals.

- a. Material which is normally and reasonably discarded from commercial uses of property may not be externally stored except within an enclosed and properly screened dumpster.
- b. When a side or rear lot line abuts areas adjacent to a residential district lot line, a buffer strip in addition to the minimum yard setback requirements of Section 15.4,3 of this Article shall be provided. The buffer strip shall consist of the following:
  - 1) Landscaped strip. A landscaped strip at least twenty (20) feet in width along the entire length of the abutting residential district lot line.
    - 1. Trees. The number of trees shall be determined as follows, three (3) trees and three (3) shrubs for each fifty (50) feet, or fraction thereof, of lot line length. The trees and shrubs shall be placed within the buffer strip so as to provide the best screening as approved by the Zoning Administrator. Shrubs shall be at least two (2) feet in height at planting and trees shall be at least the following size at the time of planting:
      - Evergreens: six (6) feet in height,
      - Deciduous: two and one-half inches (2½") in caliper measured at breast height.
    - 2. Sight-proof screening. Sight proof screening four (4) feet in height shall be provided along the entire length of a residential district lot line by use of the landscape elements as described in subparagraph (a) hereof or wooden fencing, and berms. These elements may be used separately or in combination as determined by the Zoning Administrator.
  - 2) All required plantings must be maintained in a live and healthy state. Dead or unhealthy trees and shrubs shall be replaced with the size and type of plantings required in this Section.
- c. Fencing shall be subject to **Section 4.12**.
- d. Exterior lighting in accord with **Section 4.13** shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along the adjacent street or streets. Flashing lights shall not be permitted.
- e. Any of the requirements of this Section may be waived or modified through the site plan review process, provided the Planning Commission finds that specifically identified characteristics of the site or site

vicinity would make the required landscaped strip and/or sight-proof screening unnecessary due to existing vegetation, or where it would impair vision at a driveway or road intersection.

8. Ground Water Protection. The following standards for ground water protection shall apply to all businesses and facilities, including private and public facilities, which use, store or generate hazardous substances in quantities greater than 100 kilograms per month (equal to about 25 gallons or 220 pounds).
  - a. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
  - b. Secondary containment for aboveground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
  - c. General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank (not a septic tank with drainfield), or a system authorized through a state groundwater discharge permit.
  - d. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

# ARTICLE 16

RESERVED

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# ARTICLE 17

## GB - GENERAL BUSINESS DISTRICT

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### **SECTION 17.1 INTENT AND PURPOSE**

The GB General Business District is intended to provide a combination of land uses to serve the overall shopping needs of the population both within and beyond the Township boundaries including both convenience and comparison goods and to provide facilities for the employment of area residents and fabrication and storage of manufactured products. As a result, the permitted uses are generally grouped so as to generate larger volumes of vehicular and pedestrian traffic than other districts that may incorporate commercial uses and there may be some impact on the adjacent area.

**SECTION 17.2 USES AND STANDARDS** [This Section has been amended by Ordinance #116, adopted February 8, 2011, effective February 22, 2011 and by Ordinance #180, adopted December 10, 2019, effective December 25, 2019; and by Ordinance #181, adopted March 9, 2021, effective March 21, 2021]

**Permitted Uses**

Accessory Buildings and Uses, *subject to Section 4.6*  
 Banking Establishment.  
 Contractor Establishment, Minor and Major  
 Convenience Commercial Establishment.  
 General Retail Sales Establishment.  
 Governmental Building/Public Park.  
 Motor Vehicle Fuel Service w/o Repair.  
 Office Building/Clinic  
 Personal Service Establishment.  
 Processing, Assembly, and Manufacturing.  
 Research and Development Establishment.  
 Restaurant, without drive-thru.  
 Adult Care Facilities  
 Small WECS *subject to Section 4.25*  
 General Farming and Agriculture *subject to Section 19.24*  
 Development Options *subject to Article 18*  
 Roadside Stand for Agricultural Products, *subject to Section 4.22*

**District Regulations**

<b>Minimum Net Lot Area:</b>	1 Acre
<b>Minimum Lot Width:</b>	150 feet
<b>Maximum Building Height:</b>	40 feet
<b>Minimum Building Setbacks</b>	
Front:	40 feet
Side:	20 feet
Rear:	20 feet
<b>Building Floor Area Limits:</b>	
	7,500 square feet total floor area or smaller shall be a permitted use, buildings greater than 7,500 square feet total floor area shall be a conditional use, subject to <b>Section 19.11</b>

**Conditional Uses**

Above Ground Storage Flammable Liquids, *subject to Section 19.3*  
 Billboard, *subject to Section 19.7*  
 Building Material Supplier, *subject to Section 19.10*  
 Building With Excess Floor Area *subject to Section 19.11*  
 Car Wash, *subject to Section 19.12*  
 Drive-Through Business, *subject to Section 19.16*  
 Educational Facility, *subject to Section 19.21*  
 Extraction, *subject to Section 19.22*  
 Funeral Home/Mortuary, *subject to Section 19.23*  
 Graphic and Performing Arts Studio, *subject to Section 19.26*  
 Hospital and Long Term Care Facility, *subject to Section 19.29*  
 Hotel/Motel, *subject to Section 19.30*  
 Kennel, *subject to Section 19.32*  
 Mini-Warehouse, *subject to Section 19.34*

**Additional Standards**

**Parking Requirements** Article 25  
**Signs** Article 21  
**Fences** Section 4.12  
**Lot Configuration** Section 4.4  
**Site Plan Requirements** Article 24  
**Conditional Land Uses** Article 19.

Motor Vehicle Fuel Service with Repair, *subject to Section 19.36*  
Motor Vehicle Salvage/Scraping Yard, *subject to Section 19.37*  
Open Air Business and Storage, *subject to Section 19.39*  
Parking Garage, *subject to Section 19.40*  
Place of Public Assembly, *subject to Section 19.41*  
Propane Service Facility, *subject to Section 19.43*  
Public Utility Structure, Yard and Substation *subject to Section 19.44*  
Second Hand Store/Pawn Shop, *subject to Section 19.45*  
Sexually Oriented Business, *subject to Section 19.46*  
Tavern  
Truck Freight Terminal, *subject to Section 19.49*  
Motor Vehicle Repair Service, *subject to Section 19.52*  
Veterinary Establishment, *subject to Section 19.53*  
Warehouse, *subject to Section 19.54*  
Wholesale Trade Business, *subject to Section 19.55*  
Wind Energy Conversion System, (WECS), Large, *subject to Section 19.56*  
Wireless Communication Facility, *subject to Section 19.57*  
Development Options *subject to Article 18*

### SECTION 17.3 SITE PLAN REVIEW

All uses in this district are subject to Site Plan Review as described in Article 24 or plot plan review as described in Article 20 of this Ordinance.

### SECTION 17.4 DISTRICT REGULATIONS

1. **Minimum Lot Area.** One (1) acre.
2. **Minimum Lot Width.** One hundred fifty (150) feet wide at the front setback line.
3. **Minimum Yard Setbacks.**
  - a. **Measurement.** All setbacks shall be measured to the foundation, or the face of the building, if cantilevered.
  - b. **Front Setback.** One hundred (100) feet if abutting M-72 and Forty (40) feet for all other public or private roads.
  - c. **Side Setback.** Twenty (20) feet.
  - d. **Rear Setback.** Twenty (20) feet.
4. **Maximum Building Height.** Forty (40) feet.

5. **Building Size.** 20,000 sq. ft. total floor area or smaller is a permitted use; buildings greater than 20,000 sq. ft. total floor area shall be subject to the provisions of Section 19.11.

6. **Other requirements.**

- a. Areas within required side and rear yard setbacks may not be used for storage or display. No portion of the front yard shall be used for storage. Temporary merchandise display may be permitted within the front yard setback area, in an area limited to no more than fifty percent (50%) of the front yard area bounded by the building, the side yard setback lines and the front lot line. Provided, however, that materials on display may not obstruct sight lines of drivers or pedestrians. Outdoor storage of materials must be screened on all sides. Such storage area shall be screened from view from surrounding properties and roadways. Screening shall consist of a fence or wall meeting the requirements of Section 4.12.
- b. Trash containers, including dumpster type, shall be enclosed by a structure on at least three sides. Dumpsters shall be positioned on a concrete pad and located in an inconspicuous area at least thirty (30) feet from any lot line in the side and rear yards only.

7. **Site Design and Development Requirements.**

The construction of any building or structure requiring site plan approval by the Planning Commission shall conform to the site development standards set forth in Table 2.6, Article 2 of this Ordinance, unless otherwise permitted under the provisions of the Ordinance. Material which is normally and reasonably discarded from commercial or industrial uses may be stored outdoors for not more than ninety (90) days, provided such material is enclosed in a dumpster or, if stored on the ground, such material shall not exceed six (6) feet in height and shall be completely enclosed with an opaque fence six (6) feet in height.

When a side or rear lot line abuts areas adjacent to a residential district lot line, a buffer strip in addition to the minimum yard requirements of Section 17.4, 3 of this Article shall be provided. The buffer strip shall consist of the following:

- a. **Landscaped strip:** A landscaped strip at least twenty (20) feet in width along the entire length of the abutting residential district lot line.
  - 1) **Trees:** The number of trees shall be determined as follows, three (3) trees and three (3) shrubs for each fifty (50) feet, or fraction thereof, of lot line length. The trees and shrubs shall be placed within the buffer strip so as to provide the best screening as approved by the Zoning Administrator. Shrubs shall be at least two (2) feet in height at planting and trees shall be at least the following size at the time of planting:
    - Evergreens:** six (6) feet in height,
    - Deciduous:** two and one-half inches (2½") in caliper measured at breast height.
  - 2) **Sight-proof screening:** Sight proof screening four (4) feet in height shall be provided along the entire length of the abutting a residential district lot line by use of the landscape elements as described in subparagraph (a) hereof or wooden fencing, and berms. These elements may be used separately or in combination as determined by the Zoning Administrator.
- b. All required plantings must be maintained in a live and healthy state. Dead or unhealthy trees and shrubs shall be replaced with the size and type of plantings required in this Section.



- c. Fencing shall be subject to Section 4.12.
  - d. Exterior lighting in accord with Section 4.13 shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along the adjacent street or streets. Flashing lights shall not be permitted.
  - e. Any of the requirements of this section may be waived or modified through the site plan review process, provided the Planning Commission finds that specifically identified characteristics of the site or site vicinity would make the required landscaped strip and/or sight-proof screening unnecessary due to existing vegetation or where it would impair vision at a driveway or road intersection.
8. **Ground Water Protection.** The following standards for ground water protection shall apply to all businesses and facilities, including private and public facilities, which use, store or generate hazardous substances in quantities greater than 100 kilograms per month (equal to about 25 gallons or 220 pounds).
- a. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
  - b. Secondary containment for aboveground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
  - c. General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank (not a septic tank with drainfield), or a system authorized through a state groundwater discharge permit.
  - d. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

## **SECTION 17.5 PERFORMANCE REQUIREMENTS**

All land uses within the General Business District shall comply with the following requirements.

1. Noise emanating from a use in this District shall not exceed the level that disturbs a reasonable person of normal sensitivities at the boundaries of the lot. Short intermittent noise peaks may be expected, if they do not exceed normal traffic noise peaks at any point on the lot boundaries.
2. Uses in this District shall be such that they comply with all applicable local, state and federal requirements. Further, such uses shall not cause or create any condition that endangers or injures the safety or health of humans or animals or that annoys or disturbs a reasonable person of normal sensitivities, including but not limited to:
  - a. Emitting noxious, toxic or corrosive fumes or gases; except those produced by internal combustion engines under design operating conditions.
  - b. Emitting odorous gases or other odorous matter beyond any point on the boundary of the use parcel, provided that any process, which may involve the creation or emission of any odors shall be provided with

a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.

- c. Emitting smoke, other than that produced by normally operating heating equipment.
- d. Discharge into the air dust or other particulate matter created by any industrial operation or emanating from any products stored prior to or subsequent processing.
- e. Producing heat at or beyond the lot boundaries.
- f. Producing physical vibrations at or beyond the lot boundaries.
- g. Producing electromagnetic radiation or radioactive emissions at or beyond any point on the boundary of the use parcel.

## **SECTION 17.6 CROSS ACCESS AND INTERCONNECTIVITY**

1. **Intent.** Cross access and interconnectivity of land uses in the General Business District to enhance vehicular circulation is necessary to the economic health of the community as it allows for job-creating investment while making effective and well-organized use of the lands, and minimizes potential traffic conflicts on major arterial streets and highways. The purpose of Section 17.6 is to facilitate the preservation of traffic flow and motorist safety, and the reduction of automobile congestion and the potential for accidents along that portion of M-72 (East Traverse Road) within the General Business District. Section 17.6 generally implements the recommendations of the M-72 Corridor Plan. The overall objective is to provide for an interconnected and cohesive development pattern that minimizes cul-de-sac developments or individual parcels with no interconnection to adjacent properties.
2. Standards.
  - a. As part of site plan review and approval for any new development within those portions of the General Business District located in Sections 1 and 2 of Long Lake Township, the Planning Commission may require that an access easement or public or private road right-of-way be provided to permit vehicular interconnection among neighboring parcels and to minimize the need to use M-72 to travel between parcels in said portion of the General Business District.
  - b. The location of an access easement shall take into account the topography on the site and on adjoining properties, including native grades, stormwater management features and existing development. Access easements shall not be located within the required minimum front yard setback area. Access easements must be approved by the Township and recorded with the County Register of Deeds.
  - c. An access easement shall be paved to the property line, if the adjoining property is developed. If the adjoining parcel is vacant, a condition of site plan approval may be the subsequent pavement of said access easement when, and if, the neighboring property is improved. An access easement shall be not less than thirty (30) feet in width sufficient to accommodate two-way traffic.

# ARTICLE 18

## DEVELOPMENT OPTIONS

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### SECTION 18.1 PURPOSE

This Article provides enabling authority and standards for the submission, review, and approval of applications for a variety of development options in Long Lake Township. Further, this article is intended to promote one or more of the following through a variety of development options:

1. To encourage the use of land in accordance with its unique character and features.
2. To promote the conservation of natural features and fragile lands and the preservation of important community resources.
3. To encourage flexibility and innovation in land use and design to protect the rural character of the community and enhance the quality of life in the Township.
4. To promote the efficient use of land to facilitate a more appropriate arrangement of buildings, circulation systems, land use and utilities.
5. To promote, in appropriate locations, the enhancement of housing diversity, shopping, traffic circulation, and recreational opportunities for the people of the Township.
6. To promote and ensure greater compatibility of design and use between and among neighboring properties.
7. To implement the requirements of Section 506, Open Space Preservation, of the Michigan Zoning Enabling Act, pertaining to Open Space Development.
8. To preserve farmlands and farming as an important part of the Township's rural character while permitting a reasonable use of the land consistent with the Master Land Use Plan.

### SECTION 18.2 ORGANIZATION & GENERAL INFORMATION REQUIRED

1. **Organization** This Article addresses the process for review and approval for all development options as may be allowed in one or more zoning districts. General standards applying to all development options are included in this section, following sections detail additional information required and specific approval standards for each option. The Development Options include the following:
  - a. Open Space Conservation Development Option
  - b. Subdivision without Significant Open Space Option
  - c. Agricultural Conservation Development Option

- d. Planned Unit Development Option
2. **General Standards for Development Option Requests** Unless otherwise specified in this Article, all applications for Development Options shall be subject to the following.
- a. A full Site Plan shall be submitted with all detail as listed under Section 24.3 Data Required for Site Plans. Where the requirements of this Article conflict with the requirements of Section 24.5 relating to Natural Features, the requirements of this Article shall apply to Development Options.
  - b. An existing features inventory shall be provided to include the following information illustrated on a plan drawn at the same scale as the site plan:
    - 1) Identify and describe existing tree stands, woodlots, and other vegetation. Individually identify all landmark trees. For purposes of this Section, landmark trees shall include all trees of at least 24 inches in caliper size.
    - 2) Represent general topographic conditions, including steep slope areas, hilltops, ridgelines, low lying areas, and topographic contours at minimum 10 foot intervals
    - 3) Identify any significant view sheds onto or from the parcel, including those identified in the Long Lake Township Natural Features Inventory.
    - 4) Locate and describe any regulated or unregulated wetlands, floodplains, water bodies, or streams.
    - 5) Locate and describe any existing structures that may have local interest or historic value including barns, fences, markers, etc.
    - 6) Locate any known wildlife corridors as identified in the Long Lake Township Natural Features Inventory, and any adjacent protected lands (through a conservation easement, public ownership, or dedicated open space).
    - 7) Identify any known endangered or protected species on the parcel.
  - c. Base Density Calculation: Unless otherwise specified in this Article, for all Development Options, the density calculation for residential uses shall be calculated by using the lot area as defined in this Ordinance and dividing by the minimum lot area for the underlying zoning district. Where there are two or more zoning districts, the total allowable units shall be calculated separately for each district and added together.

## **SECTION 18.3 OPEN SPACE CONSERVATION DEVELOPMENT OPTION**

- 1. Intent In addition to the purpose stated in Section 18.1, the intent of the Open Space Conservation Development Option is to encourage and promote a clustered development pattern in areas where natural features are prevalent. This Section encourages innovative housing developments through permanent dedication of open space and flexibility in individual lot area requirements. It is further intended that this Section will implement Section 506, Open Space Preservation, of the Michigan Zoning Enabling Act, pertaining to Open Space Development.

2. Eligibility: An Open Space Conservation Development shall be considered a use permitted by right in the CR, AG, NL, LR, LDR, and MDR zoning districts on a parcel with a minimum of five (5) acres in lot area as defined in this Ordinance.
3. Standards: The following standards shall apply to all Open Space Conservation Development proposals:
  - a. Permitted Uses: Permitted uses shall be any use permitted by right in the underlying zoning district.
  - b. A minimum of fifty percent (50%) of the lot area as defined in this Ordinance must be preserved in open space. Open space must be perpetually protected and maintained by a means acceptable to the Township and the Township attorney. The open space must be set aside by the applicant through an irrevocable conveyance to an entity such as a homeowners association or condominium association. Any means chosen to set aside the open space shall contain a provision granting the Township the legal right, but not the obligation, to enforce the open space requirements of this Ordinance.
  - c. To qualify as part of the required fifty (50%) open space, the open space shall meet all of the following:
    - 1) Qualifying open space area shall have no more than a 1:5 relationship in any dimension.
    - 2) All qualifying open space must be contiguous. Otherwise, qualifying open space must be a minimum of five (5) acres or equal to twenty percent (20%) of the total lot area, whichever is greater.
    - 3) Minimal spacings between buildings or a narrow strip along the parcel's perimeter shall not count as qualifying open space toward the minimum fifty percent (50%).
    - 4) Community wells or community septic systems may be located in the required open space area, if allowed by the County Health Department.

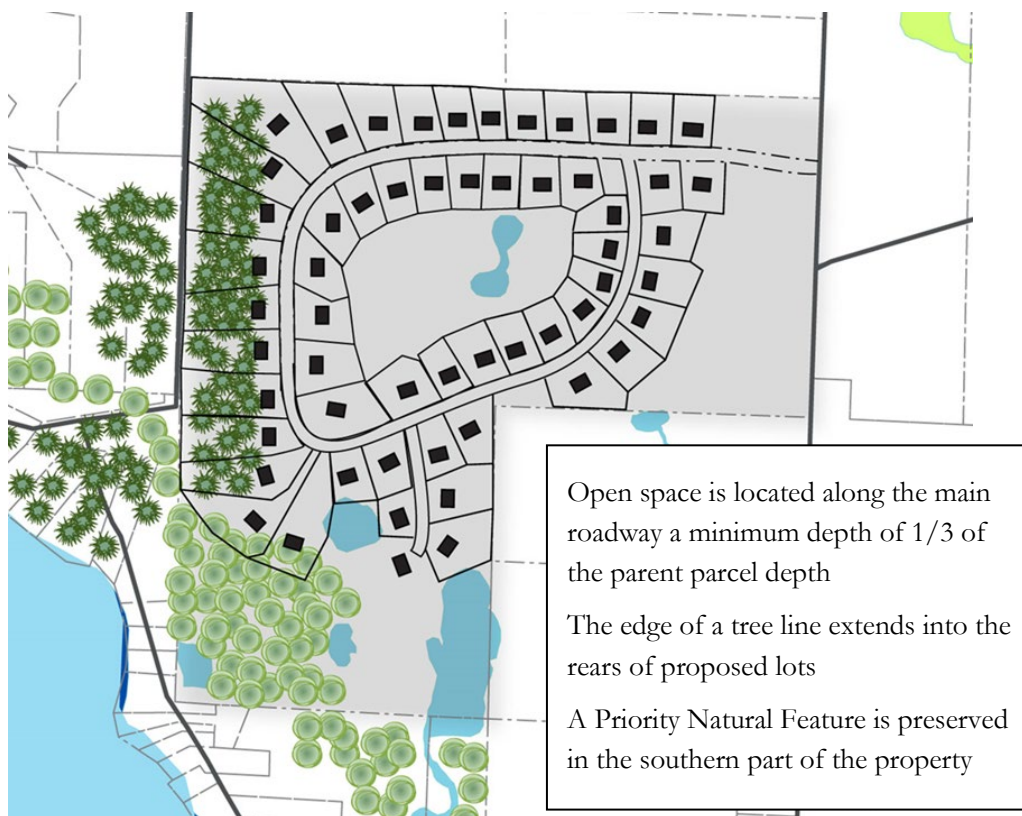


Figure 18-1

d. Natural Features Preservation:

- 1) Where the Long Lake Township Natural Features Inventory has identified a property as a Priority One, Two, or Three, such natural feature areas shall be located within the open space areas.
- 2) Notwithstanding Section 18.3.3.d.1, above, parts of woodlands identified as a priority feature in the Long Lake Township Natural Features Inventory may be located on residential lots in an Open Space Conservation Development. Any building envelopes shall be identified that will allow primary structures to back up into the edge of such woodlands. Protection of the woodlands outside of the building envelopes must be secured through deed restrictions to the satisfaction of the Planning Commission. See Figure 18.1
- 3) An Open Space Conservation Development shall in all cases provide for the preservation of individual significant trees or existing natural vegetation on the residential lots.

e. Additional open space standards: In addition to the requirements of 2) and 3) above, open space set aside must meet a minimum of one of the following standards:

Open space is located along the main roadway a minimum of 1/3 the depth of the parcel; or

- 1) Open space is configured to preserve viewsheds as identified on Map 6 of the Long Lake Township Natural Features Inventory for the benefit of the public; or
- 2) Required open space is configured to create “pods” of residential clusters separated by stretches of natural areas.

f. Dimensional standards

- 1) Minimum parcel size in an Open Space Conservation Development shall be the minimum allowed by the Grand Traverse County Health Department. However, in no case shall the parcels be less than 20,000 square feet in area unless a community septic system is provided.
- 2) Minimum setbacks shall be thirty-five (35) feet in the front, thirty-five (35) feet in the rear, and fifteen (15) feet on the sides. Waterside setback shall be fifty (50) feet, except where the underlying zoning district is Natural Lakefront, in which case the waterside setback shall be one hundred (100) feet.
- 3) Parcels shall have a minimum of one hundred (100) feet of lot width.

3. Approval Process: Approval of an Open Space Conservation Development Option shall require site plan approval as provided for under Article 24. The Planning Commission shall find that all applicable standards of this Article are met in addition to Section 24.5, Standards for Granting Site Plan Approval. Where the requirements of this Article conflict with the requirements of Section 24.5 relating to Natural Features, the requirements of this Article shall apply to Open Space Conservation Developments.

## **SECTION 18.4 SUBDIVISIONS WITHOUT SIGNIFICANT OPEN SPACE OPTION**

1. Intent: It is intended that Subdivisions without Significant Open Space be developed in the Township only in those locations that are free of significant natural features; where the parcel’s shape lends itself best to conventional development; or where immediately adjacent residential areas are developed conventionally and may be negatively impacted by an adjacent Open Space Conservation Development.

2. Eligibility as a Use by Right: The Planning Commission shall approve a Subdivision without Open Space as a use permitted by right, if all requirements of the zoning Ordinance are met including, but not limited to, the dimensional requirements of Table 2.7 and the requirements of Article 24; AND if all of the following eligibility requirements are met:
  - a. The parcel must have a minimum lot area of ten (10) acres; and
  - b. The parcel must be located in the CR, AG, NL, LDR, LR, or MDR district; and
  - c. The parcel shall not be identified as containing a priority one, two or three natural feature on the Long Lake Township Natural Features Inventory; and
  - d. The parcel shall be at least as narrow as to meet a 1:4 width to depth ratio; and
  - e. There are no viewsheds on the parcel as identified in the Natural Features Inventory.
3. Consideration as a Conditional Land Use: Notwithstanding Section 18.4.2, the Planning Commission may consider a Subdivision without Significant Open Space as a Conditional Land Use when the Planning Commission finds that it is most consistent with the intent and spirit of this Ordinance and most consistent with the goals of the Township's Comprehensive Plan. Factors that the Planning Commission may consider include the following:
  - a. The applicant has provided detailed information prepared by a qualified professional that indicates that the Long Lake Township Natural Features Inventory is inaccurate on the parcel in question regarding the importance or health of the site's natural features, or the natural features make up less than ten percent (10%) of the parcel area; or
  - b. The development will extend an adjacent public or private road where neighboring residences are developed conventionally; or
  - c. The development will otherwise result in lots which share a common lot line, not separated by a public or private road, with adjacent neighboring residences that are developed conventionally; or
  - d. Due to the location of the parcel, open space would not contribute to the overall Long Lake Township community and its rural character or to contiguous open space corridors; or
  - e. The Planning Commission otherwise determines that it is most consistent with the goals of the Long Lake Township Comprehensive Plan, the purpose of this Article, and is in the best interests of the Township to develop as a Subdivision without Significant Open Space.
4. Requirements: All Subdivisions without Significant Open Space shall provide the following:
  - a. A mechanism to require planting of a minimum of three (3) deciduous trees that are a minimum caliper size of 2½" within the front yard area of each residential lot at the time of home construction.
  - b. Where woodlots exist on the site, protection areas shall be designated such that a minimum grading area is provided for each building envelope and septic system, and all other existing vegetation shall remain undisturbed.
5. Approval Process: A Subdivision without Significant Open Space shall be processed in accordance with the provisions of Article 19, Conditional Land Uses unless the project is eligible as a use by right under the criteria of Section 18.4.2, above, whereby process for approval under Article 24, Site Plan Review, shall apply. Where

the requirements of this Article conflict with the requirements of Section 24.5 relating to Natural Features, the requirements of this Article shall apply to Subdivisions without Significant Open Space.

## **SECTION 18.5 AGRICULTURAL CONSERVATION DEVELOPMENT OPTION**

1. Intent: The intent of the Agricultural Conservation Development Option is to preserve farmlands and farming as an important part of the Township's rural character while permitting a reasonable use of land. By grouping dwellings on a limited portion of a development property, the resulting effect is the preservation of much of the Township's farmlands.
2. Eligibility: To be eligible for an Agricultural Conservation Development, a parcel must meet all of the following requirements:
  - a. The parcel must be zoned Agricultural or must be planned for Agricultural/Open Space use.
  - b. The parcel must be currently farmed, have a history of being farmed, or contain prime farmland soils.
  - c. The parcel must have a minimum lot area of forty (40) contiguous acres, or be a quarter-quarter section of not less than thirty-five (35) acres.
3. Residential Standards: The following standards shall apply to an Agricultural Conservation Development:
  - a. The residential parcels must be a minimum of twenty-two thousand five hundred (22,500) square feet in area.
  - b. The residential parcels must have the following minimum setbacks: fifty (50) feet front yard setbacks, forty (40) foot rear yard setbacks, fifteen (15) side yard setbacks, and fifty (50) foot waterside setback.
  - c. Residential parcels must have a minimum lot width of one hundred (100) feet.
  - d. All uses allowed under the Agricultural district shall be permitted in an Agricultural Conservation Development.
  - e. Residential structures shall be setback a minimum of one hundred (100) feet along any County road not interior to the development.
4. Agricultural Set Aside Standards:
  - a. A minimum of seventy percent (70%) of the parent parcel shall be set aside in an Agricultural Conservation Easement. The easement structure and language shall meet the requirements of this Ordinance and shall be as approved by the Township Attorney and the Planning Commission.
  - b. Agricultural uses allowed under the Agricultural district shall be permitted within the Agricultural Conservation Easement. The agricultural uses shall be consistent with the Generally Accepted Agricultural Management Practices (GAAMPs) and the Michigan Right to Farm Act.
  - c. The Agricultural Conservation Easement shall be located in order to preserve viewsheds as identified in the Natural Features Inventory.
  - d. The Agricultural Conservation Easement may include the homestead residence associated with the agricultural use.



5. Approval Process: Approval of an Agricultural Conservation Development shall require site plan approval as provided for under Article 24. The Planning Commission shall find that all applicable standards of this Article are met in addition to Section 24.5, Standards for Granting Site Plan Approval. Where the requirements of this Article conflict with the requirements of Section 24.5 relating to Natural Features, the requirements of this Article shall apply to Agricultural Conservation Development.

**SECTION 18.6 PLANNED UNIT DEVELOPMENT OPTION** [This Section was amended by Ordinance #191 adopted April 12, 2022 effective April 25, 2022]

1. Intent
  - a. To encourage the use of land in accordance with its character, features and adaptability.
  - b. To promote the conservation of natural features and fragile lands and the preservation of important community resources.
  - c. To encourage flexibility and innovation in land use and design to protect the rural character of the community and enhance the quality of life in the Township.
  - d. To promote the efficient use of land to facilitate a more appropriate arrangement of buildings, circulation systems, land use and utilities.
  - e. To promote the enhancement of housing diversity, shopping, traffic circulation, and recreational opportunities for the people of the Township.
  - f. To promote and ensure greater compatibility of design and use between and among neighboring properties.
2. Open Space Requirements:
  - a. Qualifying open space area shall have no more than a 1:5 relationship in any dimension.
  - b. Any qualifying open space area must be a minimum of three contiguous acres.
  - c. Minimal spacings between buildings or a narrow strip along the parcel's perimeter shall not count as qualifying open space toward the minimum fifteen percent (15%).
  - d. Community wells or community septic systems may not be located in the required open space area for a Planned Unit Development.
  - e. Recreational uses or other public or semi-public amenity may be located in the required open space area if approved by the Planning Commission.
  - f. Open space must be perpetually protected and maintained by a means acceptable to the Township and the Township attorney. The open space must be set aside by the applicant through an irrevocable conveyance to an entity such as a homeowner's association or condominium association. Any means chosen to set aside the open space shall contain a provision granting the Township the legal right, but not the obligation, to enforce the open space requirements of this Ordinance.
3. Residential Planned Unit Development: A Planned Unit Development that exclusively includes residential uses, and permitted residentially-related uses, may be allowed in the Township under the standards listed below:

- a. Eligibility:
  - 1) A Residential Planned Unit Development may be allowed in the following districts: CR, AG, NL, LDR, LR, MDR, HDR, or LB.
  - 2) The parcel under consideration must be under single ownership or control and must be a minimum of twenty (20) acres in area for properties zoned CR, AG, NL, LDR, or LR.
  - 3) The parcel under consideration must be under single ownership or control and must be a minimum of five (5) acres in area for properties zoned MDR, HDR, or LB. Provided that the Planning Commission may require additional area for properties zoned MDR, HDR, or LB if it finds this to be necessary to meet other requirements of this Section and further provided that the minimum required open space is 15% of the gross acreage or 1 acre, whichever is greater.
- b. Community Benefit Required: The applicant must demonstrate to the Planning Commission's satisfaction that the proposal offers substantial benefit to the community by including one or several elements that reflect the spirit of this Section such as, but not limited to, the following:
  - 1) Innovative architectural or community design;
  - 2) Integrative and inclusive housing choices, whereby a minimum of ten percent (10%) of the residential units are designed for seniors, or for one- or two-person households; alternately, ten percent (10%) of the units shall be priced to be affordable to those households earning no more than fifty percent (50%) of the median household income for Grand Traverse County and shall be available to qualified households only;
  - 3) Use of energy efficient, environmentally sustainable construction methods compliant with recognized standards such as LEED or GBI;
  - 4) Inclusion of an active recreational use;
  - 5) Preservation of priority natural features;
  - 6) Traditional neighborhood design elements, such as inclusion of sidewalks, front porches, shallow front yard areas, and garage entrances from alleyways; See graphic
  - 7) Pedestrian connectivity to public institutions such as libraries, schools, and municipal buildings, or to convenience commercial areas;
  - 8) Preservation of buildings or structures of historic or local importance;
  - 9) Preservation of viewsheds or ridgelines visible to the general public.
- c. Standards: All Residential Planned Unit Developments must comply with the following standards:
  - 1) A minimum fifteen (15%) open space must be provided, complying with all standards of Section 18.6.3, above.
  - 2) A Residential Planned Unit Development must preserve any priority features identified in the Long Lake Township Natural Features Inventory either through open space design or deed restrictions.
  - 3) All uses permitted as a use by right in the underlying zoning district shall be permitted in a Residential Planned Unit Development. In addition, attached dwelling units, or multiple family units may be permitted by the Planning Commission in a Residential Planned Unit Development regardless of

underlying zoning if these uses help to achieve the intent of this Section and if the overall development includes a mixture of housing types and housing costs.

- 4) Any Residential Planned Unit Development shall include a circulatory system that provides for safe and efficient access throughout the development for pedestrians and vehicles. The development shall provide cross access with existing and potential future neighboring residential development. Any stubs roads intended for connection to neighboring future development shall be constructed with the Planned Unit Development.
  - 5) A Residential Planned Unit Development may include private roads if approved by the Township Board. See the Long Lake Township Private Road Ordinance. It may also include alleyways, shared driveways, and other means of access not otherwise permitted in the Township if the Planning Commission finds that this best meets the intent of this Section and provides the best design under the proposal.
  - 6) A Residential Planned Unit Development is not limited by any pre-determined setbacks or minimum lot size if the standards of outside permitting agencies are met. However, the Planning Commission may require a buffer when the development is adjacent to existing incompatible uses or inconsistent development patterns.
4. Village Center Planned Unit Development: A Planned Unit Development that includes residential and residentially-related uses and limited commercial uses may be permitted in selected areas of the Township under the requirements of this Section.
- a. Eligibility:
    - 1) A Village Center Planned Unit Development may be allowed in any area planned for Village Center under the Long Lake Township Master Plan.
    - 2) The parcel under consideration must be under single ownership or control and must be a minimum of ten (10) acres in area.
  - b. Permitted Uses: A Village Center Planned Unit Development shall include a mixture of uses. Such uses may include any of the following, or similar uses as determined by the Planning Commission:
    - 1) Single-family dwelling, two-family or multiple family dwellings, including apartment-style units, townhouse-style units, detached, or any combination;
    - 2) Live-work units;
    - 3) Senior housing or assisted living facilities;
    - 4) Convenience and similar uses including cafes, bookstores, delis, drug stores without drive-through service, gift shops, coffee shops, beauty shops, community banks with or without drive-through service, restaurants without drive-through service, post office, school, library, museum, or government office, child care organizations, farmers markets, outdoor eating places, professional offices, and similar uses as determined by the Planning Commission.
  - c. Outdoor Use Area Required: A Village Center Planned Unit Development shall include an outdoor use area
    - 1) Such outdoor use area must include a minimum of fifteen (15%) of the overall site area.

- 2) Outdoor use areas must include one or more of the following uses, or similar uses as determined by the Planning Commission:
    1. outdoor eating area;
    2. a community pavilion or similar structure meant for outdoor public events such as fairs, markets, or concerts;
    3. a public garden, “pocket park”, sculpture garden, community garden, or other similar passive use park;
    4. limited active recreational uses including a children’s splash pad, tennis courts, nature interpretive center, open air cultural or historic museum, walking trails, or similar uses.
  - 3) The applicant shall provide for a means of maintaining and perpetually setting aside the outdoor use area to the satisfaction of the Planning Commission and the Township Attorney.
- d. Architectural Standards: A Village Center Planned Unit Development must meet the following architectural standards:
- 1) A Village Center Planned Unit Development shall include high quality architectural standards that are consistent throughout the project and shall include natural materials or other materials as approved by the Planning Commission. Such design shall also be reflected in all signage, entrance markers, lighting, and outdoor facilities.
  - 2) Commercial buildings shall have an architectural design that is traditional in character or a contemporary expression of traditional styles and forms. Storefront designs shall be based upon historic examples in the area.
  - 3) Maximum building façade length will be one hundred (100) feet. The Planning Commission may allow additional length if the architectural design of the building provides separate storefronts with distinct faced treatment with lengths no greater than one hundred (100) feet.
  - 4) Buildings containing commercial uses shall include storefront design with large display windows having sills between 12 and 18 inches above the sidewalk level. Commercial buildings shall also articulate the line between the ground and upper levels with a cornice, canopy, or other visual device.
  - 5) Single and multi-family residential dwellings will be sited so they front directly onto streets or greens (not parking areas).
  - 6) The architectural style of the building shall, to the Planning Commission’s satisfaction, be reflective of the agricultural tradition of the Township.
- e. Density: A Village Center Planned Unit Development must meet the following density standards:
- 1) No single commercial (non-institutional or non-residential) use shall exceed five thousand (5,000) square feet in usable area. No building will occupy more than twelve thousand (12,000) square feet of first floor space.
  - 2) A maximum density of two (2) residential units per acre of total site area may be allowed. Where community or public water and sewer systems are available, density of up to eight units per acre is permitted.

- 3) In addition to the residential units allowed above, up to thirty thousand (30,000) square feet of non-residential use area shall be permitted per ten (10) acres of total site area.
  - 4) Two-story commercial buildings are permitted. The second story may include residential or office uses.
- f. Street and Block Design: A Village Center Planned Unit Development must meet the following street and block design standards:
- 1) Development will be designed in a continuous pattern of blocks and interconnecting streets and alleys. Blocks will be between five hundred (500) and eight hundred (800) feet in length. Each block that will include storefronts will be designed to include an alley serving rear parking areas or garages.
  - 2) Roadways shall be designed for traffic speeds of 15 MPH.
  - 3) Streets shall be designed to form an interconnected network. Streets shall either terminate at an open space area, a civic building, or at a street. A minimum of twenty-five (25%) of streets shall terminate where vehicles must come to a stop and turn right or left. At least two streets in the PUD shall provide connections to separate existing or proposed streets outside of the development.
  - 4) Commercial parking shall be provided in convenient but scattered locations where it does not interfere with the walk-ability or the traditional pedestrian scale of the development. Common parking areas shall be designed to promote shared parking among the uses in the Planned Unit Development.
- g. Lighting, Signs, and Landscape Design:
- 1) Lighting shall be appropriate for the site and the proposed uses. Lighting shall in all cases be limited to twelve (12) feet in height for pole-mounted lights and one hundred (100) watts. All pedestrian areas and parking areas shall be appropriately lit and shall be placed on timers to be extinguished after operating hours. Lighting shall also comply with the standards of Section 4.13.
  - 2) No signage in a Village Center Planned Unit Development may be internally lit. Signs shall be backlit or spot lit opaque lettering or logos.
  - 3) High quality design of landscaping features is required in a Village Center Planned Unit Development. Landscaping shall be designed by a professional Landscape Architect licensed by the State of Michigan. Designs may be flexible but should include landscaping of the required outdoor element described above, street trees, building foundation plantings, planters or window boxes for commercial storefronts, and landscaped islands in any parking area exceeding 10 parking spaces.
  - 4) All Village Center Planned Unit Developments shall include concrete sidewalks (or decorative paver sidewalks) separated from the roadway and accessible to all users of the site. There shall be safe and complete pedestrian circulation throughout the project.

5. Approval Process:

- a. A Residential Planned Unit Development or a Village Center Planned Unit Development shall be processed in accordance with the provisions of Article 19, Conditional Land Uses. All standards of Article 19 and all applicable standards of this Article shall apply. Where the requirements of this Article conflict with the requirements of Section 24.5 relating to Natural Features, the requirements of this Article shall apply to Planned Unit Developments.

- b. Any Residential Planned Unit Development or a Village Center Planned Unit Development may be approved for phased development.
  - 1) Planned Unit Developments proposed to be phased shall include a phasing plan to be approved by the Planning Commission and a Conceptual Plan in lieu of the detailed site plan required under Section 18.2.2.a above. The Conceptual and Phasing Plan shall be processed in accordance with the provisions of Article 19, Conditional Land Uses.
  - 2) Each phase of the phased Planned Unit Development must be subsequently approved by the Planning Commission. Each phase must comply with the approved Conceptual Plan and Phasing Plan, and any other conditions of conceptual approval. Each phase will be processed under the provisions of Article 24, Site Plan Review.
  - 3) Any significant change in the Conceptual Plan or Phasing Plan, as determined by the Township staff, shall require a new Conceptual Plan approval following the same procedure as the initial Conceptual Plan approval.
- c. An approval of a Planned Unit Development under the prior zoning ordinance shall continue to be valid as long as the prior Planned Unit Development approval was still effective as of the effective date of this Ordinance. No approvals to extend the pre-existing approval are required. Any alterations to a Planned Unit Development which was approved under a prior zoning ordinance or the use of land in a Planned Unit Development which was approved under a prior zoning ordinance that differs from the previously approved Planned Unit Development shall necessitate a rezoning of the property to an appropriate underlying zoning as supported by the Long Lake Township Comprehensive Plan and approval of a new Planned Unit Development under the procedures and requirements of this Ordinance.

## SECTION 18.7 HAMLET DEVELOPMENT OPTION

[This section was added by Ordinance #175 adopted December 10, 2019, effective December 25, 2019 and by Ordinance #177 adopted December 10, 2019, effective December 25, 2019]

- 1. **Intent:** The intent of the Hamlet Development Option is to promote a development pattern, density, and land uses consistent with those called for under the Hamlet future land use designation in the Long Lake Township Master Plan. Further, this development option is intended to
  - a. Provide for a small scale and pedestrian oriented commercial and residential center integrated into the existing community
  - b. Enhance an existing focal point of activity
  - c. Promote efficient utilization of land and existing buildings and businesses
  - d. Take advantage of the locational attributes of Long Lake
  - e. Maintain the existing residential character of the area
  - f. Encourage development that is reflective of the residential building styles typical in this and other lake communities in the region
  - g. Allow for the reuse of existing residential structures for non-single -family residential uses within a well-defined set of standards and restrictions

- h. Allow for economic viability of the district in part through the expansion of and establishment of new non-residential businesses and activities
  - i. Protect the health, safety, and welfare of the community
2. Eligibility: To be eligible for non-residential development under the Hamlet Development Option, a parcel must meet all of the following requirements:
- a. The parcel must be located within the Hamlet future land use plan district as identified in the Long Lake Township Master Plan; and
  - b. The parcel must not have Long Lake frontage, except as allowed under c. or d., below
  - c. For parcels with Long Lake frontage, a non-residential use may be permitted under the Hamlet Development Option if the parcel is under public ownership,
  - d. For parcels with Long Lake frontage but not in public ownership, any existing non-single-family residential use may continue or expand if the use is permitted in Paragraph 3 below.
3. Non-residential uses: Eligible properties as defined above may include the following non-residential uses, provided that the total building footprint on the eligible property does not exceed 5,000 square feet; and further provided that total seating for any food service or tavern uses on any eligible property does not exceed 150 seats.
- a. Convenience or service retail, limited to 5,000 square feet of customer floor area
  - b. Motor vehicle fuel stations, without repair
  - c. Restaurants, without drive-through, limited to 150 seats
  - d. Take-out food service
  - e. Taverns, limited to 150 seats
  - f. Professional offices, limited to 3,000 square feet
  - g. Specialty retail including antique stores, art galleries, gift shops, and related retailers limited to 5,000 square feet
  - h. Tourist resorts as defined in this ordinance
  - i. Public parks and recreational sites
  - j. Institutional uses such as churches, schools, and similar uses
  - k. Uses normally incidental to the uses described above
4. Non-residential development standards:
- a. Parking lots shall be limited to 75 spaces
  - b. Parking lots under 10 spaces may be unpaved. All other parking lots shall be paved with asphalt or concrete or be constructed of an alternative surface as approved by the Planning Commission, provided that the alternative surface is in keeping with the intent of the Hamlet Overlay district and that it can be maintained in a dust free condition.

- c. Buildings shall be of a design that is either residential in nature (such as a converted residence), or consistent with existing historic buildings in the vicinity, or of a compatible design as approved by the Planning Commission
- d. Hours of operation shall be as approved by the Planning Commission, but in no case shall extend later than 12:00 midnight or earlier than 7:00 a.m.
- e. Primary and active use buildings over 200 square feet shall meet the following minimum setbacks
  - 1) for new construction on vacant land, 30 feet from any road right of way or access easement,
  - 2) for expansions on properties with existing legally existing buildings, the required minimum setback from any road right of way or access easement shall be equal to that of any existing primary building, providing that such primary building is proposed to remain on site,
  - 3) 20 feet from any other lot line
- f. Improvements such as trash dumpsters, outdoor dining areas, decks, parking areas, storage buildings under 200 square feet, or similar improvements shall meet the following setbacks
  - 1) 20 feet from any road right of way or access easement
  - 2) 8 feet from any other lot line, where a buffer as described below is provided, otherwise, a 20-foot minimum setback shall be observed
- g. Additional standards:
  - 1) A buffer shall be provided where parking areas associated with uses open after 6:00 p.m. are designed to face adjacent residential uses. A buffer shall consist of a landscape screen of evergreen vegetation at least 5' in height and 3' in width; or a wooden privacy fence no more than 6' in height, or existing natural vegetation or other similar buffer as approved by the Planning Commission
  - 2) Any trash dumpsters shall be fully enclosed with a wall, fence, or gate.
  - 3) All sign allowances and requirements shall be as provided for any commercial properties in the Local Business zoning district under Article 21. Further, providing that for multiple businesses or tenants in one development, one wall-mounted sign per business shall be permitted upon the portion of the building occupied by the business the sign identifies. Each such wall-mounted sign shall be permitted a maximum display area of sixteen (16) square feet.
  - 4) No building shall exceed 35 feet in height
  - 5) Parking shall be provided in ratios as required under Article 25 but fewer spaces may be allowed with the approval of the Planning Commission.
  - 6) All outdoor lighting shall be extinguished by 12:00 midnight but may be on a motion sensor where lighting will not present a nuisance to adjacent properties as determined by the Planning Commission.
  - 7) Properties shall be designed in anticipation of providing for pedestrian connections to adjacent non-residential properties or to existing or planned public pathways.
  - 8) The Planning Commission shall determine that adequate emergency access is provided.
  - 9) The Planning Commission shall determine that adequate pedestrian access is provided or is planned for the future.



10) The applicant shall provide evidence of a storm water plan to retain all storm water on the property.

5. Specific standards for Tourist Resorts:

- a. The tourist resort facility shall include a resident manager on site during any periods when any unit is being rented on a short-term (less than 30 nights) basis. Alternately, a property manager must be within 30 minutes travel time and available at all times when any unit is being rented on a short-term basis.
- b. Each rental unit may be free-standing or in a multi-tenant building
- c. Each rental unit must be at least 200 square feet but no greater than 800 square feet in finished living area.
- d. Every building on the site must meet minimum setbacks and 10' minimum spacing required under the underlying zoning district.
- e. Only one primary accessory structure used for storage or as a garage shall be permitted on the site, not exceeding 1,200 square feet or 18 feet in height. Up to two minor accessory buildings shall be allowed providing they are compliant with requirements under Section 4.6.
- f. Tourist resorts must provide for a minimum of 1.5 off-street parking spaces for each unit and 2 off-street parking spaces for the resident manager unit. All other parking requirements of Article 25 must be met.
- g. For pre-existing tourist resort uses in the Hamlet Overlay district, any expansions or alterations to the use shall meet the standards herein and shall be permitted expansions of non-conforming structures in conformance with the provisions of Section 5.3.
- h. Tourist resort developments shall not be required to obtain a certificate for a short-term rental under Long Lake Township Short-Term Rental Ordinance Number 178 as amended.
- i. A tourist resort development shall not exceed 10 guest units.

6. Approval Process:

- a. Single family residential uses within the Hamlet Overlay shall comply with all requirements and permitting standards of the underlying zoning requirements and not subject to any Planning Commission approvals.
- b. Approval of all other developments within the Hamlet Overlay shall be processed in accordance with the provisions of Article 19, Conditional Land Uses. The Planning Commission shall also find that all applicable standards and requirements of this Article are met.

# ARTICLE 19

## CONDITIONAL LAND USES

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### SECTION 19.1 CONDITIONAL USES

A Conditional Use is a use that is permitted within a specified zoning district after meeting specific requirements of this Article. Due to the nature of the use, Conditional Land Uses require special consideration in relation to the welfare of adjacent properties and to the community as a whole. It is the purpose of this Article to specify the procedure and requirements for the detailed review of certain specified types of land uses, which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. In addition, this Article describes any specific approval conditions and regulations applicable to individual conditional land uses.

1. Data Required for Conditional Land Use Applications. A Conditional Land Use application shall be submitted and processed according to the following procedures:
  - a. Submission of Application. An application shall be submitted to the Zoning Administrator on a Conditional Land Use Permit Application form. Upon receipt of a completed application, the Zoning Administrator shall place the request on the agenda for the next regularly scheduled Planning Commission meeting. A complete application under this Section shall be one that specifically addresses the items set forth in Sections 19.1, 1, b, below.
  - b. Data Required. A Conditional Land Use Application shall include the following information.
    - 1) A complete Site Plan containing all the applicable data required by Section 24.3, Data Required for Site Plans.
    - 2) Supporting statements, evidence, data, information and exhibits that address the standards and requirements for assessing Conditional Land Use Applications as provided in Section 19.1, 3.
    - 3) Any additional information deemed necessary for the Planning Commission to determine the impact of the proposed Conditional Land Use on the adjacent properties, public infrastructure, and community as a whole. Such information may take the form of, but is not limited to, traffic impact analysis, environmental impact assessments, or reports and/or testimony by officials representing state, county or local departments of public safety (police and fire), health, highways or roads, and/or environment.
  - c. Concurrent Review. A Conditional Land Use Application and associated Site Plan may be reviewed concurrently with the mutual consent of the Planning Commission and applicant.
2. Action on Conditional Land Use Applications.
  - a. Staff Review. The Zoning Administrator or Planner shall determine whether the application is complete. If the Plan is determined to be complete, it shall be placed on the next available Planning Commission agenda for a public hearing.

- b. Public Hearing Procedures. Once the staff has determined that a complete Conditional Land Use Application has been received, the Zoning Administrator shall schedule a public hearing, in accordance with Section 20.21, hereof.
- c. Planning Commission Action. After the Public Hearing and upon review of the merits of the Conditional Land Use Application, the Planning Commission shall deny, approve, or approve with conditions the Conditional Land Use Application. An application meeting all the standards of this Ordinance shall be approved or approved with conditions. The Planning Commission's decision shall be incorporated within a motion containing findings of fact and conclusions reached relative to the proposed Conditional Land Use which specifies the basis for the decision and any conditions imposed.
- d. Basis for Action. In arriving at its decision, the Planning Commission shall refer to and be guided by those standards set forth in this Article. If the facts regarding the Conditional Land Use do not establish that the standards and requirements set forth in the Article can or will be met by the proposed Conditional Land Use, the Planning Commission shall deny the Conditional Land Use Application.
- e. Attachment of Conditions. The Planning Commission may establish additional conditions deemed necessary for the protection of the general welfare, individual property rights, and to ensure that the purposes of this Ordinance are met. Such conditions may include conditions necessary to insure that public services and facilities affected by a conditional land use will be capable of accommodating increased service and facility caused by the conditional land use, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet all the following requirements:
  - 1) Be designed to protect natural resources and the health, safety, welfare, social and economic well being of those who will use the land or activity under consideration and those residents and landowners immediately adjacent thereto.
  - 2) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
  - 3) Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in this Zoning Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.
- f. Issuance of a Land Use Permit. A Land Use Permit shall be issued by the Zoning Administrator upon approval of the Conditional Land Use by the Planning Commission. The Land Use Permit shall list all the conditions of approval stipulated by the Planning Commission. The Zoning Administrator shall forward a copy of the Land Use Permit to the applicant. In addition, the Zoning Administrator may require that the applicant record an affidavit of the Land Use Permit for a Conditional Land Use with the County Register of Deeds. A Site Plan approved in conjunction with a Conditional Land use shall be processed according to the procedures of Article 24.
- g. Appeals. No decision or condition related to a Conditional Land Use Application shall be taken to the Zoning Board of Appeals. An appeal of a Conditional Land Use decision or condition may be taken to the Circuit Court.

3. Standards for Granting Conditional Land Use Approval. The Planning Commission, before acting on a Conditional Land Use Application, shall employ and be guided by standards which shall be consistent with and promote the intent and purpose of this Zoning Ordinance, and ensure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards and, in addition, shall find adequate evidence that each use at its proposed location will be consistent with the public health, safety, and welfare of the Township and shall comply with the following standards, together with any specific regulations and conditions set forth for such use in this Article:
  - a. A Conditional Land Use shall be harmonious with and in accordance with the goals, objectives and policies of the Township Master Plan.
  - b. A Conditional Land Use shall be designed, constructed, operated and maintained in harmony with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.
  - c. A Conditional Land Use shall not be hazardous or disturbing to existing or future uses in the same general vicinity and in the community as a whole.
  - d. A Conditional Land Use shall be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, stormwater drainage, refuse disposal, water and sewage facilities and schools or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
  - e. A Conditional Land Use shall not create excessive additional requirements at public cost for facilities and services and will not be detrimental to the economic welfare of the community.
  - f. A Conditional Land Use shall not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare by reason of excessive production of traffic, noise, vibration, smoke, fumes, glare or odors.
  - g. A Conditional Land Use shall be designed, constructed and maintained so as to ensure that the environment shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications that result in maximum harmony with adjacent areas.
4. Reapplication and Rehearing. A reapplication or rehearing concerning a Conditional Land Use Application shall be governed by Sections 20.10 and 20.11 of this Ordinance, respectively.
5. Site Plan Amendments in Conjunction with a Conditional Land Use. The Site Plan, as approved, shall become part of the record of Conditional Land Use Approval, and subsequent actions relative to the activity authorized shall be consistent with the approved Site Plan, unless a change conforming to this Ordinance receives the mutual agreement of the landowner and the Planning Commission. A Site Plan amendment shall be reviewed and considered in the same manner as the original Conditional Land Use Application, except as otherwise provided in this Ordinance.
6. Validity and Revocation of Land Use Permits for Conditional Land Uses.

- a. Validity of Permit. A Land Use Permit for a Conditional Land Use shall be valid for a period of twelve (12) months from the date of the issuance of said permit. If substantial construction has not commenced and proceeded meaningfully toward completion by the end of this twelve (12) month period, the Zoning Administrator shall notify the applicant in writing of the expiration of said permit; provided, however, that the Planning Commission may waive or extend the period of time in which the permit is to expire if it is satisfied that the owner or developer is maintaining a good faith effort to proceed with construction. Once the Conditional Land Use is established and the conditions of the permit fulfilled, the Conditional Land Use Permit shall be valid until such time that there is a change of conditions or use related to the permit.
  - b. Permit Revocation. The Planning Commission shall have the authority to revoke any Conditional Land Use Permit following a Public Hearing noticed according to the procedures provided in Section 20.21, if the holder of the permit has failed to comply with any of the applicable conditions specified in the permit.
7. Amendments to a Conditional Land Use. Amendments to a Conditional Land Use shall be reviewed and approved in the same manner as the original submittal and require the mutual consent of the property owner and the Planning Commission. Minor amendments, as defined below may be made by the Planning Commission without requiring a public hearing.
8. Minor Amendments to a Conditional Land Use. Minor amendments to a Conditional Land Use shall include
- a. Minor Site Plan amendments as defined in Section 24.6, 2.
  - b. Changes in the nature of the Conditional Land Use which permanently decrease or mitigate impacts from such use on surrounding properties, the general public or public facilities or service.

## **SECTION 19.2 SPECIFIC CONDITIONAL LAND USE EVALUATION STANDARDS**

In addition to the general approval standards for Conditional Land Uses set forth in Section 19.1, 3, the Planning Commission shall evaluate each Conditional Land Use application in accord with the standards set forth for the specific use in this Article. If no specific standards are provided, the Conditional Land Use shall be evaluated under the standards of Section 19.1, 3.

## **SECTION 19.3 ABOVEGROUND STORAGE OF FLAMMABLE LIQUIDS**

1. The applicant shall demonstrate to the Planning Commission proper design and licensing measures as required by State and federal statutory and regulatory authority.
2. Any hazardous, flammable or corrosive materials proposed to be stored, used or handled on site shall be disclosed by the applicant and all such storage, use and handling shall be conducted in accordance with applicable State and federal requirements including adequate secondary containment structures.
3. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate state and county permits and approvals.

4. Storage facilities shall provide adequate security and signage to notify the public of the hazardous materials and to prevent trespass.
5. The Planning Commission may require buffering, screening, setbacks and other elements that are greater than those otherwise required by this Ordinance in keeping with the spirit and intent of this Ordinance to protect the public health, safety and welfare.

**SECTION 19.4 [Reserved]**

**SECTION 19.5 [Reserved]**

**SECTION 19.6 [Reserved]** [Removed by Ordinance #181, adopted March 9, 2021, effective March 21, 2021]

**SECTION 19.7 BILLBOARDS**

1. Allowable Zoning Districts and Areas. Billboards, poster boards and other non-accessory signs along a Highway, as defined in the Zoning Ordinance, shall be restricted to properties zoned in the GB - General Business District and located within Sections 1 and 2 of Long Lake Township.
2. Size. The size of a single sign panel shall not exceed twelve (12) feet in height and twenty six (26) feet in width. The maximum surface display area of any side of a billboard may not exceed two hundred eighty-eight (288) square feet. Billboards may be, double-faced, configured back-to-back or V-shaped. Additional panels, faces or extensions of any size or shape located above, below or beside the permitted faces and panels shall not be permitted. Sign structures and the signs affixed to them shall not exceed twenty (20) feet in height. The height of the sign including decorative embellishments shall be measured from the surface grade of the ground beneath the sign.
3. Spacing and Location.
  - a. Not more than three (3) billboards may be located per linear mile of a Highway, as defined in the Zoning Ordinance, regardless of the fact that such billboard may be located on different sides of the subject highway. The linear mile measurement shall not be limited to the boundaries of the Township of Long Lake where particular street or highway extends beyond such boundaries. V-type structures shall be considered as two (2) billboards and double-faced (back-to-back) structures as one billboard.
  - b. Billboards and off-premises signs and their sign structures shall be located not closer than one hundred (100) feet from any road right-of-way and not closer than two hundred (200) feet from any road rights-of-way which intersect or abut. No billboard shall be located within two hundred (200) feet of residential zone and/or an existing residence.
4. Lighting. Lighting of a billboard shall be of no greater wattage than as necessary to make the sign visible at night and shall not reflect into adjacent properties, or into the sky. Lighting sources shall not be directly visible to passing vehicles or pedestrians and shall be concealed by a flush-mounted lens designed for similar performance construction, so that direct light does not shine through, under, over, or above any element of a billboard. Illumination of billboards shall be from the top and directed downward. Fixtures shall have full cut-off shielding such that no light shall go above the horizontal regardless of type or wattage and also such

that no light source shall be visible from any road right-of-way or any adjacent property. Quartz and mercury vapor lighting shall not be permitted. Billboards may be illuminated except during the hours from 11:00 p.m. and 7:00 a.m. Eastern Standard Time. All illumination of billboards and any other outdoor features shall not be of a flashing, moving, or intermittent type including liquid crystal display (LCD) messages. Also, messages displayed on billboards may not intermittently change, either by mechanical means, digitally, or otherwise.

5. Construction. The billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that normally can be expected to occur in the vicinity. The billboard must be maintained so as to assure proper alignment of structure, continual structural soundness and continued readability of message.
6. Highway Advertising Act of 1972. A billboard established within a business, commercial or industrial area, as defined in the "Highway Advertising Act of 1972" (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.
7. Prohibited Billboards. The following types of billboards shall not be permitted:
  - a. A billboard in a residential, agricultural or conservation recreation district.
  - b. A billboard in a shopping district or a historic district.
  - c. A billboard that is stacked, tiered, stepped or placed next to or along side of any other billboard or sign.
  - d. Billboards containing flashing, intermittent changing or moving lights, or sequential reflectorized lettering or parts and billboards with moving or revolving parts or messages.
  - e. Billboards affixed to trees, rocks, shrubs, fences, utility poles and/or natural features.
  - f. A billboard that would, by its erection, destroy significant natural vegetation and/or cause significant existing vegetation to be removed.
  - g. Billboards utilizing vehicles, trucks, vans or other wheeled devices or tripods, sandwich boards or changeable message boards.
  - h. Attached advertising devices such as banners, balloons, flags, pennants, pinwheels, windsocks, searchlights and/or other devices with similar characteristics.
  - i. A billboard mounted on or over the roof of a building
  - j. Billboards which may otherwise be prohibited by any other laws, Ordinances or regulations.

## **SECTION 19.8 [Reserved]**

## **SECTION 19.9 [Reserved]**

## **SECTION 19.10 BUILDING MATERIAL SUPPLIER**

1. Any retail sales of materials that are stored or displayed in an area that is not under roof shall also comply with the Conditional Use criteria for Open Air Business and Storage pursuant to Section 19.39.
2. The site shall be a minimum of five (5) acres and a maximum of twenty (20) acres in area.
3. The site shall have access on an all season road as determined by the Grand Traverse County Road Commission or MDOT.
4. A solid fence, wall or earthen berm at least six (6) feet in height and no greater than twelve (12) feet in height shall be provided around the periphery of the site to screen said site from surrounding property. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. All activities shall be confined within the enclosed area. There shall be no stocking of material above the height of the fence or wall, except that movable equipment used on site may exceed the wall or fence height. No equipment, material, signs or lighting shall be used or stored outside the enclosed area.
5. Processes involving the use of equipment for cutting or packaging shall be conducted within a completely enclosed building.

## **SECTION 19.11 BUILDING WITH EXCESS FLOOR AREA**

1. Within the Local Business district the following standards shall apply:
  - a. The massing of larger commercial buildings shall be deemphasized by the use of projecting and recessed wall sections or other design features that reduce or mitigate the apparent overall bulk and volume. Breaks in the facades and roof lines occasioned by projecting and recessed sections should occur not more frequently than the width of one shop front or twenty-five (25) feet, nor less frequently than every fifty (50) feet.
  - b. Not less than fifty percent (50%) of the ground floor exterior wall façade facing or oriented generally toward a public or private street shall be comprised of transparent glass or faux window openings. Provided, however, in no instance shall the transparency of such wall facades be less than twenty percent (20%) of the wall area.
  - c. Roofs may be pitched or flat, provided that any rooftop mechanical equipment shall be placed to the rear of the structure or screened by a parapet not less than four (4) feet in height. Any such parapet and rooftop mechanical equipment shall conform to the overall height limitations of the district.
  - d. Foundation plantings or container plantings shall be used to mitigate the imposing aspect of larger buildings. Any such plantings shall be effectively irrigated to assure their viability.
2. Within the General Business district, the following standards shall apply:



- a. Buildings in excess of twenty thousand (20,000) square feet may be subject to additional screening and/or setback requirements to relieve the impression of excessive mass for the immediate vicinity.
  - b. The Planning Commission may require the preparation of accurate perspective renderings and sight-line cross sections into and through a prospective development to provide an accurate impression of the scale and compatibility of the proposal with existing structures and within the context of existing development in the vicinity.
3. The standards of this section shall be applied cumulatively to all buildings on a parcel.

## **SECTION 19.12 CAR WASH**

1. All such facilities shall be connected to a public water and sewer system or approved on site systems.
2. All washing activities shall be carried out within a building, however drying and waxing activities associated with manual and coin operated automobile washes may occur outdoor.
3. No vacuum equipment shall be located closer than one hundred (100) feet from any property line that abuts a property zoned or used for residential purposes.
4. Noise generated on site from any source shall not exceed sixty (60) decibels measured at any property line.
5. Adequate drainage shall be provided, to prevent flooding, freezing of runoff on any traveled surface, and environmental damage.
6. Manual and coin automobile washes shall provide adequate space for drying and waxing vehicles.
7. The applicant shall demonstrate to the satisfaction of the Planning Commission that vehicle stacking areas for the drive-through facility are adequate to handle the highest volume likely at the facility without encroaching on the public right-of-way or the drive aisles, parking or pedestrian areas on site.
8. The applicant shall demonstrate that no litter and debris will travel off-site.
9. The Planning Commission may establish hours of operation for such uses consistent with the character of the land uses in the vicinity.

## **SECTION 19.13 CHILD CARE CENTERS**

1. Child Care Centers that are sited on the premises of an operating community service activity such as, but not limited to, a public or private school, place of worship, community center, or library and associated with that activity shall not be required to meet the following standards. All other Child Care Centers shall comply with the following:
2. The center shall have at least one frontage on a paved portion of one of the following county roads: East Traverse Highway (M-72), Cedar Run Road, North Long Lake Road, Barney Road, Secor Road, Skiver Road, Thiel Road, Herkner Road, Boone Road, West Long Lake Road, South Long Lake Road, East Long Lake Road, Bass Lake Road, Strait Road, Goodrick Road, Tilton Road, Gray Road, and Fisher Road.

3. One parking space shall be provided for each employee working during the largest shift plus one space for each eight (8) children the facility is licensed to receive for care at any one time.
4. A child loading/unloading area shall be provided to assure safe access to the facility and the adequacy of parking areas and maneuvering lanes to circulate peak hour traffic.
5. On-site traffic circulation shall be restricted to a one-way traffic flow, where possible. Any on-site outdoor play area shall be enclosed by a fence that conforms to the applicable requirements of Section 4.12.
6. No portion of a Child Care Center shall be located within three hundred (300) feet of any gasoline pumps, underground storage tanks, or any other explosive material.
7. A landscaped greenbelt shall be established and maintained along all property boundaries, including the road right-of-way. The greenbelt shall have a minimum depth of ten (10) feet. The greenbelt provided adjacent to properties occupied or zoned for residential use shall be planted with at least one evergreen tree per thirty (30) linear feet. The greenbelt provided adjacent to any road right-of-way shall be planted with one deciduous tree for every fifty (50) linear feet and one (1) shrub per fifteen (15) linear feet to screen any parking area visible from the right-of-way. The Planning Commission may modify this requirement, including locating the landscaped greenbelt required along property boundaries closer to the building, as existing conditions warrant provided that views from the road right-of-way and adjacent properties zoned or occupied for residential use are obscured by vegetation.
8. Signs shall be limited to one monument sign with a maximum sign face area of twenty-four (24) square feet and a maximum height of eight (8) feet, as measured from the established grade. Signs shall not be internally lit; only indirect lighting shall be permitted.

## **SECTION 19.14 [Reserved]**

## **SECTION 19.15 DOG DAYCARES** [This Section has been amended by Ordinance #159, adopted April 18, 2017, effective May 6, 2017]

1. The minimum lot area shall be two (2) acres for the first five (5) animals, and an additional five thousand (5,000) square feet for each animal in addition to the first five (5). Total number of dogs shall in no case exceed 10 in the Agricultural, Low Density Residential, or the Conservation Recreation zoning districts.
2. Buildings where animals are kept, dog runs, and exercise areas shall not be located nearer than fifty (50) feet from any property line; except when the line is adjacent to a residential subdivision or site condominium, the Planning Commission may require setbacks of up to one hundred (100) feet.
3. Dog runs and exercise areas shall not be located in any front yard.
4. All dog daycare activities, other than outdoor dog runs or exercise areas, shall be conducted within a totally enclosed building that is soundproofed.
5. All required state and local licenses and permits, including, but not limited to any required kennel licenses, shall be maintained in good standing at all times.

6. The hours of operation shall be limited daily from 6 a.m. to 9 p.m. or other hours approved by the Planning Commission in consideration of surrounding uses.
7. The dogs may be trained, exercised and socialized, in association with the daycare use, but not kept or boarded overnight, bred, or sold.
8. Off-street parking and loading areas shall be provided in conformance with standards for day care centers in Article 25.
9. All outdoor exercise areas shall be fenced; such fencing shall be 6 feet in height and shall be privacy fencing if located within 150 feet from any property line. The fence shall provide full containment for the dogs.
10. The applicant shall provide a manure management plan for review by the Planning Commission.
11. The applicant shall provide an operational plan for approval by the Planning Commission.
12. No dog daycare shall be approved under this Section that is closer than 1,500 from any existing dog daycare or kennel.

## **SECTION 19.16 DRIVE THROUGH BUSINESS**

1. All automobile queuing for a drive-through window shall be separated from other off site and on-site traffic patterns.
2. Pedestrian areas shall be clearly marked.
3. The drive-through lane(s) shall be designed to accommodate a full-size passenger vehicle pulling a recreation-vehicle trailer.
4. The applicant shall demonstrate to the satisfaction of the Planning Commission that vehicle stacking areas for the drive-through facility are adequate to handle the highest volume likely at the facility without encroaching on the public right-of-way or the drive aisles, parking or pedestrian areas on site.
5. Any commercial establishment with a drive-through facility which adjoins a property zoned or used for residential purposes shall be effectively screened from view from such property.
6. The proposed site shall front upon a paved public or private street. All ingress and egress shall be from said street.
7. Outdoor speakers for the drive through establishment shall be located in a way that minimizes sound transmission toward adjacent property.

## **SECTION 19.17 DWELLING, MULTIPLE FAMILY**

1. Scaled elevation drawings depicting architectural features shall be provided. In an area of predominately single-family homes, a multiple dwelling shall be designed to resemble one-unit dwelling and shall include architectural details found on the majority of dwellings in the neighborhood, so that the multiple dwelling is consistent with the aesthetic character of existing buildings.

2. A garage serving a multi-family dwelling shall be recessed or placed to the rear of the dwelling, with side or rear entry.
3. When multiple dwelling is located on the first floor of a building, the following shall comply:
  - a. First floor residential units shall have a fifteen (15) foot front yard setback.
  - b. The front yard setback shall be landscaped in accordance with the standards of this ordinance.
  - c. A wall or decorative fence may be installed five (5) feet from the front property line. Solid walls of concrete, stone or masonry may be no higher than three (3) feet tall, except where required to retain a slope. Decorative fencing or hedges may be used to define the front yard, and shall not exceed four (4) feet in height.
  - d. In no instance shall more than one out of six (6) multiple-family units in any multiple-family development be designed as an efficiency unit.

## **SECTION 19.18 DWELLING, TWO-FAMILY**

1. Scale elevation drawing depicting architectural features shall be provided. A two-unit dwelling shall be designed to resemble a one-unit dwelling and shall include architectural details found on the majority of dwellings in the neighborhood, so that the two-unit dwelling is consistent with the aesthetic character of existing buildings.
2. A Two-unit Dwelling located in the LDR district shall be connected to a community wastewater system.
3. A garage serving a two-unit dwelling shall be recessed or placed to the rear of the dwelling, with side or rear entry.

## **SECTION 19.19 EASEMENT TO WATER**

1. Water Frontage: Easement to water lots shall have of a minimum of one hundred (100) feet of contiguous water frontage for each Easement Grantee Lot. However, an easement to water shall not exceed five hundred (500) feet of contiguous water frontage.
2. In the event water frontage on Long Lake is included in a common area of a site condominium project pursuant to Article 22 of this Ordinance, it shall have a minimum of one hundred (100) feet of contiguous water frontage for each unit with easement rights. However, such common area shall not have more than five hundred (500) feet of contiguous water frontage.
3. Buildings and Structures: No buildings or structures, temporary or permanent, shall be constructed or erected on said property, except for temporary toilet facilities as approved by the Grand Traverse County Health Department. In the event that any buildings and/or structures exist on any property proposed for use as an easement to water, other than as specified above, the Planning Commission shall deny the request for conditional land use approval for an easement to water, or require the removal of said buildings and/or structures as a condition for granting approval.

4. Docks, moorings, shore stations and similar facilities: Except as otherwise provided in this subsection, one (1) dock, mooring, shore station or similar facility, to accommodate not more than one (1) boat shall be permitted for the first one hundred (100) feet of contiguous water frontage, and one (1) additional dock, mooring, shore station or similar facility to accommodate not more than one (1) boat, shall be permitted for each additional fifty (50) feet of water frontage contiguous thereto. In the event two (2) or more owners of easement grantee lots elect to share a dock, mooring, shore station or similar facility, such dock, mooring, shore station or similar facility shall accommodate not more than one (1) boat for each easement grantee lot sharing the dock, mooring, shore station or similar facility. No dock, mooring, shore station or similar facility shall be constructed within the side setbacks of the property on which it is located. All docks, moorings, shore stations or similar facilities shall be separated by a distance of no less than fifty (50) feet at any given point. A dock, mooring, shore station or similar facility, located on an easement to water established after March 31, 2001, that is removed and replaced either on a seasonal basis or permanently, shall be located in conformance with the terms of this paragraph. No structure greater than thirty (30) cubic feet in total volume shall be permitted to be placed on, or affixed to, a dock. Storage of petroleum, gasoline, lubricants or other hazardous or toxic substances on a dock shall be prohibited.
5. Lighting: Lighting shall be prohibited on easement to water lots except when reasonably required as night security. Lighting fixtures shall incorporate full cutoff shielding as defined herein and shall be installed to deflect any light away from adjoining properties, properties located on an opposite shoreline, buffer zones, water surfaces and the night sky.
6. Parking: One (1) parking space shall be provided for each easement grantee lot as defined herein. All driveway and parking areas shall be located within the easement to water lot, and shall not exceed fifteen percent (15%) of the area of the easement to water lot.
7. Dimensions and Setbacks: Easement to water lots shall meet the minimum lot area, required yards, and setback standards of the LR Lake Residential district (see Table 2.6 Schedule of District Regulations).
8. Water Frontage Separation: An easement to water lot shall be located no closer than one thousand five hundred (1,500) feet from any other easement to water lot with frontage on Long Lake.
9. Buffer Strip: Easement to water lots shall meet the requirements of Section 9.5.11, of this Ordinance.
10. Restrictions: Easements to water which provide access to lakes other than Long Lake shall not be permitted because the other lakes in the Township are either located in the Conservation-Recreation District which seeks to encourage very low intensity land uses; and/or, such are relatively small in area and not able to sustain higher intensity development and use.

## **SECTION 19.20 [Reserved]**

## **SECTION 19.21 EDUCATIONAL FACILITY**

1. The Planning Commission may establish standards to limit routine noise generated by an Educational Facility to no more than sixty (60) decibels at the property line, taking into account the nature of the facility, the

surrounding uses and zoning and the probable frequency of objectionable noise levels that may be generated by the use.

2. Off street parking shall be provided as required by Article 24 of this Ordinance.
3. Sidewalks shall be required connecting the off-street parking area to the main entrance of the facility, and to the required sidewalk along the adjacent road right-of-way line.
4. An Educational Facility with a Place of Public Assembly shall comply with the Conditional Land Use standards for Place of Public Assembly set forth in Section 19.41.
5. All required state and local licenses, charters, permits and similar approvals shall be issued prior to occupancy for any educational purposes and shall be maintained in good standing.
6. Off street parking or drop-off area shall be arranged so the area for bus loading and unloading of students will not be in the path of vehicular traffic.

## **SECTION 19.22 EXTRACTION**

1. In General. To provide for the prior approval by the Planning Commission of a Conditional Land Use Permit for earth removal, quarrying, gravel processing, mining and related mineral extraction businesses in any area of the Township. The Planning Commission shall be satisfied the following conditions and limitations are, or shall be, strictly complied with, in addition to any other requirements contained in the Township Zoning Ordinance or in any other Township ordinance controlling such operations.
2. Location. All such operations shall be located on a primary road, as defined by the County, for ingress and egress thereto, or on a road, which does not create traffic through an area, developed primarily for residential purposes. Where necessary, the Planning Commission may require the applicant to repair any roads that are damaged by truck travel to the specifications of the Grand Traverse County Road Commission.
3. Setback. The following setback limits shall be observed.
  - a. Sufficient setbacks shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property.
  - b. No such excavation operation shall be permitted closer than one hundred fifty (150) feet from the boundary lines of the property or such larger setback as may be required by the Planning Commission to adequately protect adjoining properties. However, if the adjoining property is also used for such mining and excavation operation, then the Planning Commission may reduce or eliminate the required setback from that interior boundary line. In addition, such setback may be temporarily reduced to fifty (50) feet if reclamation of the land is promptly effected to increase the setback to at least one hundred fifty (150) feet in accordance with the reclamation plan approved by the Planning Commission and adequate lateral support is at all times maintained.
  - c. No excavation operation shall be permitted within fifty (50) feet of adjoining public rights-of-way except for the lowering of land adjoining said rights-of-way to the grade level of said rights-of-way. Such excavation businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.

- d. Any permanent processing plant and accessory structures shall be located no closer than two hundred fifty (250) feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to the digging or excavating apparatus and to the stockpiling or loading of materials and to the location of transportation equipment.
  - e. No such excavation operation shall be within one hundred (100) feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, or such other state commission having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.
4. Screening. Sight barriers shall be provided along all boundaries of the site where quarrying, gravel processing, mining and related mineral extraction is proposed, which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:
- a. Earth berms constructed to a height of six (6) feet above the mean elevation of the centerline of the adjacent public highway or six (6) feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one (1) foot vertical to three (3) feet horizontal and shall be planted with grass, trees or shrubs.
  - b. Plantings of evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than four (4) feet in height at the time of planting and which grow to not less than six (6) feet in height at maturity sufficiently spaced to provide effective sight barriers when six (6) feet in height.
  - c. Masonry walls or attractive solid fences made of uniform new materials constructed to a height of not less than six (6) feet and maintained in good repair.
5. Nuisance Abatement. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment. Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injuries or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.
6. Hours. The operation shall be restricted to the hours of 7 o'clock a.m. until 7 o'clock p.m. and no operations shall be allowed on Sundays.
7. Fencing. All dangerous excavations, pits, and pond areas, banks or slopes shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others, and shall be eliminated as expeditiously as possible.
8. Reclamation of Mined Areas or Excavated Areas. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one acre or more. Substantial completion of reclamation and rehabilitation shall be

effected within one (1) year after termination of mining or excavation activity. Inactivity for a twelve (12) month consecutive period shall constitute, for this purpose, termination of mining activity. The following standards shall control reclamation and rehabilitation:

- a. All excavation shall be either to a water-producing depth of not less than five (5) feet below the average summer level of water in the excavation, or shall be graded or back-filled with non-noxious, non-inflammable and non-combustible solids to insure:
    - 1) That the excavated areas shall not collect stagnant water and not permit the same to remain therein; or,
    - 2) That the surface of such area which is not permanently submerged is graded or backfilled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
  - b. The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation at a slope, which shall not be steeper than one foot vertical to three feet horizontal. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches or other planned improvements are to be completed within a one-year period. Where used, topsoil shall be applied to a minimum depth of four inches sufficient to support vegetation.
  - c. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
  - d. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.
9. Performance Bond. A performance bond, irrevocable bank letter of credit or cash shall be furnished to the Township Treasurer insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of guarantee shall be not less than three thousand dollars (\$3,000) per acre proposed to be mined or excavated in the following twelve (12) month period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this Ordinance and the applicant's filed plan.
10. Submission of Operational and Reclamation Plans. No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted to the Planning Commission and approved. Such plan shall set forth measures to be taken to assure compliance with all of the provisions of this section. Such plans shall include, among other things, the following:
- a. A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property.
  - b. The number of acres and the location of the same proposed to be operated upon within the following twelve (12) month period after commencement of operations.



- c. The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
  - d. The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
  - e. Soil boring tests shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than one hundred fifty (150) feet from the boundaries of the site, said boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by the Township Engineer. The written consent of the owners of adjoining premises and of the Planning Commission shall be required if mining operations shall be closer than specified in the Ordinance to the boundaries of the site.
  - f. A map or plan disclosing the final grade elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities. Such plan shall be submitted to the Grand Traverse County Cooperative Extension Office and to the Grand Traverse Soil Conservation District for recommendation to the Planning Commission.
  - g. Soil boring tests shall be submitted to provide the depth of the groundwater table of the proposed site.
  - h. An environmental impact statement, concerning the existing environmental conditions in the proposed area to be excavated, which should include statements concerning, but not limited to: land, vegetation, water, etc.
  - i. A soil erosion and drainage plan shall be submitted as provided by the Grand Traverse County Soil Erosion Officer under Michigan Public Act No. 347 of 1972.
11. Hearing. After receiving an application for the grant of a Conditional Land Use Permit for an earth removal, quarrying, gravel processing, mining, and related mineral extraction business accompanied by the required plans and specifications and permit fees, the Planning Commission shall hold a public hearing upon such application as set forth in Section 20.21, of this Ordinance.
12. Basis for Decisions. Following such hearing, the Planning Commission shall grant, deny or postpone the application and set forth its reasons for its decision. Such decision shall be based upon the criteria set forth in this Ordinance and shall be based, in addition, on whether very serious consequences will result from the mineral extraction activity.
13. Conditions. In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners. It may also limit the length of time its Conditional Land Use Permit is to be effective and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon the same.
14. Extension, Renewal, Revocation. The Planning Commission shall be empowered to renew or extend a Conditional Land Use permit issued under this Section where all standards and conditions are complied with and may revoke or refuse to renew the same where noncompliance exists. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of said mined or disturbed area. No permit shall be revoked or not renewed until the operator has been given written notice of

any violation forming the basis of such revocation or denial of renewal and not less than thirty (30) days have elapsed to correct the said violation. The Zoning Administrator shall review all permits annually and report to the Planning Commission. The operator shall be required to pay an annual fee to cover the cost of inspections and additional meetings of the Planning Commission as may be established by the Township Board.

15. **Liability Insurance.** All operators shall be required to carry personal injury and property damage insurance while any un-reclaimed or un-rehabilitated areas exist, in the amount of not less than one hundred thousand dollars (\$100,000) for each person or property injured or damaged and not less than three hundred thousand dollars (\$300,000) for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the Township Clerk.

### **SECTION 19.23 FUNERAL HOME OR MORTUARY**

1. A proposed mortuary/funeral home shall be located on a parcel of land with a minimum area of one (1) acre. Provided, however, such facility shall not exceed the maximum lot coverage requirements of this Ordinance.
2. The use shall be so arranged that adequate assembly area is provided off-street for vehicles to be used in a funeral procession. This assembly area shall be provided in addition to any required off-street parking area.
3. Points of ingress and egress for the site shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.
4. No building shall be located closer than fifty (50) feet from a property line that abuts any residential use.
5. Loading and unloading areas used by ambulances, hearses, or other such service vehicles shall be obscured from the road right-of-way and all residential views with a wall six (6) feet in height. In place of the wall, the Planning Commission may permit planting of an evergreen buffer that will equivalently obscure the loading area from view by the general public.
6. All required federal, state and local licensing and permits shall be maintained at all times.
7. A caretaker's residence may be provided within the main building of the mortuary establishment.
8. A mortuary that includes a crematorium shall locate any cremating facilities at least one hundred (100) feet from any residential use.

### **SECTION 19.24 GENERAL FARMING AND AGRICULTURE**

1. General farming and agriculture shall be permitted as a use by right in any district on a parcel of land of at least five (5) net acres. Under five (5) acres, this use may be allowed with Conditional Land Use approval provided that the requirements of this Section are met.

2. A general farming or agricultural operation which was not historically in use on a particular site before the adoption of this Ordinance shall be required to provide a natural vegetative buffer along all property lines adjoining residential or commercial property.
3. Animal holding areas shall be setback one hundred (100) feet from all property lines and the road right-of-way.
4. No manure or dust producing material shall be stored within one hundred (100) feet of any property line or road right-of-way.
5. Agricultural service businesses shall be established and conducted in compliance with all other applicable laws and ordinances.

## **SECTION 19.25 GOLF COURSE OR COUNTRY CLUB**

1. The design and layout of a golf course shall be configured to prevent stray golf shots from traveling off the site and onto rights-of-way, neighboring properties or lands within the golf course development designed for uses other than the playing of golf.
2. All off-street parking shall be in compliance with Article 25 of this Ordinance, to provide for adequate parking for golfers as well as for banquets, weddings, golf tournaments, conferences, etc.
3. Any accessory uses and buildings associated with the Golf Course, and any buildings on the site shall conform to setback and dimensional requirements of the underlying zoning district.
4. A new golf course development shall include stormwater management facilities satisfactory to the Township Engineer and/or the Grand Traverse County Drain Commissioner intended to prevent the runoff of stormwater carrying excess concentrations of fertilizer or nutrients from entering natural streams of the Township.
5. Places of Public Assembly accessory to a Golf Course or Country Club shall also meet the requirements of Section 19.41 of this Ordinance.
6. A tavern accessory to a Golf Course or Country Club shall also meet the requirements for a tavern, if any, in this Ordinance.

## **SECTION 19.26 GRAPHIC AND PERFORMING ARTS STUDIO**

1. The Planning Commission may establish hours of operation to protect the character of the land uses in the vicinity.
2. The Planning Commission shall consider the compatibility of the proposed Graphic and Performing Arts Studio with both established and permitted uses in the vicinity.
3. The facility shall not generate noise levels of more than sixty (60) decibels at the property line for a single-standing building, or forty-five (45) decibels at the wall line of a facility located in a mixed use development or in a facility otherwise attached to another building or enclosed space.

4. The Planning Commission may require additional measures to abate nuisances associated with the Graphic and Performing Arts Studio, including sound and odor transmission and significant traffic generation. The Planning Commission may establish standards to limit routine noise generated by the facility in addition to the standards of this Section, taking into account the nature of the facility, the surrounding uses and zoning and the probable frequency of objectionable noise levels that may be generated by the use.
5. Adequate drop-off and pick-up areas shall be provided when applicable.
6. A Graphic and Performing Arts Studio which includes a recital hall shall also comply with the provisions of Section 19.41.

## **SECTION 19.27 [Reserved]**

## **SECTION 19.28 HOME OCCUPATION, MAJOR**

1. The operator of a proposed home occupation shall submit an operational plan for the home occupation in conjunction with the application for a Land Use Permit. The operational plan shall provide the following information:
  - a. The hours the home occupation will operate.
  - b. A description of employee parking and workforce staging plans.
  - c. A site plan in accord with Article 24.
  - d. A description of the shipping and delivery requirements of the home occupation.
  - e. A description of any material used in the home occupation which will be stored on the premises.
2. The on site activities associated with the home occupation shall be fully conducted within the personal residence or accessory buildings of the person engaging in the home occupation or within an outdoor area which is screened from view off site by fencing in accord with Section 4.11 hereof, or evergreen landscaping.
3. The activities of the home occupation shall be operated in such a manner that normal residential activities of the area, under normal circumstances, would not be negatively impacted.
4. In addition to the occupants of the residence and not more than two (2) nonresident employees, a home occupation may employ other persons, provided their work activities are undertaken at locations other than the location of the home occupation.
5. The Planning Commission may establish limits on the outdoor storage, size and parking of equipment or vehicles to preserve the residential character of the neighborhood. No outdoor storage of materials or scrap shall be permitted.
6. Not more than one (1) vehicle associated with the home occupation may be parked on the street at any time. Any other parking shall be on the parcel where the home occupation is taking place and parking for not more than two (2) vehicles may be constructed in addition to the area of the driveway in existence prior to the establishment of the home occupation.

7. With the exception of material purchased over the counter for household cleaning, lawn care, operation of a photocopier machine, paint, printing, arts and craft supplies or heating fuel, the home occupation shall not involve the generation of any hazardous waste as defined in P.A. 64 of 1979, as amended, being the Hazardous Waste Management Act (MCL 229.433 et. seq.), or use of materials which are used in such quantity, or are otherwise required, to be registered pursuant to the Code of Federal Regulations, Title 29, Chapter XVII, part 1910.2 (Dept. of Labor Regulations).
8. Any change in the nature or activities of a major home occupation shall be regarded as a new home occupation and shall require a new application, subject to this Section 19.28.
9. Failure to fulfill the terms of the approved home occupation, the site plan, and its attachments, shall be grounds for revocation of Planning Commission approval of a major home occupation.

## **SECTION 19.29 HOSPITAL AND LONG-TERM CARE FACILITY**

1. Such facilities shall at all times be maintained in a manner consistent with the character of the surrounding uses.
2. Any hazardous materials proposed to be stored, used or handled on site shall be disclosed by the applicant and all such storage, use and handling shall be conducted in accordance with Article 3 hereof, and any applicable State or federal requirements.
3. Maximum building height may exceed forty (40) feet in height provided a minimum yard equal to the height of the building shall be provided on all sides of the development and as approved by the rural Fire Department, except that no structure shall exceed a maximum height of fifty (50) feet.

## **SECTION 19.30 HOTEL OR MOTEL**

1. The property shall be suitable for transient lodging facilities with overnight lodgers staying typically not longer than seven (7) nights.
2. A hotel that includes auditorium or public meeting space shall be further regulated under the provisions of Places of Public Assembly, per Section 19.41.
3. A hotel that includes a tavern shall be further regulated pursuant to any standards for a tavern in this Ordinance.
4. The use and the impact of the establishment shall be compatible with other allowed uses in the vicinity in terms of parking, traffic, noise, and odors, and shall not adversely impact the subject neighborhood.
5. All exterior lighting shall be in accordance with Section 4.13 hereof.
6. Any dumpsters on site shall be enclosed on four (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.
7. Landscaping and Buffering shall be provided in accordance with the requirements of this Zoning Ordinance.

8. Any failure on the part of the operator to maintain proper licensing shall be grounds for the revocation of a conditional use permit for a hotel.

## **SECTION 19.31 HORSE STABLES**

In the CR and AG districts, commercial stables and the commercial housing and grazing of horses as well as keeping of horses for personal use shall be considered to be a part of general farming and agriculture, and thus permitted in said districts. See Section 4.6.2.d. Within the LDR district, the commercial housing and grazing of horses shall be considered a Conditional Land Use, subject to the following conditions:

1. The minimum parcel area shall be ten (10) acres for the first six horses, or any fraction thereof, and one additional acre for each additional horse.
2. If the proposed facility includes any riding or show arena or other place of public assembly, the proposed use shall be further evaluated pursuant to Section 19.41 hereof.
3. If the proposed facility includes any riding trails, whether open to the public or for private use, such trails shall be reflected on the site plan and the Planning Commission shall determine that adequate separation or security measures have been provided to properly contain horses and riders to the site.
4. Adequate parking shall be provided for all uses on the site.
5. The site plan shall note feed, bedding and manure storage facilities and measures to prevent excess nutrients carried in stormwater runoff from leaving the site. The Planning Commission may require documentation of the effectiveness of manure and stormwater management practices.
6. All areas accessible to horses shall be properly fenced in accord with Section 4.12 hereof, with fencing materials of sufficient design to properly contain horses.
7. Buildings and corral areas used for containing horses shall not be located closer than one hundred (100) feet from any neighboring residential building.
8. The applicant shall provide assurances satisfactory to the Planning Commission that all horses shall be properly housed and fenced at all times so as not to create a public nuisance.

## **SECTION 19.32 KENNELS**

1. The minimum lot area shall be two (2) acres in the AG District and one (1) acre in the GB district for the first five (5) animals, and an additional five thousand (5,000) square feet for each animal in addition to the first five (5).
2. The applicant shall declare as a part of the Conditional Land Use application, the maximum number of animals intended to be housed at the facility. The Planning Commission shall establish the maximum number of animals to be housed. For the purposes of this paragraph, new-born animals not yet weaned shall not be counted toward such maximum.

3. Buildings where animals are kept, dog runs, and exercise areas shall not be located nearer than one hundred (100) feet from any property line.
4. Dog runs and exercise areas shall not be located in any front yard.
5. All principal use activities, other than outdoor dog runs or exercise areas, shall be conducted within a totally enclosed building.
6. All required state and local licenses and permits shall be maintained in good standing at all times.

**SECTION 19.33 GROUP CHILD CARE HOME** [This Section has been amended by Ordinance #152, adopted April 12, 2016, effective April 27, 2016]

Under Section 206 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, the Planning Commission shall approve any group child care home as defined within this ordinance where the facility meets the following standards:

1. Location The group child care home shall be located not closer than 1,500 feet to any of the following. Distances shall be measured from the closest property line along a public or private road right-of-way
  - a. Another licensed group child care home.
  - b. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
  - c. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.
  - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
2. The group child care home shall have appropriate fencing for the safety of the children in the group child care home.
3. The group child care home operator shall maintain the property consistent with the visible characteristics of the neighborhood in regards to such elements as fencing, building materials, parking areas, outdoor storage, etc.
4. The group child care home shall not exceed 16 hours of operation during a 24-hour period. The Planning Commission may limit the operation of a group child care home between the hours of 10 p.m. and 6 a.m.
5. The group child care home shall meet regulations governing signs used by a group child care home to identify itself as found under Section 21.7.2.e of this ordinance.
6. The group child care home shall meet the parking standards under Section 25.4 for group child care homes.

**SECTION 19.34 MINI-WAREHOUSING AND SELF STORAGE**

1. Mini-storage facilities shall be constructed and used for storage of personal property, motor vehicles, boats, motor homes, furniture and similar noncommercial property.

2. Each unit shall have a maximum floor area of four hundred and eighty (480) square feet per storage unit.
3. All storage shall be confined to the enclosed structure and no outdoor storage shall be permitted.
4. In order to assure continued adequate access to the mini-warehousing facility, the Planning Commission may require dedication of a permanent easement or right-of-way.
5. Landscaping. Landscaping shall be maintained in all required yards, in accordance with plans approved by the Township Planning Commission.
6. Lighting shall be accomplished in a manner such that there shall be no illumination beyond the property lines of the lot upon which the light source is located, and such that no illumination shall adversely affect the welfare of an adjacent property. All exterior lighting shall be down lighting with non-projecting shielded lenses. See also Section 4.13.

### **SECTION 19.35 [Reserved]**

### **SECTION 19.36 MOTOR VEHICLE FUEL SERVICE STATION, WITH REPAIR**

1. Curb cuts for ingress and egress to an automobile gasoline station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto.
2. Minimum lot area shall be one (1) acre with not less than two hundred (200) feet of frontage on an all-season public road.
3. A Motor Vehicle Fuel Service Station, with repair, shall front on and take its primary access from West Long Lake, North Long Lake Road within six hundred (600) feet of West Long Lake Road, or any public or private road within Sections 1 and 2 of Long Lake Township.
4. The Planning Commission may establish hours of operation to protect the character of the land uses in the vicinity.
5. All buildings, pump islands and other facilities shall be located in conformance with the yard and setback requirements of the zoning district.
6. Dismantled, wrecked, or immobile vehicles shall not be permitted to be stored on site, except that vehicles awaiting repair may be stored on site outside of an enclosed building for periods not to exceed ten (10) days.
7. The site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust or debris from the facility.
8. All equipment including hydraulic hoists, pits, lubrication and repair facilities shall be entirely enclosed within a building. No outdoor storage of merchandise or equipment shall be permitted and outdoor servicing of vehicles shall not be permitted.
9. Noise generated on site from any source shall not exceed sixty (60) decibels measured at any property line.



10. Not more than two (2) vehicles shall be parked on site at any time for the purpose of selling or renting such vehicles.

### **SECTION 19.37 MOTOR VEHICLE SALVAGE/SCRAPPING YARD**

1. A Motor Vehicle Salvage and Scrapping Yard shall be established and maintained in accordance with all applicable state laws, and the owner/operator shall provide copies of all other required permits or other documentation required by other government agencies.
2. The site shall have a minimum area of five (5) acres and a maximum area of ten (10) acres.
3. The site shall have access on an all-season road as determined by the Grand Traverse County Road Commission or the Michigan Department of Transportation.
4. A solid fence, wall or earthen berm at least six (6) feet in height and no greater than twelve (12) feet in height shall be provided around the periphery of the site to screen said site from surrounding property. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. All activities shall be confined within the enclosed area. There shall be no stocking of material above the height of the fence or wall, except that movable equipment used on site may exceed the wall or fence height. No equipment, material, signs or lighting shall be used or stored outside the enclosed area.
5. Industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
6. No new salvage yard shall be located closer than two (2) miles from any existing salvage yard, measured in a straight line from the nearest edges of the respective properties.

### **SECTION 19.38 MOTOR VEHICLE SERVICE STATION, WITHOUT REPAIR**

1. Curb cuts for ingress and egress to an automobile gasoline station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto.
2. Minimum lot area shall be one (1) acre with not less than one hundred fifty (150) feet of frontage on an all-season public road.
3. The Planning Commission may establish hours of operation to protect the character of the land uses in the vicinity.
4. All buildings, pump islands and other facilities shall be located in conformance with the yard and setback requirements of the zoning district.
5. Dismantled, wrecked, or immobile vehicles shall not be permitted to be stored on site.
6. The site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust or debris from the facility.

7. No outdoor storage of merchandise or equipment shall be permitted and outdoor servicing of vehicles shall not be permitted.
8. Noise generated on site from any source shall not exceed sixty (60) decibels measured at any property line.
9. No vehicles shall be parked outdoors on site at any time for the purpose of selling or renting such vehicles.

### **SECTION 19.39 OPEN AIR BUSINESS AND STORAGE**

1. An Outdoor Sales Facility shall front on and be accessed from an all-season public or private road as determined by the Grand Traverse County Road Commission
2. No item or items displayed outdoors shall be greater than thirty-five (35) feet in height.
3. All exterior lighting shall be in accordance with Section 4.13 hereof.
4. The Planning Commission may establish, as a condition of approval, hours of operation for the Outdoor Sales Facility.
5. The Planning Commission may establish, as a condition of approval, buffering mechanisms, including, but not limited to, evergreen landscaping, berms, and fencing; and such conditions may be in addition to the fencing standards of Section 4.12 of this Zoning Ordinance to mitigate the visual impact of an Outdoor Sales Facility.
6. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of sixty (60) decibels at any property line. Unless specifically approved by the Planning Commission, the use of amplifiers, banners, and other attention gathering devices shall be prohibited. All signs shall be in compliance with the provisions of Article 21 of this Ordinance.
7. The outdoor sales area shall be paved, or mechanisms to prevent the creation of dust shall be implemented. The site plan shall include measure satisfactory to the Planning Commission to contain blowing dust, trash and debris on the site.
8. All off-street parking shall be in compliance with Article 25 of this Ordinance.

### **SECTION 19.40 PARKING GARAGE**

1. A Parking Garage shall be located on an all-season public or private road, as determined by the Grand Traverse County Road Commission.
2. Landscaping and Buffering shall be provided pursuant to standards set forth in this Ordinance; to screen any Parking Garage from an adjacent residentially zoned or used parcel.
3. The applicant shall demonstrate to the Planning Commission the need for the proposed parking facility, and also the sufficiency of the spaces provided to meet the needs of adjacent land uses.
4. A site plan shall be submitted illustrating clearly marked circulation patterns. The Township shall retain the right to approve or deny locations of curb cuts, spaces, and drive aisles.

## SECTION 19.41 PLACE OF PUBLIC ASSEMBLY

1. The Zoning Administrator may require the completion of a traffic impact study under the terms of Section 19.1, 1, b of this Zoning Ordinance.
2. A Large Place of Public Assembly shall front on and be accessed primarily from a Primary Road.
3. Any parking area associated with a Large Place of Public Assembly shall be effectively screened from view from adjoining residentially zoned or developed properties.
4. A large place of public assembly shall provide for additional side and rear yard setback for any property line that adjoins uses in the CR, AG, NL, LDR, MDR or HDR zoning districts in accord with the following table:

Building Footprint	Required setback increase in percent.	
	Side Yard	Rear Yard
2,000 to 5,000 square feet:	0%	0%
Greater than 5,000 to 10,000 square feet:	50%	30%
Greater than 10,000 to 20,000 square feet:	75%	50%
Greater than 20,000 square feet:	100%	75%

5. The building footprint of a Large Place of Public Assembly shall not exceed the following maximums:

Zoning District	Maximum Area of Footprint
LR	5,000 ft <sup>2</sup>
LDR, HDR, LB, GB	10,000 ft <sup>2</sup>
MDR	30,000 ft <sup>2</sup>

6. A Large Place of Public Assembly shall not exceed the maximum height requirements of the district in which it is located. Provided, however, that the Planning Commission may approve structures that exceed the maximum height requirements if at least two (2) feet of additional side and rear setback, in addition to the setback requirements of subparagraph d. above, is provided for each one (1) foot of added height. Provided, further, that in no instance shall any portion of a Large Place of Public Assembly exceed the maximum height permitted in the zoning district by more than twenty-five (25) percent.

## **SECTION 19.42 PROCESSING, ASSEMBLY AND MANUFACTURING FACILITY**

1. The applicant shall disclose the nature and quantity of all chemicals, hazardous materials to be used or stored on site and all uses and activities shall at all times comply with applicable statutes and regulations pertaining thereto.
2. No toxic or hazardous materials shall be discharged to groundwater or surface waters.
3. Within one hundred (100) feet of an LDR, LR or AG district, all manufacturing and processing activities shall take place inside a fully enclosed building or structure. Outdoor storage shall be permitted but shall be buffered with a wall of evergreens, or six-foot (6') tall fencing designed to be compatible with the surrounding neighborhood.
4. All local, county, state, and federal laws, statutory, and regulatory requirements shall be met at all times. Any failure to comply with any federal or state licensing or permitting requirement shall be grounds for the revocation of any conditional use permitted issued pursuant to this section.
5. A Processing, Assembly and Manufacturing facility shall front on and take its primary access from West Long Lake, North Long Lake Road within six hundred (600) feet of West Long Lake Road, or any public or private road within Sections 1 and 2 of Long Lake Township.
6. The application shall provide for measures acceptable to the Planning Commission to prevent any noise in excess of sixty (60) decibels at any property line.
7. The Planning Commission may require additional open space and landscape buffer screening the proposed conditional use from adjacent property.

## **SECTION 19.43 PROPANE SERVICE FACILITY**

1. The applicant shall demonstrate to the Planning Commission proper design and licensing measures as required by State and federal statutory and regulatory authority.
2. Any hazardous, flammable or corrosive materials proposed to be stored, used or handled on site shall be disclosed by the applicant and all such storage, use and handling shall be conducted in accordance with applicable state and federal requirements including adequate secondary containment structures.
3. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be allowed without appropriate state and county permits and approvals.
4. Storage facilities shall provide adequate security and signage to notify the public of the hazardous materials and to prevent trespass.
5. The Planning Commission may require buffering, screening, setbacks and other elements that are greater than those otherwise required by this Ordinance in keeping with the spirit and intent of this Ordinance to protect the public health, safety and welfare.

6. All facilities shall comply with the setback requirements for the underlying zoning district and shall require site plan approval by the Planning Commission in accordance with the requirements of Article 24 of the Zoning Ordinance.
7. LP Gas facilities shall be subject to all state and federal regulations concerning the installation, operation, and maintenance of said facilities and regulated natural gas facilities, as applicable. Failure to maintain proper licensure may result in revocation of any conditional land use approval provided under this Ordinance.
8. LP Gas facilities shall be designed and constructed for connection to a regulated natural gas system, should such service become available.
9. Fencing: The facility(s) shall be enclosed by a security fence six (6) feet in height and resting on a concrete pad if the facility is constructed above ground
10. Signage: There shall not be displayed advertising located on buildings, LP storage tanks or other facilities in excess of that permitted within the zoning district as set forth in Article 21. Provided, however that there shall be an identification sign, not to exceed two (2) square feet and located on a fence or signpost at the driveway, which identifies the service provider and an emergency telephone number if the storage facility is sited above ground. These restrictions shall apply to any safety signs placed on the security fence or structure.
11. Landscaping: Existing on-site vegetation shall be preserved to the maximum extent practicable. Where practicable earthen berms shall be constructed along the perimeter of the LP-Gas facility if constructed above ground. Perimeter screening shall be provided for any essential service structure that abuts an existing residential, agricultural, industrial or commercial land use. No screening shall be required along any perimeter side that abuts vacant and undeveloped lands and/or if natural vegetation is present to provide for such perimeter screening. The perimeter screening shall consist of a densely planted landscaped area. The landscaped area shall include evergreens, deciduous trees, or any combination thereof at least six (6) feet in height at planting spaced to provide a complete, year-round screen at maturity.
12. Lighting: If lighting is provided for the facility, said lighting shall have full-cutoff shielding so that the lighting is deflected away from any adjacent lots and adjacent streets and right of ways, regardless of the zoning district or land use.
13. Emergency Plan: The provider shall have an emergency plan approved and on file with the Long Lake Township fire department and the Grand Traverse Rural Fire Departments. Said plan shall have named and authorized a provider representative who is available and accessible to respond to any and all emergency situations.
14. Fees In Escrow For Conformance to Ordinance: A performance bond, irrevocable bank letter of credit or cash shall be furnished to the Township Treasurer. The escrow fee shall be retained to insure proper design and construction to facilitate the eventual connection of the LP Gas facility to a regulated natural gas system, should such service become available.
15. Removal of Abandoned Facility: An LP Gas facility that is not operated for a continuous twelve (12) months shall be considered abandoned and the owner of such structure shall remove the same with ninety (90) days of receiving an abandonment notification from the Township. Failure to remove an abandoned structure within ninety (90) days shall be grounds for the Township to remove the structure at the owner's expense. The

Planning Commission may require the applicant to post a bond in an amount equal to the reasonable cost of removal for the structure. If a bond is not to be required, the Planning Commission shall include the requirement as a condition of approval.

#### **SECTION 19.44 PUBLIC UTILITY STRUCTURE, YARD AND SUBSTATION**

1. A Public Utility Structure shall be designed in an unobtrusive manner to blend as much as reasonably possible with the natural and rural character of the Township.
2. Fencing may be provided pursuant to Section 4.12 hereof if necessary to prevent unauthorized access to the structure. All such fencing shall be so designed to discourage climbing.
3. Landscaping and buffering shall be provided pursuant to standards set forth in this Ordinance to screen a public utility structure from view from any adjacent residentially zoned or used parcel.
4. A site plan shall be submitted illustrating clearly access points, any parking proposed and landscaping.
5. The Planning Commission shall reserve the right to require additional screening or security measures to protect community aesthetics and to preserve public safety.

#### **SECTION 19.45 SECOND HAND STORE OR PAWN SHOP**

1. A second hand store or pawn shop shall, as a condition of the Conditional Use approval, at all times maintain all valid state and local licenses.
2. A proposed second hand store or pawn shop shall not be approved if it is located within nine hundred sixty (960) feet of another second hand store or pawn shop.
3. A second hand store or pawn shop that is operated as a charitable, religious or civic activity or as an ancillary service of a charitable, religious or civic institution shall comply with the requirements of this Section.
4. No merchandise associated with a second hand store or pawn shop may be stored or displayed out of doors.
5. Refuse containers shall be effectively screened on three (3) sides with an opaque fence six (6) feet in height and said screen shall be equipped with a lockable gate.

#### **SECTION 19.46 SEXUALLY ORIENTED BUSINESSES**

1. Purpose. The purpose and intent of the sections of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the township and to minimize their negative secondary effects. It is recognized that sexually oriented businesses because of their very nature, have serious objectionable operational characteristics, which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented uses is necessary to ensure that their negative secondary effects will not contribute to the blighting or downgrading of surrounding areas and will not negatively impact

the health, safety and general welfare of township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities that are prohibited by Long Lake Township Ordinance, state or federal law. If any portion of Section 17.4, 21, or Section 19.46, including the definitions appearing in Article 3 and referenced in Section 17.4, 21, or Section 19.46, is found to be invalid or unconstitutional by a court of competent jurisdiction, the township intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of Section 17.4, 21, and Section 19.46, including the definitions which appear in Article 3 and referenced in Section 17.4, 21, and 19.46, following removal, reduction or revision of any portion so found to be invalid or unconstitutional.

2. Regulations and Conditions. Sexually oriented businesses are subject to the following standards:
  - a. The proposed sexually oriented business will not be located within three hundred (300) feet of any residence, residentially zoned property, park, school, child care organization, place of worship or other sexually oriented business. The distance between a proposed sexually oriented business and any residence, residentially zoned property, park, school, child care organization, place of worship or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is intended to be located to the nearest property line of the residence, residentially zoned property, school, child care organization, place of worship, or other sexually oriented business.
  - b. Entrances to the proposed sexually oriented business shall be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that:
    - 1) "Persons under the age of eighteen (18) are not permitted to enter the premises," and
    - 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
  - c. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining road right-of-way or a neighboring property.
  - d. Hours of operation shall be limited to 8:00 A.M. to 11:00 P.M., Mondays through Saturdays.
  - e. All signs shall be in accordance with Article 21 of this Zoning Ordinance. Provided, however, that no sign visible from the nearest adjoining road right-of-way or a neighboring property shall display or depict any Specified Anatomical Areas or Specified Sexual Activities
  - f. All parking shall be in accordance with Article 25 of this Zoning Ordinance. Provided, however that all off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes, such that the off-street parking areas are visible from the nearest adjoining road right-of-way.

- g. Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized as showing Specified Anatomical Areas or Specified Sexual Activities shall:
    - 1) Be handicap accessible to the extent required by the Americans with Disabilities Act.
    - 2) Be unobstructed by any door, lock or other entrance and exit control device.
    - 3) Have at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant.
    - 4) Be illuminated by a light bulb of wattage not less than twenty-five (25) watts, and
    - 5) Have no holes or openings, other than doorways, in any side or rear walls.
3. Review Procedure for Sexually Oriented Businesses. The Planning Commission shall adhere to the following procedures when reviewing a Conditional Land Use Application for a sexually oriented business.
- a. If the Planning Commission determines that a Conditional Land Use Application for a sexually oriented business is not complete when it is first presented to the Planning Commission, it shall provide written notice by first class mail within three (3) business days of said determination detailing the items required to complete the application.
  - b. If the Planning Commission determines that the application is complete, it shall within sixty (60) days of said determination make and adopt specific findings with respect to whether the sexually oriented business is in compliance with the standards of Section 19.1, 3, and Section 19.46. If the Planning Commission has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved or denied the issuance of a Conditional Land Use Permit for the same within sixty (60) days of its determination that a completed application has been filed, then the Conditional Land Use Permit shall be deemed to have been approved.
  - c. Prompt Judicial Review of Adverse Determination. If the Planning Commission denies a Conditional Land Use Application for a sexually oriented business pursuant to the above paragraphs, then the applicant shall be entitled to prompt judicial review by submitting a written request to the Zoning Administrator. The Township shall within three (3) business days of receipt of such written notice do the following:
    - 1) File a petition in Circuit Court for the County of Grand Traverse seeking a judicial determination with respect to the validity of such denial and, in conjunction therewith, apply for a preliminary and permanent injunction restraining the applicant from operating the sexually oriented business in violation of the Township Zoning Ordinance;
    - 2) Request that the Application for issuance of a preliminary injunction be set for a show-cause hearing within five (5) business days or as soon thereafter as is possible after the filing of such petition. In the event the applicant appears at or before the time of such show-cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing the Court proceed to hear the case under applicable rules of civic procedure for the issuance of such permanent injunction on its merits, the Township shall be required to waive its Application for preliminary injunction and shall join such request.



In the event that the applicant does not waive notice and/or does not request an early hearing on the Township's application for permanent injunction, it shall nevertheless be the duty of the Township to seek the earliest possible hearing date under Michigan Law and the Michigan Court rules.

The filing of written notice of intent to contest the Planning Commission's denial of a Conditional Land Use Permit shall not in any way affect the validity of such denial, but such denial shall be deemed invalid and the Conditional Land Use Permit Application automatically approved if, within fifteen (15) business days of the filing of the township's petition, a show-cause hearing has not been scheduled.

**SECTION 19.47 [Reserved]**

**SECTION 19.48 [Reserved]**

**SECTION 19.49 [Reserved]**

**SECTION 19.50 [Reserved]**

**SECTION 19.51 PRE-EXISTING NONCONFORMING USE** [This Section created by Ordinance #137, adopted August 12, 2014, effective August 26, 2014]

Notwithstanding the provisions of Article 5 relating to Nonconforming Uses, pre-existing nonconforming uses as defined may be expanded into a building addition, onto a vacant portion of the same lot, or into a new building on the same lot, subject to Conditional Use approval by the Planning Commission and provided that all of the following conditions are met:

1. The lot containing the use must contain a minimum of one acre in net lot area.
2. All required setbacks of the zoning district are met for any proposed building additions or use expansions.
3. Any new structures, including accessory structures, associated with the use shall meet the size, height, and bulk standards for the zoning district that apply to residential uses in the district.
4. The use shall not include any outdoor storage of materials. Any outdoor merchandise display shall be limited to a 4-foot perimeter around the building.
5. In the Low Density Residential zoning districts the use shall be limited to the following: convenience commercial establishments, general retail sales, contractor establishment, motor vehicle fuel service without repair, restaurant without drive-through, assembly, and manufacturing. The use shall not include any pre-existing major home occupation.
6. A pre-existing nonconforming use shall not be expanded to occupy more than 15,000 square feet of building area in the Low Density Residential zoning district.

7. The applicant must provide information acceptable to the Planning Commission to document that the use has been in continuous use on the property since a time prior to adoption of zoning in Long Lake Township on May 8, 1979.

## **SECTION 19.52 MOTOR VEHICLE REPAIR SERVICE**

1. Minimum lot area shall be one (1) acre with not less than two hundred (200) feet of frontage on West Long Lake Road, North Long Lake Road within 600 feet of West Long Lake Road, or any public or private Road located in Sections 1 and 2 of Long Lake Township.
2. Lake Road, or any public or private Road located in Sections 1 and 2 of Long Lake Township.
3. The Planning Commission may establish hours of operation to protect the character of the land uses in the vicinity.
4. Dismantled, wrecked, or immobile vehicles shall not be permitted to be stored on site, except that vehicles awaiting repair may be stored on site outside of an enclosed building for periods of not more than ten (10) days.
5. The site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust or debris from the facility.
6. All equipment including hydraulic hoists, pits, lubrication and repair facilities shall be entirely enclosed within a building. No outdoor storage of merchandise or equipment shall be permitted and outdoor servicing of vehicles shall not be permitted.
7. Noise generated on site from any source shall not exceed sixty (60) decibels measured at any property line.
8. Not more than two (2) vehicles shall be parked on site at any time for the purpose of selling or renting such vehicles.

## **SECTION 19.53 VETERINARY ESTABLISHMENT** [This Section has been amended by Ordinance #116, adopted February 8, 2011, effective February 22, 2011]

1. No outside burning, incineration or cremation.
2. There shall be a buffer strip of not less than one hundred fifty (150) feet from a primary structure in a Residential District.
3. There shall be sufficient sound proofing to prevent any noise disturbance beyond the property boundaries.
4. All hospitalized animals shall be housed entirely within the building.
5. All services shall be performed entirely within the building.
6. Medical wastes shall be subject to the Medical Waste Law of the State of Michigan and to inspection by the Michigan Department of Public Health as that law requires. All other wastes shall be handled by leak-proof and odor proof containers removed not less than once per week.

7. Boarding or kenneling of animals not under veterinary treatment may be allowed as an accessory to a veterinary establishment. All boarded animals must be kept within a fully enclosed and soundproofed building. The Planning Commission may limit the maximum number of animals to be boarded at any time and may prohibit any outdoor runs in consideration of nearby uses.
8. Site Development Requirements.
  - a. Minimum Lot Area. One (1) acre, excluding road rights-of-way.
  - b. Minimum Lot Width. One hundred and fifty (150) feet measured at the front setback line.
  - c. Minimum Setbacks. No building, development, parking or display area shall be allowed in the following prescribed setbacks, suitable landscaping, however, shall be provided in the following setbacks:
  - d. Front Setback. Per underlying zoning requirements.
  - e. Side Setback. Fifteen (15) feet from a neighboring side lot line with the exception to a neighboring residential district which will be not less than fifty (50) feet. Side yards on a right-of-way shall be not less than fifty (50) feet.
  - f. Rear Setback. Forty (40) feet from a rear yard other than those rear yards adjacent to a residential district, which shall be not less than fifty (50) feet.
9. Other Requirements.
  - a. Landscaping. Landscaping shall be maintained in all required setback areas including exercising yards, in accordance with plans approved by the Township Planning Commission.
  - b. Lighting shall comply with Section 4.13.
  - c. Front, side or rear setback areas may not be used for storage or display.
  - d. Fences, walls and decorative fences, shall be subject to the requirements of Section 4.12.

## **SECTION 19.54 WAREHOUSE**

The following regulations and conditions shall apply to public warehouses which make storage space and material handling services available on a commercial basis. Warehouses associated with manufacturing and processing operations shall be considered an accessory use to such manufacturing and processing operations and shall comply with the requirements of such uses.

1. Uses shall produce no detectable objectionable dust, fumes, or odors at any property line.
2. All exterior lighting shall comply with Section 4.13 hereof.
3. The applicant shall disclose the nature of any perishable, flammable, toxic, or hazardous substances to be stored on the facility and the nature of all appropriate and proposed protection procedures and devices and all such uses and activities on site shall, at all times, comply with applicable state and federal statutes and regulations.

4. No processing or manufacturing shall take place within a public warehouse. Provided, however that warehouse activities such as breaking bulk quantities and repackaging shall not be considered a processing or manufacturing activity.
5. All parking areas and truck maneuvering areas shall be paved or treated to minimize dust and the site plan shall demonstrate provisions to contain blowing dust, trash and debris on the site.
6. Any such outdoor storage which abuts property zoned or used for residential purposes shall be screened with fencing in accord with Section 4.12 or evergreen landscaping sufficient to provide a year-round opaque screen.
7. No trucks, trailers or other equipment shall be stored in the front yard or closer than ten (10) feet to any side or rear lot line.

## **SECTION 19.55 WHOLESALE TRADE BUSINESS**

1. The applicant shall disclose the nature of any perishable, flammable, toxic, or hazardous substances to be stored on the facility and the nature of all appropriate and proposed protection procedures and devices and all such uses and activities on site shall, at all times, comply with applicable state and federal statutes and regulations.
2. All parking areas and truck maneuvering areas shall be paved or treated to minimize dust and the site plan shall demonstrate provisions to contain blowing dust, trash and debris on the site.
3. Any such outdoor storage which abuts property zoned or used for residential purposes shall be screened with fencing in accord with Section 4.12 or evergreen landscaping sufficient to provide a year-round opaque screen.
4. No trucks, trailers or other equipment shall be stored in the front yard or closer than ten (10) feet to any side or rear lot line.

## **SECTION 19.56 WIND ENERGY CONVERSION SYSTEM (WECS)**

1. Application Requirements for large WECS.
  - a. Required Information. In addition to the site plan required for a conditional land use permit, the applicant shall also submit an appropriately scaled site plan illustrating the following:
    - 1) Property lines, dimension, acreage, and contours with appropriate intervals for site evaluation.
    - 2) Location and elevation of all components of the proposed large WECS.
    - 3) Location and dimensions of all existing structures and uses on the lot within 300 feet of the systems,
    - 4) Height of any structures or trees over thirty-five (35) feet within a five hundred (500) foot radius on-site or off-site of the proposed large WECS,
    - 5) Surrounding land use and all structures irrespective of height, within five hundred (500) feet of the large WECS location.
    - 6) Location of any overhead utility lines on the parcel;

- 7) Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed), and color;
  - 8) Any other information necessary to demonstrate compliance with the standards and requirements of this Section.
- b. Additional Required Information. The applicant shall also submit the following information:
- 1) Standard drawings of the structural components of the large WECS, including structures, tower, base, and footings. A registered engineer shall certify drawings and any necessary calculations that the system complies with all applicable local, state, and federal building, structural and electrical codes,
  - 2) Evidence from a qualified individual that the site is feasible for a large WECS,
  - 3) Certification from a registered engineer or qualified person that the rotor and overspeed control have been designed for the proposed use on the proposed site,
  - 4) For large WECS 100 kW or greater, evidence that there is a substantial need for the proposed use,
  - 5) Registered engineer's certification of the design and safety of the proposed tower to withstand winds of ninety (90) miles per hour, and
  - 6) Registered engineer's certification that if the wind turbine were to fall, no building or structure – existing or potential – would be damaged.
- c. Impact Analysis Required. In addition to the conditional use application, the applicant shall submit an evaluation of the likely impacts of the proposed facility in the following areas:
- 1) Analysis, measurements and projections of large WECS noise propagation conforming to the International Electromechanical Commission (IEC) Standard 61400-11 Part 11; and
  - 2) An avian study based on the US Fish and Wildlife Service's "Interim Guidelines To Avoid And Minimize Wildlife Impacts From Wind Turbines"; and
  - 3) Written documentation projecting the "shadow flicker" on any existing structures located off the property on which the large WECS will be constructed, and the extent and duration of the shadow flicker on these existing structures; and
  - 4) Written description of the potential impact of the proposed large WECS on natural features and view sheds as identified in the Long Lake Township Natural Features Inventory.
2. The following standards shall apply to all large Wind Energy Conversion Systems (WECS) as defined herein except wind monitoring stations. Refer to Section 4.25 for regulations related to small WECS.
- a. Intent. It is the purpose of this section to establish balanced regulations for the establishment of large WECS in locations that will not be detrimental to the public health, safety, or welfare of neighboring property owners or occupants.
  - b. Setbacks
    - 1) Large WECS shall maintain a minimum setback from any property line of two (2) times the combined height of the tower and blade.
    - 2) Large WECS shall maintain a minimum setback from the right-of-way line of any public road or highway of at least two (2) times the combined height of the tower and blade.

- 3) In all cases the large WECS shall maintain a minimum distance of at least 1.25 times the tower and blade height from any habitable structure.
  - 4) In no case shall a large WECS be located within any required setback area or in any front yard area.
- c. Dimensions.
- 1) A large WECS shall be located on a parcel at least two and one-half (2 ½) acres in size.
  - 2) A large WECS shall not exceed tower height (not including the height of the blade) of one hundred ninety-nine (199) feet. For purposes of this section, height shall be measured from the average grade at the base of the tower.
  - 3) In all cases the minimum height of the lowest position of the large WECS blade shall be at least thirty (30) feet above the ground.
  - 4) The height of a large WECS shall be regulated per the height requirements of this Section, which may exceed the requirements of the zoning district.
  - 5) Additional large WECS may be permitted where all requirements of this Section are met, including the setback requirements of Section 19.56.2.b above.
- d. General Siting and Design Standards
- 1) Large WECS shall be designed and placed in such a manner to minimize, to the greatest extent feasible, adverse visual and noise impacts on neighboring areas. Noise shall be limited to no more than 10 decibels above the original ambient baseline sound level beyond the property line as reported in the noise study as required under 19.56.1.c (a) above.
  - 2) Colors and surface treatment of the large WECS and supporting structures shall, to the greatest extent feasible, minimize disruption of the natural characteristics of the site and shall include no advertising of any kind.
  - 3) Large WECS shall be equipped with air traffic warning lights or other marking lights only if so required by the Federal Aviation Administration and in which event, such light should be positioned or shielded to avoid undue visual impact on neighboring properties, and shall, if possible, be a steady white light.
- e. Safety Measures
- 1) Each large WECS shall be equipped with both manual and automatic controls to limit the rotational speed of the rotor blade so it does not exceed the design limits of the rotor.
  - 2) The Planning Commission shall determine the height, color, and type of fencing for the large WECS installation
  - 3) Appropriate warning signs shall be posted. The Planning Commission shall determine the type and placement of the signs, pursuant to paragraph h below.
  - 4) Each large WECS shall be properly grounded to safely sustain natural lightning strikes in conformance with the National Electrical Code.

- 5) Any large WECS facility shall be equipped with anti-climbing devices. Tower climbing apparatus shall not be located within twelve (12) feet of the ground. Where a tower is capable of being climbed, a locked, protective fence at least six (6) feet high shall enclose the tower.
- 6) The large WECS operator shall maintain a current insurance policy which will cover installation and operation of the large WECS. The amount of said policy shall be established as a condition of approval. The applicant shall provide documentation or other evidence from the dealer or manufacturer that the large WECS can be successfully operated in the climatic conditions found in Long Lake Township.
- 7) The large WECS shall be warranted against any systems failures reasonably expected in severe weather operation conditions as a condition of approval.
- 8) Large WECS shall include no sign or advertising of any kind, except for one sign, not to exceed two (2) square feet posted at the base of the tower, and said sign shall contain the following information:
  1. "Warning: high voltage."
  2. Manufacturer's name.
  3. Operator's name.
  4. Emergency phone number.
  5. Emergency shutdown procedures.
- f. Radio and Television Interference. A large WECS shall be designed and constructed so as not to cause radio and television interference.
- g. Removal Required. If any large WECS remains non-functional or inoperative for a continuous period of one (1) year, the permittee shall remove said system at their expense. Removal of the system shall mean the entire structure, including foundations, transmission equipment, and fencing, from the property. If removal of towers and appurtenant facilities is required and the permit holder, or successors, fails to remove the towers and appurtenant facilities from the property within 30 days from the date of notification by the Zoning Administrator, Long Lake Township may proceed to remove the towers and appurtenant facilities; in which case, the salvage becomes property of the Township; and costs of removing the facilities will remain the burden of the permit holder. To assure removal of an obsolete, inoperable or abandoned facility, the Township may require of the applicant a financial guarantee as provided in Section 20.5.
- h. Primary Use. A wind monitoring station may be approved by the Planning Commission either as a principal or accessory use. Other components of a large WECS may also be considered an accessory use if it is intended and used primarily to provide electricity to an on-site use. All other large WECS shall be considered a principal use on a parcel of land pursuant to Section 4.3 hereof.
- i. Use of Current Technology: Large WECS shall be designed to the current state of the technology as of the date of application. Used, outdated or obsolete WECS equipment shall not be permitted to be constructed or installed.
- j. Ice and Snow Throw: Large WECS shall be designed such that potential snow and ice throw shall not cross any property lines or fall on any road right-of-way.

- k. New Technology. These regulations pertaining to large or small WECS are intended to respond to equipment available at the time of adoption. Long Lake Township recognizes that this is an emerging technology and that new means of collecting wind energy, including but not limited to vertical axis wind turbine generators, are under development. Accordingly, these standards will be reviewed and may be amended as technology advances.

## **SECTION 19.57 WIRELESS COMMUNICATION FACILITY AND WIRELESS COMMUNICATION ANTENNAE**

1. Purpose. The purpose of this Section is to establish guidelines for the location of wireless telecommunication facilities and antennas. The Township recognizes that it is in the public interest to permit the location of wireless telecommunication towers and antennas within the Township. The Township also recognizes the need to protect the scenic beauty of Long Lake Township from unnecessary and unreasonable visual interference, and that wireless telecommunication facilities and antennas may have a negative aesthetic impact upon adjoining and neighboring land uses. As such this Section seeks to:
  - a. Protect residential areas from potential adverse impact of wireless telecommunication facilities and antennas;
  - b. Require the location of wireless telecommunication facilities and antennas in nonresidential areas of the community, to the greatest extent possible;
  - c. Minimize the total number of wireless telecommunication facilities throughout the community;
  - d. Encourage the co-location of antennas on new and existing wireless telecommunication towers and/or alternative tower structures;
  - e. Encourage wireless telecommunication facilities, antennas, and alternative tower structures to be designed to have a minimal visual impact on adjoining and neighboring properties;
  - f. Enhance the ability of wireless telecommunication service providers to establish their service networks in an efficient manner; and
  - g. Consider the public health, safety and welfare in the siting of wireless telecommunication facilities and antennas.
2. Regulations and Conditions. All wireless communication facilities and wireless communication antennae shall be subject to the requirements of this section, as well as any other applicable provisions of this Ordinance.
3. Zoning District Requirements. Wireless communications facilities and wireless communication antennae shall be permitted as follows:
4. Compliance with Federal Regulations.



Zoning District Requirements	TYPE OF COMMUNICATION FACILITY OR ANTENNA			
	Wireless Communication Facility	Wireless Communication Antenna mounted on an alternative support structure	Co-location of Wireless Communication Antenna(s)	Replacement or expansion of an existing Wireless Communication Tower
All Districts	Permitted subject to conditional land use and site plan approval	Permitted subject to conditional land use and site plan approval	Permitted as an accessory use; requires a land use permit	Permitted subject to conditional land use and site plan approval

- a. All wireless communication towers shall comply with current regulations of the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC) or any other federal or state agency with authority to regulate wireless communication towers and/or antennas.
  - b. In the event of a change in federal or state regulation, the owner of the wireless communication tower and/or antenna shall bring its facility into compliance with the revised regulations within six (6) months of the effective date of such regulations when required by that state or federal agency, unless a different compliance schedule is mandated by the state or federal agency.
5. Compliance with Building Codes. All wireless communication facilities and towers shall be constructed in compliance with all applicable building codes, including the Electronic Industries Association/Telecommunication Industry (EIA/TIA) standards for the construction of antenna towers and antenna support structures.
6. General Site Location Requirements.
- a. Parcel or Lot Area Requirements. A wireless communication facility may be located on a parcel or a lot with other principal uses provided the lot or parcel meets one of the following criteria:
    - 1) If the property is undeveloped or occupied by a nonresidential use, it must have a minimum area of 2.5 acres.
    - 2) If the property is occupied by a residential use, it must have a minimum area of twenty (20) acres.
    - 3) Notwithstanding these requirements, the portion of the lot or parcel leased for the wireless communication facility may be smaller than the minimum lot or parcel area.
  - b. Setback Requirements.
    - 1) In all zoning districts wireless communication towers shall be set back at least one hundred percent (100%) of it's height from all adjoining property.
    - 2) Other structures associated with the wireless communication facility (such as equipment shelters, guy wire anchors) shall comply with the setback requirements of the district in which the facility is located.
    - 3) The setback requirements of this section are minimums.

- 4) The Planning Commission may require additional setback distance as part of a conditional land use approval or for towers located within one thousand feet (1000') of property zoned for residential use.
  - c. Co-location Requirements. Wireless communication towers shall be designed to permit co-location by at least two additional service providers. The proposed locations for wireless communication facilities shall be adequately sized and configured to allow the placement of at least two additional communication equipment shelters. Communications towers shall reserve space on the tower for at least one Public Safety antenna and coax line, and shelter or ground space to accommodate one cabinet at no charge. The Planning Commission may require more co-location capability.
  - d. Tower Design. Wireless communication towers shall be constructed as a monopole or freestanding lattice structures unless the applicant can demonstrate that such structure cannot accommodate the user or future service providers. Towers shall have a neutral surface finish color to reduce visual obtrusiveness, except as otherwise required by a state or federal agency.
  - e. Signs. Wireless communication towers shall not be used for advertising purposes. All wireless communications facilities shall display a sign, not to exceed two (2) square feet, which identifies the facility owner or manager, telephone number, site number, and FAA/FCC registration numbers. All equipment shelters shall be labeled with operators' name and telephone number, not to exceed two (2) square feet. Electric meters shall be labeled with user's name. These restrictions shall not apply to any safety signs placed on the security fence or tower.
  - f. Fencing. Wireless communications facilities shall be enclosed by a security fence, no less than six (6) feet in height. The Planning Commission shall review the need for the installation of anti-climbing devices and make a determination based on the adjacent land use and zoning patterns.
  - g. Screening. Wireless communication facilities shall be effectively screened to obscure views of the tower base, equipment shelter, security fencing, and/or guy wire anchors from adjacent uses and public rights-of-way. In locations where the visual impact of the tower will be minimal or where existing vegetation or topography provide an effective natural screening (utility substations), the Planning Commission may modify this requirement.
  - h. Lighting. Wireless communication towers shall not be artificially lighted unless required by the FAA or other applicable authority. Existing unlit antennas or towers shall not be modified in any way, which would cause the structure to require lighting. If lighting is required, the lighting alternatives shall be presented and approved by the Planning Commission.
  - i. Equipment Shelter Design. The design and materials used in the construction of the equipment shelter shall, to the extent possible, blend the structure with the surrounding built or natural environment. The equipment shelter shall not exceed fifteen (15) feet in height.
  - j. Off-street Parking. Wireless communication facilities shall provide one (1) off-street parking space to accommodate maintenance vehicles. Driveways and parking spaces serving such facilities may have a gravel surface provided the surface is maintained in a dust-free condition and graded to maintain proper drainage.
7. Permitted Additional Antenna. Wireless communication antenna shall be considered a permitted accessory use when placed on or attached to any structure which constitutes a principal use, including existing wireless communication facilities, provided that all other applicable Ordinance requirements are complied with.

8. Wireless Communication Towers may be replaced for the purposes of accommodating the co-location of additional wireless communication antenna. Such tower replacement shall require Conditional Land Use review and approval by the Planning Commission.
9. Application Requirements. In addition to the applicable requirements of Article 24, Site Plan Review and Article 19, Conditional Land Use, the following information shall be provided in support of an application to construct a wireless communication facility:
  - a. Certification from a Michigan licensed professional engineer as to the manner in which the proposed wireless communication tower is designed to collapse.
  - b. A report, which addresses the review criteria, contained in subsection 10, below. This report shall include a map depicting the existing and known proposed location of wireless communication facilities, including wireless communication antenna attached to alternative support structures, within Long Lake Township as well as within the proposed service area radius. Known proposed locations shall include, at minimum, pending communication facility applications in adjacent communities, approved communication facility applications in adjacent communities which have not yet been constructed, and sites which are a part of the applicant's long-term network development plan.
  - c. The name, address, and telephone number of the person to contact regarding site maintenance or other notification purposes. The facility owner shall notify the Township of changes to this information.
  - d. A statement, which indicates the applicant's intent to allow the co-location of other antenna, provided that the cost of modifying the existing tower is borne by the co-locating entity and reasonable compensation is paid by the co-locating entity. In support of this statement, the applicant will make this information reasonably known to service providers.
  - e. The Planning Commission may require a visual impact assessment to determine the visual impact of the wireless communication facility on scenic views.
10. Review Criteria. A wireless communication facility shall not be approved unless it can be demonstrated by the applicant that there is a need for the facility which cannot be met by placing wireless communication antenna on an existing tower.
  - a. No existing towers or alternative support structures have the structural capacity to support the proposed antenna nor can existing towers or alternative support structures be reinforced to support the proposed antenna.
  - b. No existing towers or alternative support structures are located within the geographic area, which meets the systems engineering requirements.
  - c. The cost of using an existing tower or other suitable structure or replacing an existing tower exceeds the cost of constructing a new wireless communication facility.
  - d. The installation or use of an alternative technology is unsuitable or is not feasible.
11. Removal of Abandoned Facilities. Any wireless communication tower or antenna that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such tower or antenna shall remove the same within ninety (90) days of receiving an abandonment notification from the Township. Failure to remove an abandoned tower or antenna within ninety (90) days shall be grounds for the

Township to remove the tower or antenna at the owner's expense. The Planning Commission may require the applicant to post a bond in an amount equal to the reasonable cost of removal for the tower and/or antenna. If a bond is to be required, the Planning Commission shall include the requirement as a condition of approval.

12. Residential Towers and Antennas. Any transmitting and/or receiving antenna intended for noncommercial, recreational use, including but not limited to satellite dishes less than six feet in diameter, AM/FM/TV broadcast reception, data, marine radio, amateur radio facilities, etc. Residential towers are permitted in all zoning districts and are limited to fifty (50) feet in height. Amateur Radio towers are permitted in all zoning districts and are limited to eighty (80) feet in height.
  - a. The tower and any antennas located thereon shall not have any lights of any kind on it and shall not be illuminated either directly or indirectly by any artificial means.
  - b. The color of the tower and any antennas located thereof must all be the same and such that it blends into the sky, to the extent allowed under requirements set forth by either the Federal Aviation Administration or the Michigan Department of Transportation, Bureau of Aeronautics.
  - c. No advertising logo, trademark, figurines or other similar marking or lettering shall be placed on the tower or any attachments thereto or any building used in conjunction therewith.
  - d. Towers must be at least three quarters ( $\frac{3}{4}$ ) of its height from any property line on the parcel of property on which it is located, unless a licensed engineer certifies that the tower will not collapse or that it is designed in such a way that in the event of collapse, it falls within itself, and in that event, it must be located at least one-third ( $\frac{1}{3}$ ) of its height from any property line.
  - e. Towers must be at least one hundred percent (100%) of its height from a dwelling on an adjacent parcel.
  - f. Tower space shall not be leased or rented to commercial users. Towers shall not accommodate commercial users and shall not otherwise be used for commercial purposes.

# ARTICLE 20

## ADMINISTRATION AND AMENDMENTS

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### **SECTION 20.1 ZONING ADMINISTRATOR**

The Zoning Administrator shall be designated by the Township Supervisor with the consent of the Township Board to administer and enforce this Ordinance. The Zoning Administrator may be provided with the assistance of such other persons as the Township Supervisor may direct

If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, the Zoning Administrator shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary for correction. The Zoning Administrator shall order discontinuance of illegal uses of land, building, or structures; removal of illegal changes; discontinuance of any illegal work being done; and shall take any other action authorized by this Ordinance or general law to ensure compliance with or to prevent violation of the provisions of this Ordinance.

The Zoning Administrator shall have the authority to issue land use permits and to make inspections of buildings or premises necessary to carry out the Zoning Administrator's duties in the enforcement of this Ordinance. To this end, the Zoning Administrator shall require that a land use permit, as provided in Section 20.2 of this Ordinance, be required for excavation, construction, moving, alteration, or change in type of use or type of occupancy of land or buildings within the Township.

### **SECTION 20.2 LAND USE PERMITS** [This Section has been amended by Ordinance #166, adopted August 13, 2019, effective August 31, 2019]

1. The Zoning Administrator shall be empowered to issue permits for conforming land uses, act as inspector to determine compliance with this Ordinance, maintain regular office hours, keep a file record of all permits, and prepare summary reports for the Township Board and Planning Commission at reasonable times or when requested. No land use permit will be issued until a Plot Plan or Site Plan is presented and approved. No construction or authorized use shall commence until the Zoning Administrator issues a land use permit.
2. It shall be unlawful to change the type of use of land, or to change the type of use, or type of occupancy of any building, or to extend any use on any lot on which there is a nonconforming use until the Zoning Administrator has issued a land use permit. Under no circumstances shall any on-site clearing, grading, demolition or construction occur prior to the issuance of a land use permit.
3. All land use permit applications shall be made in writing to the Zoning Administrator on forms provided for that purpose. A record of all such applications shall be kept on file by the Zoning Administrator. Any land use permit issued under the provisions of this Ordinance shall be valid only for a period of one (1) year following the date of issuance thereof and shall be posted until construction is complete. Said permit shall be posted during said time on any existing building or lot and in such a manner as to be visible from the road for inspection. The Zoning Administrator may, upon written request, grant one (1) extension of a land use permit for a period of not more than ninety (90) days where the Zoning Administrator finds that extenuating

circumstances beyond the applicant's control have delayed the start of improvements addressed by the land use permit.

4. If any application for such permit is not approved, the Zoning Administrator shall state in writing the cause for such disapproval and deliver a copy to the applicant.
5. The Zoning Administrator shall require prior to or after issuance of a land use permit:
  - a. Applicant to provide proof of ownership, including an abstract, deed or title insurance commitment or a title history search;
  - b. Applicant shall provide a site report (as detailed in paragraph c below) within 30 days following the placement of building foundation or footings for the following construction types:
    - 1) All new primary or accessory residential structures or additions thereto requiring a land use permit. Such structures shall include (but not be limited to) decks, patios, and fences
    - 2) All new commercial buildings and related structures
  - c. For purposes of this ordinance, a site report shall meet all of the following:
    - 1) Such site report shall be prepared by a professional land surveyor, licensed in the state of Michigan
    - 2) The site report shall be a drawing of the property certifying to the Township the location of
      1. all lot lines within 25 feet of the required minimum setback line for any proposed or existing structures,
      2. the ordinary highwater mark (as it is defined in this ordinance) of any adjacent body of water or watercourse,
      3. the closest distance to each lot line of any proposed or existing structures,
      4. required minimum setbacks for the zoning district in which the property is located,
      5. all existing improvements,
      6. the location of adjacent road rights-of-way or access easement
    - 3) The Zoning Administrator may waive the requirement for a site report under paragraph b or some of the elements of site report from paragraph c above under the following circumstances
      1. A reliable prior survey is provided indicating that all setbacks are clearly met under the proposal
      2. The proposed improvements are located a minimum of 20' from any required setbacks and where there is no question regarding the location of the lot lines or road right-of-way or easement
      3. Similar circumstances as determined by the Zoning Administrator
    - 4) The property owner or applicant shall be responsible for any improvements completed in violation of the permit issued as demonstrated by the site report. The property owner or applicant may be required to remove or relocate such improvement found to be in violation, amendment of the land use permit, or other remedies as may be appropriate.
6. A site inspection may be conducted by the Zoning Administrator to ensure compliance with the conditions of a land use permit.

7. The applicant shall bear the entire responsibility to provide the Zoning Administrator with all necessary supporting documentation required pursuant to the Ordinance including the applicants' and owners' address and telephone number, the address of the property proposed for development, a legal description of the property to be developed and the parcel's tax number.
8. Fees for land use permits and inspections shall be established by the Township Board.
9. The Zoning Administrator shall not issue a land use permit for any proposed land use unless and until the road to serve the proposed land use has been constructed and approved either as a public road or as a private road pursuant to the Private Road Ordinance (Ordinance# 121).

### **SECTION 20.3 SITE PLAN OR PLOT PLAN REQUIRED FOR ISSUANCE OF LAND USE PERMIT**

Prior to the issuance of a Land Use Permit for any new use, addition to an existing use, the erection of any structure, or the addition to any structure in any zoning district, a Site Plan shall be reviewed and approved subject to the requirements of Article 24, Site Plan Review, of this Ordinance or a Plot Plan shall be reviewed and approved under the requirements of this Section.

1. Plot Plan Required. Unless required elsewhere in this Ordinance, review for the following uses shall be limited to a Plot Plan with review and approval by the Zoning Administrator. Also see the requirements for Site Plans under Article 24.
  - a. Residential Lot of Record. Individual single-family and two-family dwellings and their accessory structures proposed on a lot of record in a residential zoning district.
  - b. Family Child Care Home
  - c. Government Building and Public Park
  - d. Greenhouse and other General Farming and Agricultural uses unless otherwise specified in this Ordinance
  - e. Housing and Grazing of Animals, where permitted by right.
  - f. Roadside Stands for Agricultural Products, agri-businesses and agri-tourism uses see Sections 4.22 and 4.24.
  - g. Wind Energy Conversion Systems (WECS) not requiring Conditional Use approval see Section 4.25
2. Information Requirements. The following information is required for Plot Plan review. The Zoning Administrator, however, may waive a particular element of information otherwise required upon a finding that the information is not necessary to determine compliance with this Ordinance.
  - a. Scaled drawing of property line dimensions and bearings, lot area and legal description. Copies of documents approved for land division or a plat of the property may be sufficient.
  - b. Scaled drawing of setback from front, sides and back lot lines
  - c. Scaled drawing of location, dimensions, and setbacks of accessory buildings
  - d. Topographical information sufficient to determine the need for a Soil Erosion and Sedimentation Control Permit from the Drain Commissioner, and positive drainage from any proposed structures.

- e. Location and recording reference of easements for any purpose, including drainage, utilities, and access, etc.
- f. Construction plans
- g. Scaled drawing of septic system location or location of connection to sanitary sewage treatment system, including copy of any permit required.
- h. Scaled drawing of water well or connection to water distribution system, including copy of any permit required.
- i. Location of ingress and egress, including copy of any permit required.

**SECTION 20.4 ADDITIONAL PERMITS REQUIRED**

The following permits must be secured before land use permit is issued by the Zoning Administrator:

- 1. Water and Sewer: Permits for water supply and wastewater treatment by Grand Traverse County Health Department, or permits for connection to public water and sewer systems.
- 2. Driveway Permit from the Grand Traverse County Road Commission or MDOT, as appropriate.
- 3. Soil Erosion Permit or waiver (as required) from the Grand Traverse County Drain Commissioner.
- 4. Any other permits as legally required by the Township, County, State, and/or Federal Governments.

**SECTION 20.5 PERFORMANCE GUARANTEE**

The Planning Commission and Zoning Administrator shall concern themselves with improvements which are those features and actions associated with a project, which are considered necessary to protect natural resources, or the health, safety, and welfare of the Township residents and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, landscaping and screening, and drainage. At the discretion of the Planning Commission, a performance guarantee covering the estimated cost of all or a portion of the improvements shall be deposited with the Township Treasurer to insure faithful completion of the improvements necessary to protect the public interest. This performance guarantee shall be deposited at the time of the issuance of the permit authorizing the project. The deposit will be rebated to the depositor on a mutually agreed upon schedule based on the ratio of work completed on the improvements as work progresses. The improvements shall be agreed upon by the applicant and the Township Planning Commission and be recorded as part of the application and shall be applicable in any district. Improvements for Conditional Land Use, PUD, condominiums and apartments shall be agreed upon before land use permits are issued.

- 1. Form. A performance guarantee shall be in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond in the amount of the estimated cost of the approved site improvements. The Township shall have the right to determine the form of the performance guarantee.
- 2. Deposit. The performance guarantee shall be deposited with the Township prior to the issuance of a land use permit. Upon receipt of the performance guarantee, the Township shall deposit the performance guarantee, if in the form of a cash deposit or certified check, in an interest-bearing account.



3. Rebate. In the event the performance guarantee is a cash deposit or certified check, the Township shall rebate fifty percent (50%) of the deposited funds when, in the judgment of the Zoning Administrator, sixty percent (60%) of the value of the required improvements are completed and the remaining fifty percent (50%) when one hundred percent (100%) of the required improvements are completed as confirmed by the Zoning Administrator.
4. Return. Upon satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the Township shall return to the applicant the performance guarantee deposited and any accrued interest.
5. Completion of Improvements. In the event the applicant fails to make the improvements for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee and any accrued interest to complete the improvements. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay the township the amount by which the cost of completing the improvements exceeds the amount of the performance guarantee deposited. Should the Township use all or a portion of the performance guarantee to complete the required improvements, any amounts remaining after the improvements are made shall be applied first to cover the Township's administrative costs related to the completion of the improvements, with the balance being refunded to the applicant.
6. Performance Guarantees Required by Other Agencies. If the applicant has been required to post a performance guarantee with another governmental agency other than the Township to ensure the completion of an improvement associated with the approved Site Plan, the applicant shall not be required to deposit with the Township a performance guaranteed for that specific improvement.
7. Performance Guarantee Agreement. At the time the performance guarantee is deposited with the Township and prior to the issuance of a Land Use Permit, the applicant and Township shall enter into an agreement incorporating the provisions of this Section.

## **SECTION 20.6 TOWNSHIP PLANNING COMMISSION**

Duties, appointments, terms, vacancies, removal, meetings, compensation, and reports.

1. The Township Board shall maintain a Planning Commission composed of not less than five (5) nor more than seven (7) members under provisions of the Township Planning Commission Act 110 of 2006, the Michigan Zoning Enabling Act.
2. The Township Board, by resolution, has transferred all powers and duties of a Zoning Board to the Planning Commission, as outlined in Act 110 of 2006, the Michigan Zoning Enabling Act, and as permitted in Section 11 of the Township Planning Commission Act, Act 168 of 1959, as amended.

## **SECTION 20.7 APPLICATION FEES AND ESCROW ACCOUNTS**

Upon the filing of an application or request for a Land Use Permit, Site Plan Review, Conditional Land Use Permit, Planned Unit Development, Board of Appeals review (Variance or Appeal), a text change to this Zoning

Ordinance, or Zoning Map Amendment, an administrative application fee shall accompany said application. In addition, an escrow deposit may be required as described below.

1. Schedule of Fees. A schedule of fees as established by the Township Board shall be maintained at the office of the Zoning Administrator.
2. Application Fees. The application fee as set by the Township Board shall be paid to the Township prior to the processing of any application required under this Ordinance.
3. Escrow Deposit Accounts. The Township shall require the deposit of funds to be held in escrow in the name of the applicant for (i) any application for the Site Plan approval (not including uses excepted under Section 24.2,1) a conditional Land Use Permit, Planned Unit Development, variance or zoning map amendment (rezoning); (ii) a request for a text change to this Zoning Ordinance or (iii) when the Township seeks professional services regarding any application or request when those professional services extend or are likely to extend beyond the professional services, if any, covered by the application fee.
  - a. When professional services will be sought, the amount of the escrow shall be determined by the Zoning Administrator after obtaining a cost estimate from the professionals who will be used. All other escrow amounts shall be set by the Zoning Administrator in an amount sufficient to reimburse the Township for costs that will be incurred by the Township and which will be reasonably necessary to process the application or request subject to the Township's Escrow Policy as established by the Township Board.
  - b. No application or request for which an escrow deposit is required will be processed until the required escrow amount is deposited with the Township Treasurer. Based on the anticipated future costs of professionals, the Township may require the applicant to replenish the escrow fund to its original amount or to a lesser amount when the fund reaches one-third or less of the original amount. If a required escrow deposit account is in arrears, the application shall be deemed incomplete and the matter shall be tabled without consideration until the escrow deposit account has been brought current. The applicant may seek an accounting from the Township Clerk of expenditures from the escrow fund when a request is made by the Township to replenish the fund or after a final decision on the application or request has been made. The applicant has no authority to approve or deny expenditures. The applicant shall be entitled to a refund of any unused escrowed funds at such time as a final permit has been issued by the Township on the application or final decision has been made on the request.
  - c. If actual professional costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any land use or other permit issued by the Township in response to the applicant's request. If a permit is issued or approval obtained while there are unreimbursed costs, the permit or approval shall not be effective until all such costs have been reimbursed to the Township.

## **SECTION 20.8 NUISANCE PER SE**

Any land, dwellings, buildings, or structures, including tents and recreational vehicles, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se. In addition to other remedies, the Township shall have the right to commence a civil litigation in a court of competent

jurisdiction to obtain injunctive or other relief that may be appropriate to stop, correct or otherwise remedy a nuisance per se.

**SECTION 20.9 PENALTIES** [This Section has been amended by Ordinance #160, adopted April 18, 2017, effective May 6, 2017]

1. Any person, partnership, limited liability company, corporation, or association who creates or maintains a nuisance per se as defined in Section 20.8 above or who violates or fails to comply with any provision of this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.
2. The Township Supervisor, Ordinance Enforcement Officer, and the Township Zoning Administrator are hereby designated as the authorized Township officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
3. In addition to enforcing this Ordinance as a municipal civil infraction, the Township may initiate proceedings in the circuit court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

**SECTION 20.10 REAPPLICATION**

No application for a Conditional Land Use, Site Plan Review, Planned Unit Development, or variance which has been denied, in whole or in part, by either the Planning Commission or the Zoning Board of Appeals may be resubmitted for a period of twelve (12) months from the date of the denial, except on the grounds of newly discovered evidence.

**SECTION 20.11 REHEARINGS**

1. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
  - a. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
  - b. There has been a material change in circumstances regarding the Planning Commission's or Zoning Board of Appeals' findings of fact which occurred after the public hearing.
  - c. The Township Attorney by written opinion states that in the Attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.
2. A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion, pursuant to the following procedure:

- a. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
- b. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
- c. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
- d. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing on the merits shall not be held until all notice requirements of Section 20.21, Hearing Notice Procedures, have been satisfied.

## **SECTION 20.12 STOP WORK ORDER**

In addition to any other rights or remedies the Township may have pursuant to this article or other applicable law, the Zoning Administrator or a designee of the Zoning Administrator may issue a stop work order via first class mail or personal service pursuant to this Section. A stop work order may be issued when the Zoning Administrator or a designee of the Zoning Administrator finds that any of the following conditions exist:

1. Work is being done or has been done without a land use permit
2. Work is being done beyond the scope of the issued land use permit
3. Work being done does not match approved plans
4. A permittee fails to comply with any terms, conditions or requirements of the applicable land use permit or a condition of the permit, or
5. A permittee fails to pay any fees required by this Ordinance or any other applicable Ordinance.

## **20.13 TOWNSHIP PLANNER** [This Section has been amended by Ordinance #160, adopted April 18, 2017, effective May 6, 2017]

Under the direction of the Township Supervisor, the Township Planner may perform any duties assigned to the Zoning Administrator under this Ordinance with the following exceptions:

1. Land use permits shall be issued by the Zoning Administrator, or by another individual appointed through resolution of the Township Board, as described under Section 20.2.

3. Citations for any nuisance per se as described under Section 20.9 of this Ordinance shall be issued by the Zoning Administrator or another individual as appointed by resolution of the Township Board or by a general law Ordinance.

## **SECTION 20.14 – 20.19 [Reserved]**

## **SECTION 20.20 ZONING ORDINANCE AMENDMENT PROCEDURE AND CONFORMANCE TO COURT DECREE**

Amendments or supplements to the Zoning Ordinance may be made in the same manner as provided in Act 110 of 2006, as amended, for the enactment of an original Ordinance. An amendment for the purpose of conforming a provision of the Zoning Ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency.

## **SECTION 20.21 HEARING NOTICE PROCEDURES**

Where this Ordinance requires the Township to provide notice of a public hearing for any decision or action permitted, authorized or required by this Ordinance or under Act 110 of the Public Acts of 2006 as amended, notice of the public hearing shall be given as follows:

1. The notice shall be published once, at least fifteen (15) days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
2. Except as provided in Subsection 4 of this Section, a notice of public hearing shall also be mailed or personally delivered to the following persons, at least fifteen (15) days prior to the date of the public hearing:
  - a. The applicant;
  - b. The owner or owners of the subject property;
  - c. All persons to whom real property is assessed within three hundred (300) feet of the property that is the subject to the application or request, even if the three hundred (300) feet extends outside of the Township's boundaries; and
  - d. The occupants of all structures within three hundred (300) feet of the property that is the subject of the application or request, even if the three hundred (300) feet extends outside of the Township's boundaries. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
3. The notice of public hearing shall include the following information:
  - a. A description of the nature of the proposed amendment, application or request.
  - b. An identification of the property that is the subject of the application or request, if applicable. Except as provided in Subsection 4 of this Section, the notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property and another means of identification of the property shall be used.

- c. State when and where the application or request will be considered.
  - d. Identify when and where written comments will be received concerning the application or request.
  - e. In the case of an amendment to the Ordinance or to the Zoning Map the notice shall indicate the place where and the times when the proposed text or map amendment may be examined.
4. When a proposed rezoning involves the text of the Zoning Ordinance or eleven (11) or more adjacent properties, or when a petition to the Zoning Board of Appeals involves an interpretation of the zoning Ordinance or an appeal of an administrative decision that does not involve a specific parcel, the mailing or delivery requirements of Subsections 2.b., 2.c. and 2.d. of this Section are not required, and the listing of individual property addresses under Subsection 3.b. is not required.
  5. For a zoning Ordinance amendment, including rezoning of property, the notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the township clerk for the purpose of receiving the notice of public hearing.
  6. After providing the notice required under this section and without further notice, except that as required under the Open Meetings Act, the body holding the public hearing may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date, and place of the continued public hearing.

# ARTICLE 21

## SIGNS

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### **SECTION 21.1 SIGNS**

The purpose of this Article is to promote quality of life, economic development, traffic safety, public safety, and the preservation of property values through the application of reasonable standards for the use, size, placement and general appearance of signs, billboards and other advertising structures. Furthermore it is the purpose of this Article to maintain the rural character and environment of the Township through the implementation of these standards.

### **SECTION 21.2 APPLICABILITY**

The provisions of this article regulate the size, placement, use and structural quality of signs. No sign shall be constructed, erected, enlarged structurally, altered or relocated without first obtaining a sign permit pursuant to Section 21.3 of this Article, with the exception of exempt signs described in Section 21.5. All signs shall be reviewed and approved by the Zoning Administrator, except for signs specifically exempted by this Ordinance, signs approved pursuant to a site plan and billboards, which shall be regulated pursuant to Section 19.7.

### **SECTION 21.3 SIGN PERMITS**

Sign permit applications shall be obtained from the Zoning Administrator. All sign permit applications shall be accompanied by the following:

1. Scaled drawings, indicating the dimensions, location, and structural design of the proposed sign, site plan and sign easement, if applicable.
2. Upon application for a sign permit, every applicant shall pay an administrative fee as established by the Township Board.
3. The Zoning Administrator shall review all properly filed applications for sign permits and issue permits only for those applicants fully meeting the criteria established in this Ordinance, including the requirements of Article 24 pertaining to Site Plan approval, if applicable, and the State construction code.
4. The Zoning Board of Appeals may authorize a reduction, modification, or waiver of any of the requirements of this Article upon request provided the standards established in Section 23.4.3 of this Ordinance are fully met.

### **SECTION 21.4 GENERAL REQUIREMENTS**

The following general requirements apply to all signs:

1. No sign shall be placed in, upon or over any public right-of-way, or other public place, except as may be otherwise permitted by this Article, or placed so as to interfere with the visibility or effectiveness of any official traffic sign or signal; driver vision at any access point or intersection; or, pedestrian movement on any public sidewalk.
2. Measurement of sign area. The area of a sign shall be measured from the outside edge of the frame, material, or color containing the limits of writing or pictorial representation or color forming the sign. If the sign has no backing, but a wall or canopy is used as the background, a rectangle shall be formed around the text and symbols which comprise the message content of the sign and those dimensions used to determine the sign area.
  - a. If a sign has only one (1) exterior face, the surface display area of that face shall not exceed the specified maximum. If a sign has two (2) exterior faces located on parallel planes that are separated by less than eighteen (18) inches, the surface display area of each individual face shall not exceed the specified maximum. If a sign has more than two (2) exterior faces, or the faces are not located on parallel planes separated by less than eighteen (18) inches, the sum of the surface area of all the faces shall not exceed the specified maximum.
  - b. The supports, uprights or structure, including decorative elements, such as pillars, brick supports, and other similar structures on which any sign is supported shall not be included in determining the surface display area unless such supports, uprights, structure or decorative elements are designed in such a manner as to form an integral background of the display.
3. Measurement of Sign Height. The height of a pole sign or monument sign shall be measured as the vertical distance from the highest point of the sign to the average grade of the ground immediately beneath the sign.
4. Building Mounted Signs. Signs mounted on a building, including wall signs, marquee signs, window signs, and projecting signs, shall not project above the top of the wall or extend beyond the end of the wall to which they are mounted.
5. Location of Signs. All signs shall be located on the property they are intended to serve, identify, or otherwise represent, except as otherwise may be permitted by this Ordinance for business parks in the General Business District. Any sign not so located shall be considered an off-premise sign, which are otherwise regulated by this Article.
6. Maintenance of Signs. It shall be unlawful for any person to retain or permit to be retained on any premises owned or controlled by that person any sign which is in a damaged or deteriorated condition and constitutes a danger or hazard to public safety, or a visual blight.
7. Illumination. Unless further regulated elsewhere in the Ordinance, sign illumination shall be opaque background with internally lit lettering, facelit channel lettering, backlit lettering or externally lit. When illumination of signs is permitted, illumination shall comply with the following requirements:
  - a. Illumination shall not be flashing, moving, intermittent, or an on-and-off type of lighting provided; however, that neon lighting shall be permitted on signs in the GB district except for projecting signs. See also Section 21.4.8 below.



- b. Illumination shall be arranged so that light is deflected away from adjacent properties so that no direct sources of light shall be visible to any motorist or pedestrian located in a public right-of-way or street easement or from any adjacent property.
  - c. External lighting of signs shall be downward facing or otherwise directed to illuminate only the sign face.
8. Changeable Message Signs. In conformance with Section 21.4.7 above, signs shall not have flashing, moving, intermittent, or an on-and-off type of lighting provided; however, that neon lighting shall be permitted on signs in the GB district except for projecting signs. Provided further that a changeable message sign, either manual or electronic, may be permitted for any on-premise sign meeting the requirements of this Section provided that the message does not scroll, move or flash and does change more often than four (4) times an hour. This section shall apply to all illuminated signs, including but not limited to, changeable copy signs, liquid crystal display and other video-type display signs, lighted marquee signs, internally lit or externally lit signs.

## **SECTION 21.5 EXEMPT SIGNS**

The following signs shall not require the issuance of a land use permit or fee payment but must meet requirements for location, number, setback, size, height, and lighting in the zoning district in which located:

1. Political Signs. Election, political campaign, and signs expressing opinions regarding religious, political and/or other non-commercial topics.
2. On-site Real Estate Signs, For Sale and/or For Rent Signs. Maximum sign display area of eight (8) square feet or double sided and must not be placed within the road right of way.
3. On-Site Address/Identification. Signs required for identification of a premises by emergency services providers. Other address numbers shall be limited to one per structure with a maximum sign display area of two (2) square feet for single family residential and four (4) square feet for multi-family and non-residential buildings. Address identification signs on a building may be illuminated.
4. On-Site Building Construction. One sign on the site where building construction is occurring. Maximum sign display area of eight (8) square feet. The sign must be removed upon issuance of an occupancy permit.
5. On-Site Temporary Development Signs. One sign with a maximum sign display area of sixteen (16) square feet.
6. Sale of Farm Products or Roadside Stand or Agri-tourism or Agri-business. Signs advertising the sale of farm products or an agri-business, maximum size of sixteen (16) square feet, non-illuminated.
7. Directional Signs. Signs to direct motorists or pedestrians to parking, entryways or on-site features providing such signs shall not exceed two (2) square feet in area.

## **SECTION 21.6 PROHIBITED SIGNS**

The following signs are prohibited in any district of this Ordinance:

1. A sign containing or is an imitation of an official traffic sign or signal or contain the words: “stop,” “caution,” “danger,” or any other words, phrases or symbols, which shall interfere with, mislead, or confuse a vehicle driver.
2. Billboards located within three hundred (300’) feet of any CR, AG, NL, LDR, or MDR District.
3. Billboards used for advertising goods or services sold on-the premise.
4. Off-premise signs of any type except for billboards subject to Section 19.7, neighborhood identification sign as permitted in residential districts, and general business park signs as permitted in the General Business district, subdivision or condominium entry signs located within a recorded easement and approved by the Planning Commission as a part of a site plan review pursuant to Article 24 of this Zoning Ordinance.
5. Any sign which obstructs the ingress or egress from a required door, window or other required exit.
6. Signs located in the right-of-way of public streets or highways, except signs placed by a governmental agency to protect the public health, safety, and welfare and approved by the Grand Traverse County Road Commission or Michigan Department of Transportation, as applicable.
7. Window signs located on the face of windows which cover more than twenty-five (25%) percent of the total window area on any side of the building.
8. Signs mounted on the roof of any structure.
9. Internally illuminated signs in the CR, AG, or NL Districts.
10. Vehicle mounted signs.

## **SECTION 21.7 RESIDENTIAL DISTRICT SIGN REGULATIONS**

1. Sign Standards. The following standards are required for signs in the CR, AG, LR, NL, HDR, LDR, MDR and HDR Districts;
  - a. Lighting. Unless specifically permitted by this section, all signs shall be non-illuminated. Signs that are permitted illumination shall be illuminated by an external light source. All external light sources shall be directed from the top of the sign downward and have full cut off shielding to focus or direct the light on the sign face only. The light source shall be effectively shielded from view of vehicular and pedestrian traffic and adjacent property. The intensity of the light source shall not create glare discernable from view of vehicular and pedestrian traffic and adjacent property.
  - b. General Setbacks. All signs, except those exempt under Section 21.5, shall be setback a minimum of one (1) foot from the established road right of way for every one (1) foot of sign height. In absence of road frontage, said signs shall be setback a minimum of one (1) foot from the established property line for every one (1) foot of sign height.
  - c. Height. The maximum sign height shall be eight (8) feet, unless the sign is a wall-mounted sign attached to a structure or as otherwise specified in this Article.

2. Permitted Signs. The following signs are permitted in the CR, AG, LR, NL, LDR, MDR, or HDR District and shall require a fee and permit:
  - a. Multiple-Unit Residential Developments. One sign identifying a multifamily development or housing project. Maximum sign display area of sixteen (16) square feet and shall not exceed eight (8') feet in height. A multifamily development sign shall be designed and constructed with a decorative and/or landscaped base. Such sign, if illuminated, shall meet the requirements of Section 21.4, 7.
  - b. Business Identification. A business otherwise permitted by this Ordinance may be permitted one (1) wall-mounted sign or one (1) monument sign with a maximum sign display area of sixteen (16) square feet. Such sign, if illuminated, shall meet the requirements of Section 21.4, 7.
  - c. Neighborhood Identification. One monument sign per entrance to the neighborhood identifying the subdivision or housing project, with a maximum sign display area of sixteen (16) square feet. A neighborhood identification sign shall be designed and constructed on a decorative and/or landscaped base, brick wall, or similar structure. The sign and supporting structure shall not exceed eight (8) feet in height. A neighborhood identification sign shall be non-illuminated.
  - d. Child Care Center. One monument or wall-mounted sign identifying a childcare center. Maximum sign display area of sixteen (16) square feet. The sign and supporting structure shall not exceed eight (8) feet in height. A sign identifying a child care center in a residential district shall be non-illuminated.
  - e. Group Child Care Home. One wall-mounted sign identifying a group child care home. Maximum sign display area of four (4) square feet. A sign identifying a group child care home shall be non-illuminated.
  - f. Home Occupation. One wall-mounted sign identifying a home occupation. Maximum sign display area of four (4) square feet. A sign identifying a home occupation shall be non-illuminated.
  - g. Institutional Sign. One (1) monument sign and one (1) wall-mounted sign identifying the institution. Maximum sign display area of thirty-two (32) square feet per sign. Not more than one (1) institutional sign may be illuminated and such illumination shall meet the requirements of Section 21.4, 7.

## **SECTION 21.8 LOCAL BUSINESS (LB) DISTRICT SIGN REGULATIONS**

1. Sign Standards. The following sign standards are required for all signs in the LB district:
  - a. Lighting. Signs with external or internal illumination are permitted in the LB district. All illuminated signs shall comply with the requirements of Section 21.4, 7.
  - b. General Setbacks. All signs shall be setback a minimum of one (1) foot from the property line and/or right-of-way for every one (1) foot of sign height.
  - c. Height. The maximum height for monument signs shall be twelve (12) feet.
2. Permitted Signs. The following signs are permitted in the LB district;
  - a. All signs permitted by Section 21.7, 2.
  - b. Business establishments on property fronting the right-of-way of a public road shall be allowed two (2) signs:

- 1) One (1) monument sign with a maximum sign display area of sixteen (16) square feet. All signs shall be designed and constructed upon a decorative and/or landscaped base; and
  - 2) One wall-mounted sign per business upon the portion of the building occupied by the business the sign identifies. Each sign may be permitted a maximum display area of sixteen (16) square feet.
- c. Business Parks.
- 1) One (1) monument sign, identifying only the name of the park, with a maximum sign display area of sixteen (16) square feet. A monument sign shall be designed and constructed with a decorative and/or landscaped base; and
  - 2) One wall-mounted sign per business upon the portion of the building occupied by the business the sign identifies. Each sign may be permitted a maximum display area of sixteen (16) square feet.

## **SECTION 21.9 GENERAL BUSINESS DISTRICT SIGN REGULATIONS**

[amended by Ordinance #137, adopted August 12, 2014, effective August 26, 2014]

1. Sign Standards. The following sign standards are required for all signs in General Business district:
  - a. Lighting. Signs with external or internal illumination are permitted in the General Business District. All illuminated signs shall comply with the requirements of Section 21.4, 7.
  - b. General Setbacks. All signs shall be setback a minimum of one (1) foot from the property line and/or right-of-way for every one (1) foot of sign height. Provided, however, any sign permitted by this Ordinance shall be set back a minimum of ten (10) feet from the M-72 right-of-way.
  - c. Height. The maximum height for signs shall be twelve (12) feet. A sign shall not exceed the maximum height requirements unless the sign is wall mounted to a structure or as otherwise specified in this Article.
2. Business Establishments within the General Business (GB) District with frontage on a Highway or local street shall be allowed the following:
  - a. One (1) monument sign with a maximum sign display area of thirty-two (32) square feet. Each sign shall be designed and constructed with a decorative and/or landscaped base; and
  - b. One wall mounted sign for single business buildings, with a maximum sign display area equal to 10% of the building gross wall area for the side of the building where the sign is mounted, not to exceed 45 square feet.
  - c. One wall mounted sign for each business in a multi-business building, with a maximum sign display area equal to 10% of the building gross wall area for the side of the building where the sign is mounted, not to exceed 32 square feet for each business. Regardless of the number of businesses in a multi-business building, the total sign area shall not exceed 10% of total wall area.
3. General Business Parks. A business park in the General Business (GB) District that provides a local street (public or private) for access to business establishments may be permitted a business park identification sign that provides opportunity to identify business establishments within the business park from the highway.
  - a. A business park identification sign shall be a monument sign that identifies the name of the business park and may identify businesses located within the business park.

- b. A business park sign shall be permitted at each local street entrance into the business park from a highway.
- c. The business park sign may be permitted a maximum sign display area of thirty-two (32) square feet.
- d. A business park sign that identifies individual businesses located within the business park shall provide an equal proportion of the maximum permitted sign area to each business establishment in the business park; and
- e. A business park sign shall be designed and constructed on a decorative wall or fence or be a monument sign with a decorative and/or landscaped base.

# ARTICLE 22

## CONDOMINIUMS

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### **SECTION 22.1 CONDOMINIUM SUBDIVISION APPROVAL**

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, all condominium subdivision plans shall be reviewed by the Planning Commission and may be approved if found in substantial conformance with the terms of this Zoning Ordinance. In determining whether to approve a condominium subdivision plan, the Planning Commission shall consult with the Zoning Administrator, Township Attorney, Township Engineer, and Township Planner regarding the adequacy of the master deed, deed restrictions, utility systems and streets, subdivision layout and design, and compliance with all requirements of the Condominium Act.

1. Condominium Subdivision Plan - Required Content. All condominium subdivisions plans shall include the information required by Section 66 of the Condominium Act and the following:
  - a. A survey plan of the condominium subdivision.
  - b. A flood plain plan, when appropriate.
  - c. A site plan meeting the requirements of Section 24.3 pertaining to site plans for Planning Commission review. A site plan shall show the location, size, shape, area and width of all condominium units.
  - d. A utility plan showing all sanitary sewer, water, and storm sewer lines and easements granted to the Township for installation, repair and maintenance of all utilities.
  - e. A street construction, parking, and maintenance plan for all private streets within the proposed condominium subdivision.
  - f. A storm drainage and stormwater management plan, including all lines, swales, drains, basins, and other facilities.
2. Easements for Utilities. The condominium subdivision plan shall include all necessary easements granted to Long Lake Township or other local, county, state or federal agencies for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character (hereinafter collectively called "public structures") for the purpose of providing public utilities, including conveyance of sewage, water and stormwater runoff across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.
3. Private Streets. If a condominium subdivision is proposed to have private streets they shall be developed to the minimum design, construction, inspection, approval, and maintenance requirements of this Ordinance, Ordinance #49, the Private Road Ordinance and the Township Subdivision Control Ordinance No. 3B, as

amended. In addition, all private streets in a condominium subdivision shall have a paved driving surface of asphalt or concrete meeting the requirements of the Long Lake Township Private Road Ordinance #49.

4. Encroachment Prohibited. Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium bylaws and recorded as part of the master deed.
5. Relocation of Boundaries. The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of this Ordinance for the district in which the project is located and shall be approved by the Zoning Administrator, and this requirement shall be made part of the bylaws and recorded as part of the master deed.
6. Subdivision of Condominium Units. All subdivisions of individual condominium units shall conform to the requirements of this Ordinance for minimum lot width, lot area, and building setback requirements, shall be approved by the Zoning Administrator, and these requirements shall be made part of the bylaws and recorded as a part of the Master deed.
7. Mobile Home Condominium Project. Mobile Home condominium projects shall conform to all requirements of this Ordinance and shall be located only in the zoning district which permits Manufactured Housing Communities.

## **SECTION 22.2 CONDOMINIUM SUBDIVISION LAYOUT AND DESIGN**

The following condominium subdivision design layout standards set forth to guide the planning and design of condominium subdivisions. All final plans must be reviewed and approved by the Planning Commission.

1. Roads. Roads shall be dedicated to public use or private use. Arterial roads shall be dedicated to public use in all cases. Roads, whether public or private, shall conform to the required construction standards for public roads and intersections adopted by the Grand Traverse County Road Commission. Private frontage roads shall conform to the requirements of Ordinance #49 and this Zoning Ordinance. Unless modified as a part of a PUD, all roads shall be located within a right-of-way not less than sixty-six (66) feet in width.
  - a. Conformity to Master Plan. The proposed condominium subdivision shall conform to the various elements of the Master Plan and shall be considered in relation to the existing and planned primary roads and such roads shall be established in the location and the width indicated on such plan.
  - b. Continuation of Roads. The road layout shall provide for continuation of roads in the adjoining subdivisions or of the proper projection of roads when adjoining property is not subdivided; or conform to a plan for a neighborhood unit drawn up and adopted by the Township Planning Commission.
  - c. Primary Road. Should a proposed condominium subdivision border on or contain an existing or proposed primary road, the Planning Commission may require marginal access streets, reverse frontage, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
  - d. Relation to Topography. Roads should be arranged in proper relation to topography so as to result in usable condominium units lots, safe streets, and reasonable gradients. Grades in excess of six percent (6%) shall be avoided, except in instances where in the judgment of the Planning Commission, a steeper

slope is preferred due to protection of natural features and public safety will not be significantly compromised. In no instance shall slopes in excess of ten percent (10%) be permitted.

- e. Private Access Drives. Private access drives may be incorporated where acceptable to the Planning Commission and under the following circumstances:
    - 1) Use of the private access drive by the general public, meaning persons that do not have an ownership interest in the condominium subdivision, is not required.
    - 2) The private access drive is formed as a limited dead-end road or contained within a project, which is not a part of the County or Township major thoroughfare or road plan.
    - 3) The private access drive is one which may be extended at a later date when it is agreed that the road will become public, in which case, the private access drive shall be located within an easement or right-of-way not less than sixty-six (66) feet in width.
    - 4) The use of private access drives shall not result in the isolation of lands from public streets or roads unless access is granted by permanent easement.
    - 5) The design and construction of a private access drive shall be reviewed and approved by road or access by the Grand Traverse Rural Fire Department as providing suitable access for emergency vehicles.
  - f. Road Names. Road names shall not duplicate any existing public or private street name in the county, except where a new road is a continuation of an existing road. Road names that may be spelled differently but sound the same shall also be avoided.
2. Intersections. Intersection designs shall comply with the following requirements:
- a. Streets shall intersect at ninety (90) degrees or closely thereto and in no case at less than eighty (80) degrees.
  - b. Minimum clear sight distance at all minor street intersections shall permit vehicles to be visible to the driver of another vehicle when each is one hundred twenty-five (125) feet from the center of the intersection.
  - c. No more than two (2) streets shall cross at any one (1) intersection.
  - d. Centerlines of opposing legs of intersections shall be aligned and centerline offsets of less one hundred fifty (150) feet shall be avoided.
  - e. A nearly flat grade with appropriate drainage slopes shall be provided for a distance of not less than fifty (50) feet on all legs of an intersection.
3. Driveways. In areas having steep topography generally in excess of ten percent (10%) gradient and erodible soils, the probable location of driveways to each unit shall be shown on the site plan extending from the edge of pavement road or street paving to the outer edge of the required utility right of way. Grading and structures for driveways shall be shown on the plans required under this Article.
4. Pedestrian Crosswalks and Walkways. Rights-of-way for pedestrian crosswalks and walkways may be required where necessary to obtain convenient pedestrian circulation. Walkways shall be provided when required to



provide access to common park areas, beaches, schools and other open spaces. The rights-of-way shall be at least ten (10) feet wide.

5. Easements. Easements shall be provided along front lot lines in accord with the standards of the County Road Commission. Along side lot lines when necessary for utilities, the total width shall not be less than six (6) feet along each lot, or a total of twelve (12) feet for adjoining lots. Drainage way easements as required by the rules of the County Drain Commissioner.
6. Units
  - a. Conform to Zoning. The width, depth, and area of condominium units in a condominium subdivision shall not be less than the particular district requirements or as provided by Conditional Use Permit or Planned Unit Development provisions of the Zoning Ordinance, except where an outlot is provided for some indicated and permitted purpose. The unit area for zoning purposes shall be shown for each proposed unit on the site plan.
  - b. Unit Boundaries. Except where prevented by unusual design limitations, side unit lines shall be essentially at right angles to straight roads and radial to curved roads.
  - c. Width Related to Length. Except where prevented by unusual design limitations, narrow deep units shall be avoided. The depth of a unit generally shall not exceed three (3) times the width as measured at the building line.
  - d. Corner Units. Corner units shall be treated as corner lots in a subdivision and shall have extra width to permit appropriate building setback from both roads or orientation to both roads, as provided by the zoning Ordinance.
  - e. Boundary Units. Condominium units that adjoin the boundaries of a condominium subdivision that may front onto such features as primary roads, shall be accessed from an interior or marginal access road. Such units shall abut a common element which shall include a landscaped area at least twenty (20) feet wide adjoining the boundaries of the condominium subdivision, to minimize noise, and to protect outdoor living areas.
  - f. Unit Frontage. All units shall front upon a publicly dedicated or private road or access by easement. The Planning Commission may permit modifications of this requirements in an approved planned unit development.
  - g. Further Unit Divisions. The division of a unit in a condominium subdivision shall be prohibited unless approved following application to the Planning Commission. The application shall be filed with the Zoning Administrator and shall state the reasons for the proposed divisions. No unit in a condominium subdivision shall be divided into more than four (4) parts and the resulting units shall be not less in area than permitted by the Long Lake Township Zoning Ordinance. No land use permit shall be issued, nor any building construction commenced, until the division has been approved by the Planning Commission, and the suitability of the land for building sites has been approved by the County Health Department. The division of a unit resulting in a smaller area than prescribed by the Zoning Ordinance may be permitted but only for the purpose of adding to the existing building site or sites. The application shall so state and shall be in affidavit form.

- h. Division of Common Areas. No common area or element shall be further divided or changed in use without the express review and approval of the Planning Commission, in accord with Article 24 of this Zoning Ordinance.
2. Condominium Subdivisions Abutting Agricultural Lands.
    - a. Conform to Zoning. When lands are to be divided as a condominium subdivision located adjacent to agriculturally zoned lands, the condominium shall comply with the provisions of the Township Zoning Ordinance, including any waivers or variances granted thereto.
    - b. Fencing to Protect Agricultural Lands. When a condominium subdivision abuts lands zoned and used for agricultural purposes, the developer may be required before land use permits are issued, to install control fence along the boundary between the condominium and the agricultural. Such fencing shall be approved by the Planning Commission.
  3. Planting and Reserve Strips
    - a. Planting Strips. Planting strips may be required to be placed next to incompatible features such as highways, commercial, or industrial uses to screen the view from residential properties. Such screens shall be a minimum of twenty (20) feet wide unless otherwise provided in the Zoning Ordinance; in such case the most stringent requirement shall prevail.
    - b. Reserve Strips
      - 1) Reserve Strips - Private: Privately held reserve strips controlling access to streets shall be prohibited.
      - 2) Reserve Strip - Public: A one-foot reserve may be required to be placed at the end of "stub" or "dead-end" streets which terminate at the condominium subdivision boundaries and between half-streets. These reserves shall be deeded in fee simple to the Township or the County Road Commission for future street purposes.
  4. Public Areas and Open Space.
    - a. Public Areas. Where a proposed park, playground, school, or other public use shown on the Master Plan is located in whole or in part within a condominium subdivision, a suitable area for this purpose may be dedicated to the public or reserved for public purchase. Lands designated for either private or public open space or park use shall have natural qualities and location which make it suitable for developed recreational facilities accessible to all lots within the plat or have unique natural qualities and location which make it desirable to leave the land in an undisturbed and protected natural state. Odd or unusual shaped parcels of land shall not be so designated merely to avoid difficult design or layout problems. Nothing in this section shall be interpreted to compel acceptance of said lands as public property by Long Lake Township.
    - b. Natural Features. Existing natural features which add value to residential development and enhance the attractiveness of the community (such as trees, watercourses, historic spots, and similar irreplaceable assets) shall be preserved, insofar as possible, in the design of the condominium subdivision.
  5. Lighting. All outdoor lighting shall comply with the provisions of Section 4.13 of this Zoning Ordinance.

## SECTION 22.3 REVIEW OF CONDOMINIUM PROJECTS

1. Planning Commission Review. Prior to the recording of a Master Deed and exhibits for a new condominium subdivision, the developer shall submit the Master Deed and exhibits for review and approval by the Planning commission according to the requirements of this Article. Prior to the recording of a Master Deed and exhibits for the conversion or expansion of an existing condominium subdivision, the developer shall submit the Master Deed and exhibits for review and approval by the Planning Commission according to the requirements of this Article. Further, these documents may be submitted for review and approval by the Township Attorney, Township Engineer and Township Planner to verify compliance with local Ordinances and state law.
2. Conformance to Ordinance Requirements. All principal buildings and/or accessory structures within a condominium subdivision shall comply, to the extent applicable, with the regulations of this Zoning Ordinance and the Long Lake Township Subdivision Control Ordinance.
3. Conformance to Road Commission Requirements. All streets, public or private, within a condominium subdivision shall be designed and constructed in accordance with the current standards and specifications of the Grand Traverse County Road Commission or the Long Lake Township Private Road Ordinance #49, as appropriate.
4. Dedication of Public Utility Easements. The condominium subdivision shall provide for the dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and stormwater runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations. Easement dedication documentation may be reviewed by the Township Attorney and Township Engineer.
5. Review by the Grand Traverse County Land Development Review Committee. All condominium subdivisions which consist in whole or in part of condominium units which are building envelopes shall be submitted for review and recommendation by the Grand Traverse County Land Development Review Committee. The Planning Commission shall not approve such development until it has been reviewed by the Grand Traverse County Land Development Review Committee.
6. Monumentation Required. All condominium subdivisions which consist in whole or in part of condominium units which are building envelopes shall be marked with monuments and iron stakes as required below, provided that the application of this section shall be in addition to the requirements of the Condominium Act (being Act 59 of 1978, as amended) and where the provisions of this section and said Act conflict, the more restrictive provision shall apply.
  - a. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
  - b. All monuments used shall be made of solid iron or steel bars at least one-half inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.

- c. Monuments shall be located in the ground at all corners and angles of deflection in the boundaries of the condominium project; at the intersection lines of streets with the boundaries of the condominium project and at the intersection of alleys with the boundaries of the condominium project, and at all angles of an intermediate traverse line.
- d. All condominium unit corners, minor boundary corners, points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alley that are not on the boundary of the Condominium project, shall be established in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half inch in diameter or other approved markers.
- e. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the condominium project and referenced to the true point.
- f. If a point required to be established is on a bedrock outcropping, a steel rod at least one-half inch in diameter, shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
- g. All required monuments and iron or steel bars shall be placed flush with the ground where practicable.
- h. All condominium unit corners shall be established in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half inch in diameter or other approved markers.
- i. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year, on the condition that the proprietor deposits with the Township cash, a certified check or irrevocable bank letter of credit naming the municipality in an amount sufficient to cover any cost associated with the monumentation. The performance guarantee shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

# ARTICLE 23

## ZONING BOARD OF APPEALS

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### SECTION 23.1 PURPOSE

The purpose of this Article is to ensure that the objectives of this Ordinance are fully and equitably achieved, that a means is provided for competent interpretation of this Ordinance; that flexibility be provided for in the strict interpretation of this Ordinance; and, that the spirit of the Ordinance be observed, public safety secured, and substantial justice done.

### SECTION 23.2 CREATION AND MEMBERSHIP [Amended by Ordinance #149, adopted January 14, 2016, effective February 5, 2016; amended by Ordinance #184, adopted August 11, 2020 effective August 29, 2020]

1. Establishment. A Zoning Board of Appeals is hereby retained in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended. The Zoning Board of Appeals shall consist of five (5) members and up to two (2) alternate members as allowed under Section 23.2.2 appointed by the Township Board. The composition of the Zoning Board of Appeals shall be as follows:
  - a. One member shall be a member of the Township Planning Commission.
  - b. The remaining members shall be selected from the electors of Long Lake Township and shall be representative of the population distribution and of the various interests present in the township.
  - c. One member may be a member of the Township Board; though, that member may not serve as the chairperson of the Zoning Board of Appeals.
  - d. An employee or contractor of the Township Board may not serve as a member or an employee of the Zoning Board of Appeals.
2. Alternate Members. The Township Board may appoint not more than two (2) alternate members to the Zoning Board of Appeals. Alternates shall not be a member of the Township Board or Planning Commission. Alternates may be called as needed to serve on a rotating basis:
  - a. If a regular member is absent from, or unable to attend meetings for a period of more than thirty (30) consecutive days.
  - b. For the purpose of reaching a decision in a case in which a regular member has abstained for reasons of conflict of interest.
  - c. If a regular member is absent from, or unable to attend two (2) or more consecutive meetings.
  - d. The alternate member shall serve in the case until a final decision has been made. Alternate members shall have the same voting rights as a regular member of the Zoning Board of Appeals.

3. **Terms of Office.** Members shall be appointed for three (3) year terms except in the case of Planning Commission and Township Board members whose terms shall be limited to their terms as Planning Commission or Township Board members. A successor shall be appointed not more than one month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term. Members may be re-appointed.
4. **Conflict of Interest.** A member shall disqualify himself or herself from a vote in which the member has a conflict of interest.
5. **Removal from Office.** Members of the Zoning Board of Appeals may be removed by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.

### **SECTION 23.3 ADMINISTRATION**

1. **Rules of Procedure.** The Zoning Board of Appeals shall adopt rules of procedure for the conduct of its meetings and the implementation of its duties.
2. **Meetings and Quorum.** Meetings shall be held at the call of the chairperson and at such other times as the Zoning Board of Appeals rules of procedure shall specify. A majority of the total membership of the Zoning Board of Appeals shall comprise a quorum. The concurring vote of a majority of the Zoning Board of Appeals shall be required to take any action. The Zoning Board of Appeals shall not conduct any business unless a quorum of the regular members is present. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act, Public Act 267 of 1976.
3. **Records.** The Zoning Board of Appeals shall maintain a record of its proceedings that shall be filed in the office of the Township Clerk and shall be a public record. The record shall contain the grounds for every determination made by the Zoning Board of Appeals, including all evidence and data considered, all findings of fact and conclusion drawn for each case, and the final rule on each case.
4. **Witnesses.** The chairperson, or in his absence the acting chairperson, may administer oaths and compel the attendance of any witness in order to ensure a fair and proper hearing.

### **SECTION 23.4 JURISDICTION AND AUTHORIZED APPEALS**

Except as otherwise provided, the Zoning Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator or Planning Commission, or other official administering or enforcing the provisions of this Ordinance as provided herein. Within this capacity, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination.

1. **Administrative Appeal.** Except for circumstances where this Ordinance specifically states otherwise, the Zoning Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, or decision made by the Zoning Administrator or Planning Commission in the administration or enforcement of this Ordinance.

2. Ordinance Interpretation. The Zoning Board of Appeals shall hear and decide upon the following requests:
  - a. Interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning. In deciding upon such request, the Zoning Board of Appeals shall ensure that its interpretation is consistent with the intent and purpose of this Ordinance, the Article in which the language is contained, and all relevant provisions of this Ordinance.
  - b. Determine the precise location of the boundary line between zoning districts when there is dissatisfaction with the decision made by the Zoning Administrator. See Section 2.4.
3. Dimensional Variances. The Zoning Board of Appeals shall have the power to authorize dimensional variances from site development requirements such as lot area and lot width, building height and bulk regulations, yard width and depth requirements, off-street parking and loading requirements, sign landscape requirements, and other similar requirements of this Ordinance.
  - a. Approval Criteria. To obtain a dimensional variance, the applicant must demonstrate that a practical difficulty exists by showing:
    - 1) That the need for the variance is due to unique circumstances or physical conditions, such as narrowness, shallowness, shape, water or topography, of the property involved and that the practical difficulty is not due to the applicant's personal or economic hardship.
    - 2) That the need for the variance is not the result of actions of the property owner (self-created) or previous property owners.
    - 3) That strict compliance with area, setback, frontage, height, bulk, density or other dimension requirement will unreasonably prevent the property owner from using the property for permitted purpose, or will render conformity with those regulations unnecessarily burdensome. (Because a property owner may incur additional costs in complying with this Ordinance does not automatically make compliance unnecessarily burdensome.)
    - 4) That the variance will do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
    - 5) That the variance will not cause adverse impacts on surrounding property, property values, or the use and enjoyment of property in the neighborhood.
    - 6) That the variance shall not permit the establishment within a district any use which is not permitted by right, or any use for which a conditional use or temporary use permit is required.
  - b. Conditions. The Zoning Board of Appeals may impose conditions upon a dimensional variance approval. The conditions may include those necessary to protect the natural environment and conserve natural resources, to ensure compatibility with adjacent land uses, and to promote the use of land in a socially and economically desirable manner. Conditions imposed upon a dimensional variance approval shall be stated in the record or order and shall remain unchanged except upon application to the Zoning Board of Appeals and the property owner. Similarly, any changes in conditions shall be reflected in the record or order.

- c. Effect of Approval. The dimensional variance shall expire at the end of twelve (12) months, unless a land use permit for authorizing the construction has been obtained and substantial construction has started and proceeds to completion in accordance with the terms of the land use permit.
- d. Recording Requirement. The Zoning Administrator may require that the applicant record an affidavit of the variance with the County Register of Deeds. This filing and any associated fees shall be the responsibility of the applicant.

## **SECTION 23.5 PROHIBITED APPEALS**

The Zoning Board of Appeals shall not have the power to grant use variances. The Zoning Board of Appeals shall not alter or change the zoning district classification of any property or take any actions that have the effect of a legislative action. The Zoning Board of Appeals shall not have authority to hear appeals related to any decision or conditions attached to any decision pertaining to a conditional land use or planned unit development.

## **SECTION 23.6 APPEAL PROCEDURE** [Amended by Ordinance #173, adopted August 13, 2019, effective August 31, 2019]

1. Notice of Appeal. The following procedures shall be observed in filing of a notice of appeal:
  - a. Ordinance interpretation and variance requests may be made by any aggrieved persons or by any official of the Township on a form provided for that purpose.
  - b. The applicant for a dimensional variance shall provide all information required in the application form provided by the Township and shall also provide a certified survey prepared by a surveyor licensed in the state of Michigan. The survey shall include, at a minimum, the lots lines, the ordinary high water mark of any adjacent waterbodies or watercourses, all existing and proposed improvements, minimum required setbacks for the zoning district in which the property is located, and exact distances of existing and proposed improvements to all property lines and the ordinary high water mark.
  - c. The appeal of a ruling of the Planning Commission or Zoning Administrator in the enforcement of this Ordinance shall be taken within 21 days of the date of the Zoning Administrator's decision on a form provided for that purpose.
  - d. Upon receipt of a notice of appeal, the official from whom the appeal is taken shall transmit to the Zoning Board of Appeals all the papers constituting the record upon which the appealed action was taken.
2. Hearing. Upon receipt of a request for Ordinance interpretation, variance or notice of appeal, the chairperson of the Zoning Board of Appeals shall schedule a reasonable time and date for a public hearing.
3. Notice of Hearing. Notice of a public hearing required before the Zoning Board of Appeals shall be provided as required in Section 20.21, Hearing Notice Procedures of this Zoning Ordinance.
4. Stay. An administrative appeal to the zoning Board of Appeals and an appeal of a decision of the Zoning Board of Appeals to the circuit court stays all proceedings of the action appealed from, including the effectiveness of any zoning permit issued, unless the Zoning Administrator certifies to the Zoning Board of Appeals after such appeal has been filed that a stay would cause imminent peril to life or property, in which



case the proceedings shall not be stayed, unless ordered stayed by the Zoning Board of Appeals or the circuit court. Provided, however, this section shall not apply to an administrative decision to take enforcement action for alleged violations of this Ordinance.

## **SECTION 23.7 FINAL DECISIONS AND REHEARING**

1. Final Decisions. Except as provided in this section, a decision of the Zoning Board of Appeals shall be final.
2. Reapplication and Rehearing. A reapplication or rehearing concerning an action of the Zoning Board of Appeals shall be governed by Sections 20.10 and 20.11 of this Ordinance, respectively.
3. Appeals from final decisions of the Zoning Board of Appeals shall be to Circuit Court of Grand Traverse County, as provided by law.

# ARTICLE 24

## SITE PLAN REVIEW

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### **SECTION 24.1. PURPOSE**

It is the purpose of this Article to specify standards and data requirements that shall be followed in the preparation of Site Plans as required by this Ordinance.

### **SECTION 24.2 IMPROVEMENTS WHICH REQUIRE SITE PLAN APPROVAL**

Prior to the issuance of any land use permit where a Site Plan is required under this Section, a Site Plan shall be reviewed and approved by the Zoning Administrator or Planning Commission in conformance with this Article.

1. Site Plan Required. Unless specifically exempted in this Ordinance, a Site Plan with information as detailed in this Article is required for the following. See also Section 20.3.
  - a. Any non-residential use or building.
  - b. Any Conditional Land Use or building.
  - c. Any residential subdivision or condominium project under Article 18, Development Options.
  - d. Any Multiple Family use or building.
2. Administrative Review Option for Additions and Building Re-occupancy. When the erection of a structure constitutes an addition to an existing use or building or the re-occupancy of an existing building where the use would otherwise require Planning Commission review of the site plan, the Zoning Administrator may conduct an administrative review if the following conditions are met:
  - a. No variances are required.
  - b. The proposed new construction will not increase the total total floor area of all buildings on the parcel by more than twenty-five percent (25%) or two thousand five hundred (2,500) square feet, whichever is less.
  - c. The use will be conducted entirely within an enclosed building.
  - d. The use will not increase the existing parking area by more than twenty percent (20%) of the area that existed prior to re-occupancy.
  - e. The use will not substantially alter the character of the site.
  - f. The site will meet all applicable requirements of the Zoning Ordinance.
3. Conformance to Ordinance Requirements. All Site Plans shall conform to the requirements of the Zoning Ordinance. Administrative review procedures are not intended to modify any Ordinance requirement, or

development standard. The Zoning Administrator shall notify the Planning Commission of all Site Plans processed or scheduled for administrative review.

4. Land Clearing. No person shall undertake any activity such as grading, clearing, cutting and filling, excavating, or tree removal in preparation for a use or structure which requires Site Plan Review and approval until the proposed use or structure is authorized by a Land Use Permit.

### SECTION 24.3 DATA REQUIRED FOR SITE PLANS

Applications for site plan approval by the Zoning Administrator or Planning Commission shall include the materials and information as set forth in the following table.

1. Waiver of Required Information for Administrative Review of Site Plans. The Zoning Administrator may waive a particular element of information otherwise required upon a finding that the information is not necessary to determine compliance with this Ordinance.
2. Waiver of Required Information for Planning Commission Review of Site Plans. Where a use requiring Planning Commission review is residential or agricultural in nature, or where otherwise impractical, either the Zoning Administrator or the Planning Commission may waive a particular element of information otherwise required upon a finding that the information is not necessary to determine compliance with this Ordinance. Such uses may include, but are not limited to, Major Home Occupations, Horse Stables, Agri-business or Agri-tourism, Small WECS, Group Child Care Home, and Billboards.
3. Additional Information May Be Required. In addition to the requirements set forth in this section, the Planning Commission may direct that other information be provided if it is necessary by the Planning Commission to determine if the proposed Site Plan conforms to the requirements of this Ordinance.

Required information or Presentation Standard	Administrative Review	Planning Commission Review
Site Plans shall be drawn at a scale of at least one (1) inch equals one hundred (100) feet and include plan preparation and revision dates, a graphical scale, north arrow, and a location map. The location map shall depict the proposed development site, section lines and numbers, and major roadways within two thousand (2,000) feet of the site.	Required	Required
The applicant's name, address and telephone number, the property owner's name, address and telephone number, if different than that of the applicant and the site plan preparer's name, address and telephone number, if applicable.	Required	Required
A survey of the property showing property line dimensions and bearings, and easements of record, required setbacks, and a written legal description.	Required	Required

Notation of all federal, state and local permits required.	Required	Required
Bear the seal of the responsible licensed professional engineer, land surveyor, or registered landscape architect prior to issuance of a Land Use Permit	Required	Required
A written statement which describes the characteristics of the development. For residential developments, the project description shall describe the number of dwelling units, bedrooms, carports or garages, and the type and amount of recreational open space. For nonresidential developments, the project description shall describe the intended use, hours of operation, the gross and useable floor areas in square feet, and the number of employees per shift.	Required	Required
A site data chart which compares the existing and proposed improvements to the lot area, setback, height and lot coverage requirements of the zoning district and the off-street parking and landscape requirement calculations	Required	Required
Location of natural features such as, but not limited to, woodlots, streams, floodplains, county drains, lakes, ponds, and existing topography at ten (10) foot intervals within one hundred (100) feet of the site. To the extent that such information departs from that referenced in the Natural Features Inventory, the applicant shall provide supporting information satisfactory to the Planning Commission explaining such departure.		Required
Location and dimensions of existing structures within 100 feet of the site including notation as to which on-site structures will be retained and which will be removed or altered.		Required
Location and dimensions of proposed structures, including building elevations and floor plans		Required
Location and dimensions of existing public right-of-way (including paving material), private roads, or access easements of record	Required	Required
Location and dimensions of proposed rights-of-way, acceleration/deceleration lanes, driveways, parking spaces, maneuvering lanes, loading areas, and sidewalks. Proposed traffic control measures and proposed street names shall also be indicated.		Required
Location of existing and proposed utilities, water mains, well, fire hydrants, sewers, septic fields, storm drains, as well as any easements that exist or are proposed to be established for the installation, repair, or maintenance of utilities.		Required

Location and dimension of exterior drains, dry wells, catch basins, retention and/or detention areas, sumps, and other facilities designed to collect, store or transport stormwater or wastewater as well as point of discharge.		Required
Proposed location of signs, trash receptacles, light fixtures, and any other accessory structures and uses.		Required
Typical straight cross-sections including slope, height, and width of any berms and type of ground cover, and height and type of construction of any wall or fence, including footings.		Required
Location, spacing, type and size of proposed plant materials.		Required
Location and specifications for any existing or proposed storage of any chemicals, salts, flammable or hazardous materials as well as any required containment structures or clear zones.	Required	Required

## SECTION 24.4 ACTION ON SITE PLANS

1. Submission of Site Plan for Planning Commission Review. The applicant shall provide to the Zoning Administrator complete site plan sets in the number and format as prescribed by the Rules of Procedure of the Planning Commission. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the Site Plan is complete, the Zoning Administrator shall place the Site Plan on the Planning Commission's agenda.
2. Submission of an Administrative Site Plan. The applicant, for administrative review shall provide three (3) copies of the proposed Site Plan to the Zoning Administrator. The Zoning Administrator shall review the submittal to determine that all the required information has been provided. Upon finding that the Site Plan is complete, the Zoning Administrator shall proceed with an administrative review.
3. Action. The Planning Commission or Zoning Administrator, as applicable, shall disapprove, approve, or approve with conditions the Site Plan. The body or person authorized to take action on a Site Plan may impose conditions in addition to the specific requirements of this Ordinance. Any conditions required by the Planning Commission or Zoning Administrator, together with the reasons for those conditions, shall be provided in writing to the applicant.
4. Approval of Site Plans. A Site Plan shall be approved if it contains the information required by and is in compliance with the Zoning Ordinance including the standards under Section 24.5, the conditions imposed pursuant to the Ordinance, and other Township planning documents.
5. Approved Site Plans. Two copies of the approved Site Plan, with any conditions contained within shall be signed by both the applicant and the Chairperson or Secretary of the Planning Commission. One (1) copy

shall be returned to the applicant. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the site plan and delivered to the applicant for information and direction.

6. Site Plan Approval for Conditional Land Uses. The approval of Site Plans reviewed in conjunction with a Conditional Land Use Application shall occur simultaneous to the approval of the Conditional Land Use.

## **SECTION 24.5 STANDARDS FOR GRANTING SITE PLAN APPROVAL**

Each Site Plan shall conform to the applicable provisions of this Ordinance and the standards listed below.

1. Arrangement of Structures. Site Plans shall demonstrate that buildings, parking areas, signs, walls, fences, and the like are designed to minimize adverse affects on development users and the occupants of adjacent properties in addition to meeting the minimum standards of this Zoning Ordinance.
2. Natural Features. Site Plans shall demonstrate that as many natural features as possible have been retained or protected, in accordance with the following provisions.
  - a. Priority One Areas. Where the site includes any Priority One natural areas, as reflected in the Natural Features Inventory of Long Lake Township, the proposed development shall either avoid disturbance of such Priority One areas; alternatively if disturbance of Priority One areas is unavoidable, the site plan shall incorporate the following information: See also Section 18.2.2.a
    - 1) A detailed listing of the component natural features element that result in the site reflecting a Priority One rating in the Natural Features Inventory,
    - 2) An evaluation of the feature management strategies outlined in the Natural Features Inventory for each of the component natural features elements and a description of how those management strategies will be applied to the features present on the site.
    - 3) Where component natural features elements will be compromised by the proposed development, a detailed presentation of the measures the applicant proposes to mitigate damage to the features or to replace features where possible.
  - b. Priority Two Areas. Where the site includes any Priority Two natural areas, as reflected in the Natural Features Inventory of Long Lake Township, the proposed development shall either avoid disturbance of such Priority Two areas; alternatively if disturbance of Priority Two areas is unavoidable, the site plan shall incorporate the following information:
    - 1) A detailed listing of the component natural features element that result in the site reflecting a Priority Two rating in the Natural Features Inventory,
    - 2) An evaluation of the feature management strategies outlined in the Natural Features Inventory for each of the component natural features elements and a description of how those management strategies will be applied to the features present on the site.
    - 3) Where component natural features elements will be compromised by the proposed development, a detailed presentation of the measures the applicant proposes to mitigate damage to the features.

- c. Priority Three Areas. Where the site includes any Priority Three natural areas, as reflected in the Natural Features Inventory of Long Lake Township, the proposed development shall either avoid disturbance of such Priority Three areas; alternatively if disturbance of Priority Three areas is unavoidable, the site plan shall incorporate the following information:
  - 1) A detailed listing of the component natural features element that result in the site reflecting a Priority Three,
  - 2) Where component natural features elements will be compromised by the proposed development, a detailed presentation of the measures the applicant proposes to mitigate damage to the features.
3. Buffer Areas. Where existing features provide a buffer between adjoining properties or assist in preserving the general appearance of the neighborhood or help control soil erosion or stormwater, the site plan shall indicate and illustrate measures to preserve the existing features, to the greatest extent possible.
4. Vehicular and Pedestrian Traffic. Site Plans shall fully conform to the driveway and traffic standards of the Michigan Department of Transportation and the Grand Traverse County Road Commission. Further, the Site Plan shall demonstrate that there is proper relationship between existing and proposed roadways, parking areas, and that the safety and convenience of pedestrian and vehicular traffic has been assured.
5. Public Safety. Site Plans shall fully conform with applicable vehicle access requirements of Long Lake Township and applicable fire safety and fire suppression requirements and emergency vehicle access requirements of the Grand Traverse Fire Department - Rural Division or any successor entity that has jurisdiction or has been granted jurisdiction over fire prevention, fire suppression and similar emergency services.
6. Drainage. Site Plans shall fully conform to the Grand Traverse County Drain Commission standards and Township ordinances as may be adopted.
7. Erosion. Site Plans shall fully conform to the Grand Traverse County Soil Erosion and Sedimentation Control Ordinance.
8. Hazardous Waste Management. Site Plans shall demonstrate that reasonable precautions will be taken to prevent hazardous materials from entering the environment.
9. Public Health. Site Plans shall fully conform to the requirements of the Michigan Department of Public Health and the Grand Traverse County Health Department.
10. Statutory Compliance. Site Plans shall fully conform to all applicable state and federal statutes.
11. Conformance with Township Master Plan. Site Plans shall fully conform to the land use policies, goals and objectives of the Long Lake Township Master Plan.

## **SECTION 24.6 SITE PLAN AMENDMENTS**

1. Approval Required. Site Plan amendments shall be reviewed and approved in the same manner as the original submittal and require the mutual consent of the property owner and the approving body or person. Minor

Site Plan amendments, as defined in Section 24.6,2, may be approved by the Zoning Administrator or Planning Commission.

2. Minor Site Plan Amendments. Minor Site Plan amendments shall be limited to the following Site Plan changes:
  - a. Moving walls within the confines of the approved building footprint because of a natural impediment such as soil conditions or subsurface geology.
  - b. Moving the ingress and egress drive a distance up to one hundred (100) feet, if required by the Grand Traverse County Road Commission or Michigan Department of Transportation.
  - c. Substituting a landscape material provided a nurseryman or landscape architect certifies that the substituted species is of a similar nature and quality.
  - d. Changing the location and/or design of exterior light fixtures provided that there will be no change in the intensity of site lighting and the location conforms to the requirements of this Ordinance.
  - e. Changing the dimensions or location of approved signage provided that the sign conforms to the requirements of this Ordinance.
  - f. Altering the location of an accessory structure that is less than one hundred (100) square feet in area provided that the location does not encroach on any approved parking, loading, or landscape areas and otherwise conforms to the requirements of this Ordinance.
  - g. Changing the height and/or material of fencing provided that the height conforms to the requirements of the Ordinance and that any substituted material is similar in character and quality.
3. Approval Required. A Site Plan amendment shall be approved if the Zoning Administrator or Planning Commission finds that the change will not adversely affect the initial reasons for granting approval or any conditions of approval applicable to the Site Plan.

## **SECTION 24.7 DRAWINGS OF RECORD**

Upon completion of required improvements, the applicant shall submit drawings of record, certified by a surveyor or engineer, to the Zoning Administrator. All submitted drawings of record shall be on a mylar sheet of at least eighteen (18) inches by twenty-four (24) inches. In the case of a condominium subdivision, the applicant shall provide two (2) copies of the recorded master deed and any exhibits. This Section shall not apply to residential lots of record.

## **SECTION 24.8 PERFORMANCE GUARANTEES**

The Planning Commission may require a performance guarantee in conformance with Section 20.5 as a condition of approval of any site plan.



## **SECTION 24.9 VALIDITY AND REVOCATION OF SITE PLAN APPROVAL**

1. **Validity of Approval.** An approved Site Plan shall be valid for a period of twelve (12) months from the date of Planning Commission approval. If substantial construction has not commenced and proceeded meaningfully toward completion by the end of this period, the Zoning Administrator shall notify the applicant in writing of the expiration of said permit; provided, however, that the Planning Commission may waive or extend the period of time in which the permit is to expire if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction.
2. **Revocation.** The Planning Commission shall have the authority to revoke Site Plan approval following a hearing if substantial construction of the approved improvements does not proceed in conformance with the approved Site Plan. Upon discovery of a violation, the Zoning Administrator may issue a stop work order and a notice to appear for a hearing before the Planning Commission. Notice of the hearing date shall be provided to the applicant no less than ten (10) days prior to the date of the meeting.

## **SECTION 24.10 COMPLETED ACCESS REQUIRED** [This Section has been amended by Ordinance #160, adopted April 18, 2017, effective May 6, 2017]

The Zoning Administrator shall not issue a land use permit for any proposed land use unless and until the road to serve the proposed land use has been constructed and approved either as a public road or as a private road pursuant to the Private Road Ordinance (Ordinance #121).

## **SECTION 24.11 [Reserved]**

## **SECTION 24.12 [Reserved]**

## **SECTION 24.13 REAPPLICATION AND REHEARING**

A reapplication or rehearing concerning a Site Plan Review Application shall be governed by Sections 20.10 and 20.11 of this Ordinance, respectively.

# ARTICLE 25

## PARKING AND LOADING STANDARDS

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### **SECTION 25.1 GENERAL REQUIREMENTS**

An off-street parking facility including parking spaces and a parking garage as defined by this Ordinance, together with maneuvering lanes, driveways, and other improvements shall conform with the requirements of this Article.

### **SECTION 25.2 EXISTING PARKING**

Any building which meets the off-street parking requirements of this Ordinance on the effective date thereof or at any subsequent time shall continue to comply with all requirements of this Article. Any existing building, which partially meets the requirements of this Ordinance on the effective date thereof or any subsequent time shall thereafter continue to comply as nearly with these requirements as the highest degree of compliance reached.

### **SECTION 25.3 OFF-STREET PARKING SITE DEVELOPMENT REQUIREMENTS**

All off-street parking facilities shall be designed, constructed, and maintained in accordance with the following standards and requirements.

1. Land Use Permit Required. No off-street parking facility shall be constructed until the Zoning Administrator issues a land use permit for the off-street parking facility and any other development proposed on the parcel.
2. Site Plan Required. Before a land use permit for an off-street parking facility is issued, a site plan shall be approved as required by this Ordinance. The site plan shall include all information required by Article 24, Site Plan Review in addition to sufficient information regarding the location, capacity, size, site, design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, and any other detailed features essential to the design and construction of the proposed off-street parking facility to assure compliance with the terms of this Ordinance.
  - a. Off-street parking facilities shall be constructed in accordance with the following minimum dimensional requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length
0 degrees – (parallel park)	12 feet	8 feet	23 feet
30 to 53 degrees	12 feet	8 feet 6 inches	20 feet
54 to 74 degrees	15 feet	8 feet 6 inches	20 feet
75 to 90 degrees	20 feet	9 feet	20 feet

- b. All parking spaces shall be provided access by means of maneuvering lanes. Except for parking that serves a single-unit or two-unit dwelling, off-street parking that requires backing directly onto a street shall be prohibited.
- c. Ingress and egress for an off-street parking facility in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
- d. An off-street parking facility required by this Ordinance shall be used only for the parking of vehicles for which the off-street parking facility is required and has been approved by the terms of this Ordinance.
- e. Off-street parking required by this Ordinance shall not be used for the repair or service of vehicles, parking of inoperable vehicles, or the sale or display of vehicles, merchandise, or other goods or services, unless a land use permit has been issued for such use under the terms of this Ordinance.
- f. Not more than two (2) buildings for shelter of attendants shall be erected upon any required off-street parking facility and each such building shall not be more than fifty (50) square feet in area and not more than ten (10) feet in height.
- g. A suitable means of ingress or egress for vehicles to an off-street parking facility required by this Ordinance shall be provided, and shall open directly from and to a public or private street, alley or highway. An entrance or exit from an off-street parking facility serving nonresidential uses which are adjacent to or opposite property zoned for residential purposes shall not exceed twenty-five (25) feet in width unless required for traffic safety by the Road Commission or MDOT.
- h. Any change in use of a property, site, or building, that requires a greater amount of off-street parking as determined by this Ordinance, shall provide additional off-street parking and shall be subject to Site Plan Review as required by this Ordinance.
- i. Except for single family residential uses, no off-street parking shall be located in any required setback area.

3. Surfacing Requirements. Except as otherwise provided in this section, an off-street parking facility, for other than a single family residence on a lot of record, shall be paved with either Portland cement or asphalt or other materials satisfactory to the Planning Commission or Zoning Administrator to provide a durable and dust free surface.
  - a. An off-street parking facility approved as a temporary use need not be paved if it can be demonstrated that the existing surface will prevent tracking of mud or other material onto the public street and is maintained in a dust free condition. A performance guarantee for restoration of the site of the temporary off-street parking facility may be required.
  - b. Alternative surfacing materials such as porous asphalt, pervious concrete, and grass pavers may be approved by the Township for portions of a site that are expected to experience low parking use and are not driveways or maneuvering lanes. Such areas shall be designed to minimize frost action. A maintenance plan for areas utilizing alternative surfacing materials shall be provided as a condition of Site Plan approval. Alternative surfacing materials shall not be permitted where groundwater contamination due to porous soils or high water table may occur.

**SECTION 25.4 PARKING AND LOADING PROVISIONS** [This section has been amended by Ordinance #181, adopted March 9, 2021, effective March 21, 2021]

1. Definition of Floor Area. The term "floor area" as applied in this section, is total floor areas as defined by Section 3.7 of this Ordinance minus any stairwells, elevator shafts or mechanical equipment rooms (furnace rooms, plumbing closets, and the like). Where the area of activity for which off-street parking is required is not inside a building, the horizontal surface area of the activity shall be used to determine the number of off-street parking spaces required.
2. Parking Space Requirements. The number of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings as specified, shall be determined in accordance with the following minimum parking provisions:

Residential Use	Requirements
Dwelling, multiple family unit	One and one-half (1.5) spaces per dwelling unit.
Dwelling, single family unit	Two (2) parking spaces for each dwelling unit.
Dwelling, two family unit	Two (2) parking spaces for each dwelling unit.
Family Child Care Home	One (1) space in addition to the spaces required for the principal dwelling.

Home Occupation	Parking for a home occupation shall comply with Section 4.11 of this Ordinance in addition to the requirements of this Article.
Group Child Care Home	One (1) parking space for each six (6) children plus two (2) visitor parking spaces.
Manufactured Housing Community	Two (2) parking spaces per mobile home unit.

Institutional Use	Requirements
Educational Facility	One (1) space for each employee (including teachers and administrators) plus one for each 3 students, in addition to the requirements of associated places of public assembly.
Hospital/Long-term Care Facility	One (1) space per three (3) patient beds, plus 1 space per staff or visiting doctor, plus 1 space per 4 employees, including nurses.
Place of Public Assembly	One (1) space per 3 seats, plus one (1) space per employee.
Private or Institutional Recreational Area	One (1) parking space for each six (6) persons permitted in such facility as determined in the capacity or occupancy limitations determined by the Fire Marshall. (with fixed seating or enclosed space) One (1) parking space for each campsite plus one (1) for each two employees (campgrounds).
School, K-12, Public or Private	One (1) space for each employee (including teachers and administrators) plus one for each 10 students, in addition to the requirements of associated places of public assembly.

Commercial Use	Requirements
Motor Vehicle Salvage/Scrapping Yard	One (1) per employee on the largest shift.
Banking Establishment	One (1) per 300 s.f.
Building Material Supplier	One (1) parking space per 800 square feet.
Car Wash	Three (3) waiting spaces for each self serve washing bay.

Child Care Center	Two (2) spaces, plus one (1) for every eight (8) children of licensed capacity, minimum ten (10) spaces.
Contractor Facility	One (1) space for each employee on the largest shift.
Convenience Commercial Establishment	One (1) parking for each one hundred fifty (150) square feet of floor area.
Extraction	One (1) space for each employee on the largest shift.
Funeral Home/Mortuary	One (1) space per twenty-five (25) square feet of area in parlors, chapels, or individual funeral service rooms.
General Retail Sales Establishment	One (1) parking for each three hundred (300) square feet of floor area.
Golf Course/Country Club	Four (4) spaces per hole, plus one for each employee.
Governmental Building/Public Park	One (1) parking space for each eight hundred (800) square feet of floor area, plus one (1) parking space for each two (2) employees.
Hotel/Motel	One (1) parking space for each individual living or sleeping unit plus two (2) spaces for operating personnel. For establishments over twenty (20) units, one additional employee parking space per twenty (20) units.
Mini-Warehouse	Five (5) spaces per development plus one space for a full-time caretaker and one additional space for each twenty (20) storage units.
Mixed Use or Multiple Use Development	In the case of mixed uses in the same building or structure, the amount of parking spaces for each use specified shall be provided, and the space for one use shall not be considered as providing required spaces for any other use except as to churches and auditoriums incidental to public and private schools permitted herein.
Motor Vehicle Fuel Service w/ Repair	One (1) parking space for each two hundred (200) square feet of floor space.
Motor Vehicle Fuel Service w/o Repair	Self-serve gas and convenience stores: one (1) space for each 150 square feet of floor area plus one for each employee.
Office Building/Clinic	One (1) space for each two hundred (200) square feet of floor area, plus one (1) for each professional employee.
Open Air Business and Storage	One (1) per 1,000 square foot of lot area used for retail sales or storage.

Parking Garage	One (1) per employee in addition to spaces offered for a fee, and per the requirements of Section 19.40 of this Ordinance.
Personal Service Establishment	2 parking spaces for each beauty parlor and/or barbershop chair, 1 for each 4 washing machines, or 1 per 150 square feet of floor area.
Processing, assembly and manufacturing	One (1) parking space for each employee on the largest shift, plus ten (10) parking spaces for visitor parking purposes.
Propane Service Facility, Retail	One (1) parking space for each employee on the largest shift, plus five (5) parking spaces for visitor parking purposes.
Public Utility Structure	One (1) per employee on the largest shift.
Research and Development Establishment	One (1) space for each two hundred (200) square feet of floor area, plus one (1) for each professional employee.
Restaurant w/ Drive through	Ten (10) parking spaces plus one (1) parking space for each two hundred (200) square feet of floor area.
Restaurant w/o Drive through	One (1) parking space for each three (3) persons of permitted building occupancy as determined by the Fire Marshall.
Roadside Stand for Agricultural Products	Three (3) spaces, plus one (1) for each twenty-five (25) square feet display area.
Sexually Oriented Business	One (1) per one hundred fifty (150) square feet of floor area plus one (1) per employee.
Tavern	One (1) parking space for each three (3) persons of permitted building occupancy as determined by the Fire Marshall.
Truck Freight Terminal	One (1) parking space for each employee on the largest shift plus ten (10) parking spaces for visitor parking purposes.
Vehicle Repair Garage	Four (4) per bay, plus five (5) additional spaces.
Veterinary Establishment	Four (4) spaces for each doctor, plus one (1) for each employee.
Warehouse	One (1) parking space for each eight hundred (800) square feet of floor area.
Wholesale Trade Business	One (1) parking space for each eight hundred (800) square feet of floor area.
Wind Energy Conversion System	Two (2) spaces, unless the site includes office uses, See WECS Section 19.56
Wireless Communication Facility	Two (2) spaces, unless the site includes office uses, See Section 19.57

3. **Unclassified Uses.** Uses for which parking standards are not specified in this Article, will be required to provide off-street parking facilities as determined by the Planning Commission. The Planning Commission shall make its determination for the number of parking spaces required based upon the best practices as determined by, in descending order of importance, the current edition of ITE Parking Generation, examples of parking standards from the Zoning Ordinances from communities similar to Long Lake Township, or other evidence as presented by an applicant for the proposed land use.
4. **Collective (Shared) Parking.** Nothing in this section shall be construed to prevent collective use of off-street parking facilities for two (2) or more buildings or uses, in accordance with the following standards:
  - a. The uses served by collective off-street parking facilities do not operate during the same hours, or substantial evidence is provided (to the satisfaction of the Township) to demonstrate that the peak generation of parking demand occurs at different hours of the day or night.
  - b. Not more than fifty percent (50%) of the off-street parking facilities required for places of public assembly, recreational facilities, restaurants, and taverns may be supplied by off- street parking facilities provided for other buildings.
  - c. Collective parking areas may be located on a different lot when located within three hundred (300) feet of street travel from the main entrance of the use served.
  - d. Collective parking areas shall be guaranteed by a legally binding and recorded agreement between the owner of a parking area and the user of the parking area. This agreement shall be reviewed by the Township (and legal counsel as appropriate) as part of Site Plan Review process.
5. **Maximum Number of Parking Spaces.** Off-street parking provided by any use other than a single-unit or two-unit dwelling shall not provide more than one hundred and twenty (120) percent of the number of off-street parking spaces as required by this section. Provided, however that the Planning Commission may permit such excess parking, providing the additional parking area shall be paved with alternative surfacing materials as specified by Section 25.3, 3, b.
6. **Deferment and Waivers.** The Planning Commission may waive up to twenty percent (20%) of the off-street parking required for a Land Use Permit, when sufficient area suitable to accommodate the amount of off-street parking waived is dedicated on the site for future parking construction, and where the reduction in spaces will not result in inadequate parking area, under the following circumstances:
  - a. A new or expanding non-residential use that provides a transit stop, transit passes, bicycle spaces or lockers, and similar alternative means of transportation for its employees or patrons.
  - b. For non-residential sites where the off-street parking requirement is one hundred (100) parking spaces or greater.
  - c. The required off-street parking for a particular use may be reduced by its proportionate share of any publicly owned parking facility within three hundred (300) feet of street travel, or for which it has been assessed.



## SECTION 25.5 REQUIRED OFF-STREET LOADING SPACE

On the same premises with every building structure or part thereof, erected, enlarged or changed in use for purposes indicated in the following table or other uses similarly involving the receipt or distribution by vehicles of materials or merchandise, there shall be provided and permanently maintained adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets or alleys and thus, help relieve traffic congestion. Accessory off- street loading spaces, each being not less than twelve (12) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height, open or enclosed, shall be provided for all permitted uses in conformity with the following table:

REQUIRED OFF-STREET LOADING SPACE TABLE SPACES PER FLOOR AREA REQUIRED

Type of use	Measurement Standard (in sq. ft)	Berths
Churches, schools, Government Buildings, Public assembly buildings, auditoriums.	First 10,000	1
	Each additional 20,000 or fraction thereof.	1
Commercial uses as listed in Section 25.4.2	First 2,000	1
	Next 15,000 or fraction thereof	1
	Next 15,000 or fraction thereof	1
	Next 20,000 or fraction thereof	1
	Each additional 40,000 or fraction thereof	1
Offices and clinics	First 2,000	1
	Next 50,000 or fraction thereof	1
	Each additional 100,000 or fraction thereof	1
Light industry	First 20,000 or fraction thereof	1

# ARTICLES 26 AND 27

[RESERVED]

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# ARTICLE 28

## REPEAL AND SAVINGS

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### **SECTION 28.1 REPEAL OF PRIOR ZONING ORDINANCE**

The Long Lake Township Zoning Ordinance originally effective November 13, 2002 and, as amended periodically through November 12, 2008, is hereby repealed as of the effective date of this Ordinance.

### **SECTION 28.2 SAVINGS**

The repeal of the Long Lake Township Zoning Ordinance originally effective November 13, 2002, shall not release any penalty or liability incurred under said Ordinance, and such Ordinance shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action for the enforcement of such penalty or liability.

# ARTICLE 29

## SEPARABILITY

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### **SECTION 29.1 SEPARABILITY**

If any clause, sentence, sub-sentence, paragraph, section or part of this Ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, sub-sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

# ARTICLE 30

## EFFECTIVE DATE

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### **SECTION 30.1 EFFECTIVE DATE**

This Ordinance shall be effective eight (8) days after publication of notice of adoption in a newspaper of general circulation within the Township.

DATED: Effective August 29, 2010

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Karen Rosa, Supervisor

I, Carol Hoffman, Clerk of the Township of Long Lake, hereby certify that the foregoing Ordinance was introduced and adopted at a session of the Long Lake Township Board, conveyed in the Township of Long Lake on August 10, 2010, a majority of members present, voting in the affirmative therefore.

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Carol Hoffman, Clerk