

Lake Township Zoning Ordinance Table of Contents

Article 1.	TITLE & PURPOSE	1-7
Section 1.1	TITLE.....	1-7
Section 1.2	AREA OF JURISDICTION	1-7
Section 1.3	AUTHORITY	1-7
Section 1.4	PURPOSE.....	1-7
Section 1.5	RELATIONSHIP TO THE MASTER PLAN.....	1-8
Section 1.6	RULES OF CONSTRUCTION	1-8
Section 1.7	VALIDITY AND SEVERABILITY	1-9
Section 1.8	CONFLICTING ORDINANCE OR REGULATION	1-9
Section 1.9	REPEAL OF PRIOR ORDINANCE	1-9
Section 1.10	COMPUTATION OF TIME	1-9
Section 1.11	AMENDED MICHIGAN STATUTES	1-9
Section 1.12	EFFECTIVE DATE.....	1-9
Section 1.13	ADOPTION	1-10
Article 2.	GENERAL PROVISIONS.....	2-11
Section 2.1	SCOPE	2-11
Section 2.2	APPLICABILITY.....	2-11
Section 2.3	VESTED RIGHT.....	2-11
Section 2.4	REQUIRED WATER SUPPLY & SANITATION FACILITIES	2-11
Section 2.5	PROHIBITED USES	2-11
Section 2.6	DWELLINGS ON MORE THAN ONE LOT	2-12
Section 2.7	ACCESS TO ROAD / DRIVEWAYS	2-12
Section 2.8	BARRIER FREE MODIFICATION.....	2-12
Section 2.9	RESTORATION OF UNSAFE BUILDINGS	2-12
Section 2.10	RELOCATION OF BUILDINGS.....	2-12
Section 2.11	DEMOLITION OF BUILDINGS.....	2-12
Section 2.12	TEMPORARY BUILDINGS FOR CONSTRUCTION	2-13
Section 2.13	CONSTRUCTION STANDARDS, COMPLETION, AND OCCUPANCY.....	2-13
Section 2.14	VOTING PLACE	2-13
Section 2.15	STANDARD DIMENSIONAL PROVISIONS.....	2-13

Section 2.16	OUTDOOR STORAGE	2-14
Section 2.17	REFUSE RECEPTACLES	2-14
Section 2.18	POWER GENERATORS	2-15
Section 2.19	BOAT DOCK LIMITATIONS.....	2-15
Section 2.20	DAMAGED BUILDINGS	2-16
Section 2.21	FENCES, WALLS, & SCREENS – GENERAL REQUIREMENTS	2-16
Section 2.22	FIRE HAZARDS	2-16
Section 2.23	HAZARDOUS LIQUID CONTAINMENT	2-17
Section 2.24	KEEPING OF LIVESTOCK & ANIMALS.....	2-17
Section 2.25	PRIVATE ROADS	2-17
Section 2.26	USE OF OPEN SPACE, STORAGE OF RECREATIONAL VEHICLES AND INOPERABLE VEHICLES... 2-18	
Section 2.27	VISIBILITY AT INTERSECTION	2-19
Section 2.28	YARD SALES.....	2-19
Section 2.29	ACCESSORY DWELLINGS, STRUCTURES, & USES	2-19
Section 2.30	LAND DIVISIONS.....	2-21
Section 2.31	WATER ACCESS LOTS	2-21
Article 3.	ZONING DISTRICTS & MAP	3-23
Section 3.1	ZONING DISTRICTS AND MAP.....	3-23
Section 3.2	ZONING DISTRICT REGULATIONS AND USES	3-24
Section 3.3	SCHEDULE OF REGULATIONS.....	3-25
Section 3.4	TABLE OF PERMITTED USES	3-26
Section 3.5	LAKESHORE RESIDENTIAL ZONING DISTRICT (L/R)	3-29
Section 3.6	RESIDENTIAL DISTRICT (R1)	3-31
Section 3.7	RURAL RESIDENTIAL DISTRICT (R2).....	3-33
Section 3.8	COMMERCIAL RESORT DISTRICT (C/R)	3-35
		3-36
Section 3.9	GOVERNMENT DISTRICT (G)	3-37
Article 4.	Article 4. ENVIRONMENTAL AND LAKE PROTECTION STANDARDS.....	4-38
Section 4.1	INTENT & APPLICABILITY	4-38
Section 4.2	REVIEW & APPROVAL PROCESS.....	4-39
Section 4.3	GENERAL REQUIREMENTS.....	4-40
Section 4.4	SHORELINE PROTECTION STRIP	4-42
Section 4.5	STEEP SLOPES OVERLAY.....	4-44

Section 4.6	DEVELOPMENT OF RIDGELINES	4-48
Section 4.7	ADDITIONAL REGULATION & COORDINATION	4-50
Section 4.8	LOW IMPACT DEVELOPMENT PROGRAM.....	4-51
Section 4.9	STORMWATER MANAGEMENT	4-52
Section 4.10	VEGETATION PRESERVATION AND CLEARING OF LAND.....	4-54
Section 4.11	FORESTRY	4-55
Section 4.12	GRADING AND MINING	4-56
Article 5.	SITE DEVELOPMENT STANDARDS.....	5-57
Section 5.1	GREENBELTS	5-57
Section 5.2	PARKING & LOADING REGULATIONS.....	5-57
Section 5.3	EXTERIOR LIGHTING.....	5-60
Section 5.4	SIGNS	5-62
Article 6.	SUPPLEMENTAL USE STANDARDS.....	6-65
Section 6.1	INTENT & PURPOSE	6-65
Section 6.2	AGRICULTURAL OPERATIONS	6-65
Section 6.3	AUTOMOBILE AND MARINE REPAIR AND SALES	6-65
Section 6.4	AUTOMOTIVE SERVICE STATIONS	6-66
Section 6.5	ADULT FOSTER CARE FACILITIES.....	6-66
Section 6.6	BATTERY ENERGY STORAGE SYSTEMS (BESS), SMALL-SCALE AND UTILITY SCALE	6-66
Section 6.7	CAMPGROUNDS & TRAVEL TRAILER PARKS	6-71
Section 6.8	CHILD CARE HOME, FAMILY & CHILDCARE CENTERS	6-71
Section 6.9	DATA CENTERS.....	6-72
Section 6.10	GOLF COURSES	6-76
Section 6.11	GREENHOUSE, COMMERCIAL.....	6-76
Section 6.12	HOME BUSINESSES, HOME OCCUPATIONS, AND BED & BREAKFAST ESTABLISHMENTS.....	6-77
Section 6.13	HOTELS, MOTELS, & RESORTS	6-79
Section 6.14	INSTITUTIONAL STRUCTURES	6-80
Section 6.15	MARINAS & CANOE LIVERIES.....	6-80
Section 6.16	MOBILE HOMES	6-81
Section 6.17	OUTDOOR SALES & DISPLAYS.....	6-81
Section 6.18	PUBLIC USES & FACILITIES: CRITICAL, ESSENTIAL, & SUPPORTING	6-82
Section 6.19	RESTAURANTS	6-82
Section 6.20	RETAIL ESTABLISHMENTS	6-82
Section 6.21	ROADSIDE STANDS	6-83

Section 6.22	SOLAR ENERGY SYSTEMS, SMALL-SCALE	6-83
Section 6.23	UTILITY SCALE SOLAR.....	6-85
Section 6.24	WAREHOUSING, COMMERCIAL STORAGE.....	6-89
Section 6.25	WIND ENERGY CONVERSION SYSTEMS, SMALL-SCALE	6-90
Section 6.26	WIRELESS COMMUNICATION SUPPORT STRUCTURES.....	6-92
Article 7.	SITE PLAN REVIEW.....	7-94
Section 7.1	INTENT & PURPOSE	7-94
Section 7.2	SITE PLAN REVIEW REQUIRED	7-95
Section 7.3	STANDARDS FOR SITE PLAN APPROVAL	7-95
Section 7.4	SITE PLAN APPLICATION REQUIREMENTS	7-97
Section 7.5	SITE PLAN APPLICATION REVIEW PROCEDURES.....	7-99
Section 7.6	LAND USE PERMITS.....	7-99
Section 7.7	SITE PLAN APPLICATION DETERMINATIONS.....	7-100
Section 7.8	RECORD OF ACTIONS.....	7-101
Section 7.9	EXPIRATION & REVOCATION	7-101
Section 7.10	AMENDMENTS & MODIFICATIONS	7-102
Section 7.11	FEES & PERFORMANCE GUARANTEES.....	7-102
Article 8.	SPECIAL LAND USES.....	8-103
Section 8.1	INTENT & PURPOSE	8-103
Section 8.2	GENERAL STANDARDS	8-103
Section 8.3	SPECIAL USE PERMIT APPLICATION REQUIREMENTS.....	8-104
Section 8.4	SPECIAL USE PERMIT APPLICATION REVIEW PROCEDURES	8-104
Section 8.5	SPECIAL LAND USE DETERMINATIONS	8-104
Section 8.6	RECORD OF ACTIONS.....	8-104
Section 8.7	EXPIRATION & REVOCATION	8-104
Section 8.8	AMENDMENTS & MODIFICATIONS	8-105
Section 8.9	FEES & PERFORMANCE GUARANTEES.....	8-105
Article 9.	LAND DEVELOPMENT OPTIONS	9-107
Section 9.1	PLANNED RESIDENTIAL DEVELOPMENTS – OPEN SPACE PRESERVATION	9-107
Section 9.2	MOBILE HOME DEVELOPMENTS	9-108
Section 9.3	SITE CONDOMINIUM SUBDIVISION PLAT DEVELOPMENT	9-109
Article 10.	NONCONFORMITIES.....	10-111
Section 10.1	INTENT & PURPOSE	10-111
Section 10.2	GENERAL STANDARDS	10-111

Section 10.3	NONCONFORMING USES.....	10-112
Section 10.4	NONCONFORMING STRUCTURES.....	10-113
Section 10.5	NONCONFORMING LOTS OF RECORD	10-113
Section 10.6	ZONING BOARD OF APPEALS - REVIEW STANDARDS FOR NONCONFORMITIES.....	10-114
Article 11.	ZONING BOARD OF APPEALS	11-115
Section 11.1	CREATION AND MEMBERSHIP	11-115
Section 11.2	MEETINGS.....	11-116
Section 11.3	DUTIES AND POWERS	11-116
Section 11.4	APPEALS OF ADMINISTRATIVE DECISIONS	11-117
Section 11.5	INTERPRETATION OF ZONING ORDINANCE PROVISIONS	11-117
Section 11.6	DIMENSIONAL VARIANCES	11-117
Section 11.7	HEARINGS - APPLICATION, NOTICE, AND DECISION.....	11-118
Section 11.8	STAY	11-119
Section 11.9	APPEAL OF DECISIONS MADE UNDER THIS ARTICLE	11-120
Section 11.10	DURATION OF APPROVALS.....	11-120
Section 11.11	DENIAL AND RE-SUBMITTAL.....	11-120
Article 12.	ADMINISTRATION, ENFORCEMENT & VIOLATIONS	12-121
Section 12.1	ADMINISTRATION	12-121
Section 12.2	ZONING ADMINISTRATOR	12-122
Section 12.3	CODE ENFORCEMENT OFFICER	12-122
Section 12.4	ZONING COMPLIANCE VERIFICATION LETTER.....	12-123
Section 12.5	FEES.....	12-123
Section 12.6	ESCROW POLICY	12-123
Section 12.7	POSTING OF FINANCIAL GUARANTEE.....	12-124
Section 12.8	ON-SITE INSPECTION	12-124
Section 12.9	PERMIT EFFECTIVE DATE AND LIMITS	12-125
Section 12.10	PUBLIC NOTIFICATION	12-125
Section 12.11	VIOLATIONS AND PENALTIES.....	12-126
Article 13.	AMENDMENTS	13-129
Section 13.1	AMENDMENTS TO THIS ORDINANCE	13-129
Section 13.2	REQUIRED STANDARDS AND FINDING OF FACT FOR MAKING DETERMINATIONS.....	13-130
Section 13.3	CONDITIONAL REZONING	13-131
Article 14.	DEFINITIONS.....	14-134

Article 1.

TITLE & PURPOSE

Section 1.1 TITLE

This ordinance shall be known as the Lake Township Zoning Ordinance.

Section 1.2 AREA OF JURISDICTION

The provisions of this Ordinance shall apply to all lands, public and private, throughout the incorporated areas of Lake Township, Benzie County, Michigan, to the extent permitted by law. The area of jurisdiction is referred to herein as the “Township.” This shall include all land, buildings, yards, wetlands, woodlands and shoreline within the Township, including riparian lands and bottomlands of water bodies and shall be concurrent with other governmental entities having jurisdiction thereover. The concurrent jurisdiction of other governmental entities shall not limit the jurisdiction of the Township to regulate lands or activities within the Township, unless specifically exempted by another law.

Section 1.3 AUTHORITY

This Ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended (MZEA). The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning the operation of this Ordinance shall be implemented and accomplished pursuant to the MZEA.

Section 1.4 PURPOSE

- A. In accordance with the authority and intent of Michigan Zoning Enabling Act, Public Act 110 of 2006 as amended, the Township desires to provide for the orderly development of the Township, which is essential to the wellbeing of the community. The Township further desires to:
 - 1. Promote the public health, safety and general welfare;
 - 2. Encourage the use of lands in accordance with their character and adaptability and to limit the improper use of land and protect water resources;
 - 3. Control sprawl, guide development, redevelopment, and maintain rural Northern Michigan character;

4. Control congestion on the public roads;
5. 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;
6. Consider the character of each district, its suitability for particular uses, the existing property values and natural resources, and that the trend and character of land uses, building and population development are appropriate for community needs.

Section 1.5 RELATIONSHIP TO THE MASTER PLAN

This Ordinance is a tool used by the community to effectuate the recommendations of the Lake Township Master Plan and other planning documents, which serve as a guide to the long-term physical development of the Township.

Section 1.6 RULES OF CONSTRUCTION

- A. 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.
- B. Words in the masculine gender include the feminine and neuter.
- C. 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.
- D. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- E. The word “building” or “structure” includes any part thereof.
- F. The word “person” includes a firm, partnership, association, trust, company or corporation, as well as an individual.
- G. 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.”
- H. Any word or term not defined herein shall be used with a meaning of common or standard utilization.
- I. 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.
- J. “Township” shall refer specifically to Lake Township.
- K. Words Requiring Special Interpretation: Any words requiring special interpretation and not listed above shall be used as defined in a standard dictionary.
- L. Words Not Defined Any words requiring special interpretation and not listed above shall be used as defined in a standard dictionary.

Section 1.7 VALIDITY AND SEVERABILITY

If any clause, sentence, sub-sentence, paragraph, section or part of this Ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, sub-sentence, paragraph, section, or part directly involved in the controversy in which said judgment shall have been rendered.

Section 1.8 CONFLICTING ORDINANCE OR REGULATION

Where this Ordinance or portions thereof, impose different restrictions upon the use of structures or land, or upon height or dimensions of structures, or requires different open spaces or yards than imposed by any other Ordinance, State or Federal law or regulation, deed restrictions, or private covenants, the more restrictive provisions shall govern.

Section 1.9 REPEAL OF PRIOR ORDINANCE

The Lake Township Zoning Ordinance effective July 22, 2010 is hereby repealed with the provision that a situation that was not a lawful, non-conforming situation under the previous Zoning Ordinances does not achieve lawful non-conforming status under this Ordinance and a lot which was not a lot of record under the previous Zoning Ordinances does not achieve the status of a new lot of record herein.

Section 1.10 COMPUTATION OF TIME

Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.

Section 1.11 AMENDED MICHIGAN STATUTES

Whenever any provision of this Ordinance refers to or cites any agency, act, or law and the agency, act or law is later amended or superseded, the new agency, act, or law shall apply in place of the old reference.

Section 1.12 EFFECTIVE DATE

Made and passed by the Township Board of Lake Township, Benzie County, Michigan, on XX and effective on XX. This Ordinance shall be in full force and effect from and after XX, with all amendments effective from the dates listed in the “Summary of Amendments” table at the beginning of the Ordinance.

Section 1.13 ADOPTION

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by the Township Board of Trustees on XX.

- A. Public hearing by Planning Commission: XX
- B. Recommendation of Planning Commission to approve the Zoning Ordinance text to the Township

Board: XX

- C. Township Board adoption of the Zoning Ordinance text and map: XX
- D. Date the Ordinance text and map originally took effect, prior to any amendments: XX

Mary Pitcher, Supervisor

Date

I, Penny Georgevich, Clerk of Lake Township, Benzie County, Michigan, hereby certify that notice of adoption of the foregoing ordinance was published pursuant to the provisions of Michigan Public Act 110 of 2006, as amended, in a newspaper of general circulation in Lake Township on XX.

Penny Georgevich, Clerk

Date

Article 2.

GENERAL PROVISIONS

Section 2.1 SCOPE

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

Section 2.2 APPLICABILITY

Unless otherwise specifically stated, the provisions of this Article shall apply to all lands within the Township and within all zoning districts. As an aid to users, this Ordinance cross-references sections that are or might be applicable to other sections. An incorrect or lack of cross-reference does not relieve a person from complying with all applicable requirements of this Ordinance. The Ordinance must be read and applied “as a whole.”

Section 2.3 VESTED RIGHT

Nothing in this Article should be interpreted or construed to give rise to permanent vested rights in the continuance of any particular use, district, zoning classification, or any permissible activities therein, and they are hereby declared to be subject to subsequent amendment, change, or modification, as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 2.4 REQUIRED WATER SUPPLY & SANITATION FACILITIES

Buildings erected, altered or moved upon any premises and used in whole or in part as either year-round or seasonal dwellings or for recreational, business, commercial or industrial purposes, including religious institutions, schools, and other buildings in which persons customarily congregate, shall have adequate water and sanitary facilities as determined by the County Health Department.

Section 2.5 PROHIBITED USES

No building or structure or part thereof shall be erected, altered or used, or land used, in whole or in part, for any use, process or activity resulting in the emission of odor, fumes, dust, smoke, waste, noise or vibration, light encroachment, accumulation of trash or other unsightly conditions which shall make it obnoxious to the public interest, health or welfare, or is not specifically permitted by the terms of this Ordinance.

All activities, in any zoning district, shall be conducted so as not to create or permit trespass or spillage of dust, glare, sounds, noise, vibrations, fumes, odors, or light onto neighboring properties, adjacent streets or public right of ways.

Section 2.6 DWELLINGS ON MORE THAN ONE LOT

If a structure is to be located on a parcel of land containing 2 or more lots under single ownership, the entire parcel shall be considered a "lot" for purposes of this Ordinance.

Section 2.7 ACCESS TO ROAD / DRIVEWAYS

In any zoning district, every use, building or structure established after the effective date of this Ordinance shall be on a lot or parcel that fronts upon a public road right-of-way, or a private road easement held in common by all property owners abutting and shall be shown on all site plans.

Driveways providing access to structures on any site shall be required to meet all the required setbacks except for the front setback. Driveways in a side setback are allowed if the driveway is shared with the adjoining property owner.

Section 2.8 BARRIER FREE MODIFICATION

Nothing in this Ordinance shall prevent the unlimited modification of a building only as may be necessary to comply with barrier-free requirements and the Americans with Disabilities Act.

Section 2.9 RESTORATION OF UNSAFE BUILDINGS

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Zoning Administrator, County Building Official, or Public Health Inspector.

Section 2.10 RELOCATION OF BUILDINGS

The relocation of a building to a different location in the Township shall be the same as erection of a new building, and all applicable provisions, regulations, and required permitting shall be followed and obtained.

Section 2.11 DEMOLITION OF BUILDINGS

- A. No structure shall be demolished until a demolition permit has been issued by the Zoning Administrator. The demolition shall be completed within a reasonable time period and under conditions prescribed by the Zoning Administrator to protect the public health, safety and welfare. The demolition of structures within the Township shall comply with the following:
 - 1. An application for a Demolition Permit shall include the reasons for the demolition and the intended use of the property following demolition. If the intended use is not permitted under the property's current zoning, a Demolition Permit shall be withheld until such time as approval for the new use is obtained, unless the property is deemed a hazard or attractive nuisance to the public.
 - 2. Following demolition of the structure and the removal of all required debris, any excavation or foundation shall be backfilled with clean fill and the site graded to meet existing grades at the property lines and prevent drainage of surface water onto abutting properties or into any water body or wetland.
 - 3. Following grading, all non-paved areas shall be top dressed with a minimum two (2) inches of topsoil and seeded or planted with appropriate vegetation.

4. An accessory building remaining on a property following the demolition of the principal structure shall be maintained in good condition.

Section 2.12 TEMPORARY BUILDINGS FOR CONSTRUCTION

Temporary buildings or structures may be utilized during construction for the storage of construction materials and for construction offices during a construction period of an approved project. Temporary buildings shall be removed within thirty (30) days after the completion or abandonment of the work. No temporary building or structure shall be used as a dwelling unit.

Section 2.13 CONSTRUCTION STANDARDS, COMPLETION, AND OCCUPANCY

- A. All structures requiring a building permit shall be designed and constructed to meet any requirements of the Michigan State Construction Code, as amended, and with all applicable regulations adopted thereunder.
- B. Any construction in any district must have all exterior work completed and inspected within 180 days from date a building permit is issued. Any extensions of permits may only be granted through the Township Board.
- C. All uses, including non-conforming uses shall obtain a certificate of occupancy from the Benzie County Construction Codes Department when a certificate is required by the State Construction Code.
- D. All of the requirements and conditions contained in any development approvals applicable to the property, including zoning, site plan, and other Township approval, that have not been met at the time of the issuance of the development approval, shall be required to have been met before the issuance of any certificate of occupancy.

Section 2.14 VOTING PLACE

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

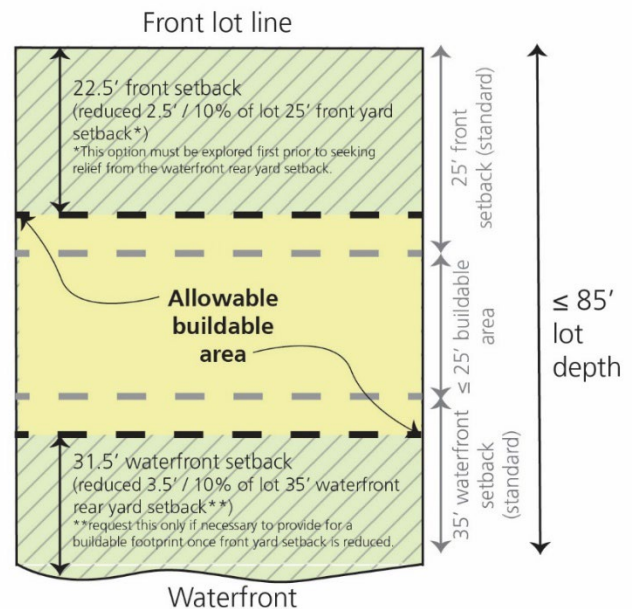
Section 2.15 STANDARD DIMENSIONAL PROVISIONS

- A. **YARD PROJECTIONS**
 1. Architectural features may encroach into required yards as follows:
 2. Cornices, eaves, sills, fireplaces, flues, ornamental features and other similar features may extend or project into a required yard a distance of not more than twenty-four (24) inches.
 3. Uncovered and unenclosed ground story decks, patios or terrace less than thirty (30) inches above grade may project into a required yard a maximum of fifty (50%) percent of the required rear or side yard, and ten (10) feet into a required front yard.
 4. Covered or enclosed porches that extend from the ground floor level of a residential structure may project into a required front yard setback a maximum of five (5) feet.
 5. No permitted projection shall be allowed to encroach into a public right-of-way.
- B. **HEIGHT EXCEPTIONS & LIMITATIONS**

1. Parapet walls may extend above the maximum height specified in the respective district by up to five (5) feet.
2. Freestanding telecommunications towers may exceed the maximum height specified in the respective district.
3. Architectural features associated with religious institutions shall be exempt from district height limits.
4. Flagpoles, television, amateur radio towers and similar devices, heating, air conditioning and similar equipment, fixtures and devices are exempt from the standard height limit.
5. Chimneys attached to residential dwellings may extend above the maximum height specified in the respective district only to the extent required to meet fire and state construction codes.

- C. **LOT & YARD AREA REQUIREMENT EXCEPTIONS.** On any lot of record where the front and rear yard setbacks reduce the buildable area to less than twenty-five (25) feet in depth, the Zoning Administrator is authorized to reduce both the front yard and the rear yard setback requirement by up to ten (10) percent of the depth of the setback to enlarge the buildable area up to twenty-five (25) feet. If the rear yard abuts a lake, stream, wetland or environmentally sensitive area, the rear yard setback may not be reduced, and in such situation, the front yard setback shall not be reduced more than ten (10) percent.

- D. **CORNER LOT SETBACKS.** Structures located on corner lots shall observe the minimum required front yard setback from all street rights-of-way.



Example not to scale

Section 2.16 OUTDOOR STORAGE

Storage of materials or goods to be sold at retail or used as services are prohibited except were allowed in Section 6.17. All allowed outdoor storage must take place in a rear or side yard, screened from view, and be an accessory incidental to the principal use of the parcel.

Section 2.17 REFUSE RECEPTACLES

- A. All trash and refuse stored outdoors shall be placed in a designated container and shall meet the following standards:
1. Dumpsters shall only be used for residential structures serving more than four (4) dwelling units on a single lot or for non-residential uses. An exception shall be made for temporary dumpsters used for construction projects that have been approved through a zoning permit or building permit and shall be removed within seven (7) days after the work has been completed.

Section 2.18 POWER GENERATORS

- A. Back-up power generators are permitted as an accessory structure and shall:
 - 1. Only serve as a back-up power generation system to be operated under emergency situations when power supply is disrupted and for routine maintenance and system checks;
 - 2. Be prohibited in any front yard, side setback, and rear setback;
 - 3. Not be visible from the public right-of-way without adequate screening that exceeds the height of the generator by at least one (1) foot.
 - 4. Be subject to all applicable Township ordinances, including but not limited to those governing noise.

Section 2.19 BOAT DOCK LIMITATIONS

- A. The purpose of this section is to regulate the use of lakefront property and control boat docks and dockages in order to:
 - 1. Protect natural resources, guide the proper development of shoreline areas; prevent overcrowding of land and water; minimize pollution and degradation of public waters
 - 2. Protect life and property by reducing the risk of boating accidents
 - 3. Preserve the recreational use of lakes and lake environments; protect property values
 - 4. Protect the public health, safety and general welfare.
- B. Except as otherwise provided in this Ordinance for access lots, not more than one (1) dwelling unit may have the use of water frontage.
- C. Each parcel is allowed to have one (1) dock with up to six (6) dockages.
- D. All docks, boats, dockages, boat hoists, swim rafts and other watercrafts **MUST** be 10 feet or more from lot lines from extended property lines in the water.
- E. Notwithstanding the foregoing, lots of record and access lots less than twenty (20) feet in width shall have the use of the water frontage. In situations, where the substandard lot of record is less than 20' in width, the dock shall be placed in the middle of the parcel and no portion of the dock and dockages shall encroach the adjacent parcels as it extends into the lake.
- F. Public Recreational areas regulated by governmental agencies are not subject to the standards set forth in this section.
- G. No docks or dockages are permitted at stub roads ends, public accesses, or access walkways.
- H. Lights to illuminate docks must be shielded or downfacing to reduce glare and avoid disrupting wildlife.

- I. Neighbor Agreement Exception. Notwithstanding the setback set forth in this Section, a property owner may seek an exception to the side setback requirements upon obtaining the written consent of both immediately adjacent property owners. Such exemption shall be documented on the Township's standardized Neighbor Agreement for Dock Exception form, which shall be signed by all consent neighbors and filed with the Township Zoning Administrator prior to construction or placement of any dock that would otherwise be non-conforming. The exemption shall run with the property for the duration of the agreement or until any consenting neighbor, or their successor in interest, withdraws consent in writing to the Township. The Township Zoning Administrator shall maintain a register of all approved exceptions. An exception granted under this subsection does not relieve the property owner from compliance with any applicable state or county regulations.

Section 2.20 DAMAGED BUILDINGS

Any building that has been partially destroyed by fire or is in such a state of disrepair as to be uninhabitable and a hazard to the public health and safety shall either be entirely removed or repaired within twelve (12) months from the date of the occurrence of the damage or the effective date of this Ordinance.

Section 2.21 FENCES, WALLS, & SCREENS – GENERAL REQUIREMENTS

- A. **Applicability.** The following standards for fences shall apply in all districts.
 1. Height shall be measured from the average finished grade between two (2) fence posts and the top of the fence between said posts and shall conform to the following maximum heights:
 - a. Front Yard Fences: 3 feet
 - b. Rear & Side Yard Fences: 6 feet
 2. Fences shall be wholly on the property they are intended to serve.
 3. The finished side of the fence shall face outward away from the property.
 4. Fences shall be made of durable materials such as wood, wood composite, vinyl, or metal.
 5. Fences shall not be made of or include barbed wire, razor wire, electrified materials, or any other dangerous material, pallets, slabwood, or chicken wire.

Section 2.22 FIRE HAZARDS

- A. Each dwelling unit shall be provided reasonable vehicular access by a driveway which may be negotiated under normal weather conditions by emergency vehicles and an emergency vehicle set up area suitable for accommodating fire-fighting apparatus shall be provided within a reasonable distance of a structure.
- B. Driveways shall be clear to a width of fifteen (15) feet and an overhead clearance of fifteen (15) feet throughout its length and shall not exceed fifteen (15) percent in grade except by waiver by the fire department.

Section 2.23 HAZARDOUS LIQUID CONTAINMENT

- A. **Intent.** The intent of this section is to establish standards to prevent the release of hazardous liquids into the environment by requiring adequate secondary containment for storage, transfer, and disposal activities. These standards are intended to protect soil, surface water, groundwater, and public sewer systems from spills, leaks, and overfills, and to ensure compliance with applicable state and federal spill prevention, reporting, and emergency planning requirements.
- B. **Applicability.** Hazardous liquid containment standards shall apply to any business or commercial operation involving the storage, transfer, or disposal of hazardous liquids.
- C. **Standards.**
 - 1. Secondary containment structures shall be required to protect the environment from accidental spills of all hazardous liquids. Hazardous liquids shall include all “hazardous wastes” as defined by Act 64 of 1979, that are in liquid form.
 - 2. Secondary containment structures shall include structures such as but not limited to dikes and berms surrounding transfer and storage areas, enclosed structures and interior storage rooms with sills and no floor drains. All secondary containment structures shall be at least large enough to hold the capacity of the largest drum or tank in the transfer or storage area.
 - 3. No floor drains shall be permitted in any areas involving the transfer or disposal of hazardous liquids unless all hazardous liquids are collected and properly treated or disposed of off-site.
 - 4. Qualifying chemical containment must be disclosed to the Benzie County Local Emergency Planning Committee (LEPC).
 - 5. Hazardous chemicals shall be documented and maintained following EPCRA (Emergency Planning Community Right to Know Act), EPA, or MiEGLE requirements.

Section 2.24 KEEPING OF LIVESTOCK & ANIMALS

- A. The raising or keeping of small animals such as rabbits, poultry, goats and sheep, for personal use, shall not occur on a lot or parcel of less than one (1) acre. The raising or keeping of livestock such as cattle, horses and hogs, for personal use, shall not occur on a parcel of land less than two and one-half (2 ½) acres in area.
- B. The carrying out of such practices shall not generate any noise, odor, pollution or other environmental impact which will have an adverse effect on adjacent properties.
- C. No storage or unusual accumulation of manure or odor or dust-producing materials shall be permitted within one hundred (100) feet of any property line.
- D. No building or storage of mechanical equipment for agricultural purposes or housing of animals shall be permitted closer than one hundred (100) feet of any property line.

Section 2.25 PRIVATE ROADS

- A. Private roads shall not be located within the Shoreline Protection Strip.
- B. Private roads in hilly terrain shall be encouraged to locate along natural contours of the land in order to minimize cutting, filling and erosion.

Section 2.26 USE OF OPEN SPACE, STORAGE OF RECREATIONAL VEHICLES AND INOPERABLE VEHICLES

- A. No open yard surrounding a dwelling, or structure used for dwelling purposes, may be used for the location, parking, disposition, storage, deposit, or dismantling in whole or in part of junked vehicles, machinery, secondhand building materials or other discarded, abandoned or rubbish-like materials or structures.
- B. The location, parking or storage of recreational vehicles, including the use as a temporary dwelling, on a lot with a principal dwelling shall be allowed temporarily, if it is located in the side or rear yard, and subject to the following conditions:
 - 1. One recreational vehicle may be used as a temporary dwelling under the following conditions:
 - a. The location of the temporary dwelling shall comply with all setback requirements of this Ordinance.
 - b. The use of the temporary dwelling shall not be contrary to the public health, safety or welfare.
 - c. The temporary dwelling shall be connected to a water supply and sewer disposal system approved by the Benzie County Health Department.
 - d. The temporary dwelling shall, at all times, have a clear and unoccupied space of at least seven (7) feet on all sides.
 - e. Use of the temporary dwelling shall be limited to six (6) months for properties where the owner of the property resides on the same parcel or 45 days for non-owner-occupied property, beginning with the issuance of a permit. The permit may be renewed for one (1) additional period of six (6) months for properties where the owner of the property resides on the same parcel or 45 days for non-owner occupied property, upon approval of the Zoning Administrator for good cause shown. Another application for use of a temporary dwelling on the subject site shall not be approved for a period of at least six (6) months.
- C. The location, parking or storage of recreational vehicles shall be allowed on a lot without a principal dwelling subject to the following conditions:
 - 1. One recreational vehicle may be used as a temporary dwelling under the following conditions:
 - a. The location of the temporary dwelling shall comply with principal structure setback requirements of this Ordinance.
 - b. The use of the temporary dwelling shall not be contrary to the public health, safety or welfare.
 - c. The temporary dwelling shall be connected to a water supply and sewer disposal system approved by the Benzie County Health Department.
 - d. The temporary dwelling shall, at all times, have a clear and unoccupied space of at least seven (7) feet on all sides.
- D. Use of the temporary dwelling shall be limited to fifteen (15) days, beginning with the issuance of a permit. Another application for use of a temporary dwelling on the subject site shall not be approved for a period of at least one (1) day. The permit may be issued for three (3) additional periods of fifteen (15) days within a period of one calendar year, upon approval of the Zoning Administrator. No outdoor storage or parking of vehicles or trucks, over one (1) ton rated capacity, or similar heavy equipment or construction equipment, shall be permitted in a yard or on a lot other than for the temporary parking of trucks or equipment engaged in construction on the site or being used for temporary pickup or delivery purposes.

Section 2.27 VISIBILITY AT INTERSECTION

No fence, wall, hedge, screen, sign, structure, vegetation or planting shall be higher than three (3) feet above street grade on any corner lot or parcel within the triangular area formed by the intersecting street right-of-way lines and straight line joining the two street lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way lines.

Section 2.28 YARD SALES

Yard sales or garage sales may be permitted; provided such sales are not conducted on the same lot for more than three (3) days (whether consecutive or not) during any ninety-day (90) period. And provided further that such sales are conducted only on a lot upon which a principal use is located.

Section 2.29 ACCESSORY DWELLINGS, STRUCTURES, & USES

A. Accessory Building as Dwelling:

1. No building or structure on the same lot with a principal building shall be used for dwelling purposes, except as specifically permitted in Section A (2), below.
2. Accessory dwelling units may be permitted attached to the primary dwelling or within a detached accessory structure under the following conditions:
 - a. Accessory dwelling units shall be allowed as a permitted use in the R-1 Residential, R-2 Rural Residential Zoning Districts and L/R Residential.
 - b. Only one (1) accessory dwelling unit shall be allowed on any parcel with a primary dwelling unit.
 - c. Accessory dwelling units must be on a lot or parcel with a minimum area of 20,000 square feet
 - d. In addition to the parking spaces required for the principal dwelling, one (1) additional off-street parking spaces are required for the accessory dwelling unit which meet the requirements of Article 5.2.
 - e. Accessory dwelling units shall comply with all front, side, and rear yard setback requirements for principal structures for the zoning district in which it is located.
 - f. The footprint of the accessory dwelling unit shall not exceed 60% of the primary dwelling unit or 720 sq ft, whichever is less.
 - g. Accessory Dwelling Units shall not be used as a Short-Term Rental unless the principal structure or the accessory dwelling unit is owner-occupied.

B. Accessory Use Without a Principal Use:

1. No accessory building, structure, or use may be placed on a lot without a foundation first being in place for an associated permitted principal structure, except as below. However, an accessory structure may be constructed on a separate lot(s) provided the separate lot(s) is immediately adjacent to the lot on which the principal use structure is located and both lots are, and will remain, under common ownership.
2. Non-Commercial storage buildings used for non-commercial activities shall be allowed in the R-2 district without the presence of a principal use provided they meet all of the applicable requirements of this Ordinance.

- C. **Accessory Structure Setbacks:** Accessory structures shall meet the same setback requirements as a principal structure in the zoning district where it is located.
- D. **Accessory Structure When Attached to a Principal Building:** Accessory buildings or structures structurally attached to a principal building or structure shall be subject to all the regulations of this Ordinance applicable to principal buildings, structures, and uses.
- E. **Accessory Uses Subject to Additional Requirements:**
 - 1. Recreational structures or spaces for private or personal, non-commercial use are permitted as an accessory use provided setback, impervious surface and all other requirements of this ordinance are met.
 - 2. Swimming pools shall be permitted as an accessory use, in any residential district, subject to the following restrictions:
 - a. Private pools shall meet required yard setbacks.
 - b. There shall be a distance of not less than six (6) feet between the outside pool wall and any building located on the same lot.
 - c. For the protection of the general public, inground swimming pools shall be completely enclosed by a fence not less than four (4) feet in height capable of excluding children and small animals and containing gates of a self-closing or latching type. Gates shall be capable of being securely locked when the pool is not in use.
 - d. Swimming Pools shall be constructed and operated in accordance with Public Act 368 of 1978 as amended.
- F. **Prohibited Accessory Buildings, Structures and Uses:**
 - 1. Transient (shipping) containers are not permitted as an accessory structure or building. No mobile home, tank, junk object, salvage materials, trailer, vehicle, or similar item shall be utilized as an accessory building or storage structure.
 - 2. The limitation in F(1) above shall not be applicable to:
 - a. Temporary offices, tool sheds or similar temporary storage structures including PODS, used pursuant to permitted construction, so long as the period of construction does not exceed eighteen months. All such structures shall meet the setbacks of the zone district where practicable and be removed prior to issuance of a Certificate of Occupancy or the closing out of a permit.
 - b. Underground storage tanks accessory to a permitted use. Said tanks, including the operation of same, shall meet all State and Federal permitting and monitoring requirements.
 - c. Storage/shipping containers, such as PODS (Portable on Demand Storage units), shall be allowed as a temporary use within the Township for a period not to exceed thirty (30) days. Such containers shall only be for the use of the person utilizing the storage/shipping container for moving of goods and materials. At no time shall any container be placed as a permanent structure within any zoning district. Only one (1) container may be placed at any residentially zoned property or use at a time.

Section 2.30 LAND DIVISIONS

- A. New lots or parcels created, and existing lots or parcels combined shall conform to this Ordinance and the requirements of the Land Division Act, being Act 288 of the Public Acts of 1976, as amended. Lake Township elects to opt out of Section 108 (6) of PA 58 of 2025 and shall not authorize land divisions beyond those otherwise permitted by the Land Division Act.
 - 1. All Land Division applications shall be submitted to review by the Township Supervisor, the Township Assessor, the Zoning Administrator or their designee for review.
- B. Except as provided elsewhere in this Ordinance, no lot, parcel, or tract of land shall hereafter be divided, subdivided, platted or included in a site condominium as a unit which results in the creation of any lot, parcel, tract, or unit of land which is less than the minimum area requirements for a building or structure in the zoning district in which it is located. Nonconforming land may be reserved for a future road right-of-way or similar use development provided such nonconforming use is recorded as a restriction upon the document conveying such nonconforming properties. Further, all land divisions must meet the following criteria:
 - 1. The required lot areas and/or frontage requirements, exclusive of easements and rights-of-way.
 - 2. For parcels less than ten (10) acres, the lot depth shall not be greater than four times the width.
 - 3. A boundary survey, legal description, driveway or private road permit, and application fee as set by the Lake Twp Board of Trustees must be submitted with the application. Provided that in the case of a parcel or tract of land of forty (40) acres or more in area, in which no more than two divisions are proposed, a legal description and scaled drawing may be submitted in place of the boundary survey.
 - 4. Land Divisions that comply with the provisions of this Ordinance and State Law shall be approved by the Zoning Administrator.
 - 5. Properties verified to be in violation of the Land Division Act by the Assessor shall be deemed to be unbuildable until they are in compliance with the requirements of the Land Division Act.
- C. Property Line adjustments shall not be classified as a Land Division; however, all Property Line Adjustments must meet the following criteria:
 - 1. Any property line adjustments shall be submitted to the Zoning Administrator for review via a property line adjustment application.
 - 2. A boundary survey and application fee shall be submitted with the application.
 - 3. All properties included in the property line adjustment shall remain in compliance with the requirements of the Land Division Act and the Zoning District.

Section 2.31 WATER ACCESS LOTS

- A. No waterfront lot in any zoning district shall be used as an access lot unless the following requirements are met:
 - 1. The minimum lot width requirement for a water access lot shall be a minimum of 50 feet wide throughout the entirety of the depth of the lot.
 - a. No more than one family may share the minimum sized access lot, whether access is gained by easement, joint or fee common ownership, lease, license, site condominium unit, stock or membership in a corporation or by any other means.

2. For each additional access lot beneficiary in excess of one, there shall be an additional lot width of 100 feet.
3. If an access lot includes areas of wetlands, as defined by Michigan Law, then 50% of that wetland's shoreline shall be counted as part of the lot width requirement for the purpose of counting the number of access lot beneficiaries.
4. An access lot shall be permitted one dock for each access lot beneficiary permitted by right. No dock shall be located closer than ten (10) feet to the nearest property line. In the case of an existing lot which does not meet the lot width requirements of this ordinance, one dock is permitted provided that the location of the dock is located in the center of the lot.
5. Unless the residences having the privilege to use an access lot are within two hundred fifty (250) feet of the access lot, a minimum of two (2) parking spaces shall be provided off of the road right-of-way for each parcel that is more than 250 feet way.
6. Structures Allowed. A structure is allowed on the access lot provided the following are met:
 - a. Setbacks and all other regulations for underlying district are met.
 - b. Maximum one hundred fifty (150) gross square footage.
 - c. Not used for other than non-commercial waterfront recreational uses and related storage.
7. Public parks and public recreation areas shall not be subject to the provisions of this Section.

Article 3.

ZONING DISTRICTS & MAP

Section 3.1 ZONING DISTRICTS AND MAP

- A. **Zoning Districts Established:** The Township is divided into the following Districts:
 - 1. L/R Lakeshore Residential
 - 2. R-1 Residential, Single Family
 - 3. R-2 Residential, Rural
 - 4. C/R Commercial/Resort
 - 5. G Government
- B. **Zoning Map:** The boundaries of the zoning districts established by the Ordinance are shown on a map or series of maps designated the “Official Zoning Map”. The Official Zoning Map, including all notations, references, data, and other information shown therein, is adopted and made a part of this Ordinance as fully as if it were contained within the pages of this Ordinance.
- C. **Location:** The Official Zoning Map is filed in the office of the Township Clerk.
- D. **Updates:** The Township Board may adopt amendments to the district boundaries designated on the Official Zoning Map upon review and recommendation by the Lake Township Planning Commission.
- E. **Interpretation of Zoning District Boundaries:** The following rules shall apply in determining the boundaries of the zoning districts:
 - 1. Unless otherwise specified, the district boundaries shall be interpreted as following along section lines, customary subdivisions of sections, centerlines of roads, highways or other public rights-of-way, shorelines of waterways, or property lines of legal record at the time of adoption of the zoning district map, or any amendment to it.
 - 2. Whenever any street, road, alley, place, or other public way is officially vacated by the Township or Benzie County Road Commission, the district adjoining each side thereof shall be automatically extended to the center of such vacation and all area included in the vacation shall thereafter be subject to all appropriate regulations of the extended districts.

3. Where physical or natural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances where the boundary is not clear, the Zoning Administrator shall provide an opinion of the boundaries.
4. A determination of the district boundary by the Zoning Administrator may be appealed to the Zoning Board of Appeals for a final determination.

Section 3.2 ZONING DISTRICT REGULATIONS AND USES

- A. **Zoning District Regulations:** The following Sections of this Article regulate the uses, dimensional standards, and principal building form for each zoning district.
- B. **Determination of Use:** If a proposed use is not clearly listed or identified in the Regulated Uses Tables, the Zoning Administrator shall determine whether or not the proposed use is similar enough to fit within the definition of an existing listed use and should be accommodated. The determination of the Zoning Administrator regarding unclassified uses may be appealed to the Zoning Board of Appeals for a final determination. If a proposed use is found not be similar enough to an existing listed use to be accommodated, a request to add the proposed use through an amendment may be requested subject to the procedures and standards in **Article 13**.
- C. **Interpreting District Regulations:**
 1. The standards provided in the following Sections are to be interpreted as the minimal requirements, unless explicitly stated as a maximum.
 2. Types of Approval – For any allowed use, the type of approval required is listed in the tables in this Article.
 - a. “ZA” approval type means the use shall be reviewed and approved by the Zoning Administrator.
 - b. “SPR” approval type means site plan review under Article 7 is required.
 - c. “SUP” approval type means a special land use permit is required under Article 8.
 3. Regulated uses that have additional supplemental use standards are referenced in the tables.
 4. This Ordinance contains additional standards applicable to certain uses, situations and features, including but not limited to standards for landscaping, fencing, off-street parking, and loading zones. Nothing in this Article shall exempt a land use or development from satisfying any additional, applicable standards or design requirements contained within this Ordinance.
- D. **Housing Density.** The tables in this Article establish the maximum housing density in each of the zoning districts. The density limits apply to site condominium developments, planned residential developments, districts where apartments or three or more family dwellings are allowed, or to any other situation where more than two dwelling units are allowed on a single parcel. The allowed number of units shall be calculated by dividing the total square footage of the parcel by the allowed density area, with the result rounded down to the nearest whole number.

Section 3.3 SCHEDULE OF REGULATIONS

SCHEDULE OF REGULATIONS	LR Lake Residential	R1 Residential	R2 Rural Residential	C/R Commercial/Resort	G Government District
Lot					
Minimum Lot Width	100 feet	100 feet	150 feet	100 feet	None
Minimum Lot Area	20,000 sq ft	20,000 sq ft	2.5 acres	20,000 sq.ft.	40 acres
Maximum Housing Density	1 unit per 20,000 square feet	1 unit per 20,000 Square Feet	1 unit per 50,000 square Feet	1 unit per 20,000 Square Feet	None
Maximum Impervious Coverage*	20%	35%	25%	35%**	None
Principal Structure					
Front Setback	25 feet	25 feet	25 feet	25 feet	None
Side Setback	10 feet	10 feet	10 feet	10 feet	None
Rear Setback	15 feet	15 feet	15 feet	15 feet	None
Water Body or Wetland Setback	35 feet	35 feet	35 feet	35 feet	None
Ridge Line Setback	50 feet	50 feet	50 feet	50 feet	None
Maximum Height	28 feet	28 feet	28 feet	28 feet	None
Minimum Dwelling Size	720 sq ft	720 sq ft	720 sq ft	720 sq ft	None
Minimum Dwelling Width	20 feet over 50% of the entire structure length	20 feet over 50% of the entire structure length	20 feet over 50% of the entire structure length	20 feet over 50% of the entire structure length	None
Accessory Structures					
Permitted Locations	Same as Principal	Same as Principal	Same as Principal	Same as Principal	None
Setbacks	Same as Principal	Same as Principal	Same as Principal	Same as Principal	None
Maximum Height	Same as Principal	Same as Principal	Same as Principal	Same as Principal	None
Maximum Ground Floor Area	≤ Principal Structure	≤ Principal Structure	≤ Principal Structure	≤ Principal Structure	None
NOTES: <i>Additional accessory building, density, and development standards located in Articles 2 and 6.</i> <i>All land in the Government District owned by the State, County and Township shall be used in a manner deemed appropriate by the owner agency.</i> <i>* On all parcels abutting a lake, the maximum impervious coverage shall be 20%. For non-contiguous parcels, or portions of a parcel that are separated by a road, this maximum percentage shall be applied independently to each contiguous portion using the net area of that contiguous portion.</i> <i>** The maximum lot coverage in the CR District is thirty-five percent (35%). The Planning Commission may approve lot coverage up to fifty percent (50%) through site plan review; lot coverage shall not exceed fifty percent (50%) under any circumstance.</i>					

TABLE OF PERMITTED USES

Key	
ZA	Zoning Administrator Approval Required
SPR	Site Plan Review Required
SUP	Special Use Permit Required
Proposed Changes	

Use	L/R	R-1	R-2	C/R	Supplemental Standards
Residential					
Dwelling, Single Unit	ZA	ZA	ZA	ZA	
Dwelling, Two Unit	ZA	ZA	ZA	ZA	
Dwelling, Multiple Unit			SUP	SUP	
Accessory Dwelling Unit	ZA	ZA	ZA		Sec. 2.29
Adult Day Care Center					
Adult Family Day Care Home	ZA	ZA	ZA	ZA	
Adult Group Day Care Home	ZA	ZA	ZA	ZA	
Adult Foster Care Facility					Sec. 6.5
Adult Foster Care Home, Family	ZA	ZA	ZA	ZA	Sec. 6.5
Adult Foster Care Home, Small Group	ZA	ZA	ZA	ZA	Sec. 6.5
Adult Foster Care Home, Large Group			SUP	SUP	Sec. 6.5
Adult Foster Care Home, Congregate Facility			SUP	SUP	Sec. 6.5
Adult Foster Care Camp or Adult Camp			SUP	SUP	Sec. 6.5
Accessory Structures	ZA	ZA	ZA	ZA	Sec. 2.29
Accessory Uses	ZA	ZA	ZA	ZA	Sec. 2.29
Nursing Home	SUP	SUP	SUP	SUP	
Bed & Breakfast Establishment	SPR	SPR	SPR	SPR	Sec. 6.12
Child Care Organization					
Child Care Center				SUP	Sec. 6.8
Foster Family Home	ZA	ZA	ZA	ZA	State Regulations
Foster Family Group Home	ZA	ZA	ZA	ZA	State Regulations
Child Care Home, Family	ZA	ZA	ZA	ZA	Sec. 6.8

Use	L/R	R-1	R-2	C/R	Supplemental Standards
Child Care Home, Group	SUP	SUP	SUP	SUP	State Regulations
Planned Residential Development	SPR	SPR	SPR	SPR	Sec. 9.1
Site Condominium Development	SPR	SPR	SPR	SPR	Sec. 9.3
Mobile Home Developments				SUP	Sec. 9.2
Recreational					
Golf Courses			SUP	SUP	Sec. 6.10
Campground & Travel Trailor Parks				SUP	Sec. 6.8
Marinas & Canoe Liveries				SUP	Sec. 6.15
Commercial					
Automobile and Marine Repair and Sales				SUP	Sec. 6.3
Automotive Service Stations				SUP	Sec. 6.4
Greenhouse, Commercial			ZA		Sec. 6.11
Hotel, Motel, Resort (10 units or less)				SUP	Sec. 6.13
Personal Service Establishment				SUP	
Restaurant				SUP	Sec. 6.19
Retail Sales Establishment (<5,000 sq.ft.)				SUP	Sec. 6.20
Contractors Use				SUP	
Warehousing, Commercial Storage				SUP	Sec. 6.24
Designated Industrial Uses				SUP	
Outdoor Storage				SUP	Sec. 2.16
Public/Utilities					
Institutional Uses	SUP	SUP	SUP	SUP	Sec. 6.14
Solar Energy System, Small Scale	ZA	ZA	ZA	ZA	Sec. 6.22
Solar Energy System, Utility Scale				SUP	Sec. 6.23
Wind Energy Conversion System, Small Scale	ZA	ZA	ZA	ZA	Sec. 6.25
Wind Energy Conversion System, Utility Scale				SUP	Sec. 6.26
Wireless Communication Tower			SUP	SUP	Sec. 6.27
Public Use & Facilities	SUP	SUP	SUP	SUP	Sec. 6.18

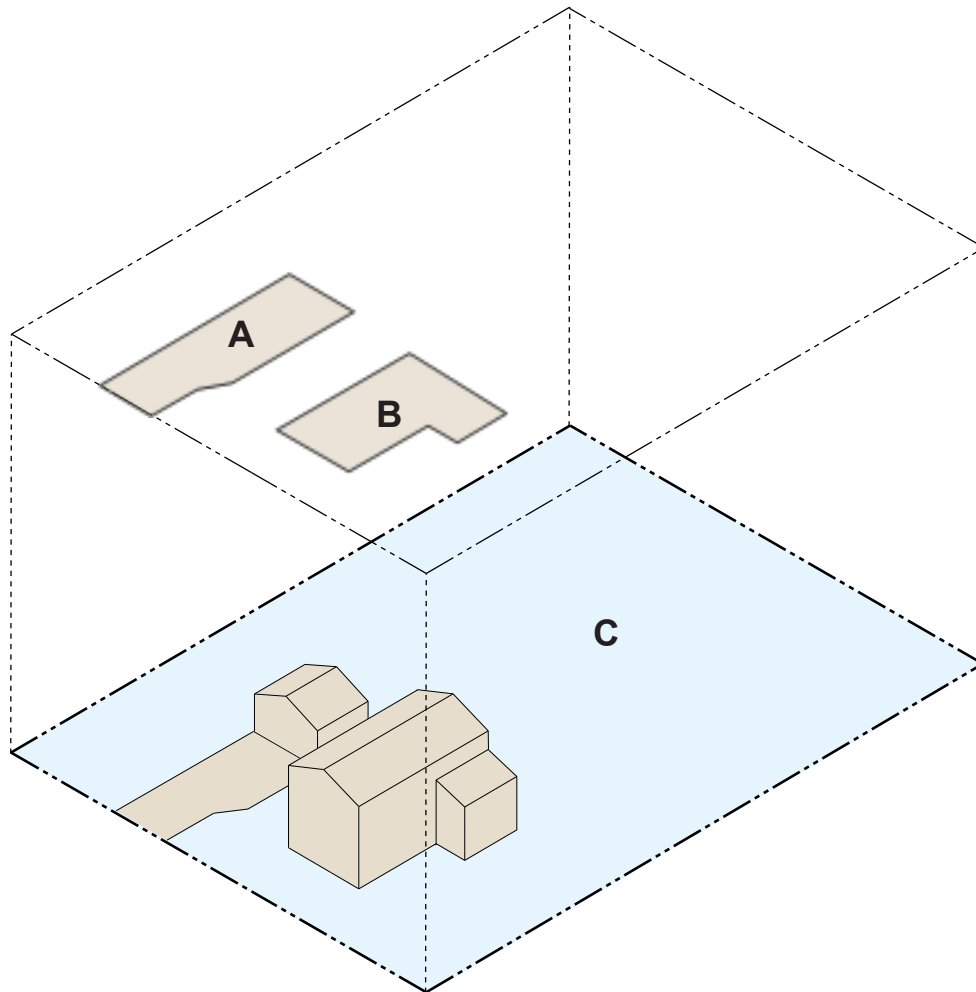
Use	L/R	R-1	R-2	C/R	Supplemental Standards
Data Centers				SUP	Sec. 6.9
Battery Energy Storage Facilities, Small Scale				SUP	Sec. 6.6
Battery Energy Storage Facilities, Utility Scale					Sec 6.6.B
Agricultural					
Agricultural Uses			ZA		
Forestry Uses			ZA		Sec. 4.11
Roadside Stands	SPR	SPR	SPR	SPR	Sec. 6.21
<i>See Section 3.9 Government District for permitted uses allowed in this district.</i>					

Section 3.5 LAKESHORE RESIDENTIAL ZONING DISTRICT (L/R)

- A. **Intent & Purpose:** It is the purpose of the L/R District to regulate land uses in the immediate vicinity of the designated lakeshore areas. This district recognizes the high scenic and economic values of lake shore properties, but also the need to preserve and protect the environmental quality of the lakes. Land uses and development standards in this district are intended to allow the reasonable use of the lake shore, but with limits to protect the resource.

B. **L/R District: Dimensional Standards**

L/R: DIMENSIONAL STANDARDS	
Lot	
Minimum Lot Width	100 feet
Minimum Lot Area	20,000 sq ft
Maximum Housing Density	1 unit per 20,000 square feet
Maximum Impervious Coverage	20%
Principal Structure	
Front Setback	25 feet
Side Setback	10 feet
Rear Setback	15 feet
Water Body or Wetland Setback	35 feet
Ridge Line Setback	50 feet
Maximum Height	28 feet
Minimum Dwelling Size	720 sq ft
Minimum Dwelling Width	20 feet over 50% of the entire structure length
Accessory Structures	
Permitted Locations	Same as Principal
Setbacks	Same as Principal
Maximum Height	Same as Principal
Maximum Ground Floor Area	≤ Principal Structure
<i>NOTES: Additional accessory building, density, and development standards located in Articles 2 and 6.</i>	



$$\text{Impervious Surface Coverage} = \frac{A+B}{C} \times 100\% \leq 15\%$$

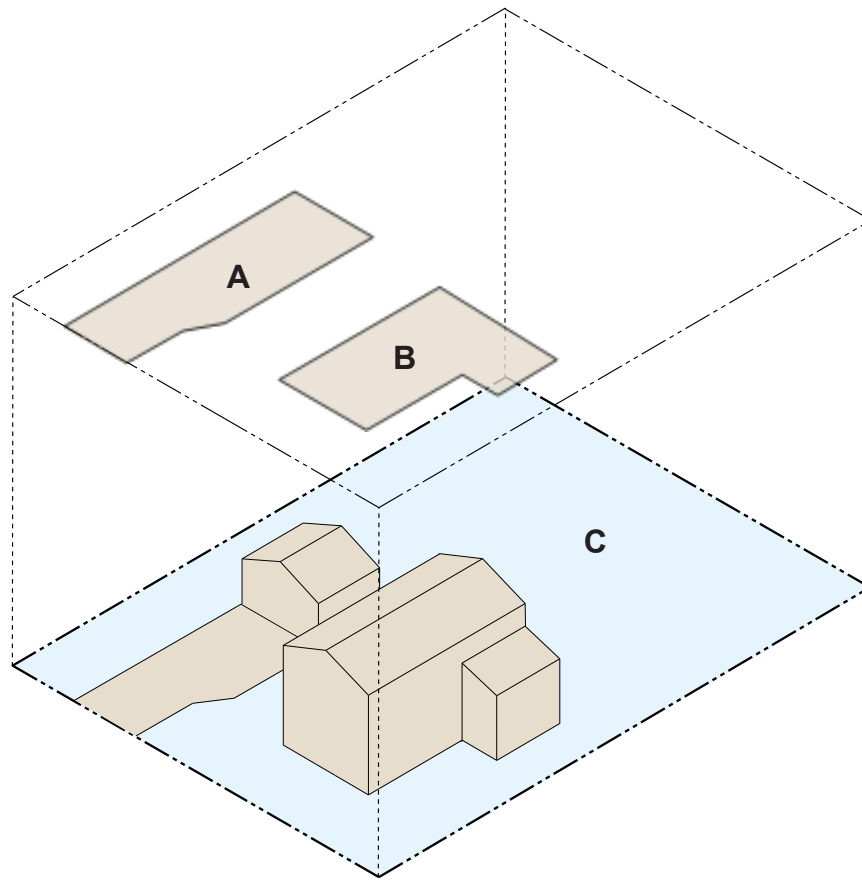
Total covered lot area including all pavements and structures divided by total lot area.

Section 3.6 RESIDENTIAL DISTRICT (R1)

- A. **Intent & Purpose.** This district includes standards for the development of low to medium density residential areas. This district includes some existing one-family developments within the Township which have similar lot area and character, as well as areas within which such development appears likely and acceptable.

B. **R1 District: Dimensional Standards**

R1: DIMENSIONAL STANDARDS	
Lot	
Minimum Lot Width	100 feet
Minimum Lot Area	20,000 sq ft
Maximum Density	1 unit per 20,000 Square Feet
Maximum Impervious Coverage	35%
Principal Structure	
Front Setback	25 feet
Side Setback	10 feet
Rear Setback	15 feet
Water Body or Wetland Setback	35 feet
Ridge Line Setback	50 feet
Maximum Height	28 feet
Minimum Dwelling Size	720 sq ft
Minimum Dwelling Width	20 feet over 50% of the entire structure length
Accessory Structures	
Permitted Locations	Same as Principal
Setbacks	Same as Principal
Maximum Height	Same as Principal
Maximum Ground Floor Area	≤ Principal Structure
NOTES: Additional accessory building, density, and development standards located in Articles 2 and 6.	



$$\text{Impervious Surface Coverage} = \frac{A+B}{C} \times 100\% \leq 35\%$$

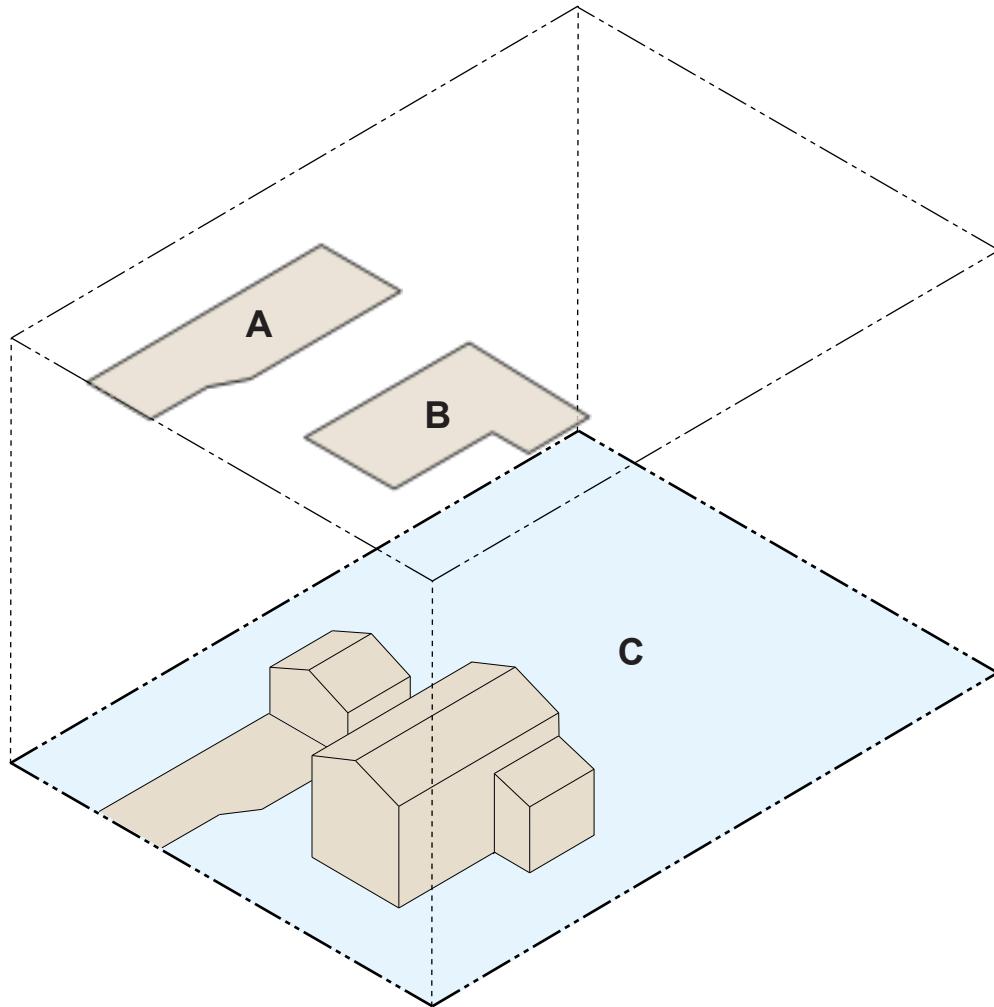
Total covered lot area including all pavements and structures divided by total lot area.

Section 3.7 RURAL RESIDENTIAL DISTRICT (R2)

- A. **Intent & Purpose.** This district includes standards for the development of properties of a semi-rural character within the Township. Typically, the district contains larger tracts, and can include areas of environmental concern such as wetlands, bluffs, dunes, etc., which limit development and density.

B. **Dimensional Standards**

R2: DIMENSIONAL STANDARDS	
Lot	
Minimum Lot Width	150 feet
Minimum Lot Area	2.5 acres
Maximum Density	1 unit per 50,000 square Feet
Maximum Impervious Coverage	25%
Principal Structure	
Front Setback	25 feet
Side Setback	10 feet
Rear Setback	15 feet
Water Body or Wetland Setback	35 feet
Ridge Line Setback	50 feet
Maximum Height	28 feet
Minimum Dwelling Size	720 sq ft
Minimum Dwelling Width	20 feet over 50% of the entire structure length
Accessory Structures	
Permitted Locations	Same as Principal
Setbacks	Same as Principal
Maximum Height	Same as Principal
Maximum Ground Floor Area	≤ Principal Structure
NOTES: Additional accessory building, density, and development standards located in Articles 2 and 6.	



Impervious Surface Coverage = $\frac{A+B}{C} \times 100\% \leq 25\%$

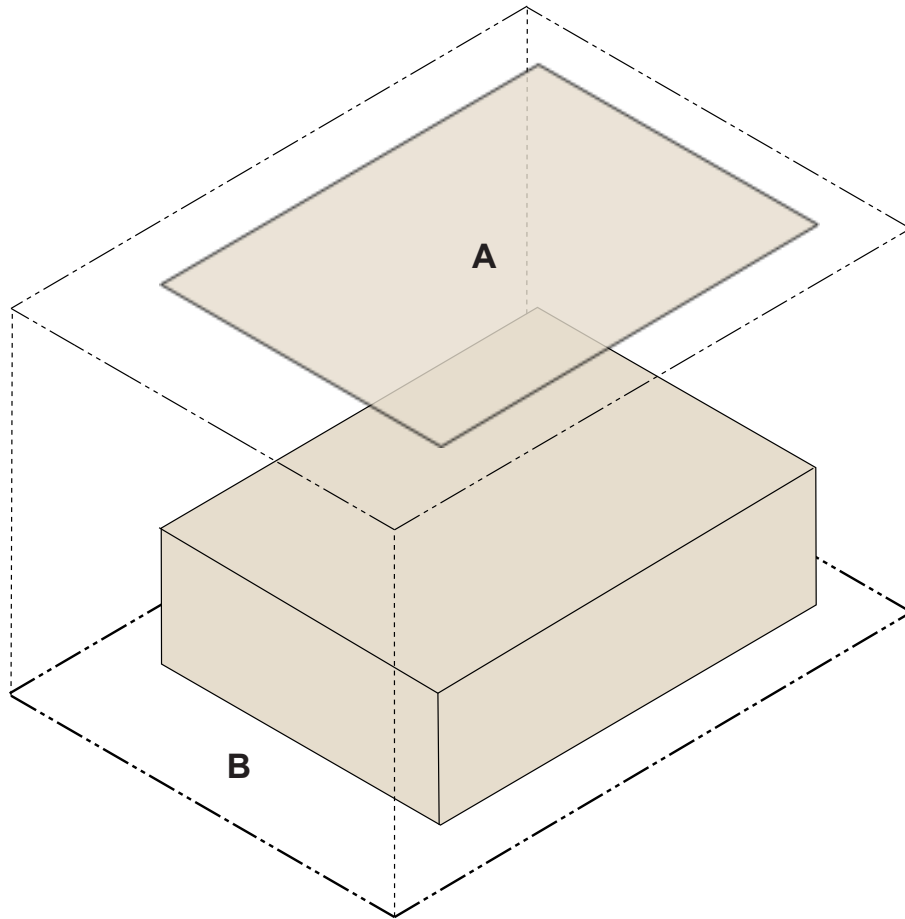
Total covered lot area including all pavements and structures divided by total lot area.

Section 3.8 COMMERCIAL RESORT DISTRICT (C/R)

- A. **Intent & Purpose.** It is the purpose of the C/R District to regulate land uses in areas where there has been some level of historical commercial and resort development mixed with primarily residential uses. Certain types of commercial uses can be accommodated while maintaining an overall residential character.

B. Dimensional Standards

C/R: DIMENSIONAL STANDARDS	
Lot	
Minimum Lot Width	100 feet
Minimum Lot Area	20,000 sq.ft.
Maximum Density	1 unit per 20,000 Square Feet
Maximum Impervious Coverage	35% (See note Section 3.3)
Principal Structure	
Front Setback	25 feet
Side Setback	10 feet
Rear Setback	15 feet
Water Body or Wetland Setback	35 feet
Ridge Line Setback	50 feet
Maximum Height	28 feet
Minimum Dwelling Size	720 sq ft
Minimum Dwelling Width	20 feet over 50% of the entire structure length
Accessory Structures	
Permitted Locations	Same as Principal
Setbacks	Same as Principal
Maximum Height	Same as Principal
Maximum Ground Floor Area	≤ Principal Structure
NOTES: Additional accessory building, density, and development standards located in Articles 2 and 6.	



Impervious Surface Coverage = $\frac{A}{B} \times 100\%$

Total covered lot area including all pavements and structures divided by total lot area.

Section 3.9 GOVERNMENT DISTRICT (G)

- A. **Intent & Purpose.** This district recognizes that a significant amount of land in the Township is owned and regulated by the federal government. The Township supports the preservation and protection of the natural features in this district, including forests, beaches, dune formations, and ancient glacial phenomenon, along with the scenic beauty and natural character of the area. This preservation can and should be accomplished while at the same time providing for access and recreational activities in this district.
- B. **Permitted Uses.**
 - 1. All permitted uses within the boundaries of the Sleeping Bear Dunes National Lakeshore on property that remains in private, non-government ownership are subject to provisions outlined in individual agreements entered into by the owner of any such property within this district and the National Park Service, as authorized by Public Law 91-479.
 - 2. All land in the Government District owned by the State, County and Township shall be used in a manner deemed appropriate by the owner agency.
 - 3. Any parcel in the Government District transferred to a private, non-government entity shall immediately take on the R-2 zoning designation
- C. **Dimensional Standards.** Minimum lot size in the Government District shall be 40 acres.

Article 4. Article 4.

ENVIRONMENTAL AND LAKE

PROTECTION STANDARDS

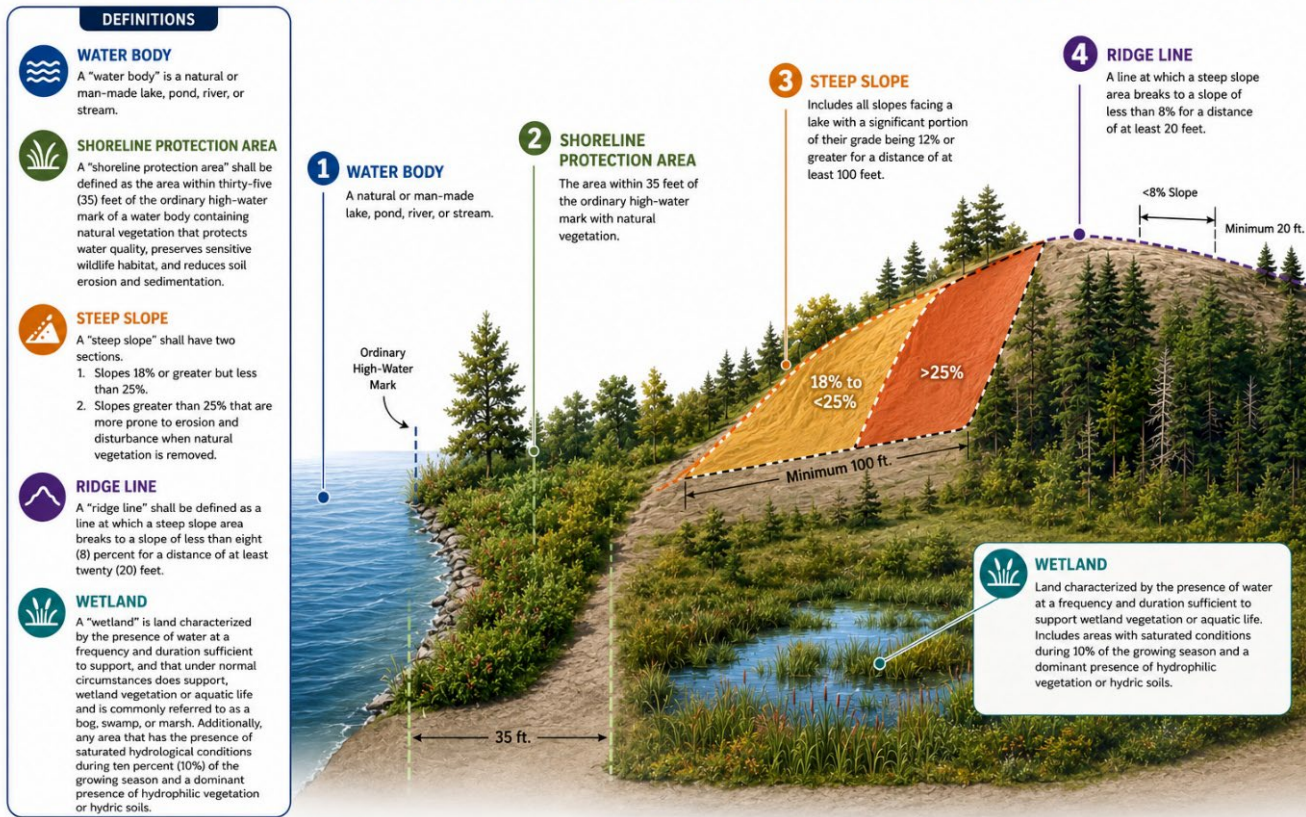
Section 4.1 INTENT & APPLICABILITY

- A. **Intent.** The purpose of this Article is to protect the environmental quality of Lakes, lake shorelines, and the watersheds through appropriate land use and design regulations. The protection of the Township watersheds is deemed a public purpose in order to preserve important environmental, historical, residential, recreational, culture, scenic and economic attributes of Lake Township and the region. More specifically, the purpose of this Article is to protect the public health, safety, and welfare; to protect water quality, prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from accelerated erosion; to protect wetlands; to control building sites, placement of structures, and land uses; to conserve shore cover; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas. Furthermore, it is the intent of the article to establish land management practices and procedures within the Platte Lakes Area that will help in the attainment and compliance with the court ordered Big Platte Lake water quality standard of 8.0 micrograms per liter for phosphorus.

B. Applicability.

1. **General Requirements:** All areas of Lake Township shall meet the general requirements of this Article.
2. **Environmentally Sensitive Area Requirements:** Environmentally Sensitive areas regulated by this article include the Shoreline Protection Area, the Steep Slopes Overlay, and a Ridge Line. Any development located in whole or in part in an environmentally sensitive area is subject to the requirements of that subsection.

ENVIRONMENTALLY SENSITIVE AREAS



Section 4.2 REVIEW & APPROVAL PROCESS

- A. **Site Plan Review Requirement.** Development or redevelopment of any building or site requiring a Site Plan Review shall provide adequate information to confirm compliance with the requirements of this Article.
- B. **Land Use Permit Requirement.** Development or redevelopment of any building or site requiring a Land Use Permit shall provide adequate information to confirm compliance with the requirements of this Article.
- C. **Additional Information.** The Zoning Administrator and Planning Commission may require any additional information to ensure that all of the conditions of the Article are met.
 1. **Third Party Engineering Review.** Where the Zoning Administrator or Planning Commission determines that specialized engineering expertise is necessary to evaluate an application or verify compliance with the requirements of this Ordinance, the Township may retain a qualified professional engineer or other appropriately licensed technical consultant to review the application, plans, reports, calculations, or supporting documentation. The applicant shall reimburse the Township for the actual and reasonable costs incurred for such professional review.
- D. **Permit Requirements.** In addition to required documentation submitted for a land use permit, when development is proposed within the Steep Slope Overlay, the following additional information may be required:

1. A plan by a Registered Professional Engineer or Surveyor which accurately locates the proposed use and development with respect to the Steep Slope Overlay District boundaries, with all pertinent information describing the proposal, and a topographical survey with contour elevations at no greater than 2-foot intervals for the entire parcel.
 - a. If the area of proposed development is to be located on a steep slope over 18%, the following additional information shall be provided:
 - 1) Proposed modifications to the existing topography and vegetative cover, as well as the means of accommodating stormwater runoff.
 - 2) Specifications for building construction and materials, including filling, grading, storage of materials, and water supply and sewerage facilities.
 - 3) Documentation of any additional engineering and/or conservation techniques designed to alleviate environmental problems that may be created by the proposed activities, in compliance with municipal sedimentation and erosion control regulations.
- E. **Environmentally Sensitive Area Compliance Statement.** For any development occurring in an environmentally sensitive area, a sworn statement of compliance with planting requirements, limits of disturbance, and exclusion of phosphate-containing fertilizer, to be re-verified within one year of final inspection or occupancy certificate issuance.
- F. **Low Impact Development Technique Recording Requirement.** As a condition of approval, property owners receiving incentive credit under Section 4.8.B, or completing mandatory LID techniques under Section 4.8.C, shall record a notice of LID compliance with the Benzie County Register of Deeds prior to issuance of a certificate of occupancy or final site plan approval, whichever applies. The notice shall:
 1. Identify the approved LID techniques installed on the property, and their location.
 2. State the maintenance obligations required under Section 4.8.G.
 3. Acknowledge that the requirements run with the land and are binding upon all subsequent owners.
 4. Be recorded at the property owner's expense, with proof of recording provided to the Zoning Administrator.
 5. State that failure to maintain LID techniques as required under Section 4.8.G may result in revocation of incentive credit and a requirement to bring the property into compliance with the underlying zoning district's maximum impervious surface coverage.

Section 4.3 GENERAL REQUIREMENTS

The General Requirements of this section apply to all development and redevelopment in the Township.

- A. **Plant Requirements.**
 1. Existing mature trees shall be incorporated into the project design where feasible.
 - a. A minimum of ninety percent (90%) of all site plantings (by count) shall be native plant species indigenous to northern Michigan, selected from Native Plant Recommendation List maintained by the Northwest Michigan Invasive Species Network.
 - b. Turf grass shall be limited to active recreation areas and functional lawn areas.
 - c. Landscaped areas not used for active recreation shall incorporate native grasses, wildflowers, shrubs, or groundcovers requiring minimal irrigation, fertilization, and mowing.

- d. Invasive species identified on the Prohibited Planting List maintained by the Northwest Michigan Invasive Species Network are strictly prohibited.
- B. Natural drainage courses shall be protected from grading activity.
- C. Where known, groundwater flow patterns shall not be interrupted.
- D. Buildings shall be clustered as much as possible to retain open space and surrounding tree cover and to minimize changes in topography.
- E. Screening along roadways shall make maximum use of berming and landscaping but shall not interfere with site distances.
- F. The maximum grade of a road or driveway shall not exceed ten percent (10%).
- G. **Redirection of Water Resources:** Redirection of a water resource, in part or in whole, may only be conducted under the Michigan Department of Natural Resources (MDNR) or EGLE.
- H. **Fertilization within the Township:** All fertilization within the district for non-agricultural operations is limited to phosphate free fertilizer.
- I. **Construction Guidelines:** For all developments in the Watershed Overlay Districts, the following construction guidelines shall be followed:
 - 1. Whenever feasible, natural vegetation shall be retained and protected. Where inadequate vegetation exists, temporary or permanent vegetation shall be established.
 - a. All exposed slopes and graded areas shall be landscaped with ground cover, shrubs, and trees as soon as possible.
 - b. The smallest practical area of land shall be exposed at any one time during development.
 - c. When land is exposed during development, the exposure shall be kept to the shortest practical period of time and, if possible, shall be scheduled during seasons of minimum precipitation.
 - d. The permanent final vegetation and all structures shall be installed as soon as practical.
 - 2. Trees are susceptible to all development in their immediate vicinity, and, unless extreme measures are taken during construction to protect them, their life span will inevitably be shortened. The developer must demonstrate how trees will be protected during construction or how to relocate trees if necessary.
 - a. For relocating trees, the root ball must be approximately ten (10) to twelve (12) inches in diameter for every inch of the tree's diameter. Adequate drainage and backfill shall be necessary to complete the relocation. Root protection during construction is essential in saving mature trees.
 - b. Recommended techniques include using a geotextile aeration mat to allow structures to have adequate ventilation, while protecting the roots from excessive compaction and steel-reinforced concrete paving patterned with voids to be filled with gravel or grass that allow drainage, while protecting the tree from root compaction in highly trafficked areas.
- J. **Performance Guarantee:** The Township reserves the right to use a performance guarantee to ensure plantings are completed and vegetation is maintained according to plan within one year of construction.
- K. **Private Roads:** All private roads located in the Township shall meet the requirements of this section:
 - 1. Private roads shall not be located within the Shoreline Protection Strip.
 - 2. Private roads in hilly terrain shall be encouraged to locate along natural contours of the land in order to minimize cutting, filling and erosion.

Section 4.4 SHORELINE PROTECTION STRIP

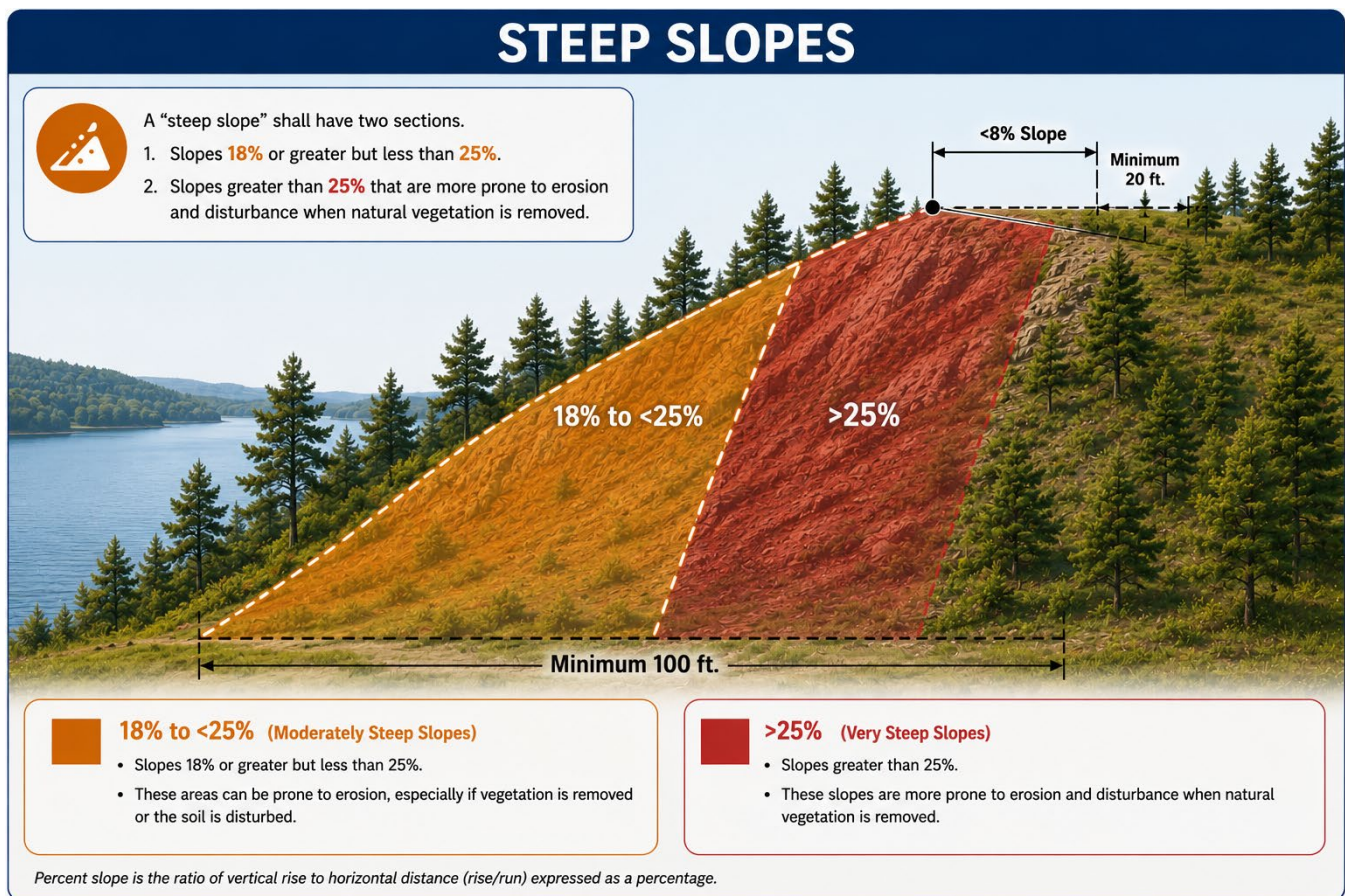


- A. **Definition:** The Shoreline Protection Strip is defined as the area within 35 feet of the ordinary high water mark of any subject water body.
- Where there is ambiguity on the location of a Shoreline Protection Strip, the burden of proving the correct boundary shall be on the applicant, supported by engineering and/or surveying data or mapping, testimony of a soil scientist, or other acceptable evidence.
- B. **Intent:** The intent of the Shoreline Protection Strip is to stabilize waterfronts, protect water quality, maintain water temperature at natural levels, preserve sensitive wildlife habitat and reduce soil erosion, sediment runoff into the adjacent water body, and also to preserve the scenic values of waterfront areas. The area adjacent to water bodies is extremely sensitive and must be treated carefully when considering vegetation removal. Specifically, any vegetative removal that would cause or enhance erosion is prohibited unless approved measures to eliminate or reduce erosion are implemented simultaneously.
- C. **Applicability:** The restoration of a natural Shoreline Protection Strip conforming to the requirements of this Article shall be a condition of a site plan review approval or land use permit for a new dwelling being issued for a lot or parcel.
- D. **Development Standards:** A limited amount of improvement may be permitted within the Shoreline Protection Strip, as described below:
- A maximum of four hundred (400) square feet of land may be covered by impervious surfaces, including all structures and paving, for each one hundred (100) linear feet of lake frontage.

2. Features permitted in the Shoreline Protection Strip shall include footpaths constructed of permeable materials, stairways, fences and walls.
- E. Shoreline Protection Strip Maintenance Standards:
1. No unsightly, offensive, or potentially polluting material, including but not limited to lawn clippings, leaves, garbage, trash, refuse, or toxic materials, may be dumped or stored within the Shoreline Protection Strip.
 2. All existing vegetation shall be maintained as a vegetative buffer in accordance with this section.
 - a. Removal of vegetation in the Shoreline Protection Strip shall be limited to no more than twenty-five (25) percent of the width of this buffer, provided that cutting of this twenty-five (25) percent shall not create a clear-cut opening greater than twenty-five (25) feet wide for every one hundred (100) feet of shoreline. Areas within this strip that do not include abundant native vegetation so as to permit relatively unimpeded pedestrian access to the water resource and/or to permit a virtually open view of the water from the principal structure, shall be included as a portion of the total clear area.
 - b. No contiguous area of clearance shall be wider than twenty-five (25) feet.
 - c. Natural shrubbery, trees, or other vegetation shall be preserved as far as practical and, where removed, shall be replaced with other naturally occurring vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty. A mowed lawn is not a desirable vegetative buffer adjacent to the shoreline.
 - d. Dead, diseased, unsafe or fallen trees and non-native exotic or noxious plants and shrubs, including poison ivy, poison sumac, purple loosestrife, Phragmites, etc. may be removed at the property owner's discretion provided that no stumps are removed. Landowners are encouraged to consult with the Zoning Administrator before removing dead, diseased, unsafe or fallen trees from within the Shoreline Protection Strip.
 - e. The mowing and or cutting of the vegetation within the Shoreline Protection Strip is an appropriate phosphorus reduction measure as long as the mowing height is such as to enable continued plant growth and the clippings from the mowing are removed to an area outside of the buffer strip where their decay and re-entry to the buffer strip is prevented. In any case, this distance for deposition of organic debris from the water body is no less than the distance of the approved septic drain field from the water body for the property in question. If the property has a holding tank, the mowed clippings must be deposited at a location that meets the above criteria. If such a site cannot be arranged, then the buffer strip cannot be mowed. Under no circumstances can the mowed or cut vegetation be allowed to be deposited directly into the Shoreline Protection Strip or the adjacent water body.
 - f. Native plants, shrubbery, and trees are encouraged when new vegetation is planted.
 - g. Removal of trees and shrubs within the buffer strip must be replaced with vegetation possessing equal or greater soil retaining potential. Grasses are preferred over trees as trees deposit leaves and or needles into the Shoreline Protection Strip and adjacent water body. Re-vegetation may be conducted per NRCS or Benzie County Soil Erosion Control Plans.
 - h. Existing soil and organic matter shall not be altered or disturbed within the natural vegetative buffer. These provisions shall not apply to the removal of dead, diseased, or dying trees at the discretion of the landowner.
 - i. Fertilization of any type is prohibited.
 - j. Grazing of agriculture is prohibited.
 - k. Private Roads are prohibited

- F. It is in violation of the zoning ordinance to alter or disturb the Shoreland Protection Strip except as provided in this section. If altered or disturbed, the following corrective measures are required:
1. Any and all fill material placed within the Shoreland Protection Strip shall be removed. Only soils or rocks, consistent with the composition of the pre-existing on-site soil and rocks, shall be allowed when necessary for growth of new vegetation. Placement of beach sand is prohibited unless it is to maintain an existing beach area.
 2. The Shoreland Protection Strip shall be replanted. The replanted area shall consist solely of native vegetation and any replacement trees, similar in size and species to those removed. Any tree greater than 8 inches in diameter (8 inch in diameter measured at 4.5 feet above the ground) which was removed, shall be replaced at a rate of two trees for the first 8 inches in diameter, and one additional tree for each additional 4 inches in diameter of the original tree removed (i.e. if a 20" tree is removed—5 replacement trees would be required, 2 for the first 8" and 3 for the other [20"-8"] 12 inches of diameter of the removed tree.)

Section 4.5 STEEP SLOPES OVERLAY



- A. **Definition:** A steep slope is defined and established as areas containing slopes of 18% or greater as delineated on the Steep Slope Map for Lake Township and are located in the Steep Slope Overlay.
1. The Steep Slope Overlay District shall be further divided into the following two categories:

- a. Slopes of 18% but less than 25%. Slopes of eighteen (18) percent or greater slope (e.g., sloping eighteen (18) feet or more vertical per one hundred (100) feet horizontal) when there are five (5) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate a slope of at least eighteen (18) percent.
 - b. Slopes of 25% or more. Slopes of twenty-five (25) percent or greater slope (e.g., sloping twenty-five (25) feet or more vertical per one hundred (100) feet horizontal) when there are five (5) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate a slope of at least twenty-five (25) percent.
2. The boundaries shown on the Steep Slope Map may be supplemented or modified by examination of an on-site survey prepared and sealed by a Registered Professional Engineer or Surveyor and submitted to Lake Township for review.
3. The Zoning Administrator shall decide whether or not the steep slope area has been shown with sufficient accuracy on the applicant's plans.
 - a. The burden of proving the correct boundary shall be on the applicant, supported by engineering and/or surveying data or mapping, testimony of a soil scientist, or other acceptable evidence.
- B. **Intent:** The purpose of this section is to provide for the reasonable use of steep slopes while ensuring development will not induce soil erosion, require excessive grading, increase slope instability, or create sewage disposal problems and shall be in conformance with the following objectives:
 1. Guard against property damage and personal injury, and minimize the potential for erosion, slope failure, stream siltation, increased runoff, flooding and contamination of surface waters caused by the adverse effects of site preparation and construction on steep slopes.
 2. Conserve existing woodlands for air and water quality benefits.
 3. Permit land uses by right that are compatible with protection of steep slope areas and encourage the use of steep slope areas for open space and conservation uses.
 4. Require development to avoid steep slope areas wherever possible, and require all land use, clearing, grading, and construction to satisfy development standards.
 5. Regulate expansion of land use or development that existed on steep slope areas prior to enactment of these requirements.
 6. Protect adjoining properties from harmful consequences of development permitted under these requirements.
- C. **Applicability:** These regulations apply to development where a land use permit is required or where any land is disturbed on a parcel located in the Steep Slope Overlay District.
- D. **Development Standards.**
 1. Engineered slopes must be less than eighteen (18%) percent when located within one hundred (100) feet of a water resource. The surface must be maintained with a vegetative cover to minimize surface runoff.
 2. No retaining wall shall exceed the height permitted in the zoning district and there shall be at least 10 feet between stepped retaining walls. All retaining walls require a certification by a professional engineer that the wall was constructed in accordance with approved plans and applicable building codes. All retaining walls shall be in place prior to any construction of a structure.

3. No new parcel shall be created from a parent parcel containing steep slopes unless all new parcels contain at least the minimum lot area for the zone district on land with slopes less than 25%. If it is infeasible to provide this area in accordance with the setbacks required by the underlying district, the lot shall not be divided.
4. **Density on Steep Slopes.** The permitted density of residential dwellings shall be based on the existing slope of the site. The permitted number of dwellings shall be based on the procedures outlined in the maximum density requirements of this section.

Existing Slope	Maximum Density with Sewer	Maximum Density without Sewer
0 to 11.99 Percent	Regulated by Section 3.3, Schedule of Regulations	
12 to 17.99 Percent	2.00 Unit Per Acre	1.00 Unit Per Acre
18 to 24.99 Percent	1.50 Unit Per Acre	0.75 Unit Per Acre
25+	1.00 Unit Per Acre	0.50 Unit Per Acre

5. **Lot Coverage on Steep Slopes.** The amount of land allowed to be covered by impervious surfaces shall be based on the existing slope of the site. The maximum amount of a lot that may be covered by impervious surfaces shall be reduced based on the existing slope of the site, notwithstanding the maximum impervious coverage standards of Section 3.3, Schedule of Regulations. In the case of PUDs, PRDs and Site Condos, each individual lot need not meet the requirements of this section, provided that the total project does meet the requirements of this section.

Existing Slope	Maximum Lot Coverage
0 to 11.99 Percent	Regulated by Section 3.3, Schedule of Regulations
12 to 17.99 Percent	30 Percent
18 to 24.99 Percent	20 Percent
25+ Percent	10 Percent

6. **Prohibited Uses on Slopes of 25% or More.** The following are specifically prohibited on slopes of 25% or more:
- Removal of topsoil.
 - Stairs, landings, and decks.
 - Structures, roads, driveways, parking areas, construction or other development.
 - Clearing of vegetation or grading, including the addition of fill except as permitted by this article.
 - On-lot sewage disposal systems.
 - Utility transmission lines and above ground utility line structures.
7. **Exemptions to Development Prohibition on Slopes of 25% or More.** Development on slopes of twenty-five (25%) percent or greater shall be prohibited unless there are no other reasonable or prudent alternatives. If the property owner believes that no reasonable or prudent alternatives exist, he or she must first obtain a Special Land Use Permit pursuant to Article 8 prior to any development of slopes of twenty-five (25) percent or greater. In reviewing the special land use request, the Zoning Administrator or Planning Commission must find that the following conditions are met:
- That no other reasonable or prudent alternatives exist.

- b. That the development will not create excessive soil erosion or sedimentation and that it will not impair the quality of water discharged from the site.
- c. That the peak rate of stormwater runoff after development will not exceed the peak rate of stormwater runoff that has occurred prior to the proposed development.
- d. That all design requirements of this section are met.

E. Steep Slopes Maintenance Standards.

1. Natural slopes greater than twelve (12%) percent must be maintained with a vegetative cover or retaining systems to minimize surface runoff.
 - a. As much of the existing vegetation, including bushes, shrubs, natural ground cover, and trees, shall remain on the site as possible.
 - b. Lawn areas shall not qualify as natural vegetative cover required in this section.
2. **Natural Vegetative Cover.** The required amount of vegetative area to remain undisturbed shall be based on the existing slope on the site and shall be clearly indicated on the proposed site plan or sketch plan. The natural vegetative areas shall be located along lot lines, natural drainage courses, wetlands, and steep slopes to the extent possible. In the case of PUDs, PRDs, Site Condos and Open Space Residential Developments, each individual lot need not meet the requirements of the section, provided that the total project does meet the requirements of this section.

Existing Slope	Percent of Lot to Remain in Natural Vegetative Cover
0 to 11.99 Percent	30 Percent
12 to 17.99 Percent	30 Percent
18 to 24.99 Percent	40 Percent
25+	50 Percent

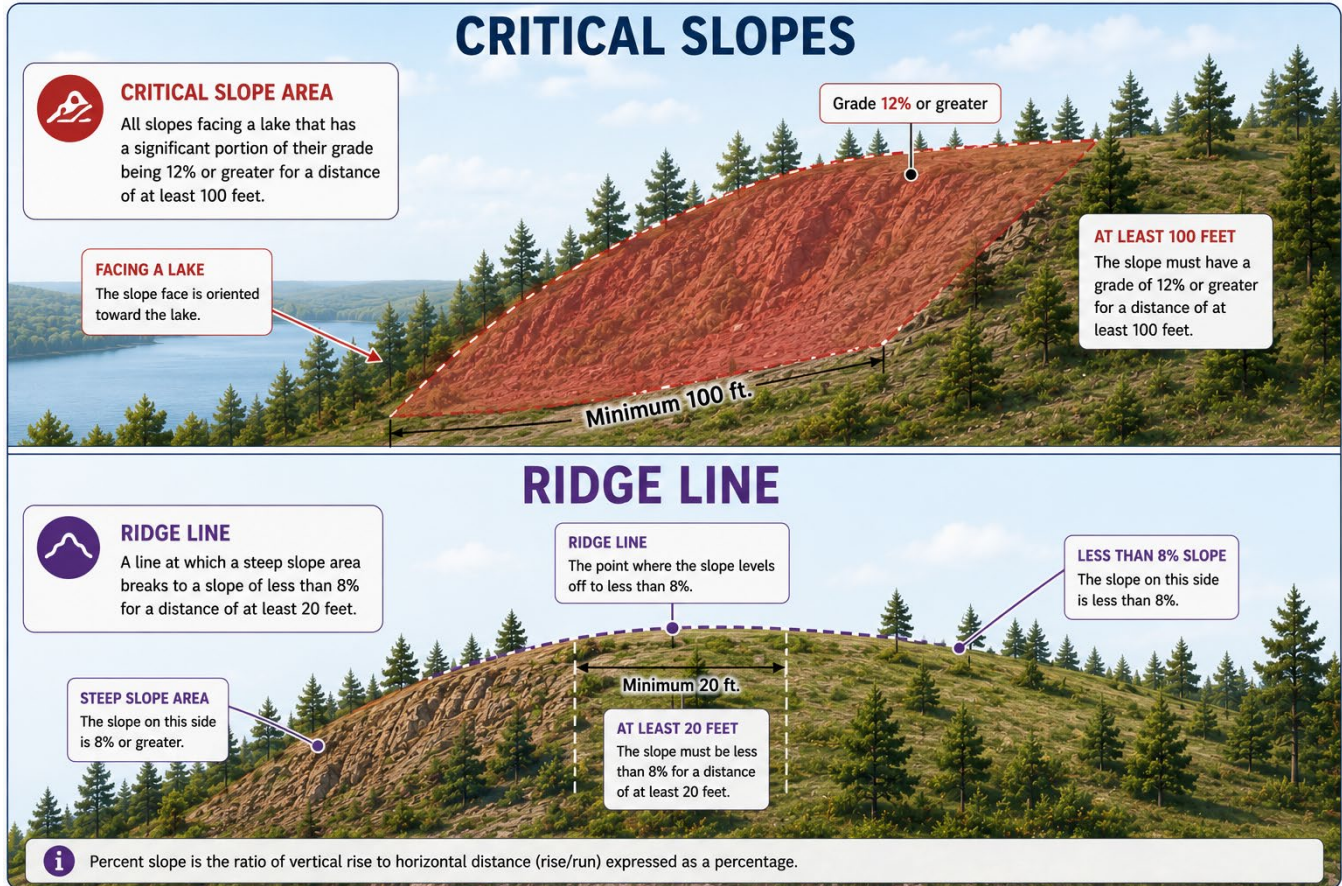
- F. Remediation on Steep Slopes.** If work on a steep slope occurs in violation of this ordinance, the property owner shall cause for the steep slope to be replanted and restored to the previous condition prior to the work in violation of the ordinance. Trees, measured at four (4) feet above grade for canopy trees, shall be replaced at the following rate. Trees shall be maintained to retain the soil retention and replaced if dead or diseased.

Vegetation Removed Maturation Planting Required	Removed Number: Required Number to Plant
Canopy Tree 3" or less caliper	1:1
Canopy Tree 3" to 6" caliper	1:2
Canopy Tree 6" to 9" caliper	1:3
Canopy Tree 9" to 12" caliper	1:4
Canopy Tree Greater than 12" caliper	1:5
Evergreen or Flowering Tree 8' or less in height	1:1
Evergreen or Flowering Tree 8' to 12' in height	1:2
Evergreen or Flowering Tree 12' to 16' in height	1:3
Evergreen or Flowering Tree Greater than 16' in height	1:4

Shrub Any Size

1:1

Section 4.6 DEVELOPMENT OF RIDGELINES



- A. **Definition:** A “ridge line” shall be defined as a line at which a critical slope area breaks to a slope of less than eight (8) percent for a distance of at least twenty (20) feet. A “critical slope area” shall be defined as all slopes facing a Lake with the Township that has a significant portion of their grade being twelve (12) percent or greater for a distance of at least one hundred (100) feet. A “unique view shed” shall be defined as the area visible from public roads, public parks, public trails, navigable waters, and other publicly accessible locations where the scenic character of the landscape is intended to be preserved.
1. Where there is ambiguity on the location of a critical slope area or ridge line, the burden of proving the correct boundary shall be on the applicant, supported by engineering and/or surveying data or mapping, testimony of a soil scientist, or other acceptable evidence.
- B. **Intent:** The intent of regulating the development of ridgelines is to preserve the visual character, scenic quality, and natural landforms of the Township by guiding development in and around ridgelines in a manner that minimizes adverse impacts on the landscape. These regulations are intended to reduce the visual prominence of buildings and site improvements, protect significant views from public roads and waterways, limit erosion and slope instability, preserve existing vegetation, and maintain the ecological functions of steep slopes while allowing reasonable use of private property consistent with the health, safety, and welfare of the community.

- C. **Applicability:** These regulations apply to development where a site plan review or land use permit is required or where any land is disturbed on a parcel located in the Steep Slope Overlay District.

D. **Development Standards:**

1. All principal buildings shall be set back at least fifty (50) feet from all ridgelines.
2. All principal or accessory buildings or structures located within one hundred (100) feet of a ridgeline shall not exceed eighteen (18) feet in height.
3. All accessory structures, such as but not limited to signs, sheds, garages, and satellite dishes, shall be set back at least thirty (30) feet from all ridgelines.
4. A building setback from the ridge line of only twenty (20) feet may be permitted if any of the following conditions exist:
 - a. There are no other reasonable or prudent alternatives to achieve the required fifty (50) foot setback.
 - b. There would be significant environmental consequences if the fifty (50) foot setback was required.
 - c. The building is not located within a unique viewing area or view shed.
 - d. All existing vegetation located within twenty (20) feet on either side of the ridgeline shall be maintained as a vegetative buffer in accordance with this section.
 - e. The building is not visible from a public road, trail, or water access point.
 - f. A recent land division is not the cause for the request.

E. **Ridgeline Maintenance Standards:**

1. All Existing vegetation located within twenty (20) feet on either side of the ridgeline shall be maintained as a vegetative buffer in accordance with this Section.
2. Removal of vegetation in the natural vegetative buffer shall be limited to no more than twenty-five (25) percent of the length of this buffer, provided that cutting of this twenty-five (25) percent shall not create a clear-cut opening greater than twenty-five (25) feet wide for every one hundred (100) feet of ridge line.
3. Natural shrubbery, trees, or other vegetation shall be preserved as far as practical and, where removed, shall be replaced with other naturally occurring vegetation that is equally effective in retarding runoff, preventing erosion, and preserving natural beauty. A mowed lawn is not a desirable vegetative buffer adjacent to the ridgeline.
4. Existing soil and organic matter shall not be altered or disturbed within the natural vegetative buffer.
5. All cuts shall be supported by retaining walls or other appropriate retaining structures when, depending upon the nature of the soil characteristics, such structures are approved by Benzie County Soil Erosion, Sedimentation, and Stormwater Control (SESC) and the Township in order to prevent erosion.
6. Any fill placed on the lot shall be properly stabilized and when found necessary depending upon existing slopes and soil types, supported by retaining walls or other appropriate structures as approved by the Benzie County Soil Erosion, Sedimentation, and Stormwater Control (SESC) and the Township.
7. No retaining wall shall exceed the height permitted in the zoning district and there shall be at least 10 feet between stepped retaining walls. All retaining walls require a certification by a professional engineer that the wall was constructed in accordance with approved plans and applicable building codes. All retaining walls shall be in place prior to any construction of a structure.

8. Any disturbance of steep slopes shall be completed within one construction season, and disturbed areas shall not be left bare and exposed during the winter and spring thaw periods.
9. Permanent vegetative cover shall be planted within three days after completion of grading.

Section 4.7 ADDITIONAL REGULATION & COORDINATION

- A. Other Environmentally Sensitive Areas Not Regulated by the Ordinance: The Zoning Administrator reserves the right to require evidence of compliance with other regulation including but not limited to the following:
 1. Dune Formation and other sandy soil limitations are sensitive areas because some are unique natural features under protection of the Sand Dunes Protection Act, Part 353, 1994 PA 451.
 2. Wetlands are defined by degree of soil wetness, generally including those soils classified by the Wetlands Act, Part 303, 1994 PA 451 as being able to support aquatic vegetation regardless of whether it has standing water or not. Any activity shall be prohibited unless a wetlands permit has been obtained from EGLE.
 3. Sensitive River line Areas are defined as areas on each side of streams that could be subject to flooding or erosions in Part 301 and 315, 1994 PA 451.
 4. Sensitive Inland Lakes are sensitive areas around the water body, including the watershed, which could be subject to flooding, erosion, or pollution per Part 301, 1994 PA 451.
 5. Flood Plain Areas are low areas adjacent to inland lakes and streams subject to flooding according to the one hundred (100) year flood hazard boundary map as administered by the Federal Emergency Management Agency (FEMA). Part 31, 1994 PA 451.
 6. Steep Slopes when the proposed building site has slopes in excess of eighteen (18) percent, questionable soil stability or evidence of erosion, the Zoning Administrator shall require the applicant to obtain a site analysis, Part 91, 1994 PA 451.
 7. Groundwater Protection – Aquifers are at risk of pollution when recharged by surface waters and therefore must be protected in accordance with PA 98 of 1913 and CPA 282 of 1945.
- B. Coordination with Other Requirements
 1. **County Soil Erosion and Stormwater Control:** A Soil Erosion Control (SESC) Permit is required for earth changes within five hundred (500) feet of a lake or stream or for any earth change amounting to one (1) acre or more.
 2. **Retaining Wall Permit:** No shoreline retaining wall shall be erected without first having obtained a permit from EGLE.
 3. **State and Federal Permits:** Compliance with this Article does not exempt applicants from obtaining permits required by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), the U.S. Army Corps of Engineers, or other agencies with jurisdiction.
 4. **Redirection of Water Resources:** Redirection of a water resource, in part or in whole, may only be conducted under the Michigan Department of Natural resources and Environment (MDNRE).
 5. **Conflict Resolution:** Where requirements of this Article and other regulations overlap, the more restrictive standard shall apply.

Section 4.8 LOW IMPACT DEVELOPMENT PROGRAM

- A. **Purpose.** Lake Township seeks to protect and enhance the natural environment through Low Impact Development (LID) techniques that manage stormwater, preserve natural features, and reduce environmental impacts. This section establishes standards for commercial development and voluntary incentives for residential property owners that reward enhanced environmental performance with increased development flexibility.
- B. **Optional Residential Impervious Surface Incentive.** For residential development or redevelopment that will result in disturbance to fifteen percent (15%) or more of the lot area, property owners may increase the maximum allowable impervious surface coverage by implementing approved LID techniques as specified throughout this Article. One approved LID technique may be implemented to increase the maximum allowable impervious surface coverage by five percent (5%).
- C. **Mandatory Commercial, Industrial, and Institutional LID Requirements.** All new commercial, industrial, and institutional development, and any change of use requiring site plan review, shall incorporate a minimum of three (3) approved LID techniques from those identified throughout this Article. Compliance with this subsection is a condition of site plan approval and does not entitle the applicant to an increase in maximum allowable impervious surface coverage or any other credit under this Section.
- D. **Low Impact Development Techniques.** Approved LID techniques may be used to satisfy the incentive credit requirements of subsection B or the LID requirements of subsection C, and include:
 - 1. Enhanced stormwater management techniques (Section 4.9).
 - 2. Tree preservation beyond minimum requirements (Section 4.10).
- E. **Application Requirements.** Property owners seeking incentive credit under subsection B, and commercial, industrial, and institutional development subject to the LID requirements of subsection C shall:
 - 1. Clearly identify all proposed LID techniques on the site plan or zoning permit application.
 - 2. Demonstrate compliance with all applicable setbacks, performance, and safety standards.
 - 3. Demonstrate that LID features will not negatively impact septic systems or wells.
 - 4. Submit a maintenance plan identifying responsible parties and ongoing maintenance requirements.
- F. **Review and Approval.** The Zoning Administrator shall review applications submitted under this section and may consult with the Planning Commission as needed.
- G. **General Compliance Requirements.** All LID techniques implemented under this Section, whether to obtain incentive credit under subsection B or to satisfy the mandatory requirements of subsection C, must:
 - 1. Comply with all applicable provisions of this Article, including shoreline buffers, steep slope protections, clearing restrictions, and stormwater management standards. Implementation of approved LID incentive techniques does not exempt applicants from compliance with any other Section of Article 4.
 - 2. Maintain required setbacks from septic systems, wells, and other sensitive features as required by EGLE or the local health department
 - 3. Not increase erosion, slope instability, or stormwater impacts on adjacent properties
 - 4. Be maintained in perpetuity by the property owner or homeowners association

Section 4.9 STORMWATER MANAGEMENT

- A. **Intent.** The purpose of the design requirements of this section are to slow the rate of stormwater runoff, to reduce erosion and sedimentation, to protect water quality, to keep nutrients from entering lakes and streams, to maintain water temperatures at natural levels, to preserve fish and wildlife habitat, and to preserve aesthetic and scenic values of the watershed environments.
- B. **Applicability.** These regulations apply to any development requiring a site plan review or land use permit is required, where earth changes are proposed within five hundred (500) feet of a body of water, or for any earth change amounting to one (1) acre or more.
- C. **General Standards.** When any land in the Township is developed or altered in any way which affects stormwater runoff, the owner shall detain such stormwater from runoff onto adjacent properties, including roads and other rights-of-way, in such a manner which shall result in the maximum amount of stormwater runoff not exceeding that which existed prior to the development or improvement of the property.
 - 1. Stormwater shall not adversely affect neighboring properties or the surface water quality of the Township's lakes and streams.
 - 2. Impervious surfaces must be engineered and sloped in a manner that will not allow direct drainage into a water resource.
 - 3. All developments shall be designed, constructed, and maintained to protect the water quality of the Township's lakes and streams.
 - 4. Impervious surfaces must be engineered and sloped in a manner that will not allow direct drainage into a water resource.
 - 5. Drainage of surface runoff from an impervious surface must be directed to storm water management system designed to accommodate storm water runoff from a twenty-five (25) year storm event of three and one-half (3.5) inches of rain in a twenty-four (24) hour period. Storm water management systems must be designed in accordance with the Michigan Nonpoint Source Practices Manual.
- D. **Natural Drainage Courses.** Natural drainage courses shall be protected from grading activity.
- E. **Groundwater Flow Patterns.** Where known, groundwater flow patterns shall not be interrupted.
- F. **Stormwater Control Requirements.** Stormwater control mechanisms shall be required to ensure that the peak rate of stormwater runoff, after development, does not exceed the rate prior to development.
 - 1. **Residential Development.** Residential development shall implement one or more of the following stormwater control mechanisms:
 - a. Retention basin
 - b. Detention basin
 - c. Vegetative buffer with drainage swale
 - d. Infiltration trench
 - e. Low impact development technique meeting the standards of subsection 4.9.G.
 - 2. **Non-Residential Development.** All new commercial, industrial, and institutional development, and any change of use requiring site plan review, shall incorporate a minimum of two (2) LID stormwater techniques from subsection F.1, above.
- G. **LID Incentive Credit, Stormwater Management Techniques.** Property owners may earn LID incentive credit as described in Section 4.8 by implementing the following approved stormwater management techniques.

1. Rain Gardens and Bioswales.

- a. Shall be sized to capture and infiltrate runoff from the additional impervious surface area, with a minimum footprint area no less than five percent (5%) of that contributing area.
- b. Shall be designed to capture, infiltrate, and filter runoff.
- c. Shall be planted with native species selected from Native Plant Recommendation List maintained by the Northwest Michigan Invasive Species Network.
- d. Shall maintain minimum setbacks: 10 feet from foundations, 50 feet from wells, 100 feet from septic (or per EGLE).
- e. Shall comply with steep slope requirements (Section 4.5) where applicable.

2. Permeable Pavements.

- a. Shall be sized to directly replace impervious surface on a one-to-one (1:1) basis, with permeable surface area no less than one hundred percent (100%) of the additional impervious surface area.
- b. Shall consist of porous asphalt, pervious concrete, or permeable pavers allowing water infiltration, appropriate for residential driveways, overflow parking, and pedestrian pathways.
- c. Shall include minimum 12-inch aggregate subbase for structural support and storage.
- d. Shall not be installed on slopes exceeding 5% without Township Engineer approval.
- e. Shall maintain setbacks per subsection G.1.e. above.
- f. Shall be maintained by the property owner through vacuuming/pressure washing.

3. Rainwater Collection Systems.

- a. Shall have a minimum capacity of 500 gallons for residential development, or 1,000 gallons for commercial, industrial, or institutional development, whichever applies.
- b. Shall consist of cisterns, rain barrels, blue roofs, or stormwater vaults capturing rooftop runoff.

Where the calculated stormwater capacity exceeds this minimum, the system shall be sized to meet the calculated stormwater capacity instead. Calculated stormwater capacity is the additional impervious surface area, in square feet, multiplied by one inch of rainfall and zero point six (0.6) gallons per square foot.
- c. Shall include overflow directing water away from foundations toward vegetated areas.
- d. Shall include screens/filters to prevent debris and mosquito breeding.

4. Green Roofs.

- a. Shall be no less than the additional impervious surface area, or fifty percent (50%) of total roof area, whichever is less.
- b. Shall be designed by qualified professional to absorb rainfall and reduce runoff and meet structural load requirements.
- c. Shall include minimum 4-inch depth of lightweight growing media.
- d. Shall be planted with native species selected from Native Plant Recommendation List maintained by the Northwest Michigan Invasive Species Network.
- e. Shall include a maintenance plan.

5. Parking Lot Bioretention Features (commercial, industrial, and institutional uses).

- a. Shall consist of islands or bioswales within parking areas.
 - b. Shall be provided at a ratio of one island per 15 parking spaces.
 - c. Shall be designed with depressed elevation and curb cuts to receive runoff.
 - d. Shall include a minimum 18-inch engineered soil mix.
 - e. Shall be planted with native species selected from Native Plant Recommendation List maintained by the Northwest Michigan Invasive Species Network.
 - f. Shall include at least one canopy tree per island.
- H. **Maintenance and Inspection.** All stormwater management features shall be maintained in perpetuity by the property owner. Commercial, industrial, and institutional developments shall submit a maintenance plan and recorded maintenance agreement per Section 12.7, Posting of Financial Guarantee.

Section 4.10 VEGETATION PRESERVATION AND CLEARING OF LAND

Land within Lake Township shall not be cleared of trees in any manner, without first obtaining a land use permit.

- A. **General Requirements**
- 1. **Cutting Standards.** Cutting shall be done in such a manner as to avoid erosion, to preserve rare species of trees or greenery, to preserve scenic qualities, and to preserve desirable screening.
 - a. Clear Cutting Prohibition. Clear cutting of property shall be prohibited unless provided for in a forestry management plan completed by a Certified Arborist.
 - b. Ridge Line Vegetation Removal. See Section 4.6.E for vegetation removal regulations on a ridge line.
- B. **Vegetation Retention Standards.** As much of the existing vegetation, including bushes, shrubs, natural ground cover, and trees, shall remain on the site as possible. Lawn areas shall not qualify as natural vegetative cover required in this section. The required amount of vegetative area to remain undisturbed shall be based on the existing slope on the site and shall be clearly indicated on the proposed site plan or sketch plan. The natural vegetative areas shall be located along lot lines, natural drainage courses, wetlands, and steep slopes to the extent possible. In the case of PUDs, PRDs, Site Condos and Open Space Residential Developments, each individual lot need not meet the requirements of the section, provided that the total project does meet the requirements of this section.
- C. **LID Incentive Credit, Vegetation Preservation on Steep Slopes.** Property owners may earn LID incentive credit as described in Section 4.8 by preserving existing trees and vegetation on steep slopes of 18% or greater beyond the minimum requirements of Section 4.10.D.
- 1. **Eligibility:** Credit is granted for voluntary preservation of twenty-five percent (25%) more vegetated area on steep slopes than required by the Slope-Based Retention Requirements Table of Section 4.12.E.
 - a. Protection Requirements: Preserved trees and vegetation must be protected during construction with tree protection fencing installed at the drip line and shown on the site plan.
- D. **Tree Protection Standards**
- 1. **Marking of Preserved Trees.** All trees intended to remain standing and undamaged shall be clearly marked on the proposed site plan.
 - a. Setback from Preserved Trees. In order to protect the trees and the roots of the trees, all structures and roads shall be set back at least ten (10) feet from the trees identified on the site plan to be left standing or undamaged.

- b. Group Preservation. Wherever feasible, groups or clumps of trees shall be preserved to encourage survival of the root zone.
- E. **Application Requirements.** The applicant shall submit the following to the Zoning Administrator for review and approval.
 - 1. **Application.** Application with information provided by the Township
 - a. Site Plan Information. In addition to the information required on a site plan per Article 7, a landscaping plan prepared by a Michigan licensed landscape architect & Certified Arborist containing the following shall be required:
 - 1) Trees larger than 6 inches in diameter at breast height
 - 2) The number of trees to be removed and location on the site
 - 3) The number of trees to remain and location on the site
 - 4) The acreage of the area to be disturbed and location on the site
- F. **Exemptions.** Activities exempt from permit:
 - 1. **Minor Tree Removal.** Removal of trees during a one-year period that includes less than 10,000 sq ft of land located outside of Environmentally Sensitive Areas or 10% of disturbance to a site, whichever is less.
 - a. Small Trees Outside environmentally sensitive areas. Removal of trees less than 6 inches in diameter at breast height outside of Watershed Overlay.
 - b. Utilities and Rights-of-Way. Removal of trees when associated with the maintenance or access for public utilities and right-of-ways.
 - c. Dead, Diseased, or Damaged Trees. Removal or trimming of dead, diseased, or damaged trees, where the damage resulted from an accident or non-human cause.
 - d. Agricultural Operations. Tree removal or transplanting occurring during use of land for agriculture or the operation of a commercial nursery or tree farm.
 - e. Emergency Actions. Actions made necessary by an emergency, such as a tornado, windstorm, flood, freeze, dangerous and infectious insect infestation or disease, or other disaster, in order to prevent injury or damage to persons or property or to restore order.
 - f. Governmental Agencies. Tree trimming, removal or transplanting performed by or on behalf of any governmental agencies.

Section 4.11 FORESTRY

- A. **Applicability.**
 - 1. Forestry and timber harvesting activities shall be permitted only in zoning districts where such uses are allowed by this Ordinance and shall comply with the provisions of this Section. Approval of forestry activities under this Ordinance shall not relieve any person from compliance with state or federal permits, soil erosion and sedimentation control requirements, or other applicable laws and regulations.
- B. **Best Management Practices.**
 - 1. All forestry activities shall be conducted in accordance with the Forestry Best Management Practices for Soil Erosion and Sedimentation Control, as published and periodically updated by the Michigan Department of

Natural Resources pursuant to Part 91 of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended.

C. Zoning and Development Review.

1. Forestry activities involving land clearing, access road construction, grading, or other site disturbance shall be subject to applicable zoning review and approval requirements, including land use approval and site plan review, in accordance with Article 3 and Article 7, unless expressly exempted by this Ordinance.

Section 4.12 GRADING AND MINING

For any construction or operation disturbing more than 3,000 cubic yards of soil, the Benzie County Soil Erosion,

Article 5.

SITE DEVELOPMENT

STANDARDS

Section 5.1 GREENBELTS

Prior to the commencement of construction of any structure or building of a commercial nature where such property abuts, adjoins, or is adjacent to a residential zone, a greenbelt shall be established. However, where permitted elsewhere in this Ordinance, an opaque wall or fence may be built in lieu of a greenbelt. A greenbelt shall be a minimum width of twenty (20) feet; shall be completed within six (6) months from the date of final inspection; shall thereafter be maintained with permanent plant material indigenous to this area; at least four (4) feet in height if evergreens, ten (10) feet in height if deciduous and supplemented with interspersed shrubbery at least two (2) feet in height so a sight screening effect can be expected within three (3) years. Landscaping shall be native to the region as determined by the Zoning Administrator.

Section 5.2 PARKING & LOADING REGULATIONS

A. General Parking Requirements

1. There shall be provided in all Districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces.
2. Parking surfaces shall be durable and dustless materials such as asphalt, concrete, brick, stone, pavers, or other permeable materials acceptable to the Zoning Administrator. Gravel shall not be an allowable material under this standard except for 1- and 2- family dwellings.
3. Adequate ingress and egress shall be provided by clearly defined driveways.
4. Maintenance: All parking areas shall be maintained in good condition and kept free of debris and garbage.

B. Residential Parking Requirements

1. Parking shall be located on-site.
2. Access to off-street parking areas shall not be permitted across lots that are residential in use or in a residential zoning district.

C. Non-residential Parking Requirements

1. Backing into public street rights-of-way shall be prohibited.
2. Parking areas shall be designed and located to minimize the need for pedestrians to cross public roads to access parked vehicles. Spaces inside an accessory structure or garage shall not be included in determining if the required number of spaces are present.
3. Off-street parking areas shall be designed to the following minimum standards:

PARKING SPACE DIMENSIONAL STANDARDS			
Parking Angle	Stall Width	Stall Depth	Min.-Max. Aisle Width*
Parking Angle	8 feet	22 feet	12 – 16 feet (one-way); 20 – 24 feet (two-way)
Parallel	8.5 feet	19 feet	12 – 16 feet (one-way)
45°	8.5 feet	20 feet	16 – 20 feet (one-way)
60°	8.5 feet	18 feet	20 – 24 feet (two-way)
90°	8 feet	17 feet	18 – 22 feet (two-way)
* Aisle widths indicated as two-way shall be reduced by half for one-way only travel.			

- D. **Spaces Required.** The proper number of parking spaces for any given use shall be based upon considerations of the maximum number of motor vehicles that can be expected on the premises at the same time during an average day. The minimum parking spaces required shall be:

Use	Minimum Required Parking Spaces
Residential	
Dwelling, Single Unit	2
Dwelling, Two Unit	1 per unit
Dwelling, Multiple Unit	2 per unit
Accessory Dwelling Unit	1
Adult Day Care Center	
Adult Family Day Care Home	2
Adult Group Day Care Home	1 per resident
Adult Foster Care Facility	
Adult Foster Care Home, Family	2
Adult Foster Care Home, Small Group	.5 per resident
Adult Foster Care Home, Large Group	.5 per resident
Adult Foster Care Home, Congregate Facility	.5 per resident
Adult Foster Care Camp or Adult Camp	.5 per resident
Bed and Breakfast Establishment	1 per bedroom
Child Care Organization	
Child Care Center	4 per classroom
Foster Family Home	2
Foster Family Group Home	2
Child Care Home, Family	2
Child Care Home, Group	2

Use	Minimum Required Parking Spaces
Nursing Homes	1 space per 4 beds + 1 per employee
Recreational	
Golf Course	(Note 1)
Campground	(Note 1)
Marinas & Canoe Liveries	(Note 1)
Commercial	
Greenhouse, Commercial	1 per 1,000 sq. ft.
Hotel, Motel, Resort (<10 units)	1.3 per bedroom
Personal Service Establishment (<5,000 sq. ft.)	1 per 300 sq. ft.
Restaurant, Indoor	1 per 250 sq. ft.
Restaurant, Outdoor	1 per 250 sq. ft.
Retail Sales Establishment (<5,000 sq. ft.)	1 per 300 sq. ft.
Contractors Use	(Note 1)
Warehousing, Commercial Storage	1 per 1,000 sq. ft.
Designated Industrial Uses	(Note 1)
Outdoor Storage	None
Public/Utilities	
Battery Energy Storage Facilities, Small or Utility	None
Data Centers	based on the office component of the center
Institutional Uses	(Note 1)
Solar Energy System, Small or Utility	(Note 1)
Wind Energy Conversion System, Small or Utility	(Note 1)
Wireless Communication Tower	1
Agricultural	
Agricultural Uses	(Note 1)
Forestry Uses	None
Roadside Stands	5
Notes	
1. For these uses, the applicant shall submit a parking standard for approval by the Planning Commission based on specifics of the proposed use. If approved by the Planning Commission, the proposed standard shall be used to calculate the minimum number of spaces.	
2. For those uses not specifically mentioned, the requirements for off-street parking of a similar use shall apply, as determined by Planning Commission.	
3. Nothing in this Ordinance shall be deemed to prevent voluntary establishment of off-street parking facilities to serve an existing use of land or buildings, or to prevent provision of additional parking facilities beyond what is required by the Ordinance, provided all such parking is in conformance with the regulations herein. Except for single-family detached residential uses, any person proposing the provision of greater than 125% of the minimum required off-street parking as specified in this Article shall demonstrate to the Planning Commission sufficient justification for the additional parking.	

Use	Minimum Required Parking Spaces
4. When calculations for determining the required number of parking spaces results in a fractional space, any fraction of less than one half (1/2) may be disregarded, while a fraction of one half (1/2) or more shall be counted as one space.	

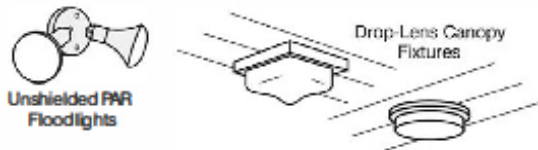
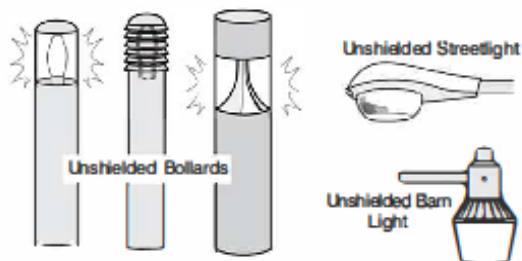
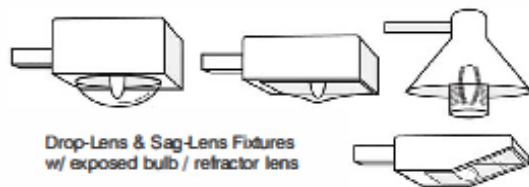
Section 5.3 EXTERIOR LIGHTING

- A. **Intent & Purpose.** The purpose of this article is to provide for outdoor lighting that will:
1. Minimize problems associated with improperly designed and installed outdoor lighting including glare, light trespass, and sky glow, by limiting outdoor lighting that is misdirected or excessive.
 2. Conserve energy and resources to the greatest extent possible.
 3. Decrease light pollution and curtail and reverse the degradation of the nighttime visual environment and the night sky.
 4. Promote and protect general health, safety and welfare and security of the public in Lake Township while not unreasonably interfering with the use and enjoyment of property within the Township.
- B. **Exemptions.** The following uses and activities shall be exempt from the standards of this Section, provided they do not create glare perceptible to persons operating motor vehicles in the public rights-of-way:
1. **New Technology:** The Zoning Administrator may grant exceptions to the material, light source, or method of installation standards in this Section in consideration of any new state-of-the-art technology, so long as the exception still meets all other applicable standards of this Section.
 2. **Residential Lighting:** Low intensity residential decorative lighting, such as porch lights or low-level façade and landscape lighting, provided any such lights are directed toward the residential building or land.
 3. **Holiday Decorations:** Provided the decorative exterior lighting shall not include searchlights, floodlights, or stroboscopic lights.
 4. **Flag Lighting:** Luminaires used for the illumination of the flag of the United States of America.
 5. **Temporary Lighting:** Associated with an approved temporary event permitted by the Township.
 6. **Statutory Authority:** Circumstances where federal or state laws, rules or regulations take precedence over the provisions of this Section, or where fire, police, emergency, or repair personnel need light for temporary or emergency situations, or lighting that is only activated at the time of power outages.
- C. **Shielding & Filtration**
1. All nonexempt exterior lighting shall be hooded and/or louvered to prevent light from spilling over onto neighboring properties and rights-of-way.
 2. All lighting fixtures shall have one hundred (100%) percent cut-off shielding that prevents light from being emitted above a horizontal plane from the lowest direct light emitting part of the luminaire.
 3. Light sources shall be located as to minimize the hazards of glare, and all poles or standards used to support outdoor light fixtures shall be coated with a material that minimizes glare from the light source.
- D. **Notification.** Zoning permit applications shall include a question inquiring whether the project includes any outdoor lighting. If the project includes any outdoor lighting equivalent to 150 watts incandescent or more, a lighting plan is required with a zoning application.

Examples of Acceptable / Unacceptable Lighting Fixtures

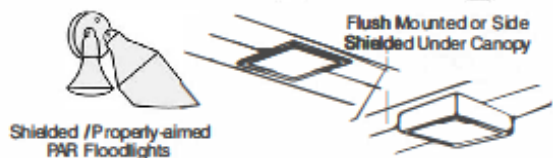
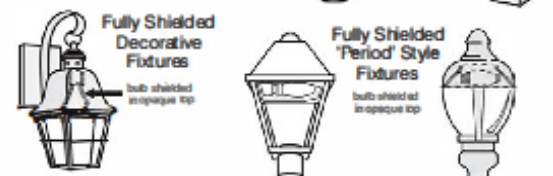
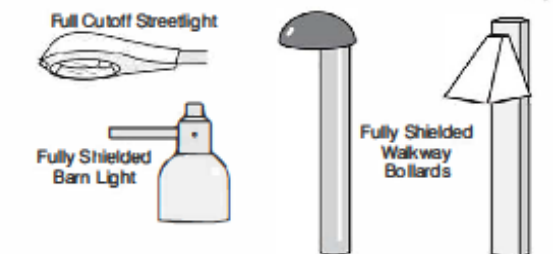
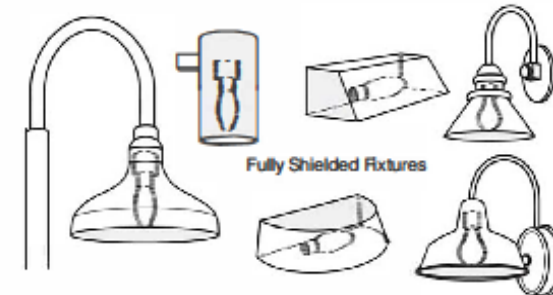
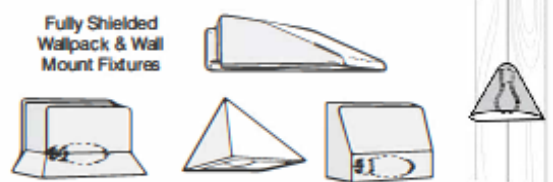
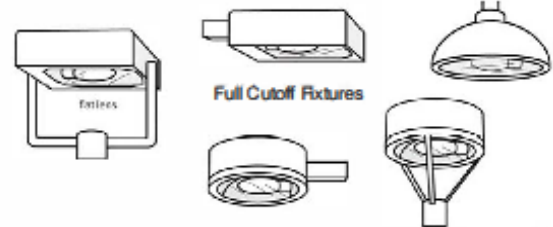
Unacceptable

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Illustrations by Bob Orelin © 2005. Rendered for the Town of Southampton, NY. Used with permission.

Section 5.4 SIGNS

- A. **Intent & Purpose.** It is the policy of this Ordinance to discourage and restrict the use of roadside signs as nuisances detrimental to the public safety and unsightly, but it is recognized that the reasonable requirements of business carried on in the Township require a limited number of signs.
- B. **General Requirements and Limits.** The following provisions permitting the erection and maintenance of roadside signs will be construed in the light of the purpose and intent stated in Subsection 5.4(A):
1. One identification sign of not more than twenty-four (24) square feet may be erected on the premises as a part of any business or activity actively conducted thereon in any district, except that signs relating to home occupations or businesses shall be not more than six (6) square feet.
 2. No business or person may erect in the Township a flashing lighted sign that blinks on and off, rotates, flashes or otherwise draws attention to the sign by means of the movement of an artificial light source.
 3. Attractively designed groups of directional signs not more than four (4) square feet in area may be placed on property regardless of zone, at highway intersections. Such groups of signs shall be subject to the approval of the Zoning Administrator and the County Road Commission.
 4. No sign shall be located in a public or private right of way.
- C. **Permit Required.** Except as otherwise provided in parts E and F, no sign may be constructed, erected, moved, enlarged, illuminated or substantially altered unless a Land Use Permit has been issued in accordance with the provisions of this Ordinance. Mere repainting or changing the message of a sign shall not in and of itself be considered a substantial alteration.
- D. **Signs Excluded from Permit Requirement.** The following signs are permitted without a Land Use Permit but shall conform to the requirements set forth herein as well as all other applicable requirements of this Section.
1. One (1) sign not exceeding eight (8) square feet in sign face area that is customarily associated with residential use and that is not of a commercial nature, such as signs giving property identification names or numbers or names of occupants, signs such as 4-H Clubs group memberships or centennial farm signs.
 2. Signs not exceeding four (4) square feet in sign face on mailboxes or newspaper tubes, and signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.
 3. Signs erected by or on behalf of/or pursuant to the authorization of a governmental body, including legal notices, identification, and information signs, including historical markers, traffic, directional, and regulatory signs.
 4. Official signs of a non-commercial nature erected by public utilities.
 5. Flags, or insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising service.
 6. Integral decorative or architectural features of buildings or works of art, so long as such features or works of art do not contain letters, trademarks, moving parts, or lights.
 7. Signs directing and guiding traffic on private property that do not exceed four (4) square feet each and that bear no advertising matter.
 8. Informational signs not exceeding one (1) square foot in sign face.

9. A total of two (2) banners, one (1) banner and one (1) commercial advertising flag, or two (2) commercial advertising flags, each such banner or commercial advertising flag not to exceed twenty-four (24) square feet in sign face, used to attract attention to a community activity or event (Also see part F).
10. Street name signs located in accord with County Road Commission standards at street intersections, not to exceed one (1) square foot in sign face.

E. **Temporary Signs.** Temporary signs are allowed with the following conditions:

1. A maximum of a total of six (6) square feet of temporary signage may be displayed on a street frontage at one time, except that this limit does not apply during the period beginning sixty (60) days before, and ending ten (10) days after, any federal, state, or local election.
2. On a parcel for which a building or demolition permit is active, one additional temporary sign not exceeding thirty-two square feet may be displayed while work authorized by the permit is underway. The sign shall be removed within ten days after the permit is closed or the work is completed.
3. On a parcel where an authorized temporary land use or event will occur, one additional temporary sign not exceeding twenty-four square feet may be displayed beginning fourteen days before the temporary use or event and ending three days afterward.
4. Signs shall be located on private property, outside of the road right-of-way.
5. A permit is not required.

F. **Determining the Number of Signs.**

1. For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.
2. A two-sided or multi-sided sign shall be regarded as one (1) sign so long as:
 - a. With respect to a V-type sign, the two (2) sides are at no point separated by a distance that exceed five (5) feet; and
 - b. With respect to double faced (back-to-back) signs, the distance between the backs of each face of the sign does not exceed three (3) feet

Article 6.

SUPPLEMENTAL USE STANDARDS

Section 6.1 INTENT & PURPOSE

Those uses permitted by right and uses allowed by special use permit enumerated in any zoning district, if included below, shall be subject to the following conditions and requirements. The uses listed in this Article are only allowed in districts where listed in Article 3.

Section 6.2 AGRICULTURAL OPERATIONS

- A. No grazing of livestock shall be permitted within fifty (50) feet of the ordinary high-water mark, bank of stream, or wetland.
- B. Agricultural uses must meet the currently adopted Generally Accepted Agricultural Management Practices, as adopted by the Michigan Commission of Agriculture and Rural Development under the Michigan Right to Farm Act, P.A. 93 of 1981.

Section 6.3 AUTOMOBILE AND MARINE REPAIR AND SALES

- A. Outdoor display of individual pieces of equipment may be allowed in areas so designed in the site plan as approved provided the display area has been designed and constructed as part of the overall site improvements.
- B. Display areas shall be suitably landscaped.
- C. Such landscaping shall include shrubs and trees in sufficient quantity to mitigate any adverse impact of the outdoor display.
- D. Servicing and repairs shall be conducted only within a totally enclosed building.

Section 6.4 AUTOMOTIVE SERVICE STATIONS

- A. All repairs or servicing shall be conducted only within a completely enclosed building.
- B. Screening or fencing shall be as required by the Planning Commission.

Section 6.5 ADULT FOSTER CARE FACILITIES

- A. Adult Foster Care Facilities must be licensed by the State of Michigan and comply with all applicable state requirements.
- B. Adult Foster Care Family Homes are limited to 6 or fewer adults and the licensee shall be a member of the household and an occupant of the residence. Adult Foster Care Family Homes must obtain a land use permit from the Zoning Administrator as required in Article 12.4.
- C. Adult Foster Care Small Group Homes have an approved capacity to receive 12 or fewer adults and must be approved by the Zoning Administrator as required in Article 12.4.
- D. Adult Foster Care Large Group Homes have an approved capacity to receive between 13 and 20 fewer adults and must be approved by the Special Use approval process in Article 8.
- E. Adult Foster Care Homes, Congregation Facilities have an approved capacity to receive more than twenty (20) adults and must be approved by the Special Use approval process in Article 8.
- F. Adult Foster Care Camps or Adult Camps have an approved capacity to receive more than four (4) adults and must be located in a natural or rural environment and must be approved by the Special Use approval process in Article 8.

Section 6.6 BATTERY ENERGY STORAGE SYSTEMS (BESS), SMALL-SCALE AND UTILITY SCALE

- A. **Intent.** The purpose of this section is to permit and regulate small-scale battery energy storage systems as accessory uses in a manner that supports renewable energy generation, protects public safety, and minimizes impacts on adjacent properties, while remaining consistent with applicable state law.
- B. **Definitions.**
 - 1. **Battery Energy Storage System (BESS).** One or more devices, assembled, capable of storing energy to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery, an electric motor vehicle, or small store-bought batteries designed and used purely for household electronic items.
 - 2. **Battery Energy Storage System, Small-Scale.** A Battery Energy Storage System (BESS) that is intended primarily to serve the electricity needs of the applicant property but may, at times, discharge into the electric grid.
 - 3. **Battery Energy Storage System, Utility-Scale.** One or more devices, assembled together, capable of storing energy in order to supply electrical energy, including battery cells used for absorbing, storing, and discharging electrical energy in a Utility-Scale Battery Energy Storage System ("BESS") with a battery management system ("BMS").
- C. **General Requirements.**
 - 1. A building permit shall be required for all on-site battery energy storage systems.

2. On-Site battery energy storage with an aggregate energy capacity of more than 1 megawatt are subject to additional regulations in the applicable fire code, and required documentation shall be submitted along with the building/electrical permit applications.

D. Standards applicable to small and utility scale BESS.

1. **Coverage.** Lot coverage shall not exceed the otherwise permissible percentage of lot coverage for buildings in the applicable district.
2. **Setbacks.** All battery energy storage system structures and related structural apparatus not physically attached to a building shall satisfy the setback requirements in the applicable district.

E. Standards: The following standards apply only to Utility-Scale Battery Energy Storage Systems.

a.General Provisions. All Utility-Scale Battery Energy Storage Systems are subject to the following requirements:

- i. All Utility-Scale Battery Energy Storage Systems must conform to the provisions of this Ordinance and all county, state, and federal regulations and safety requirements, including applicable building codes, applicable industry standards, and NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems.
- ii. The Township may enforce any remedy or enforcement, including but not limited to the removal of any Utility-Scale Battery Energy Storage System pursuant to the Zoning Ordinance or as otherwise authorized by law if the Utility-Scale Battery Energy Storage System does not comply with this Ordinance.

b. Application Requirements. The applicant for a Utility-Scale Battery Energy Storage System must provide the Township with all of the following:

1. Application fee in an amount set by resolution of the Township Board.
2. A list of all parcel numbers that will be used by the Utility-Scale Battery Energy Storage System; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.
3. An operations agreement setting forth the operations parameters, the name and contact information of the operator, the applicant’s inspection protocol, emergency procedures, and general safety documentation.
4. Current photographs of the subject property.
5. All setbacks, the location of property lines, signage, fences, greenbelts and screening, drain tiles, easements, floodplains, bodies of water, proposed access routes, and road right of ways.
6. The site plan must be drawn to scale and must indicate how the Utility-Scale Battery Energy Storage System will be connected to the power grid.
7. A copy of the applicant’s power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Utility Scale Battery Energy Storage System.
8. A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management, which is subject to the Township’s review and approval.
9. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the Utility-Scale Battery Energy Storage System, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the Utility-Scale Battery Energy Storage System and restore the subject parcels, which is subject to the Township’s review and approval.
10. Financial security that meets the requirements of this Section, which is subject to the Township’s review and approval.

11. A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Utility-Scale Battery Energy Storage System, which is subject to the Township’s review and approval.
12. A plan for managing any hazardous waste, which is subject to the Township’s review and approval.
13. A fire protection plan, which identifies the fire risks associated with the Utility-Scale Battery Energy Storage System; describes the fire suppression system that will be implemented; describes what measures will be used to reduce the risk of fires re-igniting (i.e., implementing a “fire watch”); identifies the water sources that will be available for the local fire department to protect adjacent properties; identifies a system for continuous monitoring, early detection sensors, and appropriate venting; and explains all other measures that will be implemented to prevent, detect, control, and suppress fires and explosions.
14. A transportation plan for construction and operation phases, including any applicable agreements with the Benzie County Road Commission and Michigan Department of Transportation, which is subject to the Township’s review and approval.
15. An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Utility-Scale Battery Energy Storage System, which is subject to the Township’s review and approval.
16. Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL324.36501 et. seq.); and any other applicable laws and rules in force at the time the application is considered by the Township.
17. Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.
18. System and Location Requirements. The site development requirements shall meet or exceed all of the requirements in the underlying district and all of the following:
 - a. Lighting. Lighting of the Utility-Scale Battery Energy Storage System is limited to the minimum light necessary for safe operation. Illumination from any lighting must not extend beyond the perimeter of the lot(s) used for the Utility-Scale Battery Energy Storage System. The Utility-Scale Battery Energy Storage System must not produce any glare that is visible to neighboring lots or to persons traveling on public or private roads.
 - b. Security Fencing. Security fencing must be installed around all electrical equipment related to the Utility-Scale Battery Energy Storage System. Appropriate warning signs must be posted at safe intervals at the entrance and around the perimeter of the Utility Scale Battery Energy Storage System.
 - c. Noise. The noise generated by a Commercial Utility-Scale Battery Energy Storage System must not exceed 45 dBA Lmax, as measured at the property line of any adjacent parcel.
 - d. Underground Transmission. All power transmission or other lines, wires, or conduits from a Utility-Scale Battery Energy Storage System to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation.
 - e. Drain Tile Inspections. The Utility-Scale Battery Energy Storage System must be maintained in working condition at all times while in operation. The applicant or operator must inspect all drain tile at least once every three years by means of robotic camera, with the first inspection occurring before the Utility-Scale Battery Energy Storage System is in operation. The applicant or operator must submit proof of the inspection to the Township. The owner or operator must repair any damage or failure of the drain tile within sixty (60) days after discovery and submit proof of the repair to the

Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.

f. Fire Protection.

- i. Before any construction of the Utility-Scale Battery Energy Storage System begins, the Township's fire department (or fire department with which the Township contracts for fire service) will review the fire protection plan submitted with the application. The fire chief will determine whether the fire protection plan adequately protects the Township's residents and property and whether there is sufficient water supply to comply with the fire protection plan and to respond to fire or explosion incidents. If the fire chief determines that the plan is adequate, then the fire chief will notify the Township Supervisor or his or her designee of that determination. If the fire chief determines that the plan is inadequate, then the fire chief may propose modifications to the plan, which the applicant or operator of the Utility-Scale Battery Energy Storage System must implement. The fire chief's decision may be appealed to the Township Board, and the Township Board will hear the appeal at an open meeting. The Township Board may affirm, reverse, or modify the fire chief's determination. The Township Board's decision is final, subject to any appellate rights available under applicable law.
- ii. The applicant or operator may amend the fire protection plan from time-to-time in light of changing technology or other factors. Any proposed amendment must be submitted to the fire department for review and approval under subsection (vi).
- iii. The Utility-Scale Battery Energy Storage System must comply with the fire protection plan as approved by the fire chief (or as approved by the Township Board in the event of an appeal).

c. Insurance. The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least \$5 million per occurrence. The Township shall be listed as an additional insured on the policy at all times.

d. Permits. All required county, state, and federal permits must be obtained before the Utility Scale Battery Energy Storage System begins operating. A building permit is required for construction of a Utility-Scale Battery Energy Storage System, regardless of whether the applicant or operator is otherwise exempt under state law.

e. Decommissioning. If a Utility-Scale Battery Energy Storage System is abandoned or otherwise non-operational for a period of one year, the property owner or the operator must notify the Township and must remove the system within six (6) months after the date of abandonment. Removal requires receipt of a demolition permit from the Building Official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with top soil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a Utility-Scale Battery Energy Storage System that is never fully completed or operational if construction has been halted for a period of one (1) year.

f. Financial Security. To ensure proper decommissioning of a Commercial Utility Scale Battery Energy Storage System upon abandonment, the applicant must post financial security in the form of a security bond or escrow payment in an amount equal to 125% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate. This financial security must be posted within fifteen (15) business days after approval of the special use application.

g. Extraordinary Events. If the Utility-Scale Battery Energy Storage System experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.

h. Annual Report. The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:

- (1) Current proof of insurance;
- (2) Verification of financial security; and
- (3) A summary of all complaints, complaint resolutions, and extraordinary events.

I. Inspections. The Township may inspect a Utility-Scale Battery Energy Storage System at any time by providing 24 hours advance notice to the applicant or operator.

J. Transferability. A special use permit for a Utility-Scale Battery Energy Storage System is transferable to a new owner. The new owner must register its name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.

K. Remedies. If an applicant or operator fails to comply with this Ordinance, the Township, may pursue any remedy or enforcement, including but not limited to the removal of any Utility-Scale Battery Energy Storage System pursuant to the Zoning Ordinance or as otherwise authorized by law. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township’s actual attorney fees and costs. c. Utility-Scale Battery Energy Storage Systems under PA 233. On or after November 29, 2024, once PA 233 of 2023 is in effect, the following provisions apply to Utility-Scale Battery Energy Storage Systems with a nameplate capacity of 50 megawatts or more and an energy discharge capability of 200 megawatt hours of more. To the extent these provisions conflict with the provisions in subsections 1-3 above, these provisions control as to such Utility-Scale Battery Energy Storage Systems. This subsection does not apply if PA 233 of 2023 is repealed, enjoined, or otherwise not in effect, and does not apply to Battery Energy Storage Systems with a nameplate capacity of less than 50 megawatts. All provisions in subsections 1-3 above that do not conflict with this subsection remain in full force and effect.

L. Setbacks. Utility-Scale Battery Energy Storage Systems must comply with the following minimum setback requirements, with setback distances measured from the nearest edge of the perimeter fencing of the facility:

Setback Description	Setback Distance Occupied
community buildings and dwellings on nonparticipating properties	300 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

M. Installation. The Utility-Scale Battery Energy Storage System must comply with the version of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect on the effective date of the amendatory act that added this section or any applicable successor standard.

N. Noise. The Utility-Scale Battery Energy Storage System must not generate a maximum sound in excess of 55 average hourly decibels as modeled at the nearest outer wall of the nearest dwelling located on an adjacent nonparticipating property. Decibel modeling shall use the weighted scale as designed by the American National Standards Institute.

O. Lighting. The Utility-Scale Battery Energy Storage System must implement dark sky-friendly lighting solutions. Environmental Regulations.

P. The Utility-Scale Battery Energy Storage System must comply with applicable state or federal environmental regulations.

Q. Host community agreement. The applicant shall enter into a host community agreement with the Township. The host community agreement shall require that, upon commencement of any operation, the Utility-Scale Battery Energy

Storage System owner must pay the Township \$2,000.00 per megawatt of nameplate capacity. The payment shall be used as determined by the Township for police, fire, public safety, or other infrastructure, or for other projects as agreed to by the local unit and the applicant.

Section 6.7 CAMPGROUNDS & TRAVEL TRAILER PARKS

- A. **Intent.** To provide for travel trailer parks, campgrounds, etc., normally operated on a seasonal basis, for the accommodation of tents, travel trailers, self-propelled homes or vehicles designed primarily for temporary living or sleeping.
- B. Sites shall be a minimum of ten (10) acres.
- C. Developments shall comply with the provisions of the Michigan Public Health Code (Act 368 of the Public Acts of 1978, as amended.)
- D. Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a travel trailer park are permitted as accessory uses in the districts in which trailer parks are allowed, PROVIDED that:
 - 1. Such establishments and the parking area primarily related to their operations shall not occupy more than ten percent (10%) of the area of the park.
 - 2. Such establishments shall be restricted in their use to the occupants of the park.
 - 3. Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.
 - 4. No space shall be so located that any part intended for occupancy is within one hundred (100) feet of a residential district.
 - 5. In addition to meeting the above requirements, the travel trailer site plan shall be subject to the review and approval of the health department.
 - 6. Storage areas for unoccupied travel trailers, motor homes and similar units may be allowed as an accessory use.

Section 6.8 CHILD CARE HOME, FAMILY & CHILDCARE CENTERS

- A. Location. Such facilities shall be located in the permanent residence of the operator.
- B. Fencing. The perimeter of any yard used for play or instruction shall be enclosed by a fence that is a minimum of four (4) feet in height to prevent children from departing or entering the yard without permission of an adult employee or the operator.
- C. Hours of Operation. Such facilities shall operate no more than 16 hours per day. There shall be no outdoor activity, noise or lighting beyond the boundaries of the site between the hours of 10:00 p.m. and 6:00 a.m.
- D. State Licensing. All family child care homes shall be licensed and operated in compliance with the Michigan Child Care Licensing Act, 1973 PA 116, as amended, and the rules promulgated thereunder. Nothing in this Ordinance shall be construed to regulate the provision of child care services, staffing ratios, programming, or safety standards, which are governed exclusively by state law.

Section 6.9 DATA CENTERS

A. Definitions.

1. **Cryptocurrency Data Mining Facility.** A facility dedicated to operating data processing equipment for commercial cryptocurrency mining and the process by which cryptocurrency transactions are verified and added to digital ledgers.
2. **Data Center.** A structure that houses information technology infrastructure and equipment for building, running, and delivering applications, and the storage of digital data. This includes Artificial Intelligence (“AI”) Data Centers.

B. General Provisions.

1. Cryptocurrency Data Mining Facilities and Data Centers are permitted in the Township only as a special land use with special approval in the C/R Commercial Resort Zoning District.
2. The Township may enforce any remedy or enforcement, including but not limited to, the removal of any Cryptocurrency Data Mining Facilities and Data Centers pursuant to the Zoning Ordinance or as otherwise authorized by law if the Cryptocurrency Data Mining Facility or Data Center does not comply with this Section.
3. **Public Utility Service Requirement.** Cryptocurrency Data Mining Facilities and Data Centers shall be served exclusively by public water and public sanitary sewer systems. Use of private wells or on-site wastewater treatment systems is prohibited for such facilities.
4. Approval of a Cryptocurrency Data Mining Facility or Data Center shall not obligate the Township to provide, extend, upgrade, or fund any public utilities or infrastructure. Any extension, expansion, or improvement of public utilities or related infrastructure required to serve the facility shall be planned, designed, constructed, and fully funded by the applicant, subject to Township, county, and state review and approval. The cost or feasibility of such improvements shall not be grounds for waiving or modifying this requirement.

C. Special Approval Application Requirements.

An applicant for special approval of a Cryptocurrency Data Mining Facility or Data Center must provide the Township with all of the following:

1. An application fee in an amount set by resolution of the Township Board.
2. A list of all parcel numbers that the Cryptocurrency Data Mining Facility or Data Center will use; documentation establishing ownership of each parcel; and any lease agreements, easements, or purchase agreements for the subject parcels.
3. An operations agreement setting forth the parameters of the operation, the name and contact information of the operator, the applicant’s inspection protocol, emergency procedures, and general safety documentation.
4. Current photographs of the subject property.
5. A site plan that includes all proposed structures and the location of all equipment, as well as all setbacks, the location of property lines, signage, fences, greenbelts and screening, drain tiles, easements, floodplains, bodies of water, proposed access routes, and road right of ways. The site plan must be drawn to scale and must indicate how the Cryptocurrency Data Mining Facility or Data Center will be connected to the power grid.
6. A written plan for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management, which is subject to the Township’s review and approval.

7. A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the Cryptocurrency Data Mining Facility or Data Center, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the Cryptocurrency Data Mining Facility or Data Center and restore the subject parcels, which is subject to the Township’s review and approval.
 8. Financial security that meets the requirements of this Section, which is subject to the Township’s review and approval.
 9. A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Cryptocurrency Data Mining Facility or Data Center, which is subject to the Township’s review and approval.
 10. A plan for managing any hazardous waste, which is subject to the Township’s review and approval.
 11. A fire protection plan, which identifies the fire risks associated with the Cryptocurrency Data Mining Facility or Data Center; describes the fire suppression system that will be implemented; describes what measures will be used to reduce the risk of fires re-igniting (i.e., implementing a “fire watch”); identifies the water sources that will be available for the local fire department to protect adjacent properties; identifies a system for continuous monitoring, early detection sensors, and appropriate venting; and explains all other measures that will be implemented to prevent, detect, control, and suppress fires and explosions.
 12. A transportation plan for construction and operation phases, including any applicable agreements with the County Road Commission and Michigan Department of Transportation, which is subject to the Township’s review and approval.
 13. An attestation that the applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, maintenance, use, repair, or removal of the Cryptocurrency Data Mining Facility or Data Center, which is subject to the Township’s review and approval.
 14. Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL324.36501 et. seq.); and any other applicable laws and rules in force at the time the Township considers the application.
 15. Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.
- D. **System and Location Requirements.** In addition to the requirements of the Township for a site plan, the site plan must include all of the following:
1. **Equipment.** All equipment used in any Cryptocurrency Data Mining Facility or Data Center must be housed in a metered, electrically grounded, and pre-engineered or prefabricated metal-encased structure with a fire rating designed to resist an internal electrical fire for at least 30 minutes.
 2. **Structures.** All principal and accessory structures used for cryptocurrency mining operations and/or data centers, shall be arranged, designed, and constructed to be harmonious and compatible with the site and with the surrounding properties. If prefabricated, pre-engineered, or modular structures are installed, the following standards are required:
 - a. All structures shall have concrete foundations.
 - b. All exterior facades shall have muted earth tone colors that will blend the facility into the natural setting and existing environment, and shall not be defective, decayed or corroded.

- c. If intermodal shipping containers are utilized such installation shall comply with current National Electrical Code standards.
3. Lighting. The lighting of the Cryptocurrency Data Mining Facility or Data Center is limited to the minimum light necessary for safe operation. Illumination from any lighting must not extend beyond the perimeter of the lot(s) used for the Cryptocurrency Data Mining Facility or Data Center. The Cryptocurrency Data Mining Facility or Data Center must not produce any glare that is visible to neighboring lots or persons traveling on public or private roads.
4. Security Fencing. Security fencing must be installed around all electrical equipment related to the Cryptocurrency Data Mining Facility or Data Center. Such fencing must be a minimum seven (7) feet tall and must use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment.
5. Noise. The noise generated by the Cryptocurrency Data Mining Facility or Data Center must not exceed 45 dBA Lmax, as measured at the property line of any adjacent parcel.
6. Signage. The Cryptocurrency Data Mining Facility or Data Center shall provide a 24-hour emergency contact signage visible at the access entrance. Signs shall include company name if applicable, owner/representative name, telephone number, and corresponding local power company and telephone number.
7. Underground Transmission. All power transmission or other lines, wires, or conduits from a Cryptocurrency Data Mining Facility or Data Center to any building or other structure must be located underground at a depth that complies with current National Electrical Code standards, except for power switchyards or the area within a substation.
8. Drain Tile Inspections. The Cryptocurrency Data Mining Facility or Data Center must be maintained in working condition at all times while in operation. The applicant or operator must inspect all drain tiles at least once every three years using a robotic camera, with the first inspection occurring before the Cryptocurrency Data Mining Facility or Data Center is in operation. The applicant or operator must submit proof of the inspection to the Township. The owner or operator must repair any damage or failure of the drain tile within sixty (60) days after discovery and submit proof of the repair to the Township. The Township is entitled, but not required, to have a representative present at each inspection or to conduct an independent inspection.
9. Fire Protection.
 - a. Before any construction of the Cryptocurrency Data Mining Facility or Data Center begins, the Township's fire department (or the fire department with which the Township contracts for fire service) will review the fire protection plan submitted with the application. The fire chief will determine whether the fire protection plan adequately protects the Township's residents and property and whether there is sufficient water supply to comply with the fire protection plan and to respond to fire or explosion incidents. If the fire chief determines that the plan is adequate, then the fire chief will notify the Township or his or her designee of that determination. If the fire chief determines that the plan is inadequate, then the fire chief may propose modifications to the plan, which the applicant or operator of the Cryptocurrency Data Mining Facility or Data Center must implement. The fire chief's decision may be appealed to the Township Board, and the Township Board will hear the appeal at an open meeting. The Township Board may affirm, reverse, or modify the fire chief's determination. The Township Board's decision is final, subject to any appellate rights available under applicable law.
 - b. The applicant or operator may amend the fire protection plan from time-to-time in light of changing technology or other factors. Any proposed amendment must be submitted to the fire department for review and approval under subsection (a).

- c. The Cryptocurrency Data Mining Facility or Data Center must comply with the fire protection plan as approved by the fire chief (or as approved by the Township Board in the event of an appeal).
 - d. The Cryptocurrency Data Mining Facility or Data Center must contain an internal fire suppression system that shall be reviewed and tested once every twelve (12) months by a third-party contractor approved by the fire chief.
- 10. Applicant must provide all Township Fire Department contractors with the appropriate equipment and training to address fires in the Cryptocurrency Data Mining Facility or Data Center.
- 11. Insurance. The applicant or operator will maintain property/casualty insurance and general commercial liability insurance in an amount of at least \$5 million per occurrence. The Township shall be listed as an additional insured on the policy at all times.
- 12. Permits. All required county, state, and federal permits must be obtained before the Cryptocurrency Data Mining Facility or Data Center begins operating. A building permit is required for construction of a Cryptocurrency Data Mining Facility or Data Center regardless of whether the applicant or operator is otherwise exempt under state law.
- 13. Decommissioning. If a Cryptocurrency Data Mining Facility or Data Center is abandoned or otherwise nonoperational for a period of one year, the property owner or the operator must notify the Township and must remove the system within six (6) months after the date of abandonment. Removal requires receipt of a demolition permit from the Building Official and full restoration of the site to the satisfaction of the Zoning Administrator. The site must be filled and covered with top soil and restored to a state compatible with the surrounding vegetation. The requirements of this subsection also apply to a Cryptocurrency Data Mining Facility or Data Center that is never fully completed or operational if construction has been halted for a period of one (1) year.
- 14. Financial Security. To ensure proper decommissioning of a Cryptocurrency Data Mining Facility or Data Center upon abandonment, the applicant must post financial security in the form of a security bond or escrow payment in an amount equal to 125% of the total estimated cost of decommissioning, code enforcement, and reclamation, which cost estimate must be approved by the Township. The operator and the Township will review the amount of the financial security every two (2) years to ensure that the amount remains adequate. This financial security must be posted within fifteen (15) business days after approval of the special use application.
- 15. Extraordinary Events. If the Cryptocurrency Data Mining Facility or Data Center experiences a failure, fire, leakage of hazardous materials, personal injury, or other extraordinary or catastrophic event, the applicant or operator must notify the Township within 24 hours.
- 16. Annual Report. The applicant or operator must submit a report on or before January 1 of each year that includes all of the following:
 - a. Current proof of insurance;
 - b. Verification of financial security; and
 - c. A summary of all complaints, complaint resolutions, and extraordinary events.
- 17. Inspections. The Township may inspect a Cryptocurrency Data Mining Facility or Data Center at any time by providing 24-hour advance notice to the applicant or operator.
- 18. Transferability. A conditional land use permit for a Cryptocurrency Data Mining Facility or Data Center is transferable to a new owner. The new owner must register their name and business address with the Township and must comply with this Ordinance and all approvals and conditions issued by the Township.

19. Remedies. If an applicant or operator fails to comply with this Ordinance, the Township, may pursue any remedy or enforcement, including but not limited to the removal of any Cryptocurrency Data Mining Facility or Data Center pursuant to the Zoning Ordinance or as otherwise authorized by law. Additionally, the Township may pursue any legal or equitable action to abate a violation and recover any and all costs, including the Township’s actual attorney fees and costs.

Section 6.10 GOLF COURSES

Golf courses and Country Clubs, other than miniature golf courses, shall be subject to the following conditions:

- A. **Access.** The site shall Have direct or indirect access via a paved public road meeting county road commission standards.
- B. **Residential Buffer.**
 1. All principal or accessory buildings, including in-ground swimming pools and parking areas, shall be one hundred (100) feet from any property zoned residential.
 2. A landscaped buffer zone shall be provided between the parking and principal building area and any adjacent residential development in accordance with Section 5.1.
- C. **Vegetation Preservation.**
 1. **Minimum Retention of Natural Vegetation.** To reduce water demand, excessive soil erosion and heavy nutrient run-off, golf courses shall retain and preserve native vegetation in compliance with Section 4.10 Vegetation Preservation and Clearing of Land.
 2. **Natural Vegetation Buffer.** A fifty foot (50’) minimum natural vegetation strip between turf areas and natural water bodies, watercourses or wetlands must be maintained. The natural vegetation strip shall not be chemically treated on a regular basis.
 3. **Fertilizer Use Prohibited**
 - a. The use of synthetic fertilizer, pesticides and herbicides on golf courses within the watershed overlay districts is prohibited.
 - b. This prohibition does not apply for the limited use of synthetic herbicides for the control of invasive or noxious plant species. Phosphorous free fertilizers, consistent with guidance from the Michigan Department of Agriculture and Rural Development (MDARD), and pesticides, herbicides, and fertilizers that are approved for organic production (Organic Materials Review Institute – or OMRI – approved) are allowed.
- D. **Impact on water supply.** A hydrological study shall be completed and submitted to document the impact of the golf course watering system on groundwater supply. This study shall inventory and analyze well logs from surrounding properties, giving consideration to the depth of the wells and quality of water. The study shall further estimate the quantity of water that will be used on a daily basis during the peak watering periods and shall evaluate the impact of watering operations on surrounding wells.

Section 6.11 GREENHOUSE, COMMERCIAL

- A. **Maximum Size.** The gross floor area of all greenhouse structures on a lot shall not exceed 30,000 square feet or the percent of the maximum lot area in the applicable zoning district.

- B. **Parking.** Commercial greenhouses shall comply with the off-street parking requirements of Section 5.2.
- C. **Accessory Retail.** Retail sales conducted on site shall be clearly incidental and subordinate to greenhouse operations and shall not exceed 5,000 square feet.

Section 6.12 HOME BUSINESSES, HOME OCCUPATIONS, AND BED & BREAKFAST ESTABLISHMENTS

- A. **Intent.** The Township recognizes that many residents desire or must work at home, but the Township also recognizes the right of all residents to be free from actual or potential nuisances which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to provide standards to ensure Home Occupations, Home Based Businesses, and Bed & Breakfast Establishments are compatible with other allowed uses in residential zones, and thus to maintain and preserve the residential character of the surrounding zone.
- B. **General Requirements.** The following regulations shall apply to all Home Occupations, Home Businesses and Bed & Breakfast establishments:
 - 1. The Business, Occupation or Bed & Breakfast establishment shall be incidental and subordinate to the principal use of the lot or parcel for residential purposes.
 - 2. The use shall not detract from the residential nature or character of the premises or surrounding zone and shall be compatible with surrounding properties and dwelling units.
 - 3. The Business, Occupation or Bed & Breakfast establishment shall not result in the creation of conditions that would constitute a nuisance to neighboring properties, surrounding zoning districts, or the Townships as a whole, including, but not limited to noise, traffic, lighting or parking. Any machinery, mechanical devices, or equipment employed in the conduct of a Business or Occupation shall not generate noise, vibration, radiation, odor, glare, smoke, steam, electrical interference at a volume greater than 60 decibels at the property boundary, or create other conditions not typically associated with the use of the lot or parcel for residential purposes.
 - 4. There shall be no exterior evidence of the Home Business other than an unlighted nameplate not to exceed four (4) square feet in area.
 - 5. This section is intended to provide reasonable flexibility, but a land use permit shall not be granted if the essential character of a lot or structure within a residential district, in terms of use or appearance, will be changed significantly.
- C. **Home Occupations:** A home occupation is any activity of a professional, service or business character that is clearly secondary and incidental to the use of the dwelling for residential purposes. Home occupations shall meet all the following requirements:
 - 1. Home Occupations shall only be allowed in residential zoning districts (LR, R1, and R2).
 - 2. Home Occupations are to be primarily limited service and professional activities including without limitation: dressmaking/tailoring, music, art, and dance instruction (limited to no more than six (6) students at a time), author, artist, musician, clerk, internet marketing, bookkeeper, income tax preparation, photography instruction and studio, and beauty salon.
 - 3. Home Occupations shall be operated in their entirety within the dwelling or within an attached or detached garage or accessory building.

4. Home Occupations shall be conducted only by the person or persons occupying the premises as their residence.
 5. Additions to a dwelling or accessory structure for the purpose of conducting a Home Occupation shall be of an architectural style that is compatible with the architecture of the dwelling or accessory building and shall be designed so that the addition can be used for residential purposes if the home occupation is discontinued.
 6. Traffic and delivery or pickup of goods shall not exceed that normally created by residential use.
 7. The outdoor storage of goods and/or materials associated with the home occupation is prohibited.
 8. No mechanical equipment shall be installed except such as would be normally used for purely domestic or household purposes.
 9. Adequate off-street parking shall be provided for patrons and clients.
 10. Hours of operation shall be limited from 8 a.m. – 8 p.m. every day of the week.
 11. No process, chemicals, or hazardous materials shall be used or stored on sites which are contrary to any applicable State or Federal laws.
- D. **Home Based Business:** A Home Based Business is an activity established for economic gain conducted on a residential premises or using a residential premises as a base of operations for conducting the business off site. Examples of Home Based Business include construction contractors, well drilling, independent trucking, small-scale heavy equipment operator, or landscaping services. A Home Based Business shall meet all of the following requirements:
1. Home Based Business shall only be allowed in residential zoning districts (LR, R1, and R2).
 2. A Home Based Business shall occupy not more than one building. The floor area of such buildings shall not exceed twenty-four hundred (2400) square feet.
 3. A maximum of two (2) nonresident employees are permitted on the premises at one time.
 4. The outdoor storage of vehicles, goods, and/or materials of any kind is prohibited unless screened from view by a tight-board wood fence, landscaped buffer, landscaped berm, etc. which shall retain the residential character of the neighborhood.
 5. To ensure that the Home Based Business is compatible with surrounding residential use, a "not-to-exceed" number of vehicles that may be parked at any given time during business operations shall be established by the Planning Commission during the review and approval process.
 6. Hours of operation shall be approved by the Planning Commission.
 7. Adequate off-street parking shall be provided for patrons, clients and off- site employees. A parking plan which explains the manner in which off-street parking needs will be addressed must be provided to the Planning Commission for approval.
 8. No process, chemicals, or hazardous materials shall be used or stored on sites which are contrary to any applicable State or Federal laws.

- E. **Bed & Breakfast Establishments:** It is the intent of this subsection to establish reasonable standards for Bed and Breakfast Establishments to assure that the property is suitable for transient lodging facilities, both the use and character of the lot is compatible with others in the same district, adjacent and nearby private lands shall not be subject to increased trespass and the impact of the establishment is no greater than that of a private home with houseguests. The following requirements for Bed and Breakfast Establishments together with any other applicable requirements of this Ordinance shall be complied with:
1. The rooms utilized for sleeping shall be a part of the primary residential use and not specifically constructed for rental purposes.
 2. The residence shall have at least two (2) exits to the outdoors.
 3. The rental sleeping rooms shall have a minimum size of one hundred (100) square feet for each two (2) occupants with an additional thirty (3) square feet for each occupant to a maximum of four (4) occupants per room.
 4. Proof of evaluation of the well and septic system by the health department shall be supplied by owner/occupant.
 5. The Zoning Administrator or Planning Commission shall require that a floor plan drawn to an architectural scale of not less than one-eighth inch (1/8") = one (1) foot be on file with the fire department.
 6. In the event that noise generation may be disturbing to neighbors, or that the location of the establishment is an area where trespass onto adjacent properties is likely to occur, then the Zoning Administrator or Township Planning Commission may require that fencing and/or planting buffer be constructed and maintained.
 7. Rental of snowmobiles, ATV's or similar vehicles, boats and other marine equipment, in conjunction with the operation of the establishment shall be prohibited.
- F. **Home Occupations and Home-Based Businesses Involving Food Preparation**
1. Cottage Food Industry Law allows a person to prepare some food items in their home kitchen for sale directly to consumer. The products may not be sold to retail stores, restaurants, over the internet, by mail order, or to wholesalers, brokers, or other food distributors who resell foods. All Home Occupations and Home Based Businesses involving food preparation will be subject to those requirements set forth in the State of Michigan's Cottage Food Law, PA 113 of 2010.
- G. **Inspections, Revisions, Termination, and Extensions:**
1. Any Home Occupation, Home Based Business, or Bed and Breakfast establishment may be subject to periodic review by the Zoning Administrator.
 2. In the event that a Home Business is not being conducted in a manner consistent with a residential use or Home Business; and/or is not in compliance with this Ordinance the Zoning Administrator shall have the authority to initiate enforcement action against the owner/operator of the Home Business in accordance with this Ordinance.

Section 6.13 HOTELS, MOTELS, & RESORTS

It is the purpose of this section to establish reasonable requirements for transient lodging facilities. It is intended that these regulations will provide for such facilities in the Township that are appropriate in scale and location so as to not create undue traffic congestion, noise or other interference with the predominantly rural and residential character of the Township.

- A. The maximum number of guest units allowed is 10.
- B. Each guest unit shall contain not less than two hundred fifty (250) square feet of floor area.
- C. Site Screening: Material and height shall be consistent with the requirements of Section 2.21. Shrubs and/or trees may be used to screen alone or in combination with structural screens. No screening shall in any way impair safe vertical or horizontal site distance for any moving vehicle. Screening at least four (4) feet high shall be erected to prevent headlight glare from shining on adjacent property.
- D. Uses such as swimming pools and other outdoor recreational uses, meeting rooms, restaurants, taverns or bars, and a caretaker or proprietor's residence may be permitted provided that these uses are located on the same site as the principal use to which they are accessory. Appropriate permits shall have been obtained from regulating county or state agencies.
- E. Proof of acceptability of the well and septic system by the Health Department shall be supplied by owner.
- F. A floor plan drawn to a scale of not less than 1/8" = 1', shall be on file with the appropriate fire department.

Section 6.14 INSTITUTIONAL STRUCTURES

- A. The following institutional structures are allowed, subject to Special Use approval under Article 8:
 - 1. **Religious Institutions:** Churches or similar places of worship, convents, parsonages, and parish houses or other housing for clergy.
 - 2. **Educational and Social Institutions:** Public or private schools, auditoriums and other places of assembly, and centers for social activities.
 - 3. **Human Care Institutions:** Hospitals, sanitariums, nursing and convalescent homes, and homes for the aged.
 - 4. **Animal Care Institutions:** Veterinary facilities with no overnight boarding of animals.
- B. **Institutional uses must:**
 - 1. Have entrance and exit drives directly onto a county road or state highway.
 - 2. Have lighting designed to be unobtrusive to neighboring properties.
 - 3. Be designed to be compatible and appropriate in scale and character with existing or planned surroundings.
 - 4. Shall be setback one hundred (100) foot from adjacent residential uses.

Section 6.15 MARINAS & CANOE LIVERIES

- A. All sites shall be located on a major thoroughfare and all ingress and egress to the site shall be from said thoroughfare.
- B. All points of entrance or exit for motor vehicles shall be located no closer than one hundred (100) feet from the intersection of any two (2) streets or highways.
- C. Whenever any use permitted herein abuts property within any Residential District, a transition strip at least one hundred (100) feet in width shall be provided between all operations and structures, and the residential property. Plant materials, grass and structural screens or fences of an approved type shall be placed within said transition strip.

- D. A minimum yard of one hundred (100) feet shall separate all uses and operations permitted herein, from any public street or highway used for access or exit purposes.

Section 6.16 MOBILE HOMES

- A. It is the purpose of this Section to establish reasonable requirements for mobile homes located outside of licensed mobile home parks and to establish reasonable zoning and site-related standards to ensure that such dwellings are compatible with surrounding residential development. These standards are intended to address placement on the site, exterior appearance, and relationship to neighboring properties, while deferring all construction, safety, and performance requirements to applicable state and federal regulations.
- 1. A mobile home must also comply with the minimum dimensional requirements established in Section 3.3 Schedule of Regulations.
- 2. Zoning in which mobile homes are permitted: Mobile Homes shall be permitted in all residential zoning districts subject to the provisions and requirements hereafter set forth.
- 3. Qualifying Conditions:
 - a. Each mobile home shall bear a label required by Section 3232.362(c) (2) of the Federal Mobile Home Procedural and Enforcement Regulations.
 - b. Each mobile home 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.
 - c. Within ten (10) days following installation, all towing mechanisms shall be removed from each mobile home or concealed or disguised from view. A permanent perimeter enclosure of durable materials shall be provided to fully enclose and obscure the undercarriage and chassis from view.
 - d. Each mobile home shall be constructed, certified, and installed in compliance with the Mobile Home Construction and Safety Standards promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280 and 24 CFR 3282, as amended.
 - e. Exterior Finish; Light Reflection: Any materials that are generally acceptable for other types of housing permitted on the site may be used for exterior finish.
 - f. Each mobile home shall be aesthetically compatible in design and appearance with other residences, particularly with regard to siding materials, roofing materials, and perimeter enclosure.

Section 6.17 OUTDOOR SALES & DISPLAYS

The outdoor display of goods for retail sale shall be allowed as an accessory use to an approved or permitted principal use where goods are commonly sold subject to the following standards:

- A. All outdoor displays shall be located within ten (10) feet of the principal structure.
- B. Outdoor display areas located elsewhere on the property shall only be allowed if part of an approved site plan and must be screened from residential uses or districts.
- C. Outdoor displays shall not inhibit safe pedestrian circulation and shall not reduce the unobstructed width of any sidewalk below four (4) feet.

- D. Outdoor displays shall not inhibit vehicle circulation onto or within the site and shall not be located within any off-street parking area. Clear lines of site for pedestrians and vehicles shall not be obstructed by outdoor displays.
- E. Outdoor displays shall not be located within any public rights-of-way unless authorized by the applicable road agency.

Section 6.18 PUBLIC USES & FACILITIES: CRITICAL, ESSENTIAL, & SUPPORTING

- A. The following public uses and facilities shall be allowed in any zoning district, subject to Special Use approval under Article 8.
 - 1. Critical uses or facilities such as, but not limited to fire station, ambulance services, police station, etc., and associated facilities.
 - 2. Essential uses and facilities including the erection, construction, alteration, or maintenance by public utilities or municipal or governmental agencies of underground or overhead gas, electrical, steam, communications, supply, or disposal systems including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety, or general welfare.
 - 3. Supporting uses or facilities such as a township hall, library, park, athletic fields, public recreational facility, open space, civic center, community center, official government offices, authority office, or post office, and associated facilities.
- B. All structures associated with a public use shall be subject to applicable setbacks for the district in which they are located. Public buildings and their local supporting service uses, shall be permitted provided the arrangement of property uses shall minimize the impact on scenic views, and if feasible, the site design shall mitigate negative impacts related to building size, noise, lighting, and traffic.
- C. Telecommunication towers, alternative tower structures, antennas, wind turbine generators, and anemometer towers are regulated and permitted by other sections of this Ordinance and shall not be regulated or permitted as essential uses, public utilities, or private utilities.

Section 6.19 RESTAURANTS

- A. **Access.** Public access to the site shall be located at least seventy-five (75) feet from any intersection (as measured from the nearest right-of-way line to the edge of said access).
- B. **Public Safety and Agency Review.** All restaurants shall comply with applicable Fire Department, County Health Department, and State licensing requirements.
- C. **Outdoor Seating and Entertainment.** Where outdoor seating is provided, the establishment shall comply with Section 6.17 Outdoor Seating and Entertainment.

Section 6.20 RETAIL ESTABLISHMENTS

- A. **Access.** Public access to the site shall be located at least seventy-five (75) feet from any intersection (as measured from the nearest right-of-way line to the edge of said access).

Section 6.21 ROADSIDE STANDS

Roadside stands are structures for the display for the sale of agricultural products, without space for customers within the structure itself. Roadside stands are allowed in the zoning districts specified in Article 3, subject to Site Plan approval under Article 7. Roadside stands shall comply with all currently adopted Generally Accepted Agricultural and Management Practices (GAAMPs) as defined by the Michigan commission of agriculture. Roadside stands must be located as far as necessary off of the traveled portion of any public road and have sufficient parking area to ensure customers' vehicles will not hinder normal traffic on the public road or otherwise create a safety hazard.

Section 6.22 SOLAR ENERGY SYSTEMS, SMALL-SCALE

- A. **Intent.** The purpose of this section is to permit and regulate small-scale solar energy systems as accessory uses in a manner that supports renewable energy generation, protects public safety, and minimizes impacts on adjacent properties, while remaining consistent with applicable state law.
- B. **Definitions.**
 - 1. **Solar Energy Systems, Small-Scale.** A Solar Energy System used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.
 - 2. **Building-Integrated Solar Energy System, Small-Scale.** A solar energy system that is an integral part of a principal or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or water heating solar energy systems that are contained within roofing materials, windows, and skylights.
 - 3. **Roof-Mounted Solar Energy System, Small-Scale.** A solar energy system mounted on racking that is attached to or ballasted on the roof of a building or structure. Solar panels may be attached to the roof or the building wall, but not both.
 - 4. **Ground-Mounted Solar Energy System, Small-Scale.** A ground-mounted solar energy system with the purpose primarily of generating electricity for the principal use or building on the site.
 - 5. **Solar Array.** A photovoltaic panel, solar thermal collector, or collection of panels or collectors in a solar energy system that collects solar radiation.
 - 6. **Solar Carport.** A solar energy system of any size that is installed on a structure that is accessory to a parking area and which may include electric vehicle supply equipment or energy storage facilities. Solar panels affixed on the roof of an existing carport structure are considered a Roof-Mounted SES.
 - 7. **Solar Energy System (SES).** A photovoltaic system for generating electricity, including all above- and below-ground equipment or components required for the system to operate properly and to be secured to a roof surface, structure, or the ground. This does not include any operations or maintenance buildings, temporary construction offices, substation(s), or other transmission facilities between the SES and the point of interconnection to the electric grid.
- C. **General Requirements.**
 - 1. All Small-Scale SES must conform to the provisions of this Ordinance and all County, State, and Federal regulations and safety requirements as well as applicable industry standards.
 - 2. All Small-Scale SES shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or roadways at any time of the day.

- D. **Non-Conformities.** Any SES installed on a nonconforming building, structure, or use shall not be considered an expansion of the nonconformity.
- E. **Application.** All SES applications must include a plot plan. Applications for Small-Scale SES must include horizontal and vertical elevation drawings that show the location, setbacks to property lines, primary and accessory structures, height, tilt features (if applicable), and dimensions of the SES.
- F. **Building Permit.** A building permit shall be required for installation of all Small-Scale SES. A permit to operate such system shall be issued by the zoning administrator.
- G. **Exemptions.** An SES used to power a single device or specific piece of equipment such as a lawn ornament, lights, weather station, thermometer, clock, well pump, or other similar singular device is exempt from the standards of Subsection H, below. However, all standards in **Section 3.3** Schedule of Regulation still apply.
- H. **Standards.**
 - 1. **Building-Integrated SES, Small Scale.**
 - a. Solar panels integrated as the surface layer of the roof structure may be located on any part of the roof.
 - b. Building Integrated SES, Small Scale, shall be subject to the same regulations as the building in terms of height and setbacks.
 - 2. **Roof-Mounted SES, Small Scale.**
 - a. Roof-Mounted SES are permitted in all zoning districts where buildings or structures are allowed, and are considered part of the building or structure to which they are attached.
 - b. Roof-Mounted SES shall not exceed 5 feet above the finished roof, unless satisfied by subsection 3, below.
 - c. Roof-Mounted SES installed on a sloped roof surface shall not project vertically above the peak of the roof to which it is attached.
 - 3. **Wall-Mounted SES, Small Scale.**
 - a. Wall-Mounted SES are permitted in all zoning districts where buildings or structures are allowed and are considered a part of the building or structure to which they are attached.
 - 4. **Ground-Mounted SES, Small Scale.**
 - a. Ground-Mounted SES are permitted as an accessory structure in all zoning districts where buildings or structures are allowed.
 - b. **Height.** Ground-Mounted SES shall not exceed a height of six (6) feet.
 - c. **Setbacks.** Ground-Mounted SES shall meet the accessory structure setback requirements of the district they are located in. Setback distance is measured from the property line to the closest point of the SES at minimum tilt.
 - d. **Lot Coverage.** The area of the solar array in all districts shall not exceed 2% of the square footage of the lot or parcel or three hundred sixty (360) square feet, whichever is less, unless it is sited over required parking (i.e., solar carport), in which case there is no maximum lot coverage for Ground-Mounted SES. An Ground-Mounted SES shall not be included when calculating the maximum square footage of buildings or structures allowed on site or maximum impervious surface area limits if the ground under the array is pervious.

e. **Visibility.**

- i. All power transmission lines shall be underground.
- ii. Ground-Mounted SES in all districts shall be located in the side or rear yard to minimize visual impacts from the public right-of-way(s).
- iii. Accessory Ground-Mounted SES may be placed in the front yard with administrative approval, where the applicant can demonstrate that placement of the SES in the rear or side yard will:
 - 1) Decrease the efficiency of the SES due to topography, accessory structures, or vegetative shading from the subject lot or adjoining lots;
 - 2) Interfere with septic system, accessory structures, or accessory uses; or
 - 3) Require the SES to be placed on the waterfront side of the building housing the primary use
- iv. Free-standing solar panels shall not be visible from adjacent property and shall be screened by landscaping where necessary.

Section 6.23 UTILITY SCALE SOLAR

Freestanding Utility Solar Facilities shall be subject to the following regulations:

i. Definition of “Participating” and “Non-Participating”: As used in this Section, the following terms shall have the following meanings:

- (1) Participating Lot: A lot where the landowner has leased land to the solar applicant, OR a landowner that has any other written and signed agreement with the solar applicant with regard to the Freestanding Utility Solar Facility, including “good neighbor” agreements and other agreements that do not necessarily allow the placement of solar panels on the lot.
- (2) Non-Participating Lot: Any lot that does not meet the definition of “Participating Lot” in the above subsection.

ii. Setbacks. All solar panels and other structures associated with the Freestanding Utility Solar Facility shall meet the following minimum setback requirements.

- (1) From a lot line abutting a participating lot: 10 feet
- (2) From a lot line abutting a lot that is not participating in the solar project, is greater than 5 acres in area, and does not contain a residential dwelling unit: 50 feet
- (3) From a lot line abutting a lot that is not participating in the solar project, is less than 5 acres in area, or does contain a residential dwelling unit: 200 feet
- (4) From a public or private roadway: 50 feet, or the required front setback for the zone district in question, whichever is greater.

iii. Height: The height of the solar panels and any mounts shall not exceed 20 feet when oriented at maximum tilt. Parking. No solar panels shall be located within the boundaries of a wetland delineated by the State of Michigan. Landscaping, Ground Cover, and Buffering. The following requirements must be met for all Freestanding Utility Solar Facilities:

- (1) The following screening requirements must be met along all property lines meeting the following criteria:

(a) The adjacent parcel is non-participating.

(b) The adjacent parcel contains one or more residential dwelling units OR the adjacent parcel is under 5 acres in area.

(2) When landscape screening is required, it may be planted anywhere within the required setback, and shall meet the following requirements:

(a) Evergreen trees, planted in a staggered double row designed to form a dense visual screen while still allowing for healthy development of the trees. The trees must be at least 6 feet in height at the time of planting in all areas where the solar panels will be visible from a residence (in the opinion of the Township Board), and at least 4 feet in height at the time of planting in all other areas.

(b) The required evergreen trees shall be a mixture of some or all of the following species: White Cedar, White Pine, Colorado Blue Spruce, Norway Spruce, Black Hills Spruce, and White Spruce. The applicant must submit a description of the height and spread of each proposed species at maturity, as well as an estimated timeline for each species to reach maturity.

(c) The Township Board shall determine at the time of approval whether the proposed plantings constitute a “dense visual screen” at the time of planting and whether the design also allows for the “healthy development of the trees.” The Township Board may require additional plantings, or other design changes to the landscape plan, as a condition of Special Land Use Approval. In making their determination, the Township Board may request the opinion of a landscape architect, arborist, or other expert, with costs to be paid by the applicant.

(3) Existing Trees and Woodlands: Existing trees shall be preserved within areas where screening is required. The Approval Authority may waive or alter Subsection ii above upon determining that existing foliage on a participating lot provides a sufficient screen from neighboring residential uses (foliage on non-participating lots shall not count for screening requirements). If existing foliage is permitted to count for screening requirements, the Freestanding Utility Solar Facility owners shall be responsible for the maintenance of the existing foliage, including compliance with Subsection iv., and the planting of new landscaping to replace any areas that no longer form a sufficient screen due to death, disease, or destruction of plants.

(4) Ground Cover: Between the solar panels, the ground must be covered by natural vegetation which may include but is not limited to:

(a) Native Grasses, including, but not limited to bluestem, sedge, and bottlebrush.

(b) Grazing Grasses, including, but not limited, to switchgrass, gamma, and Indiangrass, and other grazable grasses.

(c) Pollinator Habitat, including, but not limited to, sunflower, milkweed, and black-eyed Susan.

(5) Maintenance: All plantings shall be installed in a design that supports their long-term health and vitality. All plantings shall be maintained in a sound health and vigorous growing condition. The Township may require dead, diseased, damaged, or destroyed species within the required setback area to be replaced with new plantings. The new plantings must comply with this Ordinance and must result in an overall landscape screen that complies with this Ordinance.

vii. Noise. Noise emanating from solar panels or other structures associated with the solar facility shall not exceed 55 decibels (dB), as measured at any residence on a non-participating lot.

viii. Drainage.

(1) Prior to approval of the Special Use permit by the Township Board, the Freestanding Utility Solar Facility applicant must obtain written confirmation from the Township Engineer that stormwater drainage will not be impacted, or that any impacts will be mitigated without negative impacts on any nearby lots (participating or non-participating).

(2) Any damage to underground drainage tiles, or other stormwater infrastructure or County Drains caused during the installation of the Freestanding Utility Solar Facility shall be repaired by the Freestanding Utility Solar Facility owner within 90 days of discovery of the damage. The Township Board may extend this deadline upon determination that the Freestanding Utility Solar Facility owner has made good faith progress towards the repair.

ix. Glare. The exterior surfaces of solar panels shall be generally neutral in color and substantially non-reflective of light. A unit may not be installed or located so that sunlight or glare is reflected into neighboring dwellings or onto adjacent roads.

x. Fencing. Clusters of solar panels shall be surrounded by a six-foot-high fence with self-locking gate. The fence shall not be subject to setback requirements. The design of the fence must be approved by the Township Board, and no design other than the approved design shall be installed.

xi. Emergency access. The Freestanding Utility Solar Facility must be designed and operated to allow sufficient access for public safety vehicles in the event of an emergency, in the opinion of the fire department with jurisdiction.

xii. Underground utilities. All power transmission lines and other utility wires within the project boundary shall be located underground.

xiii. Leased land. If the land on which the Freestanding Utility Solar Facility is proposed is to be leased, rather than owned, by the Freestanding Utility Solar Facility operator, all lots within the Freestanding Utility Solar Facility project boundary shall be included in a recorded easement, lease, or consent agreement specifying the applicable uses for the duration of the project. All necessary leases, easements, or other agreements between the Freestanding Utility Solar Facility operator and the affected parties shall be in place prior to commencing construction, unless specified otherwise by the special use permit conditions.

xiv. Liability insurance. There shall be maintained a current general liability policy covering bodily injury and property damage (including damage to public roadways and non-participating properties) with limits of at least \$1 million per occurrence and \$1 million in the aggregate. The insurance policies shall be reviewed by the Township every five years, and the Township Board may require increases to the policy limits.

xv. Removal. The removal of a Solar Energy Facility and associated equipment, materials, and/or stored materials shall be removed, by the owner of the solar panels. The removal process for Freestanding Utility Solar Facilities shall be consistent with the process for abandonment. All decommissioned materials must be removed from Lake Township within 1 month of the completion of the removal process. No permanent storage or disposal of decommissioned solar panels or related equipment shall be permitted in the Township. Solar Energy Facilities deemed to be abandoned are subject to the provisions of abandonment.

xvi. Permission from utility. No Freestanding Utility Solar Facility shall be installed until evidence has been given to the Township that the electric utility company has agreed to an interconnection with the electrical grid or a power purchase agreement. The agreement must be submitted to the Township prior to construction.

xvii. Interconnection agreement. The owner of the solar energy system shall submit, as part of the Special Use application, written documentation that the proposed project has a valid interconnection application in process with the regional or local transmission provider. Off-grid systems shall be exempt from this requirement. The Special Use application shall not be approved without the required documentation. A copy of the approved interconnection agreement must be submitted to the Township prior to the start of construction.

xviii. Change in Ownership. A written request must be submitted to the Zoning Administrator at least sixty (60) days prior to the change in ownership. The written request shall include all contact information for the new ownership

individual or entity and the date the change in ownership shall take effect. In all instances, the new owner shall comply with the annual report requirements and shall keep any performance bond current.

9. Required Application Information. Freestanding Utility Solar Facilities shall be required to submit all information listed below as part of the Special Use application. The Township may seek the advice and consultation of third-party experts to review the information listed below and may require the applicant to submit funds to cover the cost of the expert review.

- i. All information required for Special Use Approvals**, including, but not limited to, owner contact information, a complete Site Plan, stormwater drainage information, and a comprehensive landscape plan.
- ii. Operational information**, including power output, safety/security provisions, interconnection to transmission grid, lighting, potential telecommunications interference, and projected number of permanent jobs created in Cascade Township.
- iii. Construction information**, such as timeline, phasing, potential expansions, construction traffic/truck routes, temporary access roadways, and temporary construction jobs created.
- iv. Leases** (and/or other agreements) for all participating parcels. Personal identifying information and financial information may be redacted.
- v. Visual renderings of the proposed Freestanding Utility Solar Facility**, as seen from all public roadways and non-participating parcels where the Freestanding Utility Solar Facility will be visible. Landscaping should be shown as it will appear at the time of planting, and as it is projected to appear 5 years after completion of construction.
- vi. A list of required approvals from County, State, and/or Federal** entities with jurisdiction, and a description of the status of each approval. Proof of approval must be submitted prior to construction.
- vii. Information on hazardous waste storage**, including battery locations and storage shall be provided.
- viii.** Insurance policies as required.
- ix. The requirements for outdoor storage shall be met.**
- x. A performance bond** to guarantee all required equipment, structure, and/or stored materials are removed. Two (2) third-party contractor bids for removal of the Solar Energy Facility, including all panels and related equipment, structures, and/or stored materials upon the site, shall be included to establish the amount of the performance bond. The Township shall review the bond every two years, including submission of two updated third-party contractor removal bids by the owner of the special use (meaning, in the case of a Freestanding Utility Solar Facility, wind energy conversion system, or wireless telecommunications facility, the owner of the Freestanding Utility Solar Facility, wind energy conversion system, or wireless telecommunications facility), and shall require an additional deposit if the amount is no longer sufficient to cover removal costs.
- xi. All other information deemed necessary** by the Township in order to determine whether the application meets the requirements of this Ordinance.
- h. Intent to Discontinue Use.** In the event that the use of a Solar Energy Facility will be discontinued, the owner of the Solar Energy Facility shall submit to the Township Board of the intent to discontinue the use in accordance with the following requirements.

A Decommissioning Plan that outlines the removal of the Solar Energy Facility, including all equipment, structures, and/or stored materials, shall be submitted to the Zoning Administrator at least sixty (60) days prior to the cessation of operations at the site, and shall be presented to the Township Board for consideration. The Decommissioning Plan shall include the following information:

(1) A site plan identifying all equipment, structures, and stored materials associated with the Solar Energy Facility being removed. This plan shall clearly identify those elements being removed and any to remain in place. The Township Board may at its discretion authorize certain fences or accessory structures to remain in place.

(2) A timeline for removal of all equipment, structures, and stored materials being removed.

(3) Two (2) updated third-party contractor removal bids. In the event that the amount is no longer sufficient to cover removal costs, a revised performance bond shall be submitted to cover the additional cost.

The Township Board shall review and approve the Decommission Plan and may impose reasonable requirements for removal and abatement of the Solar Energy Facility.

The removal of any and all equipment, structures, and stored materials associated with a Solar Energy Facility shall be at the sole expense of the owner of the Solar Energy Facility.

The removal of a Solar Energy Facility shall comply with the following:

- (1) The removal shall not cause serious adverse effects upon adjacent or nearby properties. (2) The removal operation shall be subject to all terms and conditions imposed by the Township Board.
- i. The removal process must begin within three (3) months of the cessation of operations at the site and must be completed within twelve (12) months, unless a time extension is approved by the Township Board. Failure to remove the facility within the twelve (12) month timeframe will deem the facility “abandoned”
- i. **Abandonment.** Any Special Use for a Solar Energy Facility that ceases operations for more than 12 months shall be deemed “abandoned” under this Ordinance, and the Special Use permit shall be considered void. Abatement of the abandoned facility shall be at the sole expense of the Solar Energy Facility owner. Any abandoned facility shall be deemed a nuisance and is subject to enforcement and penalties outlined in Section 13.8 of the Zoning Ordinance. Further, in the event that the Solar Energy Facility, including any equipment, structures, and/or stored materials, are not removed by the time the facility is deemed abandoned, the Solar Energy Facility may be removed by the Township and the cost of removal levied through the performance bond for the facility or assessed against the owner of the real property.
- j. **Annual Report.** The owner of a Freestanding Utility Solar Facility shall submit an annual report to the Planning Commission prior to July 1 of every year following the year the facility was approved. The annual report shall contain information on the energy generation performance of the facility, any complaints received from nearby property owners, maintenance and repair of the facility, and any other topic requested by the Planning Commission.

Section 6.24 **WAREHOUSING, COMMERCIAL STORAGE**

- A. Activities shall be carried on in completely enclosed buildings unless located at least three- hundred (300) feet of any residential use.
- B. All outdoor storage shall be effectively screened by a solid, uniformly finished wall or fence with solid entrance and exit gates, such fence or wall shall be at least eight (8) feet in height, but in no case shall the fence be lower than the enclosed storage.

- C. Such storage shall not be deemed to include the parking of licensed motor vehicles under one (1) ton rated capacity.
- D. Noise emanating from a use in this district shall not exceed the level of ordinary conversation at the boundaries of the lot. Noise may equal but shall not exceed average street traffic noise. Uses in this district shall conform to the following standards.
 - 1. Shall emit no obnoxious, toxic or corrosive fumes or gases which are harmful to the public health, safety or general welfare, except for those produced by internal combustion engines under designed operating conditions.
 - 2. Shall emit no smoke, odorous gases, or other odorous matter in such quantities as to be offensive at or beyond any boundary of the use of the parcel.
 - 3. Shall not discharge into the air dust or other particulate matter.
- E. Yards shall conform to the following standards:
 - 1. Except for landscape improvements and necessary drives and walks, the front yard shall remain clear and shall not be used for parking, loading, or accessory structures.
 - 2. Side and rear yards, except for a strip along the lot boundary ten (10) feet in width, may be used for parking and loading but not for storage.

Section 6.25 WIND ENERGY CONVERSION SYSTEMS, SMALL-SCALE

- A. **Intent.** The purpose of this section is to permit and regulate wind energy conversion systems as accessory uses in a manner that supports renewable energy generation, protects public safety, and minimizes impacts on adjacent properties, while remaining consistent with applicable state law.
- B. **Definitions.**
 - 1. **Wind Energy Conversion System, Small-Scale.** A land use for generating electric power from wind accessory to a principal use and primarily serving the needs of the consumer on-site or an adjacent property.
 - 2. **Horizontal Axis Wind Turbine.** A wind turbine in which the rotor shaft is oriented horizontally and the blades rotate in a plane perpendicular to the wind.
 - 3. **Vertical Axis Wind Turbine.** A wind turbine in which the rotor shaft is oriented vertically and does not require alignment into the wind for operation.
 - 4. **dB(A).** Sound pressure level measured in decibels using the A-weighted scale.
- C. **General Requirements.**
 - 1. All Small-Scale WECS towers shall comply with all applicable state construction and electrical codes and local building permit requirements. An interconnected on-site WECS shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission standards. Off-grid systems are exempt from this requirement.
 - 2. Only wind turbines that are UL certified and systems that are certified by a program recognized by the American Wind Energy Association will be allowed.
- D. **Non-Conformities.** Any WECS installed on a nonconforming building, structure, or use shall not be considered an expansion of the nonconformity.

- E. **Application.** All WECS applications must include a plot plan. Applications for Small-Scale WECS must include horizontal and vertical elevation drawings that show the location, setbacks to property lines, primary and accessory structures, height, dimensions, and manufacturers maximum predicted sound level of the WECS.
- F. **Building Permit.** A building permit shall be required for installation of all Small-Scale WECS. A permit to operate such system shall be issued, and that permit shall be renewed every five years.
- G. **Exemptions.** Any Small-Scale WECS systems meeting the following conditions shall be exempt from the standards of subsection H, below.
 - 1. Used to power a single device or specific piece of equipment such as a lawn ornament, lights, weather station, thermometer, clock, well pump, or other similar singular device;
 - 2. Mounted to existing structures (such as a roof or pole) that extends 8 feet or less above the highest point of the structure.
- H. **Standards.**
 - 1. **Number.** One (1) WECS tower shall be allowed per parcel.
 - 2. **Placement.**
 - a. Shall not be located in the front yard setback.
 - b. Setback from any property line shall be 110 % of the total height of the system.
 - c. No part of the structure, including guy wire anchors, may extend closer than the setback prescribed for each zoning district.
 - 3. **Height.**
 - a. Total height for Small-Scale WECS shall not exceed 120 feet.
 - b. The minimum vertical blade tip clearance from grade shall be 20 feet for a horizontal axis wind turbine. Vertical axis wind turbines are exempt from this ground clearance provision, but sufficient clearance should be maintained for the safety of people, animals, machinery, or others that may traverse under or near the vertical turbine.
 - 4. **Noise.** The audible sound from a Small-Scale WECS shall not exceed 50 dB(A) as measured at the property line closest to the WECS.
 - 5. **Appearance.** Color shall be a neutral non-reflective industry standard.
 - 6. **Lighting.** Installing fixtures to specifically light Small-Scale WECS shall be prohibited.
 - 7. **Safety and Construction.**
 - a. Towers with heights up to 100 feet may use guy wires, towers taller than 100 feet shall be free standing. If guy wires are used to stabilize the tower, they shall be covered with a suitable material from the ground to a height of six feet so as to be noticeable.
 - b. Small-Scale WECS shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning 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.

Section 6.26 WIRELESS COMMUNICATION SUPPORT STRUCTURES

- A. **Intent.** The purpose of this Section is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of the Section are to:
1. Protect other land uses, especially residential uses, from potential adverse impacts of towers and antennas.
 2. Minimize the total number of towers throughout the community.
 3. Strongly encourage the joint use of new and existing tower sites as a primary option.
 4. Encourage users of towers and antennas to locate them, to the extent possible, to preserve the fragile aesthetics of the tourism based economy of the Township.
 5. Encourage users of towers and antennas to configure them in a way to minimize adverse visual impact through careful design, siting, landscaping, alternative structures and innovative camouflaging techniques.
 6. Enhance the ability of the providers of telecommunication services to provide such services quickly, effectively and efficiently.
 7. Consider the public health and safety of communication towers.
 8. Avoid potential damage to adjacent properties from tower failure.
- B. **General Requirements**
1. This section does not apply to an activity or use that is regulated by the small wireless communications facilities deployment act, 2018 PA 365, MCL 460.1301 to 460.1339.
 2. The terms “colocate”, “equipment compound”, “wireless communications equipment”, and “wireless communications support structure” as used herein shall have the definitions assigned to them by the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.
 3. Towers and antennas may be considered either a principal or accessory use, but are not allowed in the L/R or R-1 zoning districts.
 4. Antennas shall be placed on existing structures whenever possible.
 5. Shall be limited to the lowest possible height which still allows reasonable coverage of an area.
 6. Shall be a neutral color and shall not be lighted unless otherwise required by the FAA or FCC.
 7. Ancillary building housing equipment needed for operation of the wireless communications equipment or support structure, shall be of a size, type, color and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.
 8. Towers shall comply with engineering standards for structural integrity.
 9. Towers shall not be considered “Essential Services” or public or private utilities but shall instead be regulated by this Section.
 10. No signs or advertising shall be allowed on a tower.
 11. Antennas and metal towers shall be grounded for protection against direct strike by lightning.
 12. Towers shall be set back from any adjoining lot line a distance of at least equal to the height of the tower.

13. No new tower shall be permitted unless the applicant demonstrates, to a reasonable satisfaction, that no existing tower or structure is available because of engineering requirements, structural strength, height, or electromagnetic interference.
14. Towers shall be enclosed by security fencing not less than six (6) feet in height and be equipped with an anti-climbing device.
15. Tower facilities shall be landscaped with a buffer strip of plant materials at least ten (10) feet wide and of sufficient height to effectively screen the compound. If evergreens are utilized that will attain a height of eight (8) feet or more at maturity, they must be at least three (3) feet in height when planted.

C. Application for Permit; Exemptions-Uses

1. Towers less than seventy (70) feet in height, owned and operated by a federally licensed amateur radio station operator, or used exclusively for receiving only antennas are exempt from this Ordinance.
2. Antennas located on public property under lease or license with a governmental agency shall be exempt from a permit under this Section.
3. The Zoning Administrator may issue a Land Use Permit for a tower or antenna, after an administrative review:
 - a. For an antenna to be attached to an existing structure, provided the antenna does not extend more than thirty (30) feet above the highest point of the structure.
 - b. For the replacement of a lattice tower or guy tower with a monopole tower.
 - c. For one extension of a tower, not to exceed thirty (30) feet, to facilitate the co-location of an additional antenna, but not to exceed a total height of one hundred ninety nine (199) feet.
4. All other tower and antenna installations shall require Special Land use approval in compliance with Article 8.

D. Inventory of Existing Sites. Each applicant for a tower and/or antenna permit shall provide the Zoning Administrator with an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the Township, or within one (1) mile of the Township limits, including specific information about the location, height, design, occupancy and capacity of each tower. The Zoning Administrator may share such information with other applicants, however, the Zoning Administrator is not, by sharing such information, in any way representing that such sites are available or suitable.

E. Buildings and Equipment Storage. Cabinet or storage structure shall contain no more than two hundred (200) square feet of gross floor area or be more than nine (9) feet in height. Where antennas are co- located on a single tower, the size of the structure may be increased by fifty (50) percent of the basic size for each additional antenna.

F. Separation – Residential Structures. No tower greater in height than seventy (70) feet may be located nearer to a single family or multifamily structure or platted residentially zoned parcel than two hundred (200) feet or three hundred (300) percent of its height, whichever is greater. No tower greater in height than seventy (70) feet may be located nearer to vacant unplanted residential lands than one hundred (100) feet or one hundred (100) percent of its height, whichever is greater.

- G. **Removal of Abandoned Towers and Antennas.** Any tower or antenna that is not operated for a continuous period of twelve (12) months shall be considered abandoned and shall be removed within ninety (90) days after notice from the Township. Failure of the owner to remove the abandoned tower or antenna within the said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. Any tower or antenna damaged or destroyed may be repaired or rebuilt without having to first obtain a Special Use Permit, provided the type, height and location is the same as the original tower or antenna.
1. No tower greater in height than seventy (70) feet may be located nearer to vacant unplanted residential lands than one hundred (100) feet or one hundred (100) percent of its height, whichever is greater.
- H. **Separation – Other Towers.** Except as otherwise provided in this Section, towers shall be separated from each other according to the following:
1. Lattice and guy towers more than seventy (70) feet in height shall be located at least five thousand (5,000) feet from any other lattice or guyed tower more than seventy (70) feet in height, and at least fifteen hundred (1,500) feet from any monopole more than seventy (70) feet in height and vice versa.
 2. Monopoles more than seventy (70) feet in height shall be located at least seven hundred fifty (750) feet from another monopole more than seventy (70) feet in height.

Article 7.

SITE PLAN REVIEW

Section 7.1 INTENT & PURPOSE

This Article governs the processes and standards for conducting site plan reviews when required under this Ordinance. This Article specifies the application requirements, the documents and/or drawings required, and the procedures that must be followed to ensure that a proposed land use or development activity complies with this Ordinance, other local ordinances, and state and federal statutes and regulations. Furthermore, its purpose is to ensure that development taking place within the Township is properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties and the environment from substantial adverse impacts.

Section 7.2 SITE PLAN REVIEW REQUIRED

- A. Required site plans give the Planning Commission an opportunity to review development proposals in a consistent manner. The use of the site plan ensures that the physical and use changes in the property occurs as it was planned and represented by the developer, and approved by the Planning Commission. Site plan review shall be required for the following uses and circumstances:
1. All new uses and/or structures except one-family or two-family residential units, associated accessory structures to one-family or two-family residential units, and agricultural buildings.
 2. Expansion or renovation of an existing use (structure or lot), other than one-family or two-family residential use, which increases the existing floor space more than twenty-five (25) percent.
 3. Other uses as required by this Ordinance.

Section 7.3 STANDARDS FOR SITE PLAN APPROVAL

- A. The following criteria shall be used as a basis upon which site plans will be reviewed and approved:
1. **Adequacy of Information:** The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.
 2. **Site Design Characteristics:** All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site shall be developed so as not to impede the reasonable and orderly development or improvement of surrounding properties for uses permitted on such property.
 3. **Site Appearance:** Landscaping, earth berms, fencing, signs, walls, structures and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.
 4. **Compliance with District Requirements:** The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in the Article 3, unless otherwise provided in these regulations.
 5. **Privacy:** The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and uses.
 6. **Emergency Vehicle Access:** All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
 7. **Circulation:** Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways. The site plan shall provide a pedestrian circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system. The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian ways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry. All streets shall be developed in accordance with any adopted Township private road standards, or if a public road, the County Road Commission specifications.
 8. **Parking:** Any off-street parking facility shall meet all applicable design standards of this Ordinance.

9. **Drainage:** Appropriate measures shall be taken to ensure that the removal or drainage of surface water will not adversely affect adjoining properties or water bodies or the capacity of the public drainage system. Provisions shall be made for a feasible storm drainage system, the construction of storm water collection, storage and transportation facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. Drainage plans shall be subject to review and approval by the Zoning Administrator or an engineer or consultant retained by the township at the applicant's expense.
 10. **Grading:** All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development of surrounding property for uses permitted in this Ordinance by limiting topographic modifications that result in a smooth natural appearing slope as opposed to abrupt changes in grade between the project and adjacent areas.
- B. **Soil Erosion and Sedimentation:** The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with current Benzie County Construction Code standards.
 - C. **Exterior Lighting:** Exterior lighting shall be designed so that it is deflected away from adjoining properties, directed downward, visual glare is minimized, and so that it does not impede vision of drivers along adjacent streets.
 - D. **Public Services:** Adequate services and utilities shall be available or provided and shall be designed with sufficient capacity and durability to properly serve the development.
 - E. **Screening:** Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public rights-of-way, shall be effectively screened at an adequate height. All walls must be solid and constructed of durable material and cannot be located in required setbacks.
 - F. **Danger from Fire and Hazards:** The level of vulnerability to injury or loss from incidents involving fire and hazardous materials or processes shall not exceed the capability of the Township to respond to such incidents to prevent injury and loss of life and property. In making such an evaluation, the Township shall consider the location, type, characteristics, quantities, and use of materials or processes in relation to the personnel, training, equipment and materials, and emergency response plans and capabilities of the Township. Sites that include significant storage of flammable or hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, and public sewer system.
 - G. **Health and Safety Concerns:** Any use in any zoning district shall comply with applicable federal, state, county, and local health and pollution laws and regulations with respect to noise, dust, smoke and other air pollutants, vibration, glare, heat, fire and explosive hazards, gases, electromagnetic radiation, radioactive materials, and toxic and hazardous materials.
 - H. **Phases:** All development phases shall be designed in logical sequence to ensure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.
 - I. **Conformance:** Site plans shall conform to all applicable requirements of state and federal statutes and the Lake Township Master Plan, and approval shall be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit authorizing the site plan is granted.

Section 7.4 SITE PLAN APPLICATION REQUIREMENTS

An application for site plan review shall be submitted on a form provided by the Township with the required items presented in the table below. Required items shall be demonstrated on the site plan drawings, written narrative/submitted documentation, or both as indicated in the table.

SITE PLAN APPLICATION REQUIREMENTS			
Site Plan Item	Description	Shown on Site Plan	Written Narrative/ Submissions
	The date, north arrow, and scale. Scale shall be as follows: < 3 acres: One (1) inch = fifty (50) feet > 3 acres: One (1) inch = one hundred (100) feet	✓	
	A boundary survey of the property, to include all dimensions, setbacks, gross and net acreage, and legal description.	✓	
	The location and width of all abutting rights-of-way.	✓	
	The existing zoning district in which the site is located and the zoning of adjacent parcels.	✓	
	The location of all existing and proposed structures and uses on the site, including proposed drives, walkways, signs, exterior lighting, parking (showing the dimensions of a typical parking area), loading and unloading areas, common use areas and recreational areas and facilities.	✓	
	Description of all existing and proposed structures referenced in item 5.		✓
	The location and identification of all existing structures within a two hundred (200) foot radius of the site.	✓	
	The location and description of the environmental characteristics of the site prior to development such as topography, soils, vegetative cover, mature specimen trees, drainage, streams, wetlands, shorelands, or any other unusual environmental features.	✓	✓
	Natural features that will be retained, removed, and/or modified including vegetation, hillsides, drainage, streams, wetlands, shorelands, and wildlife habitat.	✓	
	The description of the areas to be changed shall include their effect on the site and adjacent properties. An aerial photo may be used to delineate areas of change.		✓
	A landscaping plan with all existing and proposed landscaping, walls and/or fences.	✓	
	A grading plan showing the topography of the existing and finished site, including ground floor elevations, shown by contours or spot elevations. Contours shall be shown at height intervals of two (2) feet or less.	✓	
	A stormwater management plan showing all existing above and below grade drainage facilities, and proposed plans incorporating low impact development water quality technologies and other best management practices.	✓	✓
	Location, type and size of all above and below grade utilities.	✓	
	Type, direction, and intensity of outside lighting shown on a photometric plan in compliance with exterior lighting standards.	✓	
	Location of any cross-access management easements, if required.	✓	

SITE PLAN APPLICATION REQUIREMENTS			
Site Plan Item	Description	Shown on Site Plan	Written Narrative/ Submissions
	Location of pedestrian and non-motorized facilities, if required.	✓	
	An indication of how the proposed use conforms to existing and potential development patterns and any adverse effects.		✓
	The method to be used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site. Consideration of any nuisance that would be created within the site or external to the site whether by reason of dust, noise, fumes, vibration, smoke or lights.		✓
	Plans to control soil erosion and sedimentation, including during construction.	✓	✓
	The method to be used to serve the development with water.		✓
	The method to be used for sewage treatment.		✓
	The number of units proposed, by type, including a typical floor plan for each unit, dimensions, and area in square feet.	✓	
	Elevations for all building facades.	✓	
	The number of people to be housed, employed, visitors or patrons, anticipated vehicular and pedestrian traffic counts, and hours of operation.		✓
	Phasing of the project, including ultimate development proposals.	✓	
	General description of deed restrictions and/or cross-access management easements, if any or required.		✓
	The name and address of the property owner.	✓	✓
	Name(s) and address(es) of person(s) responsible for preparation of site plan drawings and supporting documentation.	✓	✓
	Sealed/stamped drawings from a licensed architect, engineer, or landscaped architect.	✓	

- A. Upon the recommendation of the Zoning Administrator, the Planning Commission may waive any of the above required items based upon a finding that it is not applicable.
- B. The Planning Commission, Zoning Administrator, or other party authorized by the Township may request any additional information it deems necessary in the review of a submitted site plan.
- C. The Planning Commission, Zoning Administrator, or other party authorized by the Township may require:
 - 1. The establishment of an escrow fund under Section 12.6 to pay for reasonable staff or consultant costs required for proper review of the application, and/or
 - 2. The posting of a financial guarantee under Section 12.7.
- D. Evidence must also be submitted which shows the plan has been submitted for review to all affected jurisdictions, including but not limited to Benzie County Road Commission, Benzie County Drain Commissioner, local fire and emergency services providers, Health Department, Michigan Department of Transportation (MDOT), Michigan Department of Energy, Great Lakes, and Environment (EGLE), and Michigan Department of Natural Resources (DNR), where applicable. If an applicable review is not submitted, statement of a date certain for submission or the reason why their review is not applicable must be provided.

- E. All site plan drawings and application shall be submitted in quantities requested by the Zoning Administrator on sheets twenty-four (24) inches by thirty-six (36) inches or eleven (11) inches by seventeen (17) inches, and in digital PDF format.

Section 7.5 SITE PLAN APPLICATION REVIEW PROCEDURES

- A. **Pre-Application Conceptual Review:** An applicant shall be required to attend a pre-application conceptual review with the Zoning Administrator to discuss in general the substantive requirements for the application prior to formal submittal of a site plan review application. The purpose is to gather feedback on the proposed land use and potential requirements by the Township. Feedback provided by the Zoning Administrator and/or Township designee under a pre-application conceptual review is non-binding, subject to change, and is not to be construed as a guarantee for approval. A pre-application conceptual review does not include a completeness or technical review by the Zoning Administrator.
- B. **Completeness Review:** All required application materials shall be presented to the Zoning Administrator's office by the property owner or their designated agent. The Zoning Administrator shall review the application for completeness to determine if the application has been properly submitted and the applicant has corrected all deficiencies. Completeness reviews are solely for the purpose of determining whether the preliminary information required for submission of the application is sufficient to allow further processing and shall not constitute a decision as to whether an application complies with the provisions of this Ordinance. Once deemed complete, the application will be placed on the next regularly scheduled Planning Commission meeting.
- C. **Technical Review:** An application determined to be complete will undergo a technical review by the Zoning Administrator to determine compliance with applicable standards. This review may include distributing the plan to other local agencies or departments with jurisdiction for comment on any problems the plans might pose and shall result in a report submitted to the Planning Commission with the site plan review application. Once the technical review is complete, the application will be placed on the agenda for consideration at the next regularly scheduled Planning Commission meeting.
- D. **Zoning Board of Appeals:** When a site plan review is dependent on a variance by the Zoning Board of Appeals, the granting of the variance(s) shall be necessary before a determination is made on the site plan review.

Section 7.6 LAND USE PERMITS

- A. **General Requirement:** No person shall erect or place any building or structure, having more than one hundred (100) square feet of floor area, nor shall any person make an addition of more than one hundred (100) square feet of enclosed floor space to any existing building, or change or establish a new use for any land within any zoning district without first obtaining a land use permit. Application shall be made to the Zoning Administrator for such permit, on forms to be supplied by him or her, together with a non-refundable application fee. The Zoning Administrator shall have the power to require proof of ability to comply with all of the requirements of this Ordinance pertaining to said use and may require a site plan review as specified in Article 7, and further he/she may also require proof of ability to meet all public health standards and applicable State and County laws, regulations and ordinances.
- B. **Land Use Permit Application Requirements**
 - 1. The application shall be signed by the owner of the premises or his agent and shall certify that all provisions of this Ordinance and other applicable laws and requirements are to be complied with.

2. The application shall be accompanied by a site plan, if required, or a sketch to scale in duplicate showing the location and dimensions of the premises including the boundary lines of all parcels of land under separate ownership contained therein:
 - a. The size, dimensions, location on the premises, and height of all buildings, structures or other impervious surfaces in existence, to be erected and/or altered.
 - b. The width and alignment of all abutting streets, highways, alleys, easements and public open spaces.
 - c. The front yard dimensions of the nearest building on both sides of the proposed building or structure.
 - d. The location and dimensions of sewage disposal facilities both on adjoining land or lots and those to be erected on the lot under consideration.
 - e. And the location of all wells on adjoining lands or lots and those to be erected on the lot under consideration.
 - f. The property owner shall physically stake on the ground the location of where buildings will be located. The Zoning Administrator shall inspect the site prior to construction to be sure that the actual locations of the proposed buildings on the ground are the same as the locations of the buildings as drawn on the site map.
 - g. All outside agency permits shall be submitted with the application for a land use permit. Outside agency permits include, but shall not be limited to, soil erosion, health department, road commission, wetland, MDOT. If an outside agency permit is not required, the agency shall provide written documentation that a permit is not required. The Zoning Administrator shall determine if additional agency reviews are necessary depending on the site and intensity of proposed use.
 - h. Such other information as may be required to determine compliance with the Ordinance.
- C. **Land Use Permit Fees.** For each Land Use Permit, a fee shall be paid to the Zoning Administrator, or designee, who shall turn over the funds to the Treasurer. No land use permit shall be valid until the required fees have been paid. No separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure.

Section 7.7 SITE PLAN APPLICATION DETERMINATIONS

The Zoning Administrator or Planning Commission shall review the application and decide to approve the application, require any conditions it may find necessary, or deny the application.

- A. **Approval:** The site plan shall be approved upon determination that it complies with the standards of this Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.
- B. **Conditional Approval:** The Zoning Administrator or Planning Commission may approve a site plan, subject to any conditions, to address necessary modifications, obtain variances, or for approvals from other agencies. Conditions imposed shall meet each of the following objectives:
 1. Be designed to protect natural resources, the health, safety, and welfare, as well as 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.
 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 requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
- C. **Denial:** If the Zoning Administrator or Planning Commission determines that a proposed site plan does not meet the standards of this Ordinance or otherwise will tend to be injurious to the public health, safety, welfare, or orderly development of the Township, it shall deny the application by a written decision which clearly sets forth the reason for such denial.

Section 7.8 RECORD OF ACTIONS

The Township shall keep a record of decisions on all site plans on file in the Clerk's Office. The record shall include the following information:

- A. **Minutes:** All minutes from any meeting where the site plan was considered.
- B. **Finding of Fact:** The decision on a site plan review shall include findings of fact relative to the land use under consideration and shall specify the basis for the decision and any conditions imposed.
- C. **Final Site Plans:** One (1) electronic pdf version and two (2) full size print sets (24" x 36") of the final site plans stamped by a licensed architect, landscape architect, or civil engineer.
 1. Approved site plans shall include any required revisions and the date of the revisions. The print sets shall be marked "Approved" and signed and dated by the applicant and Planning Commission Chair if approved by the Planning Commission, or the Zoning Administrator if administratively approved.
 2. Denied site plans shall be marked "Denied" and signed and dated by Planning Commission Chair if denied by the Planning Commission, or the Zoning Administrator if administratively denied.
- D. **Development Agreement:** An approved site plan shall include a site plan development agreement outlining the approved use, any applicable conditions, and procedural process. The development agreement shall be signed and notarized by the applicant and Planning Commission Chair.

Section 7.9 EXPIRATION & REVOCATION

- A. **Expiration:** A site plan review approved under this Article shall be valid for a period of one (1) year from the date of approval. If the applicant fails to submit an application for a zoning permit to the Township for the approved site plan review in that time period, then the site plan review approval shall automatically expire. The applicant may request an extension of the permit by submitting a written request for consideration to the Planning Commission before the expiration date. The Planning Commission may grant one (1) extension for a period of up to one (1) year.
- B. **Revocation:** If a violation of any of the conditions or standards imposed on an approved site plan review is found to exist following inspection, the Zoning Administrator shall notify the owner of the premises, the applicant of the site plan review, and the Planning Commission that such violation exists and that the site plan review approval will be revoked within fifteen (15) days of such notification if not corrected. If said violation is not corrected within fifteen (15) days, the Planning Commission may revoke the permit. Furthermore, such a violation is hereby declared a violation of this Ordinance, subject to all the remedies and penalties provided for within this Ordinance.

- C. **Expiration of Application:** During any application review, if an applicant has failed to proceed meaningfully towards application completion or application decision for a period of one-hundred and twenty (120) consecutive calendar days, then the application shall be considered abandoned and expire. If the applicant would like to proceed following the one-hundred and twenty (120) days, a new application, documentation, and fee shall be required. This shall be processed as a new application.

Section 7.10 AMENDMENTS & MODIFICATIONS

A previously approved site plan may be modified subject to the following procedures:

- A. **Insignificant Deviations:** The Zoning Administrator may authorize insignificant deviations in an approved site plan if the resulting use will still meet all applicable standards and requirements of this Ordinance, and any conditions imposed. A deviation is insignificant if the Zoning Administrator determines it will result in no discernible changes to or impact on neighboring properties, the public, or those intended to occupy or use the proposed development and will not noticeably change or relocate the proposed improvements.
- B. **Minor Amendments:** The Planning Commission, upon receipt of an application, may permit minor amendments to an approved site plan if the resulting use will still meet all applicable standards and requirements of this Ordinance, and any conditions imposed unless otherwise requested to be modified, and do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, demand for public services, or vulnerability to hazards. Minor amendments are those modifications the Zoning Administrator determines will have no substantial impact on neighboring properties, the public, or those intended to occupy or use the proposed development, but exceed the extent to which can be approved as an insignificant deviation.
- C. **Major Amendments:** All other requests for amendments to an approved site plan shall be processed in the same manner as a new application. The Planning Commission may impose new conditions on the approval of an amendment request if such conditions are warranted as described in this Article. The holder of the original site plan approval may reject such additional conditions by withdrawing the request for an amendment and proceeding under the existing site plan approval.

Section 7.11 FEES & PERFORMANCE GUARANTEES

Fees and performance guarantees associated with the review and approval of a site plan review application shall be required as specified in Article 12.

Article 8.

SPECIAL LAND USES

Section 8.1 INTENT & PURPOSE

This Article establishes the review procedures and standards for conducting special land use reviews when required under this Ordinance. Special land uses provide an opportunity to use a lot or parcel for an activity which, under certain circumstances, might be detrimental to other permitted land uses, or which contain unique features. Allowed special land uses are listed in Article 3 for each zoning district.

Section 8.2 GENERAL STANDARDS

Each application for a special use permit shall be reviewed on an individual basis for conformity and compliance with the standards of this Ordinance, specifically including those for site plan review in Article 7 and the additional standards below:

- A. Will be in accordance with the general objectives, intent, and purposes of this Ordinance.
- B. Will be designed, constructed, operated, maintained, and managed so as to be appropriate in appearance with the existing or intended character of the general vicinity.
- C. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, and refuse disposal, or those persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such service.
- D. Will not be hazardous or disturbing to existing or future neighboring uses.
- E. Will not create excessive additional requirements at public expense for public facilities and services.
- F. Will be in accordance with all required conditions of the district in which it will be located.
- G. Will not be detrimental to existing and/or other permitted land uses in the applicable zoning district.

Section 8.3 SPECIAL USE PERMIT APPLICATION REQUIREMENTS

An application for special use permit approval shall include a complete site plan application with required accompanying documentation satisfying the requirements of Article 7 and the application shall include a statement addressing all of the standards for approval.

Section 8.4 SPECIAL USE PERMIT APPLICATION REVIEW PROCEDURES

The procedures for a special use permit application review shall follow those for a site plan review in Article 7 with the following modifications. The Planning Commission shall:

- A. Review the application to determine if it satisfies the standards for special use permits, and all other applicable standards of this Ordinance. Administrative review shall not be an option for special use permit applications.
- B. Hold a public hearing to consider the proposed special use permit application in accordance with the procedures for a public hearing in Article 12.
- C. The Planning Commission's decision on a special use review shall include findings of fact relative to the location and use under consideration and shall specify the basis for the decision and any conditions imposed.

Section 8.5 SPECIAL LAND USE DETERMINATIONS

- A. **Approval:** The special use permit application shall be approved upon determination that it is in compliance with the standards of this Ordinance, other Township planning documents, other applicable ordinances, and local, state, and federal statutes. Such approval shall affect only the lot or area specified in the application and decision.
- B. **Conditional Approval:** The Planning Commission may approve a special use permit, subject to any conditions to address necessary modifications, obtain variances, or for approvals from other agencies. Conditions imposed shall meet the objectives outlined in Article 7.
- C. **Denial:** If the Planning Commission determines that a proposed special use permit application does not meet the standards of this Ordinance, it shall deny the application.

Section 8.6 RECORD OF ACTIONS

The Township shall keep a record of decisions on all special use permit applications on file in the Clerk's Office. The record shall include the information required in Article 7, Section 7.7. In addition, a development agreement and final site plan as specified in Section 7.7(D) is required and shall be recorded at the Benzie County Register of Deeds Office. Evidence that the development agreement and final site plan were properly recorded must be submitted to the Township Clerk within forty-five (45) days of the final decision.

Section 8.7 EXPIRATION & REVOCATION

The standards and procedures for expiration and revocation of an approved special use permit shall be the same as those for site plan review in Article 7.

Section 8.8 AMENDMENTS & MODIFICATIONS

The standards and procedures for amendments or modifications of an approved special use permit shall be the same as those for site plan review in Article 7, with the exception that a major amendment to an approved special use permit will require a new public hearing following the standards and process in Article 7.

Section 8.9 FEES & PERFORMANCE GUARANTEES

Fees and performance guarantees associated with the review and approval of a special use application shall be required as specified in Article 12.

Article 9.

LAND DEVELOPMENT

OPTIONS

Section 9.1 PLANNED RESIDENTIAL DEVELOPMENTS – OPEN SPACE PRESERVATION

- A. **Intent and Purpose:** It is the purpose of this Section, in accordance with the Michigan Zoning Enabling Act (MZEA), to allow planned residential developments (PRD), which encourage flexible housing environments within Lake Township by allowing for a planned reduction of the individual lot area requirements provided the overall density requirements for each district remain the same and all other requirements and standards are met. PRDs are further intended to preserve rural character and provide for the permanent conservation of open space, natural features, farmland, and environmentally sensitive areas.
- B. All provisions, requirements, procedures, and limitations in Article 7, Site Plan Review, including but not limited to the application, review and approval process and the criteria for approval apply to any PRD.
- C. The following additional requirements apply to any proposed PRD:
 - 1. **Density.** A yield plan shall be submitted showing that the density of housing in the proposed PRD will be less than it would be permitted under the conventional development regulations in the zoning district where the property is located.
 - 2. **Minimum Area.** The minimum total size of the PRD shall be ten (10) contiguous acres. The Planning Commission may approve a PRD on a site of less than ten (10) acres where the applicant demonstrates that the development provides exceptional open space preservation, conservation value, or other public benefits consistent with the intent of this Section. PRDs containing steep slopes are subject to the requirements of Section 4.5.D.4 - Density requirements on Steep Slopes.
 - 3. **Demonstration of Rural Character Benefits.** The applicant for a PRD must demonstrate that the PRD will have benefits to the township that will exceed conventional development by setting aside and preserving open space, natural features, or areas prone to environmental damage, by providing recreational amenities, or by providing other benefits. Such benefits shall emphasize rural character preservation and environmental conservation.

4. **Minimum Required Open Space.** All land in the PRD not intended to be conveyed to individual dwelling units, building envelopes or lots shall be set aside for the use of all occupants of the development. Title to such common areas or open space should be held in common ownership by the owners of all units/lots in the PRD or by a homeowners' association controlled by the owners of all units/lots in the PRD. The applicant shall provide to the Township legal documents, as filed with the Benzie County Register of Deeds, setting aside the dedicated open space created as part of the PRD as permanent open space in perpetuity. Such dedication may be in the form of a conservation easement, plat dedication, restrictive covenant or other legal means that runs with the land. A minimum of forty percent (40%) of the total site area shall be preserved as permanent open space. Roads, required setbacks, stormwater facilities, septic fields, and utility areas shall not be counted toward required open space unless specifically designed and approved as naturalized open space.
5. **Maintenance Documentation.** The applicant shall provide to the Township legal documents which establish a permanent organization for maintenance and management of all common areas, open space, private roads and recreational amenities areas in the PRD. Such organization shall be established prior to final approval or recording of the PRD. The Township shall retain the right, but not the obligation, to enter and maintain such areas if maintenance responsibilities are not fulfilled, with costs assessed to the responsible entity.
6. **Access.** All access to the interior roads of the proposed development and the development itself shall not create or use more than two (2) curb cuts to a public road, unless approved by the Benzie County Road Commission or the Michigan Department of Transportation District Manager. Access shall meet all standards set forth by the Benzie County Road Commission and the Michigan Department of Transportation.

Section 9.2 MOBILE HOME DEVELOPMENTS

- A. **Intent and Purpose:** Mobile home developments have special characteristics which require full consideration of the locational needs, their site layout and design, their demand upon community services and their relationship to and affect upon surrounding uses of land. Such developments shall comply with all the requirements of Act 96 of 1987, as amended, and the rules and regulations of the Michigan Manufactured Housing Commission. It is intended that manufactured home communities be provided with necessary community services in a setting that provides a high quality of life for residents and residential development standards consistent with all other residential districts of the Township.
- B. All provisions, requirements, procedures, and limitations in Article 7, Site Plan Review, including but not limited to the application, review and approval process and the criteria for approval apply to any Mobile Home Community.
- C. The following additional requirements apply to any proposed Mobile Home Development:
 1. **Perimeter Landscaping:** Perimeter screening from any adjacent residential land use shall consist of a masonry wall or densely planted landscaped area. If provided, the masonry wall shall measure six (6) feet in height from the average grade and shall be placed inside and adjacent to the lot line. The wall may be setback from the property line a sufficient distance in the event that underground utilities would interfere with the placement of the wall or where the wall would unreasonably obstruct the use of adjacent property. The landscaped greenbelt, if used, shall consist of closely-spaced evergreen plantings, no less than fifteen (15) feet apart, and shall provide a complete visual barrier at least six (6) feet in height above grade within two (2) years of planting.

2. **Trash Receptacles:** Trash Receptacles, if provided, shall be located in a location that is clearly accessible to the servicing vehicle. Each dumpster shall be set back a minimum of fifty (50) feet from the perimeter of the manufactured home community, and shall be placed at least fifteen (15) feet from any building within the community. Trash Receptacles shall be screened on three (3) sides with a decorative masonry wall or wood fencing not less than six (6) feet in height. The fourth side of the dumpster screen shall be equipped with an opaque lockable gate not less than six (6) feet in height. Trash Receptacles shall be placed on a concrete pad which shall extend six (6) feet in front of the dumpster enclosure. Bollards (concrete-filled metal posts) shall be installed at the opening of the Trash Receptacle to prevent damage to the screening wall or fence.
3. **Skirting and Anchoring:** The siding of the home shall be required to extend to grade. Anchoring of the manufactured home shall comply with sections R125.1604 Rule 604 and R 125.1605 Rule 605 of PA 419 of 1976, as amended.
4. **Sidewalks:** A five (5) foot sidewalk is required to be constructed on at least one side of all internal roads within a manufacture home development.

Section 9.3 SITE CONDOMINIUM SUBDIVISION PLAT DEVELOPMENT

This section requires site plan review of condominium subdivisions to ensure that condominium projects comply with this Zoning Ordinance and all other applicable ordinances. Condominium projects may be approved, as provided by this section, in any Zoning Districts.

- A. The overall density of the condominium project shall not be higher than the underlying zoning district allows. The total acreage of the project, divided by the minimum lot size of the underlying zoning district, equals the number of building sites permitted. Compliance with required front, side and rear yards, shall be determined by measuring the distance from the equivalent front, side or rear yard boundaries of the building site to the closest respective front, side or rear boundary of the building footprint or envelope. PUDs containing steep slopes are subject to the requirements of Section 4.5.D.4 - Density requirements on Steep Slopes.
- B. All dedicated public roadways in site condominium subdivisions shall meet the requirements of the Benzie County Road Commission's standards for roads.
- C. **Preliminary Site Condominium Subdivision Plan:** All site condominium subdivisions shall require preliminary site condominium development plan approval by the Planning Commission and be subject to the Platting requirements of the Michigan Land Division Act (PA 288 of 1967) prior to conducting any on-site improvements.
- D. A complete preliminary site condominium subdivision plan and other required documentation shall be submitted to the Zoning Administrator at least forty-five (45) days before a meeting of the Planning Commission. The Planning Commission shall study the plan and shall either approve or disapprove the preliminary plan. The information and drawings must be clearly marked "Preliminary Site Condominium Subdivision Plan."
- E. Any changes in the preliminary site condominium subdivision plan, once it has been approved, must be submitted to the Planning Commission for approval in compliance with this section.
- F. The following information shall be included in the preliminary condominium development plan:
 1. A site plan in accordance with Article 7.
 2. A site condominium subdivision plan in accordance with the requirements of Section 66 of the Condominium Act, PA 59 of 1978.

3. Documented proof of review by the Benzie County Road Commission, the Benzie County Health Department, the Michigan Department of Transportation, the Michigan Department of Natural Resources (MDNR).
- G. In its review of the preliminary site condominium development plan, the Planning Commission may consult with the Zoning Administrator, an Attorney, Engineer, Fire Chief, Planner, or other appropriate officials and persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layout and design, or other aspects of the proposed project. Any costs incurred will be charged to the applicant.
- H. Approval of the preliminary site condominium development plan shall authorize the construction of necessary site improvements. Construction of buildings and structures shall not be permitted until a final site condominium subdivision plan has been approved by the Planning Commission.
- I. **Final Site Condominium Subdivision Plan:** The final site condominium subdivision plan (“as-built”) and other required documentation shall be submitted to the Zoning Administrator who shall study the plan and shall either approve or disapprove the final site condominium subdivision plan. The information and drawings must be clearly marked “Final Site Condominium Subdivision Plan.”
- J. No buildings or structures shall be constructed, nor shall any other site improvements or changes be made on the property in connection with a proposed site condominium project except in compliance with a final site condominium subdivision plan as approved by the Planning Commission, including any conditions of approval and other applicable requirements of local, state, or federal laws and regulations.
- K. No building permits shall be issued for a site condominium project until a final site condominium subdivision plan has been approved by the Planning Commission, all conditions to commencement of construction imposed by the Planning Commission have been met, and all applicable approvals or permits from appropriate county and state review and enforcement agencies have been obtained for the project.
- L. **Final Approval:** The Township Clerk shall be furnished with a copy of the recorded master deed, as defined in Section 8 of the Condominium Act prior to the issuance of any building permits. The master deed must ensure that the Township will not be responsible for maintenance or liability of the non-dedicated portions of the subdivision, that all private roads will be properly maintained, that snow removal will be provided, and that there is adequate access and set up area for emergency vehicles. Responsibility for the maintenance of stormwater retention areas, drainage easements, drainage structures, lawn cutting, and other general maintenance of common areas must be clearly stated in the recorded master deed.
- M. Approval of the final site condominium subdivision plan shall not constitute approval of expandable or convertible portions of a site condominium project unless the expandable or convertible areas were specifically reviewed and approved by the Planning Commission in compliance with the procedures, standards, and requirements of this section.
- N. Any significant change proposed in connection with a site condominium project for which the final site condominium subdivision plan has previously been approved by the Planning Commission shall be subject to review as required for the original application provided by this Section.

Article 10.

NONCONFORMITIES

Section 10.1 INTENT & PURPOSE

It is recognized that there exist within districts established by this Ordinance and subsequent amendments, uses, sites, structures, and lots which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments, and It is the intent of this Ordinance to permit such legal nonconforming to continue until they are removed, abandoned or discontinued, subject to the requirements and conditions in this Article.

Section 10.2 GENERAL STANDARDS

- A. **Continuation:** On or after the effective date of this Ordinance or any subsequent amendments, a nonconforming situation that was lawfully operated, established, or commenced in accordance with the provisions of all ordinances, statutes, or regulations in effect at that time may continue subject to this Article.
- B. **Change in Tenancy or Ownership:** A change of tenancy, ownership, or management of any existing nonconforming situation does not alter the legality of the nonconforming situation.
- C. **Vested property right test:** The test for determining in Michigan whether there is a vested property right in an alleged nonconforming use is:
 - 1. (1) Has there been preparatory construction work of a substantial character which has effected a tangible change in the land itself? and
 - 2. (2) Has such work made apparent the actual use of the premises asserted as nonconforming?

If both of these indicia are met, the interests of the property holder will be held to outweigh the interests of the zoning body and nonconforming use will be established, thereby creating a vested property right in the owner. *Dingeman Advertising, Inc. v. Algoma Township*, 393 Mich. 89, 94; 223 NW2d 689 (1974)

- D. **Exception for Repairs Pursuant to Public Order:** Nothing in this Article shall be deemed to prevent the strengthening or restoration to a safe condition of a building or structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders it to restoration to a safe condition, provided that such restoration is not otherwise in violation of the various provisions of this Ordinance prohibiting the repair or restoration of partially damaged or destroyed buildings or structures.

Section 10.3 NONCONFORMING USES

- A. **Continuance:** A nonconforming use shall not be enlarged or moved, in whole or in part, to any other portion of the lot or parcel that was not occupied by the use at the time the use became nonconforming. However, a nonconforming use may be extended throughout any part of an existing structure, which was designed for such use, and which existed at the time the use became nonconforming.
- B. **Enlargement or Expansion:** A conforming structure in which a nonconforming use is operated shall not be enlarged or expanded unless the Zoning Board of Appeals (ZBA) issues an interpretation of this Ordinance which finds that proposed enlargement or expansion meets the standards listed in Section 10.6. ZBA approval is not required if the enlargement or expansion is required by law as ordered by a County Building Official or Public Health Inspector.
- C. **Change of Use Regulations:**
1. **Changes to Conforming Uses:** Any nonconforming use may be changed to a use conforming with the regulations established for the district in which the nonconforming use is located, provided, however, that a nonconforming use so changed shall not in the future be changed back to the former nonconforming use.
 2. **Changes to Conforming Uses:** A nonconforming use may not be changed to a different nonconforming use unless the Zoning Board of Appeals (ZBA) issues an interpretation of this Ordinance which finds that proposed change in use meets the standards listed in Section 10.6.
- D. **Abandonment.**
1. To determine if a non-conforming use has been abandoned the following must be evaluated: (1) non-use of the non-conforming building or structure and (2) an intent to abandon the vested right to the non-conformity. Please see the following to determine if there is intent to abandon the vested right to the non-conformity.
 2. A nonconforming use shall be determined to be abandoned if two (2) or more of the following conditions exist that demonstrate intent on the part of the property owner to abandon the nonconforming use.
 - a. Whether utilities have been disconnected.
 - b. Whether any signs have been removed or have fallen into disrepair.
 - c. Whether any fixtures within and outside the building have been removed.
 - d. Whether the property has fallen into disrepair or is considered “blighted.”
 - e. Whether U.S. Mail delivery has been terminated or mail is forwarded to another address.
 - f. Whether the classification of the property for tax purposes has been changed to reflect another use.
 - g. Whether any license associated with the use has expired.
 - h. Removal of signs or other indications of the existence of the nonconforming use.
 - i. Whether there are any other similar changes to the nonconforming structure or use.

[The current ordinance has exceptions if the property is subject to probate, insurance recovery or criminal proceedings; should they be added back in??]

Section 10.4 NONCONFORMING STRUCTURES

Nonconforming structures may be continued, repaired, replaced, enlarged or expanded in accordance with the following provisions:

- A. **Continuance of Nonconforming Structures:** Subject to all limitations in this Article, any nonconforming structure may be occupied, operated, and maintained in a state of good repair, but no nonconforming structure shall be enlarged or extended unless in accordance with the allowable standards of this Article. Nonconforming structures that are demolished or removed cannot be replaced unless constructed in compliance with all the dimensional and use requirements of this Ordinance.
- B. **Repair and Maintenance of Nonconforming Structures:** Nothing in this Ordinance shall prevent the repair, reinforcement, improvement or rehabilitation of any nonconforming structure, or any part thereof, which results from wear and tear, deterioration, fire, windstorm, snowstorm, rainstorm, flood or other casualty damage, nor shall it prevent compliance with the provisions of the State Construction Code Act, relative to the maintenance of buildings or structures.
- C. **Replacement of Damaged Nonconforming Structures:** Nothing in this Ordinance shall prevent the replacement of any nonconforming building or structure damaged or destroyed by fire, windstorm, snowstorm, rainstorm, flood or other casualty damage beyond the control of the owner, provided such replacement utilizes the original structure footprint, does not increase the original usable floor area or volume of such structure. 1 year?
- D. **Enlargement or Expansion:** The Zoning Administrator may allow the enlargement or expansion of a nonconforming structure if all the following conditions are met:
 - 1. The use occurring in the structure is a conforming use.
 - 2. Any expansion will result in the structure being equally or more conforming to the requirements of this Ordinance than the current structure; and the expansion will be otherwise in full compliance with all other requirements of this Ordinance, including but not limited to requirements regarding lot coverage, impervious surfaces, vegetation removal and stormwater control.
 - 3. Written confirmation is received from the Health Department that safe and sanitary water and waste disposal systems are available and are compatible with the expansion.

Section 10.5 NONCONFORMING LOTS OF RECORD

- A. If a nonconforming lot of record is nonconforming solely due to the lot's failure to meet minimum total lot area requirements:
 - 1. The Zoning Administrator is authorized to waive the minimum lot size requirement to permit construction of a structure on such nonconforming lot of record provided that the intended structure is in full compliance with all other requirements of this Ordinance, including but not limited to requirements regarding lot coverage, impervious surfaces, vegetation removal and stormwater control.
 - 2. Structures located on such nonconforming lots of record may be continued, repaired, replaced, enlarged or expanded in accordance with the provisions specified in Section 10.4 (A)-(D).
- B. If a nonconforming lot of record is nonconforming because it does not meet minimum lot width requirements:

1. The Zoning Administrator is authorized to waive the minimum lot width requirement to permit reconstruction or replacement of any existing structure on such nonconforming lot of record provided such reconstruction or replacement utilizes the original structure footprint, does not increase the original usable floor area or volume of such structure, and meets all other requirements of this Ordinance.
2. The Zoning Administrator is not authorized to waive the minimum lot width requirement on such nonconforming lot of record for any enlargement or expansion of an existing structure or any new structure, unless the ZBA has granted a variance to allow such construction.

Section 10.6 ZONING BOARD OF APPEALS - REVIEW STANDARDS FOR NONCONFORMITIES

- A. **ZBA Authority:** The ZBA is authorized, under its power to interpret this Ordinance, to issue opinions allowing the following changes if it makes findings that all the approval standards listed in Section 10.6(B) will be met.
 1. An enlargement or expansion of an existing conforming structure for a nonconforming use.
 2. A change of use from a nonconforming use to a different nonconforming use.
- B. **Approval Standards:** The following approval standards must all be met for the ZBA to issue an interpretation allowing the situations listed in Section 10.6(A):
 1. The new use or expansion will not be contrary to the public interest.
 2. The new use or expansion will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district.
 3. The new use or expansion will be in harmony with the spirit and purpose of these regulations and the master plan goals, objectives, and policies.
 4. The plight of the applicant for which the new use or expansion is sought is due to unique circumstances existing on the property and/or within the surrounding district.
 5. Approval of the new use or expansion will not substantially weaken the general purposes of this Section or the regulations established in this Ordinance for the applicable zoning district.
 6. The new use or expansion shall not require more off-street parking and loading space than the former nonconforming use unless additional adequate off-street parking and loading space is provided for the increment of the new nonconforming use or expansion as if the increment were a separate use.
 7. The new use or expansion shall conform to all regulations and standards established this Ordinance.
 8. The new use or expansion will not adversely affect the public health, safety, and welfare.

Article 11.

ZONING BOARD OF APPEALS

Section 11.1 CREATION AND MEMBERSHIP

There is hereby established a Zoning Board of Appeals (ZBA) which shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act [Section 601 of Act 110 of Public Acts of 2006, as amended (MZE)] and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done. The ZBA shall consist of three (3) regular members, appointed by a majority vote of the Township Board of Trustees.

- A. The first regular member appointed shall be a member of the Planning Commission for the term of his or her office.
- B. A member of the Township Board may serve as a regular member of the ZBA but may not serve as chairperson.
- C. The remaining member(s) of the ZBA must be selected from the electors of the Township and shall be, along with other members, representative of the population distribution and of the various interests present in the Township.
- D. An employee or contractor of the Township Board may not serve as a member of the ZBA.
- E. The Township Board may appoint not more than two (2) alternate members, for the same term as regular members to the ZBA. An alternate member may be called to sit as a regular member of the ZBA in the absence of a regular member if a regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve on that case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the ZBA.
- F. A member of the ZBA may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of his/her duties.
- G. A member may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself/herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself/herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

- H. Terms for ZBA members shall be three (3) years, except for members serving because of their membership on the Planning Commission or Township Board whose terms shall be limited to the time they are members of the Planning Commission, or Township Board, respectively, and the period stated in the resolution appointing them. When members are first appointed, the appointment may be for less than 3 years to provide for staggered terms. Vacancies for unexpired terms shall be filled for the remainder of the term.
- I. Attendance: Since regular attendance is required for optimal function of the ZBA, members of the ZBA, unless excused by the chairperson, shall be expected to notify the chairperson, or his/her designee of his/her expected absence prior to a meeting.

Section 11.2 MEETINGS

- A. Meetings of the ZBA shall be held at the call of the Chairman and at such other times as the ZBA may determine or specify in its rules of procedure. All hearings conducted by the ZBA shall be open to the public. The ZBA may adopt its own rules of procedure.
- B. The ZBA shall keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact. The ZBA shall file a record of its proceedings in the office of the Township Clerk, which record shall be a public record.
- C. 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 Zoning Administrator, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to grant any variation of this Ordinance.
- D. The ZBA shall not conduct business unless a majority of the regular members of the Board members qualified to sit for a particular matter are present to constitute a quorum.

Section 11.3 DUTIES AND POWERS

- A. The ZBA shall have the power to hear and decide on:
 - 1. Appeals from any administrative order, requirement, permit, decision or determination made by the Zoning Administrator or other administrative official or body charged with enforcement of this Ordinance, as provided in Section 11.4.
 - 2. Requests for interpretations of this Ordinance, as provided in Section 11.5.
 - 3. Requests for dimensional, non-use variances from this Ordinance, as provided in Section 11.6.
- B. In exercising the above powers, the ZBA, by a concurring vote of a majority of its members, may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator or other body from whom the appeal is taken.
- C. The ZBA has no authority to review the Planning Commission's decisions on applications for Special Land Uses or Planned Unit Developments. These appeals are taken to the Circuit Court for Benzie County.

Section 11.4 APPEALS OF ADMINISTRATIVE DECISIONS

- A. The ZBA shall hear and decide appeals wherein it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other official or body in administering or enforcing any provisions of this Ordinance. This shall include appeals of use determinations issued in writing by the Zoning Administrator.
- B. An appeal concerning the administration of the provisions of this Ordinance may be taken to the ZBA within the timeframe defined in the general rules and procedures adopted by the ZBA, if any. If such a timeframe is not specified, appeals shall be filed within thirty (30) days of the decision of the Zoning Administrator or other body from which the appellant seeks relief.

Section 11.5 INTERPRETATION OF ZONING ORDINANCE PROVISIONS

- A. The ZBA shall have the power to hear and decide requests for interpretations of the provisions of this zoning Ordinance. Such authority shall be exercised in such a way as to preserve and promote the character of the zoning district in question and carry out the intent and purpose of this Ordinance, the Master Plan, or any applicable planning documents.
- B. The power granted by this section includes interpretations of the location of zoning district boundaries.
- C. The power granted by this section includes interpretation of the provisions of Article 10 relating to non-conforming uses, including consideration of expanding a conforming structure for a non-conforming use, and consideration of replacement of a nonconforming use with another nonconforming use, subject to the applicable standards in Article 10.
- D. The ZBA is not authorized to grant use variances but is authorized to hear and decide requests for interpretations of the provisions of this Ordinance specifying allowed uses.

Section 11.6 DIMENSIONAL VARIANCES

- A. **Standard and Requirements**
 - 1. The ZBA may grant dimensional variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:
 - a. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.
 - b. The need for the requested variance is not the result of action of the property owner or previous property owners or otherwise self-created.
 - c. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.
 - d. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give a substantial relief to the property owner and be more consistent with justice to other property owners.

- e. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.
2. When considering an application for a front setback variance, the ZBA may consider the actual average front setbacks of existing structures on nearby property. If the requested variance is no larger than the actual average setback of structures on nearby property, the ZBA may use that information to support a finding that the conditions listed in Section A(1)(d) and (e), above are met. For the purposes of this section, nearby property includes any parcel or lot located on the same public road and within 500 feet of the property for which the variance is requested. The calculation of average front setbacks on nearby property should include all conforming and legally non-conforming structures.
- B. **CONDITIONS FOR A DIMENSIONAL VARIANCE** - The ZBA may attach reasonable conditions with the approval of a dimensional variance. These conditions may include those 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, to protect the natural environment and conserve natural resources and energy. To ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:
 1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic wellbeing of those who will utilize 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.

Section 11.7 HEARINGS - APPLICATION, NOTICE, AND DECISION

- A. **Application for Decision**
 1. An administrative appeal, a request for interpretation, or a variance request may be made by any person, firm or corporation, or by any Officer, Department or Board of the Township. The appellant or applicant shall file with the ZBA, on blanks or forms to be furnished by the Zoning Administrator, an application specifying the grounds for the requested decision of the ZBA.
 2. Upon receipt of an application for a decision by the ZBA, the Zoning Administrator will review the application to insure it is complete, and any applicable fee established for such purpose by the Township Board is paid.
 - a. If the application is not complete, the Administrator will return the application to the applicant with a letter that specifies the additional material required.
 - b. If the application is complete, the Administrator and Chairperson of the ZBA shall establish a date to hold a hearing on the application.
 - c. The Zoning Administrator shall transmit to the ZBA the completed application, all the papers constituting the record upon which the action appealed was taken, and any other township records specifically relevant to the requested decision.

- B. **Public Notice.** Following payment of the required fee and receipt of a written request concerning an appeal of an administrative decision, a request for an interpretation of the zoning ordinance or a request for a variance, the ZBA shall hold a public hearing, after giving the following applicable notice:
1. For an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person filing the appeal and to the Zoning Administrator or other administrative agency or official whose decision is being appealed no less than fifteen (15) days before the public hearing. If a specific parcel is involved in the appeal, then the notice shall also be sent by first class mail or personal delivery to all persons who own real property and the occupants of all structures within three hundred (300) feet of the boundary of the property in question.
 2. For a request seeking an interpretation of the zoning ordinance, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation no less than fifteen (15) days before the public hearing. If a specific parcel is involved in the appeal, then the notice shall also be sent by first class mail or personal delivery to all persons who own real property and the occupants of all structures within three hundred (300) feet of the boundary of the property in question.
 3. For a variance request, a notice stating the nature of the variance being requested and the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the variance no less than fifteen (15) days before the public hearing. In addition, a notice stating the nature of the variance being requested and the time, date, and place of the public hearing shall be sent by first class mail or personal delivery to all persons to whom real property in question and to the occupants of all structures within 300 feet of the boundary of the property in question.
- C. **Hearing and Decision**
1. The ZBA may require an appellant to submit surveys, plans, or other information deemed reasonably necessary to making an informed decision on his or her appeal or request for decision.
 2. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney. All persons, not licensed to practice law in the State of Michigan, shall file a written statement signed by the principal stating the agent's right to act upon their behalf.
 3. The final decision of the ZBA shall be by a concurring vote of a majority of its members; and
 - a. A decision on an administrative appeal shall be in the form of a resolution either reversing, modifying or affirming, wholly or partly, the decision or determination appealed.
 - b. A decision on an application for an interpretation of this ordinance shall be in the form of succinct written summary of the ZBA's interpretation.
 - c. A decision on a request for a variance shall be in the form of a resolution either (i) denying the variance, (ii) granting the variance as requested, or (iii) granting the variance with conditions as provided in Section 11.6(B).
 - d. Reasons for the decision must be stated and shall be certified in writing within ten (10) days of the meeting at which the decision was made.

Section 11.8 STAY

An appeal of an administrative decision shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the ZBA, after notice of appeal shall have been filed with him/her, that by reason

of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed other than by a restraining order which may be granted by the ZBA or by the Circuit Court, by application or notice of the Zoning Administrator and on due cause shown.

Section 11.9 APPEAL OF DECISIONS MADE UNDER THIS ARTICLE

A decision of the ZBA is final. A party aggrieved by the decision may appeal to the circuit court of Benzie County within thirty (30) days after the ZBA issues its decision in writing signed by the chairperson, or after the ZBA approves the minutes of its decision, whichever first occurs. The court may affirm, reverse, or modify the decision of the ZBA, or make other orders as justice requires.

Section 11.10 DURATION OF APPROVALS

No order of the ZBA permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. A six (6) month extension may be granted by the Board of Appeals if applied for prior to the expiration of the one (1) year period.

Section 11.11 DENIAL AND RE-SUBMITTAL

No application for a variance which has been denied wholly or in part by the ZBA shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or when the Township's attorney certifies in writing that a mistake in the original procedure of the original hearing had been made.

Article 12.

ADMINISTRATION, ENFORCEMENT & VIOLATIONS

Section 12.1 ADMINISTRATION

- A. The Township Board is authorized to appoint by resolution any person to the office of Zoning Administrator on such term as may be designated in said resolution and for such compensation as the Board may determine. The Board may further, by resolution, remove any person from said office, at the discretion of the Board. It shall be the duty of the Zoning Administrator to administer this Ordinance and to enforce its provisions.
- B. The Township Board is authorized to appoint by resolution any person to the office of code enforcement officer for such term as may be designated in said resolution and for such compensation as the Board may determine. The Board may further, by resolution, remove any person from said office, at the discretion of the Board. The code enforcement officer is authorized to enforce all ordinances of the township.
- C. The Township Board is authorized to appoint by resolution any person to other offices or positions to assist in the administration or enforcement of this Ordinance for such term as may be designated in said resolution and for such compensation as the Board may determine. The Board may further, by resolution, remove any person from said office, at the discretion of the Board. Such appointed individuals shall have duties determined by the Board.
- D. The Zoning Board of Appeals (ZBA) shall interpret this Ordinance, hear appeals from acts or interpretations of the Zoning Administrator, make decisions on matters coming within its jurisdiction and instruct the Zoning Administrator as to the steps necessary to enforce its decision.
- E. The Township Board may employ a Recording Secretary for the Planning Commission and ZBA for the purposes of preparing a public record of minutes, resolutions, transactions, findings and determinations. The Recording Secretary may perform other duties related to conduct of the Planning Commission or Board of Appeals business as may be required from time to time by the officers of the Planning Commission or Board of Appeals, provided the Secretary of the respective Commission and Board is solely responsible for the accuracy of such duties and all documents prepared by the recording secretary shall be signed by the official secretary of the Planning Commission or official secretary of the ZBA.

Section 12.2 ZONING ADMINISTRATOR

- A. It shall be the duty of the Zoning Administrator to receive applications for land use permits and issue or deny same; to inspect buildings or structures; and to determine compliance with the land use permits issued in compliance with this Ordinance. The Zoning Administrator has authority to enforce this Ordinance in conjunction with any code enforcement officer. The Township Board may, in its discretion, instruct the Zoning Administrator to make efforts to obtain voluntary compliance with this Ordinance. He/she shall perform such other duties as the Township Boards may prescribe.
- B. The Zoning Administrator, or designee, shall have the authority to:
 - 1. Approve all zoning permits and certificates of compliance.
 - 2. Conduct inspections of all buildings and structures and the use of all lands subject to the provisions of this ordinance to determine compliance.
 - 3. Maintain permanent and correct records of this ordinance including, but not limited to zoning permits, exceptions, variances and appeals.
 - 4. Provide and maintain a public information office relative to all matters arising out of the administration of the Ordinance.
 - 5. Investigate all applications for uses subject to special approval and variances addressed to the Planning Commission and the ZBA and report these findings to the Commission and Board.
 - 6. Initiate appropriate action for proceedings to prevent, restrain, correct or abate any illegal act in violation of this Ordinance.
 - 7. If no Code Enforcement Officer is active, the Zoning Administrator, or designee, shall have the authority to complete all duties of the position as outlined in Section 12.3.

Section 12.3 CODE ENFORCEMENT OFFICER

- A. The code enforcement officer's duties shall include the following:
 - 1. Investigating ordinance violations.
 - 2. Issuing and serving ordinance violation notices.
 - 3. Issuing and serving appearance tickets.
 - 4. Issuing and serving municipal ordinance violation notices and municipal civil infraction citations.
 - 5. Appearing in court or other judicial or quasi-judicial proceedings to assist in the prosecution of ordinance violations; and
 - 6. Such other ordinance enforcing duties as may be delegated by the township board, township supervisor or assigned by the township attorney.

- B. The code enforcement officer **and/or Zoning Administrator** is hereby authorized to enforce all ordinances of the township, and whether such ordinances specifically designate a different enforcing officer or do not designate any particular enforcing officer. Where a particular officer is so designated in any ordinance, that officer's authority shall continue in full force and effect and shall not be diminished or impaired by the terms of this section, and the authority of the code enforcement officer shall be in addition and supplementary to the authority granted to such other specific officer. The code enforcement officer shall in the performance of the officer's duties be subordinate and responsible to the Supervisor, Zoning Administrator, or such other township board member or official as the Township Board may from time to time designate.

The provisions of this ordinance shall be enforced by the Code Enforcement Officer and/or Zoning Administrator. The Code Enforcement Officer and/or Zoning Administrator is designated as the authorized official to issue Municipal Civil Infraction action. The Code Enforcement Officer shall in the performance of the officer's duties be subordinate and responsible to the Supervisor, Zoning Administrator, or such other township board member or official as the Township Board may from time to time designate.

Section 12.4 ZONING COMPLIANCE VERIFICATION LETTER

- A. A. A Zoning Compliance Verification Letter may be requested via written request to the Zoning Administrator at a fee determined by resolution of the Township Board. The Zoning Compliance Verification Letter shall describe information regarding a specific parcel such as zoning district, overlay zones, current legal land use, and permissions regarding a proposed use. The Zoning Administrator shall provide the Zoning Compliance Verification Letter within ten (10) business days of receipt of the request.

Section 12.5 FEES

- A. The Township Board may adopt by resolution a fee schedule establishing fees required for:
1. Land use permit applications.
 2. Site plan applications.
 3. Special use permit applications.
 4. Appeals, requests for interpretation, or variance requests to the Zoning Board of Appeals.
 5. Requests for special meetings of the Planning Commission.
 6. Zoning amendment requests, including rezoning, text amendments, or district boundary amendments
- B. Fees must be paid before any review of an application is performed or a permit is issued. Certain applications, permits and requests are subject to the Escrow Policy, as defined in Section 12.6.

Section 12.6 ESCROW POLICY

- A. In connection with any application, potential application, or any other time when outside assistance is required or anticipated to be need for a specific person, property, or project, the Township shall require the applicant to pay in advance into an escrow fund established to cover reasonable costs. These costs may include staff costs or consultant fees for professional and technical services required for a proper and thorough review of the application.

- B. The Zoning Administrator may waive the requirement of establishing an escrow account when the matter to be considered does not contain issues for which the use of a consultant will be reasonably required. However, if issues arise at any time for which the use of a consultant will be reasonably required, the Zoning Administrator shall require that an escrow fund be established.
- C. No application shall be considered complete until all costs have been paid and/or the escrow fund has been replenished as outlined below. The Township Clerk shall refund any unexpended funds within sixty (60) days of final action.
- D. Should the escrow fund ever dip below fifty (50) percent of the original fund amount, the applicant shall be advised and required to replenish said escrow fund to the full original amount within five (5) business days of having been so notified by the Township Clerk. If the Zoning Administrator determines that more money than the initial deposit is necessary, the Township Clerk shall notify the applicant, and the applicant shall deposit the necessary funds within five (5) business days. The failure of the applicant to either initially fund or replenish the escrow fund shall render the application incomplete and ineligible for further consideration until the escrow fund is replenished as required.
- E. The applicant may seek an accounting from the Township Clerk of expenditures from the escrow fund when a request is made by the Township to replenish the fund and after a final decision on the application has been made. The applicant has no authority to approve or deny expenditures.

Section 12.7 POSTING OF FINANCIAL GUARANTEE

The Township is empowered to require a performance bond, irrevocable letter of credit or certified check in an amount equal to the estimated cost of road, lighting, utility, sidewalk, landscaping and drainage improvements associated with a project. Such performance guarantee shall be deposited with the Township Treasurer prior to the issuance of the permit authorizing the activity or project. The performance guarantee is to ensure faithful completion of the improvements indicated with the approved site plan. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvement completed, as attested to by the depositor and verified by the Zoning Administrator, or designee. In cases where provisions of this Ordinance have not been met or the project has not been completed as approved, the amount of the aforementioned performance guarantee shall be used by the Township to complete the required improvements; and the balance, if any, shall be returned to the applicant.

Section 12.8 ON-SITE INSPECTION

- A. Before issuing a land use permit for the erection of any building an on-site inspection shall be made by the Zoning Administrator to determine if the building site generally meets all requirements of this Ordinance and specifically if there are features of the site, such as wetlands, water body frontage, steep slopes, or ridgelines that could trigger applicable provisions of this Ordinance. Based on such inspection, the Zoning Administrator may require the applicant to conduct additional surveys, testing or analysis and provide reports to ensure all requirements of this Ordinance can be met. The applicant shall bear the cost of such inspection and report.
- B. In addition to any other report required in Section 12.8 (A), before issuing a land use permit for the erection of any building on land classified "high water table" (high seasonal stages of ground water level six (6) feet or less from the surface) as shown by the current Soil Survey of Benzie County, Michigan, as published by the United States Department of Agriculture, an on-site inspection shall be made by the Zoning Administrator, or an inspection report submitted by a representative of the Soil Conservation District and the County Health Department supporting said use and any conditions or alterations recommended by the report shall be included in the Land Use Permit.

- C. For any property containing Environmentally Sensitive Areas identified in Article 4, the Zoning Administrator shall conduct a final on-site inspection to document compliance with all environmental compliance before issuing a land use approval for a Certificate of Occupancy.

Section 12.9 PERMIT EFFECTIVE DATE AND LIMITS

A land use permit shall be effective for twelve (12) months from the date of issue. Any Land Use Permit granted under this Ordinance that has been issued shall become null and void after twelve (12) months from date of issuance unless substantial construction has begun. No permit shall be transferable to another parcel.

Upon written request, an extension of an approval may be granted by the Zoning Administrator for good cause for a period not to exceed one (1) year. No written request for an extension shall be considered unless submitted to the Zoning Administrator no later than one week prior to expiration. Failure to submit an application for an extension within the time limits established by this section shall result in the approval's expiration.

Section 12.10 PUBLIC NOTIFICATION

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended (MZEA) and the provisions of this Section.

- A. **Responsibility:** When the provisions of this Ordinance or the MZEA require that notice be published, the Zoning Administrator or other designated official shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Township and mailed or delivered as provided in this Section.
- B. **Content:** All mail, personal and newspaper notices for public hearings shall:
 - 1. **Describe the nature of the request:** Identify whether the request is for a rezoning, text amendment, special land use, variance, appeal, ordinance interpretation or other purpose.
 - 2. **Location:** Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
 - 3. **When and where the request will be considered:** Indicate the date, time and place of the public hearing(s).
 - 4. **Written comments:** Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
 - 5. **Handicap access:** Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.
- C. **Personal and Mailed Notice**
 - 1. **General:** When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:

- a. The owner(s) of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
 - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the Township. If the name of the occupant is not known, the term “occupant” may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased to different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive the notice. In the case of a single structure containing more than four (4) 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.
 - c. For requests for interpretation or appeals of administrative decisions, to the person requesting an interpretation of the zoning ordinance or to a person appealing an administrative decision.
 - d. In the case of a zoning ordinance amendment, or rezoning, each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the clerk of the legislative body for the purpose of receiving the notice of public hearing.
2. **Notice by mail/affidavit:** Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.
- D. **Timing of Notice.** Unless otherwise provided in the MZEA, or this Ordinance where applicable, notice of a public hearing shall be provided as follows.
1. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation; not less than fifteen (15) days before the date that the application will be considered for approval.
 2. For any other public hearing required by this Ordinance: not less than fifteen (15) days before the date that the application will be considered for approval.
 3. A notice will not be published unless/until the information required is complete and the appropriate fee is paid.

Section 12.11 VIOLATIONS AND PENALTIES

- A. **Nuisance per se:** Any land, dwellings, buildings or structures, (including tents and trailer coaches), used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance, are hereby declared to be a nuisance per se.
- B. **Inspection:** The Zoning Administrator, the Code Enforcement Officer or their designee, shall have the duty to investigate each alleged violation and shall have the right to inspect any property for which a zoning permit has been issued to ensure compliance with the plans and conditions of the zoning permit or approved site plan.

- C. **Stop Work Order:** The Zoning Administrator, the Code Enforcement Officer or their designee, may, in conjunction with the issuance of a municipal civil infraction, issue a stop work order on work in progress when that work violates any provision of the Zoning Ordinance. The stop work order shall remain in effect only until adjudication of the municipal civil infraction citation by the court or until modified or revoked by a court of competent jurisdiction.
- D. **Penalties**
1. Any person, partnership, corporation, or association who creates or maintains a nuisance per se or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than five hundred dollars (\$500). Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.
 2. The Zoning Administrator, the Code Enforcement Officer or their designee, is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
 3. In addition to enforcing this Ordinance, as a municipal civil infraction, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Article 13.

AMENDMENTS

Section 13.1 AMENDMENTS TO THIS ORDINANCE

- A. The Township Board is authorized and empowered to amend this Ordinance, pursuant to the authority and according to the procedures set forth in the Michigan Zoning Enabling Act (MZEA), as amended.
- B. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Map may be amended, supplemented or changed by action of the Township Board following a recommendation from the Planning Commission.
- C. Proposals for amendments, supplements or changes may be initiated by the Township Board on their own motion, by the Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment.
- D. The procedure to be followed for initiating and processing an amendment shall be as follows:
 - 1. Each petition by one (1) or more persons for an amendment shall be submitted by application to the Zoning Administrator, or designee, and shall be accompanied by the fee as prescribed by Section 12.4 of this Ordinance. The petition shall be on a standard form, if one is provided, and if no form is provided the petition shall clearly state the terms of and reasons for the requested amendment.
 - 2. The Zoning Administrator, or designee, shall notify, in writing, the Township Clerk and Chair of the Planning Commission at or before the time he/she transmits the amendment request to the Planning Commission.
 - 3. The Planning Commission shall consider each proposal for amendment on the facts related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
 - 4. Before ruling on any proposal, the Planning Commission shall conduct a public hearing as required by the MZEA, as amended and as outlined in Section 12.9.
 - 5. Following the public hearing the Planning Commission shall submit the proposed amendment including any zoning map changes to the County Planning Commission, if applicable. If the recommendation of the County Planning Commission has not been received within thirty (30) days after the receipt of the Ordinance by the County, it shall be conclusively presumed that the County has waived its right for review.

6. The Planning Commission shall submit a final report/recommendation and proposed text to the Township Board along with a summary of the comments received at the public hearing.
7. The Township Board may hold additional public hearings, if they decide it is necessary and following the requirements of Section 12.9. The Township Board may adopt, amend, or reject any proposed amendment or refer it back to the Planning Commission for further review as prescribed by the MZEA, as amended.
8. Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption.
9. No application for rezoning which has been denied by the Township shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Planning Commission to be valid. A rezoning request may be resubmitted if the Township Attorney certifies that a mistake has been made in the prior procedures.

Section 13.2 REQUIRED STANDARDS AND FINDING OF FACT FOR MAKING DETERMINATIONS

The Planning Commission shall review the particular circumstances and facts of each proposed use or rezone in terms of the following adequate data, information, and evidence showing that such use on a proposed site, lot, or parcel:

- A. Will be harmonious with and in accordance with the general objectives, intent, and purposes of this Ordinance.
- B. Will be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
- C. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- D. Will not be hazardous or disruptive to existing or future neighboring uses.
- E. Will not create excessive additional requirements at public cost for public facilities and services.
- F. Will comply with the Zoning District standards for the conditional use or conditional rezone.
- G. The Planning Commission may deny, approve, or approve with conditions a request for the special land use or conditional rezone approval.
- H. Following a public hearing a request for approval of a special land use or conditional rezone or activity shall be approved if the request is in compliance with the standards stated within this ordinance, the conditions imposed under this Zoning Ordinance, other applicable ordinances, and state and federal statutes.
- I. Following the public hearing the Planning Commission shall transmit its recommendation with respect to the special land use or conditional rezone to the Township Board, together with the record of proceedings at which the request was considered. The Township Board may, at its discretion, hold another public hearing on the request. The Township Board may approve the special land use or conditional rezone; deny the special land use or conditional rezone; approve the special land use or conditional rezone; or refer the request to the Planning Commission for additional information.

- J. The Zoning Board of Appeals (ZBA) shall have no authority to hear appeals from the Planning Commission on a special land use or conditional rezone.

Section 13.3 CONDITIONAL REZONING

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MZEA) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

A. Application and Offer of Conditions:

1. An owner of land may voluntarily offer in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made later during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered into voluntarily by the owner. An owner may withdraw all or part of the offer of conditions at any time prior to the final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with the appropriate notice and a new recommendation.

- B. Planning Commission Review:** The Planning Commission, after public hearing and consideration may recommend approval, approval with recommended changes or denial of the rezoning; provided however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the Owner.

- C. **Township Board Review:** After receipt of the Planning Commission’s recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 405 of the MZEA, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.
- D. **Approval:**
1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
 2. The Statement of Conditions shall:
 - a. Be in a form recordable with the Register of Deeds of Benzie County.
 - b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner and that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the documents may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions shall be recorded by the Township with the Benzie County Register of Deeds.
 - f. Contain the notarized signature of all owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
 3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
 4. The approved Statement of Conditions shall be filed by the Township with the Register of Deeds of Benzie County.
 5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.
 6. Compliance with Conditions:
 - a. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with the entire conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

- b. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.
 - E. **Time Period for Establishing Development or Use:** Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning takes effect and thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise be inconsistent with sound zoning policy.
 - F. **Reversion of Zoning:** If an approved development and/or use of the rezoned land do not occur within the time frame specified under Subsection F above, then the land shall revert to its former zoning classification as set forth in Section 405 of the MZEA. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of the rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.
 - G. **Subsequent Rezoning of Land:** When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification, to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection G above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect.
- Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of Benzie County a notice that the Statement of Conditions is no longer in effect.
- H. **Amendment of Conditions:**
 - 1. During the time period for commencement of an approved development or use specified pursuant to Subsection F above, or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
 - 2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.
 - I. **Township Right to Rezone:** Nothing in the Statement of Conditions, nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the MZEA.
 - J. **Failure to Offer Conditions:** The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

Article 14.

DEFINITIONS

[UNDERCONSTRUCTION]

A. “A” Terms

Abandoned Sign: See Sign, Abandoned.

Accessory Dwelling Unit: An attached or detached dwelling unit that is located on the same lot as, and is subordinate to, a principal dwelling unit.

Accessory Structure: A structure 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.

Adult Day Care Facility:

Adult day care center. A facility, other than a private residence, receiving one or more persons, eighteen (18) years of age or older, for care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled or physically handicapped who require supervision on an ongoing basis. An adult day-care center does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day-care center.

Adult group day care home. A private residence in which more than six (6) but not more than twelve (12) adults eighteen (18) years of age or older, receive care for periods of less than twenty- four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

Adult family day care home. A private residence in which six (6) or less adults eighteen (18) years of age or older, receive care for periods of less than twenty-four (24) hours a day. It includes facilities for adults who are aged, mentally ill, developmentally disabled, or physically handicapped that require supervision on an ongoing basis. An adult day care home does not include alcohol or substance abuse rehabilitation centers, residential centers for persons released from or assigned to a correctional facility, or any other facilities which do not meet the definition of adult day care center.

Adult Foster Care Facility:

Adult foster care home, small group. An adult foster care facility providing residency with the approved capacity to receive at least three (3) but not more than twelve (12) adults to be provided with foster care.

Adult foster care home, large group. An adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.

Adult foster care home, family. A private residence with the approved capacity to receive at least 3 but not more than 6 adults to be provided with foster care. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

Adult foster care congregate facility. An adult foster care facility with the approved capacity to receive more than twenty (20) adults to be provided with foster care.

Adult foster care camp or adult camp means an adult foster care facility with the approved capacity to receive more than 4 adults to be provided foster care. An adult foster care camp is a facility located in a natural or rural environment.

Agricultural Assembly Space: An agricultural tourism use designed to provide an assembly space for small-scale entertainment, weddings, birthday parties, corporate picnics, and other similar events on property that is actively engaged in agricultural processes.

Agricultural Employee Housing: A residential use accessory to an established agricultural operation intended to provide temporary housing for employees of the agricultural operation and their families.

Agricultural Processing Facility: One or more facilities or operations that transform, package, sort, or grade livestock or livestock products, agricultural commodities, or plants or plant products, excluding forest products, into goods that are used for intermediate or final consumption including goods for nonfood use and surrounding property.

Agricultural Tourism: A use that involves the visiting of an agribusiness, horticultural, or agricultural operation, including but not limited to, a farm, orchard, winery, greenhouse, hunting preserve, a companion

animal or livestock show, for the purpose of recreation, education, or active involvement in the operation, other than as a contractor or employee of the operation. Also referred to as “ag-tourism” or “agri-tourism”.

Agricultural Uses: Any use required to accommodate the creation of farm products as defined in this zoning ordinance.

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.

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.

Apartment: A room or suite of rooms in which each suite is arranged, intended, and designed to be occupied as a residence of a single family or individual, and which has only one complete kitchen and at least one complete bathroom.

Apartment Building: An apartment building has a combination of separate dwelling units arranged horizontally next to each other and/or stacked vertically upon each other and may include triplexes, quadplexes, rowhouses, and stacked flats. Apartment buildings are intended to provide three (3) or more dwelling units per lot with each being occupied by a separate family unit.

Architectural Features: The components of construction, either permanent or temporary, that are an integrated part of a structure or attached to a structure and constitute a portion of the exterior design, including, but not limited to: arches, transoms, windows, moldings, columns, capitals, dentils, lintels, parapets, pilasters, sills, cornices, cupolas, awnings, and canopies.

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

Assembly Facility: A meeting place at which the public or membership groups are assembled regularly or occasionally, indoors or outdoors as a principal or accessory use, including but not limited to schools, religious institutions, theaters, auditoriums, funeral homes, stadiums, lecture halls, lodge rooms, conference rooms, convention centers, dining halls, and similar places of assembly.

Assisted Living Facility: A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

Attic: The area located between the ceiling of the highest habitable floor and the roof of the structure.

Automobile Repair Shop: **Combine with Marine Shop?** A principal use involving major automotive repair, including the replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstery service. Above stated is applied to passenger automobiles and trucks not in excess of 7,000 pounds gross weight.

Automobile Wash: A building or portion thereof, where motor vehicles are washed as a commercial enterprise, or where facilities are available for the self-service cleaning of motor vehicles.

Automobile: Every vehicle that is self-propelled.

Automobile and Marine Repair: A business or establishment engaged in the inspection, maintenance, servicing, or repair of automobiles, trucks, motorcycles, boats, personal watercraft, marine engines, or related trailers. Services may include mechanical, electrical, engine, transmission, exhaust, brake, tire, glass, body, frame, painting, and similar repair work. This use does not include a junkyard, salvage yard, vehicle dismantling operation, or the long-term storage of inoperable vehicles or watercraft.

Automobile and Marine Sales: A business or establishment primarily engaged in the sale, lease, or rental of new or used automobiles, light trucks, vans, motorcycles, boats, personal watercraft, marine engines, or associated trailers. This use may include indoor or outdoor display areas, offices, and incidental preparation or maintenance of merchandise offered for sale.

Automotive Service Station: A principal use which involves facilities to provide maintenance and minor repairs or replacement parts to automotive equipment, such as tires, mufflers, tune ups, electrical repairs, etc., but NOT including pumping of gasoline or diesel fuels or major repairs to engines or drive trains.

Automobile Sales and Rentals: Storage and display for sale of more than two motor vehicles or any type of trailer provided the trailer is unoccupied, and where repair or body work is incidental to the operation of the new or used vehicle sales. Motor vehicles sales includes motor vehicle retail or wholesale sales.

B. “B” Terms

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

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

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.

Bedroom: A room designed or used in whole or part for sleeping purposes and has a closet and window.

Berm: An earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.

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.

Bottom – land: The land area of an inland lake or stream which lies below the ordinary high water mark and which may or may not be covered by water at a particular time.

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

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 (Feet): 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, excluding parapet walls; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for gable, hip and gambrel roofs; or seventy five (75%) percent of the height of an A-frame. The average ground level grade at the building wall when a building is located on sloping terrain.

Building Height, Stories: The vertical distance measured as the number of individual floors in a building that can be occupied. Stories does not include basements or attics as defined in this Ordinance, permitted rooftop patios, or architectural features such as cupulas, steeple, etc.

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.

Business Services: An establishment providing services to business establishments on a fee or contract basis, including but not limited to advertising services, business equipment and furniture sales or rental, or protective services. This term includes but is not limited to an employment agency, photocopy center, commercial photography studio, or mailing service. This term does not include maintenance, repair and office uses such as accounting, advertising, architectural design, urban planning, environmental analysis, insurance, interior design, investment, landscape design, law, management consulting, title research, and real estate.

C. "C" Terms

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.

Catering Services: An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption.

Cellar: See Basement.

Cemetery: Land used for the burial of the dead, including a columbarium, crematorium, and/or mausoleum.

Central Cleaning Facility: A facility where textile materials, including but not limited to clothing and rugs, are dropped off directly by the customer or gathered at satellite locations for cleaning and future delivery or pick up.

Change Of Occupancy: The term “change of occupancy” shall mean a discontinuance of an existing use or tenant and the substitution of a use of a different kind or class, or the expansion of a use.

Child Care Organization: A facility for the care of children, as licensed and regulated by the state under Public Act No. 116 of 1973 (MCL 722.111 et seq.) and the associated rules promulgated by the Michigan Department of Consumer and Industry Service. Such organizations shall be further defined as follows:

- A. **Child Care Center:** A facility, other than a private residence, receiving more than six preschool age or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include a Sunday School conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- B. **Foster Family Home:** A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- C. **Foster Family Group Home:** A private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
- D. **Family Child Care Home:** A private home in which one but less than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian,

except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

- E. Group Child Care Home: A private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.

Club: A group of persons organized for the purposes of participating in and/or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit or to espouse beliefs or further activity that is not in conformance with the Constitution of the United States or any laws or ordinances. The facilities owned or used by such organization may be referred to as a “club” in this Ordinance.

Colocate: To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole. Co-locate does not include make-ready work or the installation of a new utility pole or new wireless support structure.

Commercial Use: The use of property for retail sales or similar businesses where goods or services are provided directly to the consumer. As used in these regulations, “commercial use” shall not include industrial, manufacturing, or wholesale businesses.

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.

Condominium: A condominium is a system of separate ownership of individual units in multiunit projects according to PA 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee interest and in the spaces and building parts used in common by all the unit owners. For the purposes of this Ordinance, condominium terms shall be defined as follows:

- A. Condominium Act: Shall mean Michigan PA 59 of 1978, as amended.
- B. Condominium Lot: That portion of the land area of a site condominium project designed and intended to function similar to a platted subdivision lot for purposes of determining minimum yard setback

requirements and other requirements set forth in the Dimensional Standards for each district of this Ordinance.

- C. Condominium Subdivision Plan: Drawings and information that show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Condominium, as amended.
- D. Condominium Unit: That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed for the condominium project.
- E. Common Elements: Portions of the condominium project other than the condominium units.
- F. Contractible Condominium: A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- G. Conversion Condominium: A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
- H. Convertible Area: A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- I. Expandable Condominium: A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
- J. General Common Elements: Common elements other than the limited common elements, intended for the common use of all co-owners.
- K. Limited Common Elements: Portions of the common elements reserved in the master deed for the exclusive use of less than all co-owners.
- L. Master Deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan.
- M. Site Condominium Project: A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

Contractors and Building Material Dealers: Establishments primarily engaged in retailing new building material and garden equipment and supplies from a fixed point-of-sale location. May include display equipment designed to handle lumber and related products and garden equipment and supplies kept either indoors or outdoors under covered areas. The staff is usually knowledgeable in the use of the specific products being retailed in the construction, repair, maintenance of the home and associated grounds.

Contractors Yard: A site on which is stored equipment, tools, vehicles, building materials, and other appurtenances used in or associated with building or construction trades. A contractor's yard may include outdoor or indoor storage, or a combination of both.

Cottage Industry: An occupation or trade conducted within a detached residential accessory structure, which is clearly incidental and secondary to the use of the lot, and dwelling for residential purposes.

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.

Cultural Institution: Placeholder for definition.

Curb Cut: The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

Customary Agricultural Operation: Agricultural operations that include general farming, truck gardening, fruit orchards, nursery greenhouses not selling at retail on the premises, and the usual farm buildings.

D. “D” Terms

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.

A. Gross Density: The number of units per acre of total land being developed.

B. Net Density: The number of units per acre of land devoted to residential use.

Designated Industrial: small, quiet operations that do not make loud noises, heavy traffic, or pollution. They include research offices, small craft workshops, and light assembly. Few large delivery trucks or heavy freight vehicles arriving daily. Limited building sizes and smaller plot coverage compared to heavy factories.

Detention Basin: A man-made or natural water collector facility designed to collect surface water in order to impede its flow and to release the water gradually at a rate not greater than that prior to the development of the property, onto natural or man-made outlets. Also referred to as a retention basin.

Development: The construction of a new building, reconstruction of an existing building, or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.

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, that is validated by an easement that is recorded with the Benzie County Register of Deeds that contains provisions for access and maintenance responsibilities for all lots or site condominium units that they provide access to.

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: A passageway of definite width designed primarily for use by motor vehicles over private property, leading from a street or other public way to a garage or parking area. A horseshoe shape drive or a “T” shaped drive located within a front yard is included within this definition.

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. No more than one (1) single family dwelling per lot.
- B. A detached building designed for or occupied exclusively by one family, and complying with the following standards:
 - 1. It complies with the minimum square footage requirements of this Ordinance.
 - 2. 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.

3. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the County Health Department.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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. See also Duplex.

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 constructed off-site after June 15, 1976 , 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, and is manufactured in accordance with the Federal Manufactured Construction and Safety Standards and is so labeled with a Department of Housing and Urban Development (HUD) Certification Label and Data Plate.

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.

Duplex: See Dwelling, Two Family.

E. “E” Terms

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.

Easement to water: The interest in or the ownership or use of property having water frontage on a water resource by the occupants of one or more easement grantee lots.

Educational Institutions: Use of land or a building or buildings as or for an institution not for profit but for the establishment and maintenance of a public or private college, secondary or elementary school or other educational institution for the academic instruction not including organizations that specialize in physical training or development of physical or manipulative skills, or for-profit schools.

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.

EGLE: The State of Michigan Department of Environment, Great Lakes, and Energy, or any State of Michigan Department or Agency subsequently formed that fulfills the purpose of this Department.

Engineer, Township: The person or firm authorized by the Township to advise the Supervisor, Township Board, and Planning Commission on drainage, grading, paving, storm water management and control, utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or an employee of the Township.

Enforcement Official: The Enforcement Official is the person or persons with the responsibility for enforcing and administering requirements of applicable Sections of this Ordinance. The Enforcement Official’s responsibilities may be delegated to the Zoning Administrator or other appropriate party so designated by the Township Board. Such titles do not refer to a specific individual, but generally to the office, department, or Township official(s) most commonly associated with the administration of the regulation being referenced.

Environmentally Sensitive Area: Environmentally Sensitive areas regulated by this ordinance include the Shoreline Protection Area, the Steep Slopes Overlay, and a Ridge Line.

Equipment Rental Establishments: An establishment providing the rental of tools, lawn and garden equipment, construction equipment, party supplies and similar goods and equipment, including storage and incidental maintenance.

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.

Extractive Industry: The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term also includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the extraction site or as a part of the extractive activity.

F. “F” Terms

FAA: Means the Federal Aviation Administration.

Façade: That portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

Family:

- A. 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
- B. 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.

Farm: All of the contiguous neighboring or associated land operated as a single unit on which bona fide agriculture is carried on directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees.

Farm Market: A market operated as a part of a farming business, selling farm products produced on the proprietor’s farm, as well as a limited number of household convenience goods.

Farm Products: Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry

and poultry products, cervidae, livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur, as determined by the Michigan commission of agriculture, or as defined with revisions under the Michigan Right to Farm Act (PA 93 of 1981).

FCC: Means the Federal Communications Commission.

Fill: The deposit or dumping of any matter onto or into the ground, except for common household gardening, farming, and general ground care.

Financial Services: Any trust company, savings bank, industrial bank, savings and loan association, building and loan association, commercial bank, credit union, federal association, investment company, or other business association, which is chartered under federal or state law, solicits, receives, or accepts money or its equivalent on deposit and loans money as a regular business.

Floor Area, Gross: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage and summing the total square footage.

Floor Area, Ground: The lot area covered by a building or buildings measured from the exterior faces of exterior walls but excluding decks and terraces and detached accessory buildings.

Floor Area, Usable: The gross horizontal floor areas of all the floors of a building or structure and of all accessory buildings that have the potential to become usable for human habitation measured from the interior face of the exterior walls. Such floor area that is used or intended to be used principally for dedicated storage, mechanical equipment rooms, unfinished attics, enclosed porches, light and ventilation shafts, public corridors, public stairwells, utility rooms or restrooms shall be excluded from the computation of usable floor area.

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.

Footprint: The ground area a structure covers.

Forestry Uses: Activities related to the harvesting, reforestation, and other management activities, including, but not limited to, thinning, pest control, fertilization, and wildlife management, that are consistent with principles of sustainable forestry, or as defined with revisions under the Michigan Right to Forest Act (PA 676 of 2002).

Foster Child: A child unrelated to a family by blood or adoption with which he or she lives for the purposes of care and/or education.

Frontage: The portion of any property that abuts a private or public street or a waterway. A corner lot and a through lot have frontage on both abutting private or public streets or a waterway and a street.

Funeral Home: An establishment where the dead are prepared for burial or cremation and where wakes or funerals may be held. May also be referred to as a mortuary.

G. “G” Terms

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.

Golf Course: A facility other than a miniature golf course for the playing of golf at which there may be a clubhouse including rest rooms and locker rooms, maintenance structures, driving range, practice facilities, instruction, and training center. A golf facility may provide additional services customarily furnished such as swimming, outdoor recreation, and related retail sales that may include a restaurant and cocktail lounge if approved as a part of the required special use permit.

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.

Grade: The ground elevation established for regulating the number of stories and the height of a buildings or structures. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the structure.

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

H. “H” Terms

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

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.

Height of Building: See Building Height.

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.

Hospital: An institution that is licensed by the State of Michigan to provide in-patient and outpatient medical and surgical services for the sick and injured, and that may include such related facilities as laboratories, medical testing services, training facilities, central service facilities, and staff offices, staff dormitories, or other staff living accommodations, cafeterias and gift shops.

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.

I. “I” Terms

Impervious Coverage: The part or percentage of the lot that is occupied by all buildings and/ or structures, and impervious surfaces. The percentage is determined by dividing the sum of the ground floor area of all buildings and structures on a lot and impervious surfaces by the net lot area minus any area located within an environmentally sensitive area. **Impervious Surface:** Any hard, man-made, or heavily compacted material or area that prevents or significantly restricts the infiltration of rainwater and snowmelt into the underlying soil. This includes, but is not limited to, pavement, concrete, asphalt, hard-packed gravel, rooftops and other structures, driveways, parking lots, and compacted soil surfaces that have lost their natural permeability.

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.

Industrial - Designated: small, quiet operations that do not make loud noises, heavy traffic, or pollution. They include research offices, small craft workshops, and light assembly. Few large delivery trucks or heavy freight vehicles arriving daily. Limited building sizes and smaller plot coverage compared to heavy factories.

Ingress And Egress: As used in this Ordinance, “ingress and egress” generally is used in reference to a driveway that allows vehicles to enter or leave a parcel of property, or to a sidewalk that allows pedestrians to enter or leave a parcel of property, a building, or another location.

Institutional Uses: Churches or similar places of worship and related uses, educational uses and public buildings.

J. “J” Terms

Junk: Any motor vehicles, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition that prevents their use for the purpose for which the product was manufactured.

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.

K. “K” Terms

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.

L. “L” Terms

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.

Library: A public, nonprofit facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility, but are not normally offered for sale, and may include community gathering space.

Light Pollution: Any adverse effect of manmade light including, but not limited to light trespass, up-lighting, the uncomfortable distraction to the eye or any manmade light that diminishes the ability to view the night sky.

Light Trespass: Light falling where it is not wanted or needed, generally caused by a light on a property that shines onto the property of others.

Lighting Plan: A plan used for an approval process indicating all site improvements and the number, locations, type and design of all luminaries and the manufactures data on the luminaries.

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.

Loading Space: A space that is safely and conveniently located on the same lot as the building being served, or group of buildings, for the temporary parking of delivery vehicles while loading and unloading merchandise or materials.

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, or shall have frontage on, or approved access on, a private road that is approved according to the standards for private roads under Article 2, section 2.## of this ordinance, or shall have frontage on a private drive that is approved according to the standards for private drives under Article 2, section 2.## of this ordinance. 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. A lot may consist of any of the following:

- A. Single lot of record.
- B. Portion of a lot of record

- C. Combination of lots of record, or portion(s) thereof.
- D. Condominium lot.
- E. Parcel or tract of land described by metes and bounds.

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 Area, Gross: The net lot area plus one-half (1/2) of the area of any public right-of-way area or private road easement immediately adjacent to or abutting the lot.

Lot Area, Net: The total horizontal area within the lot lines of the lot, exclusive of any abutting public street right-of-way or private road easements, or the area of any lake or river. The net lot area shall be used in determining compliance with minimum lot area standards. When land is divided by a public or private road easement, net lot area shall only include the portion of the lot on the same side of the road.

Lot, Contiguous: Lots adjoining or abutting each other. Lots separated by a right-of-way, road easement or natural or man-made barrier shall not be considered contiguous.

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 or a through lot.

Lot Line: See “Property Line”.

Lot Line, Front: In the case of an interior lot, is that line separating said lot from the public or private right of way. In the case of a corner, or double frontage lot, is that line separating said lot from the road that is designated as the front on the plat, or that is designated as the front of the site plan review application or request for a zoning permit, subject to approval by the Planning Commission or Zoning Administrator. On a flag lot, the front lot line shall be the interior lot line parallel to and nearest the street from which access is obtained.

Lot Line, Rear: That lot line opposite and most distant from the front lot line. In the case of irregular, triangular, wedge-shaped or a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot. In cases in which the rear lot line definition cannot be easily applied, the Zoning Administrator shall designate the rear lot line. A corner lot shall not have a rear line.

Lot Line, Side: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots in an interior side lot line.

In cases in which the side lot line definition cannot be easily applied, the Zoning Administrator shall designate the side lot line(s).

Lot line, Water Front: The ordinary high water mark of surface water or watercourses or boundary line of a wetland area (as defined by Section 307 of 1994 P. A. 451).

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, Through Or Lot, Double Frontage: Any interior lot having frontage on two more or less parallel streets or a waterway and street(s) as distinguished from a corner lot. In the case of a row of double frontage lots, one (1) street shall be designated as the front lot line for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one (1) or more of the streets or waterway, the required minimum front yard setback shall be observed on the street or waterway where buildings presently front.

Lot, Waterfront: A lot that has water frontage on a water body.

Lot Width: The straight-line distance between the side lot lines, measured at the two points where the front yard setback line intersects the side lot lines.

Lot Width, Minimum. The minimum allowed contiguous distance between the side lot lines. Minimum lot width shall be maintained throughout the entire parcels.

Lot Width/Depth Ratio: The ratio of a lot's width against its depth, which for newly created lots shall not exceed four (4) times the width in depth in accordance with the Michigan Land Division Act (PA 288 of 1967), as periodically amended.

Low Impact Development (LID) Stormwater Management: LID includes a variety of practices that mimic or preserve natural drainage processes to manage stormwater. LID practices typically retain rain water and encourage it to soak into the ground rather than allowing it to run off into ditches and storm drains where it would otherwise contribute to flooding and pollution problems. Examples include, but are not limited to rain gardens, rooftop gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and filtered stormwater structures.

Luminaire: Complete lighting system consisting of a lamp or lamps together, with the parts, fixtures and wiring, designed to distribute light, to position and protect the lamps and to connect the lamps to the power supply.

M. "M" Terms

Main Access Drive: Any private street designed to provide access from a public street or road to a mobile home park, apartment or condominium complex, or other private property development.

Manufactured Home: See "Dwelling, Mobile Home."

Manufactured Home Development: See “Mobile Home Park”.

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; provided however, a mass gathering shall not include an outdoor event of any size that is sponsored by a public school recognized as such by the State of Michigan, or sponsored by local government.

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.

MDNR: The Michigan Department of Natural Resources

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.

Metes and Bounds Land 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 1 year, or of building development that results in 1 or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of sections 108 and 109 of the State of Michigan Land Division Act (PA 288 of 1967), as amended. Metes and bounds land division does not involve dividing land as a platted subdivision, site condominium, or condominium. Metes and Bounds Land Division does not include a property transfer between 2 or more adjacent parcels, if the property taken from 1 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 this act or the requirements of an applicable local ordinance.

Mezzanine: An intermediate floor or levels between the floor and the ceiling of any story with an aggregate floor area of not more than one-third (1/3) of the floor area of such story in which the level or levels are located.

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 if 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.

Modular Home: A factory-built home constructed off-site after 1971 and transportable in one or more Sections. A modular home is designed and constructed to the State's building code standards for stick-built homes and is so labeled with a Factory Built Unit Certification tag. Modular homes may be towed on-site with or without a chassis that is not structurally a part of the dwelling, and which may or may not remain after installation on a permanent perimeter foundation constructed of block or poured concrete. Individual components, or modules, of a modular home may be placed end-to-end, side-by-side, or stacked. For the purpose of this Ordinance, modular homes shall be allowed in any residential zoning district, subject to all other applicable standards. Also known as a factory built home.

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

Mowing and Bagging: The process of using a lawn mower to cut the grass or ground vegetation in a way which allows the cuttings to be removed for deposition elsewhere.

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.

Municipality: Lake Township, Benzie County, Michigan.

N. "N" Terms

Natural Features: Natural features shall include soils, wetlands, floodplain, water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

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.

Nonresidential Zoning District: A zoning district primarily established for land uses other than dwellings.

Non-Point Source Pollution: General storm water runoff from impervious surfaces and sediment from urban, agriculture and forestry sources, as well as subterranean water influx to a waterbody.

Normal High Water Mark: See Water Mark.

Nuisance: Any offensive, annoying, or disturbing practice or object, that prevents the free use of one's property, or that renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts that give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

Nursing Home: A home for the care of the aged, infirm, or those suffering from bodily disorders, wherein two (2) or more persons are housed or lodged and furnished with nursing care. Such facilities are licensed in accordance with PA 139 of 1956, as amended.

O. "O" Terms

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.

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

Organic Beach Debris: Organic matter that washes up on the shoreline. To include but not be limited to leaves, aquatic plants, chara, filamental algae, dead fish, dead animals and shoreline vegetation that has broken loose and washed up, etc.

Outside Sales & Display: The outdoor standing or placement of immediately usable goods that are available for sale, lease, or rental and that are displayed in such manner as to be readily accessible for inspection and removal by the potential customer.

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

Outdoor Wood Burning Furnace: Also known as an outdoor wood-fired boiler, outdoor wood- burning appliance, or hydronic heater, means a fuel-burning device that is designed to burn clean wood or other approved solid fuels and is not located within a building intended for habitation by humans or domestic animals, and heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

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

P. “P” Terms

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.

Parking Lot, Off-Street: An area within a lot or parcel that provides vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than three (3) vehicles.

Parking Space: An area of definite length and width. Said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

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.

Performance Guarantee: A financial guarantee to ensure that specific improvements, facilities, construction, or activities required or authorized by this Ordinance will be completed in compliance with the Ordinance, regulations, and/or approved plans and specifications of the development.

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

Permit, Zoning: See Land Use Permit.

Permitted Use: A permitted use is a use that may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district and this Ordinance.

Person: An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

Personal Service Establishment: A commercial use offering technical or specialized services. Examples include law offices, insurance agencies, engineering services, small electronics repair, real estate brokerages, retail dry cleaning establishments, aerobics, dance and similar studios, nail salons, and hair salons.

Pervious Surface: A surface that permits full or partial absorption of storm water.

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

Phosphate Containing Fertilizer: Any fertilizer of any type that contains phosphorus.

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): Means a specific parcel of land or several contiguous parcels of land, for which a comprehensive physical plan meeting the requirements of this Ordinance, establishing functional use areas, density patterns, a fixed network of streets (where necessary), provisions for public utilities, drainage and other essential services has been approved by the Township Board which has been, is being, or will be developed under the approved plan.

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.

Platte Lakes Area: The Platte Lakes Area is defined as the property immediately surrounding the Platte Lakes. Boundaries may vary due to slopes and permeability of the soils; the greater of either increases the distance of the boundary from the water's edge.

Planning Commission: The Planning Commission of Lake Township, Benzie County, Michigan as designated in the Michigan Planning Enabling Act, PA 33 of 2008.

Plot Plan: A plan that is prepared according to requirements stated in this Ordinance, containing information required for such a plan. A plot plan is less detailed than a formal site plan. A plot plan is generally used for discussion or conceptual purposes in advance of a formal site plan submission. A plot plan does not substitute for a formal site plan. See also "Sketch Plan".

Principal Building: A building in which is conducted the principal use of the lot upon which it is situated.

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

Privacy Screen: An artificially constructed barrier of wood, wire, metal or any other material or combination of materials, commonly used in fence construction. A privacy screen is intended to screen a selected use or area in a private residential yard.

Private Road: See “Road, Private”.

Property Line: The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from the parcels next to it. See also Lot Line.

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.

Protected Root Zone: The area surrounding the trunk of a tree established with a radius of one and a half (1.5) feet for every one (1) inch caliper of trunk where to grading, cutting, storing or materials, or moving of machinery may occur.

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.

Public Use: Basic services usually furnished by local government, but which also may be provided by private enterprise to support the development of the community. Public uses may be categorized as one of the following:

- A. Critical: Such as, but not limited to fire station, ambulance services, police station, etc., and associated facilities.
- B. Essential: The erection, construction, alteration, or maintenance by public utilities or municipal or governmental agencies of underground or overhead gas, electrical, steam, communications, supply, or disposal systems including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety, or general welfare.
- C. Supporting: Public uses such as, but not limited to, Township hall, library, park, athletic fields, public recreational facility, open space, civic center, community center, official government offices, authority office, post office, special events authorized by the Township, etc., and associated facilities.

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.

Q. “Q” Terms

Qualified Residential treatment Program: Subject to section 1 of 1973 PA 116, MCL 722.111, a qualified residential treatment program means a program within a child caring institution to which all of the following apply:

- A. The program has a trauma-informed treatment model, evidenced by the inclusion of trauma awareness, knowledge, and skills into the program's culture, practices, and policies.
- B. The program has registered or licensed nursing and other licensed clinical staff on-site or available 24 hours a day, 7 days a week, who provide care in the scope of their practice as provided in parts 170, 172, 181, 182, 182A, and 185 of the public health code, 1978 PA 368, MCL 333.17001 to 333.17097, 333.17201 to 333.17242, 333.18101 to 333.18117, 333.18201 to 333.18237, 333.18251 to 333.18267, and 333.18501 to 333.18518.
- C. The program integrates families into treatment, including maintaining sibling connections.
- D. (iv) The program provides aftercare services for at least 6 months post discharge.
- E. The program is accredited by an independent not-for-profit organization as described in 42 USC 672(k)(4)(G).
- F. The program does not include a detention facility, forestry camp, training school, or other facility operated primarily for detaining minor children who are determined to be delinquent.

R. “R” Terms

Recreational Facility, Private Non-Commercial or Recreational Facility, Compatible 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.

Removal of Vegetation: Includes, but is not limited to, the cutting, pruning, pulling, digging out, chemical treatment, etc. such that a sufficient amount of the plant and/or related root structure are removed/destroyed such that the plant will no longer continue to grow and bare soil is exposed.

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.

Residential Use: A use intended to provide one or more dwellings and may include allowed accessory uses and structures.

Residential Zoning District: A zoning district primarily established for dwellings as a land use. Residential zoning districts shall include those zoned L/R, R-1, and R-2 zoning districts.

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.

Restaurant: An establishment in which the principal use is the preparation and sale of food and beverages. The food and beverage may be consumed on-site, carried out, or offered for delivery. Restaurants may include the sale of prepared food and beverages to other establishments for resale or consumption.

Retail Sales Establishment: A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

Ridgeline: A “ridge line” shall be defined as a line at which a critical slope area breaks to a slope of less than eight (8) percent for a distance of at least twenty (20) feet. A “critical slope area” shall be defined as all slopes facing a Lake with the Township that has a significant portion of their grade being twelve (12) percent or greater for a distance of at least one hundred (100) feet. A “unique view shed” shall be defined as the area visible from public roads, public parks, public trails, navigable waters, and other publicly accessible locations where the scenic character of the landscape is intended to be preserved.

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.

Road Types:

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.

Collector Road: A street whose principal function is to carry traffic between local streets and arterial streets but may also provide direct access to abutting properties.

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, Private: Any road that is to be privately maintained and has not been accepted for maintenance by Benzie County, the State of Michigan, the federal government, or any other governmental unit, but that meets the requirements of this Ordinance or has been approved as a private road by the Township under any prior ordinance.

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 structure for the display and sale of agricultural products, without space for customers within the structure itself.

Roof-Mounted Solar Installation: A private system installed as an accessory structure on the roof of a building that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.

S. “S” Terms

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. 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.
- B. 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.
- C. “Dish” shall mean that part of a satellite signal receiving antenna characteristically shaped like a saucer or a dish.
- D. “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.
- E. “Receiver” shall mean a television set or radio receiver.

Seawall: A structure that is constructed to break the force of waves and retain soil for the purpose of shore protection.

Sediment: Solid particulate matter, mineral or organic that has been deposited in water, is in suspension, or being transported by water, or has been removed from its site of origin by the process of soil erosion whether natural or induced.

Setback: The horizontal distance between a front, side or rear lot line and the nearest supporting member of a structure on the lot. The minimum required setback is the minimum distance between a front, side or rear lot line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of this Ordinance.

Setback, Water: The required distance from a structure to the ordinary high water mark of any water body, stream bank, or wetland.

Setback Lines: Line(s) established parallel to a lot line and along a highway right-of-way 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 business or commercial enterprise engaging in any of the following, or other similar uses:

- A. Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
- B. Adult Bookstore or Adult Video Store: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:
 - 1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
 - 2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.
 - 3. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies twenty five (25%) percent or more of the floor area or visible inventory within the establishment.
- C. Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:
 - 1. Persons who appear in a state of nudity;
 - 2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
 - 3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or

4. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.
- D. Adult Motel: A hotel, motel, or similar commercial establishment that: Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
 1. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 2. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- E. Adult Motion Picture Theater: A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- F. Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
- G. Nude Model Studio: Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.
- H. Nudity Or A State Of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:
 1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
 2. Material as defined in Section 2 of Act No. 343 of the PAs of 1984, being Section 752.362 of the Michigan Compiled Laws.
 3. Sexually explicit visual material as defined in Section 3 of PA 33 of 1978, being Section 722.673 of the Michigan Compiled Laws.
 - a. Specified Anatomical Areas: Means and includes any of the following:
 1. Less than completely and opaquely covered: Human genitals
 - a. Pubic region
 - b. Buttocks

- c. Female breast below a point immediately above the top of the areola.
 - d. Human male genitals in a discernible turgid state even if completely or opaquely covered.
- b. Specified Sexual Activities: Means and includes any of the following:
- 1. Human genitals in a state of sexual arousal.
 - 2. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio or cunnilingus.
 - 3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
 - 4. Excretory functions as part of or in connection with any of the activities set forth in 1) - 3) above.

Shielding: Devices or techniques that are used as part of a luminaire or lamp to limit glare, light trespass and light pollution.

Shoreline Protection Strip: The Shoreline Protection Strip is defined as the area within 35 feet of the ordinary high water mark of any subject water body.

Short-term Rental: A Dwelling unit that is available to rent or sublet for periods of less than 30 days.

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

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.

Sign Types:

Abandoned Sign: A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least 180 days, in the case of billboard signs, or at least 360 days in the case of all other signs.

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.

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:

- A. 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.
- B. 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.
- C. 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”.
- D. 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.
- E. Sketch Plan, Site Condominium: A pre-preliminary plat or residential site plan.

Sketch Plan: See “Plot Plan”.

Slope: A portion of land that has either an upward or downward inclination.

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

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

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.

Solar Installations, Free-Standing or Ground-Mounted: A private system installed as an accessory structure on the ground of a parcel that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.

Solar Energy System, Small-Scale: A Solar Energy System used exclusively for private purposes and not utilized for any commercial resale of any energy, except for the sale of surplus electrical energy back to the electrical grid.

Solar Energy System, Utility: Solar Energy Systems supported or integrated into a purpose-built structure that does not meet the definition of “building” and where there is no principal use of the property other than the Solar Energy System.

Special Event: An occurrence or noteworthy happening of seasonal, civic, or religious importance, that is organized and sponsored by a non-profit community group, congregation, organization, club or society, and that offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a defined short period (less than two (2) weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

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 part of a building included between the surface of one floor and the surface of the next floor or the roof next above it. A story shall not include a basement, uninhabitable attic or mezzanine as defined herein. (Graphic here).

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.

Stream: Any natural flow of water, which has a defined bank and bottom, whether it be continuous or intermittent.

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.

Structure: Anything constructed or erected, whether temporary or permanent, the use of which requires location on the ground or attachment to something having location on the ground. Structures include, but

are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, tents, greenhouses, sheds, antennae, swimming pools, and signs.

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 Plat: The division of a tract of land for the purpose of sale or building development, in accordance with the Land Division Act, PA 288 of 1967, as amended, and the Municipal land division regulations.

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 or container designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

T. “T” Terms

Temporary Use of Building: A use or zoning permitted to exist for a limited period under conditions and procedures provided for in this Ordinance.

Thoroughfare: See Road.

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, Guyed: A wireless communications support structure, which consists of metal crossed strips or bars and is steadied by wire guys in a radial pattern around the tower.

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, Lattice: A wireless communications support structure, which consists of metal crossed strips or bars to support antennas and related equipment.

Tower, Monopole: A vertical support structure consisting of a single vertical metal, concrete or wooden pole, typically round or square and driven into the ground or attached to a foundation.

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: The Board of Trustees of Lake Township, Benzie County, Michigan.

Township Planner: The Township Planner is the person or firm designated by the Township Board and Planning Commission to advise the Township on planning, zoning, land use, housing, and other related planning and development issues. The Township Planner may be a consultant or an employee of the Township.

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.

U. “U” Terms

Unique View Shed: The area visible from public roads, public parks, public trails, navigable waters, and other publicly accessible locations where the scenic character of the landscape is intended to be preserved.

Upland: The land area that lies above the ordinary high water mark or wetland.

Usable Floor Area: See Floor Area, Usable.

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

Utility Pole: Means a pole or similar structure that is or may be used in whole or in part for cable or wireline communications service, electric distribution, lighting, traffic control, signage, or a similar function, or a pole

or similar structure that meets the height requirements and is designed to support small cell wireless facilities. Utility pole does not include a sign pole less than fifteen (15) feet in height above ground.

V. “V” Terms

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.

Vehicle: See Automobile

Veterinary Clinic: A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

View Shed, Unique: The area visible from public roads, public parks, public trails, navigable waters, and other publicly accessible locations where the scenic character of the landscape is intended to be preserved.

W. “W” Terms

Wall: An upright structure, typically constructed of wood, masonry, or stone materials, that encloses, divides, or protects an area.

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

Warehousing: The use of a building or land primarily for the storage of goods and materials, not including self-storage facilities.

Waterbody: Any natural or artificial inland lake or stream, all being water resources.

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.

Watercraft, Personal: A registered motorized vessel or floating craft specifically designed to carry astraddle not more than four (4) passengers. For purposes of determining the number of watercraft permitted under this Ordinance, a personal watercraft shall be considered as one-half of a watercraft. 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 Frontage: The straight-line horizontal distance measured between the two most widely separated points along the water front line.

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”.

A. WECS shall mean a combination of:

1. A surface area, either variable or fixed, for utilizing the wind for electrical powers; and
2. 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
3. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
4. The tower, pylon or other structure upon which any, all, or some combination of the above are mounted.

B. 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
- C. 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.
1. 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.
 2. 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.
 3. Tower Height:
 - a. 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;
 - b. Vertical Axis Wind Turbine: The distance between the ground and the highest point of the WECS.
 4. 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.
 5. 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 circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh. Additionally, any area that has the presence of saturated hydrological

conditions during ten percent (10%) of the growing season and a dominant presence of hydrophilic vegetation or hydric soils.

Wildlife Habitats: Areas of environment upon which wildlife depend for survival as self-sustaining populations in the wild, including land and water needed for cover, protection or food supply.

Wind Turbine Generators: An alternate energy device which converts wind energy by means of a rotor to mechanical or electrical energy. A wind generator may also be deemed a windmill.

Wireless Communication Equipment: The set of equipment and network components used in the provision of wireless communication services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, coaxial and fiber optic cables, but excluding wireless communications support structures.

Wireless Communication Facilities: 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.

Wireless Support Structure: Means a freestanding structure designed to support or capable of supporting small cell wireless facilities. Wireless support structure does not include a utility pole.

Wireless Communication Support Structure - Tower: Any wireless telecommunication facility erected or modified to support attached wireless telecommunication facilities, or other antennae or facilities, including supporting lines, cables, wires, braces and masts intended primarily for the purpose of mounting an attached wireless telecommunication facility or similar apparatus above grade. This includes, but is not limited to, any ground or roof-mounted pole, monopole, lattice tower, light pole, utility pole, wood pole, guyed wire tower, spire, other similar structure or combination thereof, or other structures that appear to be something other than a mere support structure.

Wood Burning Furnace, Outdoor: “Outdoor wood furnace” also known as an outdoor wood-fired boiler, outdoor wood-burning appliance, or hydronic heater, means a fuel-burning device that is designed to burn clean wood or other approved solid fuels and is not located within a building intended for habitation by humans or domestic animals, and heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

X. “X” Terms

Y. “Y” Terms

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.

Yard, Waterside: The open space extending across the full width of a lot between the building line and the ordinary high water mark of any water resource and measured perpendicular to the building at the closest point to the ordinary high water mark. This shall be the rear of the yard for a water front lot.

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.

Z. “Z” Terms

Zoning Administrator: The Township official(s) authorized to administer the Zoning Ordinance on a day-to-day basis, including but not limited to processing applications, granting ministerial approvals, maintaining the records of Planning Commission actions, sending notices of public hearings, and similar work.

Zoning Board Of Appeals: The Body appointed pursuant to the provisions of Michigan Zoning Enabling Act, PA 110 of 2006, as amended, to serve as the Zoning Board of Appeals for Lake Township.

Zoning District: A portion of the incorporated area of the Township within which on a uniform basis, certain uses of land and buildings are permitted and within which certain yards, open spaces, lot areas, and other requirements are established under the provisions of this Ordinance.

Zoning Ordinance: The Lake Township Zoning 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)