

Zoning Ordinance

*Lake Township*

Huron County, Michigan

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## **Title, Purpose and Objectives**

Lake Township hereby ordains these regulations for the use of land and structures within the township.

### **SECTION 101. SHORT TITLE**

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

### **SECTION 102. PURPOSE AND OBJECTIVES**

This Zoning Ordinance is based on the adopted Lake Township Master Plan and any amendments to the Master Plan addressing future development patterns and development goals. This Ordinance is intended to implement the Master Plan by regulating the use of land, buildings and structures to promote the public health, safety and general welfare by accomplishing the following:

- A. Establishment of zoning districts and uniform regulations applicable to each district governing the use of the land and dimensions for building and site development with such minimum regulations as are deemed necessary to carry out the provisions of this Ordinance.
- B. Accommodate and promote land uses which are compatible with the Township’s character and conserve the property values and stability of prime farmlands, rural residential areas, residential neighborhoods, conservation/recreation areas, residential/business districts and general business districts.
- C. Encourage use of the lands and natural resources in accordance with their character and capability, thus preserving the sensitive and important environmental features in the Township, such as wetlands, lakes, prime farmland, topography, open space, mature vegetation and wildlife habitat. The Ordinance acknowledges the importance of these features on the long-term economic climate of all uses in the Township and the overall quality of life for Township residents.

## **LAKE TOWNSHIP ZONING ORDINANCE**

- D. Limit or prohibit improper use of land.
- E. Reduce hazards to life and property.
- F. Balance the Township's right to compatible and quality development with the property owners' right to a reasonable rate of return on investment.
- G. Provide property owners with reasonable, though not always direct, access to property.
- H. Establish controls over potential conflicting land uses and uses which may need special regulations as Special Land Uses to be compatible with surrounding development patterns and zoning.
- I. Promote the gradual elimination of uses, buildings and structures which do not conform to the regulations and standards of this Ordinance.
- J. Provide for administering this Ordinance, including resolving conflicts with other ordinances, collection of fees, procedures for petitions, hearings and appeals; and to provide for any other matters authorized by the Rural Township Zoning Act.

### **SECTION 103. INTERPRETATION**

Where this Ordinance imposes a greater restriction upon the use of land or buildings than is imposed by other laws or ordinance, or by rules, regulations, permits, easements, covenants or agreements that may be in force, the provision of this Ordinance shall control. Where provisions of any other Ordinance or Regulation of Lake Township impose stricter requirements for the use of land or buildings, the provisions of the other Ordinance or regulation shall govern.

### **SECTION 104. ADMINISTRATIVE LIABILITY**

No officer, agent, employee, or member of the Planning Commission, Township Board, or Board of Appeals shall render himself personally liable for any damage that may accrue to any person as the result of any act, decision or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

### **SECTION 105. SEVERABILITY**

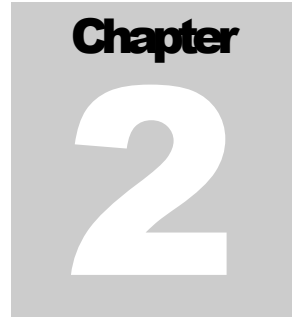
It is the legislative intent that this Ordinance be liberally construed and should any provision or section of this Ordinance be held unconstitutional or invalid, such ruling shall not affect the validity of the remaining portions of the Ordinance. It is intended that this Ordinance shall stand, notwithstanding the invalidity of any part thereof.

**SECTION 106. REPEAL**

The existing zoning regulations of Lake Township as amended are hereby repealed. However, said repeal shall not abate any action now pending review under or by virtue of the ordinance herein repealed. Nor shall said repeal discontinue, abate, modify, or alter any penalty accrued or to occur. Nor shall it affect the rights of any person, firm, or corporation. Nor shall said repeal waive any right of the Township under any section or provision of the Ordinance hereunder repealed that was existing at the time of the passage and effective date of this Ordinance.

**SECTION 107. EFFECTIVE DATE**

This Ordinance shall take effect upon January 5, 2007, seven days following publication of notice of adoption in the Huron Daily Tribune on December 29, 2006, pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006.



## **Definitions**

### **SECTION 201. RULES APPLYING TO THE TEXT**

For the purpose of this Chapter the terms and words herein are defined as follows:

Terms not herein defined shall have the meaning customarily assigned to them. For the purpose of this Ordinance, certain rules of construction apply to the Text as follows:

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

The word "person" includes a corporation or firm as well as an individual.

The word "structure" includes the word "building."

The word "lot" includes the words "plot," "tract," or "parcel."

The terms "shall" is always mandatory and not discretionary; the words "may" is permissive.

The words "used" or occupied" as applied to any land or structure shall be construed to include the words "intend, arranged or designed to be used to occupied."

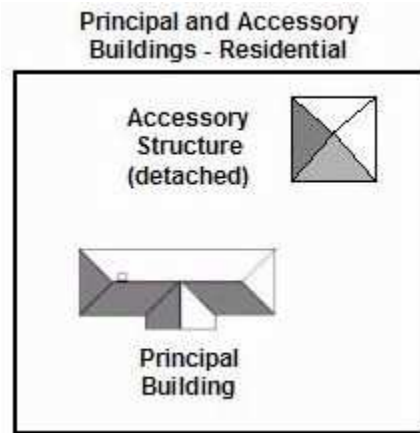
Any word or term not herein defined shall be used with a meaning of common standard use.

The term "he" shall be read as he, she, or they.

### **SECTION 202. DEFINITIONS**

**ACCESSORY BUILDING:** A subordinate building, the use of which is incidental to that of the main building, and which is located on the same parcel of property as the main building.

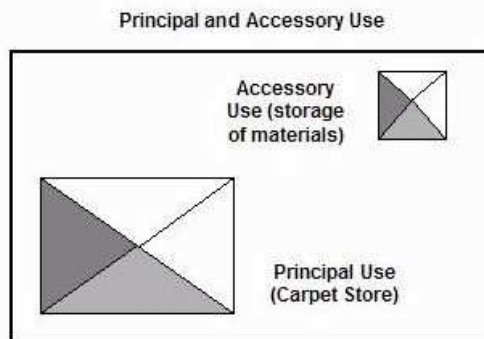
**LAKE TOWNSHIP ZONING ORDINANCE**



**ACCESSORY BUILDING, ATTACHED:** A building accessory to the main building, which is physically attached to the main building.

**ACCESSORY BUILDING, DETACHED:** A building accessory to the main building which is not attached and completely separate from the main building.

**ACCESSORY USE:** A use of land or a portion of the building customarily incidental and subordinate to the actual principal use of the land or building and located on the same parcel of property with such principal use of the land or building.



**AGRICULTURE:** Farms and general farming, including horticulture, floriculture, dairying, livestock or poultry raising, farm forestry and other similar enterprises or uses, but no farms shall be operated for the disposal of garbage, sewage, rubbish, offal, or as rendering plant or for the slaughtering of animals, except such animals as have been raised on the premises and for the use and consumption of persons residing on those premises.

**ALTERATIONS:** Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders; any change in the location of a building; or any change which may be referred to herein as “altered” or “reconstructed”.

**ANIMAL FARM:** Any farm with a sufficient number of animals on the premises to equal or exceed a total of twenty (20) “Animal Units”, as defined below. It is characterized by the confinement of livestock or poultry where the confinement area has accumulated manure that must be removed, or where a sustained ground cover (crops, vegetation, forage growth or post harvest residue) cannot be maintained over the normal growing season throughout the area where animals are confined.

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**ANIMAL UNITS.** Measure of the relative volume of waste material produced by various types of animals. The Michigan Department of Natural Resources has defined the following standards to be equal to twenty (20) animal units: twenty (20) slaughter or feed cattle, fourteen (14) mature dairy cattle (whether milked or dry), fifty (50) swine each weighing fifty-five (55) pounds or more, ten (10) horses, two hundred (200) sheep or lambs, one thousand one hundred (1100) turkeys, two thousand (2000) laying hens or broilers in a facility having a continuous overflow watering system, six hundred (600) laying hens or broilers in a facility having a liquid manure system, or one hundred (100) ducks or geese. All other animal classes or types not listed here but contained in the Michigan Right to Farm Act or described in the Michigan Commission of Agriculture Policy shall be calculated at one thousand (1,000) pounds live weight equals one (1) animal unit.

**APARTMENT:** A room or suite of rooms in a multiple-family dwelling used as a dwelling for one family which does its cooking therein.

**APARTMENT HOUSE:** A residential structure containing three (3) or more attached apartments.

**ARCHITECTURAL FEATURES:** Features of a building including cornices, eaves, overhangs, gutters, belt courses, columns, sills, lintels, chimneys and decorative ornaments that enhances the appearance of the building.

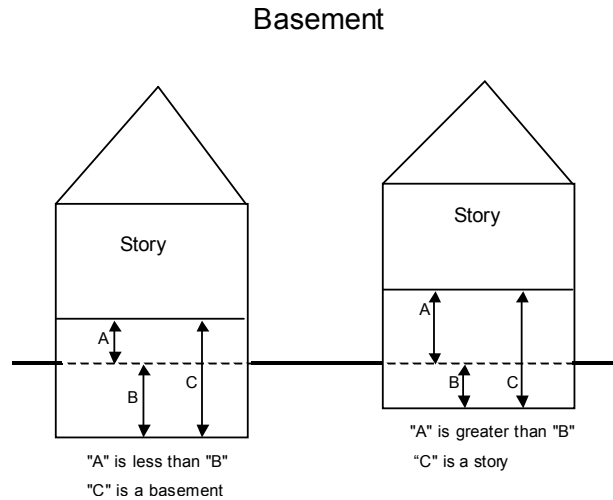
**AUTOMOBILE REPAIR:** General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles including collision service, such as body, frame, or fender straightening and repair, painting, vehicle rust-proofing and any related activities.

**AUTOMOBILE SERVICE STATION:** A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats. It may include the customary space and facilities for the installation of such commodities on or in such vehicles, and space for facilities for temporary storage, minor repair, or major repairs and overhauling, steam cleaning, rust-proofing, where the primary use of the premises is such, or high-speed washing thereof, or sales of used cars, used trucks, new trucks, motorcycles or other land vehicle type, or sales unrelated to service station use.

**AUTOMOBILE WASH ESTABLISHMENT:** A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

## LAKE TOWNSHIP ZONING ORDINANCE

**BASEMENT:** That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling.



**BED AND BREAKFAST:** See "Tourist Home" definition.

**BEDROOM:** A room in a dwelling unit for or intended to be used for sleeping purposes by human beings.

**BENCH MARK:** A point of reference used by a surveyor.

**BILLBOARD:** A freestanding off premise outdoor sign which advertises something not located on the immediate premises. Billboards shall be located only on State Highways in general business districts.

**BLOCK:** A tract of land bounded on all sides by streets, a railroad right-of-way, a waterway, unsubdivided acreage, or any other barrier to the continuity of development.

**BOARDING HOUSE:** A dwelling where meals, or lodging and meals, are provided for compensation to three (3) or more persons by pre-arrangement for definite periods of not less than one (1) week. A boarding house is to be distinguished from a hotel, motel, rooming house, tourist home, a convalescent or nursing home, or a state licensed or state approved residential facility.

**BREEZEWAY:** A covered attachment between a house and a garage.

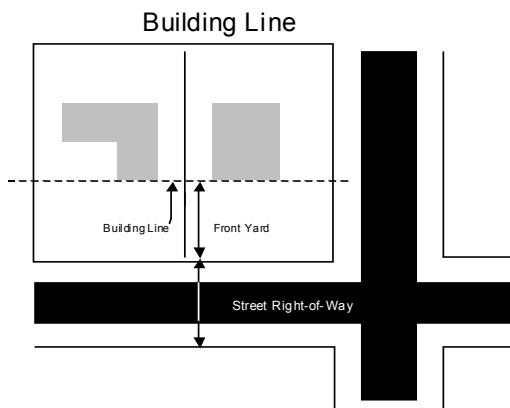
**BUFFER:** An area, typically found at the perimeter of a use, designed to filter noise, light and other potentially invasive effects of a higher intensity use, such as a service station, from a lower intensity use, such as residential development.

## LAKE TOWNSHIP ZONING ORDINANCE

**BUILDABLE AREA:** The space of a lot remaining after the minimum open space requirements of this ordinance have been complied with.

**BUILDING:** An independent structure having a roof supported by columns or walls, intended and/or used for shelter or enclosure of persons or chattels. When any portion thereof is completely separated from every other part by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building. This refers to both temporary and permanent structures and includes but not limited to: tents, sheds, garages, stables, greenhouses, carports or other accessory structures.

**BUILDING INSPECTOR:** The Building Inspector of Lake Township or his/her authorized representative.



**BUILDING LINE:** A line formed by the face of the building; for the purposes of this Ordinance, the building line shall be the same as the front setback line.

**BUILDING, MAIN OR PRINCIPAL:** A building in which is conducted the principal use of the lot upon which it is situated.

**BUILDING PERMITS:** The written authority issued by the Building Inspector permitting the construction, removal, repair, moving, alteration or use of a building in conformity with the provisions of this ordinance.

**BUILDING SETBACK LINES:** A line(s) defining the minimum front, side or rear yard requirements outside of which no building or structure may be located, except as otherwise provided by this ordinance.

**CLINIC:** A building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment, with services available from a professional, such as a physician, dentist, etc.

**CO-LOCATION.** Location by two (2) or more wireless communication providers or wireless communication facilities on a common structure, tower or building to reduce the number of structures required to support wireless communication antennas within the township.

**COMMISSION:** The Lake Township Planning Commission. The term "Planning Commission" shall mean the same.

## LAKE TOWNSHIP ZONING ORDINANCE

COMMON OPEN SPACE: A parcel or parcels of land or an area of water, or a combination of land and water within a project site designated in a subdivision plat, a condominium or a Planned Unit Development designated and intended for use or enjoyment of all the residents of the project. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the common benefit and enjoyment of all the residents of the project including club houses, pools, tennis courts and similar facilities, held in common, but shall not include:

- A. Areas reserved for the exclusive use or benefit of an individual tenant or owner, such as fenced yards of private residential yards;
- B. Dedicated streets, alleys and other public rights-of-way;
- C. Vehicular drives, parking, loading and storage areas; and
- D. Areas reserved for non-residential users.

COMPOSTING, COMMERCIAL: The treatment of solid waste in which organic material is broken down by microorganisms in the presence of oxygen; including the processing and/or spreading of whey, treated sludge or biosolids or other organic matter when the matter to be composted, processed or spread is not generated onsite and the composting, processing and/or spreading is not part of a routine farming practice.

CONDOMINIUM ACT: Means Public Act 59 of 1978, as amended.

CONDOMINIUM, RESIDENTIAL: Individual ownership of a dwelling unit in a multiple-family development.

CONDOMINIUM SUBDIVISION: For the purposes of this ordinance, a condominium subdivision shall be equivalent to the term "subdivision" as used in this Zoning Ordinance and the Township Subdivision Control Ordinance #93-2. If no Township Subdivision Control Ordinance is in effect, the term shall be equivalent to the term "subdivision" as used in the Subdivision Control Act (Public Act 288 of 1967, as amended).

CONDOMINIUM SUBDIVISION PLAN: Means the site, survey, and utility plans; floor plans and sections, as appropriate (if buildings are proposed), showing the existing and proposed structures and improvements including the location thereof on the land. The Condominium Subdivision Plan shall show the size, location, area, and vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The Condominium Subdivision Plan shall include the nature, the location, and approximate size of common elements.

## **LAKE TOWNSHIP ZONING ORDINANCE**

**CONDOMINIUM UNIT:** That portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed.

**CONTRACTIBLE CONDOMINIUM:** A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this ordinance and the Condominium Act.

**CONVALESCENT OR NURSING HOME:** A home for the care of children, the aged or the infirm, or a place of rest for those suffering bodily disorders, wherein three (3) or more persons are cared for. Said home shall also conform to, and qualify for license under applicable state laws.

**CONVERTIBLE AREA:** Means a unit or 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 express provision in the condominium documents and in accordance with this ordinance and the Condominium Act.

**COTTAGE(S) RENTAL:** A dwelling, whether single or multi-family, used at any time during the year as an income producing property, meaning rent is charged in exchange for use of the dwelling and associated property.

**DENSITY:** The number of dwelling units developed on an acre of land, excluding publicly dedicated streets, parks, and utility easements, if the easement is not useable for recreation purposes.

**DISTRICT:** A portion of the township within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this ordinance.

**DEVELOPMENT (COMPREHENSIVE) PLAN/MASTER PLAN:** The statement of policy of the Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written materials representing in summary form, the soundest concept for community growth to occur in an orderly, attractive, economical, and efficient manner thereby creating the very best community living conditions.

**DRIVE-IN ESTABLISHMENT:** A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach of parking spaces for motor vehicles so as to serve patrons while in the motor vehicle (e.g., restaurants, cleaners, banks, theaters).

## **LAKE TOWNSHIP ZONING ORDINANCE**

**DRIVE-THRU ESTABLISHMENT:** An accessory use to a service or restaurant business where a paved drive area is specifically designated to serve customers in motor vehicles from a permanent building. The customer does not leave the motor vehicle, is served from a window, and customarily leaves the premises shortly after being served. Such uses may include but are not limited to the following: Financial institutions, fast food establishments, dry cleaners and convenience stores. It does not include car washes.

**DWELLING UNIT:** A house or a building, or a portion thereof having cooking facilities, which is occupied wholly as the home-residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, coach, automobile chassis, tent or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this ordinance and shall comply with the provisions thereof relative to dwellings.

**DWELLING, SINGLE FAMILY:** A building containing not more than one dwelling unit designed for residential use, complying with the standards found in Section 504 of this ordinance.

**DWELLING, TWO FAMILY:** A dwelling occupied by two (2) families, each provided with separate facilities for living accommodations. Also known as a duplex dwelling, which shall comply with provisions of Section 504 of this ordinance.

**DWELLING, MULTIPLE:** A building used for and as a residence for three (3) or more families living independently of each other and each having their own cooking facilities therein, including apartment houses, townhouses, and apartment hotels, but not including mobile home parks.

**DWELLING, ROW, TERRACE, OR TOWNHOUSE:** A row of three or more attached dwelling units, not more than thirty-five (35') feet in height, in which each dwelling has its own front entrance and rear entrance.

**EFFICIENCY UNIT:** A dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principal room providing a total of not less than four hundred and sixty (550) square feet of floor area.

**ERECTED:** As used in this chapter, erected means built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

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**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance and operation by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories in connection therewith, as shall be reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

**EXPANDABLE CONDOMINIUM:** A condominium project to which additional land may be added pursuant to express provision in the condominium documents in accordance with this ordinance and the Condominium Act.

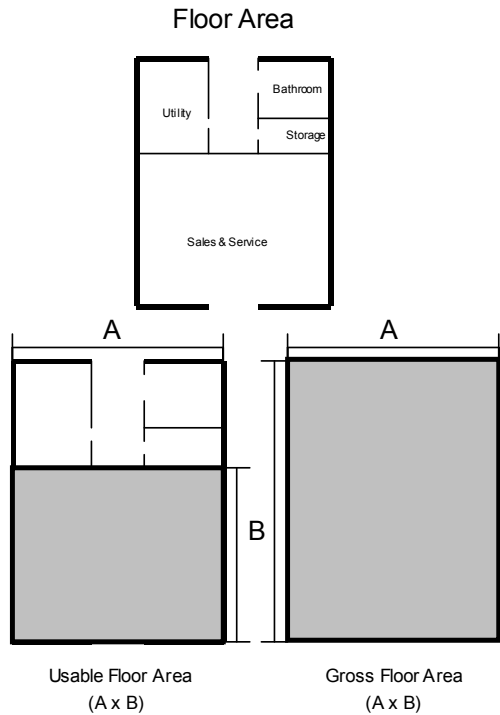
**FAMILY:**

- A. One or more persons related by bonds of marriage, blood or legal adoption occupying a dwelling unit as a single nonprofit housekeeping unit, plus no more than two (2) additional persons such as "roomers" or "boarders".
- B. A collective body of persons living together in one house under one head, whose relationship is of a permanent and distinct domestic character based upon birth, marriage, or other domestic bond and cooking as a single housekeeping unit. This definition shall not include federation, group, coterie or organization; nor shall it include a group of individuals whose association is temporary in character or nature. A body of persons meeting this definition is also distinguished from a group occupying a hotel, club, boarding house, rooming house, fraternity house, sorority house or foster care facility.

**FAST FOOD RESTAURANT:** An establishment predominately offering food prepared for and/or packaged as carry out items whether consumed on the premises, in the building, parking lot or elsewhere.

**FENCE, WALL OR RETAINING WALL:** An accessory structure intended for use as a barrier to property ingress or egress, a screen from objectionable vista, noise and/or for decorative use.

## LAKE TOWNSHIP ZONING ORDINANCE



**FLOOR AREA GROSS:** The sum of the gross horizontal areas of the several floors of principal building, plus accessory buildings, measured from the exterior faces of the exterior walls. Any space devoted to off-street parking or loading, basements, breezeways, unfinished attics, porches (enclosed or unenclosed) and garages shall not be included.

**FLOOR AREA USEABLE:** That portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half-story, the useable floor area shall be considered to be only that portion having a clear height above it of five (5') feet or more.

**FOOTPRINT:** Measurement of outside walls used to calculate lot coverage.

**FOSTER CARE FACILITY:** See "Licensed or Approved Residential Facility" definition.

**GARAGE, COMMUNITY:** A space or structure or series of structures for storage of motor vehicles having no public shop or service operated in connection therewith, for the use of two (2) or more owners or occupants in the vicinity.

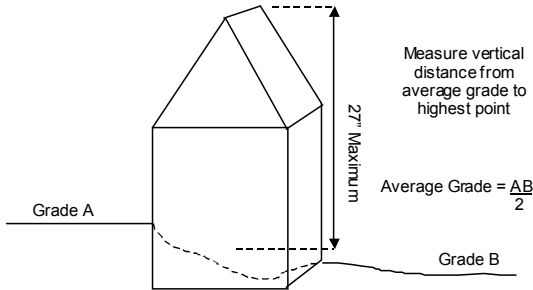
**GARAGE, PRIVATE:** A space or structure suitable for the storage of motor vehicles having no public shop or service in connection therewith, for the use solely of the owner or occupant of the principal building on a lot, or his family or domestic employees, and with a capacity of not more than three (3) vehicles.

**GARAGE, PUBLIC:** A space or structure other than a private garage for the storage, care, repair or refinishing of motor vehicles; provided, however, that a structure or room used solely for the display and sale of such vehicles in which they are not operated under their own power, and in connection with which there is no repair, maintenance, or refinishing service or storage of vehicles other than those displayed, shall not be considered as a public garage for the purpose of this chapter.

**GENERAL BUSINESS USE/COMMERCIAL USE:** The use of property in connection with the purchase, sale, barter, display or exchange of goods, wares, merchandise personal services, the maintenance of offices, recreation, amusement enterprises, garage and basement sales conducted on residential premises for more than six (6) calendar days during a given one (1) year period.

**LAKE TOWNSHIP ZONING ORDINANCE**

**GRADE, BUILDING:** Average elevation of the ground adjacent to the walls of a building.

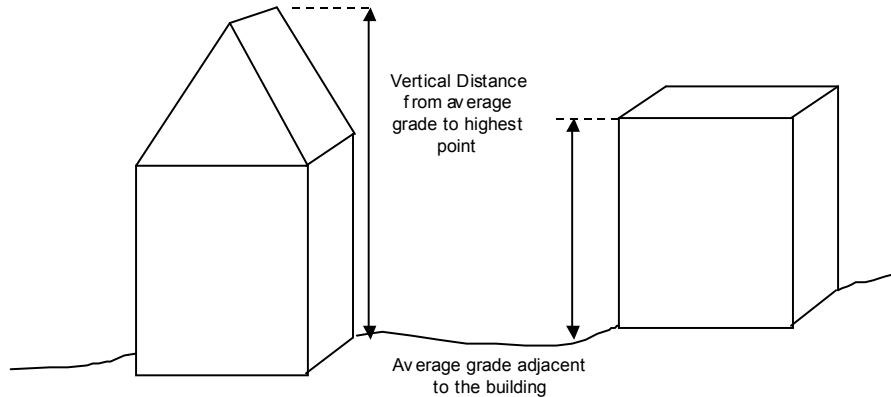


**GRADE, MEASUREMENT FROM:** Height shall be measured as the vertical distance from a point on the average grade to the topmost point of the building immediately above.

**GREENBELT:** A strip of land which is planted with trees or shrubs acceptable in species and caliper to the Planning Commission.

**HEIGHTS, BUILDING:** The vertical distance measured from the average grade adjacent to the building to the highest point of the roof.

**Building Height**



## **LAKE TOWNSHIP ZONING ORDINANCE**

**HOME OCCUPATION:** Any use customarily conducted entirely within the dwelling or an accessory building and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof and does not endanger the health, safety and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, professions or hobby. Provided, further, that no article is sold or offered for sale on the premises, except such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customarily in residential areas. No home occupation may generate other than normal residential traffic either in amount or type. One (1) non-illuminated nameplate, not more than two (2) square feet in area may be attached to the building which shall contain only the name and occupation of the resident of the premises. Day care center, tea rooms, veterinarian's offices, tourist homes, animal hospitals, kennels, millinery shops, barber shops and beauty shops, medical offices and clinics, auto repair, among others, shall not be deemed home occupations.

**HOSPITAL:** A building, structure or institution in which sick or injured persons, primarily in-patients, are given medical or surgical treatment and operating under license by the Health Department of the State of Michigan.

**HOTEL:** A building occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms occupied singly for hire, in which provision is not made for cooking on any individual plan and in which there are more than ten (10) sleeping rooms.

**JUNK:** For the purpose of this chapter, any motor vehicles, machinery, appliances, product, merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

**JUNK YARD:** For the purpose of this chapter junk yards are defined as: automobile wrecking yards, salvage areas or any area of more than two hundred (200) square feet for the storage, keeping or abandonment of junk, including scrap metals, other scrap materials, or reclaimed materials, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof, but not including uses established entirely within enclosed buildings.

**KENNEL:** A kennel is any facility where more than two (2) dogs or two (2) cats over four (4) months old are kept or housed for which remuneration is received. This shall not include residentially zoned premises or premises that are used for residential purposes, at which the occupant is keeping his or her own dogs or cats.

**LAKE TOWNSHIP ZONING ORDINANCE**

**LICENSED OR APPROVED RESIDENTIAL FACILITY:** A building or portion thereof, used for residential purposes that is required to be licensed or approved by the State of Michigan or a political subdivision of the State of Michigan and which provides residential services for persons under supervision or care for persons in need of that supervision or care. This definition does not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

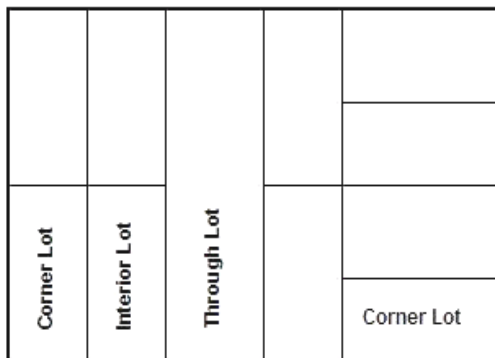
**LOADING SPACE:** An off-street space at least ten (10') feet wide, twenty-five (25') feet long and fifteen (15') feet high, either within a building or outside on the same lot, provided, maintained, and available for the loading or unloading of goods or merchandise and having direct and unobstructed access to a street or alley.

**LOT:** A piece or parcel of land occupied or intended to be occupied by a building and any accessory buildings or by any other use or activity permitted thereon and including the open spaces and yards required under this zoning ordinance, and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision.

**LOT AREA:** The total horizontal area within the lot lines, as defined, of a lot. For lots fronting or lying adjacent to private streets, lot area shall be interpreted to mean that area within lot lines separating the lot from the private street, and not the centerline of said street.

**LOT AREA: WATERFRONT LOTS:** That area behind the seawall or, if no seawall exists, in line with adjacent seawalls. This area will be considered to be the occupied area. Lot coverage will be based upon the occupied area.

Lot Types



**LOT, CORNER:** A lot of which at least two (2) adjacent sides abut for their full length upon a street, provided that such two (2) sides intersect at an angle of not more than one hundred thirty-five (135°) degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than one hundred thirty-five (135°) degrees, it is a corner lot. In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

**LOT COVERAGE:** The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

**LOT DEPTH:** The mean horizontal distance from the center of the front street line to the center of the rear lot line.

## LAKE TOWNSHIP ZONING ORDINANCE

LOT, DOUBLE FRONTAGE: A lot other than a corner lot having frontage on two (2) streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a building permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front. Also known as a through lot.

LOT, INTERIOR: A lot other than a corner lot with only one (1) lot line fronting on a street.

LOT, LINES: The boundary lines of a lot. (See illustration entitled "Lot Types").

- A. LOT LINE, FRONT: In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the line separating the lot from such street or road right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from the street which is designated as the front street in the plat and/or in the request for a building permit.
- B. LOT LINE, REAR: That lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular lot, a line ten (10') feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions are applicable, the Planning Commission shall designate the rear lot line.
- C. LOT LINE, SIDE: Any lot-line not a 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 is an interior side lot line.

LOTS OF RECORD: A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the legal description of which has been so recorded by the County.

LOT, WATERFRONT: A lot having frontage on a body of water, such as a lake, bay, stream, river or canal, as well as front on a street.

LOT, WIDTH: The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines.

MAJOR THOROUGHFARE: A main traffic artery designated on the Planning Commission's Master Plan as a Major Thoroughfare or a Collector Street.

## LAKE TOWNSHIP ZONING ORDINANCE

**MANUFACTURED HOME:** A structure constructed according to the rules of the United State Department of Housing and Urban development, exceeding eight (8') feet or more in width and thirty-two (32) or more body feet in length and transportable in one (1) or more sections, which is built on a chassis and designed to be used as a single family dwelling, with or without permanent foundation, when connected to required utilities, and including the plumbing, heating, air-conditioning and electrical systems contained in the structure. Mobile home does not include a recreational vehicle or travel trailer.

**MANUFACTURED HOME PARK:** A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary travel trailer park.

**MANUFACTURED HOME SITE:** A plot of ground within a mobile home park designed for the accommodation of one mobile home.

**MASTER DEED:** The condominium document recording the condominium project as approved by the township, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved Condominium Subdivision Plan.

**MOBILE HOME:** See Manufactured Home.

**MODULAR (PRE-MANUFACTURED) HOUSING UNIT:** A fabricated, transportable building unit designed to be incorporated at a building site into a structure on a permanent foundation for residential use.

**MOTEL:** A series of attached, semi-detached, or detached rental units which may or may not be independently accessible from the outside parking area, containing bedroom, bathroom and closet space and designed for or occupied primarily for transients. No kitchen cooking facilities are to be provided without the approval of the Planning Commission, with the exception of units for use of the manager and/or caretaker.

**NON-CONFORMING USE OR BUILDING:**

- A. **NON-CONFORMING USE:** A use which lawfully occupied a building or land at the effective date of this zoning ordinance or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.

## LAKE TOWNSHIP ZONING ORDINANCE

- B. NON-CONFORMING BUILDING: A building or portion thereof lawfully existing at the effective date of this zoning ordinance, or amendments thereto, and which does not conform to the provisions (e.g., setbacks, height, lot coverage, parking) of this zoning ordinance in the zoning district in which it is located.

NURSERY, PLANT MATERIALS: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for wholesale or retail sale including products used for gardening or landscaping. The definition of nursery within the meaning of the chapter does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

OFF-STREET PARKING LOT: A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

OPEN AIR BUSINESS USES: Open air business uses shall include the following business uses:

- A. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
- B. Retail sale of fruit and vegetables.
- C. Tennis courts, archery ranges, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.
- D. Bicycle, utility truck or trailer, motor vehicles, boats or home equipment sale; rental or repair services.
- E. Outdoor display and sale of garages, swimming pools, motor homes, mobile homes, snowmobiles, farm implements, and similar products.

OPEN SPACE: Any area (open to the sky) on a lot not covered by a principal or accessory building.

OPEN STORAGE: Outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.

ORDINARY HIGH WATER MARK: Boundaries that follow the shoreline of Lake Huron shall be construed as the ordinary high water mark, set at 581.5 feet above sea level as established by the USACE.

## LAKE TOWNSHIP ZONING ORDINANCE

**PARKING SPACE:** An area for the parking of an automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances or exits and being fully accessible for the storage or parking of permitted vehicles.

**PLANNED UNIT DEVELOPMENT:** An area of land larger than three (3) gross acres, controlled by a landowner, to be developed as a unified project and single entity for a group of structures and a number of dwelling units primarily for residential use, the plan for which does not correspond in lot size, bulk, or type of dwelling, density, lot coverage or required open space to the regulations in any one residential district established by other chapters of this ordinance.

**PRIVATE ROAD:** A road owned and maintained by the owners of the property it serves and provides access to five (5) or more dwelling units or parcels, or two (2) or more nonresidential principal buildings. Private roads include roads within site condominium projects and roads within office or industrial complexes. A private road may be used to provide public services such as utility easements, waste collection and emergency services. The definition of "private road" does not include parking lot aisles or drives connecting parking lots to internal roads.

A. **Shared Residential Driveway (private):** A residential driveway that provides vehicular access to two (2) to four (4) single family dwelling units.

**PUBLIC UTILITY:** Any person, firm, corporation, municipal department or board duly authorized to provide and does provide to the public under municipal or state regulation transportation, water, gas, electricity, telephone, steam, telegraph or sewage disposal services.

**RECREATIONAL EQUIPMENT:** All those small mobile units principally designed for recreational pastime such as motor homes, camper trailers, pick up campers, pop-up tent trailers, snowmobiles, motorcycles, dune buggies, boats and similar vehicles or trailers.

**RESTAURANT, CARRY-OUT:** An establishment where food is prepared and served to a customer solely for the consumption off the premises.

**RESTAURANT, DRIVE IN:** An establishment where food is prepared and is so developed that its principal retail character is dependent on providing a driveway approach and parking spaces for motor vehicles so as to serve patrons while in the motor vehicles.

**RESTAURANT, SIT-DOWN:** An establishment where food is prepared and served for consumption within the principal building; may have a drive-up window when use of the window is clearly secondary to the main operation of the sit-down restaurant.

**RIGHT-OF-WAY:** A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

## LAKE TOWNSHIP ZONING ORDINANCE

**ROADSIDE STAND:** A “roadside stand” is a structure for the seasonal display of agricultural produce with no space for customers within the structure itself.

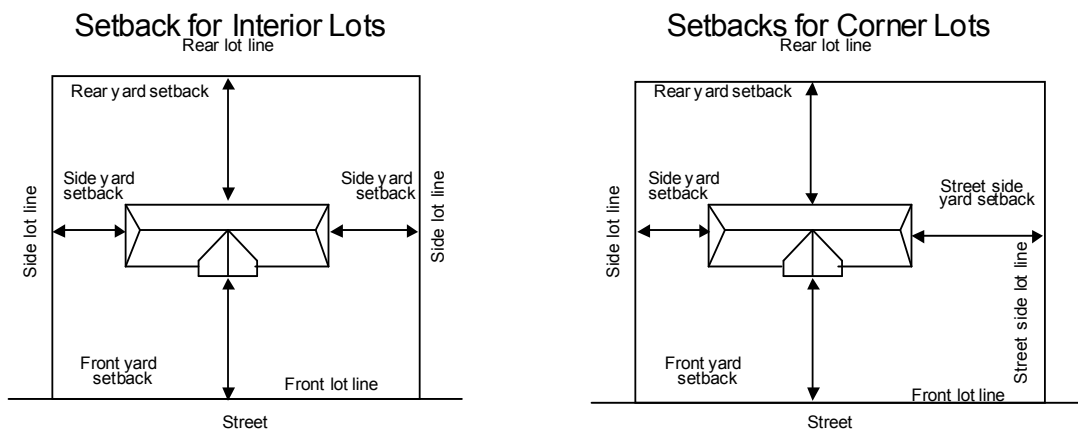
**ROOF RIDGE:** The outside top edge covering of a building.

**ROOMING HOUSE:** A dwelling where lodging, but no meals, is provided for compensation to three (3) or more persons by pre-arrangement for definite periods of not less than one (1) week.

**SALE, GARAGE INCLUDING RUMMAGE SALE, BASEMENT SALE, YARD SALE:** A rummage sale is a temporary sale of used personal items.

**SANITARY LANDFILL:** A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume and to cover it with a suitable cover at the conclusion of each day's operation or at more frequent intervals as necessary.

**SETBACK:** The minimum horizontal distance required to exist between a structure (overhangs) and the property lines.



**SHARED RESIDENTIAL DRIVE (PRIVATE):** A residential driveway that provides vehicular access to two (2) to four (4) single family dwelling units.

**SIGN IDENTIFICATION:** A sign limited to carrying any or all of the following: name, address, major enterprise or principal product or service offered.

## LAKE TOWNSHIP ZONING ORDINANCE

**SIGN, OUTDOOR ADVERTISING:** Any card, cloth, paper, metal, glass, wood, plaster stone or sign of other material of any kind, placed for outdoor advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure, or thing whatsoever. The term “placed” as used in the definition of “Outdoor Advertising Sign”, and “Outdoor Advertising Structure” shall include erecting, construction, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or other fastening, affixing or making visible in any manner whatsoever. The following shall be excluded from this definition:

- A. Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having general business connotations.
- B. Flags and insignia of any government except when displayed in connection with general business promotion.
- C. Legal notices, identification, informational, or directional signs erected or required by governmental bodies.
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
- E. Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

**SIGNS, NUMBER AND SURFACE AREA:** For the purpose of determining 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.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

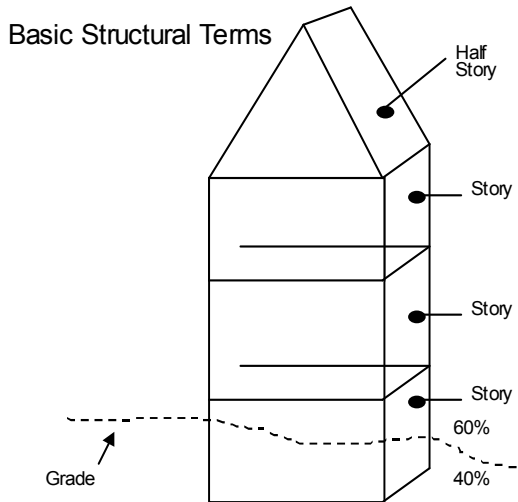
**SITE AREA:** The total area within the property lines excluding street rights-of-way.

**SITE CONDOMINIUM:** For the purposes of this ordinance, a Site Condominium is a subdivision of land created and recorded pursuant to the Condominium Act (P.A. 59 of 1978, as amended), and the provisions of this ordinance, containing two (2) or more units of land designed and intended for separate ownership and use, and which may or may not contain general and limited common elements.

**SPECIAL USE:** The term applied to a use which may be permitted by the application for the issuance of a Special Use Permit by the Township Planning Commission. Specified procedures and requirements, as outlined in cited sections must be complied with prior to final issuance of said permit.

## LAKE TOWNSHIP ZONING ORDINANCE

**STORY:** The portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. (See illustration entitled "Basic Structural Terms").



- A. A "mezzanine" shall be deemed a full story when it covers more than fifty (50%) percent of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below it to the floor next above it is twenty-four (24') feet or more.
- B. For the purpose of this zoning ordinance, a basement or cellar shall be counted as a story if over fifty (50%) percent of its height is above the level from which the height of the building is measured.

**STORY, HALF:** The part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half ( $\frac{1}{2}$ ) the floor area of said full story. (See illustration entitled "Basic Structural Terms").

**STREET:** A public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, land, boulevard, highway, road, and other thoroughfare, except an alley. In the case of a "site condominium" as defined and as regulated by this ordinance, the principal means of access to abutting "units of ownership" shall be considered a street, provided it is constructed and maintained to meet the same standard for public streets within the township. Said streets within a "site condominium" may be dedicated to the public or owned and maintained by the condominium association. If streets are to be dedicated to the public at any time, the street must be constructed to the Huron County Road Commission Standards.

**STRUCTURE:** Anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

**STRUCTURAL ALTERATION:** Any change in the supporting members of a building or structure, such as bearing walls, or partitions, columns, beams, or girders or any change in width or number of exits.

**STRUCTURE, OUTDOOR ADVERTISING:** Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign or billboard may be placed, including outdoor advertising statuary.

**SWIMMING POOL:** Any structure or container intended for swimming or bathing located either above or below grade designed to hold water to a depth of greater than twenty-four (24") inches.

## LAKE TOWNSHIP ZONING ORDINANCE

**TEMPORARY BUILDING AND USE:** A structure or use permitted by the Zoning Administrator to exist during periods of construction of the main use or special events, not to exceed one (1) year. The Zoning Board of Appeals may renew permit for one (1) additional year if progress is being made on construction of main building.

**TENT:** As used in this zoning ordinance, a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and not including those types of tents used solely for children's recreational purposes.

**TRAVEL TRAILER:** A portable vehicular unit primarily designed for travel and/or recreational usage, which may also contain facilities for overnight lodging. This term also includes folding campers, motor homes, and truck-mounted campers but not mobile homes.

**TOURIST HOME:** A building in which there are eight (8) or less sleeping rooms occupied as a more or less temporary abiding place for individuals who are lodged without meals other than breakfast in rooms occupied singly for hire. May also be known as a "Bed and Breakfast" home.

**TOWNHOUSE:** An attached unit that is relatively narrow in width and has two floors. It shares a common wall with another unit of the same type.

**USE:** The purpose for which land or premises of a building thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.

**USE, PRINCIPLE:** The main use to which land, buildings or structures are devoted and the principle purpose for which the premises exists.

**VARIANCE:** A modification of the literal provisions of the Zoning Ordinance which is granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. Hardships based solely on economic considerations are not grounds for a variance.

**WALL OR RETAINING WALL:** See fence.

**WASTE DISPOSAL:** Includes recycling and composting facilities, scrap metal storage, settling ponds; operations oriented toward the processing, storage or burial of waste and the disposal of waste by public means.

**WETLANDS:** Those natural areas which are wet year-round or which are wet consistently during certain weather or certain conditions, and are defined in Public Act 451 of 1994.

## **LAKE TOWNSHIP ZONING ORDINANCE**

**WHOLESALE:** The bulk sale of commodities in large quantities to retailers or jobbers, rather than to retail consumers.

**WIRELESS COMMUNICATION FACILITIES:** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices, personal communication transmission equipment and exchanges, microwave relay towers, telephone transmission equipment building and general business mobile radio service facilities. This definition does not include "reception antenna" for an individual lot as otherwise defined and regulated in this zoning ordinance.

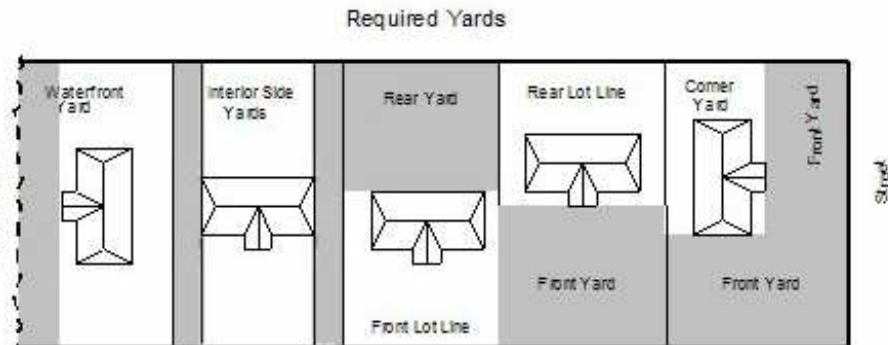
**WIRELESS ATTACHED COMMUNICATION FACILITIES:** Wireless communication facilities affixed to existing structures, including but not limited to existing buildings, towers, water tanks or utility poles.

**WIRELESS COMMUNICATION SUPPORT STRUCTURES:** Structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.

**YACHT CLUB:** An organization of persons, having for its chief purpose the enjoyment of its members of lawful participation in nautical events, and a majority of whose members are the owners and operators of boats, and have access to nearby navigable waters for the use of the yacht club. Such yacht club shall at all times be organized on a non-profit basis.

**YARD:** An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward.

# LAKE TOWNSHIP ZONING ORDINANCE



**YARD, FRONT:** A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building. A waterfront lot shall be considered as having two (2) front yards. The street front yard and the water front yard. (See illustration entitled “Yard Requirements”). For parking purposes in R-1 the front yard shall be considered to be the minimum setback of the district. Parking is permitted within the minimum setback.

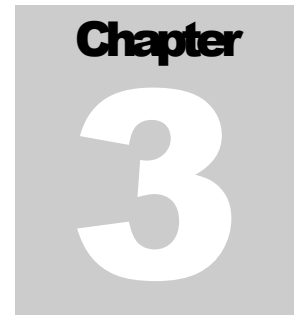
**YARD, REAR:** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

**YARD, SIDE:** A yard between all buildings and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of all buildings.

**YARD, WATERFRONT:** An open unoccupied space of a waterfront lot which is located between the principal structure and the ordinary high water mark. A waterfront yard is measured from the ordinary high water mark to the nearest point on the principal building.

**ZONING ADMINISTRATOR:** The individual designated by Lake Township to administer the Zoning Ordinance.

**ZONING BOARD OF APPEALS:** The Zoning Board of Appeals for Lake Township. The words “Board of Appeals”, or “Board” shall have the same meaning.



## **Administration, Enforcement and Amendment**

This Chapter details the administration, enforcement and amendment of the Lake Township Zoning Ordinance. It details and discusses the specific duties of the Zoning Administrator, the Planning Commission, and the Zoning Board of Appeals. Additionally, this Chapter explains the procedure for amending the text of the zoning ordinance, amending the zoning map, and the procedure for securing land use permits and site plan approvals.

### **SECTION 301. DUTIES OF THE ZONING ADMINISTRATOR**

The Lake Township Board shall establish an office and appoint a person to be the Zoning Administrator (Administrator). The Administrator is authorized and responsible for administration and enforcement of this Ordinance and shall, for the purposes of this Ordinance's Administration and enforcement, have the powers as established by the Michigan Zoning Enabling Act, P.A. 110 of 2006, and specifically as follows:

#### **301.1 ACCEPT AND RECORD APPLICATIONS, ISSUE & RECORD PERMITS.**

All applications for Permits shall be submitted to the Administrator who shall keep a record of all applications which have been submitted and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Administrator shall issue a Permit for the proposed use. When conditions are not met, the administrator shall consult with the applicant to determine the proper course of action. The Administrator shall maintain a record of all applications and related permits, including documentation for each.

#### **301.2 ISSUE WRITTEN DENIAL.**

When any application for a permit is denied, the Administrator shall provide the applicant with a written denial, stating the reasons for the denial.

#### **301.3 NOTICE OF HEARINGS.**

Whenever a zoning matter is the subject of a public hearing before the Planning Commission or the Zoning Board of Appeals, the designated committee member from each of the Planning Commission or Zoning Board of Appeals shall prepare notices of the hearing and disseminate said notices as required by this Ordinance.

**301.4 INSPECTIONS.**

The Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance.

**301.5 RECORD NONCONFORMING USES.**

The Administrator shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Chapter 13.

**301.6 RECORD SPECIAL USES.**

The Administrator shall keep a record of all Special Use Permits issued under the terms of this Ordinance for the purpose of carrying out provisions of Chapter 16.

**301.7 RECORD INTERPRETATIONS OF ORDINANCE.**

The Administrator shall maintain a concise record of all interpretations of this Ordinance rendered by the Planning Commission. Interpretations of the ordinance do not include dimensional or administrative issues. This record shall be consulted whenever questions arise concerning interpretation of any provisions of this Ordinance to determine whether any applicable precedents have been set.

**301.8 PUBLIC INFORMATION.**

The Administrator shall respond to inquires and dispense information or copies of this Ordinance to make the public aware of and familiar with the provisions of this Ordinance. Public awareness and acceptance of the Zoning Ordinance will help to maintain compliance with it.

**301.9 RESPOND TO COMPLAINTS.**

The Administrator shall respond within five (5) business days, whenever possible, to any complaint regarding an alleged violation of the terms or conditions of this Ordinance or any permit issues pursuant to it. The Administrator shall provide a report at each regular Planning Commission meeting summarizing the nature and disposition of complaints that have been received. A written record of all complaints, responses and dispositions of the complaint will be maintained.

**301.10 MAY NOT CHANGE ORDINANCE.**

Under no circumstances is the Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance. Suggestions by the Zoning Administrator for changes to this ordinance will be taken under advisement by the Planning Commission.

**SECTION 302. DUTIES OF THE PLANNING COMMISSION**

**302.1 ESTABLISHMENT.**

The Lake Township Planning Commission is established as specified within the Michigan Zoning Enabling Act, Public Act 110 of 2006.

**302.2 MEMBERSHIP.**

The Planning Commission shall consist of five (5) members who shall be representative of major interests, as they exist in the township, such as agriculture, recreation, education, public health, government, commerce, transportation and industry. All members shall be qualified electors of the township. One member of the township board shall be a member of the Planning Commission. Members shall be appointed by the Township Supervisor with the approval of the Township Board. Members may be removed by the Township Supervisor after hearing, with the approval of the Township Board.

**302.3 TERMS OF OFFICE.**

The term of each member shall be for three (3) years. However, of the members first appointed, one-third (1/3) shall serve for one (1) year, one-third (1/3) for two (2) years, and one-third (1/3) for three (3) years. A successor shall be appointed not more than one (1) month after the term of the preceding commission member has expired. All vacancies for unexpired terms shall be filled for the remainder of such term.

**302.4 OFFICERS.**

The Planning Commission shall elect a Chairman, Vice Chairman, and Secretary from its members, and create and fill such other officers of committees, as it may deem advisable. The commission may appoint advisory committees outside of its membership. The terms of all officers shall be one (1) year.

**302.5 COMPENSATION.**

Members of the Planning Commission may be compensated for their services as approved by the Township Board. The commission may make and administer regulations relative to compensation for the travel of its members and employees when engaged in the performance of activities authorized by the Planning Commission, including attendance at conferences and meetings. The commission shall prepare a detailed budget and submit the same to the Township Board for approval or disapproval. The Board annually shall appropriate and make funds available for carrying out the purposes and functions permitted under this ordinance and may match Township funds with federal, state, county or other local government or private grants. The Township Board may accept and use gifts and grants for Planning Commission purposes. Money so accepted shall be deposited with the township Treasurer in a special non-reverting Planning Commission fund for expenditure by the Planning Commission for the purpose designated by the donor. The expenditures of the Planning Commission, exclusive of the grants, shall be within the amounts appropriated by the Township Board.

**302.6 RULES OF PROCEDURE.**

The Planning Commission shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function.

**302.7 MEETINGS.**

The Planning Commission shall meet at least four (4) times each year, and by resolution shall determine the time and place of meetings. All meetings shall be properly noticed and open to the public. Special meetings may be called by two (2) members upon written request to the Secretary or by the Chairman.

**302.8 RECORDS.**

Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and shall be public records.

**302.9 DEVELOPMENT PLAN.**

The Planning Commission shall make and adopt a basic plan as a guide for the development of unincorporated areas of the Township. Plan contents, adoption, amendment, approval by the county planning commission, hearing and publication shall be according to Michigan Zoning Enabling Act, P.A. 110 of 2006.

**302.10 ZONING ORDINANCE.**

The Zoning Ordinance shall be based on a plan designed to promote the public health, safety, and general welfare.

**302.11 ADMINISTRATION AND ENFORCEMENT.**

The Planning Commission shall be responsible for the following administrative and enforcement activities under this Ordinance:

- A. **Site Plan Approval.** The Planning Commission shall review Site Plans, when required by this ordinance, and issue its approval, conditional approval or denial.
- B. **Special Use Permits.** The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review and approve or deny said application.
- C. **Rezoning or Amendment.** The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Township Board.

**D. Approval of Public Improvements.**

1. After the Planning Commission has adopted the Land Use Plan of the Township, no street, square, park or other public way, ground or open space, or public building or structure, shall be constructed or authorized in the Township or in the planned section and district until the location, character and extent thereof shall have been submitted to and approval recommended by the Planning Commission.
2. The Planning Commission shall communicate its reasons for approval or disapproval to the Township Board, which shall have the power to overrule the Planning Commission by a recorded vote of not less than a majority of its membership.
3. The failure of the Planning Commission to act within sixty (60) days after the official submission to the Commission shall be deemed approval.
4. The Planning Commission shall promote public understanding of an interest in the Land Use Plan and shall publish and distribute copies of the plan and of any report, and may employ such other means of publicity and education as it determines necessary.

**E. Approval of Plats.** The Township Board shall refer plats (Subdivision Control, etc.) or other matters relating to land development to the Planning Commission before final actions thereon by the Township Board.

**F. Professional Advisor.** The Planning Commission may recommend to the Township Board the employment of a planning director or other planning personnel, contract for the part-time or full-time services of planning and other technicians, and pay or authorize the payment of expenses within the funds budgeted and provided for planning purposes.

## **SECTION 303. DUTIES OF THE ZONING BOARD OF APPEALS**

### **303.1 ESTABLISHMENT.**

The Lake Township Zoning Board of Appeals is established as specified within the Michigan Zoning Enabling Act , Public Act 110 of 2006.

### **303.2 MEMBERSHIP.**

The Township Zoning Board of Appeals shall consist of five (5) members. The first member of such Board of Appeals shall be a member of the Township Planning Commission. One member of the Zoning Board of Appeals may be elected by the Township Board from its members to serve at the pleasure of the Board for as long as this member shall be an elected member of the Township Board. The remaining members of the Board of Appeals shall be selected from the electors of the Township by the Township Board. Members so selected shall be representative of the population distribution and of various interests present in the township. An elected officer of the township shall not serve as chairperson of the Board of Appeals. An employee or contractor of the Township Board may not serve as a member or an employee of the Township Board of Appeals. Members of the Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing.

- A. The Township may appoint not more than two (2) alternate members to the board, said alternate members to have the same term as regular members of the board and to be subject to the same qualifications and other provisions contained herein applicable to regular members of the Board.

### **303.3 TERMS OF OFFICE.**

With the exception of the members of the Planning Commission and Township Board who shall serve for the term of their appointment to the Planning Commission or election to the Township Board, the term of each member of the Board of Appeals shall be for three (3) years. Of the first members appointed to the Board of Appeals, excepting the Planning Commission and Township Board member; one (1) member shall be appointed for one (1) year, one (1) member for two (2) years, and one (1) member for three (3) years.

### **303.4 COMPENSATION.**

The total amount allowed to the Board of Appeals in any one year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum which sum shall be appropriated annually in advance by the Township Board.

### **303.5 RULES OF PROCEDURE.**

The Board of Appeals adopts its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose its chairperson, and in the chairperson's absence, an acting chair.

**303.6 MEETINGS.**

Meetings shall be held at the call of the chairperson and at such times as the Board of Appeals may determine. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public. The Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance.

**303.7 RECORDS.**

Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and shall be public records.

**303.8 DECISIONS.**

The Zoning Board of Appeals shall return a decision upon each case within ninety (90) days of the filing of a request or appeal unless a further time is agreed upon by the parties concerned. Any decision of the Zoning Board of Appeals shall not take effect until the expiration of five (5) days after the date of said decision, unless the Board of Appeals certifies on the record that the decision must be given immediate effect for the preservation of property or personal rights. No permit authorized by such a decision shall be issued until the decision has taken effect.

**303.9 MAJORITY VOTE.**

The concurring vote of a majority of the membership of the Zoning Board of Appeals shall be necessary to decide upon any issue brought before the Board. For example, if three members are present, out of a total of five members, all three must concur to pass a motion.

**303.10 CONFLICT OF INTEREST.**

A member of the Zoning Board of Appeals shall disqualify himself or herself from discussion and voting in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.

**303.11 DUTIES.**

The Township Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Section. The Board of Appeals shall NOT have the power to alter or change the zoning district classification of any property, or to make any change in the terms or intent of this Ordinance.

- A. **Administrative Review.** The Zoning Board of Appeals is empowered to review and reverse or modify any order, decision or determination made by an administrative official charged with enforcing or administering this Ordinance. The Board is not empowered to overturn decisions of the Planning Commission regarding Special Use Permits, including such permits for Planned Unit Developments. The Board may not overturn the denial of a site plan in connection with any Special Use Permit proceedings. An Administrative Review by the Zoning Board of Appeals may be requested by any person aggrieved, or by any officer, department, or board of the local government. Any such request must be made in writing not more than ten (10) days after the date of the Zoning Administrator's decision.

An administrative review shall stay all proceedings in furtherance of the action being reviewed, except as follows:

If the Zoning Administrator certifies in writing to the Zoning Board of Appeals, after a request for an administrative review has been filed, that a stay would cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the Zoning Board of Appeals or by court action.

- B. **Interpretation.** The Zoning Board of Appeals may interpret provisions of this Ordinance as outlined below. Each such interpretation shall establish the precedent for future treatment of the issue being addressed. To achieve the objective of consistent enforcement of this Ordinance, whenever an interpretation question arises which has been addressed previously by the Zoning Board of Appeals, the earlier interpretation shall apply without requiring further action by the Board. Interpretation issues do not include dimensional variance issues. The Zoning Administrator shall keep a concise record of all interpretations made by the Zoning Board of Appeals to facilitate such reference.

1. The Board may determine the precise location of the boundary lines between zoning districts.
2. The Board may classify any activity which is not specifically mentioned as a Use by Right or Special Use within at least one Zoning District, provided that said classification shall be consistent with the classification of similar uses and with the purpose and intent of each Zoning District.
3. The Board may determine the off-street parking and loading space requirements of any use for which these requirements are not determinable using the information provided for this purpose.

4. The Board may interpret any portion of this Ordinance when the Zoning Administrator is unable to clearly determine its intent or effect.

C. **Variances.** The Zoning Board of Appeals is empowered to grant variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. Any requirement of this Ordinance which can be expressed in terms of numbers may be brought before the Zoning Board of Appeals to be considered for a variance. A variance may be granted when any ONE (1) of the following special conditions can be demonstrated clearly:

1. There are PRACTICAL DIFFICULTIES or unnecessary hardships which prevent carrying out the strict letter of the Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
2. There are exceptional CIRCUMSTANCES or physical conditions such as narrowness, shallowness, shape, or topography of property involved. Circumstances resulting from an act of the applicant, after the adoption of this Ordinance, shall not be allowed a variance.
3. Variation is necessary for the preservation of a SUBSTANTIAL PROPERTY RIGHT possessed by other properties in the same zoning district. When a variance is being considered to overcome unique circumstances or physical conditions regarding the configuration of the property involved, these circumstances or conditions must not have resulted from any act of the applicant or property owner subsequent to the adoption of this Ordinance.

D. **Rules for Zoning Board of Appeals Actions.**

1. A public hearing must be held by the Zoning Board of Appeals prior to making a decision on a variance or an administrative review or interpretation which relates to a specific parcel. Mailed notice shall be given at least fifteen (15) days in advance of the date of the meeting at which the action will be considered.
2. In making any decision, the Zoning Board of Appeals must endeavor to avoid causing a substantial adverse effect upon property values in the immediate vicinity of the subject property. Nor shall such actions have the effect of substantially impacting property values for land in the Zoning District in which the subject property is located.

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3. Any action brought before the Zoning Board of Appeals may relate only to a single parcel which must be under control of the applicant. If the applicant is not the owner of the property, evidence must be provided that the owner concurs with the request for Zoning Board of Appeals action.
4. Approval by the Zoning Board of Appeals of any request may not be granted simply to prevent an economic loss. Improving an owner's chance to profit from sale of a parcel is NOT an objective of this Ordinance.
5. Any request which has been denied wholly or in part by the Zoning Board of Appeals may only be appealed to the Circuit Court within thirty (30) days of the Zoning Board of Appeal's decision. No application for a variance which has been denied wholly or in part by the board 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 board to be valid.
6. The board may specify, in writing, such conditions regarding the character, location and other features that will in its judgement, secure the intent and purposes of this ordinance. The breach of any such conditions shall automatically invalidate the permit granted.
7. Each variance granted under the provisions of this ordinance shall become null and void unless:
  - a. The construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance.
  - b. The occupancy of land, premises, or buildings authorized by the variance has taken place within two (2) years, after the granting of the variance.

## SECTION 304. ENFORCEMENT

### 304.1 RESPONSIBILITY.

The Zoning Administrator shall enforce the provisions of this Ordinance.

### 304.2 VIOLATIONS AND PENALTIES.

Violations of any provision of this Ordinance are declared to be a nuisance per se. Any and all building or land use activities which are considered to be possible violations of the provisions of this Ordinance, and which are observed by or communicated to a Township Official or employee, shall be reported to the Zoning Administrator. A complaint of violation shall be made in writing stating the causes and basis of the complaint. The complaint is to be filed with the Zoning Administrator for investigation.

- A. **Inspection of Violation.** The Zoning Administrator shall inspect each alleged violation he or she observes or is made aware of and shall order correction, in writing, of all conditions found to be in violation of this Ordinance.
- B. **Correction Period.** All violations shall be corrected within a reasonable time period determined by the Zoning Administrator, but not to exceed thirty (30) days.
- C. **Action by Township Attorney.** A violation not corrected within this period shall be reported to the Township Attorney, who shall initiate procedures to eliminate such violation. Once a violation has been referred to the Township Attorney, any legal action which the Attorney deems necessary to restore compliance with all terms and conditions of this Ordinance is hereby authorized.
- D. **Penalties.** For each day that a violation continues beyond the correction period, a separate offense shall be declared. Any violator of the provisions of this ordinance shall be considered guilty of maintaining a nuisance per se. The penalties for such violations per day will be established by the Lake Township Board, in a Standard Fee and Penalty Schedule.
- E. **Cumulative Rights and Remedies.** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

**304.3 CONFLICTING REGULATIONS.**

In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by this Ordinance are more stringent than any other law or Ordinance, then the provisions of this Ordinance shall govern, PROVIDED also that whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, the provisions of such other law or Ordinance shall govern.

**SECTION 305. AMENDMENTS**

**305.1 TOWNSHIP BOARD MAY AMEND.**

The regulations and provisions of this Ordinance and the boundaries of zoning districts shown on the Zoning District Map may be amended by the Township Board.

**305.2 INITIATION OF AMENDMENTS.**

Proposals for amendments, supplements, or changes may be initiated by the Township Board of its own action, by the Planning Commission, or by petition of one (1) or more persons having an interest, by ownership or option to purchase, in property to be affected by the proposed amendment. All amendments shall be made in conformance with the procedures specified in the Michigan Zoning Enabling Act, Act 110 of 2006, and the following procedures and specifications.

**305.3 AMENDMENT PROCEDURE.**

- A. **Petition to Township Clerk and Payment Office.** All petitions for amendments to this ordinance shall be in writing, signed, with the appropriate fee, and filed in triplicate with the Township Clerk for presentation to the Township Planning Commission. The petition shall be submitted upon an application on standard form to the Township Clerk, who will transmit the application to the Planning Commission for recommended action.
- B. **Recommendation.** The Planning Commission shall consider each proposed amendment and may recommend any additions or modifications to the original amendment petition.
- C. **Public Hearing.** Before voting on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing, with notice being given to the public as required by law and as set forth in Section 306.

D. **Huron County Planning Commission.** Following the conclusion of the public hearing and review by the Township Planning Commission, the proposed amendment and any applicable zoning district map updates shall be submitted to the Huron County Planning Commission for their review. The approval of the County Planning Commission shall be presumed, conclusively, unless such Commission notifies the Township Board of its approval or disapproval within thirty (30) days of its receipt of the amendment.

E. **Township Board Action.** Upon receipt of the Huron County Planning Commission's recommendation, the Township Board shall review said recommendation and that of the Township Planning Commission, along with a summary of comments received at the Planning Commission public hearing/meeting on the proposed amendment. The Township Board may on its own initiative hold an additional public hearing regarding the proposed amendment and is required to hold a public hearing upon the request of any property owner. Said request must be made in writing, sent by certified mail and addressed to the Township Clerk. Said request must be received prior to the meeting at which the proposed amendment would first be considered by the Township Board. The Planning Commission shall be notified of the hearing and encouraged to attend. The hearing may be held at a regular meeting or at a special meeting called for that purpose. Notice of the hearing, including all information required by law, shall be published in a newspaper which circulates in the Township at least fifteen (15) days before the hearing. Mailed notice of said hearing is not required.

If the Township Board deems advisable any changes to the amendment recommended by the Planning Commission, it may refer these changes back to the Planning Commission for a report thereon within thirty (30) days. The Township Board may deny or adopt the amendment with or without changes, by a majority vote of its membership, following the Board's standard procedures for adoption of ordinances.

F. **Notice of Adoption.** Upon Township Board adoption, the amendments or supplements shall be filed with the Township Clerk and one notice of adoption shall be published in a newspaper of general local circulation within fifteen (15) days after adoption. The notice of adoption shall include the following information:

1. A summary of the regulatory effect of the amendment, including the geographic area(s) affected, or the text of the amendment as adopted.
2. Effective date of the amendment.
3. The place and time where a copy of the Ordinance may be purchased or inspected.

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- G. **Enactment.** All changes required to the text of the ordinance or the zoning map shall be made and recorded within three (3) normal working days after the effective date of the ordinance or map amendment as follows:
  - 1. **Text Changes.** All text changes shall be identified by a reference number referring to the administrative action and include the adoption date as well as the effective date.
  - 2. **Map Changes.** Each change to the official zoning map as defined in Section 402, shall be accompanied by a reference number on the map which shall refer to the official legislative action.
  
- H. **Resubmittal.** No application for a rezoning which has been denied by the Township Board 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 which, upon inspection by the Township Board, are found to be valid.

**SECTION 306. NOTICE REQUIREMENTS FOR PUBLIC HEARINGS**

**306.1 PREPARATION.**

The Township Clerk shall be responsible for the preparation, publication and distribution of the public hearing.

**306.2 CONTENT.**

Each notice for any public hearing required by this Ordinance shall include the following information.

- A. Identification of the applicant, if any.
- B. Identification of the property which is the subject of the request.
- C. Nature of the matter to be considered.
- D. Identification of the public body which will be conducting the public hearing and will decide upon the matter.
- E. Date, time and place of the public hearing.
- F. The places and times at which any proposed text and/or map amendment to the Zoning Ordinance may be examined.

- G. Statement of where and when written comments will be received concerning the request.

**306.3 DISTRIBUTION.**

- A. **Published.** Notice shall be published once in a newspaper of general circulation at least fifteen (15) days before the date of the hearing.
- B. **Utility Companies and Other Entities.** Not less than fifteen (15) days notice shall also be given by first class mail to each public utility company servicing the community, at the mailing address identified by each company for the purpose of receiving such notice, and to each railroad company servicing the community, if they request notification.
- C. **Residents, Businesses or Property Owners within Three Hundred (300') feet.** Whenever provisions of this Ordinance require public hearing notices to persons who reside, do business or own property within three hundred (300') feet of a certain parcel, notice shall be delivered to the following.
  - 1. The owner(s) of property of which approval is being considered.
  - 2. All persons to whom real property is assessed where any part of their parcel lies within three hundred (300') feet of the boundary of the property in question.
  - 3. Occupants of all structures where any part of the structure lies within three hundred (300') feet. Each dwelling unit or rental area within said structures shall receive one (1) notice. However, separate notice need not be sent for accessory structures where the primary structure also lies within the three hundred (300') foot distance. If the name of the occupant is not known, the term "occupant" may be used in making notification. In the case of a single structure containing more than four (4) dwelling units or other distinct areas, the notice may be mailed to the manager or owner of the structure who shall be requested to post the notice at the primary entrance of the structure.
- D. **Affidavit of Mailing.** An affidavit of mailing, identifying all parties to whom notice has been sent, shall be prepared and filed with other material relating to the proposed amendment prior to the Planning Commission meeting at which the hearing to be conducted.

**SECTION 307. APPROVAL PROCESS**

No building or structure shall be erected, moved, enlarged, substantially altered, or razed nor shall any work be started on such structures or buildings after the effective date of the ordinance, until a Land Use Permit has been obtained from the Zoning Administrator. No permit shall be issued to erect, move, enlarge, substantially alter, or raze a building or structure unless the request is in conformance with the provisions of this Ordinance or amendment adopted from time to time after the effective date of this Ordinance.

**307.1 SITUATIONS REQUIRING A LAND USE PERMIT ONLY.**

- A. The proposed project is a single dwelling unit.
- B. The proposed project is an existing development and,
  - 1. The project involves an expansion of a residential dwelling of two or fewer units.

**307.2 SITUATIONS REQUIRING A LAND USE PERMIT & FORMAL SITE PLAN REVIEW.**

The Township Planning Commission must review and approve site plans AND the Zoning Administrator must issue a Land Use Permit before granting approval when:

- A. The proposed project requires a Special Use Permit, including those for Planned Unit Developments, or subdivision plats.
- B. The proposed project will have more than two (2) dwelling units.
- C. The proposed project is in a General Business (B-1) zoning district or Residential Business (RB).
- ~~D. The proposed project is in the R-1, Single Family Residential District.~~  
*Amended 8.17.2009*
- E. The proposed project involves a non-conforming lot.
- F. The Zoning Administrator requires Planning Commission review.
- G. In the case of existing development, a Land Use Permit and Site Plan Review is required when one or both of the following apply.
  - 1. The project involves increasing the footprint or total square footage by ten (10%) percent or more, of any residential structure with more than two (2) units, or any general business structure or use.

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2. The project involves expansion of an acceptable nonconforming use, building or structure. Unacceptable nonconforming uses may not expand.

AT NO TIME SHALL A SITE PLAN REVIEW BE REQUIRED AS A PART OF THE DECISION PROCESS FOR A REZONING! This is because the decision to rezone property should be based on consideration of its effects on long range plans for the Township, and on the merits of the proposed Zoning District, and the uses it would allow, as they relate to the subject property and surrounding area.

### 307.3 LAND USE PERMIT SUBMITTAL REQUIREMENTS.

- A. **Application Deadlines.** A complete application package shall be received at least ten (10) days prior to beginning construction, alteration or expansion.
- B. **Application Materials.** Applications for issuance of Land Use Permits and inspections shall be paid to the Township Treasurer in advance of the issuance of the Land Use Permit. Such fees are necessary to cover the costs involved and shall be established from time to time by the Lake Township Board. Failure to obtain necessary Land Use Permits may result in the doubling of applicable fees.
- C. **Submittal Requirements.** Two complete copies of the following information shall be provided.
  1. Legal survey of lot.
  2. Shape, area, dimensions of the lot and location of the street(s).
  3. Location, dimensions and height of existing and/or proposed structure to be erected, altered or moved on the lot.
  4. Use intended and intensity (such as: single family home).
  5. Dimensions showing yard requirements, including setbacks as well as parking and driveways.
  6. Flood elevation and flood area if applicable.
  7. Copies of all other permits required prior to obtaining Land Use Permit:
    - a. Sewer or septic system: Huron County Health Department.

- b. Soil erosion control measures and approved plan.
  - c. High Risk Erosion Area (HREA) Permits.
  - d. Wetland Permits.
  - e. Any other permits except Building Permit, which cannot be obtained until a Land Use Permit is obtained from the Zoning Administrator.
8. Any other information deemed necessary by the Zoning Administrator to assure that the Land Use Permit request is in compliance with the provisions of this ordinance.

**307.4 SITE PLAN SUBMITTAL REQUIREMENTS.**

- A. **Application Deadlines.** If a zoning application requires a Site Plan Review by the Planning Commission, a complete application package must be received at least fifteen (15) days before the date of a Planning Commission meeting in order to be reviewed at said meeting.
- B. **Application Material.** Applications requiring Site Plan Review must be accompanied by a fee as established by the Township Board and by at least four (4) copies of a site plan which meets the following requirements. The application will not be reviewed until the complete application package has been submitted, including the fee.
- C. **Site Plan Contents.** All applicants shall complete the site plan review checklist with persons described in item (3d) of this section. The site plan review checklist is available with the Zoning Information Packet at the Township offices. Site plans shall conform to the provisions approved on the checklist. All site plans must bear the stamp of a licensed engineer or architect with civil engineering or architecture qualifications.

Note that any proposed construction, landscaping, retention of natural features or other property conditions depicted in the site plan submission will be relied upon by the Planning Commission in its review. Therefore, these conditions become requirements for approval of the site plan. Failure to abide by such conditions constitutes a violation of the terms of the permit issued pursuant to site plan approval, and is subject to the enforcement provisions of this Section of the Ordinance.

- 1. **Scale.** The site plan must be drawn to a consistent scale of not less than one inch equals fifty (1" = 50') feet for sites of three (3) acres or less, or one inch equals two hundred (1" = 200') feet for larger sites.

2. **Identification.** The applicant's name, address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.
3. **Property Information.** The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it, including all existing and proposed easements or rights of way. Zoning of the site, and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan. Where more than one description exists for a parcel of land, the legal description on file with the Huron County Register of Deeds will be the legal description upon which a site plan decision is based.
4. **Site Features.** The site plan should depict existing environmental conditions, including the locations of wooded areas or isolated trees over six (6) inches in diameter, topography, drainage features showing the type and direction of flow, wetlands, any existing structures, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.
5. **Transportation Features.** The site plan must show the location and surface type of all existing and proposed public and private roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks, loading areas or docks, truck bays, and refuse pickup stations.
6. **Utilities.** The site plan must show the location and size of all existing and proposed public utilities. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes. Storm drainage information shall include any enclosed drains, flow restrictors and on-site retention. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone, cable television, septic tanks, fields and wells.

7. **Structures.** The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. For multifamily housing developments, the number of units in each building must be identified. Schematic plans and elevations of all structures exceeding five thousand (5,000) square feet of total floor area must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, dumpsters, screening, fences, and decorative walls.
  8. **Supplementary Material.** The site plan shall be complemented by any additional information, which, in the Zoning Administrator's discretion, is important for the Site Plan Review process. This could include, but not be limited to an assessment of the proposed project's impact on environmental, historic social or economic conditions; traffic studies; or proposed measures to control or mitigate such impacts as noise, smoke, particulates, vibration, odors, or fire hazards. (See Appendix for a Site Plan Checklist guide.)
- D. **Staff Review of Site Plan.** Before the site plan is reviewed by the Planning Commission, the Township Building Inspector, Engineer, or contracted engineering services, Public Works Director and Fire Chief, or their designees, shall be given an opportunity to review and comment upon it. In addition, the Zoning Administrator may submit the site plan to any other Department of Township government that he or she believes would have an interest in some aspect of the proposed project.
- E. **Planning Commission Review of Site Plan.** The Planning Commission shall address the Site Plan Review at a public meeting. A public hearing will be held only if any party submits a written request to the Township Clerk prior to the Planning Commission meeting at which the site plan is to be considered. The fee for such a meeting shall be established by the Township Board. In such cases, the public shall be heard before the Planning Commission acts upon the site plan. However, a Site Plan Review does not require either a public hearing or special notification of anyone. The findings of a staff review of the site plan and any public comments shall be taken into consideration by the Planning Commission, but are not binding upon it in any way. In the interest of providing a timely response to the applicant, the Planning Commission must take one of the following actions at the meeting during which the Site Plan Review is conducted.

1. **Approval.** An affirmative vote of the majority of Planning Commission members present at the meeting is necessary to approve a site plan. Once approved, the site plan becomes a condition of any permit that may be granted for the proposed project.
2. **Conditional Approval.** The Planning Commission may elect to attach conditions to its approval of a site plan. Conditions must be justified by one (1) or more requirements of this Ordinance, or by provisions of other local, state or federal laws. These conditions, together with the regulatory authority and reasoning which justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing.
3. **Denial with Explanation.** Failure to comply with one or more of the Review Standards is the only justification for denial of a site plan. The vote of a majority of Planning Commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must state which of the Review Standards was not met by the site plan, and how the plan failed to meet the standard. The motion to deny may also suggest methods by which the shortcoming might be corrected. The applicant shall be notified in writing of the Planning Commission's denial of the site plan, with the full text of the motion to deny reproduced in the communication.

- F. **Record to be Maintained.** This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson and the Zoning Administrator, documentation of any conditions attached to the site plan approval and evidence of the satisfaction of same, documentation of any allowed deviations from the approved site plan, dated and signed by the permit holder and the Zoning Administrator.

**307.5 SITE PLAN REVIEW STANDARDS.**

All Site Plan Reviews shall use only the following set of standards to judge whether the site plan should be approved or denied.

- A. **District Regulations.** The project must comply with the applicable District Regulations regarding use, dimensions, off street parking and any other aspects. (When the Site Plan Review is being conducted as part of the consideration process for a Special Use Permit or a Planned Unit Development, the use of the site will be addressed after the Site Plan Review. Therefore, it must be presumed for this purpose that the use of the site will conform to the District Regulations.)

- B. **Supplementary Regulations.** The project must comply with any and all of the Supplementary Regulations which may apply to it, as identified by Chapter 13 of this Ordinance.
- C. **Special Use Standards.** If the Site Plan Review is being conducted for a proposed Special Use Permit, any Special Use Standards relating to the proposed use, as identified by Chapter 16 also must be satisfied.
- D. **Building Arrangements.** Site plans will be evaluated on the basis of scale, circulation of air, provisions of adequate access to and around buildings for police and fire protection services, establishment of pleasant vistas, arrangements conducive to enhancing the environmental quality of the site when developed, minimizing the extent of impervious ground cover and minimizing the destruction of natural features which contribute to environmental quality.
- E. **Transportation.** Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road right-of-way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal from transportation facilities, public transit, pedestrian circulation, emergency vehicle access, and accessibility for handicapped persons. When the adequacy of public road service to the parcel is in question, the input of the Huron County Road Commission shall be sought.
- F. **Driveways.** All driveways serving customer or employee parking lots shall provide two-way traffic, unless otherwise part of a one way entrance and exit system. All driveways shall be a minimum of twenty (20') feet wide. A lesser width may be permitted if it can be proven that the driveway will be increased to twenty (20') feet due to a joint arrangement with an adjacent property owner. Driveways must have a raised curb that continues to the edge of the travel portion of the public street if curbing is in place or planned for the public right-of-way. Except for large parking lots, driveways shall be limited to one (1) per development.
- G. **Utilities.** Public utilities, including water, sewer and storm drainage facilities, must be adequate to serve the proposed use, or sufficient provisions shall be made to provide these services on the site. Private utility services, including electricity, telephone, natural gas, cable television, septic tanks, drain fields, and wells must also be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.

- H. **Lighting.** Lighting is intended to illuminate parking and vehicular areas for the purpose of increasing the safety of the users. Lighting shall be kept “on site” with limited spill over. A lighting plan with foot candle readings shall be included in the site plan submittal.
- I. **Fire Protection.** The proposed project must comply with applicable fire safety regulations. Also, current Township Fire Department personnel and equipment must be sufficient to serve the project.
- J. **Environment.** Natural features of the landscape should be retained wherever practicable to furnish a buffer between the project and adjoining property(ies) to help control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare, or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation, or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site plan should be developed with the goal of controlling any negative impacts the project may have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the property boundaries. Further, projects shall fully adhere to applicable environmental regulations promulgated by the Michigan Department of Natural Resources, Huron County Health Department or other agencies.
- K. **Storm Drainage.** Surface drainage, otherwise referred to as sheet drainage, to the right-of-way, or adjacent properties is unacceptable.
- L. **Consistency with Ordinance Intent.** The site plan should be generally consistent with the purpose and objectives of this Ordinance, as stated in Chapter 1, and with the purpose of the District in which the subject parcel is located.

**SECTION 308. INSPECTIONS**

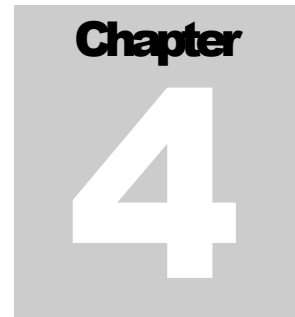
For the construction, enlargement, movement or renovation of buildings or structures, inspections shall be required, but not limited to, the following:

- (1) First Inspection (by the zoning administrator) shall be after the location of the building or structure foundation has been staked.
- (2) Second inspection (by the building inspector) shall occur after the footings/foundation forms are in place and prior to pouring of concrete.
- (3) Third inspection (building inspector) shall occur prior to covering of the structural members;
- (4) Final inspection (by the building inspector) is required prior to its use.

When the final inspection is completed and it is found by the Zoning Administrator and Building Inspector that the structure and its intended use are in compliance with the land use permit and/or the Site Plan Review and Special Land Use permit and Building Code, then a certificate of occupancy may be issued by the building inspector. Inspections, when requested, shall be accomplished in a timely and efficient manner.

**SECTION 309. CERTIFICATE OF OCCUPANCY**

No land shall be used or changed in use or any building or structure occupied, used or changed in use after the effective date of this Ordinance, until a certificate of occupancy is issued by the Building Inspector certifying that the use of the land, building, or structure is as intended and stated in the land use permit and/or the Site Plan Review and Special Land Use permit and in conformance with the provisions of this Ordinance.



## **Districts**

### **SECTION 401. DIVISION OF THE TOWNSHIP**

For the purposes of this Ordinance, all land within Lake Township, excepting streets and alleys, is divided into the following Zoning Districts. The districts as listed here are presumed to be in ascending order of permissiveness and land use intensity, or in descending order of restrictiveness as one proceeds from top to bottom.

- AG Agricultural
- R-R Rural Residential
- R-1 Single Family Residential
- R-2 Single Family Residential
- R-3 Multiple Family Residential
- R-B Residential Business
- B-1 General Business

At the time of adoption of this Zoning Ordinance, there are several industrial zoned properties within Huron County which are either improved and vacant or unimproved, which are most likely better suited for industrial development than any area within Lake Township. If, at some point in the future, industrial development is needed or wanted within the boundaries of Lake Township, the planning commission will review the current Master Plan and Zoning Ordinance for consideration of an industrial district.

### **SECTION 402. OFFICIAL ZONING MAP**

The boundaries of Zoning Districts are defined and established as shown on a map entitled "Lake Township Zoning Map" which accompanies this Ordinance. This map, with all explanatory matter thereon, is hereby made part of this Ordinance.

The official zoning map shall be identified by the signature of the Township Supervisor and attested by the Township Clerk, and shall contain the following, "This is to certify that this is the Official Zoning Map of Lake Township, adopted on December 18, 2006."

Two (2) official copies of the zoning map shall be maintained, one in the office of the Zoning Administrator and the other in the office of the Township Clerk.

### **SECTION 403. INTERPRETATION OF BOUNDARIES**

For consistency of enforcement and to prevent ambiguity, where uncertainty exists with respect to the boundaries of any of the districts indicated on the official Zoning Map, the following rules shall apply:

- A. Boundaries indicated as following streets, alleys, highways, or other modes of conveyance shall be deemed to follow the centerlines of such right-of-way.
- B. Boundaries which are indicated, as approximately following lot lines, or boundary lines shall be constructed as following such legally placed lines.
- C. Boundaries following the shoreline of a stream, lake, or other body of water shall be constructed as the ordinary high water mark as established by the Army Corp of Engineers.
- D. Boundaries that follow the shoreline of Lake Huron shall be construed as the ordinary high water mark, set at 581.5 feet above sea level by the USACE.

### **SECTION 404. SCOPE OF REGULATIONS**

No building or structure or part thereof shall be hereafter erected, moved constructed, or altered, and no new use or change in use of a parcel or structure shall be made unless it conforms with the provisions of this Ordinance, including the regulation of the Zoning District in which it is located.

The regulations applying to Zoning Districts include specific limitation on the use of land and structures, height and bulk of structures, parcel area and dimensions, setback of structures from public thoroughfares and neighboring properties, and area of a parcel that can be covered by structures.

The Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned by this Ordinance. Said use shall be treated in a like manner with a comparable permitted or prohibited use for the purpose of clarifying the district regulations of any Zoning District.

### **SECTION 405. DISTRICT BOUNDARY EXCEPTIONS**

Where a district boundary line, as established by this Ordinance, when adopted or subsequently amended, divides a lot in single or separate ownership, a use permitted in the less restricted portion of said lot may be extended to the entire lot, subject to the following conditions:

**LAKE TOWNSHIP ZONING ORDINANCE**

- A. That one-half ( $\frac{1}{2}$ ) or more of the area of said lot shall be in the less restrictive district.
- B. That any part of a less restricted use extended beyond a district boundary under the terms of this section shall be housed entirely within an enclosed building and such building shall conform to any applicable yard and area requirements in the more restrictive district.

Restrictiveness by district proceeding from most restrictive to least restrictive is herein established as follows:

R-1, R-2, R-3, R-R, R-B, B-1, AG

**SECTION 406. APPROVAL OF PLATS**

No proposed plat of a new or redesigned subdivision shall hereinafter be approved by either the local governing body or its agents unless the lots within the plat equal or exceed the minimum size and width requirements of this Ordinance and all other applicable codes or Ordinances.

**SECTION 407. DIMENSIONAL REQUIREMENTS TABLE**

This table appears on one (1) page. The table specifies parcel dimensions and setback requirements for parcels in each Zoning District.

**LAKE TOWNSHIP ZONING ORDINANCE**

| <b>Dimensional Requirements by Zoning District</b> |                |                      |                   |  |                   |                    |                  |                        |                             |
|--|----------------|----------------------|-------------------|--|-------------------|--------------------|------------------|------------------------|-----------------------------|
| <b>District</b>                                    | <b>Chapter</b> | <b>Min. Lot Size</b> | <b>Min. Width</b> | <b>Min. Floor Area per Dwelling Unit</b> | <b>Front Yard</b> | <b>Side Yard</b>   | <b>Rear Yard</b> | <b>Building Height</b> | <b>Maximum Lot Coverage</b> |
| AG   | 5              | 1-1/2 Acre           | 150'              | 720 sq. ft.                              | 50'               | 25'                | 25'              | 35'                    | N/A                         |
| R-R  | 6              | 1-1/2 Acre           | 150'              | 720 sq. ft.                              | 25'               | 10'                | 25'              | 30'                    | 25%                         |
| R-1  | 7              | 12,000 sq ft         | 100'              | 720 sq. ft.                              | 25' <sup>a</sup>  | 16' total, 6' min. | NA               | 28'                    | 25%                         |
| R-2  | 8              | 12,000 sq ft         | 100'              | 720 sq. ft.                              | 25'               | 16' total, 6' min. | 10'              | 28'                    | 25%                         |
| R-3  | 9              | 12,000 sq ft         | 100'              | 720 sq ft                                | 40'               | 15'                | 25'              | 35'                    | 35%                         |
| R-B  | 10             | 12,000 sq ft         | 100'              | 720 sq ft                                | 25'               | 10' <sup>b</sup>   | 20'              | 35'                    | 35%                         |
| B-1  | 11             | 15,000 sq ft         | 100'              | N/A                                      | 40'               | 25' <sup>c</sup>   | 25' <sup>c</sup> | 35'                    | 35%                         |

Minimum building width for all dwelling units must have a minimum width on any side of 24'.

In any Residential district, in the case of a corner lot, the side yard on the street side shall not be less than 25' and the remaining side yard shall not be less than 10'.








<sup>a</sup> The building setback on the lakeside of a waterfront property shall be such that from an adjoining property structure, by using a measurement from the front face corners of the existing structure as a baseline to the proposed structure and/or addition, there shall be no more than a 30 degree angle. See 705.2. D.

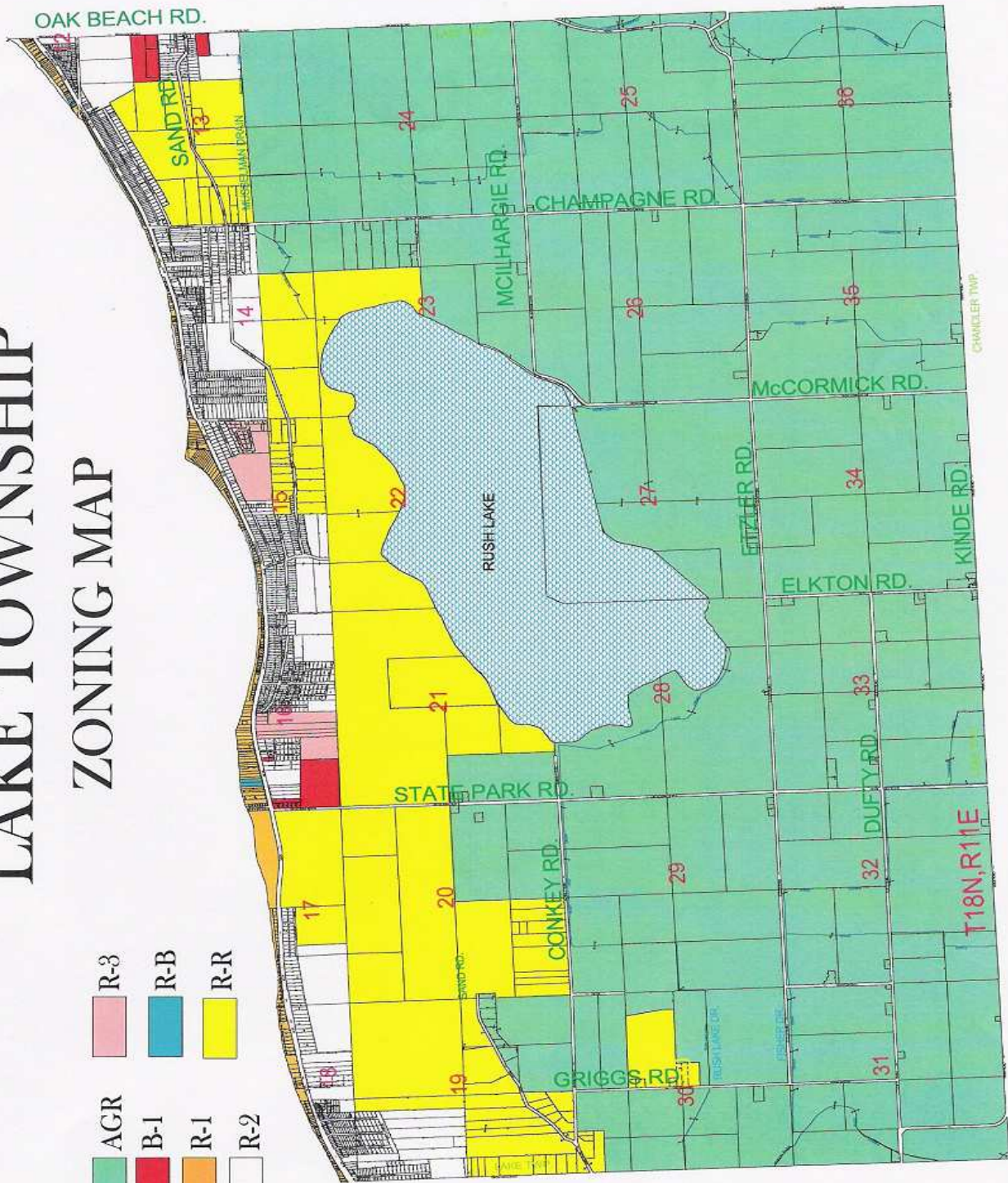
<sup>b</sup> When the side yard abuts upon the side or rear yard of another R-B district, the minimum side yard setback shall be 3'.

<sup>c</sup> When the side yard or rear yard abuts the side yard or rear yard of another B-1 district, the minimum side yard shall be 6' and the minimum rear year shall be 10'.

**For Accessory Structures see chapter for respective districts.**

# LAKE TOWNSHIP ZONING MAP

- |   |   |
|---|---|
|  AGR |  R-3 |
|  B-1 |  R-B |
|  R-1 |  R-R |
|  R-2 |   |





## **AG - Agricultural**

### **SECTION 501. INTENT AND PURPOSE**

To conserve, stabilize, enhance and develop farming and related uses, to minimize conflicting uses, and to prohibit uses which require streets, drainage and other public facilities and services other than those that currently exist. To encourage single-family homes that are compatible with the agricultural use and rural character of the Township.

### **SECTION 502. USES PERMITTED BY RIGHT**

Following are the principal permitted uses by right within the AG District:

- A. Single family, non-farm dwellings, subject to conditions in Section 504.
- B. General Farming and Forestry including field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, greenhouses, tree nurseries and similar agricultural enterprises.
- C. Processing and storage of animals and products grown on farms when accessory and incidental to a farm as defined herein; provided such processing or storage is not obnoxious or offensive by reason of odor, noise, fumes, dust, smoke, waste, vibration or other characteristics.
- D. Roadside stands selling products grown by the owner of the property upon which the stand is located PROVIDED that the contiguous space for the parking of customer's vehicles is furnished off the public right-of-way at the ratio of one (1) parking space for each fifteen (15) square feet of roadside stand floor area.
- E. Cemeteries, Public or Private, subject to conditions in Chapter 16.
- F. Home Occupations and Accessory Uses, subject to Chapter 16.

- G. State licensed residential facility providing resident services for persons under twenty-four (24) hour supervision or care, or both. This Section shall not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

**SECTION 503. USES PERMITTED AFTER SPECIAL APPROVAL**

The following special approval uses shall be permitted subject to approval by the Township Board after review and approval by the Planning Commission, and further subject to any and all reasonable conditions which may be imposed in accordance with The Michigan Zoning Enabling Act, P.A. 110 of 2006, and Chapter 16 Special Approval Use Permits.

- A. Private parks, mini-golf facilities, driving ranges and similar private recreation uses.
- B. Golf Courses and Country Clubs.
- C. Public Utility Buildings not including storage yards when required to serve the immediate vicinity and such use is not injurious to the surrounding neighborhood.
- D. Group day-care facility subject to the standards of Section 206 of the Michigan Zoning Enabling Act of 2006.
- E. Schools.
- F. Religious Uses.
- G. Publicly owned and operated parks, play fields, museums, libraries and other recreation facilities.
- H. Radio/RV transmitter and allied appurtenances.
- I. Sewage disposal facilities.
- J. Composting and recycling facilities, subject to Section 16.
- K. Kennels.
- L. Mining & Excavation.

**SECTION 504. MINIMUM STANDARDS FOR RESIDENTIAL DWELLINGS**

All single family dwellings shall comply with the following:

- A. All single family dwellings shall have a minimum of seven hundred twenty (720) square feet of floor area on the main floor.
- B. It shall maintain twenty-four (24') feet minimum width across every front, side or rear elevation and complies in all respects with the Township building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulation for construction are different than those imposed by the township building code, in that event such federal or state standard or regulation shall apply.
- C. It is firmly attached to a permanent foundation constructed on the site in accordance with the township building 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. Also, in the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
- D. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling will have any exposed towing mechanism, under carriage, or chassis.
- E. The dwelling is connected to the public sewer and water supply or to such private facilities approved by the local health department.
- F. The dwelling contains a storage 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 ten (10%) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
- G. 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.

- H. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development (being 24 CFR, 3280) and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

**SECTION 505. DIMENSIONAL REQUIREMENTS**

**505.1 MINIMUM LOT SIZE**

- A. Each lot shall contain a minimum of one and one-half (1½) acres for single-family, non-farm dwellings. Each lot shall be a minimum width of one hundred fifty (150') feet of frontage on a public or private road.
- B. Dairy, poultry and animal farms shall contain a minimum of 10.1 acres. Each shall have a minimum width of two hundred fifty (250') feet.

**505.2 MINIMUM YARD REQUIREMENT**

- A. Each lot shall have a minimum front yard of fifty (50') feet from the property line.
- B. Each side yard shall be a minimum of twenty-five (25') feet from the property line. See additional accessory structure requirements in 505.5.
- C. Each lot shall have a minimum rear yard of twenty-five (25') feet from the property line.

**505.3 MAXIMUM BUILDING HEIGHT**

No residential building or residential accessory structure shall exceed thirty-five (35') feet or two and one-half (2½) stories in height. All other buildings and structures shall not exceed their usual customary heights of similar buildings located in the township.

**505.4 MAXIMUM LOT COVERAGE**

No maximum coverage in AG Districts.

**505.5 ACCESSORY STRUCTURES**

Accessory structures are permitted in the AG district, subject to the following:

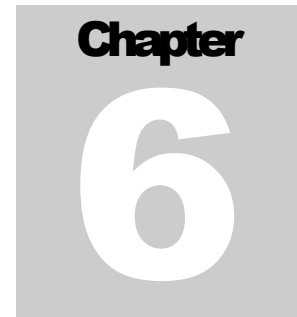
- A. Setbacks for Accessory Structures are as follows:

## **LAKE TOWNSHIP ZONING ORDINANCE**

1. For all uses other than residential, there shall be side yards of no less than twenty-five (25') feet each. Farm buildings not housing animals or poultry shall also be located at least twenty-five (25') feet from all property lines.
2. Farm buildings or corrals housing animals or poultry shall be located at least fifty (50') feet from all property lines.

### **SECTION 506. PARKING**

Off-Street parking shall be provided in accordance with the regulations in Chapter 14.



## **R-R - Rural Residential**

### **SECTION 601. INTENT AND PURPOSE**

To maintain, preserve and enhance rural acreage which has not historically been used for agriculture, but which is either wooded or open space and is not subdivided and which is generally best suited for larger single family parcels with accessory rural-type buildings and uses situated on them as special uses.

### **SECTION 602. USES PERMITTED BY RIGHT**

Following are the principal permitted uses by right within the R-R District.

- A. Single family detached dwellings, including manufactured dwellings, subject to Sections 604 and 605.
- B. Accessory buildings and uses customarily incidental to the permitted uses above, subject to Sec. 605.5.
- C. Temporary buildings or trailer offices incidental to construction work for a period not to exceed one (1) year.
- D. Essential Services.
- E. State licensed residential facility providing resident services for persons under twenty-four (24) hour supervision or care, or both. This Section shall not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
- F. State licensed or approved family day care facilities subject to the provisions of the Michigan Zoning Enabling Act of 2006.

**SECTION 603. USES PERMITTED AFTER SPECIAL APPROVAL**

The following Special Approval uses shall be permitted subject to approval by the Township Board after review and recommendation by the Planning Commission, and further subject to any and all reasonable conditions which may be imposed in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, and Chapter 16 of this ordinance.

- A. Private parks, mini-golf facilities, driving ranges and similar private recreation uses.
- B. Golf Courses and Country Clubs.
- C. Planned Unit Developments.
- D. Public Utility Buildings required to serve the immediate vicinity and such use is not injurious to the surrounding neighborhood.
- E. Group day-care facility subject to the standards of Section 206 of the Michigan Zoning Enabling Act of 2006.
- F. Home Occupations, subject to Chapter 16.
- G. Cemeteries adjacent to or an extension of existing cemeteries.
- H. Schools.
- I. Religious Uses.
- J. Publicly owned and operated parks, play fields, museums, libraries and other recreation facilities.

**SECTION 604. MINIMUM STANDARDS FOR RESIDENTIAL DWELLINGS**

All single-family dwellings shall comply with the following:

- A. All single family dwellings shall have a minimum of seven hundred twenty (720) square feet of floor area on the main floor.

## LAKE TOWNSHIP ZONING ORDINANCE

- B. It shall maintain twenty-four (24') feet minimum width across every front, side or rear elevation and complies in all respects with the Township building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulation for construction are different than those imposed by the township building code, such federal or state standard or regulation shall apply.
- C. It is firmly attached to a permanent foundation constructed on the site in accordance with the township building 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. Also, in the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
- D. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling will have any exposed towing mechanism, under carriage, or chassis.
- E. The dwelling is connected to the public sewer and water supply or to such private facilities approved by the local health department.
- F. The dwelling contains a storage 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 dwellings, which storage area shall be equal to ten (10%) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
- G. 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.
- H. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development (being 24 CFR, 3280) and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

## SECTION 605. DIMENSIONAL REQUIREMENTS

### 605.1 MINIMUM LOT SIZE.

Each lot shall contain a minimum of one and one-half (1½) acres. Each lot shall have a minimum width of one hundred fifty (150') feet of frontage on a public or private road.

### 605.2 MINIMUM YARD REQUIREMENT.

- A. Each front yard shall be a minimum of twenty-five (25') feet from the property line.
- B. Each side yard shall be a minimum of ten (10') feet from the property line.
- C. Each lot shall have a minimum rear yard of twenty-five (25') feet from the property line.
- D. In the case of the corner lot the side yard on the street side shall not be less than twenty-five (25') feet and the remaining side yard shall not be less than ten (10') feet from the property line.

### 605.2 MAXIMUM BUILDING HEIGHT.

~~No residential dwelling shall exceed thirty (30') feet and two (2) stories.~~ No residential dwelling shall exceed thirty-five (35') and two (2) stories. *Amended 8.17.09*

### 605.3 MAXIMUM LOT COVERAGE.

~~Twenty-five (25%) percent of the property may be covered by buildings and structures.~~ Thirty-five (35%) percent of the property may be covered by buildings and structures. *Amended 8.17.09*

### 605.4 ACCESSORY STRUCTURES.

Accessory structures are permitted in the R-R district, subject to the following regulations.

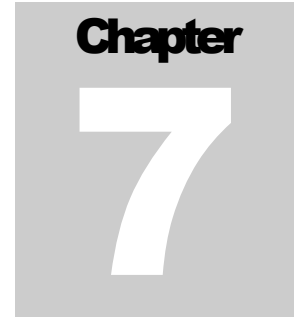
- A. One (1) garage plus one (1) accessory building shall be permitted on any one parcel.
- B. When a garage is structurally attached to a main building, it shall be subject to and must conform to all regulations applicable to the main or principal building.
- C. A garage located in the side yard, whether attached or unattached shall not exceed eight hundred sixty-four (864') feet.

## LAKE TOWNSHIP ZONING ORDINANCE

- D. No garage, accessory building or portion thereof shall be erected or extended into the required front yard setback areas. An attached garage building of fireproof construction may be erected to extend beyond the front line of the house except that such garage shall not encroach upon the minimum front yard setback area as required by this ordinance. No garage or accessory building shall be permitted in the front yard.
- E. No garage, utility or accessory building shall be constructed or moved to any parcel of property until the principal building, or intended to be erected thereon, is at least two-thirds (2/3) completed except that construction of an attached garage may proceed with the construction of the dwelling, unless otherwise provided herein.
- F. Setbacks for Accessory Structures are as follows:
1. For all attached garages, the structure is subject to the same setback regulations as the principal structure.
  2. For detached structures, the structure must be located a minimum of ten (10') feet behind the principal structure and conform to all other setback regulations as the principal structure.
- G. Height Regulations  
The wall height of the structure shall not be more than twelve (12') feet in height above the average grade or an overall (ridge) height of twenty-one (21') feet.

### **SECTION 606. PARKING**

Off-Street parking shall be provided in accordance with the regulations in Chapter 14.



## **R-1 - Single Family Residential**

### **SECTION 701. INTENT AND PURPOSE**

To designate certain portions of the township exclusively for single-family dwellings along the shoreline. It is the purpose of this district to allow residential development while protecting the viewshed and the shoreline, itself.

### **SECTION 702. USES PERMITTED BY RIGHT**

Following are the principal permitted uses by right within the R-1 District.

- A. Single family detached dwellings, including manufactured dwellings, with such manufactured dwellings subject to Section 704.
- B. Accessory buildings and uses customarily incidental to the permitted uses above, subject to Section 705.
- C. Temporary buildings or trailer offices incidental to construction work for a period not to exceed one (1) year.
- D. Essential Services.
- E. State licensed residential facility providing resident services for persons under twenty-four (24) hour supervision or care, or both. This Section shall not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
- F. State licensed or approved family day care facilities subject to the provisions of the Michigan Zoning Enabling Act of 2006.

**SECTION 703. USES PERMITTED AFTER SPECIAL APPROVAL**

The following Special Approval uses shall be permitted subject to approval by the Township Board after review and recommendation by the Township Board after review and recommendation by the Planning Commission, and further subject to any and all reasonable conditions which may be imposed in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, and Chapter 16 of this Ordinance.

- A. Home Occupations.

**SECTION 704. MINIMUM STANDARDS FOR RESIDENTIAL DWELLINGS**

All single family dwellings shall comply with the following:

- A. All single family dwellings shall have a minimum of seven hundred twenty (720) square feet of floor area on the main floor.
- B. It shall maintain twenty four (24') feet minimum width across every front, side or rear elevation and complies in all respects with the Township building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards and where such standards or regulation for construction are different than those imposed by the township building code, the federal or state standard or regulations shall apply.
- C. It is firmly attached to a permanent foundation constructed on the site in accordance with the township building 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. Also, in the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
- D. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling will have any exposed towing mechanism, under carriage, or chassis.
- E. The dwelling is connected to the public sewer and water supply or to such private facilities approved by the local health department.

## **LAKE TOWNSHIP ZONING ORDINANCE**

- F. The dwelling contains a storage 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 ten (10%) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
- G. 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.
- H. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development (being 24 CFR, 3280) and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

### **SECTION 705. DIMENSIONAL REQUIREMENTS**

#### **705.1 MINIMUM LOT SIZE.**

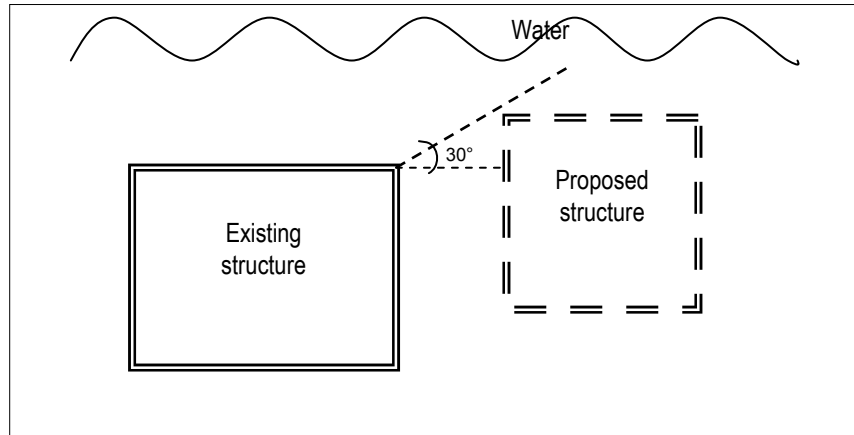
Each lot shall contain a minimum of twelve thousand (12,000) square feet. Each lot shall have a minimum width of one hundred (100) feet of frontage on a public or private road.

#### **705.2 MINIMUM YARD REQUIREMENT.**

- A. Each front yard shall be a minimum of twenty-five (25') feet from road right-of-way.
- B. Each side yard shall be a minimum of at least six (6') feet, with total minimum side yards of sixteen (16') feet from the property line.
- C. On lots abutting on water such as lakes, streams, rivers and bays, no building or structure shall be erected less than thirty-five (35') feet from the ordinary high water mark as determined by survey, or if not established, then the highest known water level.

**LAKE TOWNSHIP ZONING ORDINANCE**

- D. The building setback on the lakeside of a waterfront property shall be such that from an adjoining property structure, by using a measurement from the front face corners of the existing principal structure (not including decks or porches, covered or uncovered) as a baseline to the proposed structure and/or addition, there shall be no more than a thirty (30°) degree angle. In addition, no trees or shrubs shall be planted within this thirty (30°) degree angle which will block the view from (of) existing neighboring properties.



The purpose being that new residences or additions should not obstruct the view from (of) existing neighboring properties. A special variance shall be required where the existing structure is setback more than fifty (50') feet from the front (waterfront) property line.

**705.3. MAXIMUM LOT COVERAGE.**

~~Twenty five (25%) percent of the property may be covered by buildings and structures.~~  
Thirty-five (35%) percent of the property may be covered by buildings and structures.  
*Amended 8.17.09*

**705.4 MAXIMUM BUILDING HEIGHT.**

In this District maximum height shall be as listed below:

- A. Residential dwelling unit ~~twenty eight (28')~~ thirty-five (35') feet or two (2) stories in height above the average grade of adjacent properties. In addition, site plan review will take into consideration existing structures on adjacent properties in order to maintain harmony. *Amended 8.17.09*

- B. Detached accessory structure twenty-one (21') feet, ten (10') feet wall height.

**705.5 ACCESSORY STRUCTURES.**

Accessory structures are permitted in the R-1 district, subject to the following and additional structure regulations as contained in Chapter 12:

- A. One (1) garage (attached or detached) plus one (1) accessory building shall be permitted on any one parcel.
- B. An accessory or garage building, whether attached or unattached, shall not exceed six hundred seventy-two (672) square feet.
- C. No two combined accessory structures shall exceed one thousand two hundred (1,200) square feet in area.
- D. When a garage is structurally attached to a main building, it shall be subject to and must conform to all regulations applicable to the main or principal building.
- E. No garage, accessory building or portion thereof shall be erected or extended into the required front and waterfront yard setback areas. An attached garage building of fireproof construction may be erected to extend beyond the front line of the house except that such garage shall not encroach upon the minimum front yard setback area as required by this ordinance. No garage or accessory building shall be permitted in the waterfront yard.
- F. Setbacks for Accessory Structures are as follows:
  - 1. For all attached garages, the structure is subject to the same setback regulations as the principal structure.
  - 2. For all detached structures, the structure must be located a minimum of ten (10') feet from the nearest point of the principal structure and conform to all other setback regulations as the principal structure.

**705.6 BOAT HOISTS AND DOCK LOCATIONS.**

All boat hoists, watercraft hoists or docks placed in the waters abutting waterfront property shall be located in the center of said property. No more than three (3) hoists shall be allowed per waterfront residence.



## **R-2 - Single Family Residential**

### **SECTION 801. INTENT AND PURPOSE**

The R-2 District is designed to provide for single family dwelling sites and residentially related uses. The uses permitted by right and special use are intended to promote a compatible arrangement of land uses for homes, with the intent to keep neighborhoods relatively quiet and maintain the character of the community.

### **SECTION 802. USES PERMITTED BY RIGHT**

Following are the principal permitted uses by right within the R-2 District.

- A. Single family detached dwellings, including manufactured dwellings.
- B. Accessory buildings and uses customarily incidental to the permitted uses above.
- C. Temporary buildings or trailer offices incidental to construction work for a period not to exceed one (1) year.
- D. Essential Services.
- E. State licensed residential facility providing resident services for persons under twenty-four (24) hour supervision or care, or both. This Section shall not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
- F. State licensed or approved family day care facilities subject to the provisions of the Michigan Zoning Enabling Act of 2006.

**SECTION 803. USES PERMITTED AFTER SPECIAL APPROVAL**

The following Special Approval uses shall be permitted subject to approval by the Township Board after review and recommendation by the Township Board after review and recommendation by the Planning Commission, and further subject to any and all reasonable condition which may be imposed in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, and Chapter 16 of this ordinance.

- A. Private parks, mini-golf facilities, driving ranges and similar private recreation uses.
- B. Golf Courses and Country Clubs.
- C. Public Utility Buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations, but not including storage yards, when operating requirements necessitate locations within the district required to serve the immediate vicinity and such use is not injurious to the surrounding neighborhood.
- D. Group day-care facility subject to the standards of Section 206 of the Michigan Zoning Enabling Act of 2006.
- E. Home Occupations.
- F. Cemeteries adjacent when occupying a site of ten (10) acres or more.
- G. Planned Unit Developments.
- H. Schools.
- I. Religious Uses.
- J. Governmental Uses when found to be necessary for the public health, safety, convenience or welfare.
- K. Publicly owned and operated parks, play fields, museums, libraries and other recreation facilities.

**SECTION 804. MINIMUM STANDARDS FOR RESIDENTIAL DWELLINGS**

All single family dwellings shall comply with the following:

## LAKE TOWNSHIP ZONING ORDINANCE

- A. All single family dwellings shall have a minimum of seven hundred twenty (720) square feet of floor area on the main floor.
- B. It shall maintain twenty-four (24') feet minimum width across every front, side or rear elevation and complies in all respects with the Township building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulation for construction are different than those imposed by the township building code, such federal or state standard or regulation shall apply.
- C. It is firmly attached to a permanent foundation constructed on the site in accordance with the township building 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. Also, in the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
- D. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling will have any exposed towing mechanism, under carriage, or chassis.
- E. The dwelling is connected to the public sewer and water supply or to such private facilities approved by the local health department.
- F. The dwelling contains a storage 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 ten (10%) percent of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less.
- G. 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.

- I. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development (being 24 CFR, 3280) and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.

## SECTION 805. DIMENSIONAL REQUIREMENTS

### 805.1 MINIMUM LOT SIZE.

Each lot shall contain a minimum of twelve thousand (12,000) square feet. Each lot shall have a minimum width of one hundred (100') feet of frontage on a public or private road.

### 805.2 MINIMUM YARD REQUIREMENT.

- A. *Each front yard shall be a minimum of twenty-five (25') feet from the property line.*
- B. Each side yard shall be a minimum of six (6') feet, with a total minimum side yard of sixteen (16') feet from the property line.
- C. Each lot shall have a minimum rear yard of ten (10') feet from the property line.
- D. In the case of a corner lot, the side yard on the street side shall not be less than twenty-five (25') feet and the remaining side yard shall not be less than six (6') feet from the property line.

### 805.3 MAXIMUM BUILDING HEIGHT.

Maximum building height shall be ~~twenty-seven (28')~~ thirty-five (35') feet or two (2) stories above average adjacent grade. *Amended 8.17.09*

### 805.4 MAXIMUM LOT COVERAGE.

~~Twenty-five (25%)~~ Thirty-five (35%) percent of the property may be covered by buildings and structures. *Amended 8.17.09*

### 805.5 ACCESSORY STRUCTURES.

Accessory structures are permitted in the R-2 district, subject to the following and additional structure regulations as contained in Chapter 12

## LAKE TOWNSHIP ZONING ORDINANCE

- A. One (1) garage (attached or detached) plus one (1) accessory building shall be permitted on any one parcel.
- B. An accessory or garage building in the rear yard, whether attached or unattached, shall not exceed one thousand two hundred (1,200) square feet in area.
- C. An accessory structure located in a side yard, whether attached or unattached, shall not exceed eight hundred sixty-four (864) square feet in ground floor area.
- D. The combined ground floor area of all garages or accessory structures shall not exceed two thousand sixty-four (2,064) square feet.
- E. When a garage is structurally attached to a main building, it shall be subject to and must conform to all regulations applicable to the main or principal building.
- F. No garage, accessory building or portion thereof shall be erected or extended into the required front yard setback areas. An attached garage building of fireproof construction may be erected to extend beyond the front line of the house except that such garage shall not encroach upon the minimum front yard setback area as required by this ordinance. No garage or accessory building shall be permitted in the front yard.
- G. Setbacks for Accessory Structures are as follows:
  - 1. For all attached garages, the structure is subject to the same setback regulations as the principal structure.
  - 2. For detached structures, the structure must be located a minimum of ten (10') feet from the nearest point of the principal dwelling and conform to all other setback regulations as the principal structure.
- H. Height Regulations

The wall height of the structure shall not be more than ten (10') feet in height above the average grade or an overall (ridge) height of twenty-one (21') feet.



## **R-3 - Multiple Family Residential**

### **SECTION 901. INTENT AND PURPOSE**

To allow primarily for the development of apartments, dwelling groups and duplexes. It is designed to promote a harmonious mixture of higher density residential types and related educational, cultural and religious land uses in a basically residential environment.

### **SECTION 902. USES PERMITTED BY RIGHT**

Following are the principal permitted uses by right within the R-3 District.

- A. All uses permitted by right within the R-1 and R-2 District, subject to the terms and conditions within Chapter 9.
- B. Multiple family dwellings, including apartments, townhouses, row houses and dwelling groups for rental or condominiums.
- C. State licensed residential facility providing resident services for persons under twenty-four (24) hour supervision or care, or both. This Section shall not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
- D. State licensed or approved family day care facilities subject to the provisions of the Michigan Zoning Enabling Act of 2006.

**SECTION 903. USES PERMITTED AFTER SPECIAL APPROVAL**

The following Special Approval uses shall be permitted subject to approval by the Township Board after review and recommendation by the Township Board after review and recommendation by the Planning Commission, and further subject to any and all reasonable condition which may be imposed in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, and Chapter 16 of this ordinance.

- A. Schools.
- B. Institutions for Human Care that are hospitals, assisted living, nursing or convalescent homes, clinics, day care or senior day care and excluding incarceration facilities and facilities for the treatment of drug and alcohol abuse.
- C. Group day-care facility subject to the standards of Section 206 of the Michigan Zoning Enabling Act of 2006.
- D. Manufactured Housing Communities.
- E. Boarding houses, Tourist homes.
- F. A temporary building for a period of not more than one (1) year, when incidental to the construction or servicing of a structure or uses permitted in such district.

**SECTION 904. DIMENSIONAL REQUIREMENTS**

**904.1 MINIMUM LOT SIZE.**

- A. For Single Family Dwellings, each lot shall contain a minimum of twelve thousand (12,000) square feet. Each lot shall have a minimum width of one hundred (100') feet of frontage on a public or private road.
- B. For Two Family Dwellings, each lot shall contain a minimum of fifteen thousand (15,000) square feet. Each lot shall have a minimum width of one hundred (100') feet of frontage on a public or private road.
- C. For Multiple Family Dwellings, each lot shall contain a minimum of twelve thousand (12,000) square feet for the first unit and an additional three thousand (3,000) square feet minimum for each additional unit thereafter. Each lot shall have a minimum width of one hundred (100') feet of frontage on a public or private road.

**904.2 MINIMUM YARD REQUIREMENT.**

- A. Each front yard shall be a minimum of forty (40') feet from the property line.
- B. Each side yard shall be a minimum of fifteen (15') feet from the property line.
- C. Each lot shall have a minimum rear yard of twenty-five (25') feet from the property line.
- D. In the case of a corner lot the side yard on the street side shall not be less than forty (40') feet and the remaining side yard shall not be less than fifteen (15') feet from the property line.

**904.3 MINIMUM FLOOR AREA PER DWELLING UNIT.**

Each dwelling unit shall have a minimum floor area per dwelling unit in accord with the following schedule:

|   |  |
|---|--|
| Single Family detached                                    | Each dwelling unit shall have a minimum finished living area of seven hundred twenty (720) square feet of floor area per dwelling unit.  |
| Attached Single Family Including two family and Townhomes | Each dwelling unit shall have a minimum living area of seven hundred twenty (720) square feet of floor area per dwelling unit.   |
| Multiple Family Dwellings                                 | 0 bedrooms (Efficiency)    550 square feet<br>1 bedrooms                    720 square feet<br>2 bedrooms                    840 square feet<br>3 bedrooms                    960 square feet<br>4 bedrooms or more        1,200 square feet plus<br>100 square feet for each<br>additional bedroom. |

**904.4 MAXIMUM BUILDING HEIGHT.**

Two and one-half (2½) stories or thirty-five (35') feet.

**904.5 MAXIMUM BUILDING LENGTH.**

Building length shall not exceed one hundred (100') feet.

**904.6 MAXIMUM LOT COVERAGE.**

Thirty-five (35%) percent of the property may be covered by buildings and structures.

**904.7 ACCESSORY STRUCTURES.**

Accessory structures are permitted in the R-3 district, subject to the following:

- A. When a garage is structurally attached to a main building, it shall be subject to and must conform to all regulations applicable to the main or principal building.
- B. No garage, accessory building or portion thereof shall be erected or extended into the required front yard setback area. An attached garage building of fireproof construction may be erected to extend beyond the front line of the house except that such garage shall not encroach upon the minimum front yard setback area as required by this ordinance. No garage or accessory building shall be permitted in the front yard.
- C. Accessory Structures are subject to the same setback regulations as the principal structure. Additionally, accessory structures must be located a minimum of ten (10') feet from the closest point of the principal structure.
- D. Height Regulations
  - 1. The wall height of an accessory structure shall not be more than ten (10') feet in height above the average grade or an overall (ridge) height of twenty-one (21') feet.
- E. Multi-Family Dwelling Development
  - 1. An accessory structure for a multi-family dwelling shall not exceed four hundred (400) square feet per dwelling unit and may consist of structures joined together.
  - 2. One accessory structure for a multi-family dwelling development for maintaining the complex grounds shall also be allowed, but shall not exceed eight hundred (800) square feet and shall not be located in the front yard area.



## **R-B - Residential Business**

### **SECTION 1001. INTENT AND PURPOSE**

To permit multiple family dwellings and the associated waterfront businesses and cottages, including facilities for seasonal and tourist use.

### **SECTION 1002. USES PERMITTED BY RIGHT**

Following are the principal permitted uses by right within the R-B District.

- A. All uses permitted by right within the R-1 District, subject to the terms and conditions within Chapter 10.
- B. Multiple family dwelling groups, such as rental cottages, tourist homes and bed and breakfast facilities.
- C. State licensed residential facility providing resident services for persons under twenty-four (24) hour supervision or care, or both. This Section shall not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
- D. State licensed or approved family day care facilities subject to the provisions of the Michigan Zoning Enabling Act of 2006.

**SECTION 1003. USES PERMITTED AFTER SPECIAL APPROVAL**

The following Special Approval uses shall be permitted subject to approval by the Township Board review and recommendation by the Planning Commission, and further subject to any and all reasonable condition which may be imposed in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, and Chapter 16 of this ordinance.

- A. A temporary building for a period of not more than one (1) year, when incidental to the construction or servicing of a structure or uses permitted in such district.
- B. Group day-care facility subject to the standards of Section 206 of the Michigan Zoning Enabling Act of 2006.

**SECTION 1004. DIMENSIONAL REQUIREMENTS**

**1004.1 MINIMUM LOT SIZE.**

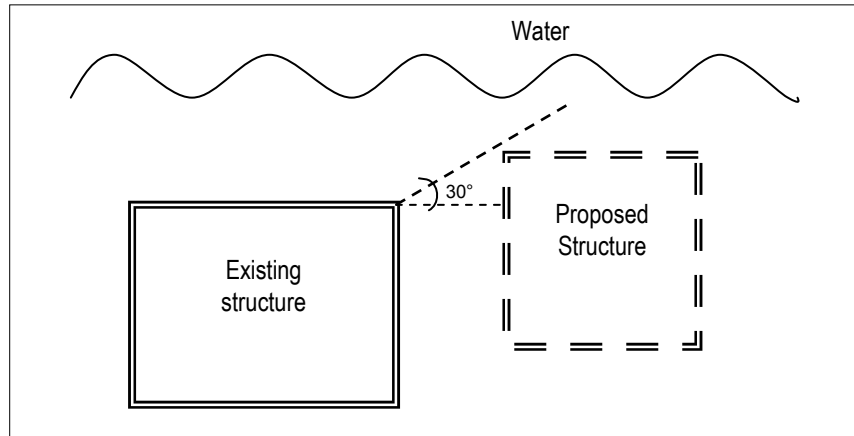
- A. Each lot shall contain a minimum of twelve thousand (12,000) square feet. Each lot shall have a minimum width of one hundred (100') feet of frontage on a public or private road.

**1004.2 MINIMUM YARD REQUIREMENT.**

- A. Each front yard shall be a minimum of twenty-five (25') feet from the road right-of-way.
- B. Where the side yard abuts upon the side or rear yard of any R-B district, the side yard shall be a minimum of three (3') feet. Where the side yard abuts upon the side or rear yard of any R-district the minimum side yard setback shall be ten (10') feet from the property line.
- C. Waterfront lots shall be setback a minimum of thirty-five (35') feet from ordinary high water mark.

**LAKE TOWNSHIP ZONING ORDINANCE**

- D. The building setback on the lakeside of a waterfront property shall be such that from an adjoining property structure, by using a measurement from the front face corners of the existing principal structure (not including decks or porches, covered or uncovered) as a baseline to the proposed structure and/or addition, there shall be no more than a thirty (30°) degree angle. In addition, no trees or shrubs shall be planted within this thirty (30°) degree angle which will block the view from (of) existing neighboring properties.



The purpose being that new residences or additions should not obstruct the view from (of) existing neighboring properties. A special variance shall be required where the existing structure is setback more than fifty (50') feet from the front (waterfront) property line.

- E. In the case of a corner lot, the side yard on the street side shall not be less than twenty-five (25') feet and the remaining side yard shall not be less than six (6') feet from the property line.
- F. The rear yard shall have a minimum setback of ten (10) feet from the property line.
- G. All buildings if unattached, must be a minimum of ten (10') feet apart.

**1004.3 MINIMUM FLOOR AREA PER DWELLING UNIT.**

Each dwelling unit shall have a minimum floor area per dwelling unit in accord with the following schedule:

|   |   |            |                 |            |                |            |                 |            |                 |                    |   |
|---|---|------------|-----------------|------------|----------------|------------|-----------------|------------|-----------------|--------------------|---|
| Single Family detached                                    | Each dwelling unit shall have a minimum finished living area of seven hundred twenty (820) square feet of floor area per dwelling unit.   |            |                 |            |                |            |                 |            |                 |                    |   |
| Attached Single Family Including two family and Townhomes | Each dwelling unit shall have a minimum living area of seven hundred twenty (720) square feet of floor area per dwelling unit.  |            |                 |            |                |            |                 |            |                 |                    |   |
| Multiple Family Dwellings & Rental Cottages               | <table data-bbox="828 787 1429 1039"> <tr> <td>0 bedrooms</td> <td>400 square feet</td> </tr> <tr> <td>1 bedrooms</td> <td>500square feet</td> </tr> <tr> <td>2 bedrooms</td> <td>600 square feet</td> </tr> <tr> <td>3 bedrooms</td> <td>700 square feet</td> </tr> <tr> <td>4 bedrooms or more</td> <td>800 square feet plus 100 square feet for each additional bedroom.</td> </tr> </table> | 0 bedrooms | 400 square feet | 1 bedrooms | 500square feet | 2 bedrooms | 600 square feet | 3 bedrooms | 700 square feet | 4 bedrooms or more | 800 square feet plus 100 square feet for each additional bedroom. |
| 0 bedrooms  | 400 square feet   |            |                 |            |                |            |                 |            |                 |                    |   |
| 1 bedrooms  | 500square feet  |            |                 |            |                |            |                 |            |                 |                    |   |
| 2 bedrooms  | 600 square feet   |            |                 |            |                |            |                 |            |                 |                    |   |
| 3 bedrooms  | 700 square feet   |            |                 |            |                |            |                 |            |                 |                    |   |
| 4 bedrooms or more  | 800 square feet plus 100 square feet for each additional bedroom.   |            |                 |            |                |            |                 |            |                 |                    |   |

**1004.4 MAXIMUM BUILDING HEIGHT.**

In this District maximum height shall be as listed below:

- A. Single Residential dwelling unit thirty-five (35') feet maximum.
- B. Detached accessory structure twenty-one (21') feet, ten (10') feet wall height.

**1004.5 MAXIMUM LOT COVERAGE.**

Thirty-five (35%) percent of the property maybe covered by buildings and structures.

**1004.6 ACCESSORY STRUCTURES.**

Accessory structures are permitted in the R-B district, subject to the following and additional structure regulations as contained in Chapter 12:

- A. Where the accessory building is structurally attached to a main building, it shall comply with all regulations applicable to a main or principal building.

## LAKE TOWNSHIP ZONING ORDINANCE

- B. Accessory buildings shall not be located in the required front yard. In the case of double frontage lots, accessory buildings shall observe front yard requirements on both street frontages.
- C. An accessory building may be located in a side or rear yard, but it must comply with all building setback standards that are applicable to a principal building in that zoning classification.
- D. The total square footage of all accessory buildings, including attached garages, shall not exceed the ground floor area of the principal building.
- E. The wall height of the structure shall not be more than ten (10') feet in height above the average grade or an overall (ridge) height of twenty-one (21') feet.
- F. No garage, utility or accessory building shall be constructed upon or moved to any parcel until the principal building on, or intended to be placed thereon, is at least two-thirds ( $\frac{2}{3}$ ) completed except that construction of an attached garage may proceed with the construction of the principal building.
- G. No accessory building shall be used in any part for dwelling purposes.

### **SECTION 1005. GENERAL REQUIREMENTS**

#### **1005.1 SCREENING.**

Side and rear yards abutting any R-district shall be screened as follows:

- A. By a compact hedge of evergreen plants which will reach a minimum of five (5') feet in height after one growing season or as best determined by the Planning Commission during site plan review not to extend into setback areas in front or rear yards.



## **B-1 - General Business District**

### **SECTION 1101. INTENT AND PURPOSE**

To permit office, retail and services used that meet the needs of the community. Larger land uses and business uses are permitted after review and approval by the Planning Commission.

### **SECTION 1102. USES PERMITTED BY RIGHT**

In the B-1, General Business district, no building or part thereof shall be erected, used or structurally altered except for one or more of the following permitted uses or structures. All uses must take place within a wholly enclosed facility and any product produced on site must be sold on site. Following are the principal permitted uses by right within the B-1 District.

- A. All principle permitted uses and all permitted uses after Special Approval in the Multiple Family Residential District except single family dwellings.
- B. Professional offices including medical and dental clinics, veterinary clinics.
- C. Financial Institutions.
- D. Retail stores.
- E. Business Service facilities, such as printing, office supplies.
- F. Business and private schools.
- G. Funeral homes.
- H. Municipal buildings and uses, excluding outdoor storage.
- I. Physical cultural facilities.

- J. Off-street parking lots subject to provisions contained in Chapter 14 of this ordinance.
- K. Signs, as provided in Chapter 15
- L. Accessory buildings and uses customarily incidental to the above principal permitted uses.

**SECTION 1103. USES PERMITTED AFTER SPECIAL APPROVAL**

The following Special Approval uses shall be permitted subject to approval by the Township Board after review and recommendation by the Planning Commission, and further subject to any and all reasonable conditions which may be imposed in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, and Chapter 16 of this ordinance.

- A. Waterfront uses customarily incidental to recreational boating including sales, service and storage facilities.
- B. Automobile gasoline and service stations.
- C. Adult entertainment businesses.
- D. Automobile repair garages, bump shops, frame shops, and similar uses.
- E. New and used motor vehicle sales room, including outdoor sales space.
- F. Theaters, assembly halls, concert halls, recreation halls, other private recreation uses or similar places of assembly whether conducted inside a building or out-of-doors.
- G. Automobile car wash establishments including steam-cleaning, provided off-street waiting space is provided in accordance with Chapter 14, Off-street waiting area for drive-through facilities.
- H. Drive-in restaurants or other drive-in establishments serving food and/or beverages.
- I. Wholesale stores, storage facilities, warehouse buildings, distribution plants.
- J. Open air business uses as follows, subject to conditions of Chapter 12:

## LAKE TOWNSHIP ZONING ORDINANCE

1. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
  2. Retail sale of fruit and vegetables.
  3. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.
  4. Bicycle, trailer, motor vehicle, boat or home equipment rental services.
  5. Outdoor display and sale of garages, swimming pools and similar uses, subject to outdoor business standards.
- K. Sales rooms, including outdoor sales space, for recreation vehicles, including boats, snowmobiles, travel trailers, campers, tents and accessory equipment.
- L. Single family dwellings, when in the same building as the business.
- M. Bars, taverns, nightclubs, cocktail lounges, and restaurants which serve alcoholic beverages.
- N. Arcades and Amusement Centers.
- O. Business Kennels (dogs).

### **SECTION 1104. DIMENSIONAL REQUIREMENTS**

#### **1104.1 MINIMUM LOT SIZE.**

- A. Minimum lot size shall be fifteen thousand (15,000) square feet. Each lot shall have a minimum width of one hundred (100') feet of frontage on a public or private road.

#### **1104.2 MINIMUM YARD REQUIREMENT.**

- A. Front yard – where the existing developed frontage on the same side of a street between two (2) intersecting streets is located in a B-1 Zoning District and where a setback has been established for at least fifty (50%) percent of said frontage, then this established setback shall determine the required front yard. In all other cases, there shall be a front yard of no less than forty (40') feet from the property line.

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- B. Each side yard shall be a minimum of six (6') feet. Where the side yard abuts upon the side or rear yard of any R-district, the minimum side yard setback shall be twenty-five (25') feet and any remaining side yards shall be a minimum of six (6') feet from the property line.
- C. Each lot shall have a minimum rear yard of ten (10') feet. Where the rear yard abuts upon the side or rear yard of any R-district, the minimum rear yard shall be twenty-five (25') feet from the property line.

### **1104.3 MAXIMUM BUILDING HEIGHT.**

Two and one half (2 ½) stories or thirty-five (35') feet.

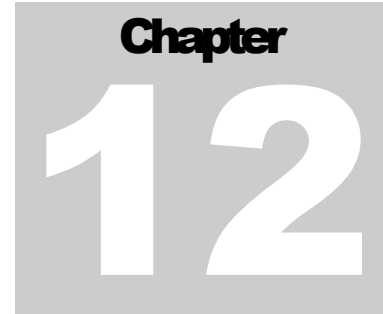
### **1104.4 MAXIMUM LOT COVERAGE.**

Thirty-five (35%) percent of the property may be covered by buildings and structures. All detached building must be a minimum of ten (10') feet apart.

## **SECTION 1105. GENERAL REQUIREMENTS**

**1105.1 SCREENING.** Side and rear yards abutting any R-district shall be screened as follows:

- A. By a compact hedge of evergreen plants which will reach a minimum of five (5') feet in height after one growing season; or
- B. A solid wall or tight board fence six (6') feet in height.



## **General Provisions**

These general provisions shall apply to all zoning districts except as otherwise noted.

### **SECTION 1201. SUPPLEMENTARY USE REGULATIONS**

#### **1201.1 BUILDING PERMITS REQUIRED.**

Any construction related to any type of zoning administrative approval shall be commenced only after a building permit has been obtained.

#### **1201.2 PENDING APPLICATIONS FOR BUILDING PERMITS.**

Any building permit issued prior to the effective date of this ordinance shall be valid, notwithstanding the provisions hereof, provided construction is commenced by the effective date of this ordinance.

#### **1201.3 REQUIRED WATER SUPPLY AND SANITARY SEWER FACILITIES.**

There shall be provided for every building or structure hereafter erected, altered or moved upon any premises and used in whole or in part for human habitation or congregation, including dwellings, business, recreational, general business or other purposes, a safe and sanitary means of collection and disposal of sewage and industrial waste and a safe and sanitary water supply system in accordance with the requirements of Lake Township, the Huron County District Health Department, the Public Health Department, the State of Michigan, and the Federal Government Environmental Protection Agency.

#### **1201.4 DRIVEWAY, SEPTIC AND SOIL EROSION PERMITS.**

Prior to the issuance of a building permit, there shall be submitted to the Zoning Administrator the following approved permits in all cases where such permits are required, or applicable:

- A. Driveway permit including approved culverts, where necessary, approved by the Huron County Road Commission or the Michigan Department of Transportation;

## **LAKE TOWNSHIP ZONING ORDINANCE**

- B. Septic system permit approved by the Huron County Health Department;
- C. Soil erosion and sedimentation control permit from the Huron County Building and Zoning Department; and
- D. Flood Plain Wetland permits and High Risk Erosion Area (HREA) permits, as applicable.

### **1201.5 ACCESSORY USES.**

Nothing in this Ordinance shall be construed to prohibit the following accessory uses.

- A. Customary refreshment and service uses and buildings which are incidental to the recreational use of any park or recreation area.
- B. Building or structures necessary for provision of essential services.
- C. Gardens, garden ornaments and usual landscape features within required yard space.
- D. Fences within required yard space, provided they meet the standards cited below.
- E. Public playgrounds

### **1201.6 ESSENTIAL SERVICES.**

Essential services are defined in Chapter 2 as permitted in any Zoning District subject to the following conditions.

- A. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6') feet high and adequate to obstruct passage of persons or materials and shall meet all of lot area, setback and yard requirements for the district in which they are located.
- B. Public utility facilities in any Zoning district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood and shall meet all of the lot area, setback and yard requirements for the district in which they are located.

**1201.7 UNDERGROUND POWER LINES AND PIPELINES.**

The installation, use and maintenance of electric power lines and underground pipelines shall be permitted in any zoning district. However, all such pipelines shall be buried at least three (3') feet below the surface of the ground and shall pass under all existing drain tile unless the owner of the land of any affected drain tile or untilled land shall consent in writing to the installation of said pipeline above said drain tile or at a depth of less than three (3') feet. In no case shall power lines or pipelines be installed at a depth of less than two (2') feet below the surface of the ground or within six (6") inches above or below existing drain tiles.

Where a pipeline or power line is proposed to pass through a land not previously so used as a site for power lines or pipelines, the location, erection and use shall first be approved by the Planning Commission. A public notice shall be given in a newspaper of general circulation in the Township containing a statement of the proposed use and location and time for a hearing thereon, which shall not be less than seven (7) days from the date of publication. If, on such hearing, it shall appear that the proposed location, erection or use will be detrimental to the public health, safety or general welfare, then such use shall forthwith be denied.

**1201.8 FENCES AND WALLS.**

- A. **Construction, Replacement or Repair of Fences Generally.** No person shall erect, construct, replace or substantially repair any fence, except in accordance with the provisions of this chapter. Any fence existing on or before the adoption date of this section, and not in conformance with the requirements of this chapter, shall not be altered or modified except to make it more conforming.
  
- B. **Permit to Construct, Replace or Repair Fence, Wall or Retaining Wall.** No person shall erect, construct, replace or substantially repair any fence, wall or retaining wall, except an ornamental fence, without a land use permit therefore. Written application for such permit shall be filed with the Township, on forms to be furnished by that office, setting forth the location, type, construction detail, and other information as required by that office, together with a permit fee. The fees for a permit under this division shall be those fees on file with the Township Clerk. If it shall appear to the Zoning Administrator that the proposed fence, wall or retaining wall is in accordance with this chapter and other applicable ordinances and statutes, he shall issue a permit specifying the fence/wall authorized.

- C. **Construction Requirements for Fences.** All fences shall be constructed, with posts made of either iron pipe with one and five-eighths ( $1\frac{5}{8}$ ) inches outside diameter, or wood posts four (4") inches in diameter, or other material, with footings or post holes at least three (3') feet in depth and firmly set in concrete, sand, or other compacting material. The fencing material shall be firmly and securely fastened to the posts. Only sound material shall be used.
- D. **Determination of Property or Lot Lines when Fence Erected.** It shall be the obligation and sole responsibility of persons obtaining fence permits under this chapter and erecting fences to determine the location of property or lot lines. At the Zoning Administrator's discretion, the property owner shall have the fence line locations surveyed by a registered land surveyor and the corners shall be staked. The township shall not determine property or lot lines, and the issuance of a fence permit shall in no way be construed as a determination of the correct, valid or legal location for the fence, or prejudice in any way the rights of an adjacent or abutting property owner.
- E. **Location of Fence on Street or Sidewalk and Curb.** It shall be unlawful to construct any fence or barrier in any public street in the township or between the sidewalk and curb, except in conjunction with the excavation for a building or similar structure as provided in the building code of the township.
- F. **Maintenance of Fences, Walls and Retaining Walls.** All fences, walls and retaining walls shall be maintained in a sound and safe condition.
- G. **Prohibited Fences.**
1. It shall be unlawful for any owner or occupant of land in the township, other than on land used for agricultural purposes, to build or maintain any fence constructed wholly or in part of barbed wire, or any fence, guard wall, or other protection upon which there shall be fixed, attached, or placed in any manner any spike, nail, or pointed instrument of any kind or description, or any fence electronically charged; provided, however, barbed wire or similar instruments may be used along the top of such fences surrounding industrial plants and real estate appurtenant thereto, if such barbed wire or similar instruments are fastened to a portion of the fence extending at an angle over the property enclosed and not over other private property and not projecting on the opposite side or the side adjacent to a sidewalk or public way.
  2. There shall be no fences on the beach between May 1 and September 30.

**LAKE TOWNSHIP ZONING ORDINANCE**

3. There shall be no fences, barriers or other obstruction on the beach at any time other than as erosion control barriers between October 1 and May 1.
4. No structures are permitted to cross the beach area.
5. There shall be no fences allowed in the water front yard area, i.e. the area facing the water.
6. No chain link fence shall be allowed in any front yard of any R District.

H. **Height in Residential Zones.** The following restrictions shall apply to fences located within residential zones as established in zoning ordinance:

1. All fences, except ornamental fences, shall be at least three (3') feet in height above grade.
2. Fences located in required front yards shall not exceed four (4') feet in height above grade.
3. Fences within ten (10') feet of the property or lot line, abutting on a street, shall not exceed four (4') feet in height above grade.
4. Where no other restriction applies, a fence shall not exceed six (6') feet in height above grade.
5. No retaining wall shall exceed four (4') feet in height from the lowest point. Additional retaining walls shall be terraced.

I. **Height in Nonresidential Zones.** The following restrictions shall apply to fences located in an area other than a residential zone:

1. No fence shall exceed eight (8') feet in height measured from its tallest point.
2. Fences located between a building and a street shall not exceed four (4') feet in height above grade; provided that this restriction shall not apply to clear vision fences.

J. **Height in Sight Zones.** Within the limits of sight zones, fences shall not exceed three (3') feet in height above grade, except that such restriction shall not apply to clear vision fences. Such sight zones shall be determined as follows:

## LAKE TOWNSHIP ZONING ORDINANCE

1. Street corners: The triangle formed by legs measured twenty feet on each side of a street corner lot, measured on the property or lot line. Where a sidewalk exists, the inside edge of the sidewalk may be considered the property line for his purpose.
  2. Driveways: The right triangles formed on each side of driveways, measured ten (10') feet along the property or lot line on one (1) leg, and along the outside edge of the driveway for the other leg. Where a side walk exists, the inside edge of the sidewalk may be considered the property line for this purpose.
- K. **Nuisances.** Any fence which, through lack of repair, type of construction, location, deterioration, or for any other reason imperils life or property, shall be deemed a nuisance. Where any fence is in such a condition as to constitute a nuisance, the nuisance shall be abated.
- L. **Exceptions for Chapter.**
1. The height restrictions of this chapter shall not apply to schools, public or private, or to public recreational areas, or to public utility installations where higher fences are required for the safety and protection of the public.
  2. This chapter shall not apply to construction fences as authorized and required in the building code.

### 1201.9 PRINCIPAL BUILDING ON A LOT.

In the Agricultural, R-R, R-1 and R-2 Zoning Districts, no more than one (1) residential dwelling shall be placed on a lot. No residential dwelling shall be erected in the Business District, except as a Special Approval.

### 1201.10 KEEPING OF ANIMALS.

- A. The keeping of household pets, including dogs, cats, rabbits, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any agricultural or residential zoning district. However, no more than three (3) dogs or cats, six (6) months of age or older, in any combination, and no more than a total of five (5) animals over one (1) pound in weight shall be kept or housed in or at one (1) dwelling unit in a residential district.

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- B. The keeping of horses, ponies and other equine on a residential lot is only permitted in the Agricultural and Rural Residential Districts on lots of at least five (5) acres in size. The keeping of horses, ponies, other equine and livestock is prohibited in all other zoning districts. There shall be five (5) acres for the first horse or pony kept on a lot and one and one half (1½) acres for each thereafter. The keeping of a maximum of three (3) housed animals or livestock or up to fifteen (15) fowl on a residential lot less than five (5) acres is permitted in the Agricultural District providing that said lot is more than five hundred (500') feet from any residential district, including Rural-Residential. These provisions do not apply to farms in the Agricultural district which are at least ten (10) acres in size, provided that all other applicable state and county requirements are met.
- C. All grazing areas shall be fenced. An accessory structure shall be provided to house such animals. Any barn or stable structure and any outdoor feed (non-grazing) area, training or exercising corrals shall be setback at least one hundred (100) feet from any occupied dwelling or any adjacent building used by the public. All stables shall be enclosed by a suitable fence and shall be maintained so that odor, dust, noise or water drainage shall not constitute a nuisance or hazard to adjoining premises.
- D. The keeping of exotic animals and/or reptiles not normally considered farm livestock (horses, cattle, bison, sheep, goats, pigs, chickens, rabbits, ducks, etc.), or household pets is prohibited.

### 1201.11 HOME OCCUPATIONS.

A home occupation, where permitted, shall be regulated according to the following conditions:

- A. No stock in trade may be kept or articles sold or offered for sale in the dwelling except such as are produced by such home occupation.
- B. No display of goods or "for sale" signs pertaining to such use are visible from the street and no persons are employed other than the dwelling occupants.
- C. A home occupation may not be conducted in an accessory building or garage; a home occupation shall not exceed the use of one (1) room of the dwelling or more than twenty-five (25%) percent of the total floor area of a dwelling, whichever is the most restrictive.

### 1201.12 PARKING AND STORAGE OF CAMPERS, TRAVEL TRAILERS AND BOATS.

Campers, travel trailers, motorized homes, trailers of any type and boats may be parked or stored outdoors in any Residential Zoning District on occupied lots subject to the following requirements:

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- A. No more than one (1) camper or travel trailer, and not more than one (1) boat may be parked on a lot of record which is zoned and used for residential purposes and ownership of same must be in the name of a member or the immediate family of the lot's owner, tenant or lessee.
- B. Campers and travel trailers may be parked anywhere on the premises for loading or unloading purposes for a period not to exceed forty-eight (48) hours.
- C. Campers, travel trailers, snowmobiles, trailers, boats and the like, where parked or stored, shall be located only in the rear yard and in addition, shall conform to the required yard space requirements for accessory buildings in the Zoning District wherein located. In instances where the Zoning Administrator determines that there is no access available to the rear yard, they may be located in the side yard with a waiver of the side yard requirements for accessory buildings.
- D. All campers, travel trailers, boats and the like shall be locked or secured at all times when not in use so as to prevent access thereto by children.
- E. A suitable covering (e.g., tarpaulin) shall be placed over all boats, wherever they are not enclosed, in order to prevent vandalism by, or injury to children.
- F. Recreational equipment parked or stored shall not be used for living, lodging or housekeeping purposes, except as authorized by the Zoning Administrator.
- G. All recreational equipment must be kept in good condition and have a current year's license and/or registration.
- H. The parking or storage of a mobile home unit outside of a mobile home park, under the provisions of this ordinance, is expressly prohibited.

### **1201.13 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION AND ODORS.**

Every use shall be so conducted and operated that it is not obnoxious or dangerous by reason of heat, glare, fumes, odors, dust, noise or vibration beyond the lot on which the use is located.

### **1201.14 FLOODPLAINS AND WETLANDS.**

Such areas of the Township shall be governed by the applicable Township ordinance, as amended, in addition to the rules governing zoning district uses contained herein.

**1201.15 ALLIED CODES.**

When required, other codes have an impact upon the activities being undertaken or planned, such as, but not limited to:

- A. Maintenance codes for residential structures and property should meet those standards as contained in the International Building Maintenance Code provisions. New construction and renovations shall meet the requirements of the International Building Code.
- B. Areas subject to flooding are regulated and subject to the regulations of the Lake Township Flood Areas Ordinance.
- C. Condominiums and declaration of condominiums for sale shall be subject to the Condominium Act, Public Act 59 of 1978, as amended.

**SECTION 1202. SUPPLEMENTARY DWELLING REGULATIONS**

**1202.1 BUILDINGS TO BE MOVED.**

Any building or structure which has been wholly or partially erected on any premises within or outside the Township shall not be moved to and/or placed upon any premises unless a land use permit for such building or structure shall have been secured. Any such building or structure shall fully conform to all the provisions of this ordinance in the same manner as a new building or structure to be erected in the same district.

**1202.2 MUST COMPLY WITH CODE REQUIREMENTS.**

Every dwelling must comply with all adopted codes. This includes meeting or exceeding all applicable roof snow loads and strength requirements. If the dwelling is a mobile home, all construction, insulation, plumbing, or electrical apparatus shall conform to the "Mobile Home Construction and Safety Standards:" of the United States Department of Housing and Urban Development. Where any state or local regulation sets a more stringent standard than the "Mobile Home Construction and Safety Standards", then the state or local standard shall apply.

**1202.3 MOBILE HOME INSTALLATION.**

In the event that a dwelling is a mobile home, it must be installed pursuant to the manufacturer's setup instructions with the wheels removed. It also must be secured to the ground by an anchoring system or device complying with the Township Building Code and the rules and regulations of the Michigan Mobile Home Commission. Each mobile home must have a perimeter wall or skirting which has the same dimensions as the dwelling. No mobile home shall have any towing mechanism, undercarriage or chassis exposed.

**1202.4 USE OF MOBILE HOMES AND RECREATIONAL EQUIPMENT.**

Under the provisions of this ordinance, it shall be unlawful to:

- A. Occupy a mobile home not complying with the provision of this ordinance outside a mobile home park or occupy a travel trailer, camper tent or other recreational vehicle outside of a campground. This provision shall not apply to mobile homes which may be utilized on any property in any district after securing a temporary use permit from the Zoning Administrator, when a new structure or building is being constructed. Said permit shall be authorized for one (1) year, but may be extended one (1) time for an additional year at the request of the property owner provided reasonable assurance can be given that construction of the new building or structure will be completed during the extended period.
- B. Use a mobile home, travel trailer or any other similar unit for any business, occupation or trade.
- C. Occupy a basement as a temporary or permanent dwelling unit.
- D. Use tents, campers, travel trailers or any other recreational equipment for temporary lodging on vacant lots without a temporary use permit secured by the property owner. Said permit shall be issued by the Zoning Administrator. When issuing such a permit, the Zoning Administrator shall consider such facts as: lot size, location of the temporary use, number of persons occupying the temporary use, any potential noise and disturbance which may result from such use, whether sewerage facilities and water supply are adequate, and whether the property can adequately provide off-street parking space for the temporary use. The Zoning Administrator shall have discretionary authority to set conditions on such use based on factors noted above and the duration of said use shall not exceed fourteen (14) days in any consecutive four (4) month period. Property owner shall be responsible for posting said temporary use permit in a conspicuous location on the property to be occupied.

**1202.5 ACCESSORY STRUCTURES.**

- A. In the case of double frontage lots, accessory buildings shall observe front yard setback requirements on both street frontages wherever there are any principal buildings fronting on said streets in the same block.
- B. No garage, utility or accessory building shall be constructed upon or moved to any parcel of property until the principal building on, or intended to be erected thereon, is at least two-thirds ( $\frac{2}{3}$ ) completed except that construction of an attached garage may proceed with the construction of the dwelling, unless otherwise provided herein.

**SECTION 1203. SUPPLEMENTARY PARCEL REGULATIONS**

**1203.1 STREET ACCESS.**

No building permit shall be issued for any construction located on any lot or parcel of land in the Township of Lake that does not abut on a public street, highway, or private road.

**1203.2 REQUIRED AREA OR SPACE.**

A lot, yard, court, parking area or other space shall not be divided, altered or reduced so as to make it not in conformance with the minimum requirements of this ordinance. If already less than the minimum requirements of this ordinance, a lot or lots in common ownership, or a yard, court, parking area or other space shall not be divided, altered or reduced so as to increase its noncompliance with such minimum requirements.

**1203.3 LOTS HAVING FRONTAGE ON TWO STREETS.**

Buildings on lots having frontage on two (2) intersection or non-intersection streets shall comply with front yard requirements on both such streets unless no principal buildings front on one of the back fronts; in such cases, it may be considered as rear yard for accessory building placement.

**1203.4 WATERFRONT EASEMENTS.**

When two (2) or more families, legal entities, or parties share access on navigable water without residing on said frontage, such common usage and/or ownership of the waterfront shall be governed by this section. The provisions herein shall apply regardless of whether access to the waterfront is gained by easement, common or joint ownership, single fee ownership, lease, license, site condominium unit, stock or membership in a corporation, or any other means.

- A. No more than two (2) boat/watercraft hoists, rafts, or any means of anchorage will be allowed for any fifteen (15') to twenty five (25') feet of water frontage;

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- B. No more than three (3) boat/watercraft hoists, rafts, or any means of anchorage shall be allowed for any twenty-five (25') feet up to one hundred (100') feet of easement;
- C. No more than four (4) boat/watercraft hoists, rafts, or any means of anchorage shall be allowed per one hundred (100') feet of easement;
- D. All boat/watercraft hoists must be placed in a direct line perpendicular to the shore, one beyond the next, extending from the shore.
- E. Multiple hoists shall be clustered in groups with no less than five (5') feet in between hoists;
- F. No docks shall be allowed.
- G. Boat/watercraft hoists may not be stored on easements.

### 1203.5 CLEAR VISION CORNERS.

On any corner, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one half (2½') feet and eight (8') feet above the established curb or shoulder grade within a triangle formed by the two (2) street right-of-way lines.

### 1203.6 MINIMUM GRADES.

The grade line at a house within fifty (50') feet of the roadway shall not be less than one fourth (¼) of an inch per foot above the established grade as determined by the Huron County Road Commission.

No premises shall be filled or graded so as to discharge surface runoff on abutting premises in such a manner as to cause ponding or surface accumulation of such runoff thereon.

### 1203.7 OUTDOOR STORAGE AND WASTE DISPOSAL.

All uses established or placed in operation in any Zoning district after the effective date of the Zoning Ordinance shall comply with the following limitations:

- A. All outdoor storage facilities which exceed two hundred (200) square feet shall be enclosed by a fence or wall adequate to conceal such facilities from adjacent property.
- B. No materials or wastes shall be deposited on the premises in such form or manner that they may be transferred off the premises by natural causes or forces.

- C. All materials or wastes shall not be allowed to accumulate on the premises in such a manner as to extend above the height of the enclosing wall or fence, be unsightly, constitute a fire hazard, or contribute to unsanitary conditions.

**1203.8 EXISTING JUNK YARDS.**

All existing junk yards, which are nonconforming uses, shall be removed or screened from view by a solid uniformly painted wall or fence which is eight (8') feet in height, or a regulative screen approved by the Zoning Administrator above which no material or storage shall be easily visible with six (6) months from the time the Zoning Administrator notifies the property owner in writing that he has such a junk yard. The Zoning Board of Appeals, after public hearing, may authorize an extension of the six (6) months time requirement for removal of a nonconforming junk yard for a period not to exceed eighteen (18) months. The Zoning Board of Appeals, granting an extension of time as stated above, at its discretion may make mandatory any clean up, fencing, or other requirements it deems necessary so that the junk yard will not be detrimental to adjacent properties or the surrounding neighborhood.

**1203.9 USE OF YARD SPACES AND OTHER OPEN AREAS FOR JUNK STORAGE.**

No machinery, equipment, vehicles, lumber piles, crates, boxes, building blocks, unsightly noxious weeds or other materials either discharged, unsightly or showing evidence of a need for repairs, with or without a current license, shall be placed, stored, parked, abandoned or junked in any open area that is visible from the street, public place or adjoining residential property for longer than forty-eight (48) hours. In the event the above items are permitted to be placed, stored, parked, abandoned or junked in such area, the Zoning Administrator shall give written notice to the owner of the premises on which said item is stored and/or to the owner of the stored item to remove, or cause to be removed said item within forty-eight (48) hours after giving of such notice. Failure to comply with such notice within forty-eight (48) hours shall constitute a violation of the ordinance. The above notwithstanding, the Zoning Administrator may, upon investigation, issue a letter to the owner or owners authorizing a grace period not to exceed thirty (30) days. This section does not apply to storage of building materials for on-site construction purposes.

**1203.10 EXCAVATIONS OR HOLES.**

The construction, maintenance or existence within the Township of any unprotected, unbarricaded, open or dangerous excavation, holes, pits or wells, or of any excavations, holes or pits which constitute or are reasonably likely to constitute a danger or menace to public health, safety or welfare, is hereby prohibited; provided however, this section shall not prevent any excavation under a permit issued pursuant to this ordinance or the building code, where such excavations are properly protected and warnings posted in such a manner as may be approved by the Zoning Administrator.

**1203.11 APPROVAL OF PLANS.**

No proposed plan of a new subdivision shall hereafter be approved by either the Township Board or the Township Planning Commission unless the lots within such a plat equal or exceed minimum size, width and other requirements set forth in the various districts of this ordinance and unless such plat fully conforms with the statutes of the State of Michigan, Public Act 288 of 1967.

**1203.12 LOT AREA, YARDS, AND OPEN SPACE REQUIREMENTS.**

Space which has been counted or calculated as part of a side yard, rear yard, front yard, court, lot area or other open space to meet the requirements of this ordinance for a building, shall not be counted or calculated to satisfy or comply with a yard, court, lot area or other open space requirement for any other building.

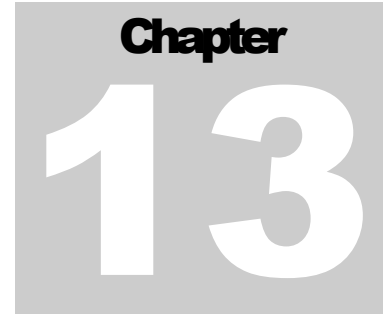
An open porch or paved terrace may occupy a required front yard provided that the unoccupied portion of the front yard furnishes a depth of not less than fifteen (15') feet from the front lot line and the highest finished elevation of the paved area or porch cannot exceed eighteen (18") inches above the average surrounding finished grade.

**SECTION 1204. SUPPLEMENTARY STRUCTURE REGULATIONS**

**1204.1 HEIGHT EXCEPTIONS.**

The following buildings and structures shall be exempt from height regulations in all Zoning Districts, parapet walls not exceeding three (3') feet in height, chimneys, cooling towers, elevator bulkheads, belfries, flag poles, fire towers, grain elevators, silos, stacks, elevated water towers, stage towers, scenery lofts, monuments, cupolas, domes, church spires, penthouses housing necessary mechanical appurtenances, electrical transmission towers, and television and radio reception and transmission antennas and towers.

- A. Special structures, such as chimneys or smoke stacks, radio or television transmitting towers or antennas, wireless communication towers, microwave, relay towers or power generation towers shall be permitted to a maximum height of one hundred seventy-five (175') feet in the Agricultural District.
- B. Residential television antennas or flagpoles shall be permitted to a maximum height of forty-five (45') feet in any Residential Zoning district. However, in no case shall the height of such antenna or flagpole exceed the height of the roof peak by more than fifteen (15') feet.



## **Non-Conformities**

### **SECTION 1301. INTENT**

It is the intent of this Section to permit the continuation of any lawful use of a building or land existing as of the effective date of this Ordinance. However, it is hereby declared that nonconformance with the provisions of this Ordinance is contrary to the best interests of the citizens of the Township and ought to be discontinued as circumstances permit.

### **SECTION 1302. AUTHORITY TO CONTINUE**

Except as otherwise provided in this article, any nonconforming lot, use, sign or structure lawfully existing on the effective date of this Ordinance or subsequent amendment thereto may be continued so long as it remains otherwise lawful. All nonconformities shall be encouraged to convert to conformity wherever possible and shall be required to convert to conformity status as required by this chapter. The burden of establishing that any nonconformity is a legal nonconformity as defined by this article shall in all cases be upon the owner of such nonconformity and not upon the Township of Lake.

### **SECTION 1303. NONCONFORMING LOTS OF RECORD**

Where a lot of record in existence at the time of the adoption or amendment of this Ordinance does not meet the minimum requirements for lot width or lot area, such lot of record may be used for any purposes permitted by the district in which the lot is located, provided that any building or structure meets at least eighty percent (80%) of the applicable required setbacks for that district.

**SECTION 1304. CONTIGUOUS NONCONFORMING LOTS IN COMMON OWNERSHIP**

For any two (2) or more nonconforming lots of record or combination of lots and portions of lots of record in existence at the time of the passage of this Ordinance or an amendment thereto, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance if they:

- A. Are in common ownership;
- B. Adjacent to each other or have continuous frontage, and;
- C. Individually do not meet the lot width or lot area requirements of this Ordinance.

Such parcels shall be combined into such lot or lots complying as nearly as possible to the lot width and lot size requirements of this Ordinance. No portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements of this Ordinance.

Platted lots held in common ownership may be divided upon request if they can individually meet a minimum width of sixty-five (65') feet and a lot area of not less than twelve thousand (12,000) square feet. These standards have been established by the State of Michigan Subdivision Control Act as minimum standards for newly created parcels where public infrastructure is not available. Lake Township feels it is necessary to uphold these minimum standards for existing nonconforming parcels in common ownership in order to maintain isolation between wells and septic.

**SECTION 1305. NONCONFORMING USES**

No nonconforming use shall be enlarged or increased, moved, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance, except as may be permitted by the Zoning Board of Appeals upon reaching a determination that the proposed enlargement, increase or greater area:

- A. Shall not have a substantial detrimental effect on the use and enjoyment of adjacent uses or lots;
- B. Shall comply with all parking, sign or other applicable regulations applicable to accessory uses for the area affected by the proposed enlargement, increase or greater area;

- C. Shall comply with any reasonable conditions imposed by the Zoning Board of Appeals that are necessary to ensure that the proposed enlargement, increase or greater area will not prove detrimental to adjacent properties, the neighborhood or the community.

**SECTION 1306. ABANDONMENT**

If a nonconforming use is abandoned for any reason for a period of more than one (1) year, any subsequent use shall conform to the requirements of this Ordinance. A nonconforming use shall be determined to be abandoned if one (1) or more of the following conditions exists and shall be deemed to constitute intent on the part of the property owner to abandon the nonconforming use:

- A. Utilities, such as water, gas and electricity to the property, have been disconnected;
- B. The property, buildings and grounds have fallen into disrepair;
- C. Signs or other indications of the existence of the nonconforming use have been removed;
- D. Removal of equipment or fixtures which are necessary for the operation of the nonconforming use;
- E. Other actions, which in the opinion of the Zoning Administrator constitute an intention on the part of the property owner or lessee to abandon the nonconforming use.

**SECTION 1307. CHANGING USES**

A nonconforming use may be changed to another nonconforming use provided that all of the following determinations are made by the Zoning Board of Appeals:

- A. The proposed use shall be as compatible as or more compatible with the surrounding neighborhood than the previous nonconforming use;
- B. The proposed nonconforming use shall not be enlarged or increased nor extended to occupy a greater area of land than the previous nonconforming use, except as may otherwise be permitted by this section;
- C. That appropriate conditions and safeguards are provided that will ensure compliance with the intent and purpose of this Ordinance.

**SECTION 1308. MORE THAN ONE (1) RESIDENTIAL BUILDING ON A LOT IN THE R-1 AND R-2 DISTRICTS**

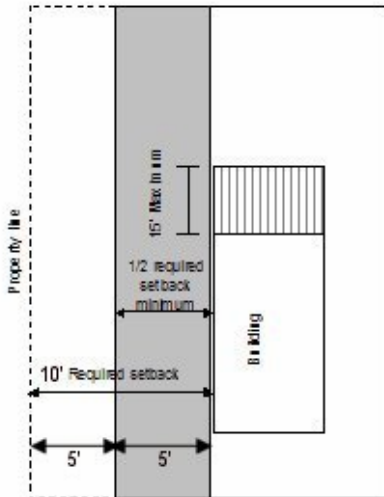
The intent of this section is to allow recognized nonconforming uses to exist and continue within the following parameters. Such uses may be enlarged, increased or extended not to exceed the following:

- A. Ground floor area shall not exceed seven hundred twenty (720) square feet;
- B. The floor area of a second story shall not exceed three hundred sixty (360) square feet.
- C. The total height shall not exceed twenty (20') feet to the ridge as measured from the average grade.
- D. Side yard setback shall be 6 feet or follow the requirements of Section 1310.
- E. Distance between buildings shall be no less than twelve (12') feet;
- F. No new structures will be permitted;
- G. Existing buildings to be altered or enlarged shall have a review done by the Huron County Health Department for septic requirements or a certified septic field inspector.
- H. Maximum lot coverage not to exceed twenty-five (25%) percent in ground floor area for all buildings and structures.

**SECTION 1309. NONCONFORMING BUILDINGS AND STRUCTURES**

Where a lawful building or structure exists at the effective date of this Ordinance, or an amendment thereto, that does not comply with the requirements of this Ordinance because of restrictions such as lot area, coverage, width, height or yards, such building or structure may be continued so long as it remains otherwise lawful.

**SECTION 1310. EXTENSIONS OF NONCONFORMING BUILDINGS AND STRUCTURES**



No nonconforming building or structure may be enlarged or altered in a way that increases its nonconformity, except where the nonconforming setback of a building or structure is not less than one-half (1/2) of the distance required by this Ordinance. In such case, the nonconforming setback may be extended along the same plane up to fifteen (15') feet in length. In no case shall the setback be further reduced. Only one nonconforming extension of up to fifteen (15') feet is permitted.

**SECTION 1311. RECONSTRUCTION AND RESTORATION**

None of the following provisions are meant to preclude normal repairs and maintenance on any nonconforming building or structure that would prevent strengthening or correcting of any unsafe condition of the building or structure.

In the event any nonconforming building or structure is damaged by fire, wind, Act of God or public enemy, and the cost of rebuilding or restoration exceeds one-half (1/2) the floor area of the building or structure after rebuilding or restoration is complete, then such rebuilding or restoration shall only be permitted when first authorized by the Zoning Board of Appeals. In considering such authorization, the Zoning Board of Appeals shall consider the following standards:

- A. Whether such rebuilding or restoration will substantially extend the probable duration of the nonconforming use.
- B. Whether or not the land previously occupied by the nonconforming use can be advantageously used for a use permitted in the applicable Zoning District.

A building or structure on an existing lot of record in the district which is nonconforming by reason of height, lot area, width, yard requirements and/or parking and loading space provisions which is damaged by fire, wind, Act of God, or public enemy, may be rebuilt or restored as a matter of right, regardless of the value of the building or structure after rebuilding or restoration is complete.

## **Parking**

It is the purpose and intent of this Ordinance that parking and loading areas be provided and adequately maintained in every zoning district for the purposes of promoting safe and efficient storage of motor vehicles to avoid unnecessary congestion and interference with public use of streets and to provide for sound and stable environmental conditions, the prevention of future blighted areas and to promote the ease of access to businesses.

### **SECTION 1401. OFF STREET PARKING AND LOADING REQUIREMENTS**

In all zoning districts, off street parking and loading requirements shall be provided in amounts not less than those specified for the various uses, unless approved by the Zoning Administrator.

#### **1401.1 EXISTING PARKING AND LOADING SPACES.**

No loading area or parking space which exists at the time this ordinance becomes effective, or which subsequent thereto is provided for the purpose of complying with the provisions of this ordinance, shall thereafter be relinquished or reduced in any manner below the requirements established by this ordinance unless additional parking and loading area, or space which complies with the provisions of this ordinance, is provided for the minimum parking and loading spaces required by this ordinance.

#### **1401.2 CHANGE IN USE OR INTENSITY.**

The occupancy or use of a building or any part of a building shall not change to another unless the minimum parking and loading requirements for the new use are provided. No building or use shall be enlarged if the enlargement requires additional parking space unless the minimum requirements for off-street parking and loading are provided.

#### **1401.3 REQUIREMENTS FOR A USE NOT MENTIONED.**

Requirements for a use not mentioned shall be the same for that use which is most similar to the use not listed.

**1401.4 LOCATION OF PARKING AREAS.**

Off-street parking areas shall be located as hereafter specified. When a distance is specified, it shall be the walking distance measured from the nearest point of the parking facility to the nearest normal entrance to the building or use that such facility is required to serve.

- A. For all residential buildings and for all nonresidential buildings and uses in Residential or Agricultural Districts, required parking shall be provided on the lot with the building or use it is required to serve.
- B. For business and all nonresidential buildings and uses in General Business Zoning Districts, required parking shall be provided within three hundred (300') feet. In no event shall required parking be located in an Agricultural or Residential Zoning District.

**1401.5 UNITS OF MEASUREMENT.**

For the purpose of determining off-street parking requirements, the following units of measurement shall apply:

- A. **Floor Area.** In the case of uses where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for incidental service storage installations of mechanical equipment, heating system and similar uses.
- B. **Places of Assembly.** In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, each twenty-four (24") inches of seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and an open assembly area, requirements shall be computed separately for each type and added together.
- C. **Fractions.** When units of measurement determining the number of required parking spaces result in requirements of a fractional space, any fraction up to and including one-half ( $1/2$ ) shall be disregarded and fractions of over one-half ( $1/2$ ) shall require one (1) parking space.
- D. For parking requirements of uses not listed, the Zoning Administrator shall determine the required amount of parking and loading.

**1401.6 PARKING REQUIREMENTS.**

There shall be a minimum number of parking spaces for each use as specified:

|   |  |
|---|--|
| Automobile Service Station                              | Two (2) for each lubrication stall, repair service rack or pit and one (1) for each bay or fuelling station                        |
| Banks, offices, libraries                               | One (1) for each three hundred (300) square feet of total floor area   |
| Personal service shops                                  | Two (2) for each barber or beauty shop chair   |
| Churches, theaters, auditoriums                         | One (1) for every four (4) seats   |
| Doctor's and Dentist's offices                          | One (1) for every one hundred (100) square feet of floor area  |
| Dwellings   | Two (2) for each dwelling unit   |
| Golf Course   | Two (2) spaces for each hole plus one (1) space for each employee on a peak shift, plus parking as required by all associated uses |
| Institutions of Human Care                              | One (1) for every four (4) beds and one (1) for every two (2) employees or staff.  |
| Laundromats   | One (1) for every two washing machines   |
| Motels, rooming houses, tourists homes or lodging house | One (1) for each sleeping room, plus one (1) for each employee on maximum shift  |
| Manufacturing, wholesale, or warehouse                  | Two (2) for every three (3) employees on maximum shift, plus loading and unloading space   |
| Furniture, appliance, hardware showrooms, carpet sales  | One (1) for every eight hundred (800) square feet of floor area  |
| Restaurants, taverns                                    | One (1) for each one hundred (100) square feet of floor area   |
| Retail stores   | One (1) for each one hundred fifty (15) square feet of floor area  |
| Schools (elementary)                                    | Two (2) for every classroom  |
| Schools (high)  | One (1) for every six (6) seats in the main assembly area, or three (3) for every classroom, whichever is greater                  |

**1401.7 JOINT USE OF FACILITIES.**

Provision of common parking facilities for several uses in the same vicinity is encouraged. In such cases, the total space requirement is the sum of the minimum individual requirements.

**1401.8 LOADING REQUIREMENTS.**

For every building or addition to an existing building hereafter erected, to be occupied by manufacturing storage, display of goods, retail store or block of stores, wholesale store, market, hotel/motel, hospital, mortuary, laundry, dry cleaning or other similar uses requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same lot with such building or addition:

- A. An area or means adequate for maneuvering and entrance and exits for delivery vehicles; and
- B. Off-street loading spaces in relation to floor areas as follows:
  - 1. Up to twenty thousand (20,000) square feet – one (1) space;
  - 2. Twenty thousand (20,000) or more but less than fifty thousand (50,000) square feet – two (2) spaces; and
  - 3. One (1) additional space for each additional fifty thousand (50,000) square feet or fraction thereof.

**1401.9 ADDITIONAL REQUIREMENTS.**

No Junk motor vehicle shall be kept for any period of thirty (30) days or longer upon any premises within the Township which premises are not licensed as a junkyard.

- A. Provided, however, that this shall not prohibit the keeping of not to exceed two (2) Junk motor vehicles upon the premises of a public, general business motor vehicle repair garage, or upon any premises within the Township where such vehicles are stored wholly within an enclosed garage upon the premises owned or occupied by the owner of such Junk motor vehicle.
- B. Provided, further, that this shall not prohibit the keeping of farm tractors or other motorized farm equipment upon any farm which such tractor or farm equipment is used for farming operations.

- C. Provided, further, that this shall not prohibit the keeping of motorized construction equipment upon the premises within any general business zoned district, which premises is legally devoted to such construction business if such construction equipment is regularly used or in a usable condition.

**SECTION 1402. DESIGN REQUIREMENTS**

**1402.1 PARKING DESIGN REQUIREMENTS.**

Every parcel of land hereafter established as an off-street public or private parking area for more than five (5) vehicles shall be developed and maintained in accordance with the following requirements:

The parking lot and its driveway shall be:

- A. Designed to provide adequate drainage;
- B. Surfaced with concrete, asphalt pavement or other dustless material; and
- C. Maintained in good condition, free of dust, trash and debris.
- D. The parking lot and its driveways shall not be used for repair, dismantling, or servicing of any vehicles.
- E. The parking lot shall be provided with entrances and exits so located as to minimize traffic congestion.
- F. Lighting facilities shall be so arranged as to reflect the light away from adjoining properties and so that all sources of light shall not be visible beyond the property lines of the lot upon which it is located.
- G. There shall be a curb or bumper rail provided wherever an off-street parking and loading area adjoins a public sidewalk or right-of-way or adjacent property so designed to prevent any portion of a vehicle from encroaching upon said sidewalk or right-of-way or adjacent property.

**1402.2 LAYOUT AND CIRCULATION.**

The following minimum design standards shall be observed in laying out off-street parking facilities:

- A. Each off-street parking space shall have an area of not less than two hundred (200) square feet (exclusive of access drives or aisles) and shall be a minimum of ten (10) feet in width.

B. Each parking facility must be designed to meet the following requirements:

**Parking Stall**

| <b>Parking Angle</b> | <b>Stall Width</b> | <b>Aisle Width</b> | <b>Length</b> | <b>Curb to Curb</b> |
|----------------------|--------------------|--------------------|---------------|---------------------|
| 0 to 15 degrees      | 9 ft.              | 12 ft.             | 23 ft.        | 30 ft.              |
| 16 to 37 degrees     | 10 ft.             | 11 ft.             | 19 ft.        | 47 ft.              |
| 38 to 57 degrees     | 10 ft.             | 13 ft.             | 19 ft.        | 54 ft.              |
| 58 to 74 degrees     | 10 ft.             | 18 ft.             | 19 ft.        | 61 ft.              |
| 75 to 90 degrees     | 10 ft.             | 24 ft.             | 19 ft.        | 63 ft.              |

Provisions for all driveways are in addition to the space required for parking.

**1402.3 PARKING.**

In all districts parking must occur on designated parking areas.

**1402.4 SOLID WASTE COLLECTION FACILITIES.**

The following rules are intended to prevent unhealthful or unsightly conditions regarding solids waste handling facilities. These rules apply to any solid waste container large enough to require a mechanical device to empty it.

- A. **Enclosure.** Each such container must be located in an enclosure which is screened on at least three (3) sides by a solid wood fence or masonry wall at least as high as the container. The fourth side of said enclosure may be left open if the container has a lid which is kept locked except when waste is being deposited or removed.
- B. **Location.** Said enclosure and container shall be so situated that trucks collecting waste from the container shall not conflict with the orderly flow of traffic onto or through the parcel or any parking spaces thereon. Said enclosure or container shall be located so that trucks collecting waste will not block any portion of a public street or alley. Dumpster locations must meet district setback requirements.

**1402.5 OFF STREET WAITING AREA FOR DRIVE THROUGH FACILITIES.**

On the same premises with every building, structure or part thereof, erected and occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement where the automobile engine is not turned off, there shall be provided three (3) off-street waiting spaces for each service window.

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- A. An off-street waiting space is defined as an area ten (10') feet wide by twenty-four (24') feet long and shall not include the use of any parking space, street, alley or sidewalk.
- B. Automatic auto wash establishments shall provide a minimum of ten (10) off-street waiting spaces, with at least one (1) off-street waiting space on the exit side, for each wash lane. Manual or coin-operated auto wash establishments shall provide at least three (3) off-street waiting spaces on the exit side for each auto wash stall.

### **1402.6 LOADING DESIGN REQUIREMENTS.**

- A. Each loading space shall be at least ten (10') feet wide, thirty-five (35') feet long, and shall have a clearance of fourteen (14') feet above grade.
- B. Any lighting used to illuminate off-street loading areas shall be so arranged as to direct light away from adjoining premises, to the lot upon which it is located.
- C. Required loading areas shall be in addition to required off-street parking areas.
- D. Persons desiring to establish, maintain or alter an off-street loading area shall submit plans to the Zoning Administrator.

## **SECTION 1403. SUBMITTAL REQUIREMENTS**

### **1403.1 PLANS AND SPECIFICATIONS.**

Plans and specifications for the off-street parking and loading spaces shall be submitted to the Zoning Administrator for review and approval at the time of application for a land use permit for the erection or enlargement of a building, or prior to change of use requiring different parking and loading requirements. Said plans and specifications shall show the location, size, shape, design, landscaping, surfacing, marking, lighting, drainage, curb cuts, entrance, exits and any other features of the parking lot. Any curb cuts, entrances, exits, drainage and design shall have the written approval of the Zoning Administrator.

### **1403.2 SURETIES.**

The Zoning Administrator may require such assurance, surety of performance bonds in the form, manner and amount, as in his discretion may be required to compel compliance with, and performance of, all off-street parking requirements of this ordinance; provided, however, that such assurance, surety or performance bond not be for an amount greater than the reasonable cost of complying with the off-street parking requirements of this ordinance.

## **SECTION 1404. LANDSCAPING AND BUFFERING**

### **1404.1 LANDSCAPING.**

Landscaping is intended to provide visual separation of uses from streets and visual separation of compatible uses so as to soften the appearance of street, parking areas and building elevations.

#### **A. Required Amount.**

1. If the parking area contains no more than fifty (50) parking spaces, at least twenty (20') square feet of landscape development must be provided as described in paragraph B of this section for each parking stall proposed.
2. If the parking area contains more than fifty (50), but less than one hundred (100) parking spaces, the Building and Zoning Administrator shall determine the required amount of landscaping by interpolating between twenty (20) and forty (40) square feet for each parking stall proposed. The area must be landscaped as described in this section.
3. If the parking area contains more than ninety-nine (99) parking spaces, at least forty (40) square feet of landscape development must be provided as described in paragraph B of this section for each parking stall proposed.

- B. Design.** Each area of landscaping must be at least one hundred (100) square feet of area in size and must be at least four (4') feet in any direction. The area must contain at least one (1) tree at least six (6) feet in height. A minimum size of one and one-half (1½) inches in caliper must be met if it is deciduous. The remaining ground area must be landscaped with plant materials, grass, and decorative mulch or unit pavers, as approved by the Zoning Administrator.

## **SECTION 1405. LIGHTING**

Off-street parking provided for multiple family housing, or for any business or institutional use shall be provided with sufficient lighting to allow safety for users at any time. Lighting fixtures shall comply with height and setback requirements for accessory structures for the applicable Zoning District and shall be so arranged that light is not directed at adjacent properties or public thoroughfares.

Chapter  
**15**

## **Signs**

These sign standards are being ordained pursuant to MCL 252.304 of the Highway Advertising Act of 1972 to preserve the public health, safety and welfare of Lake Township.

### **SECTION 1501. INTENT AND PURPOSE**

The purpose of this ordinance is to regulate signs and outdoor advertising in a manner which will minimize their harmful effects while permitting maximum latitude for creative and effective advertising and identification. Signs may be erected or maintained in the Township of Lake only as permitted by this ordinance and subject to all restrictions contained herein. These sign standards are adopted in order to:

- A. To prevent the placement of signs in a manner that will conceal or obscure other signs or adjacent businesses;
- B. To keep the number of signs and sign messages at a level reasonably necessary to identify a business and its products;
- C. To keep sign sizes within a reasonable scale with respect to the buildings to which they relate;
- D. To prevent off-premise signs from conflicting with business, residential and public land uses;
- E. To keep an area adjacent to streets clear of signs which might obstruct or distract the view of motorists;
- F. To reduce the visual and physical obstructions to motorists entering or leaving streets.

## **SECTION 1502. GENERAL PROVISIONS**

### **1502.1 PROHIBITED SIGNS.**

The following signs are considered to be unsafe, dangerous, and hazardous or an attractive nuisance, therefore these signs shall not be permitted, erected or maintained in any zoning district.

- A. Any sign which by reason of its size, location, content, coloring, or manner of illumination constitutes a traffic hazard or detriment to traffic safety by obstructing the vision of drivers or obstructs or detracts from the visibility of any traffic control device on public street or roads.
- B. Signs which make use of words such as STOP, LOOK, DANGER or other words, phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse traffic.
- C. Signs and sign structures that are no longer in use as originally intended, have been abandoned, are not structurally sound, pose a hazard to health and safety, or not kept in good repair.
- D. Any sign which obstructs ingress or egress from any required door, window, fire or other required exit way.
- E. Any sign unlawfully installed, erected, or maintained after the effective date of this ordinance.
- F. Signs having flashing, blinking or running copy. However, signs of this type which present items such as time, temperature, date and public interest events may be permitted after review by the Zoning Board of Appeals.
- G. Any sign installed prior to the effective date of this ordinance without a permit, when in fact, the previous ordinance required a permit.
- H. Billboards (off-premise advertising) located within three hundred (300) feet of residential district lines for R-R, R-1, R-2, R-3 Districts or on any non-state highway located in the Township.

### **1502.2 PERMIT REQUIRED.**

No sign or billboard shall be erected or altered until approved by the Zoning Administrator and a permit issued.

**1502.3 PLACEMENT OF SIGNS WITHIN RIGHT OF WAY AND PUBLIC EASEMENTS.**

Signs and billboards are prohibited from all public right-of-way and dedicated public easements. In addition, signs are also prohibited from encroachment or suspension over a public right-of-way or easement.

**1502.4 MAINTENANCE AND REMOVAL OF SIGN.**

All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.

- A. **Removal of Sign.** The Zoning Administrator may order the removal of any sign erected or maintained in violation of this code. Said order shall be made in writing, delivered personally or by certified mail, and shall allow the person receiving it thirty (30) days to remove the sign or to bring it into compliance. Said order shall be served upon the owner of such sign, or to the owner or manager of the building, structure, or premises on which such sign is located. The Zoning Administrator may remove a sign immediately and without notice, at cost to the owner or lessee, if it is the Enforcement Officer's opinion that the condition of the sign presents an immediate threat to the safety of the public.
- B. **Abandoned Signs.** A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove it within one hundred eighty (180) days of the termination of business, the Zoning Administrator, or a duly authorized representative, may remove the sign at the cost to the property owner. When a successor to a defunct business agrees to maintain the signs as provided in this code, this removal requirement shall not apply.
- C. **Traffic Safety.** No sign shall be placed so as to obstruct the view of approaching vehicular or pedestrian traffic from any direction or present a hazard to the safe flow of traffic. In the event that any sign violates this requirement, the Zoning Administrator may remove such sign to protect traffic. The owner of the property, or business operator where such sign is located, shall first be notified of its impending removal. The property owner or business operator shall be given opportunity to alter or replace such a sign within twenty-four (24) hours to make it comply with this Section.

**SECTION 1503. SIGNS ALLOWED IN ANY DISTRICT**

The following signs are permitted without a sign permit in all zoning districts where the principal permitted use to which they are related is a permitted use in that district.

- A. "No hunting", "No trespassing", and "On premise directional" signs not exceeding four (4) square feet in area.
- B. Signs located in building interiors.
- C. Identification, address or temporary "for sale" signs affixed to a wall, mailbox, post, lamp post, pillar, or tree which otherwise meets the requirements of this ordinance in terms of location and area.
- D. Traffic control or other municipal signs such as, but not limited to, directional signs on public right-of-ways, railroad crossing sign, waning, danger, temporary emergency signs and legal notices.
- E. Memorial signs or tablets, names of buildings and date of their erection when cut into masonry surface, or when constructed of bronze or other noncombustible material.
- F. Flags bearing the official design of a nation, state or municipality.
- G. Signs used for advertising property for rent, lease, or sale shall not exceed six (6) square feet in area and shall be exempt from permit and fee requirements of this ordinance.
- H. Billboards, when located along State Highway per the National Highway Beautification Act.

**SECTION 1504. DISTRICT REQUIREMENTS**

Signs are permitted as follows for each district. If a new zoning district is created after the enactment of this ordinance, no new signs shall be permitted therein until this ordinance shall be amended to include said district.

**1504.1 AG DISTRICT.**

- A. For each residential use, one sign not exceeding two (2) square feet in area.

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- B. For non-residential uses, one sign not exceeding thirty-two (32) square feet in area.
- C. The height of the signs may not exceed five (5') feet above the uniform finished grade size and must meet the following setback requirements:
  - 1. **Front:** Three (3') feet but cannot obstruct the view of drivers as determined by the Zoning Administrator.
  - 2. **Side:** Ten (10') feet
  - 3. **Rear:** Ten (10') feet

### 1504.2 R-1, R-2, R-3, R-R DISTRICTS.

- A. For each residential use, one sign not exceeding two (2) square feet in area.
- B. For non-residential uses, one sign not exceeding thirty-two (32) square feet in area.
- C. The height of the signs may not exceed five (5') feet above the uniform finished grade size and must meet the following setback requirements:
  - 1. **Front:** Three (3') feet but cannot obstruct the view of drivers as determined by the Zoning Administrator
  - 2. **Side:** Ten (10') feet
  - 3. **Rear:** Ten (10') feet

### 1504.3 B-1 AND R-B DISTRICTS.

- A. One (1) free standing advertising sign, billboard or advertising pylon of fifty (50') feet square feet in area. Signs attached to a building shall not exceed ten (10%) percent of the wall upon which it is mounted or thirty-two (32) square feet, whichever is less.
- B. The height of the signs may not exceed twenty (20') feet above the uniform finished grade size and must meet the following setback requirements:
  - 1. **Front:** Ten (10') feet but cannot obstruct the view of drivers as determined by the Zoning Administrator.

2. **Side:** Ten (10') feet.
3. **Rear:** Ten (10') feet.

**SECTION 1505. SPECIAL CONDITIONS**

**1505.1 ILLUMINATION.**

The light source which illuminates signs shall be directed or shaded so as to not interfere with the vision of persons on adjacent highways or property.

**1505.2 FEES.**

Fees for the issuance of sign permits shall be paid to Lake Township in advance of the issuance of the permit. Such fees are necessary to cover the costs involved and shall be established by the Lake Township Board.

**1505.3 APPEALS AND SPECIAL PROCEDURES.**

Shall be the responsibility of the Zoning Board of Appeals. Fees for appeals shall be paid to Lake Township. Such fees shall be established by the Lake Township Board.

Chapter  
**16**

## **Special Use Permits**

### **SECTION 1601. PURPOSE AND INTENT**

It is the intent of this Section to provide a set of procedures and standards for special uses of land or structures, which because of their unique characteristics require special consideration in relation to the welfare of adjacent properties and the community as a whole.

It is the expressed purpose of the regulations and standards to allow practical latitude for the developer, and at the same time maintain adequate provision for the protection of the health, safety, convenience and general welfare of the community.

For the purposes of this Ordinance the following Special Use Categories are identified.

- A. Institutional Uses.
- B. Agricultural Uses pursuant to state regulations or statutes.
- C. Golf Courses, Shooting Clubs and Country Clubs.
- D. Manufactured Home Developments pursuant to state regulations or statutes.
- E. Planned Unit Developments.
- F. Automotive Service Stations.
- G. Wireless.
- H. Miscellaneous Special Uses.

The following, together with previous references in other chapters of this Ordinance, designate the requirements, procedures and standards, which must be met before a Special Use Permit can be issued.

## SECTION 1602. STANDARDS

The application for a Special Use Permit includes two separate steps. First is the review of the Site Plan for the proposed use. Second is the decision of whether or not a Special Use Permit will be granted.

- A. **Standards.** During the Special Use Permit Process, various considerations will be explored before approval for the Site Plan or the Special Use Permit. Some of these are defined in this Chapter as additional site plan review standards for various Special Uses. These standards are intended to reduce the impact of a Special Use on surrounding properties. They are minimum requirements and must always be met.
- B. **Conditions.** The Planning Commission may attach additional conditions to the approval of the Site Plan or the Special Use Permit. These conditions must be based on requirements or concerns defined by this Ordinance.
- C. **Precaution.** No person should conclude that compliance with the standards defined by this Chapter automatically grant the right to establish a Special Use in a given Zoning District. Rather, the privilege of establishing a Special Use is granted or denied by the Planning Commission following the process outlined in this Chapter. This process includes notification of nearby residents and property owners who may voice their opinions at a public hearing before a decision is made to grant a Special Use Permit. Since Special Uses generally impose physical, visual or psychological impacts on neighboring parcels, the input of neighboring residents or property owners is a legitimate factor for the Planning Commission to consider when deciding whether to allow such uses.
- D. **Permanence.** Once a Special Use Permit has been granted, it may only be revoked if the conditions mentioned above or other requirements of this ordinance have been violated. Otherwise, the Special Use Permit “runs with the land” and is one of the rights that is transferred when the parcel is rented or sold. Therefore, this Ordinance does not provide for placement of any time limit on a Special Use Permit, except that the Special Use Permit may expire or be revoked as noted in Section 1603 F.

## SECTION 1603. PERMIT PROCEDURES

The application for a Special Use permit shall be submitted and processed under the following procedures and in accordance with the Michigan Zoning Enabling Act, P. A. 110 of 2006.

## LAKE TOWNSHIP ZONING ORDINANCE

- A. **of Application.** An application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board.
1. **Contents.** The application package consists of a Special Use Permit Application completed in full by the applicant, accompanied by a fee as established by the Township and a site plan meeting the requirements of Section 307.4.
  2. **Application Deadline.** The complete application package must be submitted to the Zoning Administrator at least forty-five (45) days before the Planning Commission meeting at which it will be considered.
- B. **Simultaneous Consideration of Rezoning and Special Use Permit.** In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation for the parcel) and a Special Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements.
1. **Separate.** The rezoning shall be considered separately from the Special Use Permit.
  2. **Procedures.** The Ordinance procedures for each decision shall be followed as specified. However, any Special Use Permit approval must be conditioned upon adoption of the rezoning by the Township Board.
  3. **Standards.** All standards required by this Ordinance shall be observed for each action.
  4. **Public Hearings.** The public shall be given the opportunity for input on both the rezoning and special use decisions. Thus, two (2) separate public hearings shall be held at the same meeting.
- C. **Planning Commission Review and Hearing.** The Special Use Permit application package shall be the subject of both a Site Plan Review and a public hearing conducted by the Planning Commission. If the applicant wishes to have the Site Plan Review and Special Use Permit considered at a single Planning Commission meeting:

1. **Site Plan Review.** The Planning Commission shall conduct a Site Plan Review for the proposed use, using the procedure and standards and any specific standards identified for a Special Use by this Chapter. The Planning Commission may approve the site plan as presented, approve it with conditions, deny it, or table approval of it to a specific meeting date.
  - a. **Public Input.** The Site Plan Review may be completed before public input is heard on the question of granting the Special Use Permit. This is because the Site Plan Review process is intended to be an objective review of factual information to determine whether precise standards have been met. However, the Planning Commission may choose to accept public comments or questions relating only to design considerations of the site plan.
  - b. **If the Site Plan is Denied.** In the event the site plan is denied, consideration of the Special Use Permit shall still occur, including the public hearing. The Special Use Permit may still be approved with the condition that site approval must be obtained before the Special Use Permit is valid.
2. **Public Hearing on Special Use.** The Planning Commission shall hold a public hearing on the application as part of the meeting which the Special Use Permit is considered.
  - a. **Notice.** A notice of public hearing meeting the requirements of this section shall be mailed to all parties specified by this section and published in a newspaper of general circulation in the Township at least fifteen (15) days before the date of such hearing.
  - b. **Delay at Applicant's Request.** If a site plan for a Special Use has been denied, the applicant may ask for a consideration of the Special Use Permit, including the public hearing to be postponed. However, postponing the hearing requires an additional notification of neighboring property owners and newspaper publication of another notice. Therefore, the applicant will be required to pay an additional application fee to offset the Township's added cost.

3. **Consideration of a Special Use Permit.** Following the public hearing, the Planning Commission Chairman shall accept a motion for approval, conditional approval, or denial of the Special Use Permit. Planning Commission members shall then discuss the motion and vote upon it.
  - a. **Open Meeting.** Note that the Open Meeting Act requires this vote to take place in an open public meeting.
  - b. **Prompt Decision.** In the interest of fairness and a timely response for all concerned parties, the Planning Commission shall render its decision on the Special Use Permit during the same meeting in which the public hearing is held, unless further information must be obtained before a decision can be made. In such cases, action upon the Special Use Permit may be tabled to a public meeting of the Planning Commission to be held on a specific date which is identified in the motion to table.
  - c. **Issuance of a Zoning Permit.** Only upon approval of a Special Use Permit by the Planning Commission may a Zoning Permit for the proposed use be issued by the Zoning Administrator.
- D. **Reapplication.** An application for a Special Use Permit which has been denied by the Planning Commission may not be resubmitted for one (1) year after the date of such denial.
- E. **Terms of Permit.** A Special Use Permit issued pursuant to this Chapter consists of a Zoning Permit which specifies the Special Use which is to be allowed and any conditions which were attached by the Planning Commission. Validity of this Zoning Permit, and consequences of any voiding of said permit are described in this section. If a use established under a Special Use Permit is discontinued for a period of one (1) year, the Special Use Permit shall expire. To reestablish the use after such expiration will require granting of a new Special Use Permit, starting with a new application.
- F. **Revocation.** The privilege of a Special Use Permit is subject to all conditions that have been attached to it during the process described above. Except as noted in the paragraph above, the permit remains valid as long as all of those conditions are met. However, the Planning Commission shall revoke any Special Use Permit after it has been proved that the permit conditions have been violated. The Special Use Permit is a condition of the approval of the Zoning Permit, and revocation of it shall void the Zoning Permit.

## LAKE TOWNSHIP ZONING ORDINANCE

1. **First Notice.** The Zoning Administrator shall send written notice of a violation to the holder of the Zoning Permit by certified mail. The notice shall state that correction must be made within thirty (30) days or the Planning Commission will revoke the Special Use Permit and order the use to cease.
2. **Considered Nonconforming.** From the time the Zoning Administrator's notice of violation is issued, until compliance with all Special Use Permit conditions is restored, the use in question shall be treated as an Illegal Nonconforming Use.
3. **Planning Commission Action.** The Zoning Administrator shall notify the Planning Commission of the violation of conditions of the Special Use Permit at the next regular Planning Commission meeting, and revocation of the Special Use Permit shall be considered then. The Planning Commission's meeting will usually occur before the thirty (30) day period for the first notice has expired. In that case, the resolution to revoke the Special Use Permit should be worded that it takes effect only if compliance with all requirements is not restored. It shall also include authorization for the Zoning Administrator to order the permit holder to cease the permitted use if the violations are not corrected by the end of the first notice period.
4. **Second Notice and Order.** After expiration of the thirty (30) day period, the Zoning Administrator shall notify the permit holder by certified mail that the Special Use Permit has been revoked, and the use for which the permit was granted must cease within sixty (60) days from the date of this second notice.
5. **Enforcement of Order.** Failure to comply with the order to cease an activity for which a Special use Permit has been revoked is a violation of this Ordinance, subject to all penalties thereof.

### SECTION 1604. PERMIT STANDARDS

- A. **Standards Attached to the Site Plan Review.** Before approving or denying a Special Use Permit Application, the Planning Commission reviews the site plan for said use to establish that all applicable standards are satisfied. The Site Plan Review shall determine compliance with the applicable District Regulations from Chapter 4, the Site Plan Review Standards, and any applicable standards from this Chapter. Standards are included in the Special use Permit Chapter and in the Supplementary Section in this Ordinance.

- B. **Additional Conditions.** The Planning Commission may stipulate any additional conditions or safeguards deemed necessary to achieve the objectives of this Ordinance. These may be defined during the Site Plan Review process or during consideration of whether to grant the Special Use Permit. All conditions attached to the approval of the site plan are also conditions of the Special Use Permit. These conditions, and the reasoning behind them, must be documented in the Planning Commission's Minutes and communicated to the applicant in writing.
- C. **Enforcement of Conditions.** The breach of any condition shall be cause for the Planning Commission to revoke a Special Use Permit as described in Section 1603(F).

### SECTION 1605. INSTITUTIONAL USES

- A. **Authorization.** In recognition of the many institutional types of non-residential functions that have been found compatible and reasonably harmonious with residential uses, certain institutional uses specified in this Section may be authorized by the issuance of a Special Use Permit. Such permit shall not be issued unless all the procedures and applicable requirements stated herewith, together with the additional requirements of this Section, can be complied with.
- B. **Uses.** The following uses may be authorized in those districts as noted under the respective Zoning Districts, and provided the applicable conditions are complied with:
  - 1. **Institutions for Human Care.** Hospitals, Day Care, Sanitariums, Nursing or Convalescent Homes, Assisted Living Homes, Homes For The Aged, and Philanthropic and Charitable Institutions. Camp or Correctional Institutions are prohibited.
  - 2. **Religious Institutions.** Churches, synagogues, or similar places of worship, convents, parsonages and parish houses, and other housing for clergy.
  - 3. **Educational and Social Institutions.** Public and private elementary and secondary schools, and institutions for higher education, auditoriums and other places of assembly, and centers for social activities, including charitable and philanthropic activities. Camp or correctional institutions are prohibited.
  - 4. **Public Buildings and Public Service Installations.** Publicly owned and operated buildings, public utility buildings and structures, transformer stations and sub-stations and gas regulator stations.

C. **Site Location Principles.** The following principles shall be utilized to evaluate the proposed location of any institutional use within a permitted district. These principles are alterable depending upon the specific conditions of each situation, but they shall be applied by the Planning Commission as general guidelines to help assess the impact of an institutional use upon the District in which such use is proposed to be located.

1. Motor vehicle entrance should be made on a Principal Arterial or immediately accessible from a Principal Arterial as to avoid the impact of traffic generated by the institutional use upon a residential area.
2. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of the intrusion of the institutional use into a residential area.

D. **Hospitals.** (For overnight stay)

1. The proposed site shall be at least five (5) acres in area.
2. All structures shall be located at least fifty (50') feet from any residential use.
3. The proposed site shall have at least one (1) property line abutting a principal or minor arterial.
4. No more than twenty-five (25%) percent of the gross site shall be covered by structures.
5. Ambulance and delivery areas shall be obscured from all residential views with a wall or barrier or other such suitable buffer as determined by the Planning Commission.

E. **Religious Institutions.**

1. The proposed site shall be at least one (1) acre in size plus one-half ( $\frac{1}{2}$ ) acre per hundred (100) seats in the main auditorium.
2. No building shall be closer than forty (40') feet to any property or street line.
3. No more than twenty-five (25%) percent of the gross site area shall be covered by structures.

**F. Cemeteries.**

1. The proposed site must be at least ten (10) contiguous acres.
2. No building or drive shall be closer than twenty (20') feet to any property line.

**G. For All Other Uses That May Be Permitted,** except public utility transformer stations and substations, gas regulator stations and housing for religious personnel attached to a church or school function.

1. No building shall be closer than forty (40') feet to any property or street line.
2. No more than twenty-five (25%) percent of the gross site area shall be covered by structures.
3. All buildings shall be of an appearance that shall be harmonious and unified as a group of buildings and shall blend appropriately with the surrounding area.

**H. For Public Utility Transformer Stations and Substations, Gas Regulator Stations:**

1. All buildings shall be harmonious in appearance with the surrounding residential area and shall be similar in design and appearance to any other buildings on the same site development.
2. Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material and it shall be fenced for safety. All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area.

**SECTION 1606. AGRICULTURAL USES**

A. **Authorization.** Certain agricultural uses, due to their intensity and potential impact on surrounding uses and the environment, require additional consideration.

**B. Uses:**

1. Livestock Auction Yards.
2. High Intensity Livestock Operations.

**C. Site Location Principles:**

1. Designed and constructed so that no livestock waste is carried into any roadway ditch, drainage area, or sanitary lagoon disposal system; and,
2. Designed and constructed so as not to be in violation of applicable federal, state or local sanitation and environmental control laws, rules, and regulations.

**D. Development Requirements:**

1. Manure shall be removed or disposed of in one of the following manners:
  - a. Spraying or spreading on land in the zoning district followed by an approved method of incorporation.
  - b. Grinding or dehydrating in properly designed dehydrators.
  - c. Stockpiling in a compost plant in an isolated area in such a manner so as to not create a water pollution problem.
2. **Insect and Rodent Control:**
  - a. Removal of manure and disposal as outlined above.
  - b. Use of chemical sprays and poisons in accordance with procedures and recommendations of a biologist experienced in insect and rodent control.
3. **Drainage:**
  - a. All ground surfaces within pens shall be so graded and compacted to insure positive drainage.
  - b. Surface runoff shall be so controlled so that no appreciable amount of soil or manure is carried into any roadway ditch or off site drainage area where it will deposit and form sludge bands where flies and mosquitoes can breed or create water pollution.

## SECTION 1607. GOLF COURSES AND COUNTRY CLUBS

A. **Authorization.** In recognition of the basic open space and recreation character of golf courses and shooting or country clubs and compatibility within agricultural and residential areas, these uses may be permitted.

B. **Uses:**

1. Golf Courses.
2. Country Clubs.

Accessory uses for a permitted use shall be construed to include restaurant and other eating or drinking establishments and such retail sales directly connected with the conduct of the principal use.

C. **Site Location Principles.**

1. Site location should be allowed which enhances the natural environment and amenities for community life.

D. **Development Requirements.** The following standards shall be applicable as basic requirements for the use of land or for the erection, reconstruction or alteration of permitted structures.

1. Minimum site shall be ten (10) acres or more and access shall be so designated as to provide all ingress and egress directly onto or from a public street.
2. Lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.
3. Minimum yard and height standards require that no building shall be closer than fifty (50') feet to any property or street line.

## SECTION 1608. MANUFACTURED HOUSING DEVELOPMENT

A. **Authorization.** Manufactured housing developments are herein recognized as fundamentally a multiple residential use and that allowed in a residential classification, subject to particular conditions and standards, will best promote the public health, safety, comfort, convenience, prosperity and the general welfare as set out in this comprehensive zoning ordinance.

## LAKE TOWNSHIP ZONING ORDINANCE

The special features and demands of manufactured housing require full considerations of their site location, design and improvement; their demands upon public services and utilities; and their relationship to and effect upon adjacent land uses.

- B. **Uses.** A Manufactured Housing Development may include any or all of the following uses, PROVIDED that a plan of the proposed development is approved by the Mobile Home Commission of the State of Michigan in accordance with Act 243, Public Acts of 1959, as amended and PROVIDED further that said development proposal meets the standards and conditions and all other provisions as herein established.
1. Manufactured homes are designed for occupancy as a dwelling unit, and containing a minimum of seven hundred and twenty (720) square feet of living area.
  2. Accessory buildings and services required for normal operation, such establishments or service facilities shall be designed and intended to serve the needs of persons residing within the park and may be permitted PROVIDED that such uses:
    - a. Shall not occupy more than five (5%) percent of the area of the park.
    - b. Shall be subordinate to the residential character of the park.
    - c. Shall present no visible evidence of general business character to any area outside of the park boundaries.
- C. **Maintenance Building.** For conducting the operation and maintenance of a mobile home park. Only one (1) permanent building can be established. However, a caretaker's residence may be established within or in addition to said permanent building.
- D. **Uses Specifically Prohibited.** The sale, display or storage of manufactured homes for such uses that are expressly prohibited.
- E. **Development Requirements.** The following minimum requirements, guidelines and standards shall be used in considering the issuance of a special use permit.

In addition to the provisions of this Ordinance, all parks shall comply with Act 243, Public Acts of 1959, as amended, proof of which shall be established by presentation of a certified copy of construction permit issued by the State of Michigan prior to final approval of special use permit.

If any of the requirements of this section are less restrictive than the State Act (Act 243, Public Acts of 1959, as amended), the State requirements shall prevail.

**F. Park Site Standards.**

1. Manufactured homes intended for residential use must be located within a properly authorized Manufactured Home Park.
  - a. Minimum site size for a Manufactured Home Park shall be forty (40) acres.
  - b. Minimum number. At least sixty (60) spaces shall be completed and ready for occupancy along with related park improvements before first occupancy.
  - c. Minimum site location standards require each proposed site to have at least one (1) property line not less than two hundred (200') feet in length abutting a principal or minor arterial or collector street. The arterial or collector street shall be paved and of sufficient design capacity as required by the Huron County Road Commission to safely and effectively handle any increased traffic generated.
  - d. Minimum site access standards require a minimum of two (2) site access points and all points of entrance or exit from the Park are to be paved to a minimum width of twenty-four (24') feet for a two-way or one-way. All street entrance or exit drives shall not be located closer than three hundred and fifty (350') feet from the intersection of any two (2) arterial streets, and no street parking shall be allowed within one hundred (100') feet of intersection with the public street.
  - e. Minimum Side Yard dimensions require that no building upon the premises shall be located closer than one hundred (100') feet from any property line.
  - f. Maximum height for any building or structure shall not exceed twenty-seven (27') feet.
  - g. Minimum Open Space Standards. At least ten (10%) of the entire park must be preserved in open space. Open space does not include roads.

**G. Manufactured Home Space Standards.**

1. Minimum space shall be seven thousand (7,000) square feet and the lot shall not be less than seventy (70') feet in width.
2. Minimum space yard dimensions for front yards and rear yards shall be fifteen (15') feet and for the side yards shall be a minimum of fifteen (15') feet from the nearest space line and the aggregate side yard dimensions shall not be less than twenty-five (25') feet.

The front yard is the yard which runs from the hitch end of the stand to the nearest space line. The rear yard is the opposite end of the stand and the side yards are at right angles to the ends.

Yard area shall not be encroached upon by enclosed buildings or structures, except that surfaced parking area or surfaced patio area may be provided in yard areas but in all cases shall not be closer than five (5') feet from a space side yard line.

3. Space improvement standards require that each stand consisting of a solid reinforced concrete slab at least four (4") inches in depth. All off-street parking spaces provided on individual mobile home space or on the mobile home park site shall be clearly defined and hard surfaced with bituminous or concrete surfacing which shall be durable and well drained under normal use and weather conditions.

An outdoor concrete surfaced patio area of not less than two hundred (200) square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home.

4. Storage facilities shall be a minimum of three hundred twenty (320') feet 16 x 20 and will provide a maximum space of five hundred (500) square feet for each mobile home space.

**H. Utilities Standards**

1. Sanitary sewer and water facilities to all manufactured homes shall be connected to public facilities.
2. Utility lines to each manufactured home park space shall be installed underground and specially designed for that purpose. When separate meters are installed, each meter shall be located in a uniform manner.

**LAKE TOWNSHIP ZONING ORDINANCE**

When natural gas is unavailable, fuel oil or gas shall be furnished and distributed in a uniform manner in accord with an approved plan by the Planning Commission.

- I. **Parking, Streets and Walkways.** All driveways, streets, parking areas and walkways within the mobile home park shall be provided with surfacing of bituminous or concrete which shall be durable and well drained, and adequately lighted with lighting units so spaced and of such capacity and height for safety and ease of movement of pedestrians and vehicles at night.
  - 1. **Minimum Parking Standards** are specified in Chapter 14, and required parking shall be off-street parking and shall be so located as to be convenient to residents and visitors.
  - 2. **Park Street Standards** provide that each mobile home space shall have access to a street which shall meet the following specifications where appropriate to its character:

**Minimum Pavement Widths**

| <b>Parking Allowance</b> | <b>Traffic Flow</b> | <b>Min. Paved Width</b> |
|--------------------------|---------------------|-------------------------|
| No Parking               | 1 or 2 Way          | 24 feet                 |
| Parking 1 side           | 1 or 2 Way          | 30 feet                 |
| Parking 2 sides          | 1 or 2 Way          | 38 feet                 |

All on-street parking shall be parallel and so arranged as not to impair the free movement of traffic or the safety of residents or visitors.

- J. **Curb and Gutter** shall be provided for on all streets and all street construction shall be in accordance with specifications as required by the Huron County Road Commission.
- K. **Walkway Standards** provide that walks be provided from mobile homes to service buildings and mobile home facilities and shall be at least four (4') feet in width and walks used in common by 1 to 3 mobile homes shall be at least thirty (30") inches in width.
- L. **Lighting** the developer shall submit a park lighting scheme previously approved by the utility company supplying power.

**M. Buffers, Landscaping and Recreation.**

1. Greenbelt buffer of thirty (30') feet in width shall be located within the fifty (50') feet yard area as established herein.

This greenbelt shall be established and continually maintained and shall consist of trees and shrubs, or grassed berm, to protect privacy for the mobile home residents and to shield the mobile homes from surrounding areas.

The greenbelt shall contain at least one (1) row, either straight or staggered, of deciduous and/or evergreen trees spaced not more than forty (40') feet apart and at least three (3) rows of deciduous and/or evergreen shrubs, spaced not more than eight (8') feet apart. In the case of a berm, said berm shall be a minimum of five (5') feet in vertical height.

2. Open space standards provide that common recreation/open space of not less than ten (10%) percent of the gross park area shall be developed and maintained by the park owner. This area shall not be less than one hundred (100') feet in its smallest dimensions and its boundary no further than five hundred (500') feet from any mobile home space within its service area. Yard requirements as set out in this Ordinance are not to be defined as recreational areas in obtaining the minimum area of ten (10%) percent as set forth herein.

**N. Public Health and Safety.**

1. Storage, collection and disposal of refuse and garbage shall be so conducted as not to create health hazards, rodent harborage, insect breeding areas, fire hazards, or pollution of air or water bodies. All refuse and garbage shall be collected at least once weekly through a suitable public or private agency, if available. The park owner shall provide this service. Garbage containers shall be located in a uniform manner at each space and so designed to be of a permanent character or located out of general view. Dumpsters are expressly prohibited.
2. Suitable fire hydrants shall be installed in all parks as required by the fire chief.

**LAKE TOWNSHIP ZONING ORDINANCE**

3. To aid protection of the public safety, an orderly street name system and numbering system shall be established by the mobile home park owner and a plan of this system shall be verified by the local Post Office department and filed with the community fire and police department. Mobile home space numbers shall be located uniformly on each space throughout the mobile home park and street names shall be adequately marked.
- O. **Manufactured Housing** installation of manufactured homes upon each site shall be accomplished in accordance with Part 6 of the Manufactured Housing Commission Rules. All manufactured housing shall be connected to utilities and shall be skirted and anchored in accordance with Part 6 of the Manufactured Housing Commission Rules.
- P. **Miscellaneous Provisions.**
1. Resident supervision and maintenance. The park shall be operated in compliance with the provisions of this Ordinance and the manufactured home park owner (s) shall provide a designated individual, in residence, to adequately supervise and maintain the park, its facilities and its equipment in good repair and in a clean and sanitary condition.
  2. Performance bond. Upon granting a Special Use Permit, a bond executed by any surety company authorized to do business in the State of Michigan may be required to be delivered to the Township Board by the applicant for the faithful performance of the provisions of this ordinance and conditions of the Special Use Permit. Said Bond shall be in an amount to be determined by the Township Board and shall be conditioned upon the completion of all acts relative to the construction, alteration or extension of any mobile home park within a period of time to be determined as a condition of the Special Use Permit.
  3. Inspection of manufactured home parks is authorized and the Building Inspector is directed to make at least yearly inspections of the premise to insure conformance with these ordinance provisions and all other applicable codes and regulations. The Chief of the local fire department or his designated representative, is directed to make at least yearly inspections of the premises to insure adequate provisions for fire protection are being observed in the interest of the public safety.

**SECTION 1609. PLANNED RESIDENTIAL UNIT DEVELOPMENT**

It is the purpose of this section to encourage more imaginative and livable housing environments within the Residential Districts, as noted, through a planned reduction, or averaging, of the individual lot area requirements for each zoning district PROVIDING the overall density requirements for each district remains the same. Such averaging or reduction of lot area requirements shall only be permitted when a land owner, or group of owners acting jointly, can plan and develop a tract of land as one complex land use unit rather than an aggregation of individual buildings located on separate, unrelated lots. Under these conditions, a Special Use Permit may be issued for the construction and occupancy of a planned unit development PROVIDING the standards, procedures and requirements set forth in this section can be complied with.

**A. Objectives.**

1. To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, ponds, floodplains, hills and similar natural assets.
2. To encourage the preservation of open space and the development of recreational facilities in a generally central location and within reasonable distance of all living units.
3. To encourage developers to use a more creative and imaginative approach in the development of residential areas.
4. To provide for more efficient and aesthetic use of open areas by allowing the developer to reduce development costs through the bypassing of natural obstacles in the residential site.
5. To encourage variety in the physical development pattern of the community by providing a variety and mixture of housing types.

**B. Qualifying Conditions.** Any application for a Special Use Permit shall meet the following conditions to qualify for consideration as a planned unit development.

1. All planned unit developments shall be under the control of the one owner or group of owners, and shall be capable of being planned and developed as one integral unit.
2. Public water and sewer facilities shall be available or shall be provided as part of the site development or the owner or owners must provide sufficient detail as to how the development will be served in terms of water and sewerage.

## LAKE TOWNSHIP ZONING ORDINANCE

3. For each square foot of land gained through the reduction or averaging of lot sizes, equal amounts of land shall be dedicated to the public or shall be set aside for the common use of the home or lot owners within the planned unit development under legal procedures which shall also give the public a covenant or interest herein, so that there are assurances that the required open space shall remain open for a minimum of 25% of total legally described development.
4. The proposed planned unit development shall meet all of the general standards outlined herein.

C. **Uses That May Be Permitted.** The following uses of land and structures may be permitted within a planned residential unit development, subject to the district limitation as therein after listed:

1. Single family dwellings and two family dwellings. In any R District.
2. Townhouses, row houses, or other similar housing types which can be defined as a single family attached dwelling with no side yards between adjacent dwelling units in R Districts PROVIDED that there shall be no more than a length of seventy-five (75') feet in any contiguous group allowed within an R District, nor shall there be more than a length of two hundred in B Districts.
3. Apartments. In R-3 or B-1 Districts.
4. Recreation and open space, (in any R-District), PROVIDED that only the following land uses may be set aside as common land for open space or recreational use under the provisions of the Section.

Private recreation facilities, such as golf courses, swimming pools or other recreation facilities which are limited to the use of the owners or occupants of the lots located within the planned unit development.

Historic building sites, or historical sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, low lands along streams or areas of rough terrain when such areas have natural features worthy of scenic preservation.

D. **Lot Variation and Development Regulations.** The lot area for planned unit developments within Residential R-Districts may be averaged or reduced from those sizes required by the applicable zoning district within which said development is located by compliance with the following requirements:

1. **Site Acreage Computation.** The gross acreage proposed for a planned unit development shall be computed to determine the total land area available for development into lots under the minimum lot size requirements of the applicable zoning district in which the proposed planned unit development is located.

In arriving at a gross acreage figure, the following lands shall not be considered as part of the gross acreage in computing the maximum number of lots and/or dwelling units that may be created under this procedure:

Land utilized by public utilities as easements, for major facilities such as electric transmission lines, sewer lines, water mains or other similar lands which are not available to the other because of such easement. Lands within floodways.

2. **Maximum Number of Lots and Dwelling Units.** After the total gross area available for development has been determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved within a planned unit development shall be computed by subtracting from the total for street right-of-way purposes, and dividing the remaining net area available by the minimum lot area requirements of the zoning district in which the planned unit development is located.

3. **The fixed percentages for street right-of-way** purposes to be subtracted from the total gross area available for development shall be determined according to the following schedule:

| District Use  | % of Project Area |
|---|-------------------|
| R-1, R-2 and R-3<br>(Single family detached)                        | 25%               |
| R-3, B-1 (Single family attached<br>Two family and multiple family) | 20%               |

These percentages shall apply regardless of the amount of land actually required for street right-of-way.

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Under this procedure, individual lots may be reduced in area below the minimum lot size required by the zoning district in which the planned unit development is located, PROVIDED that the total number of dwelling units and/or lots created within the development is not more than the maximum number that would be allowed if the tract were developed under the minimum lot area requirements of the applicable zoning district in which it is located.

Recognizing that good project planning, provision of adequate and developed open space and sound site design, minimize the effects of crowding associated with higher densities, the developer at the time of a special use permit may also request a maximum of up to twenty (20%) percent increase in permitted dwelling unit density as above computed.

Said request may be granted as a condition of special use permit PROVIDED increased density does not result in creation of any of these conditions:

- a. Inconvenience or unsafe access to the planned development.
- b. Traffic congestion in streets which adjoin the planned development.
- c. An excessive burden on public service or utilities including schools which serve the planned development.

4. **Permissive Minimum Lot Area.** Notwithstanding other procedures set forth in this section, lot sizes within planned unit developments shall not be varied or reduced in area below the following standards:

- a. One family detached dwelling structure: Four thousand eight hundred (4,800) square feet of lot area.
- b. Two family dwelling structure: Six thousand two hundred (6,200) square feet of lot area.
- c. Townhouses, row houses or other similar permitted single family attached dwelling types: Six thousand two hundred (6,200) square feet of lot area for the first dwelling unit in each structure plus two thousand (2,000) square feet for each additional dwelling unit within a structure.

5. **Permissive Minimum Yard Requirements.** Under the lot averaging or reduction procedure, each shall have at least the following minimum yards:
    - a. **Front Yard.** Fifteen (15') feet for all dwellings, PROVIDED that front yard requirements may be varied by the Planning Commission after consideration of common green space or other common open space if such provides an average of fifteen (15') feet of Front Yard area per dwelling unit.
    - b. **Side Yard.** Eight (8') feet on each side for all one family and two family dwellings; none for townhouses or row houses, PROVIDED that there shall be a minimum of twenty (20') feet between end of contiguous groups of dwelling units.
    - c. **Rear Yard.** Twenty (20') feet for all dwellings, PROVIDED that rear yard requirements may be varied by the Planning Commission after consideration of common open space lands or parks which abut the rear yard area.
    - d. **Perimeter Setback.** The yard requirements at the exterior boundaries of the project will not be less than the minimum yards required in the District where located.
  6. **Maximum Permissive Building Height.** Two and one-half (2 1/2) stories but not exceeding thirty-five (35') feet. Accessory buildings shall not exceed a height of fifteen (15') feet.
- E. **Open Space Requirements.** For each square foot of land gained through the averaging or reduction of lot sizes under the provisions of this section, equal amounts of land shall be provided in open space. There is no maximum amount of open space that may be set aside as open space. All open space, tree cover, recreational area, scenic vista or other authorized open land areas shall be either set aside as common land for the sole benefit, use and enjoyment of present and future lot or home owners within the development, or shall be dedicated to the general public as park land for the use of the general public. The Planning Commission shall determine which of these options is most appropriate and shall recommend to the legislative body one of the following procedures as part of its approval of a special use permit for a planned unit development:

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1. That open space land shall be owned by the land owner or owners or a home owners association or other similar nonprofit organization so that fee simple title shall be vested in tract lot owners as tenants in common, PROVIDED that suitable arrangements have been made for the maintenance of said land and any buildings thereon, and PROVIDED FURTHER that a copy of the open space easement for said land be conveyed to the legislative body to assure that open space land remain open.
2. That open space land shall be dedicated to the general public for parks or recreational purposes by the tract owner or owners, PROVIDED that the location and extent of said land conforms to the Development Plan and PROVIDED FURTHER that access to and the characteristics of said land is such that it will be readily available to and desirable for public use, development and maintenance.
3. It is the intent of this section that the owners or developers of the planned unit development shall not be compelled or required to improve the natural condition of said open space lands.

F. **Street Development Requirements.** Street standards and specifications adopted by the Huron County Road Commission and all applicable local standards shall be complied with for all street improvements.

### **SECTION 1610. AUTOMOBILE SERVICE STATION**

- A. **Intent.** It is the intent of this section to exercise a measure of control over service stations and permitted buildings, and their sites, and to establish a basic set of standards within which individual solutions may be developed to meet the retail service needs of motor vehicles. The objectives of the regulations set forth in this section are to:
1. Promote the type of development which will be compatible with the other land use activities located in areas where service stations will be constructed.
  2. Control those aspects of service station design, site layout and operation which may, unless regulated, be damaging to surrounding uses of land.
  3. Minimize the traffic congestion and safety hazards which can be in service station activity.

B. **Uses That May Be Permitted.** Gasoline service stations PROVIDED such accessory uses and services are conducted wholly within a completely enclosed building. Body repair, engine overhauling, steam cleaning or other mechanical or physical modifications to motor vehicles is specifically prohibited.

C. **Site Development Requirements.** The following requirements for site development, together with any other applicable requirements of this Ordinance shall be complied with:

1. Minimum site size. Fifteen thousand (15,000) square feet with a minimum width of one hundred fifty (150') feet.
2. Site location. The proposed site shall have at least one (1) property line on a principal or minor arterial.
3. Building setback. The service station building, or permitted buildings shall be setback fifty (50') feet from all street right-of-way lines and shall not be located closer than fifty (50') feet to any property line in a residential district unless separated from there by a street or alley.

No installations, except walls or fencing and permitted signs, lighting and essential services, may be constructed closer than twenty (20') feet to the line of any street right-of-way.

Hydraulic hoists, pits and all lubrication, greasing, automobile washing and repair equipment shall be entirely enclosed within a building.

4. Access drives. No more than one (1) driveway approach shall be permitted directly from any principal or minor arterial nor more than one (1) driveway approach from any other street, each of which shall not exceed thirty-five (35') feet in width at the property line.

If the service station or permitted building site fronts on two (2) or more streets, the driveways shall be located as far from the street intersection as practicable.

No driveway or curb cut for a driveway shall be located within ten (10') feet of an adjoining property line and shall be no less than twenty-five (25') feet from any adjacent lot within an R-District as extended to a curb or pavement.

5. Curbing and paving. A raised curb at least six (6") inches in height shall be erected along all of the street property lines, except at driveway approaches. The entire service area shall be paved with a permanent surface of concrete or asphalt.
6. Fencing. A solid fence or wall six (6') feet in height shall be erected along all property lines abutting any lot within a residential district.
7. Lighting. Exterior lighting shall be so arranged so that it is deflected away from adjacent residential districts and adjacent streets.

### **SECTION 1611. WIRELESS COMMUNICATION ORDINANCE**

- A. **Statement of Purpose and Intent.** The regulations of this Section are intended to conform with federal laws and administrative rules governing facilities needed to operate wireless communication systems and to set forth procedures and standards for review and approval for the location of such facilities within Lake Township. It is the Township's intent to reasonably regulate the location and design of such facilities to retain the integrity of neighborhoods and the character, property values and aesthetic quality of the township. Given the increase in the number of wireless communication facilities requested as a result of the new technology and the Federal Telecommunications Act of 1996, it is the policy of the township that all users should co-locate on attached wireless communication facilities and wireless communication support structures. Co-location is proposed in order to assure the most economic use of land and to prevent the proliferation of duplicative services. In recognition of the township's concern that technological advances may render certain wireless communication facilities obsolete or unnecessary in the future, requirements are set forth for the removal of unused or unnecessary facilities in a timely manner and provide security for removal.
- B. **Location and Approval Process for Wireless Communication Facilities.** Wireless Communication Facilities may be located within the Township in Sections 25 through 36 upon approval of the Township Board after recommendation of the Lake Township Planning Commission pursuant to Chapter VI, Special Approval Use Permits.
- C. **Application Requirements.** The following information shall be provided with the application in addition to other submittal requirements for site plans as required in Chapter 16, Special Approval Use Permits:

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1. Signed certification by a professional engineer licensed by the State of Michigan with regard to the manner in which the proposed structure will fall in the event of damage, accident or injury (i.e. "fall zone", and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.
  2. The Township will require an irrevocable \$10,000 performance bond to ensure the removal of the wireless communication facility when it is abandoned or is no longer needed. It shall further be provided that the applicant, owner or successor, shall be responsible for payment of any costs or attorney fees incurred by the Township in securing removal.
  3. A map that illustrates existing and known proposed wireless communication facilities within Lake Township and adjacent communities, which are relevant in terms of potential co-location or to demonstrate the need for the proposed facility. If and to the extent the information in question is on file with the township, the applicant shall be required only to update as needed. Any such information which is trade secret and/or other confidential business information which, if released would result in business disadvantage to the application, and be submitted with a request for confidentiality in connection with the development of governmental policy. MCL 15.243(l)(g). This ordinance shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the community.
  4. For all new facilities, in recognition of the township's policy to promote co-location, a written agreement, transferable to all assessors and assigns, that the operator shall make space available on the facility for co-location.
  5. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.
- D. **Design Standards Applicable to All Facilities:** In addition to the Special Approval Use Permit requirements in this chapter all wireless communication facilities shall be constructed and maintained in accordance with the following standards:
1. Facilities shall be located and designed to be harmonious with the surrounding areas. The Planning Commission may require

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- unique design of the structure to either diminish the visual impact or to create an architectural feature that will contribute to or enhance community character.
2. A permit for the construction and use of a new wireless communication facility shall not be granted until the applicant demonstrates a feasible co-location is not available for the coverage area and capacity needs.
  3. All new and modified wireless communication facilities shall be designed and constructed to accommodate co-location, with a written agreement in a format approved by the Township Attorney.
  4. Landscaping consisting of two (2) alternating rows of evergreen trees with a minimum height of five (5') feet on twenty (20') foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than ten (10') feet to any structure.
  5. Elevations of the accessory buildings shall be provided. All accessory buildings shall be constructed of brick, provided the Planning Commission may waive this requirement for a building that is located in an area not visible from a public right-of-way.
  6. Fencing shall be provided for protection of the support structure and security from children and other persons who may otherwise access facilities.
  7. Any nonconforming situations on the site, such as outdoor storage, signs, inadequate landscaping, improper lighting or similar conditions shall be brought into conformance prior to the erection of the wireless communication facility. If existing buildings or structures are not in conformance with the current zoning standards, improvements shall be made to decrease the nonconformity or additional landscaping shall be provided to reduce the impact of the nonconformity and the wireless facility.
  8. The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.
  9. Minimum required setbacks for new facility or support structures:
    - a. From residential dwellings setback shall be a minimum of one thousand three hundred twenty (1320') feet;

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- b. From any existing or proposed rights-of-way or other publicly traveled roads or non-motorized improved pathways setback shall be half the height of the structure, plus twenty-five (25') feet.
    - c. A minimum distance of two (2) miles from any existing wireless communication support structures.
  - 10. Accessory buildings shall be a maximum of fourteen (14') feet high and shall not exceed four hundred (400) square feet of gross building area per structure.
  - 11. There shall be unobstructed access to the support structure for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access shall have a width and location determined by such factors as: the location of adjacent thoroughfares and traffic and circulation within the site; utilities needed to service the tower and any attendant facilities; the location of buildings and parking facilities; proximity to residential districts and minimizing disturbance to the natural landscape; and the type of equipment which will need to access the site.
  - 12. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. The soils report shall include soil borings and statements confirming the suitability of soil conditions for the proposed site.
  - 13. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted. Any aviation hazard lighting shall be detailed on the plans.
  - 14. A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
- E. **Removal.** As a condition of every approval of a wireless communication facility, adequate provision shall be made for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:
- 1. When the facility has not been used for one hundred eighty (180) days or more. For purposes of this section, the removal of

antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use.

2. Six (6) months after new technology is available at reasonable cost, as determined by the Township Board, which permits the operation of the communication system without the requirement of the support structure.
3. The situations in which removal of a facility is required, as set forth in paragraph 1 above, may be applied and limited to portions of a facility.
4. Upon the occurrence of one or more of the events requiring removal, specified in paragraph 1 above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator.
5. If the required removal of a facility or a portion thereof has not been lawfully completed with sixty (60) days of the applicable deadline, and after at least thirty (30) days written notice, the Township may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected and/or enforced from or under the security posted at the time application was made for establishing the facility.

F. **Co-Location.**

1. **Statement of Policy.** It is the policy of Lake Township to minimize the overall number of newly established locations for Wireless Communication Facilities and Wireless Communication Support Structures within the Township and to encourage the use of existing structures for Attached Wireless Communication Facilities. If a provider fails or refuses to permit Co-location of a facility owned or controlled by it, where co-location is feasible, the result will be that a new and unnecessary additional structure will be required, in contradiction with Township policy. Co-location shall be required unless an applicant demonstrates that co-location is not feasible.
2. **Feasibility of Co-Location.** Co-location shall be deemed "feasible" for the purpose of this section where all of the following are met.

- a. The wireless communication provider or property owner where co-location is proposed will accept market rent or other market compensation for co-location and the wireless communication provider seeking the facility will pay such rates.
- b. The site on which co-location is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
- c. The co-location being considered is technically reasonable, e.g. the co-location will not result in unreasonable interference, given appropriate physical and other adjustments in relation to the structure, antennas and the like.

G. **Nonconforming Facilities and Penalties for Not Permitting Co-Location.** If a party who owns or otherwise controls a wireless communication facility shall fail or refuse to alter a structure to accommodate a proposed and otherwise feasible co-location, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect. In addition, if a party refuses to allow co-location in accordance with the intent of this Section and this action results in construction of a new tower, the Township may refuse to approve a new wireless communication support structure from that party for a period of up to five (5) years. Such a party may seek and obtain a variance from the Zoning Board of Appeals if and to the limited extent the applicant demonstrates entitlement to variance relief which, in this context, shall mean a demonstration that enforcement of the five (5) year prohibition would unreasonably discriminate among providers of functionally equivalent wireless communication services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communication services.

H. **Variations.** The Zoning Board of Appeals may consider a variance from the standards of this Section based upon a finding that one or more of the following factors exist, as appropriate for the type of variance requested:

1. For no co-location: The applicant has demonstrated that a feasible co-location is not available for the coverage area and capacity needs because existing structures cannot support the facility, that co-location would result in unreasonable interference, or that reasonable financial terms are not available for co-location.

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2. For setback: The applicant has provided engineering information that documents that the tower is self collapsing and that the setback area provided shall accommodate the structure should it fall or break and provide a reasonable buffer in the event the structure fails.
3. For height: The height requested is due to signal interference due to topography, tall buildings, masses of trees, or other obstructions, or would reduce the number of towers to the benefit of the township.
4. For all: The applicant has proposed means to mitigate any negative impacts through provision for future co-location, if found to be appropriate by the Township, and special design of the facility and site.
5. For all: The wireless communication and accessory facilities shall be designed to be compatible with the existing character of the proposed site and general area.

### **SECTION 1612. MISCELLANEOUS SPECIAL USES**

#### **A. Special Uses That May Be Permitted.**

1. Junkyards.
2. Sewage treatment and disposal installations as an integral design of a park as permitted within a zoning district, and designed only for service to that mobile home park development.  
  
Sewage treatment and disposal installation may also be allowed when designed only for and as part of a planned unit development as permitted within a Residential Zoning District.
3. Drive-in Facilities.
4. Drive-in theaters, racetracks, golf driving ranges and miniature golf courses or similar uses.
5. Special open space uses, such as private resorts, recreational camps and other open space uses operated for profit or public purposes by a municipality or other local unit of government.
6. Institutions for the mentally and/or physically disabled, drug or alcoholic patients and camps or correctional institutions.

7. Mining and Excavation
8. Open Air Business
9. Bars and Taverns
10. Kennels.
11. Adults only businesses.

**B. Drive-In Theaters, Race Tracks, Golf Driving Ranges and Miniature Golf Courses or Similar Uses:**

1. All sites shall be located on a principal arterial road.
2. Whenever any use that may be permitted in this subsection abuts property within a residential or agricultural district, a transition strip at least one hundred (100') feet in width shall be provided between all operations and structures, including fences, and the residential or agricultural property. Grass, plant materials and structural screens of a type approved by the Planning Commission shall be placed within said transition strip.
3. A minimum yard of one hundred (100') feet shall separate all uses, operations and structures permitted herein, including fences, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance with plans approved by the Planning Commission
4. Racetracks and drive-in theaters shall be enclosed for the entire used site for their full periphery with a solid screen fence at least eight (8') feet in height. Fences shall be of sound construction, painted or otherwise finished, attractively and in harmony with the surrounding environment.
5. Drive-in theater ticket gates shall be provided in accordance with the following ratios: One (1) ticket gate for three hundred (300) car capacity theaters; two (2) ticket gates for six hundred (600) car capacity theaters; three (3) ticket gates for eight hundred (800) car capacity theaters; four (4) ticket gates for one thousand (1,000) car capacity theaters. Vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least thirty (30%) percent of the vehicular capacity of the theater.

6. Drive- in theater picture screens shall not be permitted to face any public street and shall be so located as to be out of view from any major thoroughfare. The picture screen tower shall not exceed sixty-five (65') feet in length and forty (40') feet in height.

**C. Special Open Space Uses.**

1. The proposed site shall be at least two (2) acres in area.
2. The proposed site shall have at least one (1) property line abutting a major thoroughfare or principal collector. All ingress and egress to the site shall be directly from said thoroughfare or collector street.
3. All buildings and structures shall be setback at least two hundred (200') feet from any property or street lines. Whenever the installation abuts upon property within a residential district, this two hundred (200') foot set back shall be landscaped with trees, grass and structural screens of a type approved by the Planning Commission to effectively screen the installation from surrounding residential properties.
4. No more than twenty-five (25%) percent of the gross site shall be covered by buildings.
5. Accessory uses for a permitted use shall be construed to include restaurant and other eating or drinking establishments and such retain sales directly connected with the principal open space use.

**D. Institutions for the Mentally and/or Physically Disabled, Drug or Alcoholic Patients and Camps or Correctional Institutions.**

1. The proposed site shall be at least five (5) acres in area.
2. All two (2) story structures shall be at least one hundred (100') feet from boundary lines or street lines. Buildings less than two (2) stories shall be no closer than fifty (50') feet to any property or street line. No more than twenty-five (25%) percent of the gross site shall be covered by buildings.
3. Any outdoor recreational space or gathering space must be screened from surrounding uses by a six foot solid fence, masonry wall or opaque vegetation or a combination thereof.

**E. Mining and Excavation.**

**F. Open Air Business.**

1. Each site shall be a minimum of ten thousand (10,000) square feet with a minimum street frontage of one hundred (100') feet.
2. There shall be provided around all sides of the site, except at entrances, exits and along sides of premises enclosed by buildings, a fence or wall, six (6') feet in height in order to intercept wind blown trash and other debris. This requirement may be waived by the Township Board where it can be shown that a fence is not needed to protect adjacent properties from the effects of the open air business use.
3. Off street parking areas and aisles as required, shall be properly marked and dust free
4. Lighting shall be installed in a manner which will not create a driving hazard on abutting streets or which will cast direct illumination on adjacent properties.
5. All open air business uses shall comply with all County Health Regulations regarding sanitation and general health condition.

**G. Bars and Taverns.**

1. The proposed site shall be at least five hundred feet from any residential use or residentially zoned parcel.
2. The proposed site shall be at least five hundred feet from any other bar or tavern.
3. All parking required for the use shall be provided on site.
4. The use shall not be injurious to the surrounding neighborhood in terms of noise, traffic, or other such issues.

**H. Kennels.**

1. A minimum lot size of ten (10) acres shall be maintained.
2. Any building or fenced area where animals are kept shall be located a minimum of five hundred (500') feet from any property line.

3. The kennel shall be established and maintained in accordance with all applicable State, County and Township sanitation regulations. Odor, dust, noise, drainage or insects shall not constitute a nuisance to adjoining properties.

**I. Adults Only Business.**

1. **Intent** in the development and execution of this Ordinance, it is understood there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated in certain circumstances, a deleterious effect on adjacent areas results. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of surrounding neighborhoods. These special regulations are itemized in this section. Primary control or regulation is for the purpose of preventing a concentration of these uses in any one area or next to residential zoning or certain institutional uses.

**2. Distance Restrictions.**

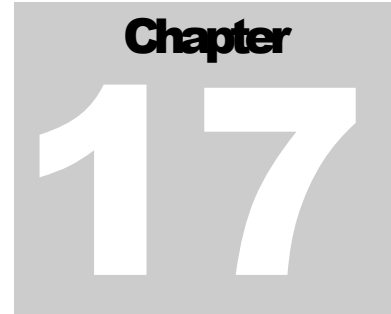
- a. The following listed uses shall not be permitted to be established within one thousand five hundred (1,500') feet of each other:
  - i. Adult-related businesses
  - ii. Adult book stores
  - iii. Adult motion picture theaters
  - iv. Adult mini motion picture theaters
  - v. Exotic cabarets
  - vi. Massage parlors
  - vii. Public baths
3. It shall be unlawful hereafter to establish an adult-related business within one thousand (1,000') feet of any residentially zoned property, or within one thousand (1,000') feet of any religious or educational institution, public park, or recreational land use.

J. **Signage and Exterior Display.** Window displays, signs, or decorative or structural elements of buildings shall not include or display examples of actual adult uses, and are limited to the signage provisions stated in Chapter 15 of this Ordinance.

1. No adult use shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to specific sexual activities or specified anatomical areas from any public way or from any property not registered as an adult use. This provisions shall apply to any display, decoration, sign, show window, structural element, or other opening.

K. **Precautionary Note to the Board of Appeals.** When considering any appeal from an adult-only business for reduction of spacing or separation standards established herein, the Board of Appeals shall address each of the following issues and include the findings regarding each point in their minutes.

1. **Ordinance Intent.** The proposed use shall not be contrary to the intent and purpose of this Ordinance, or be injurious to nearby properties.
2. **Blighting Influence.** The proposed use shall not enlarge or encourage the development of a concentration of such uses or blighting influences.
3. **Neighborhood Conservation.** The proposed use shall not be contrary to any program of neighborhood conservation, revitalization, or renewal.
4. **Other Standards.** The proposed use and its principal building shall comply with all other regulations and standards of this Ordinance.



## **Access Management and Private Road Standards**

### **SECTION 1701. STATEMENT OF PURPOSE AND INTENT**

The intent of this Chapter is to establish standards for driveway spacing and the number of driveways for application during the site plan review process. The procedures standards of this Chapter are intended to promote safe and efficient travel within the township; minimize disruptive and potentially hazardous traffic conflicts; separate traffic conflict areas by reducing the number of driveways; provide efficient spacing standards between driveways, and between driveways and intersections; implement recommendations of the Master Plan; protect the substantial public investment in the road system; and to ensure reasonable access to properties, though not always the most direct access.

The standards of this Chapter apply to areas outside the right-of-way, which are under Township jurisdiction through site plan review. The driveway standards herein may be more restrictive than the standards of the Huron County Road Commission and Michigan Department of Transportation, which have jurisdiction within the right-of-way. Construction within the public right-of-way under the jurisdiction of Huron County must also meet the permit requirements of the County. Where conflicts arise the more stringent standard shall apply.

Lake Township generally discourages the establishment of private roads. However, standards for private roads are provided for instances where severe topography or important natural features, such as wetlands and woodlands, would be compromised by construction of roads to public standards. The owners accessing private roads assume full liability and maintenance responsibilities for private roads.

### **SECTION 1702. ACCESS TO DEDICATED STREETS**

#### **1702.1 LOT ACCESS.**

Any lot created after the effective date of this Ordinance shall have frontage upon a public street right-of-way or legally recorded access easement meeting the standards of this Chapter.

**1702.2 ADDITIONAL ACCESS REQUIREMENTS FOR SPECIFIC TYPES OF USES:**

- A. Single family dedicated lots or condominium sites within a planned unit development may have secondary access to a dedicated road through a private road.
- B. The Planning Commission may allow secondary access to a dedicated road through a private frontage road, service drive or private road within an approved access easement.

**SECTION 1703. STANDARDS FOR SHARED RESIDENTIAL DRIVEWAYS**

Two (2) to four (4) single-family lots may have access from a private driveway when the following conditions are met:

- A. The driveway surface shall be a uniform minimum sixteen (16') feet wide, measured edge to edge. The width may be reduced to twelve (12') feet if the length of the shared driveway is less than three hundred (300') feet or if there are significant topographic, wetland, or other natural features on the site and sixteen (16') feet wide passing flares are provided at least every three hundred (300') feet.
- B. The driveway shall be constructed of materials suitable to accommodate emergency vehicles.
- C. There is a recorded shared access agreement minimum of thirty-three (33') feet wide. This easement may be included in the calculation for minimum lot area and width.
- D. If the driveway accesses a public right-of-way under the jurisdiction of Huron County, then all permit requirements of the County must be met, in addition to the above.

**SECTION 1704. APPLICABILITY OF PUBLIC ROAD STANDARDS ON PRIVATE ROADS**

All private roads in Lake Township, as defined above, shall be constructed to the standards of the Planning Commission and the Township Board determines that all of the following apply.

- A. There is no indication of a need for the roadway to be dedicated as a public road in the future.
- B. Dedication of the road as a public road would not result in continuity in the public road system at the present time or in the future.

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- C. The expected traffic volumes along the roadway are not expected to exceed three hundred (300) vehicles per average weekday, based on accepted trip generation figures.
- D. Significant natural features such as mature trees, natural slopes, wetlands or other water bodies would be preserved through construction and maintenance as a private road.
- E. The property owners are providing financial and administrative mechanisms to ensure maintenance of the private road. A copy of a Private Road Maintenance Agreement shall be provided to the Township in a manner acceptable to the Township Attorney and approved by the Township Board.

### **SECTION 1705. PRIVATE ROAD STANDARDS**

#### **1705.1 PRIVATE ROAD STANDARDS.**

The following shall be submitted to the Township either separately or in conjunction with a site plan according to Chapter 3.

- A. Parcel number and name of owner for all properties having legal interest in the private road.
- B. Plans designed by a registered engineer showing location, dimension and design of the private road. The plan shall identify existing and proposed elevation contours within all areas to be disturbed or altered by construction of the private road.
- C. Location of all public or private utilities located within the private road right-of-way or easement, or within twenty (20') feet including, but not limited to: water, sewer, telephone, gas, electricity, and television cable.
- D. Location of any lakes, streams, drainage ways, MDNR regulated wetlands, or trees with a caliper of eight (8") inches or greater, within one thousand two hundred (1,200') feet of the proposed private road right-of-way or easement.

### **SECTION 1706. DESIGN STANDARDS**

Private roads which the Township has determined do not need to comply with all of the standards of the Huron County Road Commission as noted above shall be constructed to the following standards:

**1706.1 ACCESS EASEMENT WIDTH.**

The site plan shall provide an easement or easements sixty-six (66') feet in width. The Planning Commission may reduce the required width to not less than fifty (50') feet when all of the following criteria are met:

- A. The width is determined to be adequate for the necessary pavement and utilities;
- B. Adequate clear sight distance can be maintained;
- C. There is no desire or reasonable expectation that the road, as shown, could become a public road or potentially extended in the future;
- D. Is not expected to accommodate over three hundred (300) vehicle trips per average weekday based on accepted traffic generation figures;
- E. If, in addition to the above, the easement will only provide access to a maximum of four (4) single-family lots or dwelling units, the width may be reduced to forty (40') feet.

**1706.2 ROAD DESIGN.**

The design of private roads shall be approved by the Township Zoning Administrator. A private road serving no more than eight (8) lots or dwelling units in a single family residential district may be constructed of eight (8) inches of compacted MDOT 23AA gravel instead of asphalt or concrete.

- A. **Reduced Width for Private Roads:** The minimum pavement width may be reduced to not less than sixteen (16') feet wide where the Planning Commission and Township Board determine the reduced width will preserve significant natural features.
- B. **Cul-De-Sac Turnarounds:** Maximum length of a private road providing access to more than two (2) lots, buildings or dwelling units shall be one thousand (1,000') feet with a maximum twenty (20) lots or dwelling units served by a single means of access. Any single means of access serving more than five (5) lots or dwelling units shall include a turnaround with a forty-five (45') feet radius, fifty-five (55') feet radius if a center landscaped island is included, a hammerhead "T" turn or a continuous loop layout. These standards may be adjusted by the Planning Commission in particular cases, with input from the fire department and township staff or consultants, provided there is a finding that traffic impacts are adequately mitigated and a second means of emergency access can be required by the Planning Commission.

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- C. **Grade:** Grades shall not exceed ten (10%) percent with a maximum grade of two (2%) percent for a minimum distance of thirty (30') feet from its intersection with a public right-of-way or another private road.
- D. **Compliance with AASHTO Standards:** Where no specific standard is provided in this Section, private road design plans shall meet the design criteria outlined in the most recent edition of the American Association of State Highway and Transportation Officials (AASHTO) Manual "A policy on Geometric Design for Highways and Streets," provided the minimum horizontal curve shall be two hundred thirty (230') feet in radius. The Planning Commission may reduce this radius to not less than one hundred fifty (150') feet if the design would accommodate expected vehicle speeds and truck/bus traffic, as determined by the Township Engineer and Planner, in cases where rolling terrain or a significant number of mature trees would be preserved or where the width of the parcel would not accommodate wider radii.
- E. **Intersection Design Standards:** Private roads which intersect with existing or proposed private roads or public street rights-of-way should intersect at a ninety (90°) degree angle. Where constrained by environmental features, the Township Zoning Administrator may allow a reduced angle of intersection but in no case shall the angle be less than seventy (70°) degrees.
- F. **Intersection Offsets from Public Streets:** Proposed private roads or entrances to a development shall align directly across from or be offset at least two hundred fifty (250') feet from public streets or private road intersections on the opposite side of the street, measured centerline to centerline. This standard may be reduced if approved by the Township Planning Commission.
- G. **Minimum Offsets Along Private Roads:** Private roads and driveways (excluding driveways serving one or two dwelling units) within a development shall align directly across from other private roads or driveways or be offset at least one hundred fifty (150') feet measured centerline to centerline.
- H. **Vertical Clearance:** In order to provide adequate access for emergency vehicles, fifteen (15') feet of overhead tree clearance shall be provided within the width of the gravel or pavement.
- I. **Street Names:** shall be required by the Planning Commission to assist public emergency services. A street sign shall be posted by the developer.

- J. **Yard Setback:** A private road easement shall not abut the property line of an adjacent site unless adequate provisions are made for drainage and screening.

## **SECTION 1707. EXISTING NONCONFORMING PRIVATE ROADS AND ACCESS EASEMENTS**

### **1707.1 NONCONFORMING PRIVATE ROADS.**

The Township recognizes there exist private roads, service roads and access easements which were lawful prior to the adoption of this Section that do not fully conform with the standards herein. Such roads are declared by this Section to be legal nonconforming roads or easements. The intent of this Section is to permit legal nonconforming roads and easements to continue and undergo routine maintenance for safety purposes. This Section is also intended to allow new construction to occur on existing lots which front along such a road on the effective date of this Section if the roads are reasonably capable of providing sufficient access for the uses permitted in the zoning district and for provision of emergency service vehicles as determined by the Zoning Administrator. It shall be the responsibility of the landowner to maintain this access.

However, this Section is also intended to discourage the extension of nonconforming roads or increase the number of lots or building sites served by such a road, except in platted subdivisions, divisions of land or site condominium projects existing on the adoption date of this Section, unless provisions are made to upgrade such road to comply with the standards herein. Any reconstruction, widening or extension of a nonconforming private road or access easement shall be in conformity with this Section.

### **1707.2 NONCONFORMING EXISTING LOTS.**

For purposes of determining whether a lot along a private road or access easement qualifies as an “existing lot” as used in this Section, at least one of the following conditions must have existed at the time this Section was adopted.

- A. The lot consists of a “condominium unit” for which a master deed had been recorded with the Huron County Register of Deeds in accordance with the requirements of the Michigan Condominium Act and other applicable laws and ordinances.
- B. The lot consists of a parcel that was described by metes and bounds as recorded by a deed or as a land contract, and registered with the Huron county Register of Deeds.
- C. The lot had been assigned a unique parcel number by the Huron County Register of Deeds and was individually assessed and taxed on that basis.