

ARTICLE II DEFINITIONS

Sec. 2.1 Interpretation of Wording

In order to clarify the intent of the provisions of this Ordinance, the following rules shall apply to certain words or terms, except when clearly indicated otherwise.

Words in the masculine gender include the feminine and neuter.

Words used in the present tense shall include future; and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.

The word “shall” is always mandatory and not discretionary. The word “may” is permissive.

The word “building” or “structure” includes any part thereof.

The word “person” includes a firm, partnership, association, trust, company or corporation, as well as an individual.

The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

Any word or term not defined herein shall be used with a meaning of common or standard utilization.

Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions or events, the terms “and”, “or”, and “either/or”, such conjunction shall be interpreted as follows:

1. “and” denotes that all the connected items, conditions, provisions or events apply in combination.
2. “or” and “either/or” indicates that the connected items, connotations, provisions or events may apply singly or in any combination.

“Township” shall refer specifically to Lake Township.

Section 2.2 Definitions For the purpose of this Ordinance, certain terms or words used herein shall be interpreted or defined as follows:

Accessory Structure: A use customarily incidental and subordinate to the principal use or building located on the same lot as the principal use or building, and deemed compatible with the occupied district, but not for dwelling, lodging or sleeping purposes.

Accessory Use: A use customarily incidental and subordinate to the principal use or building located on the same lot as the principal use or building.

Access: See Easement.

Access Lot: See Lot, Access

Actual Construction: The commencement of new construction and the purchase of building materials of a substantial character toward erecting the subject project. The making of preparatory plans, landscaping, removal of an existing structure, approvals of a site plan or a building permit is not actual construction.

Agriculture: Substantially undeveloped land devoted to the activity of raising and harvesting plants and animal husbandry useful to humans, for economic gain, but does not include the commercial harvest or taking of fish, game animals or fowl for a fee from within a confined area by means of a firearm, hook or net.

Alterations: Any modification, additions, or change in construction or type of occupancy, any change or rearrangement in the structural parts of a building; any enlargement of a building, whether by extending a side or by increasing in height; or the moving from one location to another in accordance with all approved field changes.

Amusement Arcade: A building containing mechanical and electronic devices offered to the public for a fee.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals or other communication signals.

As-Built Plans Revised plans which are based on actual measurement of a completed building or development.

Basement: A story having more than five (5) feet of its height below finished grade at any point.

Bed and Breakfast Establishment: Transient lodging accommodations located within a owner occupied single-family dwelling unit and having limited food service available for guests only.

Boarding House: A lodging or rooming house building other than a hotel or a bed and breakfast facility where, for compensation and by prearrangement for definite periods, lodging, meals, or both are offered to three (3) or more persons at a time.

Board of Appeals: Lake Township Zoning Board of Appeals (ZBA).

Boat: See Watercraft.

Boat Dock: A platform or walkway, either permanent or temporary, extending outward from shore, used as a means to access boat dockages.

Boat Dockage: Any means to secure a boat in or above the water, whether it is a dock, mooring, shore station, slip, hoist, tether or any other means, regardless of the distance from the water's edge.

Boathouse: A structure located at the water's edge and designed for the storage of boats and other watercraft and boat, watercraft and beach related equipment.

Buffer Strip: A strip of land for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance.

Building: Any structure either temporary or permanent having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings and vehicles situated on private property and used for purposes of a building, whether or not mounted on wheels.

Building Area: The total of area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, patios and steps.

Building Envelope: The space remaining after the minimum setbacks, opens space requirements and other sensitive areas requirements of this Ordinance have been met.

Building, Height Of: The vertical distance measured from the mean point of the finished grade at the foundation to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Building Line or Setback Line: A line parallel to a street right-of-way line, shore of a lake, or stream bank, side or rear lot line established for the purpose of prohibiting the erection of a structure between such line and road right-of way, side or rear lot line.

Business Center: A building or group of buildings on one or more parcels of land constructed as an integral land use for commercial, institutional and similar occupancy.

Campground: Any parcel or tract of land under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for five (5) or more recreational units, and as otherwise defined within Michigan Public Act 368 of 1978 as amended.

Canoe Livery: A facility where canoes, kayaks, tubes and other floating devices are stored, rented, sold, repaired, docked and/or serviced for compensation.

Caption: The name by which the plat is legally and commonly known.

Common Land: A parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development.

Commercial Development: A facility providing building area, parking area, service area, screen plantings and traffic areas designed for the conduct of commerce.

Comprehensive Development Plan (Or Master Plan): A plan adopted by the Lake Township Planning Commission for the physical development of the Township, showing the general location for major streets, parks, schools, public building sites, land use and other similar information. The Plan may consist of maps, data and other descriptive matter.

Confined Feedlot: The place of confined keeping of livestock or other animals in yards, lots, pens, buildings, or other areas not normally used for pasture or crops and in which abnormal amounts of manure or other related animal wastes may originate by reason of keeping such animals.

Conditional Rezoning: A zoning process authorized by Act 110 of 2006, as amended, whereby the owners of land may voluntarily offer conditions as part of a rezoning of land, and the Township may or may not accept such an offer.

County Drain Commissioner: The Benzie County Drain Commissioner, or the County appointee.

County Health Department: The Public Health Department serving the County of Benzie.

County Plat Board: The Benzie County Plat Board.

County Road Commission: The Benzie County Road Commission.

Crosswalkway (Pedestrian Walkway): Right-of-way, dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets and properties.

Daycare, Family Facility: A state-licensed facility for the care of six (6) or less preschool and/or school aged children.

Daycare, Group Facility: A state-licensed facility for the care of seven (7) and not more than twelve (12) preschool and/or school aged children.

Dealers, Boat and Auto: A commercial facility offering boats and/or autos, both new and used together with related accessories.

Decibels: A decibel is a unit of measurement of the intensity of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in decibels.

Deck: An unroofed structure used for outdoor living purposes which may or may not be attached to a building and protrudes twelve (12) or more inches above finished grade.

Dedication: The intentional appropriation of land by the owner to public use.

Density: The number of dwelling units residing upon, or to be developed upon, a measurement of land.

District: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height limitations.

Dock: See Boat Dock, Boat Dockage.

Drive, Private: A permanent way or easement that is not maintained by public authorities and that provides the principle means of access to not less than three (3) but not more than nine (9) existing or proposed lots or site condominium units.

Drive, Private Street, Highway, or Road: A permanent way or easement that is not maintained by public authorities and that provides the principle means of access to ten (10) or more existing or proposed lots or site condominium units.

Drive-Through/Drive Up Business: Any business with an automobile service window such as a bank, restaurant or similar business.

Driveway, Private: A portion of a lot or site condominium unit or a permanent private easement used for vehicle ingress and egress to not more than two (2) lots or site condominium units.

Dwelling, Dwelling Unit: Any building or structure or part thereof either site built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family, either permanently or transiently. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

Dwelling, Multiple: A building other than a single or a two family dwelling, including apartment houses, co-operatives and condominiums.

Dwelling, Single Family: A detached building designed for or occupied exclusively by one family, and complying with the following standards:

A. It complies with the minimum square footage requirements of this Ordinance.

B. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code 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.

C. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the County Health Department.

D. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 20% of the square footage of the dwelling or 100 square feet, whichever shall be less.

E. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

F. The dwelling complies with all pertinent building and fire codes. All construction and all plumbing, electrical apparatus and insulation within and connected to said dwelling shall be of a type and quality conforming among other requirements, to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, 24CFR 3280, adopted June 15, 1976, and as from time to time such standards may be amended.

G. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance.

H. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code provisions and requirements.

Dwelling, Two Family: A building designed for or occupied exclusively by two families living independently of each other.

Dwelling, Manufactured: A building or portion of a building designed for long-term residential use and characterized by all of the following:

- A. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended; 42 U.S.C. 5401 to 5426; 24 CFR Parts 3280 and 3282, and
- B. The structure is designed to be transported to the site in nearly complete form, where it is placed on a foundation and connected to utilities; and
- C. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.

Dwelling, Mobile: A factory-built, single-family structure that is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, which does not have wheels or axles permanently attached to its body or frame, and which is constructed according to the National Mobile Home Construction and Safety Standards Act of 1974, as amended; 42 U.S.C 5401 to 5426; 24 CFR, Parts 3280 and 3282.

Dwelling, Model Home: A single family home or condominium unit completed and landscaped as if it were to be occupied and used for the purpose of selling homes or condominium units within a subdivision, development or site condominium and open only during regular real estate business hours and the duration does not exceed one (1) year. No cooking or sleeping shall be permitted in the Model Home.

Easement: A vehicular access or right-of-way to an abutting lot or lots or parcel(s) of land constructed and maintained to a standard which will provide access for safety services operating within the Township. For purposes of this Ordinance an access easement to a single lot shall be a minimum of twenty (20) feet and, two (2) to four (4) lots a minimum of thirty-three (33) feet, and five (5) or more lots a minimum of sixty-six (66) feet.

Effective Date of This Ordinance: Whenever this Ordinance refers to the effective date of this Ordinance, the reference shall be deemed to also include the effective date of any amendments to this Ordinance if the amendment, rather than this Ordinance as originally adopted, creates a non-conforming situation.

Erected: The building, construction, alteration, reconstruction, moving upon, or any physical activity upon a premises or lot.

Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of underground or overhead gas, electrical, telephone transmission or distribution system including poles, wires, main drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities, departments or commissions.

Existing Building: A building existing or for which the foundations are in place prior to the effective date of this Ordinance or any amendment thereto.

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

Expenditure: A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

FAA: Means the Federal Aviation Administration.

Family:

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

FCC: Means the Federal Communications Commission.

Flood Plain: The area of land adjoining the channel of a river, stream, water course, lake or other similar body of water which will be inundated by a flood which can reasonably be expected for that region.

Foster Care, Adult: A governmental or private facility licensed by Act 218 of 1979, as amended, to receive adults for foster care. A capacity of six (6) or less is considered a residential use subject to the spacing requirements of the Act. A capacity of seven (7) or more is considered a commercial use and is not permitted in a residential district.

Footprint: The ground area a structure covers.

Garage, Private: An accessory building or an accessory portion of a principal building designed or used solely for non-commercial storage.

Gasoline Service Station: Any area of land, including any structures thereon, used or designed for the supply of gasoline, oil, or other fuel for the propulsion of vehicles. For

the purpose of this Ordinance, this term shall also mean any area or structure used or designed for polishing, greasing, washing, cleaning, or servicing such motor vehicles.

Governing Body (or Township Board): The Township Board of the Township of Lake.
Grade, Finished: The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs related thereto.

Greenbelts or Buffer Parks: A strip or parcel of land, or easement privately restricted or publicly dedicated as open space located between incompatible uses for the purpose of protecting and enhancing the residential environment.

Gun and Skeet Clubs, Rifle Range: Any facility, whether operated for profit or not, and whether public or private, which is designed for the use of firearms which are aimed at targets, skeet or traps, or clay pigeons.

Greenhouse: A structure or enclosure constructed chiefly of glass, plastic or other translucent materials for the cultivation or protection of tender plants.

Habitable Space: Space in a structure for living, sleeping, eating or cooking.

Bathrooms: Toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

Hazardous Materials: Those chemicals or substances which are physical or health hazards as separately defined in the Code of Federal Regulations Title 29 and other nationally recognized standards.

Health Department: See County Health Department.

Highway: Any public thoroughfare in Lake Township including Federal, State and County highways. (See Road)

Home Based Business: An activity established for economic gain conducted on a residential premises and/or an accessory building which serves as a base of operation from which to conduct the activity off-site.

Home Occupation: An accessory use of professional, service, or business character conducted within a dwelling by the family residents thereof, which is clearly secondary and incidental to the use of the dwelling for living purposes and does not change the character thereof.

Hotel: A building, other than a bed and breakfast facility and a boarding, lodging or rooming house, occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals and in which building there are five (5) or more sleeping rooms and in which rooms there is no provision for cooking.

Impervious Surface: A surface that has been compacted or covered with a layer of material that is highly resistant to infiltration by water.

Improvements: Any structure incident to servicing or furnishing facilities for a subdivision such as grading, street surfacing, curb and gutter, driveway approaches, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, lagoons, slips, waterways, lakes, bays, canals and other appropriate ties, with appurtenant construction.

Those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of a township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening and drainage. Improvements do not include the entire project that is the subject of zoning approval

Institutional Structures: Such as churches or similar places of worship and related uses, educational uses and public buildings.

Junkyard: Any land or building where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, parked, disassembled or handled; including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A “junk yard” includes automobile wrecking yards and includes any area of more than fifty (50) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.

Kennel: Any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets. Kennel shall also mean the keeping of five (5) or more dogs, cats or other household pets over the age of six (6) months.

Land Use Permit: A Zoning Compliance Permit required for any change in the use of land or structure in accordance with the provisions of this Ordinance.

Line, Street: The dividing line between a street right-of-way and a lot.

Livestock: Traditional farm animals such as rabbits, poultry, goats, sheep, cattle, horses and hogs.

Lot or Building Site: A parcel of land, under common ownership or control, occupied or intended to be occupied, by a principal building together with any accessory structures, and providing open space, parking and loading spaces required by this Ordinance. Said parcel of land may consist of one or more lots of record or recorded metes and bounds parcels; shall not include any part of a public road or right-of-way, and shall have frontage on, or approved access to, a public road or street. A site condominium building site shall be considered the equivalent of a “lot” for purposes of determining compliance with the applicable requirements of this Zoning Ordinance.

Lot, Access: A lot within a Zoning District allowing residential development to have rear or side yard frontage on a lake or river and which does not meet the dimensional lot

requirements of the Zoning District in which it is located and is not of sufficient lot area to accommodate the minimum dimensional requirements for a dwelling.

Lot, Corner: A lot which has at least two (2) contiguous sides abutting a street for their full length.

Lot, Depth Of: The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

Lot, Front Of: That lot line which is the street line of the principal street or right-of-way providing access to a lot.

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

Lot Line: A line which marks the boundary of a lot.

Lot Line, Front: That lot line which borders the major street.

Lot Line, Rear: The lot line opposite and most distant from the front lot line.

Lot Line, Side: Any lot line which is not a front lot line or a rear lot line; a lot line separating a lot from a side street is an exterior side lot line and a lot line separating a lot from another lot, or lots is an interior side lot line.

Lot of Record: A lot which is part of a subdivision, the map of which was recorded in the Office of the Register of Deeds in Benzie County on the effective date of this Ordinance or a lot described by metes and bounds, the deed or land contract, or land contract memoranda, which had been recorded in the Office of the Register of Deeds in Benzie County on the effective date of this Ordinance. For the purposes of this Ordinance, land contracts, surveys, and purchase options not recorded in the County Register of Deeds' office, but dated and executed prior to the effective date of this Ordinance shall also constitute a lot of record.

Lot, Width: The length of a straight line drawn between the two (2) side lot lines and intersecting the front building line (subject to the front setback).

Lot, Width/Depth Ratio: Newly created lots should not exceed four (4) times the width in depth.

Marina: A facility engaged in the sale, service and storage of all types of watercraft and small engine recreational vehicles and other related equipment and supplies, including, if with water frontage, docking and mooring facilities.

Mass Gathering: An organized outdoor event of three hundred (300) people or more, held at a single location on either public or private land within the Township

Master Plan: The future land use plan created by Lake Township pursuant to Act 33 of 2008, as amended, being the Michigan Planning Enabling Act.

MDNRE: The Michigan Department of Natural Resources and Environment.

MDOT: The Michigan Department of Transportation.

Mechanical Amusement Arcades: Any place or premises occupied by or under the control of the operator of mechanical amusement devices, room or establishment in which a substantial and significant portion of the business is devoted to the operation of mechanical amusement devices, or in which more than five (5) mechanical amusement devices are located and available for operation. For purposes of this Ordinance, a mechanical amusement arcade shall not include mechanical amusement devices located in restaurants or bars, motels or hotels and private clubs, where the devices are only available primarily to guests or patrons, nor to vending machines which dispense food, drink, tobacco or other similar items.

Mechanical Amusement Device: Any machine which, upon the insertion of a coin slug, token, plate or disk or upon payment of a price, may be operated by the public generally for use as a game, entertainment or amusement, including but not limited to games registering a score, electronic video games, mechanical and/or electronic devices such as marble machines, pinball machines, mechanical grab machines, shuffle board game machines, pool tables, billiard tables and all game operations or transactions similar thereto, whether operated by hand, electric power, or combination thereof. For purposes of this Ordinance, a mechanical amusement device shall not include the following: Jukebox or other similar device which plays only music for money; full-size bowling lane or alley; or a movie theater seating more than ten (10) persons.

Mini-Storage Facility: A building, group of buildings or portions of buildings divided and offered to the public for a fee for the storage of goods. Persons have joint access to the facility and individual access to a specific storage unit.

Mobile Home: See Dwelling.

Mobile Home Park: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incidental to the occupancy of a mobile home, or as otherwise defined in Michigan Public Act 96 of the Public Acts of 1987, as amended.

Mobile Home Subdivision: A mobile home development in which lots are privately owned.

Motel: A series of attached, semi-detached or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

Municipal Civil Infraction Citation: A written complaint or notice prepared by an authorized Township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

MZEA: The Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended [MCL 125.3103 et seq.]

Model Home: A completed home in a residential development with landscaping used for the purpose of selling homes within the immediate development.

Non-conforming Dimension: A non-conforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

Non-conforming Lot: A lot lawfully existing at the effective date of this Ordinance (and not created for the purposes of evading the restrictions of this Ordinance) that does not meet the minimum area requirement of the district in which the lot is located.

Non-conforming Sign: A sign lawfully existing on the effective date of this Ordinance which does not conform to one (1) or more of the regulations set forth in the Ordinance.

Non-conforming Situation: A situation that occurs when, as of the effective date of this Ordinance, a lawfully created existing lot or structure or use of a lawfully-created existing lot or structure does not conform to one (1) or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a non-conforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this Ordinance or because land or buildings are used for purposes made unlawful by this Ordinance. Non-conforming signs shall not be regarded as Non-conforming situations for purposes of this Ordinance.

Non-conforming Use: A building, structure or use of land lawfully existing at the time of enactment of this ordinance and which does not conform to the regulations of the district or zone in which it is situated.

Normal High Water Mark: See Water Mark.

Offices: Structures housing offices of private firms and organizations and government agencies which are primarily used for the execution of professional, executive, management or administrative services.

Open Space: Any unoccupied space open to the sky on the same lot with a building.

Open Space Preservation: A land development technique outlined in Act 110 of 2006, as amended, that allows a landowner to develop the same number of dwelling units on fifty(50%) percent or less of the land area of a parcel as would be allowed on the entire parcel under conventional development regulation.

Outdoor Storage: The keeping of any goods, material, merchandise or vehicles in an open and unsheltered area for more than twenty four (24) hours.

Outlot: An area included within the boundary of a recorded plat.

Parcel or Tract: A continuous area or acreage of land which can be described as provided for in the Land Division Act, PA 288 of 1967, as amended.

Patio: An open space area used for outdoor living purposes constructed of any materials which provide a hard, durable surface and which protrudes less than twelve (12) inches above the finished grade of the property.

Permit, Zoning: See Land Use Permit.

Pets: Dogs and cats and other animals traditionally kept within a residence.

Planning Commission: The planning commission established by the Township Board under the authority of, and subject to and exercising the powers, duties, and limitations provided in, the Michigan Planning Enabling Act, Public Act 33 of 2008 [MCL 125.3801 et seq.], as amended [MCL 125.321, et seq.] and the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended [MCL 125.3103 et seq.]

Planned Residential Developments (PRD): See Open Space Preservation.

Planned Unit Development (PUD): A land area which has both individual building sites and common property such as a park and which is designed and developed under one (1) owner or organized group as a separate neighborhood community unit.

Plat: A map or charter of a subdivision of land.

Pre-Preliminary Plat: An informal plan or sketch, drawn to scale, showing the existing features of a site and its surroundings and the general layout of a proposed subdivision.

Preliminary Plat: A map showing the main features of a proposed subdivision of land for purposes of preliminary consideration.

Final Plat: A map of a subdivision of land made up in final form ready for approval and recording.

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

Proprietor, Subdivider or Developer: A natural person, firm, association, partnership, corporation, or combination of any of them, which may hold any recorded or unrecorded ownership interest in land. The proprietor is also commonly referred to as the owner.

Public Utility: Any person, firm, corporation, municipal department or board fully authorized by the Public Service Commission to furnish to the public electricity, gas, steam, telephone, cable television, transportation, sewer services or water.

Public Open Space: Land dedicated or reserved for use by the general public. It includes parks, parkways, recreation areas, school sites, community or public building sites, streets and highways and public parking spaces.

Recreation, Private Non-Commercial: A recreational space or structure, or combination thereof, belonging to and/or operated by private interests for use by private individuals and/or organizations and/or other artificial apparatus which are necessary to form the basis for said use.

Recreational Unit: A tent, or vehicular type structure, primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. A tent means a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping outdoors. Recreation unit shall include “travel trailers”, “camping trailer”, “motor home”, “truck camper”, “slide-in-camper”, and “chassis-mount camper” as defined in Public Act 525, Michigan Public Acts of 1982.

Recreational Vehicle: Means a recreational unit, exclusive of tents and including a trailer used for the transport of motorized recreational equipment such as snowmobiles or watercraft or non-motorized recreational equipment such as a fish shanty; motorized watercraft and other motorized recreational equipment or a trailer along with motorized or non-motorized recreational equipment loaded for transport.

Recycling Facility or Operation: A facility and the operation to collect and process solid waste and defined in the Solid Waste Management Act.

Re-plat: The process of changing of the map or plat which changes the boundaries of a recorded subdivision plat or part thereof. The legal dividing of an outlot within a recorded subdivision plat without changing the exterior boundaries of the outlot is not a replat.

Resort: A recreational lodge, camp or facility operated for gain, and which provide overnight lodging and one (1) or more of the following: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming, hunting and fishing and related similar uses normally associated with recreational resorts.

Right-of-Way: A road, street, alley, or other thoroughfare or easement permanently established for passage of persons or vehicles which if used to establish a lot front, provides adequate permanent access.

Road: A public or private thoroughfare, easement or right-of-way for the ingress, egress and regress of motor vehicles, which affords the principal means of access to abutting property.

Arterial (Primary) Road: Designated state and federal highways and those roads of considerable continuity which are designated primary roads by the Benzie County Road Commission or may be used primarily for fast or heavy traffic.

Cul-de-sac: A minor road of short length having one end terminated by a vehicular turn-around.

Local Road: A road intended primarily for access to abutting properties and is designated a local road by the Benzie County Road Commission.

Marginal Access Road: A minor road which is parallel and adjacent to arterial roads and which provides access to abutting properties and protection from through traffic and not carrying through traffic.

Road Width: The shortest distance between the lines delineating the right-of-way of roads.

Road, Private: Any non-public road serving two (2) or more dwellings or principal uses. (See Easement)

Road, Public: A road dedicated to the public, such dedication having been accepted by the appropriate public road commission or department of transportation, which meets the minimum construction standards of said Road Commission or Department of Transportation.

Roadside Stand: A “roadside stand” is a structure for the display and sale of agricultural products, without space for customers within the structure itself.

Sand or Gravel Pits, Quarries: The removal of topsoil, sand and gravel processing, mining and quarrying of earth, clay and other mineral extraction.

Satellite Signal-Receiving Antennas: Also referred to as “satellite dish”, “earth stations” or “ground stations” shall mean one (1), or a combination of two (2) or more of the following:

A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources.

A low noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.

“Dish” shall mean that part of a satellite signal receiving antenna characteristically shaped like a saucer or a dish.

“Grounding rod” shall mean a metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.

“Receiver” shall mean a television set or radio receiver.

Setback: The minimum required horizontal distance from the applicable lot lines within which no buildings or structures may be placed.

Setback Lines: Line(s) established parallel to a lot line and along a highway or water’s edge for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained.

Sewage Treatment and Disposal: A sanitary sewage treatment process as approved by the State of Michigan statutes.

Sexually Oriented Business: A facility offering sexually explicit materials for compensation and as regulated by this Ordinance.

Short-term Rental: A residential dwelling unit lawfully established under this Ordinance and meeting all of the requirements of this Ordinance which is non-owner occupied, renting to the transient public for compensation for a period of less than thirty (30) days, when not a hotel, motel, resort, boarding house, bed and breakfast, lodging, or rooming house and pursuant to a written or unwritten lease or agreement.

Sign Face: That part of a sign structure which is used to graphically communicate a message or announcement.

Sign Regulations Definitions:

Banner: A sign made of natural, synthetic or plastic material used to call attention to a land use or product, service or activity; however, not including pennants or flags.

Billboard Highway Advertising Sign: An off-premises sign owned by a person, corporation or the entity that engages in the business of selling the advertising space on that sign.

Business Center Sign: A sign which gives direction, name, and identification to a business center and which does not contain any additional information regarding individual stores, businesses, institutions, organizations, located in the planned complex or contiguous stores.

Directional Sign: An on or off premises sign which sets forth no advertising display, but is used to direct visitors or customers to a particular land use.

Entrance Way Sign: A sign that designates the street entrance way to a residential or industrial subdivision, apartment complex, condominium development, or permitted institution, from a public right-of-way.

Flag: A sign made of natural, synthetic or plastic material having a distinctive size, color and design used as a symbol or emblem.

Flashing Sign: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use.

Ground or Pole Sign: A free standing sign supported by one (1) or more uprights, poles, braces or some other structure, placed in the ground surface and not attached to any building.

Highway Advertising Sign: See Billboard.

Home Occupation Sign: A non-illuminated sign announcing a home occupation or professional service.

Home Business Sign: A non-illuminated sign containing only the name and occupation of the permitted home business.

Identification Sign: A sign containing the name of a business operating on the premises where located, the type of business, owner or resident, and/or the street address and sets forth no other advertisement display.

Illuminated Sign: A sign that provides artificial light by either emission or reflection.

Informational Sign: A small, non-advertising sign used to identify architectural features of a land use such as building entrances, drop boxes, restrooms, handicapped ramps and similar features.

Ingress-Egress Sign: A sign located adjacent to the entrance or exit drives of a development to identify the points of vehicular ingress and egress.

Marquee Sign: An “identification or business” sign attached to a marquee, canopy, or awning projection from the building.

Off-Premises Advertising Sign: A sign which advertises a business or activity conducted elsewhere than on the premises where the sign is located.

Pennant: A small, often triangular, tapering flag used in multiples as a device to call attention to a land use or activity.

Portable Sign: A freestanding sign not permanently anchored or secured to either a building or the ground, but are trailered or similarly mounted signs or signs on parked vehicles where the sign is the primary use of the vehicle or wheeled object.

Projecting Sign: A sign which is affixed to any building or structure other than a marquee and projects in such a way that the message is not parallel to the wall to which it is attached.

Roof Sign: Any sign which is erected above the roof of a building.

Sign: Any identification, description, illustration, display or device illuminated or non-illuminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information. For the purpose of removal, signs shall also include all sign structures.

Subdivision Sign: A free-standing sign used in connection with a subdivision plat, illustrating said plat for the purpose of indicating the location of lots within the plat and/or their availability for purchase.

Seasonal Commodity Sign: An on or off premise sign which indicates the name of the farm, the sale of farm products produced seasonally on the premises, the location of the premises, and/or the hours open to the public.

Temporary Sign: A display sign, banner, or advertising device with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations.

Wall Sign: A sign which is attached directly to or painted upon a building wall.

Site Condominium: A plan or project consisting of two or more site condominium units established in compliance with the Condominium Act, Public Act. No. 59 of the Public Acts of Michigan of 1978, as amended. As used in reference to a “site condominium subdivision” in this Ordinance, the terms are defined as follows:

Site Condominium Unit: That portion of a condominium project that is designed and intended for separate ownership and use, as described in the master deed, and within which a building or other improvements be constructed by the condominium unit owner.

Building Envelope: The area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed.

Building Site: That portion of a condominium project that shall include the site condominium unit and that may also include limited common elements as described in the master deed. For purposes of determining compliance with the applicable requirements of the zoning ordinance (including, without limitation, area, width, and setback requirements) or with other applicable laws, ordinances, or regulations, a “building site” shall be considered to be the equivalent of a “lot”.

Limited Common Element: That portion of a condominium project other than the condominium unit that is reserved in the master deed for the exclusive use of the owner of the site condominium unit.

Sketch Plan: A pre-preliminary plat or residential site plan.

Solar Collector: A structural device designed to collect and concentrate the sun’s rays for the purpose of generating solar electrical energy or solar heat.

Special Uses: Those uses of land which are not essentially incompatible with the permitted uses in a zoning district, but possess characteristics of locational qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding areas, public services, facilities and adjacent uses of land.

Sponsor: Means any person who organizes, promotes, conducts or causes to be organized, promoted or conducted a mass gathering.

Story: That portion of a building included between the top surface of any floor and the top surface of the floor next above.

Story, Half: A space under a sloping roof where the line of intersection of roof decking and wall is not more than three (3) feet above the top floor level and in which space not more than 60 percent of the floor area is completed for principal or accessory use.

Street: See Road.

Street Line: The legal line of demarcation between a street right-of-way and abutting land.

Structure: A structure is any production or piece of material artificially built up or composed of parts joined together in some definite manner; any construction, including dwellings, garages, buildings, mobile homes, signs and sign boards, towers, poles, antennae, swimming pools, decks, fences four (4) feet in height or more or other like objects; but not including fences up to four (4) feet in height, uncovered steps, docks, access steps required to negotiate changes in site elevation, and sidewalks, drives, paved areas and patios which protrude less than twelve (12) inches above the finished site grade.

Subdivision: That partitioning or dividing of a parcel or tract of land where the act of division creates five (5) or more parcels of land, each of which is ten (10) acres or less in area or where five (5) or more parcels of land, each of which is ten (10) acres or less in area, are created by successive divisions within a period of ten (10) years.

Subdivision Control Act: Land Division Act 288 of 1967, as amended.

Surveyor: A land Surveyor licensed to practice in the State of Michigan.

Swimming Pool: A structure designed to hold water and either in ground or above ground.

Tower: Means any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

Tower, Alternative Tower Structure: means man-made trees, clock towers, water towers, bell steeples, light poles and similar alternative – design mounting structures that camouflage or conceal the presence of antennas or towers.

Tower, Backhaul Network: means the lines that connect a provider's towers/cell sites to one (1) or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

Tower, Height: means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Tower Park: means an area where multiple towers may be approved, by the Planning Commission, to be clustered, subject to engineering limitations.

Tower, Preexisting towers and preexisting Antennas: means any tower or antenna for which a permit has been properly issued prior to the effective date of this Ordinance,

including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Township Board: Lake Township Board of Trustees.

Tool Shed: A residential accessory building designed to hold yard and garden tools and accessories.

Topographical Map: A map showing existing physical characteristics, with contour lines at sufficient intervals to permit determination of grades and drainage.

Trailer Coach: Mobile Home as defined herein.

Travel Trailer Park: See campground as defined herein.

Traveled Surface of Roadway: For the purpose of establishing setbacks, it is that portion of the roadway surface whose principal function is to provide for the passage of motor vehicles as they traverse the roadway, excluding there from the shoulder of the road which is principally used for the emergency stopping or parking of motor vehicles or for the passage of pedestrians and bicycles. The Township will declare such traveled surface of each lane of the roadway to be no less than eleven (11) feet wide, thereby having a minimum of eleven (11) feet of traveled surface either side of the centerline of a two (2) lane road; three (3) traveled surfaces of eleven (11) feet each in width for a three (3) lane road or a two (2) lane road with a passing lane or turning lane at an intersection; and four (4) traveled surfaces of eleven (11) feet each in width for a four (4) lane road or a three (3) lane road with a passing lane or a turning lane at an intersection.

Use: The purpose for which land or a building is arranged, designed, or intended, or for which land or a building may be occupied.

Variance: A grant of relief upon a finding of a practical difficulty by a Zoning Board of Appeals other than for use, and typically from dimensional or numerical standards of the Ordinance such as from setback or yard requirements, and where such a variance would not have the effect of permitting a use of land or a structure that is not otherwise permitted in the zoning district.

Warehouse, commercial storage: A building used primarily for the storage of goods and materials available to the general public for a fee.

Watercraft: Any motorized boat or water vehicle, regardless of size or length, or any non-motorized boat or water vehicle more than sixteen (16) feet in length.

Water Mark, High: The highest normal water level of the major lakes, rivers or streams within the Township based on the water level history of each respective body of water or as established by the Benzie County Circuit Court.

Water Resources Commission: The Water Resources Commission of the Michigan Department of Natural Resources and Environment (MDNRE).

Way: A roadway. (See Road)

WECS: Shall be the approved form of abbreviation of “wind energy conversion system”.

WECS shall mean a combination of:

A surface area, either variable or fixed, for utilizing the wind for electrical powers; and

A shaft, gearing, belt or coupling utilized to convert the rotation of the surface area into a form suitable for driving generator, alternator, or other electricity producing device; and

The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and

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

WECS: Definitions:

1. Ambient Sound Level: The amount of background noise (including source that are constant and/or periodic) at a given location prior to the installation of a WECS, that is measured on the dB(A) weighted scale as defined by the American National Standards Institute.
2. Anemometer: A temporary device that is constructed at a given location to study any and all characteristics of the wind resource. This includes all hardware used to hold the device and all associated equipment used to record and/or transmit data.
3. Decibel: A unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dB(A) weighted scale as defined by the American National Standards Institute.
4. Decommissioning: The process of terminating operation of a WECS and completely removing all related buildings, structures, foundations, access roads and equipment.
5. Large (commercial) WECS: A wind energy system defined herein, consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of more than 30 Kilowatts (kW).

6. Occupied Building: A residence, school, hospital, church, public library, business or other building used for public gatherings.
7. Owner: The individual or entity, including their respective successors and assigns, that have an equity interest or own the WECS in accordance with this Ordinance.
8. Operator: The entity responsible for the day-to-day operation and maintenance of a WECS.
9. Shadow Flicker: The moving shadow, created by the sun shining through rotating blades of a WECS.
10. Small (Residential) WECS: A wind energy system as defined herein, consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of less than 30 Kilowatts (kW).
11. Wind Farm: More than one Large WECS located in a defined area that are designed to function as a unit.
12. Unit: All parcels of land either owned by or leased to the applicant that will define the Wind Farm.
13. Total Height: The vertical distance measured from the ground level at the base of a tower to the uppermost vertical extension of any blade of the turbine.
14. Upwind Turbines: A type of wind turbine in which the rotor faces the wind.
15. System Useful Life: The period of time expressed in years that a WECS would be expected to remain in operation.
16. Non-Functional system: A WECS system that is not generating electricity

Household WECS: Is a WECS that supplies electricity to a single parcel with a design output of less than 30KW per day and does not generally flow electric energy to the utility system. Such a system supplements the electrical energy used at a dwelling and is connected to specific circuits which may have automatic transfer to the electrical utility to maintain a constant source of electric energy. A household WECS may be allowed with a Land Use Permit in all zoning districts provided it complies with the applicable regulations and standards.

Commercial WECS: A WECS that has a design output rated at 30KW per day or greater, and is interconnected to an electrical utility to provide electrical energy for community wide distribution. A commercial WECS may be allowed by Special Use Permit in specific zoning districts provided applicable regulations and standards are met.

Wind Farm: A commercial WECS development involving three (3) or more WECS that are interconnected and provide electrical energy community wide and/or statewide distribution. A WECS Wind Farm may be allowed by Special Use Permit and by meeting specific standards.

Tower Height:

Horizontal Axis Wind Turbine Rotors: The distance between the ground and the highest point of the WECS, as measured from the ground, plus the length by which the rotor blade on a horizontally-mounted WECS exceeds the structure which supports the rotor and blades;

Vertical Axis Wind Turbine: The distance between the ground and the highest point of the WECS.

Survival Wind Speed: The maximum wind speed as designated by the WECS manufacturer, at which a WECS, in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.

Interconnected WECS: A WECS which is electrically connected to the local electrical power utility system and could feed power back into the local electrical power utility system.

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

Wireless Communication Towers: All structures and necessary facilities, related to the use of radio frequency spectrum for the purpose of transmitting or receiving radio signals, telephone transmission equipment, private and commercial radio services, personal communication services and cellular telephone services.

Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building line.

Yard, Front: A yard extending across the front of a lot between the front line of the lot and nearest point of the main building or land use.

Yard, Rear: An open space on the same lot with a main building, unoccupied, except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the sidelines of the lot.

Yard, Side: An open, unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a front or rear line shall be deemed a side line.

Yield Plan: A plan showing layout and density as allowed under conventional zoning regulations to be used to determine overall density and number of buildable parcels, lots or condominium units under the Open Space Preservation provisions of Act 110 of 2006, as amended, and this Ordinance.

Zoning Permit: Permit required for any change in use of land, or structure in accordance with the provision of this ordinance. (See Land Use Permit)

Zoning Ordinance: The Lake Township Zoning Ordinance.

Sec. 2.3 Words Requiring Special Interpretation: Any words requiring special interpretation and not listed above shall be used as defined in a standard dictionary.

Sec. 2.4 Words Not Defined Any words requiring special interpretation and not listed above shall be used as defined in a standard dictionary.