

LAKE TOWNSHIP

ZONING ORDINANCE NO. 9

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Ordinance 9 Amended by Ordinance 55 Effective July 31, 2020

Amended: by Ordinance 55A Effective June 24, 2021

Amended: by Ordinance 55B Effective April 27, 2023

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27	XXI	2100 thru 2224	27-1/8	AMENDMENTS TO ORDINANCE 9
28	XXII			THIS CHAPTER 28 WAS REMOVED BY ORDINANCE 55.

LAKE TOWNSHIP LAND USE PLAN

The Lake Township Land Use Plan is based upon the following sources of information:

A. Area Wide Master Land Use Plan of 1994, prepared by:
Planning and Zoning Center, Inc.,
302 S. Waverly Road, Lansing, Mi. 48917.

B. Roscommon County Master Plan for 2001 & Roscommon County Planning Commission.

Dates from sources listed above are all on file in the Lake Township Clerk's office and available as part of this plan.

LAKE TOWNSHIP LOCATION and FEATURES T23N-R4W in Roscommon County

Houghton Lake, the largest inland lake in Michigan, is the dominant feature of the township. It is the attraction which brings many people to the area seeking year round relaxation. Because it is so important to the economy of the township, the land should be used in a way that the lake is protected at all times.

Another dominant feature of Lake Township is the wildlife and wetlands. Houghton Lake Flats is a wetland area located between U.S. 127 and Old 27. This managed wetland has a viewing platform for amateur naturalists and photographers as well as a fishing site. Both features are handicapped accessible. In addition to the Flats, Lake Township is proud to have one of the most attended State Campgrounds in Michigan.

Yet another physical feature of Lake Township is the Muskegon River and the Muskegon backwaters, both of which provide abundant wildlife habitat.

Lake Township continues to attract many retirees to its shores which may account for the fact that Lake Township has one of the highest per capita incomes in Roscommon County.

USE DISTRICT BOUNDARIES

The location and boundaries of the zones established in the township shall be shown on a map entitled Zoning Map of Lake Township and said map, section, or portion thereof, together with all notations, dimensions and other data shown thereon, are hereby made a part of this ordinance to the same extent as if the information set forth on a said map were fully described and incorporated herein. The official copy of the zoning map, properly attested, shall be in the custody of the Township Clerk.

Such zoning map may be amended from time to time to reflect changes in zones and the rezoning of property shown thereon in the same manner as amendments may be made to the text of this zoning ordinance. Such changes shall be recorded to scale on duplicate copies of the original official zoning map and shall be accomplished by written legal descriptions in

appropriate amending ordinances.

TITLE

An ordinance enacted pursuant to the authority contained in Michigan Public Act 110 of 2006, as amended, known as the "Michigan Zoning Enabling Act" (ZEA) for the establishment of zoning districts in the unincorporated portions of Lake Township, within which districts the use of land for agriculture, forestry, recreation, residence, industry, trade, soil conservation, water supply conservation, and additional uses of land may be encouraged, regulated or prohibited; for the adoption for such districts of provisions designating or limiting the location, height, number of stories, and size of dwellings, buildings and structures, including tents and recreational vehicles which may hereafter be erected or altered; for the regulation of the area of yards, courts and other open spaces; and the sanitary, safety and protective measures that shall be required for such dwellings, buildings and structures, including tents and recreational vehicles; for the designation of the maximum number of families which may be housed in buildings, dwellings and structures, including tents and recreational vehicles; to establish a zoning board of appeals, to grant authority to said board in addition to that expressly provided in Public Act 110; to provide standards to guide actions and decisions of said board; to provide for the enforcement of the provisions of said ordinance and penalties and other relief for the violation of a said ordinance; and to provide for the amendment thereof and the repeal of all ordinances or parts of ordinances in conflict therewith.

001 PREAMBLE

In accordance with the authority and intent of Public Act 110 of 2006, as amended, the township desires to provide for its orderly development which is essential to the well-being of the community and which will place no undue burden upon developers, industry, commerce, residents, food producers, the natural resources, or energy conservation. The township further desires to assure adequate sites for industry, commerce, food production, recreation, and residences; to provide for the free movement of vehicles upon the streets and highways of the township; to protect industry, commerce, food producers, natural resources, energy consumption and residences against incongruous and incompatible uses of land; to promote the proper use of land and natural resources for the economic well-being of the township as a whole; to assure adequate space for the parking of vehicles of customers and employees using commercial, retail and industrial areas; to assure that all uses of land and buildings within the township are so related as to provide for economy in government and mutual support; and to promote and protect the public health, safety, comfort, convenience and general welfare of all persons and property owners within the township.

002 ENACTING CLAUSE

The Township of Lake, County of Roscommon, State of Michigan, ordains:

100 ARTICLE I SHORT TITLE

101 This ordinance shall hereafter be referred to as “this Ordinance”.

COPY

200 ARTICLE II DEFINITIONS

201 General: When consistent with the context, words used in the present tense include the future tense, words used in the singular number include the plural number, and words used in the plural number include the singular. The word "**shall**" is **always** mandatory and not merely a directory. The word "building" includes the word "structure" and vice versa. Terms not herein defined shall have the meanings customarily assigned to them.

202 Specific Terms: The following terms shall have the following meanings when used within this ordinance:

Abutting: To have a common boundary, to border upon.

Accessory Structure: Any structure on the same lot with a principal structure, that is subordinate to the principal structure and whose use is customary and incidental to the principal structure's principal use and is devoted exclusively to an accessory use, such as a garage, shed, pergola, greenhouse, pool house or other similar structures. Such accessory structures and uses shall conform to the provisions prescribed in this Ordinance for each district.

Attached Accessory Structure: An accessory structure that is permanently attached to a main building, such as an attached garage.

Detached Accessory Structure: A freestanding accessory structure, such as a shed or boathouse.

Accessory Use: A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.

Adjacent Property (or lot, parcel etc.): A parcel of different ownership, close to, next to, neighboring.

Adjoining: To be next to, to be attached to.

Agriculture: Farms and general farming activities that are devoted to the production of plants or animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, and trees (including Christmas trees).

Apartment: A multiple family dwelling having three or more dwelling units intended for long term rental occupancy, each consisting of a room or suite of rooms with bath and kitchen facilities, intended and designed for use as a semi-permanent, non-transient residence by a single family.

Basement: That portion of the building which is partly underground and which has a majority of its floor to ceiling height below grade.

Bed and Breakfast: A dwelling with a sufficient number of bedrooms to accommodate three or more separate guests, in which both lodging and scheduled meals prepared by the owner or operator are furnished to guests for compensation.

Boat House: A permanently enclosed docking area for watercraft, contiguous to the shoreline.

Building: Any independent structure (roofed and walled) built for permanent use and/or habitation. A structure erected on/or relocated to a site, a mobile home or mobile structure, a manufactured or precut structure, (above or below ground) designed primarily for the shelter, support or enclosure of persons, animals or property of any kind and attached in a permanent manner to the ground or other structure.

Building Line: (see also Setback Averaging)

Front Building Line: The front building line of all buildings and/or accessory structures shall be not less than: 50 feet from the lakefront, 25 feet from a canal/river, and 20 feet from the road right-of-way.

Established Building Line: The established building line shall be determined by those buildings and/or structures already built and/or existing as long as they conform to the provisions of this Ordinance.

Condominium, Site Condominium: A condominium is a development in which individuals own their own dwelling units and share joint ownership in common elements with other unit owners. A site condominium is a development in which an individual owns their own dwelling unit, a small parcel of land that the unit rests upon and share joint ownership in common elements with other unit owners.

Contiguous: Going on or extending without interruption or break. A road does not break contiguity.

Corner Lot: (see Lot, Corner)

Driving Easements: Designated for the passage of vehicles, also to be known as streets, roads, or two tracks.

Dwelling, Single Family: A building containing not more than one dwelling unit, designed for residential use.

Dwelling, Two Family: A building containing two separate dwelling units designed for residential use.

Dwelling, Multiple Family: A building containing three or more dwelling units designed for residential use.

Dwelling Unit: A structure, or part of a structure, providing complete living facilities, including provisions for sleeping, cooking, eating and sanitation, which is designed for residential use by no more than one family.

Erratic Setback Line: An erratic setback line is created by a dwelling that is exceptionally close to the waterfront or exceptionally close to the back of the property.

Essential Services: The erection, construction, alteration or maintenance by public and/or private utilities or township/county departments or commissions of underground or overhead gas, electrical, steam or water transmissions or distribution systems, collections, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, telephone exchange stations and other similar equipment and accessories in connection therewith (but not including any buildings except those expressly referred to herein) reasonably necessary for the furnishing of adequate services by such public and/or private utilities or township/county departments or commissions or for the public health or safety or general welfare.

Family: A group of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature.

Fence: A permanent or semi-permanent partition or structure erected as a dividing barrier, boundary, or enclosure that is not a part of a building.

Privacy Fence: A permanent or semi-permanent partition or structure erected as a dividing barrier, boundary or enclosure that is not a part of a building and so constructed as to block sight or the penetration of light, or to provide seclusion.

Footprint: A foundation or ground floor area where a structure once existed.

Gaming Establishment: A legal business established for the purpose of playing games of chance to win money or other goods of value.

Grade: The finished surface of ground areas outside the walls of any building or structure.

Habitable: Any area including basement, first floor, second floor, used for living purposes exclusive of garage, breezeway or porches.

Home Occupation: A business or trade practiced within a dwelling by the resident.

Hotels, Motels, Resorts: A structure or part of a structure, other than a dwelling, designed at the time of construction to provide temporary sleeping and parking accommodations for transient guests for no more than 28 days within a 90-day period.

Indoor Recreation Facility: A facility designed and equipped for sports, amusement or leisure time activities conducted within an enclosed building, such as fitness centers, gymnasiums, bowling alleys, indoor softball, and racquetball and tennis clubs.

Indoor Storage Facility: An enclosed building designed for the commercial storage of personal items that are generally not used on a daily basis, such as vehicles, recreational vehicles, watercraft or household furnishings and effects.

Junkyard: Any land or building used for commercial storage and/or sale of paper, rags, scrap metals, other scrap or discarded materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or containers thereof.

Lot or Parcel: Land which is designated a part of a subdivision or plat which has been recorded in the office of the Register of Deeds of Roscommon County.

Lot Area: The total horizontal area included within lot lines.

Lot, Corner: A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two coordinates of which form an angle of 135 degrees or less as measured on the lot side. The point of intersection of the street lot lines is the corner. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above. **See Article II, Section 280, Illustration B.**

Lot Depth: The mean horizontal distance from the front lot line to the rear lot line.

Lot, Interior: A lot other than a corner lot.

Lot, Front Line: The frontage on a lot that has the greatest influence when determining value by the township assessor.

Lot, Rear Line: That lot line which is opposite and most distant from the front lot line. In the case of an irregular shaped lot, a line 10 feet in length entirely within the lot and parallel to and at the maximum distance from the front lot line shall be considered the rear lot line.

Lot, Side Line: Any lot line not qualifying as a front or rear lot line.

Lot Width: The mean horizontal distance between the side lot lines.

Manufactured Home/Mobile Home: Any portable structure mounted or designed for mounting on wheels, built on a chassis, transportable in one or more sections and used or intended for use for dwelling purposes when hooked up to the proper utilities and with the necessary plumbing, heating and electrical facilities. Any such vehicle or structure shall be deemed to be a manufactured or mobile home whether or not the wheels have been removed therefrom and whether or not resting upon a temporary or permanent foundation.

Marihuana: This term shall have the same meaning as is provided in MCL 333.26423.

Medical Marihuana Facility: Means one of the following:

“Provisioning Center,” as that term is defined in the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016 (“MMFLA”);

“Processor,” as that term is defined in the MMFLA;

“Secure Transporter,” as that term in the MMFLA;

“Grower,” as that term is defined in the MMFLA;

“Safety Compliance Facility,” as that term is defined in the MMFLA.

Marihuana Provisioning Center: Both a “provisioning center” as defined in the Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, MCL 333.27101 *et seq.*, as amended (“MMFLA”) and a “marihuana retailer” as that term is defined in the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 *et seq.*, as amended (“MRTMA”).

Microbrewery: A brewer that manufactures in total less than 60,000 barrels of beer per year and that may sell the beer manufactured to consumers at the licensed brewery premises for consumption on or off the licensed brewery premises and to retailers.

Non-Conforming Building, Use, or Lot: A building, structure, use or lot which lawfully exists at the effective date of this Zoning Ordinance or amendments thereto but does not conform to the current provisions of the zoning district in which it is located.

OEO: Ordinance Enforcement Officer

Office: A room, a suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases (accounting, filing, recording, communication and/or stenographic) equipment for current use in the office business, and personnel engaged in executive, administrative, professional, political, informative, research and/or clerical duties.

Open Air Business: A business that involves activities for the display and sale of goods, products and objects outside of a building, including the display and sales of motor vehicles, bicycles, trailers, swimming pools, snowmobiles and boats; rental equipment and services; mobile homes; flea markets, lawn furniture, playground equipment, and other home garden supplies and equipment, cemetery monuments, and similar uses.

Outdoor Recreation Facility: A facility designed and equipped for the conduct of sports, amusement or leisure time activities conducted outside of an enclosed building such as tennis courts, archery ranges, golf courses, miniature golf courses, golf driving ranges, and children's amusement parks

Outdoor Seasonal Storage Facility: A controlled access or fenced area that is used for the commercial seasonal outdoor storage of recreational vehicles and watercraft (such as boats, snowmobiles, jet skis and related trailers) when not in use.

Outdoor Wood Furnace: A furnace manufactured specifically for outdoor use and with which to burn wood and/or alternate fuels as suggested by the manufacturer.

Parcel/Lot: A Parcel or Lot, which is/are designated part of a subdivision or plat, or a parcel of land which has been recorded in the office of the Register of Deeds of Roscommon County.

Principal Use: The main use to which a premises is devoted and the principal purpose for which a premises exists.

Porch, Enclosed: A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Porch, Open: A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Raised Ranch/Loft House: A house with the majority of the living quarters directly above the garage area (which must be fully enclosed). The square foot requirement, setbacks, and open area shall be met for the zoning district in which the raised ranch is located. The square footage of the

house (living quarters) shall be at least 80% of the garage below, the remaining percentage shall be a finished deck. (The deck plus living quarters shall be 100% of the garage square footage).

Recreational Vehicle/RV/Camper: A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, travel trailers, and tent trailers.

Resorts, Hotels, Motels: A structure or part of a structure, other than a dwelling, designed at the time of construction to provide temporary sleeping and parking accommodations for transient guests for no more than 28 days within a 90-day period.

Road Right-of-Way: Is the area provided for a street, alley, easement, or other thoroughfare, public or private, for the passage of persons or vehicles.

Roadways, County Approved Roads: Must meet Roscommon County Road Commission standards.

Private Roads: Road easements that serve from 3 to 8 dwellings.

RV Park or Mobile Home Park: Any parcel or tract of land upon which two or more occupied RV's or mobile homes are located, regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used, or intended for use, accessory and incidental to such RV/Mobile Homes.

RV or Mobile Home Site or Space: A portion of the RV/Mobile Home Park set aside and clearly marked and designated for occupancy and accommodation of an individual mobile home or RV.

Setback: The minimum horizontal distance a building or structure, or any portion thereof, is required to be located from the boundaries of the lot or parcel of land upon which the same is situated. **See Article II, Section 280, Illustration A.**

Erratic Setback Line: An erratic setback line would be created by a dwelling that was exceptionally close to the waterfront or exceptionally close to the back of the property.

Setback Averaging: A method of determining a front building line for a dwelling/structure.

Signs: Any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which is to be viewed from any public street, road, highway, right-of-way or parking area (collectively referred to as a "public area"). Signs do not include cemetery markers, vending machines, mailboxes, seasonal decorations, or a building's permanent architectural feature. Specific signs are defined as follows.

Abandoned Sign: A sign that is not operated or maintained for a period of thirty (30) calendar days or longer. The following conditions shall be considered as the failure to operate or maintain a sign: (1) the sign displays advertising for a product or service which is no longer available, (2) the sign displays advertising for a business which is no longer licensed, or (3) the sign is blank. An abandoned sign includes a sign on which is advertised a business that no longer has a certificate of occupancy or that is no longer doing business

on the parcel where the sign is located, if the business was originally located on that parcel. An abandoned sign includes a sign for a purpose for which the purpose has lapsed.

Billboard: A commercial freestanding sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed.

Flag: A sign consisting of a piece of cloth, fabric or other non-rigid material that is attached to a bracket or pole.

Freestanding Sign: A sign supported from the ground by one or more poles, posts, or similar uprights, with or without braces.

Portable Sign: A temporary sign that is not permanently affixed to a building face or to a pole, pylon, or other support that is permanently anchored in the ground. A portable sign is capable of being moved from one (1) location to another. Portable signs include but are not limited to: signs designed to be transported by means of wheels, signs converted to A- or T- frames, and sandwich board signs consisting of two (2) boards laid back-to-back.

Sign Height: The elevation measured from the average finished grade at the roadside of the sign to the highest point of the sign.

Temporary Sign: A sign intended for a use not permanent in nature.

Site Plan: The documents and drawings required by this Ordinance to ensure that a proposed land use or activity is in compliance with local and county ordinances and state and federal statutes.

Snow Fence: A lightweight visual barrier no more than four (4) feet high with oval or rectangular openings of a least 1.5" X 1.5".

Special Exception / Special Land Use: A zoning ordinance for special land uses which shall be permitted in a zoning district only after review and approval by the Planning Commission.

Storage Units: A building or group of buildings in a controlled access or fenced area that contains individual compartmentalized and controlled access stalls or lockers for the storage of customer's personal or household goods that are generally not used on a daily basis, along with any individual portable unit designed for the same.

Structure: Anything constructed, erected, or to be moved to or from any premises which is permanently or temporarily located above, on, or below the ground, including but not limited to, signs, patios, porches, decks, sheds, fences and portable parking shelters. (These shall require a Land Use Permit).

Height of: The elevation measured from the average finished grade on the roadside of the structure to the highest point of the structure, not including antennas, chimneys, or other appurtenances.

Tavern: Any place where alcoholic beverages are sold for consumption on the premises.

Temporary Structure: An accessory structure without a foundation or footings used for a limited time only.

Water's Edge, Canal: The distance to the nearest edge of the water.

Water's Edge, Lake: The distance measured from the crest of the nearest seawall on the right to the crest of the nearest seawall on the left.

ZBA: Zoning Board of Appeals.

ZEA: Michigan Zoning Enabling Act.

COPY

300 ARTICLE III ZONING DISTRICTS

301 DIVISION OF TOWNSHIP

The Township of Lake shall be divided into zoning districts, as hereafter described, within which districts no buildings or premises or lot shall be used and no building shall hereafter be erected, altered, or located except for the uses and purposes hereafter set forth as "permitted uses" under each separate zoning district classification, or as "special exception uses".

302 SCHEDULE OF REGULATIONS CHART (SEE PAGE 1F-2)

COPY

302 SCHEDULE OF REGULATIONS FOR DWELLINGS CHART

District	Minimum Floor Area	Minimum Dwelling Width	Max Dwelling Height	Minimum Lot Area Development	Minimum Lot Frontage	Front Yard Setbacks ^A			Side Yard Setback	Rear Yard Setback	Max Lot Coverage of all structures
						RO W	Canal /River	Lakefront			
AG^B	720 sq ft	23 ft	32 ft	1 acre	100 ft	20 ft	-	-	10 ft	10 ft	50%
R-1	960 sq ft	23 ft	32 ft	8,125 sq ft	65 ft	20 ft	25 ft ^C	50 ft ^C	10 ft ^D	20 ft ^E	50%
RR-1	960 sq ft	23 ft	32 ft	2 acres	200 ft	50 ft	-	-	20 ft	20 ft	60%
R-2	840 sq ft	23 ft	32 ft	7,200 or 12,000 sq ft ^F	60 ft	20 ft	-	-	5 ft	5 ft	50%
R-3	720 sq ft	23 ft	32 ft	6,000 sq ft	50 ft	20 ft	-	-	5 ft	5 ft	50%
R-4^G	-	-	-	-	-	-	-	-	-	-	-
MDU	600 sq ft Per Unit	23 ft	Requires Site Plan	12,000 sq ft	100 ft	20 ft	25 ft	50 ft	5,10 or 20 ft ^H	TBD ^I	70%
C-W	Determined at Site Plan Review	23 ft	32 ft ^J	12,000 sq ft	100 ft	20 ft	25 ft	50 ft	10 ft	20 ft	70%
C-1		23 ft	32 ft ^J	12,000 sq ft	100 ft	20 ft	-	-	10 ft	10 ft	70%
C-2		23 ft	32 ft ^J	21,780 sq ft; ½ acre	100 ft	20 ft	-	-	10 ft	10 ft	70%
PUD	Determined at Site Plan Review			5 acres	Determined at Site Plan Review						

* See Section 303 for Footnotes to Schedule of Regulations

303 FOOTNOTES TO SCHEDULE OF REGULATIONS

- A. Where any parcel abuts water, the waterfront side shall be considered the front yard. Where a parcel abuts both a lake and a canal/river, the lakeside shall be considered the front yard.
- B. In the AG District, all structures and uses must be setback at least seventy five (75) feet from any lake, stream, waterway or designated wetland.
- C. Front yards in the R-1 District are subject to the following additional regulations:
 - 1. Front yards that abut a lakefront or a canal/river must maintain the Established Setback Line.
 - a. The Established Setback Line is calculated by the average of the actual waterfront setback measurements from all waterfront dwellings within two hundred (200) feet, left or right, of the proposed dwelling.
 - b. Dwellings shall not be included in the calculations for the Established Setback Line if they would create an erratic setback line, meaning that they are setback more than seventy five (75) feet or less than twenty five (25) feet from a lakefront, or more than fifty (50) feet or less than fifteen (15) feet from a river/canal.
 - c. If there are no dwellings within two hundred (200) feet, left or right, of the proposed dwelling, the default front yard setback shall be fifty (50) feet from the lakefront or twenty five (25) feet from a canal/river.
 - d. Decks, porches and patios may extend beyond the Established Setback Line if they are under twelve (12) inches in height. Such structures shall be setback from the lakefront or canal/river a distance equal to 20% of the lot depth (so for a waterfront lot that is eighty five (85) feet deep, a deck can be built as close as seventeen (17) feet to the waterfront).
 - 2. Lakefront or canal/river setbacks shall be determined by measuring from the crest of the nearest seawall on the right to the crest of the nearest seawall on the left of the dwelling in question.
- D. In the R-1 District, the side yard setback for dwellings and structures, including patios, decks and sheds, shall be five (5) feet from adjacent lot lines. If the side yard abuts a canal/river, the setback shall be ten (10) feet.
- E. In the R-1 District, a twenty (20) foot setback applies to waterfront parcels where the rear yard abuts the road right-of-way. In the case of non-waterfront property, the required rear yard setback is five (5) feet from property line.
- F. Single-family dwellings in the R-2 District shall have a minimum lot area of 7,200 square feet. Minimum lot area for two-family dwellings in the R-2 District is 12,000 square feet.
- G. Dimensions for Mobile Homes are as set forth in the Mobile Home Commission Act, Public Act 96 of 1987, and all amendments thereto.

- H.** For the MDU District, side yard setbacks shall be as follows:
- 1.** Five (5) feet from an adjoining lot line.
 - 2.** Twenty (20) feet from a road right-of-way.
 - 3.** Ten (10) feet from a river/canal.
 - 4.** Ten (10) feet from a road end lake access easement.
- I.** Rear yard setback for Multiple Dwelling Units will be determined at time of Site Plan Review.
- J.** For structures in the C-W, C-1 and C-2 Districts, maximum building height can be increased to fifty five (55) feet with a Special Land Use Permit.
- K.** For all districts, where a side lot abuts a road end lake access easement, the following setbacks apply:
- 1.** Dwellings shall be setback at least ten (10) feet.
 - 2.** Garages shall be setback at least twenty (20) feet.
- L.** Where applicable, all setbacks shall be measured from the edge of the roof overhang.
- M.** In all districts, corner lots must maintain a side yard setback of twenty (20) feet on the side yard abutting the road right-of-way.

305 AG (RA-3) AGRICULTURAL/FORESTED DISTRICT

INTENT AND PURPOSE

Agricultural districts are those areas of the township where farming, dairying, forestry operations and other such rural type activities exist and should be preserved or encouraged. Large vacant areas, fallow land and wooded areas may also be included.

In the AG District, a Single Family Dwelling and three accessory structures conforming to the requirements of Section 435 may be constructed without site plan review. An approved site plan is required for all other structures and uses in the AG District, including additional accessory structures or for accessory structures larger than permitted in Section 435.

A. PERMITTED USES

1. Single Family Dwellings.
2. Animal Kennels.
3. Farming, but not including rendering facilities, commercial fertilizer production or garbage feeding or disposal activities.
4. Agriculture.
5. Greenhouses and Nurseries.
6. Farm Markets for the sale of farm products grown or produced upon the premises. Any products offered for sale that are not grown or produced upon the premises must be incidental and related to the farm products and shall not constitute a substantial part of said business.
7. Towers. Refer to Ordinance No. 34.
8. Home occupations.
9. Accessory structures customarily incidental to any of the foregoing.
10. Open Air Businesses.

B. SPECIAL EXCEPTION USES, See Article IV

1. Public utility and service buildings.
2. Nursing or convalescent homes.
3. Wildlife preserves/reserves.
4. Hunting preserves/reserves.
5. Earth removal, quarrying, gravel processing, mining and related mineral extraction businesses.
6. Community buildings.
7. Parks and public recreation areas.

8. Golf courses.
9. Agricultural or rural type businesses.
10. Private airplane landing fields.
11. Outdoor recreation facilities.
12. Storage units.
13. Lawn care and landscaping businesses.

C. PROHIBITED USES

All uses not specifically allowed in this district are prohibited.

COPY

310 R-1 RESIDENTIAL DISTRICT

INTENT AND PURPOSE

This district is designed to be the most restrictive of the residential districts to encourage an environment of predominantly low density, single family dwellings.

A. PERMITTED USES

1. Single-Family Dwellings.
2. Home occupations.
3. Accessory structures customarily incidental to any of the foregoing.

B. SPECIAL EXCEPTION USES, See Article IV.

1. Private two-family dwellings.
2. Condominiums.
3. Transition of resorts to condominiums (or associations), see Article III, Chapter 8.
4. Essential public utility service buildings.
5. Natural Gas or electric regulator stations or buildings.
6. Parks and public recreation areas.

C. PROHIBITED USES

All uses not specifically allowed in this district are prohibited.

315 RR-1 RESIDENTIAL DISTRICT

INTENT AND PURPOSE

This district is designed to be the most restrictive of the rural residential districts to encourage an environment of predominantly low density, single family dwellings.

A. PERMITTED USES

1. Single Family Dwellings.
2. Home occupations.
3. Accessory structures customarily incidental to any of the foregoing.

B. SPECIAL EXCEPTION USES, see Article IV

1. Private two-family dwellings.
2. Condominiums.
3. Essential public utility service buildings.
4. Natural Gas or electric regulator stations or buildings.
5. Parks and public recreation areas.
6. The keeping of horses, pigeons, rabbits and poultry, subject to the restrictions set forth in Article IV, Section 439(D).

C. PROHIBITED USES

All uses not specifically allowed in this district are prohibited.

320 R-2 RESIDENTIAL DISTRICT

INTENT AND PURPOSE

This district is designed to permit a greater density of residential development than that provided in the R-1 Residential District classification.

A. PERMITTED USES

1. Single Family Dwellings.
2. Two-family dwellings.
3. Home occupations.
4. Accessory structures customarily incidental to any of the foregoing.

B. SPECIAL EXCEPTION USES, see Article IV

1. Three- or four-family dwellings.
2. Condominiums.
3. Transition of resorts to condominiums (or associations), see Article III, Chapter 8.
4. Essential public utility service buildings.
5. Natural Gas or electric regulator stations or buildings.
6. Parks and public recreation areas.

C. PROHIBITED USES

All uses not specifically allowed in this district are prohibited.

330 R-3 RESIDENTIAL DISTRICT

INTENT AND PURPOSE

This district is designed to permit a greater density of residential development than that provided in the R-1, RR-1 and R-2 Residential District classifications.

A. PERMITTED USES

1. Single Family Dwellings.
2. Mobile homes.
3. Home occupations.
4. Accessory structures customarily incidental to any of the foregoing.

B. SPECIAL EXCEPTION USES, see Article IV

1. Essential public utility service buildings.
2. Natural Gas or electric regulator stations or buildings.
3. Parks and public recreation areas.

C. PROHIBITED USES

All uses not specifically allowed in this district are prohibited.

340 R-4 RESIDENTIAL DISTRICT-MOBILE HOME PARK

PURPOSE

In recognition of the growing trend toward mobile homes and mobile home parks and the need for well located and properly developed areas to accommodate them, this district is designed to provide for such use under appropriate construction and development standards to promote the health, safety, and general welfare of the residents of such areas as well as the residents of adjoining premises. The area zoned for such purposes should be able to accommodate the increased traffic generated from such developments as well as all necessary utilities.

PERMITTED USES

1. Mobile Home Parks.

A. SIGNS, See Article VII, Signs.

B. CONDITIONS and LIMITATIONS for MOBILE HOME PARKS

1. All Mobile Home Parks shall comply with the requirements imposed by Michigan Public Act 419 of 1976 (amended by PA 96 of 1987) and any and all amendments thereto and with any and all regulations promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health.

C. STATE of MICHIGAN REGULATIONS

1. Pursuant to Section 7, (1), of the Act (PA 419 of 1976, amended by PA 96 of 1987), Local Governments proposing a higher standard than promulgated by the Mobile Home Commission Rules, shall, after public hearing, file the proposed standard with the Commission for review and approval.

350 MULTIPLE DWELLING UNIT RESIDENTIAL (MDU) DISTRICT

INTENT AND PURPOSE

This district classification is designed to set guidelines for any current or future operation of resorts, site-condominiums, condominiums and apartments interspersed within any of our Zoning Districts, and the entities in conjunction with doing business.

Before any new construction can take place, a final site plan shall be approved by the Planning Commission.

A. PERMITTED USES

1. Condominiums and/or site-condominiums.
2. Resorts with 3 or more rental dwellings.
3. Apartments.
4. Dwellings for two or more families.
5. Bed and breakfasts.
6. Home occupations.
7. Accessory structures customarily incidental to any of the foregoing.

B. RULES FOR MULTIPLE DWELLING UNITS

1. Multiple dwelling units shall be permitted only after a final site plan is approved by the Planning Commission.
2. Multiple dwelling units shall maintain a proper relationship between the highway and parking lot ingress and egress.
3. The buildings, structures and entryways of multiple dwelling units proposed shall be situated and designed to minimize adverse effects upon adjacent properties.
4. As many natural features of the landscape shall be retained as possible to retain the natural features of the landscape and protect the wetlands, if any.

C. SPECIAL EXCEPTION USES, see Article IV

1. Additional accessory buildings.
2. Essential public utility service buildings.
3. Natural Gas or electric regulator stations or buildings.
4. Parks and public recreation areas.
5. Buildings up to 55 feet in height.

D. PROHIBITED USES

All uses not specifically allowed in this district are prohibited.

INTENT AND PURPOSE

The purpose of this district is to allow commercial enterprises along the waterfront that support tourism and can co-exist with residential zones.

Before construction or change of use can take place, a final Site Plan must be approved by the Planning Commission.

A. PERMITTED USES

1. Restaurants/Taverns.
2. Resorts.
3. Bed and Breakfasts.
4. Party Stores.
5. Gift Shops.
6. Motels/Hotels.
7. Bait Shops.
8. Retail sales business where no assembling, treatment or manufacturing is required.
9. Offices.
10. Banks, Building and Loan Associations and other lending institutions.
11. Barber Shops and Beauty Parlors.
12. Shoe Repair Shops.
13. Churches.
14. Video rental establishments.
15. Bakeries.
16. Accessory structures customarily incidental to any of the foregoing.
17. Single family dwellings.

B. SPECIAL EXCEPTION USES, see Article IV

1. Condominiums.
2. Apartments.
3. Two-family dwellings.
4. Marinas.
5. RV parks.

6. Private campgrounds.
7. Bulk storage of flammable fuel in tanks installed above ground for nondomestic use.
8. Essential public utility service buildings.
9. Natural Gas or electric regulator stations or buildings.
10. Parks and public recreation areas.
11. Buildings up to 55 feet in height.
12. Lots or parcels within 80% of the required lot/parcel size shall be allowed if all other requirements are met.
13. Additional accessory buildings.
14. Microbreweries.

C. PROHIBITED USES

All uses not specifically allowed in this district are prohibited.

360 C-1 COMMERCIAL DISTRICT

INTENT AND PURPOSE

This district is designed to provide retail sales and commercial service uses catering to the general public as distinguished from industry or general business customers, but do not become a nuisance or cause other objectionable disturbances or excessive noise.

Before construction or change of use can take place, a final Site Plan must be approved by the Planning Commission.

A. PERMITTED USES

1. Retail sales businesses where no assembling, treatment or manufacturing is required.
2. Offices.
3. Banks, building and loan associations, and other lending institutions.
4. Buildings for commercial use with incidental living quarters.
5. Restaurants.
6. Hotels and motels.
7. Public buildings.
8. Barber shops and beauty parlors.
9. Shoe repair shops.
10. Sign shops.
11. Nurseries, landscaping and greenhouses.
12. Bait Shops.
13. Party stores.
14. Gift shops.
15. Video Rental store
16. Accessory buildings and uses customarily incidental to any of the foregoing, not including any manufacturing or treatment activities.

B. SPECIAL EXCEPTION USES, see Article IV

1. Apartments.
2. Marinas.
3. Hospitals or Health Care Services.

- 4.
5. Indoor theaters.
6. Churches.
7. Bus Terminals.
8. Indoor and/or outdoor recreational facilities.
9. Drive-in and fast food restaurants.
10. Engine service and repair.
11. Dry cleaning and/or laundry.
12. Gas station.
13. Auto repair.
14. Automobile sales, inside or outside.
15. Bowling center.
16. Veterinary hospital.
17. Pet shops.
18. Wholesale sales and enclosed warehouse.
19. Bulk storage of flammable fuel in tanks installed above ground for non-domestic use.
20. Essential public utility service buildings.
21. Natural Gas or electric regulator stations or buildings.
22. Parks and public recreation areas.
23. Buildings up to 55 feet in height.
24. Taverns.
25. Single-family dwellings.
26. Two-family dwellings.
27. Lots or parcels within 80% of the required lot/parcel size shall be allowed if all other requirements are met.
28. Additional accessory buildings.
29. Taxi Services.

30. Manufactured Home Sales.

31. Indoor Storage Facilities.

32. Car Washes.

33. Microbreweries.

34. Assembly and construction of sheds.

C. PROHIBITED USES

All uses not specifically allowed in this district are prohibited.

COPY

365 C-2 COMMERCIAL DISTRICT

INTENT AND PURPOSE

This district is designed to permit commercial uses more extensive than the retail variety, occupying greater land areas for each such use, but does not cause a nuisance, objectionable disturbance, or excessive noise.

Before construction or change of use can take place, a final Site Plan must be approved by the Planning Commission.

A. PERMITTED USES

1. Indoor Storage Facilities.
2. Nurseries, greenhouses and landscaping.
3. Retail sales businesses where no assembling, treatment or manufacturing is required.
4. Offices.
5. Restaurants.
6. Public buildings.
7. Gift Shops.
8. Hotels/Motels.
9. Bed and breakfasts.
10. Condominiums.
11. Bait Shops.
12. Accessory buildings and uses customarily incidental to any of the foregoing uses when located on the same lot or parcel of land.
13. Party Store.
14. Barber Shop / Beauty Salon.

B. SPECIAL EXCEPTION USES, see Article IV

1. RV parks.
2. Lumber yards.
3. Commercial fishing ponds.
4. Hospitals or health care services.
5. Outdoor seasonal storage.
6. Drive-in and fast food restaurant.
7. Gas stations.

8. Taverns.
9. Essential public utility service buildings.
10. Natural Gas or electric regulator stations or buildings.
11. Parks and public recreation areas.
12. Buildings up to 55 feet in height.
13. Single-family dwellings.
14. Two-family dwellings.
15. Lots or parcels within 80% of the required lot/parcel size shall be allowed if all other requirements are met.
16. Apartments.
17. Resorts.
18. Additional accessory buildings.
19. Bulk storage of flammable fuel in tanks installed above ground for non-domestic use.
20. Indoor Fabricating.

C. PROHIBITED USES

All uses not specifically allowed in this district are prohibited.

370 MO MARIHUANA OVERLAY DISTRICT

INTENT AND PURPOSE

The Marihuana Overlay District (“MO District”) is intended to provide opportunities for the development of certain Commercial Medical Marihuana Facilities permitted under the MMFLA and certain Marihuana Establishments permitted under the MRTMA. This Section proposes to accomplish this through the implementation of regulations that promote the use of land within the MO District for certain Commercial Medical Marihuana Facilities and Marihuana Establishments.

A. DISTRICT BOUNDARIES; APPLICATIONS TO REZONE

The MO District is established as an overlay zoning district over those portions of the C-1 Commercial District: 1) Located west of Old 27 (North Harrison Road) and having frontage on the north side of West Lake City Road (M-55); or 2) Located north of West Lake City Road (M-55) and south of Mary Street and having frontage on the west side of Old 27 (North Harrison Road). Applications to rezone to MO District will only be considered for parcels located within the Township’s C-1 Commercial District. Land located within such overlay district may be developed according to the provisions of the underlying zoning districts and according to the provisions of this Section.

B. SPECIAL EXCEPTION USES, see Article IV

1. Marihuana Provisioning Centers.

C. PROHIBITED USES

All uses not specifically allowed in this overlay district or the underlying zoning district are prohibited.

375 FR FOREST AND RECREATIONAL DISTRICT

PURPOSE

The Forest/Recreational District is composed of State owned lands. It is so named for identification purposes only. For zoning purposes, it shall be zoned the same as the abutting privately owned property.

Any State owned land which reverts to private ownership shall be rezoned to the same zone as that of the abutting private property. If there is no private property abutting the land in question then it shall be zoned AG (RA-3).

COPY

380 (PUD) PLANNED UNIT DEVELOPMENT

PUD - Planned Unit Development

A. Intent – Purpose

1. To encourage the use of land in accordance with its character and adaptability.
2. To promote the conservation of natural features and resources.
3. To encourage innovation in land use planning and development.
4. To promote the enhancement of housing, employment, shopping, traffic circulation, and recreational opportunities for the people of the township.
5. To promote and ensure greater compatibility of design and use between neighboring properties.
6. To provide for the regulation of land uses not otherwise authorized within the Ordinance.

B. Eligibility – Qualifying Conditions

1. In order to be eligible for PUD rezoning, the proposed area shall consist of a minimum of 5 acres.
2. Water wells and sewer disposal facilities shall be available to service the site as determined by the Sewer Authority and Health Department.

C. Development Requirements (Permitted Land Use)

1. Density

- a. Be designed, constructed and maintained to be harmonious and appropriate in appearance with a 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.
- b. Be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer.
- c. Not create excessive additional requirements at public cost for public facilities and services.
- d. Be developed in accordance with the intent for a Planned Unit Development as contained herein.

2. Dwelling Unit Computation

- a. The net development area is determined by subtracting the following from the gross or total site area:
 1. Areas within existing road rights of way.
 2. Areas devoted to non-residential uses.

3. Green Space

- a. Each PUD shall contain green space equal to a minimum of 10 percent of the total site area which is devoted to residential use. Such open space shall be maintained by the developer or homeowner's association and shall be set aside or the common use of the home or lot owners within the PUD with written assurance that the required green space shall remain green and be properly maintained. For purposes of this section, green space shall only be considered to be those areas having a minimum dimension 100 feet by 100 feet. Land in streets, sidewalks, and parking areas shall not be considered as green space. Required yard setback area may be included in the green space area.

4. Mixed Uses

- a. **Residential** and non-residential uses may be permitted within the same PUD district upon demonstration that such uses meet the intent of this article and the standards given. It shall also be shown that the non-residential uses will not negatively impact the residential uses and that the non-residential uses will be separated and buffered from residential uses in a manner consistent with good land planning principles.

- b. The permitted density for residential uses in a mixed use development shall be determined by the Township Board upon recommendation of the Planning Commission, based on the type of dwelling unit proposed and the standards contained herein.

D. Regulations

1. All regulations of the underlying zoning district prior to the PUD request relative to lot size, lot width, yard area, structure height, setback, signs, parking and loading, landscaping, general provisions, and other applicable regulations shall apply, except that in projects within an underlying residential district which contain mixed uses, the most restrictive district regulations within this Ordinance under which each non-residential use would otherwise be permitted shall apply.
2. To encourage flexibility and creativity in development, departures from the regulations outlined in the preceding statement may be granted at the discretion of the Township Board upon the recommendation of the Planning Commission as part of the approval of the PUD.

E. Design Considerations – necessary to ensure compliance with all applicable regulations and to ensure compatibility of the project with adjoining properties and the general area in which the property is located.

1. Perimeter setbacks.
2. Street drainage and utility design with respect to location, availability, ownership and compatibility.
3. Underground installation of utilities.
4. Insulation of pedestrian ways from vehicular streets and ways.
5. Integrated and harmonious development with respect to signs, lighting, landscaping and construction materials.
6. Noise reduction and visual screening mechanisms from adjoining residential uses.
7. Ingress and egress to the property with respect to automotive and pedestrian safety and convenience, traffic flow and control, street capacity, and emergency access.
8. Off-street parking, loading, refuse, and other service areas with respect to ingress and egress and the potential effects of noise, glare, vibration, and odor emanating from such facilities on adjoining properties and uses.
9. Screening and buffering with respect to dimensions and character.
10. Yard area and open space.
11. Density and intensity of development expressed in terms of percent of gross and net land area coverage and/or gross and net housing units per acre and the height of buildings and other structures.
12. The preservation of natural resources and natural features.

F. Application and Processing Procedures (Review)

1. Effects: The granting of a PUD rezoning application shall require an amendment of the Zoning Ordinance and the Zoning Map. An approval granted under this article including all aspects of the final site development plan and conditions imposed shall constitute an inseparable part of the zoning ordinance.
2. Prior to the submission of an application for a PUD, the applicant shall meet with the Planning Commission and such consultants as deemed necessary. Thereafter, a sketch plan of the PUD shall be submitted with the following information:
 - a. A legal description of the property in question.
 - b. The total number of acres to be included in the project.
 - c. A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units.
 - d. The approximate number of acres to be occupied and/or devoted to or by each type of use.

- e. Departures from the regulations of the Ordinance which may be requested.
- f. The number of acres to be preserved as open space or recreation space.
- g. All known natural resources and natural features. (drainage, wetlands)

G. Preliminary Site Plan Review – Following the above mentioned conference, copies of a preliminary site development plan and application for a PUD rezoning request shall be submitted. Submission shall be made to the (Land Use Officer) who shall present it to the Planning Commission for consideration at a regular or special meeting. The plan shall be accompanied by an application form and fee as determined by the Township Board. The preliminary site plan shall contain the following information:

1. Date, north arrow, and scale which shall be 1" = 100'.
2. Locational sketch of site in relation to surrounding area.
3. Legal description of property including common street address.
4. Size of parcel.
5. All lot or property lines with dimensions.
6. General location of all buildings within 300 feet of the property lines.
7. General location and size of all existing structures on the site.
8. General location and dimensions of all existing and proposed streets, driveways, parking areas, (including total number of spaces and typical dimensions).
9. General size and location of all areas devoted to green space.
10. Location of existing vegetation and general location and size of proposed landscaped area and buffer strips.
11. All areas within the 100-year floodplain, wetland areas or bodies of water.
12. Existing topographical contours at a minimum of 5 foot intervals.
13. A narrative describing:
 - a. The nature of the project.
 - b. The proposed density, number, and types of dwelling units if a residential PUD.
 - c. A statement from a registered professional engineer describing how the proposed project will be served by water (public or private), sanitary sewer or septic system, and storm drainage.
 - d. Proof of ownership or legal interest in the property.

The Planning Commission shall review the preliminary site development plan and transmit its recommendation for changes or modifications to the applicant.

H. Public Hearing – publish, mailing to utilities and those within 300 feet.

I. Standards for Zoning Approval (must be in Ordinance 9)

1. In making its recommendation, the Planning Commission shall find that the proposed PUD meets the intent of the PUD district and the following standards before recommending approval, denial, or approval with conditions.
 - a. The PUD rezoning will result in a recognizable and substantial benefit to the ultimate users of the project and to the community where such benefit would otherwise be unfeasible or unlikely to be achieved.
 - b. In relation to the underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon the subject or surrounding land or property owners and occupants or the natural environment.
 - c. The proposed development shall be compatible with the Master Plan and shall be consistent with the intent and spirit of this article.
 - d. The PUD shall not change the essential character of the surrounding area.

- e. The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership or control upon due notice to the Land Use Officer.

J. Township Board Approval and Effect Thereof

The PUD amendment including the preliminary site development plan as approved and narrative and all conditions imposed, if any, shall constitute the land use authorization for the property. All uses not specifically specified in the preliminary site plan are disallowed and not permitted on the property. All improvements and uses shall be in conformity with this amendment. The applicant shall record an affidavit with the County Register of Deeds which shall contain the following:

1. Date of approval of the PUD by the Township Board.
2. Legal description of the property.
3. Legal description of the required green space along with a plan stating how this green space is to be maintained.
4. A statement that the property will be developed in accordance with the approved PUD final site development plan and any conditions imposed by the Township Board or Planning Commission unless an amendment thereto is duly approved by the Township upon the request and/or approval of the applicant or applicant's transferee's and/or assigns.

K. Final Site Plan Review

After receiving the PUD rezoning and preliminary site development plan approval from the Township Board, the applicant shall submit a final site development plan for review and approval by the Planning Commission prior to starting any construction.

1. Location and size of all water, sanitary sewer/septic facilities, (storm sewer lines) serving the development.
2. Proposed contour lines at not greater than 5 foot intervals.
3. Proposed landscaping including type, number and size of trees and shrubs.
4. Location of signs and exterior lighting.
5. Location of sidewalk, foot paths, or other pedestrian walkways.
6. Distance of all buildings from lot lines, right of ways, and other principal buildings.
7. Exterior architectural drawings noting building materials, height and area of building and accessory structures.
8. Proposed phases of projects.

L. Standards for PUD Final Site Development Plan Approval

Following a public hearing, the Planning Commission shall either approve, deny, or approve with conditions the final site development plan. In making its decision, the Planning Commission shall find that the proposed PUD meets the intent of the PUD district and the following standards:

1. Ingress and egress to the property and proposed structures, with particular reference to motor vehicle and pedestrian safety and convenience, traffic flow and control, and access in cases of fire, catastrophe, or emergency.
2. Off street parking and loading areas where required, with particular attention to noise, glare, and odor effects of each use in the plan on adjoining properties in the proposed development.
3. Sewer, water, and storm drainage with reference to locations, availability, and compatibility.
4. Screening and buffering with reference to type, dimensions, and character.

5. Signs, if any, and their proposed lighting relative to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties.

M. Conditions

In approving a PUD final site plan, the Planning Commission may impose reasonable conditions which include but are not limited to conditions necessary to: ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protect the natural environment and conserve natural resources and energy; ensure 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 of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
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 the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

The conditions imposed with respect to the approval of a PUD final site plan shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the Planning Commission and the landowner. The Planning Commission shall maintain a record of conditions which are unchanged. The final site plan, as approved, shall act as a restriction upon the development. The development must conform with the final site development plan.

N. Modifications of a PUD

Minor changes to a PUD final site development plan may be approved by mutual agreement of the applicants or successors in interest and the Planning Commission, provided the changes comply with all applicable requirements of the Zoning Ordinance and all other township regulations or state law.

Minor changes include all matters that were approved by the Planning Commission in the final development plan that were not part of the preliminary development plan, that the location of structures, roads, parking areas, signs, lighting and driveways may be moved provided that they are in the same general location as approved in the preliminary site development plan as determined by the Planning Commission.

A major change to an approved PUD shall comply with the original approval procedures for a PUD. Major changes include but are not limited to increase in density or number of dwelling units, increase in land area or building size, except as noted above or addition of other uses not authorized by the original PUD approval.

400 ARTICLE IV SPECIAL EXCEPTIONS / SPECIAL LAND USE

401 Special Exception Procedure (Requires Site Plan Review)

A. Intent and Purpose: In order to provide flexibility and still afford protection of property values and orderly and compatible development of property within the township, the Planning Commission is authorized to review, approve or disapprove, the establishment of certain uses designated as Special Exception Uses within the various zoning classifications set forth in this Ordinance. The Township Board shall have the final approval.

Such Special Exception Uses have been selected because of the unique characteristics of the use which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, might cause it to be incompatible with the other uses permitted in such zoning districts and accordingly detrimental thereto.

With this in mind, such Special Exception Uses are not permitted to be engaged in within the particular zone in which they are listed unless and until the Planning Commission, in its absolute discretion, is satisfied that the same, under the conditions, controls, limitations, circumstances and safeguards proposed therefore, and imposed by said Commission, would be compatible with the other uses expressly permitted within a said district, with the natural environment and within the capacities of public services and facilities affected by the land use; such uses would not, in any manner, be detrimental or injurious thereto; would not, in any matter, be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof or to the general neighborhood; would promote the public health, safety, morals and general welfare of the community; would encourage the use of lands in accordance with their character and adaptability; and that the standards required by the Commission for the allowance of such Special Exception Use can and will, in its judgment, be met at all times by the applicant or any future owner or lessee of the special exception property in question.

402 A. All applications for Special Exception Use/Special Land Use Permits shall be filed with the Ordinance Enforcement Officer and shall include all pertinent plans, specifications, and other data required by this Ordinance. The Ordinance Enforcement Officer shall review applications for completeness and notify applicants of any missing or incomplete information. When the Ordinance Enforcement Officer determines that an application is complete, he or she shall file the complete application with the Township Clerk, who shall forward the application to the Planning Commission. None of the deadlines described in this Chapter shall begin to run until the Ordinance Enforcement Officer determines that an application is complete and files it with the Township Clerk, and the Ordinance Enforcement Officer's determination that an application is complete shall not preclude the Planning Commission from requiring additional information. Applications are neither deemed granted nor denied if any deadlines under this Chapter are not met. A filing fee, as established by resolution of the Lake Township Board, is required.

403 B. The Planning Commission shall, upon receipt of the application in proper form, schedule and hold a hearing upon the request preceded by notification to the applicant, the owner of the property proposed for consideration and the owners and occupants of all property within three hundred (300) feet of the boundary of the property proposed for consideration as shown by the latest assessment roll. If the name of an occupant is not known, the term "occupant" may be used in the notice. The notice shall be mailed or personally delivered and published in a local newspaper not less than fifteen (15) days prior to the hearing. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than

one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

All notices shall describe the nature of the Special Land Use request, indicate the property which is the subject of the Special Land Use request, state when and where the Special Land Use request will be considered, and indicate when and where written comments will be received concerning the request.

- 404 C. **Following such hearing**, said Commission shall either grant or deny a permit for such Special Exception Use and shall state its reasons for its decision in the matter. All conditions, limitations and requirements upon which any such permit are granted shall be specified in detail by said Commission in its decision and shall be filed with the Ordinance Enforcement Officer of the Township. Any conditions, limitations or requirements upon which approval is based shall be reasonable and designed to protect natural resources, the health, safety and welfare and the social and economic well-being of the owners and occupants of the land in question, of the area adjacent thereto and of the community as a whole; constitute a valid exercise of the police power and be related to the purposes which are effected by the proposed use or activity; be consistent with the intent and purpose of this Zoning Ordinance; designed to ensure compatibility with adjacent uses of land and the natural environment; and designed to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
- 405 D. **The Planning Commission** shall have the right to limit the duration of a Special Exception Use where the same is of a temporary nature and may reserve the right of annual review of compliance with the conditions and limitations imposed upon such use. Any use failing to comply with such conditions and limitations may be terminated by action of said Commission after a hearing upon application of any aggrieved party.
- 406 E. **The plan** and specifications and all conditions, limitations and requirements imposed by the Commission shall be recorded with the township and shall be incorporated as a part of the special exception permit. Violations of any of these at any time shall cause revocation of a said permit and said Special Exception Use shall cease to be a lawful use.
- 407 F. **Any property** which is the subject of a Special Exception permit which has not been used for a period of **one (1) year** without just cause being shown during the **one (1) year** period and is beyond the control of the owner such as weather, fire, financing and health matters and which is acceptable to the Planning Commission for the purposes for which such Special Exception was granted, shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification

and the permit for such Special Exception uses shall thereupon terminate.

408 G. To ensure compliance with this ordinance and any conditions, limitations or requirements imposed by the Planning Commission as necessary to protect natural resources or the health, safety and welfare of the residents of the township and future users or inhabitants of the proposed project or project area, the Planning Commission may require a cash deposit, certified check or irrevocable bank letter of credit or surety bond covering the estimated cost of furnishing such condition, limitation or requirement conditioned upon the faithful completion of the required improvement. Such security shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the commencement of such construction or activity. Where the improvement required will take more than six (6) months to be completed, the Planning Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.

409 H. An important concern in reviewing Special Exception Use requests is whether or not the proposed site is appropriate for the use in question. A Special Exception Use may have particular intrinsic or design characteristics that could create potential problems for adjacent property owners. For this reason, a Special Exception use may be appropriate in one place, but not in all locations throughout the particular zoning district. The following checklist shall be used to consider the appropriateness of a Special Exception use in a particular area.

1. Relationship to the general safety, health and welfare of the community at large. This includes:

- a. accessibility of the property in question to fire and police protection;
 - b. traffic conditions (especially adding to a hazardous situation);
 - c. transportation design requirements, if any, which will be needed to accommodate any traffic impact from the use intended;
 - d. appropriateness of the location, nature and height of the proposed use to the size, type and kind of buildings, uses and structures in the vicinity and adjacent properties, including the safety and convenience of people therefrom.
- 2. Any potential** decrease in the market value of adjacent buildings, uses, and structures which are permitted by right under current zoning, if the Special Exception use is approved.
- 3. Harmony** with the township master plan. This considers whether the location and size of the proposed use, the nature and intensity of the activities involved, the size of the site with respect to existing and future streets (giving access to it), parks and drainage systems, will be in harmony with the township land use plan, and the character of land use which is intended by the comprehensive plan for the area or district in question.
- 4. Impact** from the applicant's proposed use, its location and intensity and the height of its buildings, walls, fences and other structures upon the appropriate character of development existing or planned for the area.
- 5. Any hazards** arising from storage and use of hazardous or flammable fluids.
- 6. That the operation** in connection with any special use is not environmentally objectionable to nearby properties by reason of noise, fumes, pollution, vibration, or light to an extent which is more than would be expected of any use permitted by right for the district in which the Special Exception use is proposed.

410 I. SPECIAL EXCEPTION APPEAL PROCESS

If the Planning Commission fails to approve a Special Exception, the decision may be appealed to the Zoning Board of Appeals.

See Article X, Chapter 23, Zoning Board of Appeals

COPY

411 SITE PLAN REVIEW

412 Purpose

1. The intent of this section is to provide for consultation and cooperation between the land developer and / or user.
2. The Planning Commission in order that the developer may accomplish his objectives in the utilization of his land within the regulations of this ordinance and with minimum adverse effect on the use of adjacent streets and highways and on existing and future uses in the immediate area and vicinity.

413 Scope

1. The Ordinance Enforcement Officer shall not issue a permit for any construction or uses that require a site plan until a site plan is submitted in accordance with this section and has been reviewed and approved by the Planning Commission.
2. A site plan is required prior to the construction or establishment of any of the following:
 - a. Any special exception use in any zoning district, including a change from one special exception use to another special exception use and the expansion or alteration of an existing special exception use.
 - b. Any principal or accessory structure in the C-W, C-1 or C-2 Districts.
 - c. Any new use or change in use in the C-W, C-1 or C-2 Districts.
 - d. Any structure in the AG District, except a single-family dwelling and the first three accessory structures to be built on that lot.
 - e. Any multi-dwelling unit in the MDU District.

414 Sketch Plan Review

1. Preliminary sketches of proposed site and development plans shall be submitted for review to the Planning Commission prior to final approval.
2. The purpose of such procedure is to allow discussion between a developer and the Planning Commission to better inform the developer of the acceptability of his/her proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval.
3. Such sketch plans shall include as a minimum the following:
 - a. The name and address of the applicant or developer, including the name and addresses of any officers of a corporation or partners of a partnership.
 - b. A legal description of the property to include the parcel number.
 - c. Sketch plans showing tentative site and development plans.
4. The Planning Commission shall not be bound by any tentative approval given at this time.

415 Application Procedure

1. Requests for final site plan review shall be made with the Ordinance Enforcement Officer by filing the following:
 - a. A nonrefundable application fee to reimburse the Township for the costs of processing and reviewing the site plan. The amount of the fee shall be established from time to time by resolution of the Township Board.
 - b. Where both a Special Exception/Special Land Use and Site Plan Review are requested, only one fee shall be charged.
 - c. Three (3) copies of the completed application form for Site Plan review, which shall include as minimum the following:
 1. Name and address of the applicant, phone number and email.
 2. The legal description of the subject parcel of land.
 3. The area of the subject parcel of land stated in acres or, if less than an acre, in square feet.
 4. The proper zoning classification of the subject parcel and parcel or lot number.
 5. A general description of the proposed development.
 - d. Three (3) copies of the proposed Site Plan, which shall include as a minimum the following:
 1. A scale drawing of the site with proposed development thereon, including the date, name and address of the preparer.
 2. The topography of the site, its relationship to adjoining land, existing man made features, dimensions of setbacks, locations, heights and size of structures and other important features.
 3. Percentage of land covered by buildings and that reserved for open space.
 4. Dwelling unit density where pertinent.
 5. Location of public and private right-of-way and easements contiguous to and within the proposed development, which are planned to be continued, relocated, or abandoned, including grades and types of construction of those upon the site.
 6. Curb cuts, driving lanes, parking and loading areas.
 7. Location and type of drainage, sanitary sewers, storm sewers and other facilities.
 8. Fences, landscaping, screening, and proposed earth changes.
 9. Environmental impact of the project.
 10. Signs and on-site illumination.
 11. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be demanded by the Ordinance Enforcement Officer or the Planning Commission.

12. A survey of the property shall be provided and or the property stakes shall be located and properly identified in order to properly define setbacks.

416 Action on Application and Plans

- A. Upon receipt of the application and plans, the Township Clerk shall record the date of the receipt thereof and transmit two (2) copies thereof to the Chairman of the Planning Commission and one (1) copy at the Township Hall.
- B. A hearing shall be scheduled by the Chairman of the Planning Commission for a review of the application and plans as well as the recommendations of the Ordinance Enforcement Officer with regard thereto. Members of the Planning Commission shall receive a copy of the application and have access to the site plan prior to the hearing for their preliminary information and study. The hearing shall be scheduled within forty five (45) days following the date of the receipt of the plans and application by the Township Clerk.
- C. The applicant shall be notified of the date, time and place of the hearing on his application no less than fifteen (15) days prior to such date.
- D. Following the hearing, the Planning Commission shall have the authority to:
 1. Approve, disapprove, modify or alter the proposed plans in accordance with the purpose of the Site Plan Review provisions of this Ordinance and criteria therein contained.
 2. Any required modification or alteration shall be stated in writing, together with the reasons therefore, and delivered to applicant.
 3. The Planning Commission may either approve the plans contingent upon the required alterations or modifications, if any, or may require further review after the same have been included in the proposed plans for the applicant.
 4. The decision of the Planning Commission shall be made by said Commission within one hundred (100) days of the receipt of the application by the Township Clerk.
 5. Two (2) copies of the approved final Site Plan with any required modifications shall be maintained as part of the Township records for future review and enforcement.
 6. One (1) copy shall be returned to the applicant.
 7. Each copy shall be signed and dated with the date of approval by the Chairman of the Planning Commission for identification of the plans final approval.
 8. If any variances from this Zoning Ordinance have been obtained from the ZBA, the minutes concerning the variance, 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.

417 Criteria for Review

1. In reviewing the application and Site Plan and approving, disapproving, modifying the same, the Planning Commission shall be governed by the following standards:
 - a. That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to assure the safety and convenience of pedestrian and vehicular traffic. See: Chapter 17, Roadways, Section 433.
 - b. That the buildings, structures and entryways thereto proposed to be located upon the premises are so situated and designed as to minimize the adverse effects therefrom upon owners and occupants of adjacent properties and the neighborhood and that all buildings / structures are accessible to emergency vehicles.
 - c. That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or discharge of storm waters.
 - d. That any adverse effects of the proposed development and activities emanation therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping and drainage.
 - e. That all provisions of this Ordinance are complied with.
 - f. That the plan, as approved, is consistent with the intent and purpose of the following:
 1. The zoning to promote public health, safety, morals and general welfare.
 2. To encourage the use of lands in accordance with their character and adaptability.
 3. To avoid the overcrowding of population. To lessen congestion on the public roads and streets. To reduce hazards to life and property.
 4. To facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements.
 5. To conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties.
 6. To conserve property values and natural resources, and to give reasonable consideration to the character of a particular area, its peculiar suitability for particular uses and the general and appropriate trend and character of land, building and population development.

418 Amendments to Approved Site Plans

- A. Any applicant who has been granted site plan approval shall notify the Ordinance Enforcement Officer of any proposed amendment to such approved plan. Minor changes to an approved site plan may be approved by the Ordinance Enforcement Officer after construction has begun provided that no such change results in any of the following:
1. A significant change in use or character of the development.
 2. An increase in overall coverage of structures.
 3. The addition of land to the legal description of the original site plan approval.
 4. The addition of more sales or service area, or the addition of dwelling units.
 5. The relocation of proposed buildings in regard to the approved site plan.
 6. An increase in the intensity of use.
 7. A reduction in required open space.
 8. A change that may increase the storm water runoff to adjacent properties.
 9. A reduction in required off street parking and loading.
 10. A reduction in required pavement widths or utility sizes.
 11. A significant increase in traffic on public streets or an increase in the burden on Public Utilities or services.
- B. A major amendment to an approved site plan shall comply with the same filing and review procedures of the original approval.
- C. For a minor amendment change the Minor Amendment Application Form must be submitted with supporting documentation and applicable fee to the Ordinance Enforcement Officer for approval. Once approved by the OEO, the new documents will be added to the original site plan application.

419 Conformity to Site Plan Approval

1. Property which is the subject of Site Plan approval must be developed in strict compliance with the approved Site Plan and any amendments thereto which have received the approval of the Planning Commission.
2. If construction and development do not conform with approved plan, the approval thereof shall be forthwith revoked by the Ordinance Enforcement Officer of the Township by written notice of such revocation posted upon the premises involved and mail to the developer at his last known address.
3. Upon revocation of such approval, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation.
4. However, the Planning Commission may, upon proposed application of the developer and payment of the required fee, after a hearing, approve major modification in the Site Plan to coincide with the developers construction provided such construction complies with the criteria contained in the Site Plan approval provisions and with the spirit, purpose and intent of the Ordinance.
5. Approval of the Site Plan shall be valid for a period of one (1) year after the date of approval.

6. If a building permit has not been obtained and on-site development actually commenced within said one (1) year, the Site Plan approval shall become void and a new application for Site Plan approval shall be required, and new approval shall be required and obtained before any construction or earth change is commenced upon the site.

420 Site Plan Appeal Process, See Article X, Chapter 23

1. If the Planning Commission fails to approve a Site Plan review, the decision may be appealed to the Zoning Board of Appeals.

COPY

421 EARTH REMOVAL

422 **Quarrying**, gravel processing, mining and related mineral extraction businesses. (Special Exception permit and fee is required, see Article IV, Chapter 14).

Prior to the approval by the Planning Commission of a Special Exception use for earth removal, quarrying, gravel processing, mining and related mineral extraction businesses in any permitted district of the Township, said Commission shall be satisfied that the following conditions and limitations are, or shall be, strictly complied with in addition to any other requirements contained in this Township zoning ordinance or in any other Township ordinance controlling such operations.

423 A. Location

1. **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, said Commission will require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.
2. **Setbacks** shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such excavation operation shall be permitted closer than one hundred fifty (150) feet to interior 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 affected to increase the setback to at least one hundred fifty (150) feet in accordance with the reclamation plan (see section 426) approved by the Commission and adequate lateral support as set forth at all times maintained.
3. **No such 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.
4. **The permanent processing** plant and its accessory structures shall not be located 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.

5. **No such excavation** operation shall be located 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.

424 B. Sight Barriers

1. **Sight barriers** shall be provided along all boundaries of the site 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 foot vertical to three 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 and provide an opaque screen sight barrier.
 - 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.

425 C. Nuisance Abatement

1. **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.
2. **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 injurious 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.
3. **Hours.** The operation shall be restricted to the hours of seven o'clock a.m. until seven o'clock p.m.
4. **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 such pits shall be eliminated as expeditiously as possible.

426 **D. Reclamation of Mined Areas**

1. **Reclamation** and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area in accordance and with a reclamation plan (see Section 428). 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 activities.
2. **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-flammable and non-combustible solids to ensure:
 1. That the excavated area 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 back filled 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 (1) foot vertical to three (3) feet horizontal.
 - c. 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 (1) year period. Where used, top soil shall be applied to a minimum depth of four (4) inches sufficient to support vegetation.
 - d. 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.
 - e. 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 plans, may be retained.

- 427 **E. A performance bond** or cash shall be furnished the Township Clerk ensuring 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 the guarantee shall be not less than \$3,000 per acre proposed to be mined or excavated in the following twelve (12) months' 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 plans. Mined areas resulting in

a water depth of five (5) feet or more shall be deemed to be reclaimed areas to within fifteen (15) feet of any vertical shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade of not more than one (1) vertical to three (3) horizontal, for the purpose of this financial guarantee. Such financial guarantees shall be reviewed annually on or about the anniversary date of the excavation permit for adjustment and compliance with the foregoing requirements by the Ordinance Enforcement Officer of the Township and the Township Planning Commission. In no event shall such financial guarantees be less than \$3,000.

428 F. Submission of Operational and Reclamation Plans

- 1. 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 disclosing compliance with all of the provisions of this ordinance or the manner in which compliance will be secured by the applicant. 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 soil boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by the Township’s 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 this ordinance to the boundaries of the site.
 - f.** A map or plan disclosing the final grades and 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.

429 G. Hearing

1. **After receiving an application** for the grant of a Special Exception permit for an earth removal, quarrying, gravel processing, mining, and related mineral extraction business accompanied by the application fee (as established by the Lake Township Board), required plans and specifications and permit fees, the Planning Commission shall hold a public hearing upon such application in the same manner preceded by the same notice as set forth in Section 402 of this ordinance pertaining to Special Exception Uses.
2. **Opportunity shall be given** to all present to be heard at such hearing.
3. **Following such hearing**, said Planning Commission shall grant or deny 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 a consideration of the following:
 - a. The most advantageous use of the land, resources and property.
 - b. The character of the area in question and its peculiar suitability, if any, for particular uses.
 - c. Conservation of property values, as well as natural resources and the general and appropriate trend and character of development in the subject area.
 - d. The protection and preservation of the general health, safety and welfare of the township.
 - e. The scarcity or value of the minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operations.
 - f. Whether or not the operations were previously in existence prior to the adoption of the text provision concerning the same and the extent and character of such previous operations.
 - g. 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 Special Exception 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. It shall be empowered to renew or extend a Special Exception permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance 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. All permits shall be reviewed by the Planning Commission annually. 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 Lake Township Board.

430 H. Liability Insurance

All operators shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists in an amount as established by the Lake Township Board, but not less than one million dollars (\$1,000,000) for each person or property injured or damaged and not less than an amount established by the Lake Township Board for injury or damage to more than one person or one person's property arising out of one occurrence. The Township of Lake shall be listed as an additional insured party. 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.

431 I. Variances

The Zoning Board of Appeals shall have the right and authority to grant variances from the foregoing conditions and limitations where particular circumstances or hardship may exist, the spirit and intent of the provisions to protect the neighborhood from devastation are still complied with and substantial justice would thereby be affected.

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432 GENERAL PROVISIONS

433 ROADWAYS

County Approved Roads: In order for a road to be accepted and maintained by the county, it shall meet certain standards. Road specifications may vary over a period of time, therefore it is recommended the Roscommon County Road Commission be contacted for current road width and construction standards.

Private Roads: Before construction can take place, a final site plan shall be approved by the Planning Commission.

For the purpose of this ordinance, a private road is to provide ingress/egress for three (3) but no more than eight (8) habitable dwellings. If more than eight (8) habitable dwellings are to be served, the road shall meet all County road specifications. All parcels abutting the private road shall abide by any and/or all applicable ordinances, rules, regulations and restrictions of record. A private road right-of-way shall be able to accommodate emergency vehicles; therefore these roads shall:

1. Consist of a thirty four (34) feet unobstructed wide easement for ingress/egress and installation and maintenance of public utilities. (There shall be a minimum hard surface road width of twenty two (22) feet.)
2. The roadbed, either paved or gravel, shall meet County specifications.
3. Roadside ditches shall be provided for proper water shed if deemed necessary at time of Site Plan Review.
4. Private roads shall be named and the name submitted to Roscommon County Road Commission and the County 911 agency for approval. House numbers, meeting the 911 standards, shall be installed and maintained.
5. Maintenance of a private road is to be performed by any and all parcels fronting the private road, and any parcel using the private road for ingress/egress to their property. A maintenance agreement must cover:
 - a. Grading.
 - b. Addition of surface material when deterioration occurs.
 - c. Removal of snow in a timely manner. (State time) All fees and costs will be paid by owners of parcels abutting the private road.
6. A maintenance agreement shall be signed by and be binding upon users of the private road (in recordable form and recorded with the Register of Deeds for the County) prohibiting obstructions to the use of said road. It would require provision(s) for financing and/or controlling the maintenance and improvement of the private road.

(This could be supported by the establishment of road maintenance and improvement special assessment district authorizing the township to assess the costs of such maintenance and improvement where it is not accomplished privately under the terms of the agreement.)
7. A turn around area with a minimum diameter of 100 feet shall be provided to accommodate emergency vehicles.
8. Land underlying a private road easement cannot be counted for purposes of minimum lot size requirements.
9. Property owned by the same person located on opposite sides of a private road easement constitutes two separate parcels.

Easement.

For the purpose of this ordinance, an easement shall be considered as ingress/egress for up to two dwellings only. For three or more dwellings, it shall be considered a private road.

434 DWELLINGS. All dwellings shall comply with the following standards:

- A. No parcel shall contain more than one dwelling.
- B. Dwellings shall comply with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- C. Dwellings shall have a minimum continuous width across any front, side or rear dimension, excluding porches, decks, garages or other similar additions, of twenty three (23) feet and shall comply in all respects with the Houghton Lake Building Authority building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different from those imposed by the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended, then and in that event, such federal or state standards of regulation shall apply.
- D. Dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended and 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.
- E. Mobile homes shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
- F. Mobile homes shall be installed with the wheels removed. Additionally, no mobile homes shall have any exposed towing mechanism, undercarriage, or chassis.
- G. Mobile homes which do not conform to the standards for dwellings set forth in this Ordinance shall not be used for dwelling purposes.
- H. Dwellings shall be connected to a public sewer and water supply or to such private facilities approved by the local health department.
- I. All construction required herein shall be commenced only after all proper permits have been obtained in accordance with the applicable building code of the Houghton Lake Building Authority provisions and requirements.
- J. No structure, the major portion of which consists of a basement, shall be occupied for living and/or sleeping purposes.

K. Any building erected as a garage shall in no case be occupied for dwelling purposes.

L. No dwelling shall be built on a lot unless the lot abuts upon a public street, private road or upon a permanent, unobstructed access easement of record to a public street.

435 ACCESSORY STRUCTURES. Accessory structures shall conform with the following requirements:

A. General Standards. Except as otherwise provided, accessory structures in all districts must meet the following standards:

1. A Land Use Permit is required for all accessory structures.
2. Accessory structures must be located on the same lot or parcel of land as the principal structure, except as otherwise provided herein.
3. In all residential districts, no accessory structure shall involve the operation of a business.
4. No accessory structures shall exceed the living area of the first floor of the principal structure on the same lot or 1,500 square feet, whichever is less.
5. Only one accessory structure may exceed 600 square feet in floor area.
6. Accessory structures over 600 square feet shall have side walls of fourteen (14) feet or less and the highest point of the building shall be no more than twenty-four (24) feet, except for towers, antennas, flag poles and light poles, which shall not exceed thirty-two (32) feet in height.
7. Accessory structures under 600 square feet shall be no more than twelve (12) feet or less and be no more than sixteen (16) feet at the highest point of the building, except for towers, antennas, flag poles and light poles, which shall not exceed thirty-two (32) feet in height.
8. In all zoning districts other than the AG District, no more than one (1) attached accessory structure and two (2) detached accessory structures (including temporary structures) will be permitted per parcel without a special use permit.
9. In the AG District, additional accessory structures or accessory structures exceeding the dimensions specified herein may be permitted if a site plan is submitted and approved.
10. Accessory structures must be of similar construction design and appearance that blend into the neighborhood.
11. Accessory structures on contiguous lots are prohibited, except where the contiguous lot has been adjoined legally to the dwelling lot and is recorded with the Roscommon County Clerk's Office or meets the requirements for a vacant lot of record as set forth in Subsection B below.
12. Attached accessory structures, such as an attached garage or a carport, shall be considered an integral part of the principal structure to which it is attached and shall

be subject to all setback and construction requirements applicable to the principal structure and shall have the same exterior appearance as the principal structure, in addition to the requirements for accessory structures specified in this Section.

13. Porches (whether open or enclosed), decks and patios permanently attached to a dwelling do not count towards the maximum number of permitted accessory buildings permitted per parcel and are considered an integral part of the dwelling to which they are attached. Such porches, decks and patios shall comply with all setbacks applicable to the dwelling to which they are attached.

14. No accessory building shall be located between the main structure and the water's edge except existing boathouses. **New boathouses shall not be allowed.** Existing boathouses may be rebuilt, repaired, and maintained on the existing footprint. A land use permit is required. Existing boathouses shall not be enlarged. MDNR/EGLE permits are required for boathouses prior to application for land use permit. Boathouses cannot be used for any purpose other than the storage of boats and boating accessories

B. Accessory Structures on Vacant Lots of Record. Permanent or temporary accessory structures may be located on vacant lots of record in the R-2, R-3 and AG Districts, provided that the following conditions are satisfied:

1. Only one (1) accessory structure is permitted per vacant lot of record.
2. Maximum floor area shall be 1,500 square feet.
3. Sidewalls shall be fourteen (14) feet or less.
4. The highest point of the structure shall be no more than twenty four (24) feet.
5. The structure must be of similar construction design and appearance so that it blends into the neighborhood.
6. The structure shall not create a danger or annoyance to nearby property owners.
7. The structure shall not substantially or permanently injure the appropriate use of neighboring property.
8. The structure shall not alter the characteristics of the neighborhood, given the recreational nature of Lake Township.
9. All other provisions of the Lake Township Zoning Ordinance shall be complied with, including minimum lot size and setback requirements.
10. If habitable dwellings adjoin vacant lot of record, accessory structures shall be setback at least twenty (20) feet from front building line of adjoining dwelling.
11. The building must not be used for dwelling purposes.

C. Temporary Structures. Temporary structures are subject to all the same requirements as accessory buildings, as well as the following additional standards:

1. Temporary structures shall conform to all setbacks and shall require a Land Use Permit which shall expire automatically when the temporary structure is no longer needed.
2. Temporary structures shall be anchored to the ground meeting all standards set by the Houghton Lake Building Agency.
3. No temporary structure may be erected on a lot already containing two accessory structures, or on a vacant lot of record already containing one accessory structure, unless a Special Land Use Permit has been issued.
4. Except in the case of active construction sites, any outside toilet (port-a-potty) is a temporary structure and shall not be erected unless a Land Use Permit has first been granted.
5. A temporary structure/shelter may be used as a seasonal cover for watercraft, docks, hoists, firewood or similar items between the months of October and May with a Land Use Permit. When not in use, it must be dismantled and stored out of sight.
6. No temporary structure or part thereof shall be used as a dwelling, except as expressly set forth in Subsection 7 of this subdivision.
7. A land use permit may be secured from the ordinance enforcement officer to use a recreational type of vehicle as temporary residence for a period not to exceed twelve (12) months provided that the ability and intent to begin construction on the premises are shown. Further upon expiration of the twelve (12) month period the ordinance enforcement officer may renew the permit for an additional six (6) months upon sufficient showing that the construction could not be completed within said twelve (12) months but has substantially progressed during this period.
8. A portable shipping container or semi-trailer can be used for temporary storage only to facilitate a move and may be stored in the front yard of a lot for no more than once per year for a duration not to exceed seven (7) consecutive days. Permanent storage using portable shipping containers, semi-trailers or other such means, or any such use lasting more than once a year or for longer than seven (7) consecutive days, is strictly prohibited.

436 HOME OCCUPATIONS shall comply with the following conditions and limitations:

- A. Home occupations shall be operated in their entirety within the dwelling, not within a garage or accessory building.
- B. Home occupations shall only be conducted by the person or persons occupying the premises as their principal residence a major portion of each month.
- C. The dwelling has no exterior evidence to indicate that same is being utilized for any purpose other than that of a dwelling. There shall be no display of wares.

- D. The occupation conducted therein is clearly incidental and subordinate to the principal use of the premises for residential purposes.
- E. No goods are sold from the premises which are not strictly incidental to the principal home occupation conducted therein.
- F. No occupation shall be conducted upon or from the premise which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance, or the source of lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.
- G. No hazardous chemicals shall be stored on site.
- H. No process, chemicals or materials shall be used which are contrary to any applicable State or Federal laws.
- I. Not allowed are occupations or services that could create a nuisance or traffic problem including but not limited to:
 - 1. Vehicle and/or small engine repair;
 - 2. Massage parlors and tattoo parlors; and
 - 3. Barbershops, beauty salons and tanning salons.
- J. Traffic may not exceed the traffic to a normal residence, with parking limited to two (2) on-premises parking spaces. Parking cannot be located on the lakeside in R-1.
- K. Any such home occupation may be subject to periodic review by the Ordinance Enforcement Officer of the Township and may be terminated by order of such officer whenever the same fails to comply with this Ordinance.
- L. The Ordinance Enforcement Officer shall have authority to determine whether or not a proposed use complies with this ordinance and is within the spirit of the same to ensure the compatibility of any use within the character of the zoning classification in which the same is located and that the health, safety, and general welfare of the neighborhood will not thereby be impaired.

437 RECREATIONAL VEHICLES, CAMPERS AND TENTS

- A. In addition to the regulations set forth below, the outside storage of campers and recreational vehicles is permitted only if the camper or recreational vehicle is currently licensed and fully operational. Any camper or recreational vehicle that is not currently licensed or fully operational must be stored inside a fully enclosed building.
- B. Campers, recreational vehicles and tents shall not be used as an accessory structure or for storage purposes.
- C. Campers, recreational vehicles and tents are prohibited in the C-W, C-1 and C-2 Districts unless in a duly permitted RV park, indoor storage facility, seasonal outdoor storage facility, or inside a permanent, lawful and fully enclosed structure.

D. In the AG District, campers and recreational vehicles may be stored (but not occupied) in accordance with the following:

Parcel Size	Maximum Number of Campers or Recreational Vehicles Permitted
Smaller than 5 acres	1
At least 5 acres but smaller than 30 acres	2
At least 30 acres but smaller than 40 acres	3
At least 40 acres but smaller than 50 acres	4
50 acres or larger	5

- E. On vacant lots of record (no dwelling) in the RR-1, R-2, and R-3 Districts, a single camper or recreational vehicle may be stored outdoors but not occupied.
- F. On all parcels that contain a dwelling, a camper or recreational vehicle may be stored outdoors but not occupied except as regulated in 437 G.
- G. Campers, recreational vehicles or tents on a lot with a dwelling may be used for recreational purposes only for a period not to exceed two (2) consecutive weeks per month for the purpose of accommodating owner, lessee, guests, or family members. For tents, the property owner must either allow the tent occupants to use the sanitary facilities in the dwelling or provide an outdoor toilet complying with the regulations for temporary structures.
- H. The storage of campers and recreational vehicles is prohibited in the MDU District.

438 LIGHTING on any premise shall comply with the following requirements:

- A. All lighting upon any premise shall be so arranged that the intensity of the beam is directed within the boundary of said premise.
- B. Intense light sources and their adjacent reflecting surfaces must be shielded from vehicular view.

439 KEEPING OF ANIMALS

- A. In all districts, the keeping of dogs and cats shall be prohibited if the same become obnoxious by reason of odor or noise.
- B. In all residential districts, the keeping of more than five (5) dogs or cats, or a combination thereof, the keeping of pigeons having free access outside their cages, or the keeping of poultry, pigs, hogs, horses or livestock is prohibited. Any litter of dogs or cats which causes

the aforesaid limit of five (5) to be exceeded shall not constitute a violation of this provision for a period of four (4) months after birth; provided that no more than two (2) such litters shall be allowed to so remain on the premises within any consecutive twelve (12) month period.

C. In the AG District, animal kennels may be allowed if the following requirements are met:

1. There shall be a minimum lot size of ten (10) acres.
2. The kennels and/or runs shall be no closer than two hundred (200) feet to neighbor's property line and/or road right-of-way.
3. Kennels shall be maintained so as not to be a nuisance to neighboring properties by reason of odor or noise.
4. Noises shall be reasonably controlled.
5. Kennels shall be kept reasonably clean.
6. Runs shall be fenced.

D. In the RR-1 District, the keeping of horses, pigeons, rabbits or poultry is permitted by Special Land Use Permit, provided that the following requirements are met:

1. It shall be required to have five (5) acres of grazing land (not to include roadways, driveways or land where structures exist or land which cannot support grass growth) for the first horse and three (3) acres of grazing land for each additional horse.
2. There shall be adequate fencing to prevent free roaming of horses outside of their confinement area.
3. A minimum setback of seventy-five (75) feet from any lake, stream, pond, watercourse, or designated wetland shall be maintained.
4. Manure shall be stored at least fifty (50) feet from any drainage way or watercourse and a grass filter strip shall be used to limit runoff. Manure shall be a minimum of seventy-five (75) feet from any property line and one hundred fifty (150) feet from any dwelling and disposed of at least on a monthly basis. Manure shall be removed from the entire parcel and is not to be distributed/spread over any of the lands therein.
5. Pigeons, rabbits and poultry shall be confined. None of these animals shall be used for commercial purposes.
6. Fencing material, such as chicken wire, may be used to create an enclosure of eight (8) feet in height to keep poultry confined.

440 PRINCIPAL USES

In all districts, only one (1) principal use shall be permitted per lot.

441 GRADING

There shall be no excessive filling in or removal of ground on any building lot which would affect the grade at the adjacent neighbor's lot line unless proper drainage is provided.

442 STORAGE OF FIREWOOD

Except in the AG District, no firewood shall be stored in the front yard beyond the front corner of the main structure. Any stored firewood which is visible from the road right-of-way shall be stacked neatly or screened from view.

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500 Article V NONCONFORMING USES AND STRUCTURES

501 INTENT AND PURPOSE

The following regulation shall control lawful nonconforming use of lots, buildings, and structures in existence at the time of the passage of this ordinance. It is the purpose of this Article to permit legal nonconforming lots, structures, and uses to continue until they are removed or discontinued, and to provide for their maintenance and repair but not their expansion, enlargement, extension or other alteration which in any way increases its nonconformity, except as otherwise provided by the Article.

502 NONCONFORMING LOTS

A nonconforming use of a lot existing at the effective date of this Ordinance may be continued; provided, however, that no such nonconforming use of land shall be in any way expanded or extended either on the same or adjoining property. Any nonconforming lot of record on the date this Ordinance was adopted will still be considered a buildable lot for the construction of a single-family dwelling and accessory buildings. The dimensional requirements of this ordinance, other than lot area and width requirements, must be met for such a lot to be considered buildable under this section.

503 NONCONFORMING USES OF LAND

If a lawful use on a parcel of land exists that becomes nonconforming under the terms of this Ordinance, that use may be continued, so long as it remains otherwise lawful, and is neither expanded nor extended on the same or adjoining property. A nonconforming building may change from one nonconforming use to another nonconforming use, as long as no structural alterations are made to that building, and the new use is of the same or more restricted classification than the original nonconforming use.

504 NONCONFORMING STRUCTURES

Nonconforming structures may be continued so long as they remain otherwise lawful, subject to the following provisions:

- A) **Alterations of Nonconforming Structures.** Alterations to a nonconforming structure are permitted, however no nonconforming structure may be enlarged, altered, or enclosed in a way which increases its nonconformity.
- B) **Damage or Destruction of a Nonconforming Structure.** Should such structure be destroyed by any means to an extent of more than fifty percent (50%) of its assessed value it shall not be restored unless in conformity with the regulations of this Ordinance applying to the district in which that building is located. A building that has lost less than fifty percent (50%) or less of its assessed value may be repaired, but any repair or reconstruction must be completed within one (1) year of the date damage occurs.
- C) **Re-location of a Nonconforming Structure.** Should such structure be moved, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

- D) **Maintenance of a Nonconforming Structure.** A nonconforming building may be maintained in the ordinary course. This Ordinance does not prevent the strengthening or restoration of any building to ensure that the building is in a safe condition upon the order of any official charged with protecting the public safety.
- E) **Change in tenancy, ownership, or management** of any nonconforming use or building is permitted, as long as there is no change in the nature or character of the nonconforming use.

505 ABANDONMENT OF NONCONFORMING USE

The discontinuance of any building, structure, or premises through vacancy, lack of operation, destruction by fire, wind, collapse, explosion, Acts of God, acts of the public enemy, or otherwise to an extent of more than fifty percent (50%) of the assessed value for a period in excess of one (1) year shall be presumed to demonstrate an intent to abandon that use. Any future use of said building, structure or premises shall conform in its entirety, to the provisions of this Ordinance. If, however, they cannot conform in its entirety, the Zoning Board of Appeals may, upon application within thirty days of the termination of said period, permit the resumption of such nonconforming use. A fee will be required.

600 ARTICLE VI OFF-STREET PARKING OF MOTOR VEHICLES

601 Every property owner shall provide and maintain at all times an adequate number of off-street parking spaces, and the necessary loading and unloading facilities associated thereto in each district for all occupants, employees and patrons of said property.

A plan showing the required parking and loading spaces including the means of access and interior circulation, except for one-family and two-family dwellings, shall be provided at the time of application for a building permit for the erection or enlargement of any building.

Parking space shall be provided in the manner and location herein specified.

A. No parking area, parking space or loading space which exists at the time this ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this ordinance unless additional parking area or space is provided sufficiently for the purpose of complying with the provisions of this ordinance within three hundred (300) feet of the proposed or existing uses for which such parking will be available.

B. Parking of motor vehicles in residential zones, except those used for farming, shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type (not to exceed one (1) ton). The parking of any other type of commercial vehicles, or buses, except for those parked on school property, is prohibited in a residential zone.

602 Requirements for all parking spaces and parking lots in CW, C1, C2 and MDU Districts:

A. Each automobile parking space shall be not less than one hundred sixty two (162) square feet nor less than nine (9) feet wide with a minimum of eighteen (18) feet in length, exclusive of driveway and aisle space.

B. All off-street parking facilities shall be drained so as to prevent damage to abutting properties or public streets in compliance with the rules and regulations of the Roscommon County Drain Commission and shall be constructed of a hard surface such as concrete, asphalt or paving stones or a similar material if approved by the Planning Commission. Sand, gravel and dirt are not acceptable materials for off-street parking facilities.

C. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lots.

D. No parking space shall be closer than ten (10) feet from a property line, **excluding Zone C-W at five (5) feet.**

- E. Off-street parking facilities** in nonresidential zones shall be opaquely screened on any side which adjoins or faces property in any residential zone by a wall, fence or compact planting not less than four (4) feet nor more than eight (8) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property. Screening shall be so placed and/or maintained as to prevent a traffic hazard through obstruction of visibility.
- F. All off-street parking areas** that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two-family dwellings.
- G. Space for all necessary loading** and unloading operations for any commercial, industrial or other use must be provided in addition to the required off-street parking space. All loading and unloading operations must be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian or vehicular movement.
- H. Requirements for the provision** of parking facilities with respect to two (2) or more property uses of the same or different types may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common parking facility, cooperatively established and operated, provided that the number of spaces designated is not less than the sum of individual requirements and provided further that the specifications in regard to location, plans, etc., are complied with.
- I. The number of parking spaces** required for land or buildings used for two (2) or more purposes shall be the sum of the requirements for the various individual uses, computed in accordance with this section; parking facilities for one (1) use shall not be considered as providing the required parking facilities for any other use.

603 Minimum Required Parking Spaces:

- A. Apartment houses, condos, duplexes, single family dwellings:** Two (2) parking spaces for a family unit.
- B. Office buildings:** One parking space for each two hundred (200) feet of floor space utilized for work space for employees.
- C. Retail stores, supermarkets, department stores, personal service shops, and shopping centers:** One and one half (1½) parking space for each one hundred (100) square feet area in the basement and on the first floor used for retail sales; one and one half (1½) space for each one hundred fifty (150) square feet of floor area on the second floor used for retail sales; one and one half (1½) space for each three hundred (300) square feet of floor area on the third floor used for retail sales; and one and one half (1½) space for each four hundred (400) square feet of any additional floor used for retail sales.
- D. Manufacturing buildings:** One and one half (1½) parking space for each three

employees on the maximum shift.

- E. One parking space** for each one hundred (100) square feet of public area for libraries, post office and museums.
- F. Bowling Centers:** Three (3) parking spaces for each alley.
- G. Motels and tourist homes:** One (1) parking space for each separate unit.
- H. Theaters, auditoriums, stadiums and churches:** One (1) parking space for each four seats.
- I. Dance halls, assembly halls and convention halls** without fixed seats: One (1) parking space for each one hundred (100) square feet of floor area if to be used for dancing or assembly.
- J. Restaurants and night clubs:** One and one half (1½) parking space for each table.
- K. Roadside stand:** Two (2) parking spaces.
- L. Other uses not specifically mentioned:** In the case of buildings which are used for uses not specifically mentioned, those provisions for off-street parking facilities for a use which is so mentioned and to which said use is similar in terms of parking demand shall apply.
- M. Mixed uses in the same building:** In the case of mixed uses in the same building, the amount of parking space for each use specified shall be provided and the space for one (1) use shall not be considered as providing required spaces for any other use except as to churches and auditoriums incidental to public and parochial schools permitted herein.

604 The Zoning Board of Appeals shall have authority to grant variances from the foregoing where it is satisfied under the circumstances prevailing that the requirements for off-street parking are unnecessarily too many for the particular development.

605 OFF-STREET STORAGE OF TRAILERS, WATERCRAFT AND VEHICLES

- A.** No person shall be permitted to store any vehicle (meaning automobiles, recreational vehicles and motorcycles licensed for use on public roads), watercraft, travel trailers or utility trailers on any public property or road right-of-way, or upon any private property not specifically zoned for that use.
- B.** In zoning districts CW and R1, No person shall be permitted to store any vehicle, watercraft, travel trailers or utility trailers in the front yard.
- C.** The outdoor storage of vehicles, watercraft, trailers and utility trailers shall comply with the setbacks of the zoning district in which it is located.

- D.** In all zoning districts, there is no restriction on the number of vehicles, watercraft or trailers that may be stored **inside** a lawful, permanent, completely enclosed building, provided that such storage does not constitute a use that is prohibited in that district.
- E.** The overnight storage of vehicles, watercraft, trailers or utility trailers on public land is prohibited unless expressly allowed under statute or local ordinance.
- F.** Vehicles, watercraft, trailers and utility trailers shall only be permitted to be stored outside if fully licensed, registered and in operational condition. Nothing in this section shall be construed as authorizing the outdoor storage of junk motor vehicles or abandoned vehicles.
- G.** No vacant lot of record (no dwelling) in any residential district shall be used for the outside commercial storage of vehicles, watercraft, trailers or utility trailers. Outside storage shall be subject to all use restrictions in the zoning district where the property is located and shall only be allowed where expressly permitted.
- H.** This Section shall not apply to seasonal outdoor storage facilities in the C-2 District operating under a valid Special Land Use Permit.
- I.** In the R-1 District, on vacant lots of record (no dwelling), outdoor storage will be limited to the property owners personal water related items. Outdoor storage shall comply with the setbacks of the R-1 District.

700 ARTICLE VII SIGNS

701 A. PURPOSE

The purpose of this Ordinance is to regulate signs and outdoor advertising in a manner which will minimize the harmful effects of such signs and banners, while permitting latitude for creative and effective advertising and identification. To achieve this purpose, this Ordinance has the following objectives:

1. To prevent placing signs in a manner that will conceal or obscure signs of adjacent businesses.
2. To limit the number and size of signs.
3. To prevent off-premise signs from conflicting with business, residential or public land use.
4. To keep the areas adjacent to streets/sidewalks clear of signs, which may obstruct the view of motorists and pedestrians.
5. To reduce the visual and physical obstructions to motorists entering or leaving street/drives.

The Planning Commission finds that signs and other outdoor advertising are necessary to the general commerce, health, safety, and welfare of the residents of the township. Further, it finds that failure to regulate the size, location and construction thereof may lead to poor identification of individual businesses. Failure to do so may also lead to deterioration of the commercial and residential areas of the Township and in some cases could decrease the effectiveness of traffic control devices and jeopardize traffic and pedestrian safety.

This ordinance sets forth the proper procedure and requirements for the application of, and permits for, the construction of signs and the installation of temporary signs on certain buildings, structures and land to preserve the integrity of the development of Lake Township, and to protect and promote the general public health, safety and welfare of the residents of Lake Township.

702 B. CONDITIONS

The following conditions shall apply to all signs and advertising devices erected or located in any zoning district.

1. Permits Required: A permit is required for erection, construction, enlargement or movement of any sign in Lake Township (except those in the Exemptions list).
2. Administrator/Permits/Fees/Penalties
 - a. The Ordinance Enforcement Officer is the Administrator of this Sign Ordinance.

- b. Fees for sign permits shall be set by the Township Board.
- c. Administrative penalties for failure to obtain a permit shall be set by the Township Board.
- d. A permit shall be issued or denied within ten (10) days of application.
- e. If a permit is issued on the basis of misstatement of material fact or fraud, the Ordinance Enforcement Officer shall, in writing, suspend or revoke a said permit with the reasons for denial.
- f. When the Ordinance Enforcement Officer denies a sign permit, such denial shall be in writing, with the reasons for the denial.
- g. An appeal of the Ordinance Enforcement Officer's decision shall be made to the Lake Township Zoning Board of Appeals.
- h. The sign permit becomes null and void if work does not start within one hundred (180) days of permit date. If work is suspended or abandoned for ninety (90) days, a new permit shall be required, with the fee to be set by the Township Board.

703 C. GENERAL SIGN RULES

- 1. All sign installers shall comply with any necessary licenses, permits, certifications and all applicable codes, laws and ordinances.
- 2. All signs shall comply with this Ordinance and any other applicable codes, laws and ordinances.
- 3. Signs shall not be erected, constructed or altered until a sign permit has been issued by the Ordinance Enforcement Officer (unless it falls into the exempt category).
- 4. No sign shall be located in, project into or overhang a public right-of-way or dedicated public easement, or be fastened to a public utility pole except those signs established and maintained by the Roscommon County Road Commission, State of Michigan or the U.S. Government for traffic control/regulation and direction.
- 5. When more than one (1) business is located on a lot or parcel, only one (1) free standing sign is allowed.
- 6. Signs shall be limited in size and meet setbacks, according to the zoning classifications.

7. One (1) sign at the entrance of each platted subdivision will be permitted to identify the subdivision. Such sign shall be no larger than fifty (50) square feet in size and shall be no closer to the highway or road right-of-way than twenty five (25) feet. All bare incandescent light sources and immediately adjacent reflecting surfaces shall be shielded from vehicular view and residential areas.
8. Commercial signs not on the premises of a business advertised shall have the name and address of the owner legible on the sign. Any such sign larger than sixteen (16) square feet shall require a Special Land Use Permit.
9. No signs shall be permitted in the clear view area at street and/or roadways. Clear view area shall be twenty (20) feet from the street right-of-way of both intersecting streets.
10. A home occupation sign shall be no larger than eighteen (18) inches square whether it is free standing or attached to the residence.
11. All off premise signs shall be clearly labeled with the owner's name, address and phone number.

704 D. TEMPORARY/PORTABLE SIGNS

Temporarily and portable signs shall be subject to the following provisions:

1. A permit shall be obtained from the Ordinance Enforcement Officer.
2. No temporary sign shall be displayed for more than fifteen (15) consecutive days for every four (4) month period.
3. The placement of any such sign shall be such that it is not in the road right-of-way and shall not interfere with any clear vision area of traffic and pedestrian flow.
4. No flashing, pulsating, rotating or unshielded lights are permitted.

705 E. PERMIT EXEMPTIONS

No permit is required for the following:

1. Regular maintenance, cleaning and/or painting of an established sign.
2. Signs for temporary events, provided that such signs are erected no more than thirty (30) days prior to the event and are removed within fifteen (15) days after the end of the event. In no instance may temporary event signs be displayed for more than ninety (90) days within one (1) calendar year. Temporary event signs shall not exceed twenty (20) square feet.

3. Signs for traffic control/regulation, street and road signs, and the like, which are maintained and erected by the Roscommon County Road Commission, the State of Michigan or the U.S. Government.
4. Warning signs which warn of danger but are not advertising a product or service. Such warning signs shall be removed when the danger is no longer present.
5. Emergencies. When there is imminent danger of personal injury or harm to property, a sign may be installed without a permit, however, a sign permit shall be obtained on the next business day after the emergency work has started.
6. Directional/instructional signs located entirely on property to which they pertain, such as those identifying restrooms, telephones or parking lot directions.
7. Flags and windsocks not advertising a home occupation.
8. House numbers, addresses, name plates, memorial signs, erection dates and building names when cut into, inlaid or mounted against a building surface.
9. Posted-No trespassing, no dumping, private property, "beware" signs that do not exceed two (2) square feet each.
10. Official public notices posted by government officers in the performance of their duties and public signs required or authorized for a public purpose by any law, statute or ordinance. Such may be of any type or size as required by such law, statute or ordinance, and shall be removed in a timely fashion.
11. Signs mounted flat against a building.

706 F. PROHIBITED SIGNS

The following signs are prohibited in all districts and shall be ordered removed at the owner's expense, at the determination of the Ordinance Enforcement Officer:

1. Signs or postings tacked, pasted or hanging from walls, fences, buildings, trees, poles and/or posts.
2. Abandoned signs.
3. Banners, pennants, searchlights, sandwich board signs, balloons or gas-filled figures EXCEPT by special use permit. Such special use permit shall be issued by the Ordinance Enforcement Officer for a maximum of thirty (30) days. The placement of any item shall be such that it is not in the road right-of-way and shall not interfere with any clear vision area for traffic and pedestrian flow. For banners and pennants, a said permit shall be renewable if the banners and pennants are not dilapidated, abandoned, dangerous, or obsolete. When any banners or pennants are determined by the Ordinance Enforcement Officer to be dilapidated, abandoned, dangerous, or obsolete, they shall be removed or replaced.

4. Flags, banners or windsocks used for advertising home occupations.
5. Any sign which by reason of size, location, movement, content, coloring or illumination which could be confused with a traffic control sign, signal or device or lights of emergency and road control vehicles.
6. Signs which contain obscenity according to state or federal law.
7. Signs which emit audible sound or visible matter.
8. Temporary signs made of paper, cardboard, canvas or similar material attached to exterior walls.
9. Signs which are no longer maintained or in good repair.
10. Signs in the clear view area at street and/or road intersections or where there are any variations in road right-of-way. Clear view area shall be twenty feet from the street right-of-way of both intersecting streets.
11. Billboards.

707 G. Maintenance.

1. All signs shall be kept in good structural condition at all times.
2. All signs shall be kept neatly painted and maintained. All parts shall be in good working order.
3. The Ordinance Enforcement Officer shall have the authority to order the painting, repair, alteration, or removal of signs which are determined to be dilapidated, abandoned, dangerous, or are obsolete. The Ordinance Enforcement Officer shall require compliance with all standards of this ordinance and shall enforce such standards.

708 H. C-W, C-1 and C-2. SIGNS PERMITTED

1. Temporary ground signs, one (1) per lot or one (1) for every two hundred (200) feet of frontage for a parcel. Waterfront and corner lots may have two (2) signs. Temporary ground signs shall not exceed thirty two (32) square feet. No illumination shall be allowed. Signs shall be displayed no more than ninety (90) days in one (1) calendar year.
2. Sign attached flat against a main building or parallel to the building with a projection not to exceed eight (8) inches, provided that the sign shall face only public streets or parking areas which are part of the development.

3. Signs may be illuminated, but if intended to have moving illumination, such illumination shall first be approved by the Planning Commission whom shall insure that light intensity, color, and movement will not distract motor vehicle operations or constitute a traffic safety hazard.
4. Free standing signs shall not exceed thirty two (32) square feet.
5. The total sum of all sign faces allowed per business shall be three hundred (300) square feet total with an additional three hundred (300) square feet allowed for a mall identification sign.
6. Signs for grand openings of stores, businesses, buildings, projects or subdivisions which refer to the contractors, financial institutions and such involved with the project: such signs shall be in place no longer than thirty (30) days prior to the grand opening and shall be removed within thirty (30) days after the grand opening. Signs for ground breaking of stores, businesses, buildings, projects or subdivisions which refer to the contractors, financial institutions and such involved with the project: such signs shall be in place no longer than one hundred eighty (180) days prior to the groundbreaking and shall be removed within thirty (30) days after the grand opening.
7. Advertising structures or outdoor signs greater than thirty (32) square feet must first be approved by the Planning Commission which shall insure that size, light intensity, color, and movement will not distract motor vehicle operators, constitute a traffic safety hazard or adversely impact adjacent residential property and is at least twenty-five (25) feet from any street or highway right-of-way.
8. All free standing and permanent signs must be at least ten (10) feet from the traveled portion of the road right-of-way. Any free standing sign less than twenty five (25) feet from the road right-of-way must have a minimum height of six (6) feet from the ground level to the bottom of the sign.

800 ARTICLE VIII BUFFER AREAS AND FENCES

801 BUFFER AREAS

- A.** As a result of the lack of zoning prior to the adoption of this Ordinance, many residential dwellings have been constructed and located within areas that are now predominantly commercial areas. In order to protect such existing dwellings from new commercial activities or structures, such new structures shall hereafter be located no closer than one hundred (100) feet to any such existing dwelling which is occupied for dwelling purposes and further such new commercial structure or activity shall be screened from such adjoining dwelling in accordance with the following provisions.

The foregoing provision shall not, however, operate to reduce the usable area of the adjoining commercial property under bona fide separate ownership on the effective date of this Ordinance below 50% if the same would cause such a result, this buffer area shall be accordingly reduced to permit such 50% use.

- B.** Except as otherwise provided in this Zoning Ordinance, all premises used for business, commercial purposes and located within a CW, C-1, or C-2 district shall be screened from adjoining premises located in a residential district classification by any of the following:
- 1.** A natural compact planting area of evergreens or shrubberies which maintain their density and screening effect throughout the calendar year, not less than four (4) feet in height at the time of planting and maintained in a neat and attractive manner.
 - 2.** An artificial wall or fence of sufficient density or compactness to screen the structures and activities of the business from the view of occupants or adjoining premises, not less than five (5) feet in height and maintained in a neat and attractive manner.

Such planting area, wall or fence shall be at least twenty (20) feet from any adjoining street right of way.

- C.** In the event of any controversy as to the adequacy of any proposed or existing screening, the Planning Commission shall have the right and is hereby given the authority to determine, through a Site Plan Review, whether the same is in violation of these screening provisions and the purpose herein sought to be accomplished by the screening of abutting business and residential properties.

802 FENCES

- A. General Standards for Fences.** Except as otherwise provided, fences in all districts must meet the following standards:
- 1.** A Land Use Permit is required for all permanent fences before installation.

2. Applications for a Land Use Permit for fence shall be accompanied by a survey and a sketch or drawing of the intended fence.
3. Fences shall be setback at least two (2) inches from adjacent lot lines.
4. The finished side of the fence shall be the exterior of the fence. The unfinished side of the fence shall face inward.
5. Fence height shall be measured from the average grade level of adjoining properties.
6. The maximum distance between fence posts shall be eight (8) feet.
7. No earth berm shall exceed two (2) feet in height. No earth berm shall be utilized in any way to enhance fencing height.
8. No fence shall exceed six (6) feet in height.
9. Unless required for screening purposes, a fence may always be substituted with a less-intrusive style of fence of the same height or shorter, provided that such fence otherwise complies with all applicable regulations pertaining to that fence type.
10. Decorative fences shall comply with the following standards:
 - a. Decorative fences shall not exceed three (3) feet in height.
 - b. Fence posts shall be at least six (6) feet apart.
 - c. Decorative fences may be constructed from any material which does not block the view from adjacent properties or right of ways, including but not limited to split rail, linked chain and rope fences.
 - d. Decorative split rail fences shall have no more than two (2) rails, spaced at least twelve (12) inches apart.
 - e. Decorative linked chain or rope type fences shall have no more than two (2) rows of rope or chain, spaced at least twelve (12) inches apart.
 - f. Bushes and hedges shall not be used for decorative fences.
11. Snow fencing is permitted from October 1st through May 1st. **No land use permit is required.**
12. Three (3) or more bushes or hedges in a row shall constitute a fence. When used for fencing purposes, bushes or hedges must be planted at least two (2) feet from any lot line and maintained at the height required by this ordinance.
13. Barbed wire and electrified fences are prohibited in all zoning districts except the AG District. This prohibition shall not apply to underground dog fences.
14. No fence shall block the view of any waterways, lakes, wetlands, or scenic vistas from adjacent properties.

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15. No fence shall obstruct the view of driveways or adjacent roadways for vehicles entering or leaving the site.
16. Temporary fences for construction site enclosure or other special events may be allowed by the Ordinance Enforcement Officer.

B. Fences in the AG District.

All fences in the AG District shall comply with the following standards:

1. Fences shall be set back at least twenty (25) feet from the road right-of-way.
2. Where farm animals are kept, there shall be adequate fencing to prevent free roaming of farm animals outside their confinement area. Where poultry is kept, chicken wire or other similar fence material shall be used to keep poultry contained.

C. Fences in the R-1 District.

All fences in the R-1 District shall comply with the following standards:

1. Side yard fences. A fence not to exceed six (6) feet in height is permitted between the front and rear corners of the dwelling.
2. Rear yard fences. The following types of fencing are permitted to extend from beyond the rear corner of the dwelling to the road right-of-way:
 - a. A privacy fence no more than three (3) feet in height.
 - b. A wire or cyclone fencing no more than four (4) feet in height.
 - c. Decorative fences.
3. Front yard fences. Where an R-1 parcel abuts or adjoins a parcel designated CW, C-1 or C-2, or a public road-end access or a private easement of record, a decorative fence shall be permitted beyond the front corner of the dwelling. Otherwise, no fences shall be permitted beyond the front corner of the dwelling.

D. Fences in the RR-1, R-2, R-3 and R-4 Districts.

All fences in the RR-1, R-2, R-3 and R-4 Districts shall comply with the following standards:

1. Side yard/rear yard. A fence not to exceed six (6) feet in height is permitted from the front corner of the dwelling to the rear lot line. Rear lot fencing is allowed.
2. Front yard. Decorative fencing may be installed beyond the front corner of the dwelling up to the road right-of-way.

E. Fences in the C-W District.

All fences in the C-W District shall comply with the following standards:

1. Side yard. A fence not to exceed six (6) feet in height is permitted between the front and rear corners of the structure.
2. Rear yard. A fence not to exceed three (3) feet in height is permitted from the rear corner of the structure to no closer than twenty (20) feet from the rear property line.
3. Front yard. A bush or hedge fence not to exceed three (3) feet in height, or a decorative fence, is permitted from the front corner of the structure to no closer than twenty (20) feet from the front property line.

F. Fences in the C-1 and C-2 Districts.

All fences in the C-1 and C-2 Districts shall comply with the following standards:

1. Side yard/rear yard. A fence not to exceed six (6) feet in height is permitted between the front corner of the structure to the rear lot line. Rear lot fencing is allowed.
2. Front yard. A fence not to exceed three (3) feet in height is permitted from the front corner of the structure to no closer than twenty (20) feet from the front property line.

900 ARTICLE IX PLANNING COMMISSION

901 REVIEW CRITERIA FOR ZONING AMENDMENTS, SITE PLANS AND SPECIAL EXCEPTION USES

In reviewing amendments to this Ordinance, site plans and applications for special exception uses, the Planning Commission shall apply the following review criteria:

- A.** That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to assure the safety and convenience of pedestrian and vehicular traffic.
- B.** That the building, structures and entryways thereto proposed to be located upon the premises are so situated and designed as to minimize adverse effects therefrom upon owners and occupants of adjacent properties and the neighborhood.
- C.** That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
- D.** That any adverse effects of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing, landscaping and drainage.
- E.** That all provisions of this Ordinance and other township, county, state and federal laws and regulations are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.
- F.** That all buildings and structures are accessible to emergency vehicles.
- G.** That the plan, as approved, is consistent with the intent and purpose of zoning to promote public health, safety, morals and general welfare; to encourage the use of lands in accordance with their character and adaptability; to avoid the overcrowding of population; to lesson congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation; sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties; to conserve property values and natural resources; and to give reasonable consideration to the character of a particular area; its peculiar suitability for particular uses and the general and appropriate trend and character of land, building and population development.

1000 ARTICLE X ZONING BOARD OF APPEALS

The ZBA is the arbiter of disputes. This task shall be undertaken with a genuine commitment to uphold the intent and spirit of the Township's Zoning Ordinances and must function solely to provide relief for the rare, exceptional situation where conformity to the Zoning Ordinance is either impossible or extremely onerous.

1001 MEMBERSHIP / ITEMS

1. A Zoning Board of Appeals is hereby established consisting of three (3) members and one (1) alternate.
2. Two (2) of the three (3) members shall constitute a majority to conduct a meeting. All members shall be qualified electors of Lake Township.
3. Members are appointed for three (3) year terms.
4. The first member appointed shall be a member of the Planning Commission.
5. One (1) member may be from the Township Board but shall not serve as chairperson.
6. No Township employee shall serve on the ZBA.
7. The terms of member serving from the Township Board or Planning Commission are limited to their other respective terms.
8. Any member may be removed from office by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a Public hearing.
9. A member shall disqualifier themselves from a vote in which the member has a conflict of interest. Failure to do so constitutes malfeasance in office. (MCL 125.288 (4)).
10. A successor member shall be appointed not more than one (1) month after a preceding members term has expired.
11. The Chairperson, or Vice Chairperson of the ZBA, (acting in the Chairperson's absence), may administer oaths and compel witnesses to attend a public meeting or hearing.

1002 GENERAL FUNCTIONS / RESPONSIBILITIES

1. Hear and decide appeals and review any administrative order, requirement, decision or determination made by the Ordinance Enforcement Officer and to rule on any Site Plan or Special Exception ruling made by the Planning Commission.
2. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse any order, requirement, decision or determination of the Ordinance Enforcement Officer / Planning Commission, or to decide in favor of the party

aggrieved, any matter on which they are required to pass under this Ordinance, or to effect any variation of the Ordinance.

3. The ZBA shall adopt from time to time such rules and regulations as may be deemed necessary to govern its procedures.
4. All meetings of the Zoning Board of Appeals shall be open to the public. Notice shall be posted at the Township Hall.
5. Meetings shall be held in the Lake Township Hall and shall abide by Open Meetings Act and the ADA requirements. Each public body must keep minutes of each meeting showing the date, time, place, members present, members absent, others in attendance, any decisions made at a meeting open to the public. The minutes shall include all roll call votes taken at the meeting. Corrections in the minutes shall be made no later than the next meeting after the meeting to which the minutes refer. Proposed minutes of every meeting shall be available for public inspection no more than eight (8) business days after the meeting to which they refer.
6. NOTICE OF REQUEST FOR AN APPEAL:
 - a. The Township Clerk on receipt of the appeals application shall record the date of receipt and transmit three (3) copies to the Chairman of the ZBA and one (1) copy to the Ordinance Enforcement Officer.
 - b. The Chairman of the ZBA shall schedule a hearing within forty five (45) days of the receipt of the appeals application as well as the recommendations of the Ordinance Enforcement Officer.
 - c. Notice of said hearing shall be posted in a newspaper of general circulation in the Township and be given not less than fifteen (15) days before the hearing when the appeal shall be considered.
 - d. Notice shall be sent by mail or personal delivery to:
 1. The owners of the property for which the appeal is being considered.
 2. All persons to whom real property is assessed within three hundred (300) feet of the boundary of the property and the occupants of all structures within three hundred (300) feet. A verification of the notice shall be retained by the ZBA.

1003 POWERS OF THE ZONING BOARD OF APPEALS

1. The ZBA shall interpret the provisions of this Ordinance in such a way to carry out its intent and purpose as expressed in the PREAMBLE and in accordance with the plan as shown in the Zoning Map and its supplementary map sections.
2. The decision of the ZBA may reverse or affirm, wholly or in part, or may modify the administrative order requirements, the decision of the Ordinance Enforcement

Officer from whom the appeal was taken. The ZBA's decision shall have all the powers of the said Officer and may direct the issuance of a permit.

3. To interpret the Ordinance and to authorize variations in accordance with the applicable section.
4. Where practical difficulties exist in carrying out the strict letter of the Ordinance, the ZBA shall be enabled to pass regulations and provisions relative to the construction, structural changes in equipment, alterations of buildings or structures, so that the spirit of this Ordinance shall be observed. Public safety secured, and substantial justice done.
5. The decision of the ZBA is final as far as it involves discretion or the findings of fact.
6. The ZBA in cases of questionable or controversial nature, subject to appropriate consideration and safeguards following proper procedure, shall have the authority to:
 - a. Determine and vary the application of the purpose and intend thereby avoid causing practical difficulty to the aggrieved petitioner, as well as prevent a nuisance being created in the respective neighborhood, site or location in question.
 - b. Approve issuance of a permit for the extension of a use zone for a distance not to exceed twenty five (25) feet where the boundary line of a zoning district divides a lot which is in a single ownership at the time of the adoption of this Ordinance.
7. Approve issuance of a permit for the creation of a single family dwelling on the lot held under separate and distinct ownership from adjacent lots, which has less area than the area for family requirements of this Ordinance for the zone in which such lot is located, provided such building or structure does not distract greatly from the character of the neighborhood.
8. Approve the resumption of non-conforming buildings, structures or use thereof in cases where such buildings, structures or use thereof has been abandoned or discontinued through vacancy, lack of operation, etc., as stated in Article V, Chapter 18.
9. The ZBA **shall not have** the power to:
 - a. Change classification of any property a delineated on the Zoning Map.
 - b. Change the permitted uses allowed by this Ordinance.
 - c. Grant "Use Variances". (Permits a use of land not otherwise permitted in that zoning district on that parcel) A use variance effectively rezones the parcel without prior approval of the Planning Commission and legislative body.

- d. Reverse a decision simply because the ZBA disagrees with the decision.

1004 HEARINGS AND DECISIONS UPON ADMINISTRATIVE APPEALS

1. The ZBA has two (2) options when hearing an appeal of an administration decision:
 - a. Upholding the decision of the Ordinance Enforcement Officer or Planning Commission. The decision of the Ordinance Enforcement Officer is confirmed and enforcement or other appropriate action can continue.
 - b. The decision of the Ordinance Enforcement Officer may be reversed or modified. This decision shall only be reached after a finding by the ZBA that the Ordinance Enforcement Officer or Planning Commission did not use the proper procedures or consideration when making the initial decision.
2. If a ZBA motion to **approve fails a majority decision** of the members, then a motion to deny **must** be approved by the majority of the members to decide the matter. Otherwise the matter is still pending.
3. The ZBA shall render its decisions stating its reasons and by stating the section of the Ordinance to which it refers, within eight (8) business days after the meeting to which they refer.

1005 APPEALS. HOW TO BE TAKEN

1. Any person aggrieved by the decision of the Ordinance Enforcement Officer, Township Board or Planning Commission may appeal said decision to the Chairman of the Zoning Board of Appeals. The appellant shall file a Notice of Appeal with the Zoning Board of Appeals within fourteen (14) calendar days of the decision being appealed. The Notice of Appeal shall specify the grounds for the appeal and the facts supporting the appeal. The appeal shall be limited to the issues raised by the appellant.
2. An appeal shall not be effective until the appellant has paid the appropriate fee and any applicable escrow to the Zoning Board of Appeals. This fee shall be nonrefundable and in an amount as determined by the Township Board, from time to time.
3. The Ordinance Enforcement Officer, after review of the appeal, may establish an amount to be deposited by the applicant with the Township Clerk as an escrow deposit to defray the anticipated costs incurred by the Zoning Board of Appeals to review and process the appeal(s). The Zoning Board of Appeals shall not commence consideration of the merits of the appeal(s) until the escrow deposit is received by the Township Clerk. Any unused portions of the escrow deposit

remaining after consideration and processing of the appeal shall be returned to the applicant(s).

4. An appeal shall not be reviewed, processed, or scheduled for a hearing until an appellant provides the Zoning Board of Appeals with a sufficient deposit to cover the Township's expenses in reviewing the appeal.
 - a. The deposit shall be in an amount sufficient to cover the expenses of professional review by the Township Engineer, Attorney, Planner, or other expert consultant.
 - b. The deposit shall be in the form of cash or some other form of payment acceptable to the Township.
 - c. In the event the deposit is inadequate to reimburse the Township for the aforementioned expenses, appellant shall be required to provide additional deposits in an amount equal to the shortfall.
 - d. Any portion of the deposit not used by the Zoning Board of Appeals in reviewing an appeal shall be returned to the appellant, regardless of whether or not the appeal is successful.

Stay: An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal has been filed that by reason of the facts stated in the certificate, a stay would, in his opinion, cause eminent peril to life or property, in the latter case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application of notice of the officer from whom the appeal is taken and on due cause shown.

1006 CRITERIA OF REVIEW

1. Site Visits:
 - a. Shall be on an individual basis.
 - b. ZBA members shall not go onto the site unless specific written permission has been granted by the property owner by signing a permission statement.
 - c. If permission is not granted, it is allowable to ask the applicant to supply additional information such as photographs, videotapes or surveys.
 - d. During site visits members shall not engage in conversation with the property owner, applicant or neighbors.
 - e. Conversation regarding the appeal shall be withheld until the hearing. At the hearing, a party may appear in person or by agent or by attorney.
2. Standards for Review:
 - a. Would applying the Ordinance requirements render use of the property impracticable or be unnecessarily burdensome?

- b. Does the site experience circumstances unique to the property that are not generally found with similarly zoned property?
- c. Given the character of the site and the standards of the Ordinance, would approval of the variance provide the applicant with a right or privilege not made available to others?
- d. Would a variance of lesser magnitude be more appropriate?
- e. Was the situation self-created?

1007 A MEMBER SHALL DISQUALIFY THEMSELVES:

- 1. From a vote in which he/she has a conflict of interest. Failure to do so constitutes malfeasance in office. (MCL 125.288 (4)).

1008 A PARTY AGGRIEVED BY THE DECISION:

- 1. Must file an appeal to the Roscommon County Circuit Court.
- 2. Must be filed within thirty (30) days after the ZBA in writing signed by the Chairperson of the members of the ZBA. (MCL 125.3606 (3)).
- 3. Or within twenty one (21) days after the ZBA approves the minutes of the decision. (MCL 125.3606 (3)).

- 1100** **ARTICLE XI, BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY**
- 1101** **A.** **No structure shall be erected**, altered, or excavation started until a land use permit is issued by the Ordinance Enforcement Officer and a building permit is issued by the Houghton Lake Building Agency. Within five (5) business days, upon receipt of an application for a Land Use Permit, which is in satisfactory form, the Ordinance Enforcement Officer shall issue such permit with two (2) copies, original to the applicant, one (1) copy for his file and one (1) copy to the Supervisor. Permits shall be numbered.
- 1102** **B.** It shall be unlawful to use or permit the use of any building or premises or part thereof hereafter located, erected, changed, converted or enlarged wholly or partly until final approval is granted or issued certifying that the structure or use complies with this Ordinance and the state building code. Such occupancy permits shall be granted or denied within thirty (30) days from the date that a written application is filed with the building inspector or Ordinance Enforcement Officer.
- 1103** **C.** **Prior to the issuance of such certificate** of occupancy, the building inspector shall be satisfied that the building to be erected or that the alterations to be done shall comply in all respects with the building and health laws and ordinances and the provisions of these regulations. It shall be the duty of the applicant for such certificate of occupancy or permit to furnish to the building inspector such plans or other information as the building inspector may require in order to be reasonably satisfied that the building to be erected or altered will so comply. Fees shall be charged and paid to the appropriate authority upon the issuance by the building inspector of certificates of occupancy or building permits for all new construction projects, alterations, additions to, or repairs on all existing buildings or structures, to wit: as shall be determined by resolution of the Township Board.
- 1104** **D.** **The Houghton Lake Building Authority** and the Ordinance Enforcement Officer shall have the power to refuse, cancel or revoke **(red tag)** any Land Use Permit, in case the owner or his duly authorized agent has failed or neglected to meet the requirements of this Ordinance, or has made any false statement or representation in his application for the Land Use Permit.
- 1105** **E.** **A property owner failing to obtain a Land Use Permit**, project will be “Red Tagged” (Stop Work Order). **If a Land Use Permit** is not obtained **within five (5) days** of notification of violation, a **fine shall be** imposed, said fine will be doubled **after ten (10) days**, and court action will be sought. **All fees and fines shall be paid before the construction can proceed.**
- 1106** **F.** Timeline for completion. Once construction commences, construction of the exterior of a structure must be completed within one (1) year. The Ordinance Enforcement Officer may grant one (1) six (6) month extension for good cause. If exterior construction is not complete within this timeframe, the Land Use Permit will be revoked.

1200 ARTICLE XII, ENFORCEMENT

The provisions of this ordinance shall be enforced by the Township Ordinance Enforcement Officer.

1300 ARTICLE XIII, REZONING AND APPEAL FEES

1301 The Township Board will from time to time establish by resolution fees for application for amendments to this Zoning Ordinance and for appeals or applications to the Zoning Board of Appeals or Planning Commission to be paid to the Township with such application or appeals to help defray the cost to the Township of such proceedings. Such fees may be altered by subsequent resolution of the Township Board in the discretion of said Board.

1400 ARTICLE XIV, PENALTY

1401 Violations:

- A.** Any use of land that is commenced or conducted, any activity, or any building, item structure that is erected, moved, used, placed, reconstructed, razed, extended, enlarged, altered, maintained, or changed, in violation of any provision of this Ordinance is also hereby declared to be a nuisance per se.
- B.** Any person, firm, or corporation that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting and shall be considered to have violated the provision of this Ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this Ordinance involved as if the violation had been successful or completed.
- C.** Any person, firm, or corporation, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this ordinance or any permit, license or exception granted hereunder, or any lawful order of the Building Inspector, Officer, Board of Appeals, or the Township Board issued in pursuance of this Ordinance shall be responsible for a municipal civil infraction, subject to payment of a civil fine of up to \$500.00, along with the Township's costs and attorney's fees in prosecuting the violation.
- D.** Any person, firm, or corporation, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this ordinance or any permit, license or exception granted hereunder, or any lawful order of the Building Inspector, Officer, Board of Appeals, or the Township Board issued in pursuance of this Ordinance shall be responsible for a misdemeanor, subject to a fine of up to \$500.00, or imprisonment for up to ninety (90) days.

- E. Upon application to any court of competent jurisdiction, the Court may order the nuisance abated and/or the violation restrained and enjoined. The enforcement of this Ordinance by abatement of any nuisance by the enforcing officer or by application to any Court of Competent Jurisdiction for abatement by Judicial decree or writ shall not preclude enforcement of this Ordinance by the issuance of a municipal civil infraction and the imposition of fine and costs.
- F. The Ordinance Enforcement Officer is the township official authorized to issue municipal civil infraction citations and municipal civil infraction violation notices or other notices for violations of this Ordinance.
- G. Each day that a violation is permitted to exist shall constitute a separate offense.
- H. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

1402 Who May Bring Action?

The Ordinance Enforcement Officer or any Officer of the Township, County or State, the Board of Appeals, or any owner or owners of real estate within the Township may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate or remove any such unlawful erection, alteration, construction, reconstruction, maintenance or use. The right and remedies provided herein are cumulative and in addition to all other remedies provided by law.

1403 The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

1500 ARTICLE XV, VALIDITY

1501 Should any section, subsection, clause, provision or parts thereof of this Ordinance be declared by the courts to be invalid, such decision shall not affect the validity of the ordinance in its entirety or of any part thereof, other than the portion so declared to be invalid.

1600 ARTICLE XVI, RESOLUTIONS, AMENDMENTS AND SUPPLEMENTS

1601 Resolutions, amendments and supplements to this Ordinance may be adopted as provided by law. Any parts of this Ordinance in conflict with these resolutions, amendments and supplements shall be considered repealed at the time such new resolutions, amendments and supplements take effect.

1602 AMENDMENTS AND REZONING AUTHORITY

The Township Board may amend, supplement, or change the provisions of this Ordinance, provided that all amendments and procedures are in accordance with the Michigan Zoning Enabling Act, MCL 125.3101 et seq.

REZONING

For the purposes of this Article and other applicable sections of this Ordinance, the term "rezoning" shall be considered an amendment to the Zoning District Map. The procedure for rezoning shall follow the procedure set forth in this Article for amendments.

INITIATION OF AMENDMENTS

Proposals for amendments may be initiated by the Township Board, Planning Commission, by petition of one or more residents of Lake Township, or by one or more persons acting on behalf of a resident of Lake Township.

PROCEDURE

A. Authority.

The Township Board, after review and recommendation by the Planning Commission, has authority to adopt amendments to the text of this Ordinance and the zoning map.

B. Procedure for Amendment of Zoning Ordinance.

1. Pre-Application Conference. The applicant/property owner must attend a preapplication conference to be coordinated by the Ordinance Enforcement Officer. This meeting may include the Township Supervisor, Chairperson of the Planning Commission, Ordinance Enforcement Officer, and consultants hired by the Township or other officials to discuss the project. The Ordinance Enforcement Officer may require the applicant to make an escrow deposit to cover the Township's actual costs incurred for such a meeting.
2. Application. Ten copies for an application seeking an amendment to the text or map shall be filed with the Township Clerk. The Township Clerk shall date stamp all materials received, retain the original documents, and distribute the copies appropriately.
3. The application shall provide the following information if an application involves an amendment to the official zoning map:
 - a. A legal description of the property, including the street address and tax code number(s).
 - b. The name, address, and telephone number of the applicant.
 - c. The applicant's interest in the property. If the applicant is not the owner, the name and address of the record and known owner(s), and the owner(s) signed consent to the application. 153
 - d. Identification of the zoning district requested and the existing zoning of the property.
 - e. Identification of the area that is being considered for rezoning and existing land uses within that area, along with a description of the current zoning and existing land uses of all properties within 500 feet of that area.
 - f. Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information.

- g. Further information as requested by the Ordinance Enforcement Officer, consultants hired by the Township, Planning Commission, or Township Board that is relevant to the site and standards set forth in this Ordinance.
4. The application shall provide the following information if an application involves a change in the text of this Ordinance:
- a. A detailed statement clearly and completely setting forth all proposed provisions and regulations, including all changes in the zoning ordinance necessary to accommodate the proposed amendment.
 - b. Name and address of the applicant.
 - c. Reasons for the proposed amendment.
 - d. Further information as requested by the Ordinance Enforcement Officer, consultants hired by the Township, Planning Commission, or Township Board, that is relevant to the proposed text amendment.
 - e. Right of Entry. The filing of an application to rezone shall constitute permission from the owner for the Township to complete an on-site investigation of the property in question for purposes of this Section.
5. Application Fee. The applicant shall submit to the Township Clerk with the application an application fee in an amount established by resolution of the Township Board to cover the fixed costs associated with processing the application.
6. Escrow deposit. The Ordinance Enforcement Officer, after review of the application, shall establish an amount to be deposited by the applicant with the Township Clerk as an escrow deposit to defray the anticipated costs incurred by the Township to review and process the application(s). The Planning Commission shall not commence consideration of the merits of the application(s) until the escrow deposit is received by the Township Clerk. Any unused portions of the escrow deposit remaining after consideration and processing of the application shall be returned to the applicant(s).
7. Initial Review. The Ordinance Enforcement Officer shall review the application(s) for completeness and indicate to the applicant additional information and documents to be provided. The Planning Commission shall schedule all public hearings and the Township Clerk or his/her designee shall coordinate public notices.
8. Public Hearing - Planning Commission. The Planning Commission shall conduct a public hearing on the proposed text amendment or rezoning.
9. Administrative Report. Following the public hearing the Planning Commission may request that the Ordinance Enforcement Officer and/or other persons retained by the Township present a report that analyzes the application(s) with respect to the requirements and standards of applicable federal and state statutes, ordinances, rules and regulations.

C. Standards and Burden.

In deciding a request for a zoning text amendment or rezoning, the Planning Commission and Township Board shall be governed by the following principles and standards:

1. The applicant shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact.
2. Decisions to amend the ordinance text or official zoning map are legislative in nature, and the Township Board ultimately has discretion to act in the interest of the public health, safety, and general welfare.
3. In considering an application for rezoning, the following factors may be considered, among others:

- a. Whether all required information has been provided and fees paid.
- b. Consistency with the goals, policies, and future land use map of the Master Plan. If conditions have changed since the Master Plan was adopted, the rezoning may be found to be consistent with recent development trends in the area.
- c. The compatibility of all uses permitted in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values compared to uses permitted under current zoning.
- d. The capacity of local utilities and public services sufficient to accommodate all the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township, including the capacity of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- e. The precedents, and the possible effects of such precedents, that might result from approval or denial of the petition, and
- f. Whether the requested rezoning will create an isolated and unplanned spot zone.

D. Payment of Costs.

Prior to any decision on an application for rezoning or concurrent application, the applicant shall pay all costs and expenses incurred by the Township to review and process the application(s). If sums due and owing the Township are not paid, the Township Board may delay making its decision(s) until such time as the sums are fully paid, dismiss the application(s), or take such other action as provided by law.

PUBLIC NOTICE

Public notice of any hearing required by this Ordinance shall comply with the following provisions:

- A. Notice shall be published in a newspaper of general circulation in the Township no less than 15 days before the date of the hearing.
- B. Owners of property that is within 300 feet of the property subject to a request, along with at least one of the occupants of all such property, shall be provided with at least 15 days' written notice. Such notice shall be delivered either personal or by mail. If any property within 300 feet of the subject property contains more than 4 dwelling units, notice may be given to the manager or owner of that structure, who shall then post the notice at the structure's primary entrance.
- C. Notices shall contain, at minimum, the following:
 1. A description of the nature of the request.
 2. An indication of the property that is subject to the request, along with a listing of all existing street addresses within the property. In the event there are no such addresses existing within the subject property, other means of identification may be used.
 3. A statement as to when and where the request may be considered.
 4. An indication of where and when written comments will be received concerning the request.
- D. Any neighborhood organization, public utility company, railroad or any other person or organization may register with the Ordinance Enforcement Officer or the Clerk to

receive written notice of hearing of applications for approval. Fees may be assessed for the provision of this notice.

E. All registered entities or persons must reregister biannually to continue to receive notification pursuant to this section.

1700 ARTICLE XVII, EFFECTIVE DATE

1701 This Ordinance shall take effect eight (8) days after publication. All ordinances and amendments, or parts of same, in conflict herewith are hereby repealed.

1800 ARTICLE XVIII, INTERPRETATION

1801 In their interpretation and application, the provisions of this Ordinance shall be the minimum requirements adopted for the promotion of public health, safety and general welfare.

1802 Whenever any provisions of this Ordinance impose more restrictions than are imposed by deeds, State Laws or regulations of other government authorities, the provisions of this Ordinance shall govern. Where the provisions of such other agencies impose more strict regulations than imposed by this Ordinance, the provisions of other ordinance or regulations shall govern except those which contravene the provisions of State Law or the Constitution of the State of Michigan or the United States. It is not intended by this Ordinance to interfere or abrogate or annul any easements, covenants or other agreements between the parties, provided however, that where this ordinance imposes a greater restriction upon the use of a building or land than existing easements, covenants or other agreements, the provisions of this Ordinance shall govern or control.

Section 10	R-1	All parcels fronting Houghton Lake, the Muskegon River, or a canal having access to the lake, except those parcels zoned CW or FR.
	R-1	The Old Dam Subdivision, lots 1 through 23 inclusive.
	R-1	All shore line from Muskegon River East to Bay View Street, including lots 24, 25, 30, 31, Summer Homes Subdivision.
	R-2	The Old Dam, Parcels 24 through 70 inclusive, and all of 2 nd addition to The Old Dam.
	R-2	Bradford East to Bay View St., North of County Road 300.
	FR	All State owned land described as Property Tax Number 006-010-001-0020.
	R-2	Ford Shores, parts of parcels 49 through 55.
	R-2	Ford Shores, parcels 40 through 48. Parcels 41 through 45 are Township owned properties and the present location of the Township Fire Department.
	R-2	All parcels west of West Shore Drive from Ford Shores subdivision to Porath Isle Ct.
	C-W	Kear's Oak Villa, lots 1 through 4.
	C-W	Parcels fronting on the West side of the Muskegon River, North of West Shore Drive.
	C-2	Those parcels fronting only on North Harrison Road (Old 27) known as Property Code #006-010-010-0140 and #006-010-010-0120, except those zoned FR.
	C-2	North East parcel at intersection of West shore Drive and River Road, known as Property Code #006-010-010-0100. Balance is Waters of Houghton Lake.
	Section 11.	AG
	R-1	All parcels fronting on Houghton Lake and Sucker Creek not to include State owned property.
	R-2	All parcels lying North of and Fronting on County Rd. 300.
	FR	North and South of County Road 300 known as Property Code #006-011-002-0025. Balance is Waters of Houghton Lake.

- Section 12.** AG South ½ of the South East ¼.
- R-1 All parcels Fronting on Houghton Lake.
- R-2 All parcels North East and fronting on County Road 300.
- FR All other parcels known as Property Code #006-012-001- 0020 and #006-012-005-0020.
- Balance is waters of Houghton Lake.
- Section 13.** AG Part of the North East ¼ of the South West ¼.
- AG The remaining parcels of the South East ¼ of the South West ¼.
- AG The South East ¼ of Section 13.
- AG The North ½ of the North East ¼.
- R-1 All parcels fronting on Houghton Lake.
- R-2 All parcels on the East Side of County Road 300 (excepting State owned property) from the North Section Line to Long Point Drive.
- R-2 Part of North East ¼ of the North West ¼ (006-013-010- 0021) of the South West ¼ (NE Side of County Road 300).
- R-2 That portion between Long Point Drive, County Road 300, and Woodworth Drive.
- R-2 That portion of the South West ¼ of the South West ¼ lying South of Woodworth Drive.
- C-2 All parcels fronting the East side of County Road 300, being part of the South East ¼ of the South West ¼.
- FR The South ½ of the North East ¼.
- FR The East ½ of the Northwest ¼.
- FR State owned lands fronting on the East side of County Road 300, located in the West ½ of the North West ¼.
- Balance is Waters of Houghton Lake.
- Section 14** R-1 All parcels fronting on Houghton Lake.
- R-2 All parcels on the South East Side of Long Point Drive.
- The balance is waters of Houghton Lake.

- Section 15** R-1 All parcels fronting on Houghton Lake.
The balance is waters of Houghton Lake.
- Section 16** R-1 All parcels lying East of West Shore Drive.
- R-2 All parcels fronting on West side of West Shore Drive.
- R-2 Parcels fronting on Water Street, Yellow Birch Avenue, West of West Shore Drive.
- C-2 Those parcels fronting only on North Harrison Road (Old 27) and those parcels fronting only on Wades Dr. Ingress and egress shall be from North Harrison Road (Old 27)
- FR State Owned property West of the Agnes Subdivision, bounded by (Old 27), Red Pine Avenue and the South Section Line.
- FR The balance of property West of North Harrison Road (Old 27), Bounded by North, West and South Section Lines.
Balance is waters of Houghton Lake.
- Section 17.** FR All is acreage. (636.60 acres)
- Section 18.** FR All is acreage. (646.31 acres)
- Section 19.** FR All is acreage. (628.63 acres)
- Section 20.** FR All is acreage. (640.00 acres)
- Section 21.** R-1 All parcels lying East of West Shore Drive.
- R-2 All parcels fronting only on the West side of West Shore Drive, except those parcels zoned FR.
- C-2 Those parcels fronting only on North Harrison Road (Old 27). Ingress and egress shall be from North Harrison Road. Include that parcel fronting on N. Harrison Rd. (Old 27) and the Southwest corner of Yeager Rd. known as Property Code #006-021-014-0420.
- FR Those parcels bounded by Yeager Road, North Harrison Road (Old 27), and North and West Section Lines.
- FR Southerly ½ of the section not already zoned as R-1, R-2 or C-2
Balance is waters of Houghton Lake.

- Section 22.** R-1 All parcels fronting on Houghton Lake.
Balance is waters of Houghton Lake.
- Section 23.** R-1 All parcels fronting Houghton Lake or a canal having access to the Lake, excepting those parcels zoned FR.
- R-2 North of Long Point Drive, bounded by Keith Street on the East, balance of the South East ¼ of the North East ¼.
- FR South West ¼ of the North East ¼ lying North of Long Point Drive.
- FR Balance of property East of Sun Down Point not already Balance is waters of Houghton Lake.
- Section 24.** R-1 All parcels South of Long Point Drive and South of East Houghton Lake Drive (with the exception of the North side of Blossom Ct.)
- R-2 All parcels fronting on the North Side of Long Point Drive, the North side of Blossom Ct, and the North side of East Houghton Lake Drive, except those properties designated C-2 and FR.
- C-2 All parcels South of the North Section Line fronting on East and West side of County Road 27-34 of Indian Trails Subdivision No. 1.
Balance is waters of Houghton Lake.
- Section 25.** Balance is waters of Houghton Lake.
- Section 26.** Balance is waters of Houghton Lake.
- Section 27.** R-1 All parcels fronting on Houghton Lake.
Balance is waters of Houghton Lake.
- Section 28.** R-1 All parcels fronting on Houghton Lake
- R-2 All parcels West of Clearview Drive to North Harrison Road (Old 27) and West Shore Drive.
- R-2 All parcels fronting on the West side of West Shore Drive, except those zoned FR.
- C-2 All parcels fronting only on North Harrison Road (Old 27), except those zoned FR and R-2. Ingress and egress shall be from North Harrison Road, (Old 27).
- FR All parcels West of North Harrison Road (Old 27) bounded by the South and West and North Section Lines. Balance of parcels not zoned R-2 or C-2, starting at the intersection of North Harrison Road (Old 27) and West Shore Drive to the North Section Line.

- Section 29.** AG Southwest ¼ of the Southeast ¼.
- AG South ½ of the Southwest ¼.
- AG Northwest ¼ of the Southwest ¼.
- AG Part of the Southwest ¼ of the Northwest ¼ (fronting on County Road 303).
- AG Township Property – Part of the Northeast ¼ of the Southwest ¼ and part of the Southeast ¼ of the Northwest ¼ and part of the Southwest ¼ of the Northwest ¼ fronting County Road 303.
- FR Balance of parcels in Section 29.
- Section 30.** AG All parcels in Section 30 not zoned R-3, C-2 or FR.
- R-3 All parcels in Slingerland Subdivision.
- R-3 All parcels in River Trail Subdivision and River Trail Subdivision No.2.
- R-3 Those parcels West of Muskegon Rd. North to Towne Rd. Located in the Southwest ¼ of the Northwest ¼.
- R-3 All parcels fronting on the East side of Muskegon Rd. North from Spink Rd. to Towne Rd. excepting 2 parcels zoned C-2.
- C-2 Two parcels fronting on the East side of Muskegon Road North of Spink Road Known as 006-030-007-0320 and 006-030-007-0325.
- FR Northwest ¼ of the Northwest ¼.
- Section 31.** FR All parcels in Section 31.
- Section 32.** AG All parcels fronting on Michelson Road except those Zoned C-1 and FR.
- AG Part of the Southeast ¼ of the Northeast ¼.
- C-1 Those parcels (006-032-016-0082) (006-032-016-0100) lying North of M-55 and West of Michelson Road.
- FR Balance of parcels in Section 32.
- Section 33.** AG Those parcels West of US 127 to the West section line except for parcels zoned C-1 (006-033-011-0240) and FR.
- AG All parcels North of Cloverleaf Sub to the Northwest ¼ of the Southwest ¼ excluding those parcels under five (5) acres.
- AG Northwest ¼ of the Northeast ¼ including part of the Northeast ½ of the Northwest ¼.

- R-1 Those parcels numbered, 006-033-001-0020, 006-033-001-0100, 006-033-001-0120.
 - RR-1 Only those parcels fronting on the south side of Peter Ave.; 006-290-035-2000, 006-290-036-0000, 006-290-036-1000
 - R-2 All parcels fronting on the West side of Clearview Drive.
 - R-2 All parcels in Cloverleaf Subdivision.
 - R-2 The unrecorded plat of Northway Subdivision, parcels 12 through 47.
 - R-2 Northway Subdivision, parcels 12 through 26, 38 through 52 and 63 through 77.
 - R-2 All parcels fronting on Northway Road that are under five (5) acres.
 - C-1 Easterly ½ of the Southwest ¼.
 - C-1 Those parcels North of M-55, lying South of Cloverleaf Sub and South of Nottingham Drive between North Harrison Road (Old 27) and US 127. For Commercial use, all parcels fronting on Nottingham Drive must be legally incorporated with property fronting on M-55. Ingress and Egress on all parcels must be from M-55.
 - C-1 Those parcels fronting on North Harrison Road (Old 27) from M-55 to the North line of Northway Sub, including parcels 5 through 11 and 48 through 54 of the unrecorded plat of the Northway Sub, and parcels 31 through 37 and 56 through 62 of the Northway Sub. For Commercial use, all parcels not fronting on North Harrison Road (Old 27) must be legally incorporated with parcels on North Harrison Road (Old 27). Ingress and Egress on all parcels must be from North Harrison Road (Old 27).
 - C-1 That parcel North of West Lake City Rd. (M55) and East of Michelson Road known as 006-033-011-0240.
 - C-2 Those parcels fronting on the West side of North Harrison Road (Old 27) from the North line of Northway Subdivision to the North Section Line.
 - C-2 Those parcels lying North of Peter Avenue and fronting only on the East side of North Harrison Road (Old 27).
- Section 34.**
- R-1 All parcels on Beebee's Island and East to the waters of Houghton Lake except those parcels zoned C-W.
 - R-1 East of Clearview Drive, South of the North section line through Lot 19 of Lantz Subdivision.
 - R-1 Parcels 8 through 20 in Opportunity Subdivision.
 - C-W East of North Harrison Road (Old27), South from the North boundary or Lot 20 of Lantz Subdivision to M-55 except those parcels zoned R-1 or FR.

C-W Those parcels fronting on M-55 and State Avenue between North Harrison Road (Old27) and Graham Drive.

FR East of North Harrison Road (Old 27), South of Carlos Avenue through parcel 7 of Opportunity Subdivision.

Balance is waters of Houghton Lake.

Section 35. All is waters of Houghton Lake.

Section 36. All is waters of Houghton Lake.

2000 **ARTICLE XX ZONING CHANGES TO ZONING MAP
LEGEND**

2001 Effective date; December 6, 2002
Section 30, 006-030-006-0100, R-3; 006-030-006-0120, R-3;
006-030-006-0140, R-3; 006-030-006-0160, R-3;
006-030-006-0283, R-3; 006-030-007-0285, R-3;
006-030-007-0180, R-3; 006-030-007-0200, R-3;
006-030-007-0220, R-3; 006-030-007-0240, R-3;
006-030-007-0320, C-2; 006-030-007-0325, C-2;

Section 32, 006-032-016-0120, AG;

Section 33, 006-033-011-0170, AG; 006-033-011-0180, AG;
006-033-011-0190, AG; 006-033-011-0110, AG;
006-033-011-0200, AG; 006-033-011-0210, AG;
006-033-011-0220, AG;

2002 Effective date; June 24, 2021 (See Ord 55A)
The MO Marihuana Overlay District

All parcels within the C-1 Commercial District: 1) Located west of Old 27 (North Harrison Road) and having frontage on the north side of West Lake City Road (M-55); or 2) Located north of West Lake City Road (M-55) and south of Mary Street and having frontage on the west side of Old 27 (North Harrison Road).

2100 **ARTICLE XXI** **AMENDMENTS TO ORDINANCE 9**

- 2101 Effective date; December 6, 2002
- A. Page 2-5, G, 2, Change sign set back distance to 20 feet.
 - B. Page 2-5, G, 4, Change temporary sign setback (10 feet) and size (4sq ft).
 - C. Page 5-9, M, 4, Change or to of.
 - D. Page 6-1, A, 2, Change lot size to 12,000 square feet.
 - E. Pages 9-1, 10-1,11-1, Add a final site plan must be approved by the Planning Commission
 - F. Page 9-1, A, 7, Remove (No other single or two family dwelling shall be permitted).
 - G. Page 9-2, D, 3, Add Final determination for setbacks shall be made at the time of the Site Plan Review.
 - H. Pages 9-7, M,3, 10-7, L,29, 11-6, L,17, Add Single and two family dwellings to Special Exceptions.
 - I. Pages 10-2, C, 1, and 11-2, C, 1, Change front building line to 20 ft.
 - J. Pages 10-2, C, 3, and 11-2, C, 3, Change the setback on corner lots to 20 feet. Add final determination for setbacks shall be made at time of Site Plan Review.
 - K. Page 10-7, Add #28 Condominiums.
 - L. Pages 14-1, 402, A, and 15-2, 415, A, Add Where both a Special Exception/Special Land Use and a Site plan Review is required, only one fee shall be charged.
 - M. Pages 20-3, C9, and 20-6, C10, Change twenty five feet to twenty ft.

- 2102 Effective date; March 7, 2003
- A. ROADWAYS (Page 17-2 and 17-3)
 - County Approved Roads.
 - Private Roads

Text Changes

- Page 1-7, Add Sections XXI, XXII to Index.
- Page 1-21,244a, ROADWAYS (Definition).
- Page 2-4, D, 3-4, D, 4-4, D, 5-5, D, 6-4, D, Lot Accessibility.
- Page 9-1, 11-1, add "Bait Houses" to Permitted Uses.
- Page 126, Section 15-3, C, 15, A survey of the parcel if deemed necessary.
- Page 15-4, Section 417, A.
- Page 15-4, Section 417, D, add "drainage" to end of sentence.
- Page 22-4, Section 903, D, add "drainage" to end of sentence.

- 2103 Effective date: October 3, 2003
- Page 1-21, 241a, definition of Raised Ranch.
 - Page 1-23, 253 redefinition of Structure.
 - Page 1-23, 254 redefinition of Temporary Structure.
 - R-1 Page 3-1, 2, b, No temporary structures shall be allowed.
 - R-1 Page 3-7, K6, Temporary structures shall not be allowed.
 - R-1 Page 3-2, 3-9, Fences, A3.: and page 3-9, O.
 - RR-1 Page 4-7, K6 Accessory Buildings permanent or temporary
 - R-2 Page 5-1, A,3 5-2, A,4 5-8, K,6 Accessory Buildings
 - Page 5-2 and See Fence Exceptions, N.
 - R-3 Page 6-1, A,4. K,6 Accessory Buildings permanent or temporary
 - Page 6-9 and 75, N, Fences
 - Rules Page 8-3 and 8-8 Fences
 - Page 8-6, L, 6, Temporary structures shall not be permitted.

C-W Page 9-1 Accessory Buildings permanent or temporary
(Continued) RR-1, R-2, R-3, C-W, C-1, C-2
Temporary Structures shall require a Land Use Permit.
Pages 3-7, 6; 4-7, 6; 5-8, 6; 6-7, 6; 9-5, 5; 10-5, 5; 11-5, 5;

- 2104 Effective date: January 20, 2004
Page 1-15, 212 Definition of Contiguous.
AG Page 2-8, K., 4., Wildlife Preserves/Reserves.
AG Page 2-8, K., 5., Hunting Preserves/Reserves.
AG Page 2-8, K., 12., 17., A Recreational Vehicle shall be allowed on private property, with conditions and limitations.
- 2105 Effective date: December 31, 2004
R-1 Page 3-3 and 36 C. Setbacks, 2. And 3.
Page 1-24 Definition 255 Waters edge
- 2106 Effective date: March 4, 2005
C-W Page 9-1, A. Permitted Uses 9 through 16 (new)
Page 9-7, Special Exception Uses
- 2107 Effective date: July 15, 2005
AG Page 2-6, H. 2. "serviceable farm equipment".
R-1 Page 3-8, K. 10. Deck setback calculations for canal lots.
AG Page 2-6, H. 2. Rewrite of junk car area
R-1 Page 3-6, J. 2. Rewrite of junk car area
RR-1 Page 4-6, J. 2. Rewrite of junk car area
R-2 Page 5-7, J. 2. Rewrite of junk car area
R-3 Page 6-6, J. 2. Rewrite of junk car area
Rules Page 8-5. K.2. Rewrite of junk car area
- 2108 Effective date: Feb. 3, 2006
Changes to fence setbacks
R-1 Page 3-2, A. 3.
RR-1 Page 4-2, A. 3.
R-2 Page 5-2, A. 5.
R-3 Page 6-2, A. 6.
Rules Page 8-3. G. 1.
Descriptions Page 1-21, 244a Change to Private Roads/Easements
2102 A. Roadways Page 27-1, 27-2 Change two dwellings to three.
C-2 Page 11-1, Change lot size to ½ acre.
- 2109 Effective date: Oct. , 2006
Various changes to Height of Buildings
Illustrations Page 1-25 remove Illustration
Illustrations Page 1-26 remove Illustration
AG Page 2-7 I, 8. Remove Ref. to C & D.
R-1 Page 3-7 K, 7. Remove Ref. to C & D.
RR1 Page 4-7 K, 7. Remove Ref. to C & D.
R-2 Page 5-8 K, 7. Remove Ref. to C & D.

R-3	Page 6-7	K, 7. Remove Ref. to C & D.
Rules	Page 8-6	L, 7. Remove Ref. to C & D.
C-W	Page 9-6	K, 7. Remove Ref. to C & D.
C-1	Page 10-5	J, 6. Remove Ref. to C & D.
C-2	Page 11-5	J, 6. Remove Ref. to C & D.
Rules	Page 8-4	L, 7. Remove All buildings and/or structures
Rules	Page 8-8	N, 5. Buildings shall be no taller than 55 feet.
C-W	Page 9-7 #12	Buildings shall be no taller than 55 feet.
C-1	Page 10-5 #27	Buildings shall be no taller than 55 feet.
C-2	Page 11-6 #16	Buildings shall be no taller than 55 feet.
Rules	Page 8-1 A,	Delete reference to 32 feet.
AG	Page 2-8 K, 1/2	Correct number sequence.
PUD	Page 13-3 – 13-10	Rules, regulations and guidelines for PUDs.

2110 Effective date: March, 2007

Page 17-1, Section 432 Outdoor Wood Furnaces
 Many pages, change Zoning Commission to Planning
 Commission
 Page 1-20, 240a; add Outdoor Wood Furnace to Definitions

Previous to March 28, 2008 Ordinance 9 was written in book form with page numbers from 1 to 175 or greater. Beginning on March 28, 2008 Ordinance 9 was changed to book form with chapters and each chapter has its own unique page numbers. Example: Chapter 3 page number begins with a 3 this tells you that chapter 3 is the rules for the Zoning district R-1. The second digit in the page number indicates the page within the chapter. Such as: 3-6

2111 Effective date: March 28, 2008

Various changes to document, removed blank pages, revised Index
 R-1 Page 3-3 and 3-4, C changed "structure" to "dwelling"
 C-W Page 9-3 G, 1 thru 6, revised Fence restrictions
 C-1 Article VIII, Page 21-2 new fence restrictions
 C-2 Article VIII, Page 21-2 new fence restrictions
 RR-1 Page 4-7, K,5 added keeping of horses, pigeons, rabbits, poultry
 RR-1 Page 4-8, M,5 added keeping of horses, pigeons, rabbits, poultry
 Page 1-14 Definitions, added ("Building Line-see #248")
 Page 1-17 220 Revised Fence
 Page 1-17 220a Privacy Fence
 Page 1-23 254 Temporary Structure

2112 Effective date: August, 2008

Page 18-1 Abandonment Discontinuance: #503 and #504
 Rewrite of both
 Page 1-22, Definitions: added (Building Line - #248)
 Page 23-5, ZBA. Appeals, how to be taken (14 days)
 Page 5-2, A, 4, a, Rewrite square footage of accessory building
 for vacant lot of record (overhang not included)

R-1 Page 3-3, Added ("See #248 in Definitions")
 R-2 Page 5-4, Added ("See #248 in Definitions")

2113 Effective Date January, 12, 2009

Table of Contents

Article II Illustrations

	Page 1-5	Residential Building Line R-2, R-3, Rules
	Page 1-5	Waterfront Building Line R-1
Sec.210a	Page 1-14	Building Line
Sec.248	Page 1-22	Setback Averaging for R-1, R-2, R-3, Rules
Sec.280	Page 1-27	Illustration for Building Line R-2, R-3, Rules
	Page 1-28	Illustration for Building Line R-1

2114 Effective Date February, 2009

Article V Non-Conforming Uses

Sec.504 Page 18-1 Remove whole paragraph about rebuilding on the same footprint.

2115 Effective Date July 10, 2009

RR-1, Page 4-9, M, Special Exceptions, 5, d.
(a new last line added)

"Manure shall be removed from the entire parcel and is not to be distributed over any of the lands therein."

2116 Effective Date July 10, 2009

Add Rear Setback restrictions for R-2, R-3, Rules
R-2, Chapter 5, page 5-5
R-3. Chapter 6, page 6-4
Rules, Chapter 8, page 8-3

2117 Effective Date January 12, 2010

Allow parcel size of 80% if all other restrictions are met.
C-W, Chapter 9, pages 9-1 and 9-7
C-1, Chapter 10 pages 10-1 and 10-7
C-2, Chapter 11 pages 11-1 and 11-7

(As of June, 2010 **R-5** has been changed to as **Rules** for Multiple Dwelling Units)

2218 Effective Date June/July, 2010

Change all references to **R-5** to **Rules** for Multiple Dwelling Units

Chapter and Pages:

1-5 Change to: Rules for Multiple Dwelling Units.

1-22 Remove R-5

1-27 Remove R-5

3-9 M, See Rules for Multiple Dwelling Units

O, See Rules for Multiple Dwelling Units

4-8 M, See Rules for Multiple Dwelling Units, Chapter 8

5-9 M, See Rules for Multiple Dwelling Units, Chapter 8

6-9 M, See Rules for Multiple Dwelling Units, Chapter 8

Sec. 350 Change from **R-5 MULTIPLE DWELLING DISTRICT** to
RULES FOR MULTIPLE DWELLING UNITS

8-8 Remove R-5

9-7 See Rules for Multiple Dwelling Units, Chapter 8

10-6 See Rules for Multiple Dwelling Units, Chapter 8

10-7 See Rules for Multiple Dwelling Units, Chapter 8

11-7 See Rules for Multiple Dwelling Units, Chapter 8

We changed all of the referenced page numbers in the:

(ARTICLE XXI AMENDMENTS TO ORDINANCE 9)

To our new scheme of Chapter and page within Chapter,

As an example, 3-1 is the first page of the R-1 district.

We began with the first Amendment on Dec. 6, 2002 and ended on the March 2007 Amendments, after which our new scheme was in place.

2219 VIOLATION OF LAWS PROHIBITED (All Zones)

Pages: 2-10, 3-11, 4-10, 5-11, 6-11, 7-2, 8-10, 9-9, 10-8, 11-8, 12-2

2220 VARIOUS CHANGES IN ALL ZONES & GENERAL PROVISIONS

Page No.	R-1 Zone
3-2	Fences: changed building line to corner of structure
3-2	chg. F. 2 to 3 (height of bushes and hedges)
3-8	No. 8. Restriction of blocking of water view. (Old numbers 8., 9., 10., have become 9., 10., 11.)
3-10	building line changed to corner of structure Bushes/hedges grow no higher than 3 feet Bushes/hedges planted to closer than 2 feet to lot line. 3 bushes/hedges in a row constitute a fence. Evergreens not allowed as a fence.
3-5	Remove Health Dept. restriction.
	RR-1 Zone
4-2	Chg. Building line to corner of structure.
4-8 and 4-9	Special Exceptions Add grazing land and what is not grazing land.
4-5	Remove Health Dept. restriction.
	R-2 Zone
5-2	building line changed to corner of structure.
5-10	building line changed to corner of structure. Bushes/hedges height changed to 3 feet Bushes/hedges shall be planted no closer to the lot line Than 2 feet 3 bushes/hedges in a row constitute a fence. Evergreens shall not be used as a fence.
5-6	Remove Health Dept. restriction (I-1.)

Page No.

R-3 Zone

- 6-2 Change building line to corner of structure.
- 6-9 Change building line to corner of structure.
Change Bushes/hedges height to no greater than **3** feet
Change Bushes/hedges to no higher than **2** feet
Change 3 Bushes/hedges in a row constitute a fence
Evergreens are not allowed

Rules for Multiple Dwelling Units

- 8-8 Change Building line to Corner of Structure
Change Bushes/hedges height to no greater than **3** feet
Change Bushes/hedges to no higher than **2** feet
Change 3 Bushes/hedges in a row constitute a fence
Evergreens are not allowed

CW Zone

- 9-3 G 2 Change Building Line to Corner of Structure
- 3 Change Building Line to Corner of Structure
- 4 Change Building Line to Corner of Structure
Fence shall not be higher than **3** feet
- 5 Change Building Line to Corner of Structure
Fence shall not be higher than **3** feet
 - a. Bushes/Hedges no higher than **3** feet and no closer than **2** feet to lot line
 - b. Evergreens are not allowed

2221

VARIOUS CHANGES IN ALL ZONES & GENERAL PROVISIONS

Page No. R-1 Zone Effective Date : October 8, 2013

- 3-1 Change 150 to 160
- 3-6 J. Delete "Motor"
- 3-6 J.1. Change to read "These regulations shall"

RR-1 Zone

- 4-1 A.2.b. Change 150 to 160 and 12 to 14
- 4-6 J. Delete "Motor"
- 4-6 J.1. Change to read "These regulations shall"

R-2 Zone

- 5-1 A.3.b. Change 150 to 160 and 12 to 14
- 5-2 C. Change 150 to 160
- 5-7 J. Delete "Motor"
- 5-7 J.1. Change to read "These regulations shall"

R-3 Zone

- 6-1 A.4.b. Change 150 to 160
- 6-6 J. Delete "Motor"
- 6-6 J.1. Change to read "These regulations shall"

MDU Zone

- 8-2 B.1. Change 150 to 160
- 8-2 C. Change six months to one year
- 8-5 K. Delete "Motor"
- 8-5 K.1. Change to read "These regulations shall"

C-W Zone

- 9-1 B.1. & 2. Change 150 to 160
- 9-2 C. Change six months to one year
- 9-4 J. Delete "Motor"
- 9-4 J.1. Change to read "These regulations shall"

C-1 Zone

- 10-2 B. Change six months to one year
- 10-2 E. Change Article VIII to VII
- 10-3 I. Delete "Motor"
- 10-3 I.1. Change to read "These regulations shall"

C-2 Zone

- 11-2 B. Change six months to one year
- 11-3 I. Delete "Motor"
- 11-3 I.1. Change to read "These regulations shall"

General Provisions

- 14-2 407 F. Change six months to one year

Zone R-1 Various changes in all Zones and General Provisions effective January 12, 2016

2221

page no.

- 3-1 3.d. add- unless wire/cyclone fencing is used which shall be no higher than four (4) feet.
- 3-3 3. Add- river after canal.

Zone R-2

- 5-2 h. add- That the use of pre-fabricated structures, i.e., shipping containers for storage, shipping, accessory buildings and sheds under 200 square feet, shall be set on a stone or gravel base.

General Provisions

- 15-1 thru 15-4 Complete rewrite.
- 17-1 Remove Outdoor Wood Burning Furnaces
- 19-1 D. add- excluding Zone C-W at five (5) feet.
- 21-1 B. 1. 2. Delete – commensurate with the adjoining residential district.
- 23-1 thru 23-4 Complete rewrite.
- 24-1 1105 E. Add- A property owner failing to obtain a Land Use Permit shall be given the opportunity to purchase a Land Use Permit within five (5) days after notification. If the property owner does not obtain a Land Use Permit within five (5) days, the project will be Red Tagged (stop work order). A fine shall be added along with the cost of the Land Use Permit. After ten (10) days the fine shall be increased. All

fees and fines shall be paid before the construction can proceed.

2222 Effective September 13, 2016

page no.

- 2-4 I. 2. Rewrite outside toilets.
- 3-5 K. 2. Rewrite outside toilets
- 4-4 K. 2. Rewrite outside toilets
- 5-5 K. 2. Rewrite outside toilets.
- 6-5 K. 2. Rewrite outside toilets
- 8-4 L. 2. Rewrite outside toilets
- 9-4 K. 2. Rewrite outside toilets
- 10-3 J. 2. Rewrite outside toilets
- 11-3 H. 2. Rewrite outside toilets

Zone AG/RA-3

- 2-4 I. 9. Add-Land owner is required to have a minimum of five (5) acres of grazing land (not to include roadways, driveways or land where structures exist or land which cannot support grass growth) for the first large animal and three (3) acres additional for each large grazing animal.
- 2-4 I. 10. Add-There shall be adequate fencing to prevent free roaming of farm animals outside of their confinement area.
- 2-4 I. 11. Add-Fencing material such as chicken wire shall be used to create an enclosure to keep poultry confined.

Zone R-1

- 3-5 K.6 Temporary structures shall meet all setback requirements and require a Land Use Permit.

General Provisions

- 24-1 1105 E. Rewrite failure to obtain Land Use Permit.

2223 Effective Date September 28, 2017

Page 3-1 (**change**) Temporary structures shall meet all setback requirements and require a Land Use Permit. (To match page 3-5)

Fences

remove a. Fences shall not exceed 6 feet in height.

Add- No earth berm shall be utilized to enhance in any way fencing height.

Page 23-1 1. Change from 5 members to 3 with 1 alternate.

2. Two of the three ZBA members shall constitute a majority to conduct a meeting.

2224 Effective Date 2020

Integrated Ordinance 55 into Zoning Ordinance 9.

COPY

LAKE TOWNSHIP

ORDINANCE 43

ADOPTED: FEBRUARY 9, 2010
PUBLISHED: FEBRUARY 18, 2010
EFFECTIVE: FEBRUARY 26, 2010

WIND ENERGY TURBINE SYSTEMS SMALL & LARGE

SMALL WIND ENERGY TURBINES (SWET)

Permitted Uses: One small wind energy turbine. (requires a Site Plan review by the Lake Township Planning Commission)

- I The purpose of this small wind energy turbine ordinance is:
- A. To promote the safe, effective and efficient use in order to reduce the consumption of fossil fuels in producing electricity.
 - B. To preserve and protect public health, safety and welfare by minimizing the potential adverse impacts of a SWET.
 - C. To establish standards and procedures by which the siting, design, engineering, installation, operation and maintenance of a SWET shall be governed.
- II SWETs are defined as a structure and/or accessory structure and are a "use by right" which means they do not require a Special Use Permit.
- III SWETs are allowed in all zoning districts as long as all setbacks, safety requirements, sound decibels, construction codes, tower integrity and height restrictions are met.
- IV **SETBACKS**
The distance between on-site wind energy system and the owner's property lines shall be equal to (the height of the wind energy system tower including the top of the blade in a vertical position) times 1½.
- No part of the wind energy system structure, including guy wires, may extend closer than ten feet to the owner's property lines. A setback shall be 1½ times the towers overall height.
- V **PERMITS**
On-site wind energy systems shall comply with all applicable state construction and electrical codes and local building permit requirements. They shall abide by Federal Aviation Administration requirements, the Michigan Airport Zoning Act,

the Michigan Tall Structures Act and local jurisdiction airport overlay zone regulations.

VI SAFETY

An on-site wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over-speeding.

All wind towers shall have lighting protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors.

The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

For safety sake, the system shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.

VIII NOISE

On-site wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. (Determining noise level is the responsibility of the property owner or contractor and proof shall be required to continue operation.)

IX LIGHTING

The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA.

X HEIGHT

The tower height shall not exceed 40 meters. (131.23 feet)
SWETs attached to a home or other building shall be measured from the ground level to the tip of the blade in a vertical position for setback purposes.

XI COLOR

The finish and color of towers and blades shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

XII APPLICATION PERMIT REQUIREMENTS

- . Applicant identification
- . Site Plan
- . Documentation of sound pressure levels, construction codes, tower integrity, interconnection and safety requirements met.

XIII Any costs incurred by the Township to satisfy the request, shall be the responsibility of the property owner or contractor.

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LARGE WIND ENERGY TURBINES (LWET)

Permitted Uses: Large Wind Energy Turbines

Location: Agriculture District, Forest Recreation and Public Property

General Requirements: Site Plan Review, Special Land Use Permit and Connection to a Utility Grid.

- I The purpose of this large wind energy turbine ordinance is:
 - A. To regulate the safe, effective and efficient use of LWETs with which to reduce the consumption of fossil fuels in producing electricity.
 - B. To preserve and protect public health, safety and welfare by minimizing the potential adverse impacts of a LWET.
 - C. To establish standards and procedures by which the siting, design, engineering, installation, operation, maintenance and dismantling of a LWET shall be governed.

- II LWETs are defined as a large wind turbine, over 40 meters in height including rotor radius, and shall be connected to a utility grid.

- III LWETs are only allowed in our Agriculture, Forest area (DNR) and Public Property (Township, County, State and Federal) as long as all zoning requirements and restrictions are met.

- IV LWET application shall be made with the Township Clerk. Requirements, papers, drawings that need to be brought to the first Special Land Use hearing are:
 - A. A map of the project area boundaries
 - B. The location, height and dimensions of all existing and proposed structures and fencing.
 - C. The location, grades, dimensions of all temporary and permanent roads.
 - D. Existing topography.
 - E. Water bodies and wetlands.
 - F. All new above ground infrastructure related to the project.
 - G. Proposed liability insurance and grid regulatory compliance and environmental studies.
 - H. A "Go Ahead" letter from the FAA and the State of Michigan Airport Zoning Act and the Michigan Tall Structures Act.
 - I. A plan for decommissioning.
 - J. A plan for handling complaints.

- V **SETBACKS**

The distance between the LWET and any property line shall be at least one and one half times the overall height of the LWET (this includes the tower height and radius of the rotor.

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No structures, guy wires, anemometer tower, storage buildings, building equipment, vehicles, tools or building materials shall be placed closer than 50 feet from the lot line.

VI ANEMOMETER

Anemometer towers shall be placed at least one and one half the height of the tower from the lot line.

VII SAFETY

- A. The whole site must be manned or securely locked and fenced.
- B. Towers shall be locked or fenced.
- C. Towers with outside climbing rungs shall not begin before the height of 12 feet.
- D. Tower fences shall be at least 10 feet in height and topped with barbed wire and securely locked when not being manned.
- E. Rotating turbine blades shall be at least 40 feet off of the ground.
- F. Lighting shall be installed as required by the FAA, or State of Michigan. Lights around the base of the tower are required.
- G. There shall be a braking system for each rotor so that in repair, high wind and inspection situations the rotor can be shut down and/or slowed down.

VIII PERMITS

On-site wind energy systems shall comply with all applicable state construction and electrical codes and local building permit requirements. They shall abide by Federal Aviation Administration requirements, the Michigan Airport Zoning Act, the Michigan Tall Structures Act and local jurisdiction airport overlay zone regulations.

IX NOISE

Utility Grid wind energy systems shall not exceed 55 dB(A) at any property line of the wind energy system or farm. (Determining noise level is the responsibility of the property owner and/or contractor and proof shall be required to continue operation).

X LIGHTING

The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. For safety reasons, the ground portion of the tower shall be lighted to help prevent unauthorized entry to the tower.

XI HEIGHT

The LWET may be any height, over 40 meters including rotor radius, which is approved by the FAA, Michigan Airport Zoning Act, Michigan Tall Structures Act and local jurisdiction airport overlay zone as long as all setbacks are observed.

XII TOWNSHIP COSTS

Any costs incurred by the Township to satisfy this request shall be the responsibility of the proprietor and/or contractor.

XIII LIABILITY INSURANCE

Proof of ten million dollars liability insurance shall be required.

IXV DECOMMISSIONING BONDS

The cost estimate of tower removal including towers, pads, buildings, fencing, anemometer and any other structures is the responsibility of the proprietor and/or contractor. A bond, per tower, is required to meet these costs.

XV MISCELLANEOUS REQUIREMENTS

Interference with cell phones and other electronic devices in the area are the responsibility of the proprietor and/or contractor.

No signs other than warning, safety, directional and company signs are to be put on the towers.

The towers shall not be used for other purposes than that which is approved. This would include cell phone antennas and advertisements.

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GLOSSARY

Airfoil

The shape of the blade cross-section, which for most modern horizontal-axis wind turbines, is designed to enhance lift and improve turbine performance.

Ambient Sound

The sound pressure level exceeding 90% of the time or L₉₀

Ampere-hour

A unit for the quantity of electricity obtained by integrating current flow in amperes over the time in hours for its flow, used as a measure of battery capacity.

Anemometer

A device to measure wind speed.

Average wind speed

The mean wind speed over a specified period of time.

Blade

The aerodynamic surface that catches the wind.

Brake

Various systems used to stop the rotor from turning.

Cut-in wind speed

The wind speed at which a wind turbine begins to generate electricity.

Cut-out wind speed

The wind speed at which a wind turbine ceases to generate electricity.

Decibel

The unit of measure used to express the magnitude of sound pressure and sound intensity.

Furling

A passive protection for the turbine in which the rotor folds either up or around the tail vane.

Generator

Along with the alternator or other device to convert the mechanical energy of the surface area into electrical energy.

GWh

Gigawatt-hour, a measure of energy equal to the use of 1,000 megawatt-hours.

Grid

The utility distribution system --- the network that connects electricity generators to electricity users.

Inverter

A device that converts direct current (DC) to alternating current (AC).

LWET

Large wind energy turbine. Over 40 meters in height including rotor radius.

KW

Kilowatt, a measure of power for electrical current (1000 watts).

KWh

Kilowatt-hour, a measure of energy equal to the use of one kilowatt in one hour.

- MW**
Megawatt, a measure of power (1 million watts).
- Nacelle**
The body of a propeller-type wind turbine, containing the gearbox, generator, blade hub and other parts.
- Operator**
The entity responsible for the day-to-day operation and maintenance of a SWET/LWET.
- Owner**
The individual or entity, including their respective successors and assigns, that have an equity interest or own the SWET/LWET in accordance with this ordinance.
- Power coefficient**
The ratio of the power extracted by a wind turbine to the power available in the wind stream.
- Power curve**
A chart showing a wind turbine's power output across a range of wind speeds.
- PURPA**
Public Utility Regulatory Policies Act (1978), 16 U.S.C. & 2601.18 CFR & 292, which refers to small generator utility connection rules.
- Rated output capacity**
The output power of a wind machine operating at the rated wind speed.
- Rated wind speed**
The lowest wind speed at which the rated output power of a wind turbine is produced.
- Rotor**
The rotating part of a wind turbine --- either the blades and blade assembly, or the rotating portion of a generator.
- Rotor diameter**
The diameter of the circle swept by the rotor.
- Rotor Radius**
Half the diameter of the circle swept by the rotor.
- Rotor Speed**
The revolutions per minute of the wind turbine rotor.
- Shadow Flicker**
A situation which can occur when the rotating blades come between the sun and viewer causing an intermittent shadow.
- Surface area**
Typically a blade, rotor or similar device, either variable or fixed, for utilizing the wind for electrical or electrical generating powers.
- Shaft**
A shaft, gearing, belt or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device.

Start-up wind speed

The wind speed at which a wind turbine rotor will begin to spin. (See cut-in wind speed).

Swept area

The area swept by the turbine rotor, $A = \pi R^2$, where R is the radius of the rotor.

SWET

Small wind energy turbine, 40 meters or less in height including rotor radius.

Tip speed ratio

The speed at the tip of the rotor blade as it moves through the air divided by the wind velocity. This is typically a design requirement for the turbine.

Tower

The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.

Turbulence

Changes in wind speed and direction, frequently caused by obstacles.

Wind Farm

A group of wind turbines, often owned and maintained by one company. Also known as a wind power plant.

Yaw

The movement of the tower top turbine that allows the turbine to stay into the wind.

EFFECTIVE DATE: This ordinance shall become effective February 26, 2010.

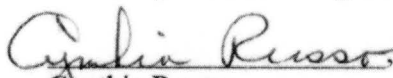
At a regular meeting of the Lake Township Board held on February 9, 2010 adoption of the foregoing Ordinance was moved by Maiani and supported by Duwe.

Ayes: 5

Nays: 0

COPY
CERTIFICATION

The foregoing is a true copy of Ordinance No.43 which was enacted by the Lake Township Board at a regular meeting held on February 9, 2010.

 Township Clerk
Cynthia Russo

**LAKE TOWNSHIP
ROSCOMMON COUNTY, MICHIGAN
LAND DIVISION ORDINANCE
ORDINANCE NO. 54**

At a special meeting of the Township Board of Lake Township, Roscommon County, Michigan, held at the Lake Township Hall on October 2, 2018 at 6:00 p.m., Township Board Member Dave Emmons moved to adopt the following ordinance, which motion was seconded by Township Board Member Roger Kohn.

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public 1967 PA 288, as amended, Act 591 of 1996, as amended, and Act 247 of 1945, as amended; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

THE TOWNSHIP OF LAKE ORDAINS:

SECTION I: Title. This Ordinance shall be known and cited as the Lake Township Land Division Ordinance.

SECTION II: Purpose. The purpose of this Ordinance is to carry out the provisions of the Land Division Act (1967 PA 288, as amended, formerly known as the Subdivision Control Act), to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Township by establishing reasonable standards for prior review and approval of land divisions within the Township.

SECTION III: Definitions. For purposes of this Ordinance, certain terms and words used herein shall have the meaning set forth herein. Additionally, where terms and words are set forth in the Land Division Act, those terms and words shall have the definitions ascribed to them in the Land Division Act, except as set forth within this section.

- A. “Accessible” – The lot or parcel has an area where a driveway provides or can provide vehicular access to an existing street or road and meets all applicable location standards of the Michigan Department of Transportation, Roscommon County Road Commission, and the Township.
- B. “Applicant” – a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- C. “Divided” or “Division” – the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives,

successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the Land Division Act. “Divide” or “Division” does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act.

- D. “Exempt split” or “exempt division” – the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent. For a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel, any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act, MCL 560.101, et seq., as amended, and the Township ordinances.
- E. “Forty acres or the equivalent” – either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- F. “Governing body” – the Township Board of Lake, Roscommon County, Michigan.
- G. “Parent Parcel” – a parcel of land lawfully in existence on March 31, 1997.
- H. “Township” – the Township of Lake, Roscommon County, Michigan.

SECTION IV: Prior Approval Required. Land in the Township shall not be divided without the prior review and approval of the Township Board in accordance with this Ordinance and the Land Division Act; provided that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the Land Division Act.
- B. An exempt split as defined in this Ordinance, or other partitioning or splitting that only results in parcels of 20 acres or more where each parcel is not accessible (as defined in the Land Division Act) and either the parcel was in existence on March 31, 1997 or resulted from exempt splitting under the State Land Division Act.
- C. A property transfer between two or more adjacent parcels if the property taken from one parcel is added to an adjacent parcel. Any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Township ordinances and the Land Division Act.

SECTION V: Application for Land Division. An applicant shall file all of the following with the Township Assessor for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- A. A completed form or such form as provided by the Township.
- B. Proof of fee ownership of the land proposed to be divided or written consent to the application signed by the fee owner of the land.
- C. A tentative parcel map showing the parent parcel or parent tract which is the subject of the application, and the area, parcel lines, public utility easements, and the manner of proposed access for each resulting parcel. A tentative parcel map shall include:
 - 1. Proposed boundary lines and the dimensions of each parcel;
 - 2. Accurate legal description of each resulting parcel, which may require submission at the time of the application of a survey map prepared by a land surveyor licensed in the State of Michigan;
 - 3. The location, dimensions and nature of proposed ingress to and egress from any existing public or private road. If access is by private road, written permission from the road owner to use the private road shall be submitted.
 - 4. The location of any public or private street, driveway or utility easement to be located within any resulting parcel.
- D. Proof each resulting parcel is accessible.
- E. Proof that all standards of the Land Division Act and the Lake Township Zoning Ordinance have been met.
- F. If requested by the Township Board, the history and specifications of any previous divisions of land of which the proposed division was a part sufficient to establish the parcel to be divided was lawfully in existence as of March 31, 1997, the effective date of the Land Division Act.
- G. Detailed information about the terms and availability of the proposed division rights.
- H. The fee as may from time to time be established by resolution of the Township Board for land division reviews pursuant to this ordinance to cover the costs of review of the application and administration of this Ordinance and the Land Division Act.

SECTION VI: Procedure for Application Review.

- A. Upon receipt of a land division application package, the Township Board, shall approve or disapprove the land division applied for within 45 days after receipt of the application package and shall promptly notify the applicant in writing of the decision and the reasons for any denial. If the application package does not conform to these Ordinance requirements and the Land Division Act, the Township Assessor shall return

the same to the applicant for completion and refile in accordance with this Ordinance and the Land Division Act.

- B.** Any person or entity aggrieved by the decision of the Township Board may, appeal the decision to the circuit court pursuant to applicable law.
- C.** A land division approval is effective for 90 days from its issuance, after which it shall be revoked unless within such period there is recorded with the County Register of Deeds office and filed with the Township Clerk a conveyance of the approved land division or survey evidencing same.
- D.** The Township Clerk shall maintain an official record of all approved and accomplished land divisions or transfers.

SECTION VII: Standards for Approval of Land Decisions. A proposed land division shall be approved if the following criteria are met:

- A.** All parcels to be created by the proposed land division(s), including resulting parcels, fully comply with the applicable lot, dimension, width, yard, area, frontage and access requirements of the Township Zoning Ordinance and other applicable ordinances.
- B.** The proposed land division, including resulting parcels, comply with all requirements of the Land Division Act and this Ordinance.
- C.** The ratio of depth to width of any parcel created by the division does not exceed a four to one ratio unless one or more of the following exceptions apply:
 - 1.** Part of the proposed parcel is within the flood plain. The portion of the parcel within the flood plain would not be counted when calculating the depth to width ratio. The portion of the parcel outside the flood plain would have to meet the maximum 4:1 depth to width ratio.
 - 2.** Special topographical conditions exist on the proposed parcel, such as ravines. (Wetlands do not qualify as an exception to the maximum 4:1 depth to width ratio.)
- D.** In the event that the Township Zoning Ordinance shall specify a depth to width ratio which differs from that set forth within this Section, the ratio contained in this Section shall control.

SECTION VIII: Effect of Land Division Approval. Approval of a land division is not a determination that the created or resulting parcels comply with other laws, ordinances of the Township or applicable regulations. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise.

SECTION IX: Consequences of Noncompliance. Any parcel created in noncompliance with this Ordinance shall not be eligible for any building permits, or zoning approvals, such as special land use approval or site plan approval, and shall not be recognized as a separate parcel on the assessment roll. In addition, violation of this ordinance shall subject the violator to the penalties and enforcement actions set forth in Section X of this ordinance, and as may otherwise be provided by law.

SECTION X: Penalties and Enforcement.

A. Any person who violates any of the provisions of this Ordinance shall be deemed responsible for a municipal civil infraction of not more than \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has incurred in connection with the violation, together with all other remedies pursuant to MCL 600.8701, *et seq.* Each day a violation continues shall be deemed a separate municipal civil infraction.

B. Any person who violates any of the provisions of this Ordinance shall also be subject to civil action, legal or equitable proceedings arising from the violation. The imposition of any fine or forfeiture shall not exempt the violator from compliance with the provisions of this ordinance.

SECTION XI: Severability. The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

SECTION XII: Repeal. Ordinances 33 and 33A, and all other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision of the Township Zoning Ordinance.

SECTION XIII: Effective Date. This ordinance shall take effect 30 days following its publication after adoption.

YEAS: 3

NAYS: 1

ABSENT/ABSTAIN 1

ORDINANCE DECLARED ADOPTED

ORIGINAL SIGNATURE ON FILE.

David Emmons, Lake Township Supervisor

CERTIFICATION

I hereby certify that:

1. The above is a true copy of an Ordinance adopted by the Lake Township Board at a duly scheduled and noticed meeting of that Township Board held on October 2, 2018, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was duly published in the Houghton Lake Resorter newspaper, a newspaper that circulates within Lake Township, on October 11, 2018.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Roscommon County Clerk on October 12, 2018.

ATTESTED:

ORIGINAL SIGNATURE ON FILE.

Tonya Clare, Lake Township Clerk

COPY

TOWNSHIP OF LAKE

ORDINANCE NO. 42

ADOPTED: December 8, 2009
PUBLISHED: December 24, 2009
EFFECTIVE: January 18, 2009

DECRIMINALIZATION/RESCIND OF CERTAIN ORDINANCES

The Lake Township Board on 12-08-09 has unanimously voted to "decriminalize" the following Ordinances: B Septic Tanks, D Used Car lots, 6 Speed of Power Boats, 14 Speed of Vessels in Canals, 23 & 23A Blight, 27 Garage Sales, 35 Adult Oriented Business, 36 Exotic Animals, 39 Phosphorus Fertilizer.

Ordinance 10, Mich. Con. Gas Lease-expired, has been rescinded.

Ordinance 27, III B, has been amended to read: "A fee shall be required.....".

All ordinances that have been decriminalized in the "All Other Ordinances" book, including the above, will now be enforced under the Municipal Civil Infractions Act of Public Act 12 of 1994.

The Houghton Lake Sewer Authority retains all legal rights to enforce Ordinance 38 to the fullest extent of the law.

The "Penalties" page notices what action may be taken to those who violate the ordinances.

EFFECTIVE DATE: This ordinance shall take effect on January 18, 2010.

I hereby certify that the foregoing ordinance was adopted by the Township Board of the Township of Lake at the regular meeting held on December 8, 2009.

Motion to accept ordinance No. 42 was made by Maiani supported by Duwe.

Ayes: 5
Nays: 0

CERTIFICATION

The foregoing is a true copy of Ordinance No. 42 which was enacted by the Lake Township Board at a regular meeting held December 8, 2009.


Cynthia Russo

**LAKE TOWNSHIP
ROSCOMMON COUNTY, MICHIGAN
ANTI-BLIGHT ORDINANCE**

Ordinance No. 52

At a meeting of the Township Board of Lake Township, Roscommon County, Michigan, held at the Lake Township Hall on September 11, 2018, at 7:00p.m., Township Board Member Roger Kohn moved to introduce the following Ordinance, which motion was seconded by Township Board Member Tonya Clare:

An ordinance to promote the health, safety, and welfare, by providing for the regulation, prevention, reduction, or elimination of the blight or potential blight in the Township, defining and prohibiting blight; declaring certain acts, apparatus, accumulations, violations, and activities as public nuisances per se; providing the procedure for abatement of public nuisances, enforcement of this ordinance, and recovery of costs incurred by Lake Township; and repealing all ordinances or parts of ordinances in conflict with this ordinance.

LAKE TOWNSHIP, ROSCOMMON COUNTY, MICHIGAN ORDAINS:

SECTION 1: TITLE: This ordinance shall be known and cited as the Lake Township Anti-Blight Ordinance.

SECTION 2: DEFINITIONS

1. "Abate" or "Abatement" means demolition, removal, repair, maintenance, construction, reconstruction, replacement, and reconditioning of structures, appliances, appurtenances or equipment as well as removal, transportation, purchase, disposal and treatment of refuse or other substance or media capable of causing a nuisance and the use of mechanical means to control, eradicate, and eliminate the nuisance conditions.
2. "Building Materials" means lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any structure.
3. "Litter or Junk" means all rubbish, refuse, waste material, and garbage, including, but not limited to: organic refuse; food wastes; drug paraphernalia; ashes; dead animals; fish; animal bones; hides; rotten soap; parts of machinery or motor vehicles; dismantled, partially dismantled, inoperable, neglected or unused motor homes, trailers, campers or watercraft; grease; tallow; offal; shell; food containers or wrappings; cans; bottles; jars; crockery; garbage; discarded or abandoned furniture or materials, including camping and picnic gear and equipment; cartons; boxes; crates; rags; clothing; bedding; floor covering; wallpaper; sweepings; waste paper; newspapers or magazines; discarded appliances; excrement; construction debris and building materials; yard debris or rubbish including, but not limited to, grass clippings, clippings from hedges or shrubs, or detached tree branches; industrial waste; and unclean or noxious fluids or gases.

4. "Public Nuisance" means whatever annoys, injures, or endangers the safety, health, welfare, comfort, or repose of the public; offends public decency or aesthetic sensibilities; interferes with, obstructs, or renders dangerous any street, highway, navigable lake, or stream; or in any way renders the public insecure in life or property, and is hereby declared to be a public nuisance. Public nuisances shall include, but shall not be limited to, whatever is forbidden by any provision of this Ordinance.

SECTION 3: PUBLIC NUISANCE PROHIBITED; PUBLIC NUISANCES PER SE: Public Nuisances are prohibited in the Township. No person shall commit, create, or maintain any public nuisance. The following acts, apparatus, accumulations, violations, and activities within the Township are hereby prohibited as public nuisances *per se*, unless otherwise permitted by the Township Zoning Ordinance:

1. No person shall maintain or permit to remain on premises owned or occupied by him or her; or throw, place, or leave; or permit the throwing, placing, or leaving on the premises of another any of the following substances: junk, garbage, discarded furniture, appliances and household goods, building materials, construction debris, tires, or mobile home components in any of the following locations:
 - a. Any public street, highway, lane, road, alley, public place, square, sidewalk, or any lands within the boundaries of the Township owned by the Township or other municipal corporation.
 - b. Any river, lake, stream, or other body of water.
 - c. Any private place or premises where in the opinion of the Township Ordinance Enforcement Officer or his/her agent, the specified substances constitute a dangerous condition or are detrimental to the public health, safety, or welfare or offend aesthetic sensibilities or may cause sickness or attract flies, insects, rodents, or vermin.
2. Leaving, keeping, storing or maintaining a junk motor vehicle on any premises, unless such vehicle is completely enclosed within a lawful building. For purposes of this Ordinance, a junk motor vehicle is any vehicle that is self-propelled or intended to be self-propelled, or any portion of such a vehicle, that:
 - a. Is subject to registration under the Michigan Vehicle Code, MCL 257.1, et seq, and has not been registered or does not display an unexpired and valid license plate for the vehicle; or
 - b. Has remained on a premises for a period of thirty (30) days or more, and does not have an engine in running condition, four (4) inflated tires and a battery, or is incapable of safe operation on the streets and highways as required by the Michigan Vehicle Code; or
 - c. For any reason, including dismantling, disrepair or otherwise, is not operable, not repairable, cannot be started, or is unable to be propelled under its own power.

Junk motor vehicles, for purposes of this Ordinance, shall not include vehicles lawfully kept as stock in trade by a state-licensed dealer in motor vehicles.

3. Leaving, keeping, storing or maintaining an abandoned vehicle on any private or public property within the Township. For purposes of this Ordinance, an abandoned vehicle is either:
 - a. A vehicle that has remained on private property without the consent of the owner; or
 - b. A vehicle that has remained on public property for a period of not less than 72 hours.

In addition to the procedures allowed by this Ordinance for the abatement and removal of public nuisances, an abandoned vehicle may be disposed of as provided for in the Michigan Vehicle Code, MCL 257.252a, et seq.

4. The outdoor storage of mobile homes (other than those which are legally used and occupied for dwelling purposes), truck bodies, or semi-trailers, either as vacant units or storage units.
5. Allowing the excessive growth of weeds or grass to a height greater than ten (10) inches on average. This Section 5 does not apply to the following parcels:
 - a. Land used for agricultural purposes, including weeds in fields devoted to growing any small grain crops such as wheat, oats, barley or rye.
 - b. Portions of lots used for flower gardens, shrubbery or vegetable gardens.
 - c. Naturally wooded areas or regulated wetlands.
 - d. Areas designated as preserved for open space.
 - e. Parcels larger than 2.5 acres.
6. Any structure or part thereof which because of fire, wind or other natural disaster, or merely by virtue of physical deterioration, is no longer habitable as a dwelling or useful for any other purposes for which it may originally have been intended.
7. The making, continuing, or causing to be made, or knowingly assisting, allowing, or encouraging any other person or persons to make, continue or cause any loud noise which either disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others, within the limits of the Township. Such noises deemed to be loud, disturbing noises in violation of this Ordinance include, but are not limited to:
 - a. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public place of the Township except as a danger warning; the creation by means of any such signaling device of any unreasonable loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time.

- b. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
 - c. The use of any automobile, motorcycle, or vehicle so out of repair, so loaded, or in such a manner as to create loud and unnecessary grating, grinding, rattling, or other noise.
 - d. Intentionally or by the immoderate operation of a motor vehicle to cause tires to scream or screech.
 - e. The using, operating, or permitting to be played, any radio receiving set, musical instrument, phonograph, loudspeaker, or any other mechanical or electrical device capable of producing or reproducing sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room or vehicle in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine, or device between the hours of 11:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
 - f. The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the functions of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital, or court street.
8. None of the prohibitions enumerated above shall apply to the following:
- a. Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
 - b. Warning devices emitting sound for warning purposes as authorized by law.
 - c. The storage of machines and agricultural equipment and the noises of animals and machines as a result of farming operations, including those operations protected by the Michigan Right to Farm Act (RTFA) and conforming to generally accepted agricultural management practices (GAAMPs) developed by the Michigan Department of Agriculture.

SECTION 4: ABATEMENT; NOTICE; CIVIL INFRACTIONS AND CIVIL PROCEEDINGS; AUTHORITY OF OFFICERS TO ABATE PUBLIC NUISANCES

1. **Public Nuisances on Township Property.** Whenever any public nuisance described in Section 3 shall exist upon Township property or upon the property of another municipal corporation within the boundaries of the Township, such public nuisance may be abated by the Township Ordinance Enforcement Officer or his/her agent without notice and the cost of abatement shall be charged as provided in Section 5.

2. **Public Nuisances on Private Property.** Whenever any public nuisance shall exist on private premises within the Township, the Township Ordinance Enforcement Officer or his/her agent shall give notice in writing by either personal, hand delivery or by certified mail, return receipt requested, addressed to the owner or occupant of the property where the public nuisance exists or to the person otherwise responsible for such public nuisance. Such notice shall specify the location and nature of the public nuisance and shall indicate that such owner or occupant or person otherwise responsible is required to repair, tear down, abate, or otherwise remove the public nuisance within ten days of the receipt of the notice. Following the issuance of such notice, the Township Ordinance Enforcement Officer or his/her agent may proceed to initiate civil infraction or other civil proceedings permitted by law to abate the public nuisance.
3. **Civil Infractions.** Any person or other entity who causes or permits to continue a public nuisance as prohibited by this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and is subject to a civil fine of not more than \$500.00, plus costs, which may include all direct or indirect expenses which the Township has incurred in connection with the violation, including attorney's fees. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

SECTION 5: ABATEMENT; COSTS: All expenses incurred by the Township, the Township Ordinance Enforcement Officer or his/her agent in repairing, tearing down, abating, or otherwise removing a public nuisance under this Ordinance shall be charged to the person responsible therefor, the occupant of the land in question, or the person who appears as owner or party in interest upon the last local tax assessment records of the Township. If such person fails to pay the expenses incurred by the Township in abating a nuisance within 30 days after a statement for said charges is mailed to him or her, the amount thereof shall be assessed against the lands on which the expenditures were made on the next general tax assessment roll of the Township and shall be collected in the same manner as other taxes are collected. The Township shall have a lien upon such lands for such expense, such lien to be enforced in the manner prescribed by the general laws of the state providing for the enforcement of tax liens.

SECTION 6: PUBLIC NUISANCES; EMERGENCY ABATEMENT; COSTS: The Township Ordinance Enforcement Officer may act to abate a public nuisance without giving notice as specified in Section 4, if the public health, safety, or welfare requires immediate action to prevent an imminent threat to the public health, safety or welfare. The cost of abating such nuisance shall be charged as specified in Section 5.

SECTION 7: SEVERABILITY: The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section, or provision is hereafter declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION 8: REPEAL: Ordinance No. 23, previously adopted by Lake Township on July 3, 1978, all other ordinances, and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 9: ENACTMENT AND EFFECTIVE DATE: This Ordinance shall take effect thirty (30) days after publication as required by law.

YEAS: CLARE, TRIER, KOHN, EMMONS (4)

NAYS: NONE (0)

ABSENT/ABSTAIN: TONY FARHAT

ORDINANCE DECLARED ADOPTED

ORIGINAL SIGNATURE ON FILE.

Dave Emmons, Lake Township Supervisor

COPY

CERTIFICATION

I, Tonya Clare, Clerk of Lake Township, do hereby certify that the foregoing is a true and accurate copy of Ordinance No. 52 adopted by Lake Township on the 11th day of September, 2018. A summary of the Ordinance was duly published in the Houghton Lake Resorter newspaper, a newspaper that circulates within Lake Township, on September 20, 2018. Within 1 week after such publication, I recorded the Ordinance in a book of ordinances kept by me for that purpose, including the date of passage of the ordinance, the names of the members of the township board voting, and how each member voted. I filed an attested copy of the Ordinance with the Roscommon County Clerk on September 27, 2018.

ORIGINAL SIGNATURE ON FILE.

Tonya Clare, Lake Township Clerk

COPY

**LAKE TOWNSHIP
ORDINANCE CONFIRMING ESTABLISHMENT
OF PLANNING COMMISSION**

ORDINANCE NO. 57

At a regular meeting of the Township Board of Lake Township, Roscommon County, Michigan, held at the Lake Township Hall on June 11, 2019 at 7:00 p.m., Township Board Member Emmons moved to adopt the following ordinance, which motion was seconded by Township Board Member Trier.

An ordinance to confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Lake Township Planning Commission; provide for the composition of that planning commission; provide for the powers, duties and limitations of that planning commission; and repeal any ordinance or parts of ordinances or resolutions in conflict with this ordinance.

LAKE TOWNSHIP, ROSCOMMON COUNTY, MICHIGAN, ORDAINS:

SECTION 1. SCOPE, PURPOSE AND INTENT. This ordinance is adopted pursuant to the authority granted the Lake Township Board under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq., to confirm the powers of the Lake Township Planning Commission, formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq. The Ordinance shall reestablish the appointments, terms, and membership of the planning commission; identify the officers and the minimum number of meetings per year of the planning commission; and to prescribe the authority, powers and duties of the planning commission under the Michigan Planning Enabling Act. The Lake Township Planning Commission will have the powers, duties and limitations provided by those Acts, subject to the terms and conditions of this Ordinance and any future amendments to this Ordinance.

SECTION 2. ESTABLISHMENT. The Township Board hereby confirms the establishment under the Michigan Planning Enabling Act of the Lake Township Planning Commission, formerly established under the Township Planning Act. The Lake Township Planning Commission shall have 5 members. Members of the Lake Township Planning Commission as of the effective date of this Ordinance shall, except for an ex officio member whose remaining term on the planning commission shall be limited to his or her term on the Township Board, continue to serve for the remainder of their existing terms so long as they continue to meet all of the eligibility requirements for planning commission membership set forth within the Michigan Planning Enabling Act and this Ordinance.

SECTION 3. APPOINTMENTS AND TERMS. The township supervisor, with the approval of the township board by a majority vote of the members elected and serving, shall appoint all planning commission members, including the ex officio member. The planning commission members, other than an ex officio member, shall serve for terms of 3 years each. A planning commission member shall hold office until his or her successor is appointed. A successor shall be appointed not more than 1 month after the term of the preceding planning commission member

has expired. Vacancies shall be filled for the unexpired term in the same manner as the original appointment. Planning commission members shall be qualified electors of the township, except that one planning commission member may be an individual who is not a qualified elector of the township. The membership of the planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the township, in accordance with the major interests as they exist in the township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the township to the extent practicable.

One member of the township board shall be appointed to the planning commission as an ex officio member. An ex officio member has full voting rights. An ex officio member's term on the planning commission shall expire with his or her term on the township board. No other elected officer or employee of the township is eligible to be a member of the planning commission.

SECTION 4. REMOVAL. The Township Board may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

SECTION 5. CONFLICT OF INTEREST. Before casting a vote on a matter on which a planning commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission and all related material facts as soon as the member is aware of the potential conflict. Failure of a member to disclose a potential conflict of interest as required by this ordinance constitutes malfeasance in office.

For the purposes of this section, conflict of interest is defined as, and a planning commission member shall declare a conflict of interest and abstain from participating in planning commission deliberations and voting on a request, when:

- (a) An immediate family member is involved in any request for which the planning commission is asked to make a decision or recommendation. "Immediate family member" is defined as a spouse, mother, father, sister, brother, son, or daughter, including an adopted child; or
- (b) The planning commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association; or
- (c) The planning commission member owns or has a financial interest in neighboring property. For purposes of this section, a "financial interest" is any interest that may yield, directly or indirectly, a monetary benefit or compensation to the planning commission member, other than compensation for the planning commission member authorized by the Township, and a "neighboring property" shall include any property falling within the notification radius for the application or proposed development, as required by the zoning ordinance or other applicable ordinance; or
- (d) There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the planning commission.

(e) The ex officio planning commission member has voted or will vote on the same matter in his or her capacity as a member of the Township Board.

SECTION 6. COMPENSATION. The planning commission members may be compensated for their services as provided by township board resolution. The planning commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the township board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.

SECTION 7. OFFICERS AND COMMITTEES. The planning commission shall elect a chairperson, a vice-chairperson and a secretary from its members and may create and fill other offices as it considers advisable. An ex officio member of the planning commission is not eligible to serve as chairperson. The term of each office shall be 1 year, with opportunity for reelection as specified in the planning commission bylaws. The planning commission may also appoint advisory committees whose members are not members of the planning commission.

SECTION 8. BYLAWS, MEETINGS AND RECORDS. The planning commission shall adopt bylaws for the transaction of business. The planning commission shall hold at least 4 regular meetings each year and shall by resolution determine the time and place of the meetings. Unless otherwise provided in the planning commission's bylaws, a regular or special meeting of the planning commission may be called by the chairperson or by 2 other members, upon written request to the secretary. Unless the bylaws otherwise provide, the secretary shall send written notice of a special meeting to planning commission members at least 48 hours before the meeting. The business that the planning commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, MCL 15.261, et seq. The planning commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used, in the possession of, or retained by a planning commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

SECTION 9. ANNUAL REPORT. The planning commission shall make an annual written report to the Township Board concerning its operations and the status of the planning activities, including recommendations regarding actions by the Township Board related to planning and development.

SECTION 10. AUTHORITY TO MAKE MASTER PLAN. Under the authority of the Michigan Planning Enabling Act, and other applicable planning statutes, the planning commission shall make a master plan as a guide for development within the township's planning jurisdiction. All final decisions of said planning commission regarding the basic plan (Master Plan) shall be subject to the approval of the township board before the same shall become effective. Unless rescinded by the Township, the development plan previously adopted under the Township Planning Act need not be readopted under the Michigan Planning Enabling Act.

SECTION 11. ZONING POWERS. All powers, duties, and responsibilities provided for zoning boards or zoning commissions by the Michigan Zoning Enabling Act or other applicable zoning statutes are transferred to the Lake Township Planning Commission.

SECTION 12. SUBDIVISION OF LAND AND LAND DIVISION RECOMMENDATIONS.

The planning commission may recommend to the township board provisions of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule, the planning commission shall hold a public hearing on the proposed ordinance or rule. The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the township.

The planning commission shall review and make recommendation on a proposed plat before action thereon by the township board under the Land Division Act, Public Act 288 of 1967, MCL 560.101, et seq. Before making its recommendation, the planning commission shall hold a public hearing on the proposed plat. A plat submitted to the planning commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the township. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

SECTION 13. SEVERABILITY. The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance, which shall continue in full force and effect.

SECTION 14. REPEAL. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. The resolution or ordinance establishing the Lake Township Planning Commission under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., is hereby repealed.

SECTION 15. EFFECTIVE DATE. This ordinance shall take effect on the date of its publication.

SECTION 16. SAVINGS CLAUSE. Except as expressly amended or repealed by this ordinance, the balance of the Lake Township Ordinances, as amended, shall remain unchanged and in full force and effect.

YEAS: (4) Farhat-Yes, Trier-Yes, Clare-Yes, Emmons-Yes

NAYS: (1) Klahn-No

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED.

Dave Emmons, Township Supervisor

Adopted: June 11, 2019

Published: June 20, 2019

Effective: June 20, 2019