

LAKE TOWNSHIP ZONING ORDINANCE
LAKE TOWNSHIP, LAKE COUNTY, MICHIGAN

Lake Township Planning Commission

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and

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Adopted: June 18, 1997

And Later Amended By:

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EDITORIAL NOTE: In Accordance with Lake Township Ordinance Number 2006-9, effective July 29,2006, in the text of this compiled Lake Township Zoning Ordinance, the terms “*Zoning Administrator*” and “*Planning Commission*” have replaced the terms “Land Use Administrator” and “Zoning Board” respectively. For publication of this compiled ordinance, those new terms have been editorially exchanged,

LAKE TOWNSHIP

ZONING ORDINANCE

THE TOWNSHIP OF LAKE, LAKE COUNTY, MICHIGAN, DOES HEREBY ORDAIN:

ARTICLE 1

TITLE, SCOPE AND PURPOSE

1.1 TITLE

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

1.2 PURPOSE

An ordinance establishing comprehensive zoning regulations for the Township of Lake, in accordance with the provisions of Michigan Zoning Enabling Act, Act 110 of Public Acts of 2006, as amended, being MCL 125.3101 et seq; (the "Act"), (and formerly, Act 184 of Public Acts of 1943, as amended, being MCL 125.271 et seq.; MSA 5.2961, et seq) to promote the public health, safety and general welfare by dividing the Township into zones and regulating therein the uses of the land and structures. Among other purposes, such provisions are intended to implement the General Development Plan of Lake Township; to conserve property values and natural resources to meet the needs of the Township's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to insure that use of the land shall be situated in appropriate locations and relationships; to protect and conserve the character, social, and economic stability of the residential, commercial, industrial, and other areas; to lessen the over-crowding of land and congestion of population, transportation systems, and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements; to conserve the expenditure of funds for public improvements and services; and to conform with the most advantageous uses of land, resources and properties, by taking into consideration the existing character of neighborhoods, uses of land and structures, and present conditions. *[Editor's Note: Amended by Ord No. 2006-9, eff., July 29, 2006]*

1.3 SCOPE

A. This ordinance shall affect and regulate the uses and occupancy of all land and every structure in the unincorporated portions of the Township. Where this Ordinance imposes greater restrictions than those imposed or required by other laws, ordinances, private restrictions, covenants, deeds or other agreements, the provisions of this Ordinance shall control.

B. No structure, land or premises shall hereafter be used or occupied and no building shall be erected, moved, reconstructed, extended, or altered except in conformity with the regulations and provisions of this Ordinance.

C. In their interpretation and application, any enforcement officer or agency, any court, and Township Board, Zoning Board, or Board of Appeals member shall hold the provisions of this Ordinance to be the minimum acceptable standards and requirements adopted for the promotion of the health, safety, security, and general welfare of the Township of Lake. Whenever the requirements of this Ordinance are in conflict with the requirements of any other publicly adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards, shall govern. Where the Michigan zoning enabling act establishes procedural requirements or standards that are different than this Ordinance, then the minimum requirements of the Act shall govern. Provided, however, that nothing shall limit the Township from imposing greater procedural standards than those imposed by the Act, unless expressly provided otherwise in the Act. *[Editor's Note: Amended by Ord No. 2006-9, eff., July 29, 2006]*

ARTICLE 2

CONSTRUCTION AND DEFINITIONS

2.1 CONSTRUCTION OF LANGUAGE

For the purpose of this Ordinance, certain terms are defined. When not inconsistent with the context, words used in the present tense include the future, words in singular number include the plural number, and words in plural number include the singular number. The word "shall" is always mandatory and not merely directory. Terms not defined in this article or elsewhere in this Ordinance shall have the meanings customarily assigned to them.

2.2 DEFINITIONS

The words listed below shall have the following meanings when used in this Ordinance:

ACCESSORY BUILDING. A subordinate building or structure on the same lot with a main building, or a portion of the main building, occupied or devoted exclusively to an accessory use, which is a natural incidental lawful use in conjunction with, but subordinate to the lawful use of the main structure.

ACCESSORY USE. A use naturally and normally incidental and subordinate to the main use of the premises.

ALTERATIONS. Any change, addition, or modification in construction or type of use, or in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

AUTOMOTIVE SERVICE BODY SHOP or COMMERCIAL GARAGE. A facility which provides for the general and specialized repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service, including body frame or fender straightening or repair; over-all painting or paint shop; vehicle steam cleaning.

AUTOMOTIVE SERVICE STATION. A place where gasoline, propane, electricity, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including incidental minor repairs, greasing and oiling on the premises.

BASEMENT or CELLAR. A story having more than one-half its height below the average of the adjoining ground.

BASEMENT CRAWL SPACE. That portion of a building or basement area which is no more than five (5) feet in height and is customarily used for access to electrical, heating, plumbing,

storage or other structural components and is not used for human occupancy. *[Editor's Note: Amended by Ord No. 2002-3, eff., Feb. 8, 2002]*

BERM. A landscaped continuous elevated mound of earth used as a wind, noise, and sight barrier on the perimeter of a parcel of land or portion of a parcel. For bermed dwellings see, Subterranean or Underground Dwellings.

BOARDING or LODGING HOUSE. A building or part thereof, other than a hotel or restaurant, where meals and/or lodging are provided, for compensation, for five (5) or more persons, not transients.

BREEZEWAY. A covered structure connecting an accessory building with the principal structure. For purposes of determining yard and area requirements such connected building shall be considered as one integral unit.

BUILDING. Any structure having a roof supported by columns or walls designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.

BUILDING HEIGHT. The vertical distance measured from the established grade to the highest point of the roof.

BUILDING LINE. A line formed by the major or primary face of the building. For purposes of this Ordinance, a minimum building line is the same as a front setback line. Porches, steps and eaves shall be considered the beginning point of the primary face of the building.

DECK, PATIO or PORCH. Any structure, including a platform with or without a roof or walls, that is anchored to the ground or attached and/or extending in a permanent fashion from the exterior wall or walls of an existing dwelling or structure, including steps, stairs or ramps necessary for access.

DEVELOPMENT or IMPROVEMENT. Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DOCK. A platform or fixture, including separate shore stations, piers, and watercraft mooring stations (swim rafts) extending from the shore or bottomlands that is directly accessible to a separate frontage on a lake or river and is used for securing watercraft when they are not in use. *[Editor's Note: Amended by Zoning Ordinance Amend. #3, eff., Dec. 30, 2000]*

DWELLING. A building or portion thereof designed and used exclusively as the residence or sleeping place of one or more persons, including one-family, two-family, and multiple-family dwellings meeting all applicable code provisions in effect on the date of construction; but not including transient housing facilities including house trailers, recreational vehicles, rental cabins, motels and hotels, apartment-hotels, and boarding and lodging houses.

EROSION CONTROL DEVICE. Any structural or physical method used to control shoreland erosion processes. Erosion control devices include, but are not limited to, structures such as groins, seawalls, revetments, or beachwalls, and may also include any type of beach nourishment by filling and the planting of vegetation.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals and hydrants in connection herewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

EXCAVATION. Any breaking of ground, except common household gardening, landscaping and ground care.

EXISTING BUILDING or STRUCTURE. A building existing or a building for which a legal permit has been issued and the foundations are in place or upon which there has been substantial work done, prior to the adoption of this Ordinance.

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

FARM. The carrying on of any agricultural activity or the raising of any livestock or small animals as a source of income.

FARM ANIMALS and FOWLS. Those animals and fowls usually kept on a farm for the production of income, such as horses, cows, pigs, chickens, turkeys, sheep, ducks and geese.

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation or run-off of, surface waters from any source.

FLOOR AREA. The area of all floors computed by measuring the dimensions of the outside walls of a building. Porches, patios, terraces, breezeways, carports, verandas, garages, unfinished attics and attic floor areas with less than five vertical feet from floor to finished

ceiling are excluded. Basements, the walls of which are 50 percent or less below grade, may be included in computing floor area.

GARAGE. An unattached accessory building or portion of a main building used only for the storage of motor home, passenger vehicles, trucks, trailers or any other personal property. A "commercial garage" is a structure, building, or attached portion thereof other than a private or community garage used for the storage, sale, hire or repair of motor home, vehicles, or trailers.

HIGH WATER MARK. The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation.

HOME OCCUPATION. An accessory use of a dwelling unit for gainful employment involving the provision of services or sale of incidental goods and services.

HOTEL. A building in which lodging is provided and offered to the public for compensation and which is open to transient guests (as distinguished from a boarding house or lodging house, apartment hotel, fraternity or sorority house).

HOUSE TRAILERS. Any portable vehicle designed to be occupied, which is usually portable and capable of being connected to utilities, normally used for recreational purposes and either motor-driven or trailered, but which does not meet the floor space requirements for residential housing; even though the same may meet the requirements of the Federal Housing and Urban Development Construction and Safety Standards Act of 1974, as amended.

JUNK. Discarded items which are not normally associated with residential usage including scrap copper, iron, steel, brass, rope, rags, batteries, paper, rubber debris, waste, discarded household appliances, dismantled vehicles or parts thereof, unlicensed and inoperable motor vehicles and implements, and other such items which constitute health or safety hazards or menace to persons whether the same has value for reuse or resale after its original use.

JUNKYARD. Any place or location used for the purposes of dismantling, wrecking, disposing of, or storing the refuse of automobiles, trucks, or other vehicles or their parts, or for storage of junk.

KENNEL. Any premises on which three or more dogs, cats or similar domesticated pets four or more months old are kept permanently or temporarily boarded as a source of income.

LANDING. A platform, integral to the stairway structure, used to connect two or more sets of stairs. *[Editor's Note: Amended by Zoning Ordinance Amend. #2, eff., July 19, 2000]*

LOT. A single tract of land, occupied or capable of being-occupied by one building and accessory buildings, or utilized for a principal use and accessory uses, together with such open spaces as are required under this Ordinance.

LOT OF RECORD. A Lot which is part of a subdivision and is shown on a plat or map thereof which has been recorded in the Office of the Register of Deeds for Lake County, or a lot or parcel of land described by survey or meets and bounds which has been so recorded.

CORNER LOT. A lot of which at least two adjacent sides abut for full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees.

INTERIOR LOT. A lot other than a corner lot.

SUBSTANDARD LOT or NON-CONFORMING LOT. A lot of record executed prior to the effective date of this Ordinance which does not meet the minimum requirements of the zoning district in which it is located.

LOT LINE. The property lines bounding the lot.

FRONT LOT LINE. In the case of a lot abutting upon only one street, it shall mean the line separating such lot from such street, even if the street is only an easement. In the case of any other lot, the owner shall, for the purpose of this Ordinance, have the privilege of electing any street lot line as the front lot line, provided that such choice, in the opinion of the Land Use Administrator, will not be injurious to the existing, or to the desirable future development of adjacent properties. In the case of a lot abutting a lake or stream, it shall also mean that portion fronting on the water.

REAR LOT LINE. That line opposite and most distant from the front lot line. In the case of an irregular or triangular lot, the rear lot line shall be a line at least ten feet (10') in length entirely within the lot, parallel to and at the maximum distance from the front lot line. In cases where none of these definitions apply, the Land Use Administrator shall designate the rear lot line.

LOT AREA. The computed area inside of lot lines, excluding that portion of a lot which may be located within a road right-of-way or private road easement.

LOT COVERAGE. That portion of a lot, stated in terms of percentage, that is covered by a building, paved walkways and drives, decks, breezeways, swimming pools, other open roofed and similar structures, and impervious surfaces; but excluding graveled or dirt driveways and walkways, fences, walls, hedges, patio stones, and other similar architectural and ornamental structures.

LOT DEPTH. The mean horizontal distance between the front and rear lot lines.

LOT WIDTH. The mean horizontal distance across the lot between side lot lines measured at right angles to the depth, at the minimum required building setback line.

MOBILE HOME. A structure, transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure; and constructed to the requirements of the Federal Housing and Urban Development Construction and Safety Standards Act of 1974, as amended, for residential housing.

MOBILE HOME PARK. Any site, lot, field or tract of land upon which two or more mobile homes are harbored, either free of charge or for a fee, and shall include building, structure or enclosure used or intended for use as part of the equipment of such mobile home park.

MODULAR or PREFABRICATED HOUSING UNIT. A dwelling unit constructed or prefabricated within a factory, as a single unit, or in various sized modules or components, which are then transported to a site where they are assembled on a permanent foundation; meeting all codes and regulations applicable to conventional single-family home construction, in a building code enforced in Lake Township.

MOTEL. A series of attached, semi-detached or detached rental units containing a bedroom, bathroom, closet space, and where permitted, kitchenettes; which provide for overnight or resort lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

MOVEABLE STRUCTURE. A structure which is determined to be moveable based upon a review of the design and size of the structure, the capability of the proposed structure to withstand normal moving stresses, and the accessibility of the site to the moving equipment.

NEIGHBORHOOD or GENERAL AREA or GENERAL VICINITY or SURROUNDING AREA. A geographic location surrounding the use within one quarter mile or within the subdivision where the use or activity is located.

NONCONFORMING STRUCTURE. A structure lawfully existing at the time of the effective date of this Ordinance, and which does not conform with the use regulations of the district in which it is located.

NONCONFORMING USE. The lawful use of a structure or land at the time of the effective date of this Ordinance and which does not conform with the use regulations of the district in which it is located.

NUISANCE FACTORS. An offensive, annoying, unpleasant or obnoxious thing or practice. A cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being. The generation of an excessive or concentrated movement of people or things, such as, but not limited to: (a) noise; (b) dust; (c) smoke; (d) odor; (e) glare; (f) fumes; (g)

flashes; (h) vibration; (I) shock waves; (j) heat; (k) electronic or atomic radiation; (l) objectionable effluent; (m) noise of congregation of people, particularly at night; and (n) traffic.

PARKING AREA or PARKING LOT. An open area, other than a street or other public or private way used for the parking of automobiles or other vehicles, including that area providing for adequate drives and aisles, for maneuvering, or road access for entrance and exits.

PERMIT. The written authority as issued by the appropriate officer permitting the construction, moving, alteration or use of a structure or land in conformance with this Ordinance or other law.

LAND USE PERMIT. A permit issued by the Land Use Administrator authorizing the use of land, or placement of any structure or building as permitted under this Ordinance; also including other specifically enumerated permits authorized by this Ordinance.

BUILDING PERMIT. A permit issued by the building official for Lake Township authorized under the state construction code or similar construction code governing Lake Township.

PERSON. An individual, partnership, corporation, or other association, entity or their agents. An **INTERESTED** or **AFFECTED PERSON** is the owner, developer, applicant of the matter under consideration; the Township or any of its employees, agents, boards (including the Land Use Administrator, Zoning Board, Zoning Board of Appeals, Township Board or their individual members); any other public agency; persons who own property or are living within 300 feet of the property under consideration; or any other person who can show a special interest or damage different from that of the general public.

PRINCIPAL STRUCTURE. The main building on a lot or parcel, or the primary or predominant use of the property, with all attached accessory structures and uses, including, but not limited to porches, decks, and patios.

RECREATIONAL VEHICLE or RECREATIONAL EQUIPMENT. A vehicle designed or constructed for the transportation of people, primarily for recreational purposes, and some of which may permit occupancy as a dwelling or sleeping place such as, but not limited to motor homes, campers, camper trailers, off-road vehicles, snowmobiles, motorized trail bikes, boats, recreational equipment, tents, and utility trailers. The terms shall have the same meaning when they used for recreational purposes. *[Editor's Note: Amended by Ord No. 2006-9, eff., July 29, 2006]*

RESIDENTIAL DISTRICTS or ZONES. Collectively or individually the R-1, Single Family Residential District; and R-2, Residential District.

SETBACK. The required distance between every structure and lot line in which it is located; same as yards.

SEXUALLY ORIENTED BUSINESS ACTIVITIES. The display, sale, lease, distribution, dissemination, exhibition or other forms of conveyance or materials, products or services involving the human genitals in a discernable state of sexual stimulation or arousal; or acts or representations of human masturbation, sexual intercourse, sodomy, fondling or other erotic touching of human genitals, buttocks, anus or female breasts.

SHORELAND. The land which borders or is adjacent to any lake or stream.

SHORELINE. The area of the shorelands where the land and waters of any lake or stream meet.

SIGN. A name, identification, description, display or illustration which is affixed to, or painted, or represented directly or indirectly upon a building, structure or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business, and is displayed for informational or advertising purposes. This definition shall not be held to include official court or public notices, nor the flag, emblem or insignia of a nation, unit of government or group.

BILLBOARD is a sign which displays information or activity conducted sold or offered elsewhere and not on the lot or premises upon which the sign is located.

FREESTANDING SIGN is attached to the ground by poles or standards.

MONUMENT SIGN is a sign whose height does not exceed three feet; whose ground-to-sign clearance shall not exceed one foot; and whose depth shall not be less than eight inches, nor more than eighteen inches.

PROJECTING SIGN is attached to a wall or surface of a structure and projects more than twelve inches beyond such wall.

WALL SIGN is attached to a wall of a building and projects not more than twelve inches from such wall, measured from the wall to the point farthest from the wall.

SIGN SIZE or **AREA** shall mean the entire area as measured in square feet within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming any integral part of the display.

STORY. That portion of a building, other than a basement, cellar or mezzanine, included between the surface of any floor above average elevation or ground at the foundation wall and the surface of the floor next above it; or, if there is no floor above it, then the space between the floor and ceiling next above it.

STREET. A public or private right-of-way, square or lane permanently open to common and general use, other than an alley, which affords the principal means of access to abutting property; but shall not include private driveways serving an individual property.

STREET WIDTH is the perpendicular measurement between right-of-way lines.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

STRUCTURE. Anything constructed or erected with a fixed or generally permanent location on the ground, or attached to something having a fixed location on the ground; including, but not limited to buildings, signs, tennis courts, swimming pools, paved patios and loading docks, fences, and architectural elements. Except that poles, flags, installed but removable recreational equipment, ornamental fixtures, sculptures, sidewalks, and driveways shall not be considered structures.

SUBTERRANEAN or UNDERGROUND (BERMED) DWELLINGS. A dwelling that is partially or wholly surrounded by earth on no more than three sides and the roof and which is to be used as an occupied dwelling.

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

UTILITIES. Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations.

UTILITY BUILDING. An accessory building intended for general storage of personal property and equipment or for recreational use, and not intended for vehicle storage.

VARIANCE. A grant of relief to a person from the requirements of this Ordinance which permits construction or use in a manner otherwise prohibited this Ordinance.

WALKWAY or SIDEWALK. A pathway or trail whether constructed of some material or an area along the ground intended for walking or traveling and not designed or intended as a platform, patio or deck.

WATERCRAFT. A conveyance used to transport persons and cargo across the water, powered by wind, human muscle, internal combustion or jet engines, electric motors, etc., such as pontoon boats, canoes, peddle boats, rafts, jet skis, motor boats, rowboats and other such devices. *[Editor's Note: Amended by Zoning Ordinance Amend. #3, eff., Dec. 30, 2000]*

WATERFRONT or WATER FRONTAGE. The length of shoreline along a lake, river or stream as measured along the ordinary high water mark; except that any swamp, marsh, or bog as shown

on the most recent USGS maps; Michigan DNR MIRS map, or a wetland as determined by the Michigan DNR shall not be included in the lineal measurement of water frontage.

YARD. An open space, unoccupied and unobstructed from the ground upwards, except as otherwise provided herein, and on the same lot with a building. The measurement of a required yard or setback shall be the minimum horizontal distance between the lot line and the building or structure.

FRONT YARD. A yard extending the full width of the lot, the depth of which is the distance between the front lot line and the nearest portion of the principal building, including all attachments and unenclosed porches. Where the lot fronts on a shoreland it also means the minimum horizontal distance required by this Ordinance between the ordinary high water mark, and the most lakeward edge of a principal structure.

REAR YARD. A yard, unoccupied except for permitted accessory buildings, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the nearest portion of the principal building.

SIDE YARD. A yard between a principal building and the side lot line, extending from the front yard to the rear yard. The width shall be measured from the nearest point of the side lot line to the nearest portion of the principal building.

2.3 GOVERNMENTAL AUTHORITIES

Where reference is made to the following governmental agencies, bodies, authorities, or documents, the following meanings shall apply:

ZONING BOARD is the Lake Township Planning / Zoning Board or its successor.

BOARD OF APPEALS or **ZONING BOARD OF APPEALS** is the Lake Township Zoning Board of Appeals.

TOWNSHIP BOARD is the Lake Township Board acting as the entire board.

LAND USE ADMINISTRATOR or **ZONING ADMINISTRATOR** is the individual, or individuals appointed and designated by the Township Board to administer and enforce this Ordinance. Where ever the term Land Use Administrator is used, it shall mean Zoning Administrator, as the positions are one in the same. *[Editor's Note: Amended by Ord No. 2006-9, eff. July 29, 2006]*

BUILDING INSPECTOR is the Building Official or inspector duly authorized to enforce the state construction code or locally adopted construction code for Lake Township.

HEALTH DEPARTMENT or ROAD COMMISSION or DRAIN COMMISSION or other publicly identified agency shall be that agency so authorized by law, regulation, or ordinance to carry out its responsibilities for, or within, Lake County.

TOWNSHIP PLAN is the Lake Township General Development Plan or other planning documents and reports prepared for, or by, the Township.

ZONING BOARD is the Lake Township Planning Commission / Zoning Board or its successor, which is also the township planning commission of Lake Township, organized under the Michigan Township Planning Act, as amended. *[Editor's Note: Amended by Ord No. 2006-9, eff., July 29, 2006]*

ZONING ORDINANCE or THIS ORDINANCE is the Lake Township Zoning Ordinance, as amended.

ZONING MAP is the official map of zones or districts of the Lake Township Zoning Ordinance which is incorporated by reference in this Ordinance.

ARTICLE 3

GENERAL PROVISIONS

3.1 ZONING AFFECTS EVERY STRUCTURE AND USE

Except as otherwise specified, no building, structure or premises shall be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with all this Ordinance.

3.2 ESSENTIAL SERVICES and PUBLIC IMPROVEMENT PROJECTS

A. The erection, construction, alteration or maintenance by public utilities or governmental units of overhead or underground gas, electrical, communication, steam, water, sanitary sewer, storm sewer, distribution, transmission or collection systems and other similar equipment and structures in connection therewith, and which are reasonably necessary for the furnishing of adequate service, are permitted in any zoning district.

B. The erection and use of buildings for such purposes which exceed 480 square feet or take place on a lot greater than $\frac{1}{4}$ acre in area shall be approved by the Zoning Board as a special use under this Ordinance.

C. Where the Township Supervisor certifies to the Land Use Administrator that any structure, building or proposed uses are or may be in conflict with Township, County or State improvement projects such as water, sewer, roads, or other public improvement, no permits shall be issued until such conflicts are resolved.

3.3 PUBLIC HEALTH APPROVAL

When the Land Use Administrator has reason to believe that sufficient potable water is not available or that a sewage permit will not be issued by the Health Department, he may refuse to issue a permit until evidence of the availability of sufficient potable water and of the issuance of sewage permit has been or will be furnished.

3.4 ACCESS

No permits shall be issued where the property or use fails to have adequate frontage along an improved public or private street or permanent recorded unobstructed access easement or right-of-way to such a street. Driveway right-of-ways must measure 14 feet wide to accommodate public safety vehicles. *[Editor's Note: Amended by Ord No. 2006-19, eff., Jan. 6, 2007]*

3.5 DWELLINGS

Dwellings erected or placed on a lot or parcel of property in the township shall meet the following minimum criteria:

A. Single Family Dwellings. No dwelling shall be erected or altered having a floor area of less than that provided below. The area of all floors shall be computed by measuring the dimensions of the outside walls of a building. Porches, patios, terraces, breezeways, carports, verandas, garages, unfinished attics and attic floor areas with less than five vertical feet from floor to finished ceiling are excluded. Basements, the walls of which are 50 percent or less below grade, may be included in computing floor area. Minimum dwelling sizes, dimensions, and design criteria shall be as follows:

- (1) In the AG-F District each dwelling shall be at least 576 square feet on the ground floor, plus 100 square feet for each bedroom.
- (2) In all Residential Districts, no dwelling shall be less than 720 square feet on the ground floor.
- (3) A minimum width across any front, side or rear elevation of 20 feet.
- (4) There should be a minimum habitable floor to ceiling height of 7.5 feet.
- (5) The dwelling must be aesthetically compatible in design and appearance with other dwellings in the district.
- (6) The dwelling shall be connected to a sanitary sewer and water supply systems approved or facilities approved by the county health department.
- (7) All construction, plumbing, electrical, and insulation within the dwelling shall be of a type and quality conforming to the applicable building code.
- (8) The dwelling shall have a sloped roof or a flat roof with built up roofing of materials, which shall meet or exceed all applicable roof snow load and strength requirements under the Michigan Residential Building Code or any other applicable building code.
- (9) All multi-family units shall have no less than 576 square feet at the ground level for a one bedroom unit, with an additional 100 square feet for each additional bedroom unit.

B. Mobile Homes. Mobile homes located in areas outside mobile home parks must satisfy all of the following standards:

(1) Meet all construction standards of the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards. Any additions or extensions shall be constructed in accordance to all requirements of the building code in effect within Lake Township.

(2) Meet minimum floor space requirements of this Ordinance; being 720 square feet in the R-1 District and 672 square feet in all other zoning districts

(3) The mobile home shall be installed in accordance with standards promulgated by the Michigan Mobile Home Commission, however a mobile home shall be placed on full length runners or slabs as required under the applicable building code, or on a permanent foundation as required for site built homes, constructed around the entire perimeter of the mobile home. Mobile homes placed on anything other than a permanent foundation shall be completely skirted with materials similar to the siding of the mobile home and all wheels, towing mechanisms or undercarriages shall be removed.

(4) The mobile home shall contain front and side or rear doors with permanent porch steps, if the difference in ground and entrance requires the same.

(5) In the "R-1 District", each Mobile Home shall have a minimum width of no less than the average width of all the homes on the same street within 400 feet in either direction. In no case shall any mobile home have a minimum width of less than 20 feet for its entire length in all districts.

C. Conversion of Dwellings. The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building or similar occupancy would be permitted under this Ordinance. The resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards and other open spaces and off street parking. Any conversion shall comply with all pertinent codes for new construction.

D. Rear Dwellings. Unless otherwise provided in this ordinance or as a PUD, no building, in addition to a main building on the same lot shall be used for residential purposes. Where a nonconforming lot contains more than one dwelling, the Township Assessor may create a newly-described conforming parcel which shall be recorded for each rear dwelling previously constructed. The Assessor after conferring with the owner shall divide the lot into two or more lots which as far as practical shall be made conforming to all yard and open space requirements of this Ordinance. Where a conforming parcel cannot be created, no new parcel shall be created without a variance. There shall be provided for each dwelling an unoccupied, unobstructed recorded easement or right-of-way granting right of ingress and egress for public vehicles and/or public utilities.

E. Bermed, Subterranean or Underground Dwellings. No subterranean, underground, or bermed dwelling may be constructed unless it complies with the following provisions:

- (1) The design shall meet or exceed all zoning, building code standards, and county or state health code requirements; and shall be certified by a registered architect or engineer, particularly as to the roof structure and truss.
- (2) Floor space requirements shall not include unfinished areas.
- (3) Yard dimensions shall exclude any portion of ground which is covering any portion of the dwelling.
- (4) The site is not susceptible to flooding from surface or subterranean sources or is situated on a site which has a reasonable likelihood of erosion.
- (5) The site plan shall be reviewed and approval by the Zoning Board.

F. Adult Foster Care Facilities. A private one family residence licensed by the state of Michigan as an adult foster care (_AFC_) family home (housing up to six AFC occupants) or adult foster care small group home (housing up to twelve AFC occupants) may be permitted in any residential district; provided that adult foster care small group homes shall meet the following standards to insure that there is adequate space to meet the requirements for a larger adult foster care facility:

- (1) The minimum lot size shall be 20,000 square feet, with 110 feet of lot width.
- (2) Each dwelling unit shall have at least 2,000 square feet of living area and the dwelling unit shall not occupy more than 15% of the lot area.
- (3) There shall be one parking space for every three licensed occupants and one space for each employee. All but three spaces shall be located in the side or rear yards.
- (4) The facility shall maintain its state license as a small group home.

[Editor's Note: Amended by Zoning Ordinance Amend. #2, eff., July 19, 2000 and Ord No. 2002-2, eff., July 26, 2002]

3.6 MOVING OF STRUCTURES

No pre-existing home, building or structure (_structure_) shall be moved within the Township without a Moving Permit issued by the Land Use Administrator, who shall require:

A. A site plan or map showing the present location of the structure and the new location, along with the move route within the Township; and if the structure is to be moved into the Township, a Class A site plan for its placement.

B. A time certain for the move and that the move route and streets which will be used for the move have been approved.

C. Evidence that all necessary approvals and arrangements for alterations or rearrangement of any utilities affected by the proposed route are secured and that adequate provisions have been made to ensure the safe transportation of the structure, including the use of escort vehicles as required by the Sheriff's Department, during the actual move.

3.7 HOME OCCUPATIONS

A. In all residential districts, home occupations conducted within a dwelling are permitted as follows:

(1) The home occupation is operated entirely within the dwelling and not within any accessory building or attached garage located on the premises; and is only conducted by the person or persons occupying the premises as their principal residence.

(2) The occupation conducted in the dwelling is clearly incidental and subordinate to the principal use of the premises for residential purposes.

(3) The space of the home occupation does not exceed more than 50% of the total living area of the residence, excluding attached garages and accessory buildings.

(4) No external structural alterations which will make a functional change in the residence are necessary to make the premises usable for the home occupation.

(5) The dwelling has no exterior evidence of the home occupation other than a permitted sign not to exceed two square foot.

(6) Goods that are sold or services provided from the premises are strictly incidental to the principal home occupation conducted.

(7) No occupation shall be conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises or cause any accumulation of materials, or discarded materials, or junk, anywhere on the premises. Noise, smoke, odor, electrical disturbance, use of electrical or mechanical equipment, or the source of lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.

(8) Any such home occupation may be subject to inspection by the Land Use Administrator and may be terminated by order of the Land Use Administrator whenever the home occupation fails to comply with this Ordinance.

(9) There shall be no more than four motor vehicles parked on the premises at any one time except for motor vehicles owned by persons residing on the premises. All customer parking shall be in side or rear yards or beyond the front yard setback.

B. In any district, but R-1, home occupations may be permitted in an accessory building or attached garage and may use not more than two additional employees not residing in the residence upon special use permit approval, as provided in this Ordinance. The Zoning Board shall find that the home occupation:

(1) Complies with the general provisions of subsection (A) above.

(2) Shall not have the effect of changing the character of the structure as a residence or changing the character of the neighborhood.

(3) Not exceeds 2,400 square feet.

(4) Have a sign as is permitted in the zoning district.

3.8 ACCESSORY USES AND BUILDINGS

A. Intent. Accessory uses and structures which are customarily and incidental to the principal or permitted use shall be allowed in all districts and shall comply in all respects with the applicable requirements of this Ordinance. Accessory uses include agricultural buildings, parking lots, signs, mechanical equipment and appurtenances, structures less than 100 square feet, free standing or movable equipment, sports courts, swimming pools, decks and porches as regulated, pet shelters; fences; radio and television antennas as regulated; walkways, sidewalks and driveways; and similar structures. All accessory uses shall be included within the lot coverage calculations. The following structures are excluded from these regulations: utility and flag poles, light posts, clothes lines, mailboxes, free standing art work and sculptures, movable play structures, portable spas, and similar incidental structures and features.

B. General Regulations. All accessory buildings or structures, except as otherwise provided, are subject to the following regulations:

(1) Private Garages: Private garages, which are customarily used as single family residential storage facilities are permitted in any zoning district as follows:

(a) There shall not be more than one private garage on a lot or parcel and then only where there is also a principal building located on that lot or parcel.

(b) Such private garage shall not be larger than 900 square feet in an R-1 district or 1500 square feet in an R-2 district, and not exceed 16 feet in height, except as provided below. In all other districts, there is no maximum structure size, except that no private garage shall exceed the maximum height of the district.

(c) Private garages attached to the main structure shall not exceed the height of the main structure.

(d) Detached private garages in an R-1 district on parcels of 5 acres or more as certified by a registered surveyor and where the lot of record is under one property description and one tax identification number may not exceed 1500 square feet and 18 feet in height. Detached private garages in an R-2 district on parcels of 5 acres or more as certified by a registered surveyor and where the lot of record is under one property description and one tax identification number may not exceed 1800 square feet and 18 feet in height.

(e) The detached private garage must be constructed in the back yard only except when an already existing private garage is to be added on to that exists in a side yard. Then the side yard setback shall be 20 feet. No private garage shall be constructed in the front yard of a lot or parcel.

(f) Detached private garages shall be located no closer than 10 feet of the main principal residence.

(g) The building height shall be measured from the highest point or peak of the structure to the main floor of the structure immediately below the peak or highest point of the structure to the cement floor, dirt floor grade or the bottom of the structure's overhead door in a closed position.

(h) Where a gambrel type manufactured roof truss is used the 18 foot height requirement may be extended to 19 feet.

(i) If an attached private garage exists with a principal residence and cannot be added on due to setbacks or structural design, then a separate structure may be built that does not exceed the size and height allowed for the district by adding the square footage of the two respective buildings together not to exceed the requirements for the district.

(j) No portion of the accessory building may be used for residential occupancy, temporary or permanent.

(2) Detached Accessory Buildings or Structures.

(a) In addition to one private garage, in all Residential Districts, each parcel

or lot is permitted up to two detached accessory buildings or structures. No detached accessory structures shall exceed 10 feet in height in any front yard, or 14 feet in height in any side or rear yard. Exterior walls/siding must be compatible aesthetically to the principal structure on the same lot. The size of the detached accessory structures is regulated by the following schedule:

(i) The maximum size of the any additional accessory structure(s) shall be based on the lot or parcel size as follows: (1) if the lot or parcel size is less than 1.0 acre, then the maximum size shall not exceed 480 square feet; or (2) if the lot or parcel size is 1.0 acres or more then the accessory structure(s) may exceed 480 square feet. Provided, the total of all accessory structures on a parcel or lot shall not exceed the lesser of 5% of the total ground coverage on the lot or parcel or 5,000 square feet. The maximum height for accessory structures on lots larger than 1.0 acres is twenty-two (22) feet.

(ii) The maximum size of detached decks and gazebos are regulated in Section 3.14 or as otherwise provided in this ordinance.

(iii) No accessory structure shall have a finished or habitable second story space.

(b) No more than two detached accessory buildings or structures including detached decks, but excluding an attached or detached private garage, may be erected on any lot. Detached accessory uses or structures may be located in any required yard, except a detached garage shall only be erected in a side or rear yard. No detached accessory building or structure may be erected prior to the construction of the principal building. Walkways and landings not over four feet wide, and DNR/DEQ approved marine piers and sea walls, are excluded from the regulations under this subsection (2), but are still subject to the ground coverage requirements of this ordinance. All accessory building(s) or structure(s) shall not exceed a combined total of no more than 480 square feet.

(3) Attached Uses. Where the accessory use is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this Ordinance applicable to the main building.

(4) Setback Requirements. An accessory building or structure 10 feet or less in height must be set back a minimum of 5 feet from any lot line; accessory buildings over 10 feet in height shall be set back a minimum of 10 feet from any lot line; and accessory buildings over 12 feet in height shall be set back an additional foot, for each two foot increase in height. In those instances where the rear lot line is an alley or right-of-way, the accessory building shall be set back at least 10 feet from the rear lot line. Unless expressly permitted by the easement holder, no accessory building shall be located in any easement or right-of-way. Accessory buildings in the C (Commercial), I (Industrial) or

AG-F (Agricultural-Forestry) Districts may be equal to the permitted maximum height of structures in those districts. Unless accessory buildings or structures are physically abutting or attached, no accessory building or structure shall be closer than 4 feet from any other principal or accessory building or structure.

(5) Marine Storage, Free Standing Decks, and Water-related Uses. Only docks, walkways no more than four feet wide, DNR/DEQ approved piers and seawalls, and temporary structures less than 64 square feet which can easily and economically be removed may be permitted between the ordinary high water mark and shoreline. All other marine storage building or structures or decks may be permitted above the high water mark; provided all setback and ground coverage requirements of the district are met and any marine related storage structure does not exceed 120 square feet or ten feet in height.

(6) Site Plan Approval. All accessory structures in any residential district over 100 square feet or 10 feet in height require site plan approval and a permit issued by the Land Use Administrator.

C. Vehicle Storage. In any district which has residential use as a principal use, the parking or outdoor storage of current licensed passenger automobiles, one commercial vehicle of less than one ton carrying capacity, one recreational camping vehicle (whether self-motorized or trailer-type), and one trailer carrying other recreational equipment shall be permitted. All other parking and storage of vehicles shall be prohibited as an accessory use. No mobile homes may be stored. No camping trailer may be occupied except as specifically provided by this Ordinance.

D. Private Garages and Accessory Buildings on Vacant Lots or Parcels.

(1) Not more than one private garage, as regulated in subsection (B) (1) above, may be erected on a vacant lot contiguous or located across a dedicated public or private street or other right-of-way from the lot owned by the same person on which a principal structure is located as follows:

(a) The lot where the private garage is to be built or located must be contiguous or located in such a manner that at least 10 feet of that lot on which the principal structure is located (which shall be determined by extending the exterior or outside lot lines where the principle structure is built or located across the private or public street or right-of-way). Any such garage shall be located on the lot so it is as close to being directly across from the principle lot or lots as possible.

(b) The minimum square footage of any lot on which a private garage is to be built or located must be at least 5,000 square feet.

(c) The property owner of the private garage on a vacant lot or parcel must execute a covenant or deed restriction in recordable form, which will run with the land for as long as the lot or parcel contains only the private garage without a principle residence. The deed restriction shall state essentially the following: "The lot or parcel on which the private garage is to be built or located shall be used exclusively for storage of vehicles, recreational vehicles and equipment, and similar household items; and shall not: (1) be sold as a separate parcel from the lot on which the principle structure is built or located; and (2) be used as a primary or secondary residence, or for other residential purposes, including, but not limited to sleeping, cooking, or otherwise housing persons whether for long-term or short-term purposes.

(d) No private garage built on any lot or parcel can be used as a primary or secondary residence or for other residential purposes, including, but not limited to, sleeping, cooking, or otherwise housing persons whether for long-term or short-term purposes.

(2) Not more than one accessory storage building, not to exceed 100 square feet or more than 10 feet in height, may be erected on any vacant lot or parcel for purposes of storage of personal items.

(3) No storage building built on a vacant lot or parcel can be used as a primary or secondary residence or for other residential purposes, including, but not limited to, sleeping, cooking, or otherwise housing persons whether for long-term or short-term purposes.

(4) Any building or structure erected must be on a buildable lot which meets all the minimum lot size, road frontage, setback, and yard requirements for the district in which it is located

(5) The property owner shall present a site plan or survey to the Zoning Administrator, and obtain a Land Use Permit. For a private garage on a vacant contiguous lot or parcel, the owner shall provide a survey of the property where both the principle structure and all other buildings or structures are located, and where the private garage is proposed to be erected on the adjoining lot. The survey must be completed by a licensed surveyor. For an accessory building, a site plan shall locate all structures on the lot or parcel for the Land Use Permit.

3.9 FENCES, BERMS, SCREENING AND BUFFER YARDS

A. Fences and Berms which enclose all or a portion of the property are permitted in any yard, subject to the following conditions:

(1) Fences within five feet of a side or rear lot line shall not exceed six feet in height. The height of any fence is measured from the surface of the ground, and may be placed on the lot line.

(2) Fences along a road right-of-way within a front yard shall not exceed four feet in height along the road, except that no fence shall extend into the street right-of-way at the front property line.

(3) Where property abuts a lake or stream no fence shall be erected in a front yard or that portion of the front yard facing the lake or stream, except for natural vegetation or an earthen berm.

(4) Living fences (hedges, shrubbery, etc.), obscuring walls, berms or signs, located in a required front yard setback, that shall not obstruct the vision of traffic for person exiting from a driveway, alley, private street or other easement. Living fences within a public right-of-way or private road shall not exceed a height of two feet.

(5) Where a berm is used for fencing purposes, it shall be smoothly graded and shall have erosion preventing ground cover installed.

(6) No fences, except in the AG-F District, shall contain barbed wire, electric current, charge of electricity, broken glass caps, or chain-link-type fences with sharp wire edges exposed.

(7) Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, situated within an area developed with recorded lots shall not exceed eight feet in height, measured from the surface of the ground and shall not obstruct vision to an extent greater than 25% of their total area.

B. Screening. Except for single and two family residential uses, all outdoor storage areas, trash or refuse containers, outdoor air conditioners, gas or storage containers, and similar structures shall be screened from view, except to permit access to service areas.

C. Plant Screens. Where planting screens are used, they shall consist of plant material which shall provide maximum interruption of view from the ground to a height of six feet after three years growth. Where plant material cannot be expected to provide adequate screening within three years, other screening material shall be used with the plant material, except where screening shall pose a hazard to pedestrians or traffic. Such material shall be consistent with adjacent screens, if present. All plant material shall be properly installed and maintained in a healthy condition, consistent with professional management practices. All planting shall be installed prior to receiving any occupancy permit. Where compliance is not possible prior to occupancy, because of the season of the year, the Zoning Use Administrator may grant an appropriate delay for a period of up to nine months.

D. Bufferyards and Greenbelting. Except as otherwise provided below, all areas located within the minimum yard setbacks and road right-of-ways shall maintain a bufferyard or greenbelt in their natural condition. The natural condition may be modified if the Land Use Administrator finds that such modification is necessary for the construction of buildings, structures, driveways, wells, septic systems, or other utility or essential public or private services and that such removal will not increase water run-off or soil erosion. A parcel shall be regarded in natural condition when there is at least one tree or shrub having a height of at least 10 feet for each 100 square feet of area wooded or sufficient natural ground cover in open spaces.

3.10 LAND ALTERATIONS

A. Prohibited Activities. The Land Use Administrator may prohibit filling, grading or dredging which would result in substantial detriment to navigable waters by reason of erosion, sedimentation, or impairment of fish or aquatic life within three hundred (300) feet of the shoreline.

B. Drainage Courses. Natural or manmade drainage courses which provide for the natural dispersion of snow-melting runoffs, rain runoff, natural drainage of underground waters shall be protected as follows:

(1) No structures, wells, or on-site septic systems may be built within 20 feet of such drainage courses.

(2) Drainage courses may not be filled, and the landowner shall keep same free of any debris, nor shall any organic or inorganic material be allowed to accumulate to obstruct the flow of water.

(3) Any alteration or change in a drainage course shall require a site plan approval by the Zoning Board; who shall find that the alteration shall not:

(a) Impede the flow of water, cause ponding, cause water back-up to public road ditches, or other private property, or cause other diversion of the course of water from the applicant's property to another location.

(b) Cause loss of flooding water back-up space or loss of flood-impeding capacity.

(c) Cause loss of area for effluent cleansing.

(d) Cause erosion.

(4) Such approval shall not be necessary for landscaping, stabilization, terracing of embankments, construction of foot bridge across such courses, and the drawing of such drainage course to create artificial ponds if, in the opinion of the Land

Use Administrator, such proposed activity will not reduce the capacity of the course to fulfill its natural functions or adversely affect property up or downstream.

C. Waterways Development. Lagooning, dredging, or any work on any waterway, canal, ditch, lagoon, pond, lake or similar waterway or dredging work within three hundred (300) feet of the normal high water mark of the lake or stream shall meet the following standards listed below:

- (1) Evidence of DNR and/or local soil erosion approvals.
- (2) Unless permitted otherwise in (1) above bare ground shall not be exposed; temporary ground cover such as mulch may be used until permanent cover, such as sod, is planted.
- (3) Diversions, silting basins, terraces and other methods to trap sediment shall be used.
- (5) Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions.
- (6) Fill shall be stabilized according to accepted engineering standards, such that it will not restrict a floodway or destroy the storage capacity of a floodplain.
- (7) Sides of a channel or artificial watercourse be stabilized to prevent slumping, and shall be constructed with side slopes of two units horizontal distance to one unit vertical or flatter, unless bulkheads or riprapping are provided.

D. Filling of Land. No use of land for filling with borrow fill, sand, gravel, cinders, industrial waste, or any similar material of any form or nature shall be allowed without a Fill Permit issued by the Land Use Administrator, who shall find that:

- (1) Such filling will not cause surface water to collect or to run off onto adjoining lands contrary to normal and natural drainage.
- (2) Such fill material will not unreasonably cause blowing dust, grime, fumes, odors, or operate to prohibit light and air to the adjoining properties.
- (3) No fill operations shall be conducted before 7:00 AM or after 7:00 PM.
- (4) The transportation of such fill material will be made in trucks or vehicles properly suited to such transport so that it will not be spread upon the roadways.
- (5) Such fill will not decay or rot in such a manner as to cause holes or soft areas to develop in the lands so filled. Such fill shall not include garbage, junk, dismantled

vehicles or equipment, or other forms of solid waste and shall not cause any hazard by way of fire or combustion.

(6) Stumps and concrete may be used for fill, provided any stumps or concrete used must be from the owner's property where the fill is located. No stumps or concrete from off of the property is permitted, whether it is for commercial or individual personal use. No other construction materials, logs, timber, or similar yard waste may be used as fill material.

(7) A Class A Site Plan of the proposed fill must accompany the Fill Permit Application. The Fill permit will only be granted for a six (6) month period.

(8) All filling must be carried out under the terms and conditions set forth in any permit issued, and that the Zoning Administrator may establish reasonable conditions related to the transport and filling, and may require a performance bond to assure such performance.

(9) After any filling, a uniform compacted layer of final soil cover not less than two (2) feet in depth and a vegetative cover shall be placed over final fill not later than one month following final placement of any fill material. Upon completion of such filling operations, the property must be left in such a condition that it may be properly used for the designated zoning district.

(10) Notice of final closure must be provided to the Zoning Administrator within thirty (30) days of placing the final fill.

(11) The landowner is responsible for ensuring that all other applicable federal, state, local laws, rules, and ordinances, including erosion and sediment control, and applicable federal wetlands permits, must be fully complied with prior to commencement of filling operations.

(12) The Zoning Administrator shall inspect all filling operations and after the conclusion of any filling shall conduct a final inspection. A copy of the fill permit and the site plan shall be filed in the records of the Township Assessor's file.

[Editor's Note: Amended by Ord No. 2006-9, eff., July 29, 2006]

3.11 SOLAR PANELS, SATELLITE DISHES, ANTENNAS AND WIND GENERATORS

In residential districts all freestanding solar panels, satellite dishes antennas over one meter (approximately 39.37 inches) in size, antennas and wind generators shall meet the setback requirements for accessory structures and shall not be permitted in the front yard.

3.12 FARMS, FARM ANIMALS AND HORSES

No horses, farm animals or fowl are permitted in any R-1 or R-2 zoned property.

- A. Farms which raise or house farm animals shall maintain at least five acres for the farm animals.
- B. No barn may be located closer than 100 feet from the road right-of-way, or 75 feet from the nearest adjacent lot line.
- C. Farm animals shall be fenced or penned with materials sufficient to contain the animals. Animals running at large is prima facie evidence the enclosure was not sufficient.
- D. No farm animal may be pastured, fenced or penned within 100 feet of any adjacent dwelling, or at any point closer than 75 feet of a road right-of-way unless in a pasture. The front, side or rear yards shall not be a pasture.
- E. No more than three horses may be stabled on non-platted property as an accessory use; provided that for the first horse the parcel shall have at least five acres in area. Horses shall not be pastured, fenced or penned within 200 feet of an adjacent dwelling.

3.13 YARD SALES

Yard or garage sales, including auctions, are permitted on the same premises no more than two times a month in all residential districts. Any sign used to advertise such sales shall be removed immediately upon the conclusion of the sale. No sale shall last longer than five days.

3.14 RESIDENTIAL DECKS

In addition to the requirements of Section 3.8, in all residential districts, residential decks are regulated as follows:

- A. Any deck attached to a principal structure or unattached to the principal structure but located within 10 feet from the principal structure, including steps accessing the deck, shall be considered part of the principal structure for determining setback, building line, and ground coverage requirements. Attached decks may be located in any yard, provided all building line and setback requirements are met.

B. Decks which are free standing and are more than 10 feet from the principal structure may not exceed 240 square feet in size. These decks are considered accessory structures subject to the area and setback requirements for accessory uses, and ground coverage requirements of this Ordinance. Free standing Gazebos or similar structures shall not exceed 120 square feet in size and may be screened-in, but cannot be otherwise closed in with walls exceeding four feet in height.

C. Wooden platforms, pallets, concrete slabs, compacted or composite stone, or similar other hard surfaced materials which lay flat on the ground or rise no more than eight inches off the ground and which function as a walkway, driveway, ramp, or other pathway shall not be considered a deck for purposes of this section, provided they shall not exceed four feet in width. Landings shall not be considered a deck if the platform is not wider than the width of the tread of the stairs that are connected to it and the length is not greater than twice it's width. Platforms that exceed the size requirements for a landing shall be treated as detached decks. All of these structures shall be subject to the ground coverage requirements of this Ordinance.

[Editor's Note: Amended by Zoning Ordinance Amend. #2, eff., July 19, 2000]

3.15 WATERFRONT ACCESS AND DOCKAGE

The following restrictions are intended to limit the number of users of the waterfront in order to promote safety, preserve the quality of the waters, and preserve the quality of recreational use of all waters within the Township. Unless otherwise provided these provisions shall apply to all zoning districts and PUDS.

A. In all zoning districts, any single family unit located on one lot, shall have at least 75 feet of water frontage for that unit. The amount of water frontage shall be measured along the ordinary high water mark of the lake, river or stream.

B. Any multiple-unit residential development in any zoning district that shares a common waterfront area or frontage may not permit lake, river or stream use or access to more than one single-family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit for each 100 feet of lake, river or stream frontage in such common waterfront area.

C. Any single family subdivision or development, condominium, multiple-unit, or other form of residential development which shares or has similar commonly held easements, parks or access property shall have not more than one (1) dock.

D. The restrictions contained in this section shall apply to all lots and parcels on or abutting any lake, river or stream in all zoning districts, regardless of whether access to the lake, river or stream waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license or lease.

E. In addition to the above limitations, no easement, private park, common area, lot or access property abutting or adjoining a lake, river or stream shall be used to permit access to the

lake, river or stream for more than one single-family home, dwelling unit, condominium unit, site condominium unit, apartment unit or any other use unless such additional access use is approved as a special use or as a planned unit development (PUD).

F. No public right-of-way or public property, which ends at the water's edge shall be used for private or common dockage, mooring equipment, boat hoists and similar devices intended to launch or store watercraft. No docks may be erected or installed, even if temporarily, off public property or public right-of-way, except that general access to the water is permitted. The use of any public right-of-way or easement shall not unreasonably restrict or prevent others from using or crossing over the public right-of-way or easement or limiting access to the water body.

G. For purposes of meeting the minimum required water frontages in this Section, water frontage around the shore of an island shall not be included as part of the mainland.

H. The nonconforming provisions of this Zoning Ordinance shall be applicable to this section, except the following shall be permissible:

(1) Nonconforming lot of record having with waterfrontage may have one dock even though the lot has less than 100 feet of frontage on the water. This section is not construed to prevent docks, even if docks have not been installed.

(2) Any easement, park, common area or access property having frontage on a body of water which lawfully exists as of the date of the adoption of this section may have one dock even though it has less than 100 feet of frontage on the water.

(3) If a given property, easement, park, common area or access property has maintained a dock or docks as a non-conforming seasonal use, the right to utilize that dock(s) shall continue as a seasonal activity with the right to repair or replace the dock(s), even if it is not utilized every year.

(4) The owner of a property with frontage on a lake, river or stream may permit family members and occasional guests or invitees to use the water frontage, dock and watercraft owned by the owner as incidental to the residential use of the property, including the incidental mooring of a watercraft overnight at the dock on the property or in the waters adjacent to the property. The owner of such a property shall not enter into an agreement to permit anyone to use the shoreline, dock, or water frontage unless such person is leasing a residence on the property and is in possession of the entire waterfront property.

(5) No dock, watercraft, or other equipment placed on or at the end of a public right-of-way or easement dedicated to the public shall be permitted to continue or be maintained as a non-conforming use. *[Editor's Note: Amended by Ord No. 2006-9, eff., July 29, 2006]*

3.16 SURFACE AND GROUNDWATER PROTECTION

All businesses and facilities, including private and public facilities, which use, store or generate hazardous substances and polluting materials in quantities greater than 100 kilograms per month (equal to about 25 gallons or 220 pounds) shall comply with the following standards:

A. Hazardous substances and polluting materials shall include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; flammable and combustible liquids as defined by the Michigan State Police Fire Marshall Division; critical materials, polluting materials, and hazardous waste as defined by the Michigan Department of Environmental Quality; hazardous substances as defined by the U.S. Environmental Protection Agency; and hazardous materials as defined by the U.S. Department of Transportation.

B. Sites at which hazardous substances and polluting materials are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.

C. Secondary containment of hazardous substances and polluting materials, sufficient to store 150% of the hazardous substance, shall be provided.

D. General purpose floor drains shall be connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit. Drains shall not be connected to a septic system, unless authorized by the Health Department. Drains shall not be connected to drywells or stormdrains.

E. State and federal requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

F. Underground storage tanks shall not be located any closer to a water well than that required by state or federal regulations.

G. All surface water runoff from a site shall be drained to an established or maintained public drainageway or private drainage facility or retention facility engineered to sustain a 25 year storm load.

3.17 SWIMMING POOLS

Public and private in-ground and above-ground swimming pools are permitted in the rear or side yard of all residential districts, provided as follows:

- A. Every private swimming pool shall be completely enclosed with a permanent fence with gate or gates not less than four feet in height above the ground level. No opening in such fence or gate shall be so designated or maintained as to permit access to the pool except under supervision.
- B. They must conform to all side and rear lot line setbacks as an accessory structure.
- C. No lighting or electrical wiring shall overhang the surface of the water or be so located as to present the possibility of falling into the water. All lighting of the pool or the surrounding area shall not be so located as to reflect on adjacent property or upon adjacent buildings.

3.18 TEMPORARY USES

- A. No structure, whether temporary or permanent, of a fixed or portable construction, shall be erected or moved onto a lot and used for or stored for temporary purposes unless it meets the minimum standards in this Ordinance and is authorized by the issuance of a temporary permit.
- B. Temporary accessory structures for uses incidental to construction work may be authorized by permit by the Land Use Administrator after issuance of a building permit for the proposed structure. The temporary permit shall specify the location of the temporary accessory structure and shall terminate six months after the date of its issuance. The Land Use Administrator may renew the permit for additional six month periods if construction of the principal structure has been progressing in a reasonable manner. The temporary facility and all debris shall be removed within 15 calendar days after completion or abandonment of the work.
- C. The Land Use Administrator may issue a permit for temporary occupancy or use of a mobile home in the R-1 District subject to subsections (A) and (B), above.
- D. The Land Use Administrator may issue a permit for temporary occupancy or use of a dwelling during its construction provided it has approved on-site septic, well, plumbing and electrical systems and has been issued a temporary occupancy permit by the Building Inspector under the applicable building code. The temporary permit shall be valid for one year and may be renewed for additional six month periods if construction of the principal structure has been progressing in a reasonable manner.

3.19 CLEAR VISION CORNERS

No wall of any kind shall be permitted and no shrubbery, sign or other obstruction to vision above a height of two feet from the established street grades shall be permitted within a triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance along each line of 25 feet from the point of intersection; except that in the interest of public safety, corner clearance requirements may be

made more restrictive upon the written recommendation of the Lake County Sheriffs Department or Road Commission.

3.20 JUNK and INOPERABLE MOTOR VEHICLES

A. Trash and Junk. It shall be unlawful for any person to accumulate, place, store or allow or permit the accumulation, placement or storage of trash, refuse, litter or junk on any lands in the Township, except in a lawful junk yard, licensed sanitary landfill, transfer facility, or recycling center, as regulated unless such materials are placed in watertight storage receptacles designed for the temporary accumulation of trash.

B. Inoperable Motor vehicles. No junk motor vehicles, dismantled, partially dismantled or inoperable motor vehicle licensed or unlicensed shall be stored or placed or be allowed to remain on any lot or parcel of land for more than 30 days unless the same is kept in a fully enclosed garage, fenced in area, or completely inside a junkyard in compliance with this Ordinance.

C. Motor Vehicle Repair. Normal and customary maintenance work on motor vehicles in residential districts shall be permitted, but such work shall not be carried out on vehicles used primarily for racing or for business or commercial purposes.

[Editor's Note: Amended by Zoning Ordinance Amend. #3, eff., Dec. 30, 2000]

3.21 OUTDOOR LIGHTING

Outdoor lighting shall be so arranged that it will not shine directly on nearby dwellings or interfere with the vision of traffic.

3.22 RAZING OR DEMOLITION OF BUILDINGS

No building shall be razed without a permit from the Land Use Administrator who is authorized to require a performance bond in an amount not to exceed \$1,000 for each 1,000 square feet or fraction thereof of floor area of the building to be razed. The bond shall be conditioned on the applicant completing the demolition within such reasonable period as shall be prescribed in the permit, including filling of excavations and proper termination of utility connections, and complying with such reasonable regulations as to health and safety as the Land Use Administrator may require under this Ordinance.

3.23 PRIVATE STREETS

Private streets shall be established in the form of a recorded easement and shall be designed to the following standards:

A. The private street shall be located within a private road easement. Such easement shall not be less than 66 feet in width at any point, except that any dead-end such easement shall be widened to a minimum radius of 50 feet.

B. The private street shall be given a street name that is not the same or similar to any other street name in the county. A street sign bearing the street name given the private street meeting Lake County Road Commission standards as to design, location, and maintenance shall be erected and maintained by the property owner where such private street adjoins any public street.

C. Prior to the issuance of a land use permit for a building served by a private street, the applicant for the land use permit shall provide the Land Use Administrator:

- (1) Proof of access over the private street.
- (2) Plans of the roadway as required by this section.
- (3) A driveway permit for the private street issued by the Road Commission.
- (4) Maintenance Agreements in recordable form.

F. A private street which serves less than five lots shall have a minimum traveled width of 16 feet or if the private street serves five lots or more than the private street shall have a minimum traveled width of 22 feet; in addition all private streets shall have three foot shoulder on each side the road bed base which shall consist of at least a four inch gravel base with a 12 inch sand sub-base.

G. The private street shall be constructed to control storm water runoff, permit effective drainage, and prevent storm water from running off onto adjacent property.

H. The easement shall be continuously maintained to the standards of this section and in such a way that it will not constitute a danger to the health, safety, and welfare of the inhabitants of the Township and such that it is accessible and usable to emergency vehicles in all types of weather.

I. The provisions of this section may not necessarily apply to Planned Unit Developments and access streets internal to any individual lot or parcel of land which has direct public street frontage access and is under the control of one person provided that the access does not provide access to any abutting lot or parcel of land.

3.24 RECREATIONAL VEHICLES and EQUIPMENT

A. **Prohibited Activities.** Recreational vehicles or equipment shall not be used for living, sleeping, or housekeeping purposes, or otherwise used as a residential dwelling, when parked or stored on any parcel of land used or intended for residential dwelling purposes, or in any other

location within the Township not expressly approved for those purposes. Placement in commercial or industrial districts is prohibited except for storage of recreational vehicles and equipment described in subsection (C) below.

B. Recreational Uses. The recreational use of recreational vehicles is permitted when used exclusively for owner occupied (Land-owner controls and is responsible for guests) recreational purposes. Recreational vehicles may be permitted upon the following conditions:

- (1) Any recreational vehicle placed on the property for recreation use shall:
 - (i) Comply with applicable setback requirements for the district.
 - (ii) Provisions are made for potable water and sanitary waste disposal as approved by the Health Department.
 - (iii) In all districts recreational vehicle placement shall be allowed as long as placement conforms to legal lot setbacks.
- (2) Occupancy/Placement.
 - (i) Occupancy/Placement of a recreational vehicle in districts zoned R-1 shall be allowed between April 1 and December 31 each year and in districts zoned R-2 and Ag/F placement/occupancy shall be allowed year round (even without a dwelling on site) so long as legal lot setbacks, potable water and proper septic system are available.
- (3) The placement of recreational vehicle shall conform to all other applicable state, federal, and local laws and ordinances.

C. Storage of Recreational Vehicles and Equipment. Storage of recreational vehicles and equipment shall be as follows:

- (1) Property owner owned unoccupied recreational vehicles and equipment may be stored indefinitely on any property when located in an enclosed building; or when located outdoors if the location is on property that has an existing residential dwelling or mobile home. If stored out of doors, the equipment or vehicle will be located in the rear or side yard of occupied dwelling and complies with all side and rear lot line requirements of the district.
- (2) Where an owner's parcel of record cannot properly store such equipment due to physical property conditions, the Zoning Administrator may allow the placement of such equipment in front-yard, provided;
 - (a) The principal residence is at least 20 feet from the front property line or high water mark;

(b) The stored vehicle or equipment is properly setback from all side yard lines;
and

© Whenever the lot of record acquires additional property to meet the rear or side yard standards, then the vehicle or equipment shall be moved into the rear or side yards as otherwise required by this Section.

[Editors Note; Amended by Ord No. 2002-2, eff., July 26, 2002; and Ord No. 2006-9, eff., July 29, 2006; Ord 2020-14, eff., December 19, 2020, and Ord No. 2020-14; eff. Dec 28, 2020. Ord 2021-13, 2021-14, 2021-15, 2021-16; eff. Dec 10, 2021.

3.25 OUTHOUSES AND PRIVIES

All outhouses, privies, or other buildings or structures not connected to a sanitary sewage disposal or septic system, and which are used for the reception, disposal or storage, either temporarily or permanently, of feces or other excreta from the human body, shall be permitted only in the AG-F district, except as provided in Subsection D below, as follows:

- A. Minimum lot size of 2.5 acres with 200 foot minimum lot width.
- B. No outhouse or privy shall be located no closer than 50 feet from any property line, road right-of-way, water body, high water mark or public or private drinking water well.
- C. A permit or other authorization from the Lake County Health Department signifying compliance with regulations pertaining to the construction and maintenance of outhouses as promulgated by the State of Michigan.

D. The temporary placement of such facilities, including portable toilets are permitted in any zone during the construction of any permitted use or for a period not to exceed 5 days for special vents when approved by the Land Use Administrator, who shall find that the facilities comply with subsections (B) and (C) above.

E. The temporary placement of portable toilets may be permitted for up to 45 days on a vacant buildable lot when approved by he Zoning Administrator, who shall find that the facilities comply with subsection (B) and (C) of this section.

**ARTICLE 4
ZONING DISTRICTS**

4.1 ESTABLISHMENT OF DISTRICTS

To carry out the purposes of this Ordinance, Lake Township is to be divided into zoning districts as named and described in this Article. The boundaries of the zoning districts are established as shown on the Zoning Map, which may be one or more maps. The Zoning Map, with all notations, references and other information are incorporated as a part of this Ordinance.

4.2 DISTRICT BOUNDARIES INTERPRETED

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

A. **Boundary Lines.** Boundaries that generally follow streets, highways, alleys, or railroads shall be construed to follow the centerline or midway between the right-of-way lines. Boundaries that generally follow platted lot lines, lot lines described by metes and bounds, or governmental boundary lines shall be construed as following such lot or boundary lines. Boundaries that generally follow shorelines shall be construed to follow such shorelines; and, in the event of change in the shoreline, they shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerline.

B. **Distance Measured.** Distances not specifically indicated on the Zoning Map shall be determined by the scale of the map.

C. **Map Graphics.** Insofar as some or all of the various districts may be indicated on the Zoning Map by graphic patterns which, for purposes of map clarity, do not cover public rights-of-way or water features, it is intended that such district boundaries do extend to the center of any public right-of-way or edge of the water feature.

D. **Other Considerations.** Where physical or natural features existing on the ground differ from that on the Zoning Map, or in other circumstances not described in this section, the Zoning Board of Appeals shall interpret district boundaries. The boundary line shall be determined in a reasonable manner, considering the history of uses of property and the traditional application of the zoning ordinance, and other relevant facts.

4.3 SPECIFIC ZONING DISTRICT BOUNDARIES.

For purposes of clarity, certain zoning district boundaries are specifically described below. All areas not specifically described in this section are established in accordance with the Official Zoning Map and the rules of interpretation of Section 4.2 or as otherwise established by the Zoning Board of Appeals.

A. The R-1 District zoning boundary which generally follows Star Lake Drive and Evergreen Road extends 400 feet beyond the centerlines of Star Lake Drive and Evergreen Drive.

B. The C District zoning boundary in Sections 23 and 24 along 76th Street is measured 330 feet from the centerline of 76th Street, but excludes Lot 39 of Block 6 of Star-Cecilia and Basford Lakes Plat.

C. The I District zoning boundary in Sections 3 and 4 near the intersection of 56th Street and Evergreen Drive is measured 330 feet from the intersection of 56th Street and Evergreen Drive.

4.4 RESERVED FOR FUTURE USE

4.5 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

A. Intent. To establish and maintain a district to encourage the proper development of single family residential uses on land abutting lakes and waterways in such a manner so as to avoid pollution and preserve lakes and waterways for their highest and best use, and to encourage development for predominantly low density single family dwellings, together with a minimum of other residentially related facilities and activities primarily of service to the residents in the area.

B. Principal Uses. In the R-1, Single-Family Residential District, no building or land shall be used for any purpose except the following:

- (1) Single-family residential dwellings.

C. Special Permit Uses. Subject to the specific provisions applicable to the special land use, the following uses may be allowed in the R-1 District:

- (1) Tennis and Handball courts
- (2) Day care centers and public parks.
- (3) Expansion of existing nonconforming commercial uses as regulated in this Ordinance.

D. District Regulations. All uses shall be subject to site plan review as outlined in Article 11, shall meet any specific site/design standards as outlined in Article 8, and shall comply with the lot size, setback, lot coverage and other the Zoning District Regulations of Article 5.

4.6 R-2 RESIDENTIAL DISTRICT

A. Intent. To establish and maintain a district which allows a greater variety of housing types, including higher density developments and multiple family uses, along with other residentially related facilities and activities primarily of service to the residents in the area. In addition, as this district is also located adjacent or near lakes or streams, it also is intended to encourage the proper development of land abutting lakes and streams, avoid pollution, and preserve the lakes and streams for their highest and best use.

B. Principal Uses. In the R-2, Residential District, no building or land shall be used for any purpose except the following:

- (1) Single-family dwellings and mobile homes.
- (2) Two-family duplexes and two-story apartments of up to four units.

C. Special Permit Uses. Subject to the specific provisions applicable to the special land use, the following uses may be allowed in the R-2 District:

- (1) Tennis and Handball courts
- (2) Churches, Day care centers, residential care facilities, convalescent homes, schools, and other institutional and public uses.
- (3) Expansion of existing nonconforming commercial uses, as regulated in this Ordinance.
- (4) General farming activities including farm animals and horses as regulated, but excluding agricultural businesses and other commercial activities.
- (5) Apartment, multiple family developments, mobile home parks, bed and breakfast facilities.

D. District Regulations. All uses shall be subject to site plan review as outlined in Article 11, shall meet any specific site/design standards as outlined in Article 8, and shall comply with the lot size, setback, lot coverage and other the Zoning District Regulations of Article 5.

4.7 AG-F AGRICULTURAL-FORESTRY DISTRICT

A. Intent. To establish and maintain low density rural areas which because of their rural character and location, accessibility, natural characteristics and the potentially high costs of providing public services for intensive uses are suitable for a wide range of agricultural, forestry, natural resources and recreational uses. In addition, because Lake Township is one of the few townships in the county with large undeveloped acreage and large parcels still being used for agricultural purposes, the Township encourages the maintenance of its farmland, the development of hobby and truck farms, the production of forestry products and tree farms, and the preservation of the open space.

B. Principal Uses. In the AG-F Agricultural-Forestry District, no building or land shall be used for any purpose except the following:

- (1) Single-family dwellings, mobile homes, and two family residential uses.
- (2) Farm dwellings, barns, stables, silos, and accessory buildings, structures and uses customarily incidental to any of the foregoing permitted uses.
- (3) Agricultural, horticultural, viticultural, greenhouses or nurseries, dairy farming, cattle raising, poultry raising, apiaries, farm forestry, worm farms, and other similar bona fide farming or agricultural enterprises; excluding those operation involving commercial slaughtering or rendering of animals, commercial fertilizer production, commercial feeding, and waste disposal activities.
- (4) Markets for the sale of farm products, together with related incidental products not grown or produced upon the premises, but which are not a substantial part of the same business.
- (5) Kennels, animal hospitals, horseback riding stables, and animal boarding facilities.
- (6) Churches, Day care centers, convalescent homes, schools, and other public and institutional uses.
- (7) Tree farms and sustained forestry and Sawmills and related wood product activities.

C. Special Permit Uses. Subject to the specific provisions applicable to the special land use, the following uses may be allowed in the AG-F District:

- (1) Large indoor recreational facilities, such as bowling alleys, skating rinks (ice or roller), racquet courts, and athletic clubs or health spas.
- (2) Outdoor theaters and outdoor recreations facilities.

- (3) Golf courses and private parks/winter sport areas
- (4) Recreational camps and campgrounds
- (5) Archery Ranges, shooting ranges and gun/skeet clubs
- (6) Commercial radio, TV, cable, mobile communications and similar towers, transmission or relay stations.
- (7) Junk or salvage yards.
- (8) Soil removal, sand and gravel extraction.

D. District Regulations. All uses shall be subject to site plan review as outlined in Article 11, shall meet any specific site/design standards as outlined in Article 8, and shall comply with the lot size, setback, lot coverage and other the General District Regulations of Article 5.

4.8 C COMMERCIAL DISTRICT

A. Intent. To establish and preserve areas for those commercial uses which are especially useful and are in close proximity to residential areas, while minimizing the undesirable impact of such uses on the neighborhoods which they service.

B. Principal Uses. In the C Commercial District, no building or land shall be used for any purpose except the following:

- (1) General retail shops and stores offering convenience and other goods such as groceries, clothing personal goods and products, sundries, drugs, liquor, hardware and building supplies, gifts, antiques.
- (2) Service establishments such as Laundromats, dry cleaning pick-up stations, appliance repair, barber & beauty shops
- (3) Offices for professionals, banks, insurance and similar general activities.
- (4) Eating and drinking establishments, including fast food restaurants and bars.
- (5) Greenhouse and nurseries with floral shop.
- (6) Motels, hotels, bed and breakfast facilities, resort cabins and similar transient housing.
- (7) Auto service station.

(8) Churches, Day care centers, and adult foster care large group homes (housing over twelve AFC occupants), convalescent homes, schools, and other institutional and public uses.

(9) Single, two, and multiple family dwellings.

C. Special Permit Uses. Subject to the specific provisions applicable to the special land use, the following uses may be allowed in the C District:

(1) Indoor theaters, indoor recreational facilities, including bowling alley, Skating rinks (ice or roller), athletic clubs or health spas, and amusements centers, game rooms, and billiard parlors.

(2) Furniture/carpentry operations and commercial laundries.

(3) Storage building and garages.

(4) Auto service body shops and commercial repair garages.

(5) Wholesale establishment, and commercial facilities with screened or fenced-in outside storage.

(6) Billboards and off-site additional parking.

(7) Mobile home parks, campgrounds, and multifamily uses.

D. District Regulations. All uses shall be subject to site plan review as outlined in Article 11, shall meet any specific site/design standards as outlined in Article 8, and shall comply with the lot size, setback, lot coverage and other the Zoning District Regulations of Article 5. In addition the following specific standards shall apply:

(1) All business, servicing or processing, except for off-street parking, shall be conducted within a completely enclosed building.

(2) All business establishments shall be retail or service establishments dealing directly with customers. All goods produced on the premises shall be sold at retail on premises where produced.

(3) No single business shall have a retail floor space in excess of 6,000 square feet.

[Editor's Note: Amended by Ord No. 2006-21, eff., Feb. 3, 2007]

4.9 I INDUSTRIAL DISTRICT

A. Intent. A district designed for less intensive industrial and manufacturing, assembling, and fabricating businesses which cause a minimum of adverse effect beyond the boundaries of the site upon which they are located; and those commercial uses which are more extensive than that allowed in the C, Commercial District which occupy greater land areas and generally serve business and industrial customers as well as the general public.

B. Principal Uses. In the I, Industrial District, no building or land shall be used for any purpose except the following:

- (1) All permitted C, Commercial District uses; excluding residential activities.
- (2) Manufacturing, rendering, warehousing, tool and die, compounding, assembling, packaging, testing or treatment activities and related selling, servicing, and office operations.
- (3) Lumber yards, storage yards.
- (4) Auto service body shops and commercial repair garages, paint shops, commercial dry cleaning.
- (5) Sand and gravel extraction.
- (6) Vehicle transportation terminals.

C. Special Permit Uses. Subject to the specific provisions applicable to the special land use, the following uses may be allowed in the I District:

- (1) Indoor theaters, indoor recreational facilities, including bowling alley, skating rinks (ice or roller), athletic clubs or health spas, amusements centers, game rooms, and billiard parlors.
- (2) Billboards and off-site additional parking.
- (3) Single family uses, mobile home parks, campgrounds, and multifamily uses.
- (4) Chemical and petroleum storage areas.
- (5) Airport facilities.
- (6) Regional commercial and wholesale-style retail business.
- (7) Industrial park developments, including a complex or development of multiple number of permitted or special permitted uses.

(8) Major utility facilities, including main transmission facilities, underground storage facilities, bulk facilities and similar uses.

D. District Regulations. All uses shall be subject to site plan review as outlined in Article 11, shall meet any specific site/design standards as outlined in Article 8, and shall comply with the lot size, setback, lot coverage and other the Zoning District Regulations of Article 5. In addition the following specific standards shall apply:

(1) All business, manufacturing, servicing or processing activities, except for off-street parking, shall be conducted within a completely enclosed building.

(2) All operations shall not emanate excessive noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration, or other effects which would be a nuisance or annoyance to owners or occupants of surrounding premises.

(3) Outdoor storage and movement of any materials outdoors shall be located in a side or rear yard area and shall not exceed 50% of the square footage of the principal building upon the premises.

(4) All outdoor storage must be screened from adjoining premises and public streets with a solid wall or fence of at least six feet in height. No materials may be stored or stacked so it is higher than the fencing or wall.

(5) Delivery to and from any operation or business shall not generate excessive noise to adjoining premises located in any other district.

(6) Measures shall be taken to insure ground water protection, as regulated in this ordinance.

4.10 - 4.14 RESERVED FOR FUTURE USE

4.15 UNCLASSIFIED USES

Where a proposed use of land or use of building is not contemplated or specified or where the Land Use Administrator has a question as to the appropriateness of a use which, although basically permitted, involves other features which were not contemplated or specified by this Ordinance, the Land Use Administrator shall request a determination by the Zoning Board of Appeals. If the Zoning Board of Appeals determines that such use is not contemplated or specified by this Ordinance, or that it involves features which were not contemplated or specified, then the Zoning Board may permit such use as a special use or PUD only after it determines that it will have no more adverse affect upon adjacent property greater than the effect of other uses that are permitted in the same district, that the use is similar to other uses in the district in which it is proposed to be placed, and the spirit, purpose and intent of the zoning ordinance and Township Plan are not impaired by permitting such use at the proposed location.

ARTICLE 5

ZONING DISTRICT REGULATIONS

5.1 SCHEDULE OF REGULATIONS

Zoning district standards pertaining to minimum lot area, lot width, heights of structures, yard setbacks, floor area, and lot coverage are established for each zoning district on a table titled: "SCHEDULE OF ZONING DISTRICT REGULATIONS".

5.2 PRINCIPAL BUILDING ON A LOT

Not more than one (1) principal building with permitted accessory buildings and structures shall be located on a lot in any R-1 or R-2, except as may otherwise be provided in this Ordinance.

5.3 LOT AREA AND YARD REQUIREMENTS

A. No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

B. Lot area and density shall be computed excluding lands normally under water, streets, alleys, easements, or drives, and any portion of a parcel used in common with another tenant or user of the whole parcel.

C. The required yard space for each building, structure or use shall fall entirely upon land within a district or districts in which the use is permitted.

5.4 RESIDENTIAL FRONT YARD AVERAGING

In any residential zoning district the road oriented front yard setback may be reduced to equal the average or actual existing setbacks of those lots which are located within 200 feet of, and on the same side of the street as, the lot in question; provided that the front setback shall not be less than 10 feet.

SCHEDULE OF ZONING DISTRICT REGULATIONS (Section 5.1)
Limitations Regarding Area, Height, Setback, Bulk and Density by Zoning District

Notes:	(e),(j),(i)		(k)	(b),(c),(d),(g)			(f)	(h)	
Zoning District	Minimum Lot Area in Sq. Ft.	Min. Lot Width in Ft.	Story/Height in Stories	In Height	Minimum Front	Yard Side	Setback Rear	Min. Floor Area Per Unit (Square Ft.)	Maximum Lot Coverage
R-1 (a) Single Family Residential	15,000	75	2	30	20	10	20	720 / 1 story +100/bdrm 960 / more than 1 story +100/ bdrm	50%
R-2, (a) Residential, Duplex and Mobile Home	15,000	75	2	30	20	10	20	720/1 story; 960/+1 story 672 / mobile home Apt. 576/+100/add bdrm	50%
AG-F (a) Agricultural, Forestry	2 acre	200	3	40	40	25	40	1 & 2 story same as R-2 672 / mobile home	10%
C (a) Commercial	12,000 35%	100	2	35	25	10	25	same as AG-F	35%
I (a) Industrial	20,000	100	3	40	50	25	25	576 industrial use sameas as AG-F	35%
PUD (a) Planned Unit Development	5 acres	330	2	30	20	10	20	same as R-2 C or I as appropriate	25%

Notes to the SCHEDULE OF ZONING DISTRICT REGULATIONS:

(a) Minimum building width for any single family dwelling is 20 feet.

- (b) Setbacks are measured from the lot line or road right-of-way, to the foundation wall, outermost building wall, deck or similar part of this main principal structure. Bay windows, eaves, steps, and similar architectural elements which do not extend more than eighteen (18") inches from the structure, are not included in the setback measurement. *[Editor's Note: Amended by Zoning Ordinance Amend. #2, eff., July 19, 2000]*
- (c) Residential lots with water frontage, the waterfront side shall be considered the front yard. See Section 5.6 for waterfront setback regulations and Section 5.7 for areas adjacent to natural rivers.
- (d) For corner lots, the designated side yard abutting a street shall be equal in depth to the front yard setback requirements for the district, except where the adjoining lot on the side street has an existing dwelling, the front yard setback need not be greater than established by the existing dwelling, but in no case shall the setback be reduced to less than 20 feet.
- (e) Lot or yard widths are measured from either the front setback line for lots fronting on a road, or from the building line on waterfront lots. In platted or condominium subdivisions the minimum yard width and area requirements may deviate not more than 10% for approved subdivisions, provided the listed minimum lot sizes are met on an average, and further provided the allowed deviation will not result in the creation of an attendant increase in the number of lots.
- (f) For apartment and multiple unit developments, the ratio of efficiency apartments to other types in any apartment development shall not exceed a ratio of one efficiency to six regular apartments.
- (g) A minimum of four foot setback shall be maintained from all public utility or municipal easements and a four foot spacing shall be maintained between all unattached buildings or structures.
- (h) The maximum ground coverage requirements for a lot may be increased to 60% where stormwater drains to an approved stormwater retention facility.
- (i) Minimum lot sizes are on a per unit basis. Residential lots served by public sewer or water may be reduced by 10 percent in area and to 65 feet in lot width; where both public water and sewer are provided the lot sizes may be reduced by 20% in area and to 65 feet in lot width.
- (j) No lot in a residential zone less than 10 acres in size shall have a length to width ratio which exceeds a length greater than five times the width unless approved as part of a PUD.
- (k) In all districts, height requirements may be exceeded by chimney, silos, farm barns and storage, roof-mounted television and radio antennas, cupolas, spires ornamental projections or water towers. In industrial districts, chimneys, cooling and fire towers, elevator buildings and bulkheads, roof storage tanks and other necessary accessory structures are permitted provided they are located not less than the same distance as their height from any adjoining property. A basement shall not be counted as a story for purposes of height measurement.

5.5 CORNER AND DOUBLE FRONTAGE LOTS

- A. If a lot is bounded by two streets, the front yard requirements of the district shall be maintained for each street.
- B. If a lot is bounded by a street and a shoreline or other waterbody, the front yard requirements for the district shall be met for the street, in addition to the waterfront requirements.
- C. For residential corner lots, the Land Use Administrator shall at the time of application for a Land Use Permit on the principal building, designate a lot line opposite one of the two front lot lines which shall be considered the rear lot line. The remaining lot also being opposite a front lot line shall be considered a side yard line.
- D. For non-residential corner lots or permitted non-residential uses on residential corner lots, the Zoning Board shall make the determination and designation during site plan approval.
- E. A building on a lot having frontage on two non-intersecting streets shall have applicable front yard and setbacks on both streets.

5.6 BUILDING LINE FOR SHORELAND AND WATERFRONT DEVELOPMENT

All lots or parcels with waterfront or shoreland frontage shall comply with these provisions:

- A. No principal structure, including attached or unattached decks may be built closer to a lake or stream than an adjacent principal structure. Where each adjoining parcel has a principal structure, then each principal structure may be built no closer than a line drawn from the front of each principal structure. In no case shall any principal structure be less than 30 feet from the high water mark of the shore. In addition, no structure constructed on Big Star Lake shall be constructed so that the lowest floor level is less than 833 feet above mean sea level.
- B. That part of the setback which lies within 30 feet of the waters edge shall be maintained in its natural condition. Natural conditions may be modified if the Land Use Administrator finds that such modification will not increase run-off, and will provide the shoreline with adequate protection without altering the inherent characteristics of the waterbody. Trees and shrubs in a space not more than 50% but not to exceed 75 feet wide may be trimmed or pruned for a view of the fronting waters and for access thereto. A lot shall be regarded in its natural condition when there is at least one tree or shrub having a height of at least 10 feet for each 100 square feet of area in wooded areas or sufficient natural ground cover in open areas.
- C. Where these provisions apply to a nonconforming lot-of-record, the minimum setback may be reduced by the Land Use Administrator to 25 feet provided the said lot cannot normally accommodate any structure within the imposed original setback requirements. Any reduction of setback requirements beyond this limit may only be authorized by variance from the Zoning Board of Appeals.

D. All accessory buildings, except piers, docks, seawalls, similar water-related structures and those described in subsection (E), below, shall be set back a minimum of 20 feet back from the high water mark.

E. All other structures or accessory buildings which can be easily and economically removed and are not larger than 64 square feet and 8 feet high are exempt from the general setback requirements, but shall be a minimum of one foot above the ordinary high water mark.

F. An accessory building which by virtue of its location or type or method of construction is, in the discretion of the Land Use Administrator, permanent, shall abide by all setbacks.

G. No septic system may be located between the high water mark and the principal structure.

H. Regulations imposed in areas identified as a Natural River Zone shall govern if such restriction or regulations impose higher standards or requirements.

5.7 MAXIMUM LOT COVERAGE

The maximum ground coverage for a lot shall be measured by calculating the portion of the lot which is covered by buildings or structures and paved or impervious surfaces, including patio stones and pavers, paved walkways, driveways, wooden slatted decks and similar surfaces.

5.8 NATURAL RIVER OVERLAY ZONE

The following shall be required for all lots and parcels adjacent to or within 300 feet of the Pere Marquette River, regardless of the underlying zoning district:

A. Each lot or parcel shall have a minimum width of 150 feet.

B. No structure shall be located closer than 100 feet from the edge of the river.

C. A 30 foot wide natural vegetation strip shall be maintained on both sides of the river or any connecting stream. Trees and shrubs may be pruned in order to create a filtered view of the river, but clear-cutting is prohibited. Dead, diseased, unsafe or fallen trees and noxious plants and shrubs may be removed without approval of the Land Use Administrator. Selective removal or trimming of trees for timber harvest, landscaping or public utilities is permitted if approval is obtained from the Land Use Administrator.

D. No mining or other extractive industry or activity shall be permitted within 300 feet of the river.

ARTICLE 6

P U D -- PLANNED UNIT DEVELOPMENT DISTRICT

6.1 INTENT AND PURPOSE

A. Intent. To permit in all zoning districts Planned Unit Developments ("PUD"), which can offer greater flexibility in the use of land and the design of structures; particularly for larger developments where there may be intended a mix of uses or more than one use per lot. The provisions of this Article are not intended as a device for ignoring the Zoning Ordinance or the planning upon which it has been based. To that end, PUDs must be substantially consistent with the underlying zoning, with modifications and departures from generally applicable requirements made in accordance with standards provided in this Article to ensure appropriate, fair, and consistent decision-making.

B. Purpose. In approving a PUD, the Township shall find that there are unique environmental or cultural resources preserved; that the development is creating more collective or common open space; that there is a mutual beneficial mix of compatible land uses in the development and its neighboring uses; that the PUD offers a more creative and innovative design for the development than would not otherwise be available under the traditional zoning; and that the PUD will promote more economical and efficient use of the land and public services.

C. Effect. The granting of a PUD shall have the effect of amending the Zoning Ordinance and Zoning Map. All aspects of the final site development plan and any conditions imposed, shall constitute an inseparable part of this Zoning Ordinance.

6.2 PERMITTED USES

All uses permitted by right or by special use in this ordinance and other uses not so permitted, may be considered for a PUD. The PUD as proposed may be referred to as the "project" or "development".

6.3 DEVELOPMENT REQUIREMENTS AND STANDARDS

A. Size. The proposed planned unit development must be of at least five acres in size.

B. Maximum Density. The maximum density of any PUD shall not exceed the permitted density of the underlying zoning district by more than 1.25 times. Densities shall be based on the gross area of the PUD. Where the underlying zoning districts have different density requirements, the proportional average shall be calculated and applied to the PUD.

C. Underlying Zoning. Unless specifically waived by the Township Board upon the recommendation of the Zoning Board, all regulations of the underlying zoning district prior to

the PUD request relative to lot size, lot width, yard area, structure height, setback, accessory uses, signs, parking and loading, landscaping, general provisions and other applicable regulations shall apply, except that in projects within an underlying residential district which contain mixed uses, the most restrictive district regulations within this Ordinance under which each non-residential use would otherwise be permitted shall apply. Departure from the underlying zoning requirements may be authorized if there are features designed into the project which would achieve the intent of this Article and the objectives of each of the regulations from which a departure is being requested.

D. Design Considerations. A proposed PUD shall take into account the following specific design considerations, as they are necessary to carry forward the general purposes of this Ordinance, to ensure compliance with all applicable regulations, and to ensure the compatibility with adjoining properties and the general area where the PUD is located:

- (1) Ingress and egress to property and proposed buildings and structures, with particular reference to vehicle and pedestrian safety and convenience, traffic flow and control, and access for emergencies;
- (2) Off-street parking and loading areas where required, with particular reference to the items in subparagraph (1) above and the economic, noise, glare, or odor effects of each use in the proposed PUD;
- (3) Refuse and service areas, with particular reference to the items in subparagraphs (1) and (2) above;
- (4) Utilities, with reference to locations, availability, and compatibility;
- (5) Required yards and other open spaces, and screening and buffering, with reference to the type, location, dimensions, and character;
- (6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjoining properties and properties in the proposed PUD;

E. PUD Standards for Approval. The Zoning Board and Township Board shall find that the proposed PUD meets the intent and purposes of this Article, the underlying zoning district, and the following standards:

- (1) Granting of the PUD would permit a project where under the traditional zoning the uses, activities or designs would not be possible or feasible.
- (2) In relation to underlying zoning, the proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities, and shall not place a material burden upon PUD or surrounding land, property owners and occupants, or the natural environment.

(3) The proposed development shall be compatible with the Township Plan and shall be consistent with the intent and spirit of this Article.

(4) The PUD shall not change the basic character of the surrounding area.

(5) The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with this Ordinance. This provision shall not prohibit a transfer of ownership or control upon notice to the Township.

(6) The PUD shall give due consideration to potential nuisance factors and to the maintenance of reasonable conditions to avoid those nuisances factors, as well as to effect on surrounding property values, overcrowding of persons, sanitation, surface and ground water quality, water supply and sewage disposal, general appearance and character of the area, and other similar considerations which have an effect on achieving the purposes of this Article.

6.4 APPLICATION AND PROCEDURES

A. Pre-Application Conference. Prior to the submission of an application for PUD, the applicant shall meet with the Land Use Administrator, and such consultants as deemed appropriate. The applicant shall present at such conference or conferences a sketch plan of the PUD, and the following information:

(1) A legal description of the property in question;

(2) The total number of acres to be included in the project;

(3) A statement of the approximate number of residential units and/or the approximate number, type, and square footage of non-residential units;

(4) The approximate number of acres to be occupied and/or devoted to or by each type of use;

(5) Departures from the regulations of the Ordinance which may be requested;

(6) The number of acres to be preserved as open space or recreation space; and

(7) All known natural resources and natural features affected by the project.

B. Preliminary Site Plan Submission. Applicants shall submit eight copies of a preliminary site plan for the PUD to the Zoning Board. This plan shall be in the form of a site plan as required under Article 11 of this Ordinance and in addition shall provide the following:

- (1) A narrative describing in general terms the overall objectives of the PUD and the method of financing the development;
- (2) A specific description of all uses and activities; including the number of acres allocated to each use and the gross densities;
- (3) The proposed method of providing public and private utilities, including sewer and water service, and storm drainage;
- (4) A phasing plan if final site plan approval will be conducted in phases.
- (5) Where the project involves activities or uses governed by provisions of the Michigan Subdivision Control Act and/or Michigan Condominium Act, as amended, the applicant shall submit the information and plans as may be required by those acts and all other local procedures or regulations pertaining to that approval.

C. Zoning Board Review and Recommendation of Preliminary Site Plan.

- (1) The Zoning Board shall conduct a public hearing and give such notice as required for any zoning amendment
- (2) The Zoning Board shall review the preliminary site plan and make recommendations to the applicant based on the requirements of this Ordinance and specifically the standards of this Article.
- (3) The Zoning Board shall transmit its recommendations pertaining to the preliminary site plan along with any recommended changes or modifications to the applicant. A copy of the Zoning Board's recommendations shall be transmitted to the Township Board.

D. Township Board Approval of Preliminary Site Plan. After receiving the recommendation of the Zoning Board, the Township Board shall review the PUD based on the requirements of this Ordinance and specifically the standards of this Article and either approve, deny, or approve with conditions the PUD application and preliminary site development plan site plan. Any denial shall be specified in writing.

E. Effect of Approval of Preliminary Site Plan. The PUD amendment including the preliminary site development plan and narrative, as approved, and all conditions imposed, if any, shall constitute the land use authorization for the property. The applicant shall have one year to submit a final development plan for review and approval to the Township Board prior to starting any construction. This one year limit shall apply to only the first phase or stage of development and may be extended for a period of one additional year by the Township Board upon finding that the PUD development has encountered unforeseen difficulties and is not ready to proceed. A building permit shall not be issued until Township Board approval of the PUD final development plan.

F. Recording. The applicant shall record an affidavit with the Lake County Register of Deeds which shall contain the following:

- (1) Date of approval of the preliminary or final PUD by the Township Board.
- (2) Legal description of the property.
- (3) A statement that the property will be developed in accordance with the approved PUD final development plan and any conditions imposed by the Township Board unless amended by the Township.
- (4) A recorded copy of the affidavit shall be filed with both the Zoning Board and the Township Board.

G. Final PUD Approval. Prior to making any improvements or development of the project, the applicant shall submit a Final PUD Site Plan for approval to the Township Board. The applicant may apply for Final PUD Approval concurrently with final site plan, provided all information required for both plans is included at the time of preliminary plan approval.

H. Contents of Final Site Development Plan. The final development plan presented to the Township Board shall contain the same information required for the preliminary site development plan, in addition to the following:

- (1) Specific utility, road, landscaping and drainage plans which shall include the location and size of all water, sanitary sewer, and storm sewer lines serving the development; proposed landscaping including type, number, and size of trees and shrubs; location of signs and exterior lighting; location of roadways, foot paths, or other pedestrian walkways; and the locations of other improvements and features.
- (2) Measurements identifying the specific distance of all buildings from lot lines, right-of-ways, and other principal buildings.
- (3) Exterior architectural drawings noting building materials, height and area of buildings and accessory structures.
- (4) Next proposed phases of project (timing and physical extent).

I. Final PUD Site Plan Hearing. The applicant shall submit all required and requested information to the Land Use Administrator who shall transmit the complete application to the Township Board. The Township Board shall determine a date for and hold a public hearing for consideration of the PUD final development plan. Notice shall be given in accordance with special use application.

J. Final PUD Site Plan Review and Approval. Following the public hearing, the Zoning Board shall either approve, deny, or approve with conditions the final site plan in writing. In making its decision, the Township Board shall find that the proposed PUD meets the intent of the

PUD district and the standards identified in this Article. The Township Board final adoption shall be in the form of an amendment to this Zoning Ordinance and the Zoning Map.

K. Any interested person considering himself aggrieved by the decision of the Township in approving or denying the PUD shall have the right to appeal the decision to the Trial Court of Lake County within 21 days after a written decision is submitted to the Clerk. There will be no appeal to the Zoning Board of Appeals.

6.5 REQUIRED IMPROVEMENTS, PERFORMANCE GUARANTEES, AND AMENDMENTS

A. Required Improvements. In approving a PUD, the Township Board may, in addition to other matters, require that all or any part of the improvements and other elements of the PUD be reviewed by the Zoning Board through site plan approval in accordance with Article 11 or be constructed and completed prior to the issuance of an occupancy permit. In the event that these buildings, improvements or other elements are partially completed to a point where occupancy will not impair the health, safety, and general welfare of all parties concerned, then the Township Board may, in accordance with the site plan review provisions of this Ordinance, authorize the Land Use Administrator to grant an occupancy permit on such reasonable conditions relating to completion as the Zoning Board shall establish. The Zoning Board may, in its discretion, refer any such decision concerning the conditional occupancy permit to the Land Use Administrator.

B. Performance Guarantees. To insure compliance with the Zoning Ordinance and any conditions imposed, the Township Board may, in granting approval of a PUD, require a performance guarantee to insure the installation of required improvements as provided in this Ordinance. Improvements do not include the entire PUD.

C. Modifications and Amendments. Any proposed change to an approved PUD must be approved by the Land Use Administrator, except that any change which involves increase in overall density, increase in the size of buildings or lot size by more than 5%, the moving of buildings more than ten feet or 5% of the distance to the closest property line, or any change which would otherwise require a variance or a special use permit, or any other significant change to the approved plan as determined by the Land Use Administrator shall be reviewed and approved by the Township Board upon recommendation by the Zoning Board.

ARTICLE 7

SPECIAL LAND USE PERMITS

7.1 PURPOSE

Special land uses are those uses of land identified in the individual districts as "Special Uses". Special uses require individual review and restriction in order to assure compatibility with the surrounding area, public services and facilities, and adjacent land uses. The purpose of this Article is to establish procedures and criteria which shall be applied in considering a special use request. The criteria provided in this Article shall be in addition to those required elsewhere in this ordinance. Proposed special uses which meet the standards set forth in this Article and other provisions of this Ordinance shall be approved.

7.2 LEGISLATIVE NATURE OF SPECIAL USES

The Township Board, in granting a special use, acts under authority of the Township Zoning Act. No granting of a Special Land Use Permit shall be deemed to apply to any other premises in the Township, even if circumstances appear to another or subsequent applicant to be similar to or the same as those involved in a previous grant. No such grant of an application for special use shall be deemed an administrative or ministerial act, but shall be a decision accomplished by the legislative discretion.

7.3 APPLICATION PROCEDURES

A. Applicant. Any person owning or with the consent of the owner, or a person having an interest in the subject property, may file an application for one or more Special Use Permits provided for in this Ordinance.

B. Application. Eight copies of the application shall be submitted through the Land Use Administrator to the Zoning Board; accompanied by the application fee.

C. Data Required in Application. Every application shall be made on a form supplied by the Land Use Administrator and shall include the following:

(1) A Class B site plan, except that the Zoning Board may waive certain site plan elements upon request by showing that the required information is not needed to make a determination.

(2) The Zoning Board is not limited by this information, it may require other documents and information as may be appropriate to its review, including additional maps; engineering, soil, topographical and hydrographic studies; architectural drawings and plans; photographs; legal surveys; and in larger projects, environmental impact statements.

7.4 PUBLIC HEARING BY ZONING BOARD

The Planning Commission shall review the application and site plan following its filing and shall set a date for public hearing within 45 days. The Planning Commission shall publish one notice of public hearing not less than fifteen days before the date the application will be considered and shall notify by regular mail the parties of interest and all property owners within 300 feet of the subject property and Township Board in accordance with the Michigan zoning enabling act. The notice shall state the reason for the hearing, contain a brief description of the proposed use, and give the time, date, and place of the hearing.

[Editor's Note: Amended by Ord No. 2006-9, eff., July 29, 2006]

7.5 GENERAL STANDARDS FOR MAKING DETERMINATIONS

The Zoning Board and Township Board shall review the proposed special use according to the standards of Article 8, as applicable, and shall find that it meets all of the following standards:

- A. Will be harmonious with and in accordance with the objectives of the township master plan and the intent and spirit of this Ordinance.
- B. Will be designed, constructed, operated and maintained in a harmonious and appropriate appearance with the existing or intended character of the surrounding area, and in particular, that such a use will not change the essential character of the area;
- C. Will not be hazardous or disturbing to existing or future neighboring uses and will not cause disturbing admission of electrical discharges, dust, lights, vibrations, or noise;
- D. Will be served adequately by existing public facilities and services; such as streets, police and fire protection, drainage structures, refuse disposal, or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- E. Will not create additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the Township.
- F. Will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or require outdoor storage of raw materials or discarded processed materials;
- G. Will not cause an overcrowding of land or undue concentration of population;
- H. Will have sufficient, appropriate, and adequate land area for the use, its anticipated operation, and expansion; and,

I. Where the use is adjacent to residential areas: the use will not disturb the character, peace, or values, nor shall it create any hazards to the residents by increasing traffic, overcrowding, or the lack of nearby public facilities.

7.6 RECOMMENDATION TO TOWNSHIP BOARD

A. Upon conclusion of the public hearing or at another meeting, the Zoning Board shall recommend approval or denial of an application for a Special Use Permit to the Township Board. Recommendations shall include an accurate description of the proposed special use, a description of the property upon which the Special Use is sought to be located, recommendations and proposed conditions of the Zoning Board, along with a summary of the comments at the meeting of the Zoning Board considering the application.

B. An owner of the property, the Zoning Board, Township Board, or an owner of property or occupant of a structure within 300 feet of the land subject to the application, may request a public hearing which, if requested, shall follow the notice requirements set forth above for the public hearing set forth for the Zoning Board. Any request for a public hearing must be made within six calendar days following the Zoning Board meeting at which a recommendation was approved.

7.7 CONDITIONS

A. Prior to the granting of a Special Use Permit, the Township Board may place additional conditions or limitations on the Special Use Permit as in its judgment may be necessary to insure compliance and to carry out the purposes of this Ordinance.

B. Conditions and requirements stated as part of Special Use Permit authorization shall be a continuing obligation of Special Use Permit holders, or their successors. The Land Use Administrator shall make periodic investigations of developments authorized by Special Use Permit to determine compliance with all requirements.

C. Special Use Permits may be issued for time periods as determined by the Zoning Board; and may be renewed in the same manner as originally applied.

7.8 TOWNSHIP BOARD ACTION

A. The Township Board may affirm, modify or deny the application for Special Use Permit with all conditions; and, if approved, instruct the Land Use Administrator to issue the Special Use Permit with the conditions. If conditions are required prior to or with the permit, they shall be typed on paper and signed by the Township Clerk, as authorized by the Township Board and the applicant. An affidavit of the approved Special Use Permit shall be recorded with the County Register of Deeds, and shall be binding on the owners of the property or their successors.

B. Upon making a decision, the Township Board shall incorporate, in a statement of conclusion, the factual basis and reasons for the grant or denial of the application in written findings of fact. Such findings shall be adopted contemporaneously with the action of the grant or denial, and placed on file with the Clerk as a public record.

7.9 MODIFICATION OF APPROVED SPECIAL USE PERMIT

Once approval of the Special Use Permit Plan has been granted by the Township Board, changes to the approved plan shall require a resubmission to the Township Board of the modifications which shall be in a form required by the Township Board. Review by the Zoning Board shall be at the Township Board's discretion.

7.10 TERMINATION

Termination of a Special Use Permit by the Township Board shall occur upon a determination by the Land Use Administrator that:

A. Violations of conditions pertaining to the granting of a permit continue to exist more than 30 days after an order to correct has been issued.

B. If a Special Use Permit has been granted, but the use is not commenced within six months, it shall terminate automatically and a new application must be filed. A renewal of the permit may be requested before the end of the six months.

C. At a specified time or after certain conditions have been met, as may have been prescribed with the issuance of the original permit.

D. Within 15 days following notice of termination or revocation, an interested party has the right to appeal the decision to the Lake County Trial Court.

7.11 APPEALS

Any interested person considering himself aggrieved by the decision of the Township in the granting or denial of the Special Use Permit shall have the right to appeal the said decision to the Lake County Trial Court within 21 days after a written decision is submitted to the Clerk. There will be no appeal to the Zoning Board of Appeals.

ARTICLE 8

SPECIFIC LAND USE STANDARDS

8.1 PURPOSE

To insure the proper integration of those land uses within the district in which they are located, all special uses and those uses permitted by right identified in this article shall comply with the standards established within their subsection. These standards are in addition to the general district requirements in the zoning district in which they are located, the general standards of Article 7, and all other applicable regulations of this Ordinance.

8.2 ANIMAL HOSPITALS/CLINICS

- A. No structures housing animals shall be closer than 500 feet to a residential lot.
- B. No animal may be left outside between 9:00 P.M., and 7:00 A.M.
- C. All pens must be a minimum of 150 feet from any adjacent property line.
- D. Waste material may not be disposed of on the premises unless the parcel is five acres minimum, and such method of handling and disposal shall not cause a threat of polluting the underground water table, or create a nuisance caused by odor, runoff, or like acts.

8.3 AUTOMOTIVE SERVICE STATIONS, BODY SHOPS AND COMMERCIAL GARAGES

A. Permitted Uses. Automotive service stations may conduct minor maintenance and repairs; retail sales of gasoline, oil, propane, electricomagnatisim, and similar products; retail sale of incidental vehicle and convenience household goods, packaged foods and beverages, and similar products; and vehicle washing. Automotive body shops and commercial garages may also conduct general auto repair, engine rebuilding, welding; and parking and storage of inoperative vehicles.

B. Site Location and Lot Size.

- (1) Automotive service stations shall be located adjacent to county primary or paved secondary streets and are intended to serve residential neighborhoods; there shall be a minimum lot size of 15,000 square feet, with an additional 500 square feet each additional pump over four pumps.

(2) Body shops and commercial garages shall be located on a county primary road; there shall be 300 square feet of site area for each space intended for storage of inoperable vehicles; the minimum site width shall be 200 feet, with a minimum site area of 20,000 square feet. Commercial garages involving truck and diesel motor repair shall have an additional 1,000 square feet of site area for each additional service bay over two. There shall also be 300 square feet of additional site area for each space intended for storage of inoperable vehicles.

C. General Operations. All activities, except those required to be performed at the fuel or air pump, shall be carried on inside a building. All work performed on vehicles shall be entirely within a building. All equipment including automobile washing, dismantling, repairing equipment and body or mechanical repair shall be entirely enclosed within a building. Any portion of a building containing an auto body shop or washing areas shall consist of a solid exterior masonry wall or equivalent, approved by the Land Use Administrator, with no openings other than those required for access. There shall be no outdoor storage of merchandise such as tires, lubricants, and other accessory equipment except that outdoor trash storage may be provided in a properly screened container. For auto body shops and commercial garages, the parking and storage of inoperative vehicles, shall be within an enclosed building or shall be screened by an opaque fence not less than six feet in height and in no case shall the material stored exceed the height of the screen or be visible from any roadway. There shall be no above ground storage of gasoline; above ground storage of propane, liquefied petroleum gas, oil, or other inflammable liquids or gas is permitted provided provisions are made for screening of the tanks and ground water protection.

D. Repairs. No vehicle being repaired may remain on the premises longer than 30 days. Any inoperable automobile not being repaired at that location, because of the nature or extent of repairs, shall be removed within three days.

E. Parking. There shall be one parking space for each person employed during any given period of the day; each required parking space shall be no less than 200 square feet.

8.4 BED AND BREAKFAST FACILITIES

A. If located in a residential district, the following restrictions will apply:

- (1) The use can have no more than four sleeping rooms for guests.
- (2) Such a facility can be no closer than 500 feet to a similar facility.
- (3) The minimum lot size shall be 30,000 square feet; the facility will observe the setbacks of the district in which it is located.

B. All bed and breakfast facilities, regardless of the zone shall have its parking located in the side or rear yard.

C. All bed and breakfast facilities shall have the owner or resident manager on the premises during periods of operation.

8.5 BILLBOARDS

A. Billboards shall only be permitted in Commercial or Industrial Districts.

B. No billboard shall be located within 1,000 feet of another billboard and setback 200 feet (or 300 feet if illuminated) from any residential district or existing residence.

C. Billboards shall be setback 75 feet from the front property line and 30 feet from all other property lines.

D. No sign shall exceed 300 square feet.

E. Billboards shall comply with the general sign regulations of this Ordinance.

8.6 CAMPGROUNDS, TRAVEL TRAILER PARKS

A. The minimum lot size shall be 20 acres.

B. No commercial enterprises shall be permitted to operate within the park, except that a convenience goods shopping building may be provided in a park containing more than 50 camp sites.

C. No building or camp site shall be located within 50 feet of any property line. A house used only for purposes of residence by a park manager or owner shall conform to the requirements of the zoning district.

D. Setback requirements on the side or rear property line may be waived or modified when said line is constituted by the edge of a river or lake, and the Zoning Board shall find that no useful purpose would be served by the stipulated setback.

E. All parks shall afford direct vehicular access to a county primary road, with no openings closer than 100 feet to a side property boundary line.

F. One identification sign, not exceeding 100 square feet in area, is permitted.

8.7 CHURCHES

Churches located in residential districts shall have a minimum lot size of three acres, a minimum lot width of 300 feet and be located on a paved road.

8.8 COMMERCIAL RADIO, TV, CABLE, MOBILE COMMUNICATION, AND SIMILAR TOWERS, TRANSMISSIONS OR RELAY STATIONS

- A. The applicant shall submit certification from qualified engineers that the design of the tower or structure is sufficient to assure public safety and meet applicable code requirements.
- B. The required setback for an antenna and tower not rigidly attached to a building shall be a distance which equal or exceeds the height of the tower. Where an antenna is rigidly attached to a building and whose base is on the ground, the setback may be reduced by an amount equal to the distance between the base and where the tower is attached to the building.
- C. The minimum lot area shall be 5 acres.
- D. The tower shall be fenced in a manner to prohibit unauthorized access.
- E. There shall be no advertising or commercial signs on the tower or site.

8.9 CONDOMINIUMS AND SITE CONDOMINIUMS

Condominium subdivisions (including site condominiums for traditional residential buildings, mobile homes, campgrounds, and recreational sites; and commercial or industrial building sites) where two or more units are created and sold without dividing the land into lots shall meet the standards set forth in this Ordinance for Planned Unit Developments, as well as those stated below.

- A. The owner shall submit a proposed condominium subdivision plan or condominium plan for the final plan approval under the PUD process.
- B. Concurrent with filing the final development plan the owner shall file copies of proposed master deeds and bylaws required under the Condominium Act, Act 59 of Public Acts of 1978, as amended, along with other proposed restrictive covenants, use and occupancy restrictions, maintenance agreements, and other documents delineating control of the general and limited common elements of the project, which shall be reviewed by the Township attorney. The Township attorney shall make its recommendation prior to Township Board action. The Township may also require other engineering plans or documents pursuant to Article 11.
- C. One condition of the final development plan approval of the condominium plan shall be the filing with the Township and recording with the County Register of Deeds the master deed and subdivision plan which shall include all conditions and stipulations as approved for the condominium or site condominium by the Township Board.
- D. Regulations and Improvements. Unless specifically waived for good cause shown the Township shall require the owner to:

- (1) Enter into an agreement with the Township for the imposition of a special assessment for the cost of sewer or water or other public facilities within all easements and/or right-of-way.
- (2) Satisfy all requirements for private roads and streets under this Ordinance.
- (3) Grant easements to the Township or County for purposes of operating utilities and other public facilities.
- (4) Comply with the minimum lot size, lot width, setback standards for the underlying zoning district that the condominium project is located.
- (5) All condominium projects which consist in whole or in part of condominium units which are building sites, mobile home sites or recreational sites shall be marked with permanent monuments to identify the corners of each building site.

E. Changes or Modifications.

- (1) Any proposed change to an approved site condominium plan must be approved by the Land Use Administrator, except that any change which involves increase in overall density, increase in the size of buildings or lot size by more than 5%, the moving of buildings more than ten feet or 5% of the distance to the closest property line, or any change which would otherwise require a variance or a special use permit, or any other significant change to the approved plan as determined by the Land Use Administrator shall be reviewed and approved by the Township Board upon recommendation by the Zoning Board.
- (2) All changes in the master deed shall be filed with the Township.

8.10 CONVALESCENT HOMES

- A. Adequate off-street parking to the side or rear of any building shall be provided for employees and guests.
- B. No material of any kind may be stored on the exterior of the building.
- C. An area of 1,000 square feet of yard space shall be provided for every available patient space.
- D. The perimeter of the land upon which the home is located shall have a 10 foot buffer strip with continuous screening bushes or plants which shall attain a minimum height of five feet, except as otherwise provided in the general fence regulations.
- E. Outdoor recreational facilities may be provided, such as shuffleboard or horseshoe pits.

F. The yard space shall be flat and maintained.

8.11 DAY CARE CENTERS

A. No more than 10 children may be accommodated in any house located in a single- family residential zone.

B. A separate room or rooms containing a minimum of 150 square feet per child must be available for use by the children.

C. Adequate driveway space to accommodate four cars must be available.

D. No employees may be hired in a day care center located in a residentially platted area.

E. All other provisions pertaining to any home occupation applicable to a day care center shall be observed.

8.12 GOLF COURSES

A. The following are minimum lot size requirements: 20 acres for a 9 hole par 3 type courses; 40 acres for a par 3, 18 hole course; 50 acres for a regulation style 9 hole course; and 100 acres for a regulation style 18 hole course.

B. The minimum setback requirements for all structures, including accessory uses or non-golf uses shall be 75 feet from the front, 50 feet from the side, and 100 feet from the rear property lines. The setback for all parking areas shall be 50 feet from all property lines; in addition, where parking is located in a front yard, the greenbelt provisions of this ordinance shall be satisfied.

C. Four parking spaces for each hole; and one parking space shall be provided for each 50 square feet of dining and lounge area. No more than two driveway entrances into parking areas shall be provided for patron areas, each being no closer than 300 feet apart.

D. Residential uses and swimming pools, tennis courts, health club and similar facilities may be permitted as an accessory use to the special use.

E. All lighting shall be shielded from all property lines.

8.13 HORSEBACK RIDING STABLES

Riding and boarding stables which provide riding and/or boarding services to others are a commercial business activity regulated as a special use, which shall meet the following requirements:

- A. The minimum land area shall be 10 acres. It may include pasture, stable, training, and trails but shall not include areas used for residential or living quarters.
- B. All areas for riding trails shall be located in the AG-F District and on the same premises, provided however that the owner may lease additional lands and provided that all trails and shall not cross paved county roads, without an easement or authorization by the Lake County Road Commission.
- C. Roadways shall be adequate to service guests, and adequate for access of ingress or egress and on-site movement of emergency vehicles.
- D. Water supply and wastewater disposal and treatment systems and facilities shall be approved by the County Health Department.
- E. The location and improvement of the proposed trail system must be reasonably safe, not cause significant environmental damage, be regularly maintained, and not unreasonably affect adjoining property.
- F. An operating plan for the trail system is prepared which includes hours and days of use, a safety plan, emergency facilities, regulations for control of trails and off-trail areas, trail relationship to available toilet and waste disposal facilities.
- G. Assembly and rest areas shall include adequate parking areas, toilet facilities, and solid waste containers.

8.14 JUNK AND SALVAGE YARDS

- A. The lot size shall be no less than 10 acres.
- B. A solid fence or screening eight feet in height shall be erected so that no portion of the site can be seen from the road right-of-way, or from any commercial, industrial, or residential district. The Township may require the planting of trees, grass and shrubs to minimize the appearance of the development. There shall be no stocking of material above the height of the screening except for movable equipment used on the site. No equipment, material, signs or lighting shall be used or stored outside the enclosed area.
- C. All enclosed areas shall be set back at least 100 feet from any street right-of-way or property line and 1,000 feet from any residential district. Buildings shall be set back at least 100 feet from the road right-of-way and 50 feet from side and rear lot lines.
- D. No open burning shall be permitted. All industrial processes involving the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.

- E. Must conform to the groundwater standards within this Ordinance.

8.15 KENNELS

- A. The minimum lot size shall be two acres, with an additional one-third acre for each animal in excess of three.
- B. Buildings housing animals shall be no closer than 500 feet from all property lines; and all runs and or exercise areas shall be no closer than 150 feet from any property line. All runs or exercised areas shall be completely fenced.
- C. Signs shall be applicable to the zoning district in which the kennel is located.
- D. Lighting shall be shielded or designed so as to not to extend beyond the property lines.
- E. No disposal of waste materials from the kennel shall occur on the property, unless the kennel property exceeds 5 acres; and such handling and disposal does not cause a threat of polluting the underground water table, or create by odor, runoff, or other noxious impact on the surrounding neighbor.

8.16 MOBILE HOME PARKS

Because of mobile home parks are high density developments and rural areas such as Lake Township has limited infrastructure to support such development, they, like other intensively developed areas, must be subject to special use standards. In addition to conforming to the standards specified in Act 419 of 1976, all mobile home parks shall meet the following standards:

- A. Mobile home parks shall only be located within the AG-F, Agricultural District, R-2, Residential District, or as a Planned Unit Development.
- B. Have a minimum size of 5 acres and have a minimum setback along the perimeter of 30 feet, 15 of which will be screened or bermed.
- C. Have unit setbacks to 20 feet in the front, 10 feet on the side and rear, and 50 feet from all interior roads.
- D. Lots shall have a minimum area of 5,500 square feet; a minimum area of 4,500 square feet will be allowed if a developed recreation area of 25,000 square feet or 2% of the total developed area (whichever is greater) is provided. This recreation area cannot include any of the setbacks specified in subsection "B" above.
- E. Interior streets shall be two way with a 66 foot right-of-way; each lot must provide a minimum of two parking spaces; the Township may require additional off street parking that will be required for other uses.

F. Each development must have access to a paved county primary road; developments of more than 100 units must have two access points to paved roads.

G. All refuge areas shall be screened; outdoor storage is prohibited except that in enclosed buildings or sheds.

H. The sale of mobile homes is prohibited except for individual sales of units or sale of a unit on the site by the owner or manager.

I. All mobile homes shall be properly anchored when installed and skirted within 30 days of placement within the mobile home park.

J. The Mobile Home Park shall be located where public improvements and utilities are in place, and there will not be any required public outlay for improvements due to the location of such park.

K. In granting approval, the Zoning Board shall also find the following:

(1) No unusual hazards to life or property shall be caused by location of roads or structures affecting convenient and efficient operation of fire emergency vehicles.

(2) No structures shall be located so as to restrict access to sunlight, air or to create a nuisance by reason of excessive motor vehicles or pedestrian traffic.

(3) No hazards or disturbing influences to the neighboring uses by the emission of electrical discharge, dust, lights, vibration or noise.

(4) The design and construction shall be harmonious and appropriate in appearance with structures located within the general vicinity and such use will not detract from the essential character of the area.

8.17 RECREATIONAL FACILITIES; OUTDOOR THEATERS; MINIATURE GOLF; GO-CART, AND AMUSEMENT PARKS

A. The minimum lot size for all facilities or activities conducted outdoors shall be 2 _ acres; the minimum lot width at the building line shall be 330 feet; except that any indoor recreational facilities which use or activity is conducted completely within an enclosed building, shall have at least one-half acre, with standard commercial setbacks, unless otherwise provided.

B. No commercial structure shall be closer than 100' feet from any lot line and no outdoor activity shall be closer than 200' feet from any lot line. No game or billiard room shall be closer than 500 feet to any residential dwelling.

C. The outdoor space used for parking shall be hard surfaced, dust-free and adequately drained.

D. All areas used for the storage of trash and rubbish shall be screened by a vertical screen consisting of structural or plant materials no less than six feet in height, with a view-obstructing door.

E. The management shall provide adequate individual trash and litter containers, and the policing for the parking lot and the shoulders of adjacent roadways. These areas shall be completely cleared of accumulated debris as often as necessary.

F. Exterior lighting shall be so installed that the source of light shall not be visible from any residential use, and as far as practical reflect light away from any residential use; and in no case shall more than one foot candle-power of light cross a lot line five feet above the ground into a residential district.

G. Assemblies for concerts, outdoor performances, or similar events shall have a minimum of 20 acres and shall include an operational plan specifying the event's schedule and details; plans for ingress and egress roads, parking, and storage areas; water supply, toilet facilities, and solid waste disposal as approved by the Health Department; emergency services plans; and other event details.

8.18 SEXUALLY ORIENTED BUSINESS ACTIVITIES.

It is recognized that sexually oriented business activities have serious secondary effects in the community with regards to blight, crime, and on property values, particularly when those activities are concentrated or located within close proximity with schools, residences, public and semi-public institutions, and parks. Therefore it is necessary to regulate the potential negative impacts and to protect against the secondary negative impacts effects of sexually oriented business activities by requiring the following standards:

A. The sexually oriented business activities shall be limited to the Commercial District.

B. Sexually oriented business activities shall not be approved if the proposed location is within 1,320 feet of a licensed day care center, adult foster care home, senior citizens' center, public or private K through 12 school, park or church, or other sexually oriented business activities; excepting as otherwise provided for within this ordinance. Nor shall an sexually oriented activity be approved if located within 660 feet of any residence.

C. The Zoning Board may waive the locational standards limiting sexually oriented activities as they relate to similar uses if the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of the article will be observed. In granting of a waiver of locational requirements, conditions or limitations may be imposed upon the establishment, location, construction, maintenance, or operations of regulated use as may be necessary for the protection of the public interest.

D. Massage services may only be provided by individuals licensed by the State of Michigan. Licensed physicians, surgeons, chiropractors, osteopaths, and other occupational or physical therapists are not considered massage services and are not regulated by this section.

8.19 SHOOTING RANGES, GUN AND SKEET CLUBS

A. Minimum lot area, 40 acres; a minimum front, side and rear yards of 250 feet shall be maintained. No shooting range shall be closer than one-quarter mile from any dwellings, residentially zoned districts, and farm animals.

B. Shooting shall be conducted from 9:00 A.M. until one half hour before sunset.

C. Rifle and pistol ranges shall have adequate backstops that meet the approval of the County Sheriff or State Police.

8.20 SOIL REMOVAL, SAND AND GRAVEL MINING AND RELATED LAND USE ACTIVITIES AND STRUCTURES

A. Development Plan. An application shall include a development plan in the form of a Class B site plan prepared by a registered civil engineer, surveyor, or a landscape architect, showing the area to be excavated, with the following additional development information:

(1) Location, width and grade of all easements or rights-of-way on or abutting the property.

(2) Location of all areas on the property subject to ponding, inundation or flood hazard, and the location, width, and directions of flow of all watercourses and flood control channels that may be affected by the excavation.

(3) Bench marks and topographic contours of existing conditions, at point of maximum excavation, and after rehabilitation; and including typical cross-sections, showing the extent of over-burden, extent of sand and gravel deposits, and the water table.

(4) Processing and storage areas; proposed fencing, gates, parking and signs; ingress-egress roads, on-site roads and proposed surface treatment and means to limit dust.

(5) A map showing access routes between the property and the nearest arterial road.

B. Operational Statement. An application shall include a narrative operational statement, which includes the name, address, and approval of all property owners where excavation shall occur; the approximate date of commencement and the duration of the operation.; the proposed hours and days of operation; the estimated type and volume of the excavation; the method of

extracting and processing, including the disposition of over-burden or topsoils; the equipment to be used in the operations; the operating practices proposed to be used to minimize noise, dust, air contaminants, and vibration; and the methods to prevent pollution of surface or underground water.

C. Rehabilitation Plan. An application shall include a Rehabilitation Plan, which includes a Class B site plan indicating: the final grade of the excavation (for quarry application, the final grade shall mean the approximate planned final grade); any water features included in the rehabilitation and methods planned to prevent stagnation and pollution; landscaping or vegetative planting; and areas of cut or fill. This plan, if clearly delineated, may be included with the development plan. In addition the following shall be provided:

- (1) A narrative statement of planned rehabilitation, including methods of accomplishment, timing, a phasing plan, if the excavation of the site is to be accomplished in phases. This plan shall indicate the area and extent of each phase and the approximate timing of each phase.
- (2) The method of disposing of any equipment or structures used in the operation of the excavation upon completion of the excavation.
- (3) In agricultural areas, a soil report, prepared by a person qualified to analyze agricultural soils, shall be required for all proposals where the topsoil is not to be replaced upon completion of the excavation.

D. Development Standards.

- (1) The Township may require that all or part of the operation be screened with fencing or vegetation to protect adjacent property from adverse conditions created by mineral extraction activities.
- (2) No excavation should come within 250 feet of a residence or within 100 feet of a property line or a road right-of-way. The Township Board may allow excavation activities within this minimum set back area during the reclamation process provided no excavation is allowed within 50 feet of any property line and no activity is allowed within 25 feet of any property line.
- (3) All such operations shall be located on a paved road for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the Township Board may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.
- (4) Noise and vibrations shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such muffling and by the

proper use of berms, walls and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.

(5) Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.

(6) The operation shall be restricted to the hours of 8 a.m. until 6 p.m.; Monday through Saturday, with no Sunday operations.

(7) Reclamation and rehabilitation of mined areas shall be accomplished progressively as the area is being mined. Not more than 50% of the intended project area for projects of greater than 40 acres, or more than 75% for projects of 40 acres or less, may be completed before restoration must begin. Substantial completion of reclamation and rehabilitation shall be effected within one year after the termination of mining or excavation activity in each area. Inactivity for a 12 month consecutive period shall constitute, for this purpose, termination of mining activity.

(8) A performance bond or cash shall be furnished to the Township insuring that all standards of this Ordinance are met including the proper rehabilitation and reclamation of the mined and excavated areas, road maintenance, and screening.

(9) The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation at a slope which shall not be steeper than one foot vertical to three feet horizontal, although during construction or excavation slopes could reach 4 to 1.

(10) Topsoil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches or other planned improvements are to be completed within a one year period. Where used, top soil shall be applied to a minimum depth of four inches sufficient to support vegetation. Topsoil shall be stored, where practical, for later reclamation.

(11) Vegetation similar to that which existed prior to the excavation process shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.

(12) Upon cessation of mining operations by abandonment or otherwise, the operation company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which

can be lawfully used under the requirements of the zoning district in which they will be located may be retained.

(13) Soil boring tests shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than 150 feet from the boundaries of the site, said soil boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by the township engineer. The written consent of the owners of adjoining premises and of the Zoning Board shall be required if mining operations shall be closer than specified in the Ordinance to the boundaries of the site.

(14) No operation will be permitted that permanently reduces the water table or interferes with surface water flow.

(15) All mineral extraction activities will comply with the soil erosion and sedimentation standards of Public Act 347 of 1972, as amended.

E. Review Standards for Approval. The Zoning Board shall consider the recommendation of the DNR or the Soil Erosion Officer and following additional factors in reviewing the application:

(1) The need for the removal, and alternate solutions not requiring removal.

(2) The impact of the removal process and methods of removal on adjoining areas.

(3) The extent and amount of removal of valuable surface topsoil, and destruction of land uses by the removal.

(4) The increased hazards to neighbors, water, land or air.

(5) Whether the spirit and intent of the objectives of this Zoning Ordinance would be preserved or promoted.

8.21 TWO FAMILY and MULTIPLE RESIDENTIAL USES

Because two-family and multiple family dwellings may present particular problems in their relationship to single-family residential uses which are adjacent, the following standards shall be met:

A. All structures, the site development, and layout shall have an appearance consistent with adjacent single family uses.

B. All structures and the site development will not have an adverse effect upon adjacent residential property by providing adequate separation by distance and landscape buffers from adjacent residential properties.

C. If the site is located in a area where sanitary sewer is not available, then the site must be of sufficient size and width to provide on-site sewage disposal facilities that will not cause a potential health problem to adjacent property owners.

D. All two-family dwellings shall be constructed as side-by-side dwellings which shall provide a first floor living areas for each unit as a single family dwelling in that zoning district.

8.22 WHOLESALING ESTABLISHMENTS AND TRANSPORTATION TERMINALS

A. Minimum lot area of five acres and 200' of road frontage.

B. Parking and storage shall be hard surfaced and adequately drained.

C. All areas used for outdoor storage shall be screened by a vertical screen consisting of structural or plant materials no less than six feet in height.

ARTICLE 9

OFF-STREET PARKING REQUIREMENTS

9.1 GENERAL REGULATIONS

There shall be provided in all districts at the time of erection or enlargement of any main building, structure, automobile off-street parking space with adequate access to all spaces. The

number of off-street parking spaces, shall be as provided in this Article and shall meet the following general requirements:

- A. Off-street parking spaces may be located within any yard, with the exception that parking spaces are not allowed within any required landscaped buffer yards.
- B. Required residential off-street parking spaces shall consist of a parking strip or bay, driveway, garage, or combination and shall be located on the premises they serve.
- C. Off-street parking for other than residential use shall be either on the same lot or within 300 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot except that no off-site non-residential parking shall be permitted in a residential district. The site plan shall show ownership of all lots or parcels used as parking.
- D. Minimum required off-street parking spaces shall not be replaced by any other use unless and/or until equal parking facilities are provided elsewhere.
- E. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
- F. Two or more buildings or uses may collectively provide the required off-street parking in which case the number parking spaces shall not be less than the two-thirds of the sum of the requirements for the several individual uses computed separately. The Zoning Board shall approve agreements between the parties involved to insure that adequate parking will be available for both uses.
- G. The storage, sale, or repair of merchandise or motor vehicles is prohibited in required off-street parking areas.
- H. Parking or storage of commercial trucks and/or vehicles exceeding a rated capacity of one and one-half tons and semi-tractors are prohibited in all residential districts.
- I. For those uses not specifically mentioned, off-street parking required shall be in accord with a use which the Zoning Board considers most similar in type.
- J. When units or measurements determining the number of required parking spaces results in a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.
- K. For the purpose of computing the number of parking spaces required, the "Usable Floor Area" shall be the area used for or intended for the sale of merchandise or services, or to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall

be excluded from this computation of usable floor area, but is included in the "Gross Floor Area".

L. Except for single family residential uses, a land use permit shall be obtained before a parking area may be constructed or enlarged. All multi-family, commercial or industrial parking lots shall have a drainage plan approved by the County Road Commission or Drain Commission.

9.2 SCHEDULE OF OFF-STREET PARKING SPACES

The minimum number of off-street parking spaces by type of use shall be as specified in the following schedule, unless otherwise provided in this Ordinance:

RESIDENTIAL AND INSTITUTIONAL USES:

<u>Use</u>	<u>Required Parking</u>
Residential	2/unit; +2/unit/multi-family building
Institutional Res/Motels	1.2/unit OR 1/bed; + 1/employee
Church	1/4 seats OR 1/8 feet of pews
Elementary/Middle School	2/classroom; + 1/300 sf adm office
High School	7/classroom; + 1/300 sf adm office
Clubs/nonseated assemb, conf mtg	1/3 persons + food serv/eat req
Recreational Clubs	1/1000 sf
Auditoriums, stadiums, arenas, theaters	1/3 seats OR 1/6 feet of bench

BUSINESS AND COMMERCIAL:

<u>Use</u>	<u>Required Parking (add loading areas)</u>
Retail Sales, Offices	1/200 sf
Retail/Office limited by chair, room, etc	1/100 sf OR 3/room/chair + 1/emp
Eating/drinking estab.	1.5/100 sf OR 1/3 persons

INDUSTRIAL:

<u>Use</u>	<u>Required Parking (add loading areas)</u>
Manuf, assemb, process	1/600 sf include office OR _ emp
Warehousing	1/1,000 sf; + 1/200 sf office OR 1/employee
Mini-storage	5 + 1/5 units/bays

NOTE: "/" means per. "sf" means square footage, which is the usable floor area square footage. "emp" means employee which is the largest anticipated shift. Where there is an alternative formula "or" the more restrictive shall apply.

9.3 DESIGN STANDARDS FOR SIZE AND ACCESS

A. Except for one and two-family dwellings each off-street parking area shall be connected to a driveway at least 20 feet in width.

- B. Each off-street parking space shall be at least 9 feet wide and 18 feet long.
- C. All paved parking spaces shall be legibly marked.
- D. In non-residential districts, driveways shall connect adjacent properties in the same district to provide safe and harmonious traffic circulation and to limit the number of new driveways.
- E. Driveways opening into a county primary road shall not be closer than 40 feet to an intersection. No driveway shall be closer than 20 feet to any other road corner. No parking area shall have more than two driveways onto any primary road. No driveway shall be wider than 24 feet. No driveway shall be closer than 20 feet to any other driveway.
- F. No parking or loading space shall be directly accessible to a street except by an approved driveway.

9.4 NON-RESIDENTIAL PARKING

Every parking area in a C, I or PUD district, or multi-family, motel or commercial use in any district shall meet the following requirements:

- A. Parking areas shall be effectively screened on any side which adjoins a residential district by a greenbelt or berm. No parking area shall be closer than twenty-five feet to any residential property in a residential district or closer than 10 feet to any street.
- B. Every driveway and parking area shall be surfaced with asphalt, gravel or similar durable material as approved by the Zoning Board. It shall be graded and drained so that all surface water flows to the nearest drain or drainage ditch.
- C. Ingress and egress to a parking lot lying in an area zoned for other than single-family residential use shall not be across land zoned for single-family residential use.
- D. A site plan of the parking area, driveways, signs, lighting and landscaping shall be approved by the Zoning Board.
- E. At least five percent of all parking areas shall be landscaped. At least one area shall be located at the intersections of all internal driveways.
- F. Any off-street lighting parking area shall be installed so the illumination is confined within and directed onto the parking area only; no lighting shall shine toward dwellings or streets.

9.5 OFF-STREET LOADING AREAS

In C, I or PUD districts, off-street loading spaces shall be provided to accommodate the needs of the use. Such spaces shall be part of an off-street parking area and shall be in addition to the general parking requirements of this Article.

A. Loading and unloading space, shall be at least 12 feet in width, 50 feet in length and accessible from a street, alley or private drive.

B. Loading and Unloading spaces shall be provided as follows:

<u>Gross Floor Area (Sq ft)</u>	<u>Number Spaces Required</u>
0 - 10,000	One space
Each additional 20,000 (to 50,000)	One additional space
Each additional 50,000	One additional space

C. Off-street loading space area shall not be construed as, or counted towards, the supplying of area required as off-street parking space area.

D. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.

E. A driveway permit shall be obtained from the Lake County Road Commission.

9.6 PARKING EXCEPTIONS

The Zoning Board may approve a reduction of the required parking if all of the following are shown:

A. The parking requirement is excessive, because of dual functions, joint ownership or use, where the hours of operation do not overlap, or if the use does not attract or provide services for the general public.

B. The maximum number of employees is shown on the Site Plan.

C. The landscaped buffers are maintained.

D. A signed agreement to provide additional parking on site, when and if necessary is presented.

ARTICLE 10 SIGNS

10.1 GENERAL PROVISIONS

Except as provided, no sign or other outdoor advertising media shall be erected or maintained on any property in Lake Township that does not comply with the following:

- A. All signs will be well maintained and it shall be the responsibility of the land owner to see that all permits are obtained and zoning regulations are adhered to.
- B. Any signs separately erected are considered accessory structures. Signs larger than 32 square feet (outside measurements) including framing shall require a zoning permit to be obtained from the Land Use Administrator. All other signs must comply with the Ordinance provisions provided.
- C. Except as otherwise provided, all signs shall comply with all setback regulations for the Zoning District where they are located.
- D. Signs may be illuminated but are restricted from using flashing or pulsating lights. Lighting used will be of a constant type. No signs shall use movement or change of lighting to depict action or to create a special effect or scene.
- E. No sign shall be placed in a location where it causes a hazard to vehicular or pedestrian traffic by depriving the driver or pedestrian of a clear and unobstructed view of approaching, intersecting or merging traffic. No sign shall be placed or posted on a utility pole or tree located within a public right-of-way, except for street address and names of residences which do not exceed two (2) square feet.
- F. No wall sign shall project beyond the ends of the wall to which it is attached, nor shall a wall sign extend beyond the window sills of the floor above or twenty feet above the finished grade at the building wall whichever is lowest.
- G. No Billboards or other permanent off-premise signs are permitted without a special use permit.
- H. A permit is required for any home occupation sign that exceeds two (2) square feet.
- I. Government agencies and public facilities must comply with these regulations.

10.2 RESIDENTIAL DISTRICTS

- A. Signs advertising the rental or sale of residential property shall be located only on the property advertised and shall be limited to one sign not exceeding six square feet in area located outside the road or street right-of-way line.
- B. A non-illuminated sign announcing a home occupation or service that is offered on the premises, provided that such sign shall not exceed two square feet in area and shall be attached flat against a building wall or hung from a mailbox.
- C. One sign not exceeding 32 square feet per entrance for each multi-family complex or mobile home development identifying the name of the complex or development.
- D. A sign or bulletin board identifying a church, school or other authorized use shall not exceed 16 square feet in area and placed no nearer than 35 feet to any property line. Such sign may be illuminated by a nonflashing reflective light and the source of illumination shall be shielded from direct view of vehicular traffic or adjacent property.
- E. Other than the signs described above, no billboards or commercial advertising signs are permitted in a residential or agricultural district.

10.3 AGRICULTURAL-FORESTRY DISTRICT

- A. All signs shall conform with the stated requirements of the Residential District, except as follows:
 - (1) Agricultural related signs selling machinery, seeds, farm produced products, test plot signs; no trespassing or no hunting signs; or any signs directly related to the permitted and present use of the property on which they are placed will be permitted within the required setback as long as they are no larger than 32 square feet and erected off of the road right-of-way.
 - (2) Temporary signs advertising farm markets or the sale of fruits and vegetables in season shall be no greater than 16 square feet in area and erected for no more than a total of 4 months in any calendar year. A farm market is limited to using no more than 6 temporary signs.
 - (3) Under no circumstance may any other sign exceed 32 square feet.
- B. A non-illuminated sign announcing a home occupation or service offered on the premises provided that such sign shall:
 - (1) Not be located within the road right-of-way;

- (2) Shall not exceed 16 square feet if located within the setback requirements; or
- (3) Shall not exceed 32 square feet if located beyond the setback requirements as provided elsewhere in this ordinance.

10.4 COMMERCIAL AND INDUSTRIAL DISTRICT

The following signs are permitted for each use:

- A. Two directional signs, each not more than two square feet in area, giving directions or instructions for vehicular or pedestrian circulation in or out of a development. A directional sign shall not contain advertising display copy.
- B. For a building with multiple tenants, a directory sign which displays the names and location of occupants or the use of a building. Such a sign shall have not more than four (4) square feet in area.
- C. One freestanding sign as long as it does not exceed the following:
 - (1) Thirty-two square feet in area, unless where there are multiple uses upon any one parcel the total square footage of all sign area shall not exceed 64 square feet unless a special use permit is granted.
 - (2) Two sides upon which advertising may appear.
 - (3) A freestanding sign, if mounted on a pole or other support structure shall not exceed the height of 20 feet and shall have a minimum clearance between the ground and the bottom of the sign of 4 feet.
- D. Any number of Wall signs attached to the side of a building, as long as the total sign area of all signs does not exceed one square foot for each foot in length or height of the wall, whichever is greater, to which it is affixed. Any building set back from the front lot line more than twice the minimum setback may increase the total sign area to which it would otherwise be entitled by 50%. Further:
 - (1) Wall signs may be affixed flat against the wall of the building or may project therefrom not more than 48 inches, provided that such signs do not project over a sidewalk or public right of way.
 - (2) Wall signs shall extend no more than four feet in height above the building to which it is affixed.

E. Window signs shall not cover more than 30% of the total window surface of the building to which they are attached. If a building has multiple tenants, no one tenant may cover more than 30% of the surface area of the windows in the unit occupied by that tenant.

F. Automotive Service Stations may display the following signs in addition to those described above:

- (1) Directional signs or lettering displayed over individual entrance doors or bays.
- (2) Customary lettering, insignias which are a structural part of the gasoline pump and non-illuminated credit cards.

G. Shopping centers, malls, cooperative association of adjacent or series of adjacent business uses may construct one freestanding sign with an area greater than 64 square feet, but not more than 392 square feet, subject to the following restrictions:

- (1) The maximum sign area shall be the aggregate of 75% of the size of freestanding signs that each business is entitled up to a maximum of 392 square feet.
- (2) Only one freestanding sign is permitted for all businesses.
- (3) If more than one parcel is involved, an agreement signed by all property owners accompanied by a statement from a title insurance company verifying such ownership, stating agreement by the parties to aggregate each individual parcel's freestanding signs will be required.

10.5 MISCELLANEOUS SIGNS

The following signs are permitted in all zoning districts, on or off premises, and shall not require a Land Use Permit, except as provided:

A. Political Signs. Political signs used in conjunction with local, state, or national elections or referendum, impending public action or decision are permitted, provided no sign is larger than 16 square feet in area and no sign is placed no closer than 10 feet from the road's edge and no closer than 50 feet from where two or more road right-of-ways intersect. All political signs shall be removed within seven days after the election, action or decision.

B. Directional Signs. Signs which only provide the name of the entity and directional information to that entity are permitted as follows:

- (1) Signs designating the entrance, exits, parking and loading areas, and similar traffic signs are permitted, provided no sign is larger than four square feet and no sign shall be located closer than five feet from any property line.

(2) Signs directing traffic towards public, cultural, religious and institutional uses or towards residential subdivisions are permitted, provided no sign is larger than 16 square feet and no sign shall be closer than five feet from any property line. No more than one sign is permitted from any one direction and no more than two signs are permitted for any one use. A Land Use Permit is required for each sign.

(3) In all residential districts, signs advertising the rental or sale of residential property shall be located only on the property advertised, except that one off-premises Directional Lead-In Sign per realty company may be placed off the major or local road right of way. A second Directional Lead-In Sign is permitted on a road leading to the property, where a corner or intersection exists in the road. The placement of signs on private property must be with the prior approval of the landowner.

(a) All Directional Lead-In Signs must not exceed two square feet in size.

C. Temporary Signs. The following temporary signs are only permitted with a Land Use Permit:

(1) A sign or display involving special decorative displays, signs, pennants, flags or banners used for holidays, public demonstrations for promotion of public or civic events or other public purposes for any event which requires such signage or display for more than three days. No permit shall extend for more than 30 days.

(2) A promotional sign announcing special events or sales is permitted for any private use for a period of not more than 10 days; provided no sign shall be larger than 24 square feet and no sign shall be closer than five feet from any property line. No more than one sign is permitted on any property for more than two times in a calendar year.

[Editor's Note: Amended by Ord No. 2002-3, eff., Feb. 8, 2002]

10.6 ELIMINATION OF NONCONFORMING SIGNS

A. Nonconforming signs in use on the effective date of this ordinance shall be permitted to remain, provided they are properly maintained. Such maintenance is restricted to painting and minor repairs which cannot be considered a rebuilding of the sign.

B. Extensive repairs constituting rebuilding must meet the requirements of the pertinent zoning district. However, any existing sign so constructed, placed or illuminated as to constitute a safety or traffic hazard shall be corrected within 30 days of the effective date of this ordinance, or within 30 days of written notice to correct.

ARTICLE 11

SITE PLAN REVIEW

11.1 PURPOSE

It is the purpose of this article to require site plan approval for all buildings, structures, and uses requiring a land use permit to achieve, through the site plan review process, safe and convenient traffic movement; harmonious relationships of buildings, structures and uses; the conservation of natural features and resources; and to insure compliance with this Ordinance.

11.2 USES REQUIRING SITE PLAN APPROVAL

A. Class A Site Plans. Class A site plans shall require review and approval only by the Land Use Administrator for the following buildings, structures, and uses:

- (1) Single family residential uses and any alterations, and their accessory uses and structures.
- (2) Accessory uses, and expansions or alterations to existing commercial uses which do not increase the ground floor area of the building or use by more than 15%.
- (3) Signs and parking areas containing less than 20 spaces.

B. Class B Site Plans. Class B site plans shall require review and approval by the Zoning Board. The following buildings, structures and uses require a Class B site plan:

- (1) All special land uses and planned unit developments.
- (2) All new commercial or industrial uses or expansions or alterations of existing commercial industrial uses by more than 15% of the ground floor area.
- (3) Parking areas containing 20 or more parking spaces.
- (4) All other uses not otherwise specified.

11.3 SITE PLAN REQUIREMENTS

A. Class A Site Plans requiring only Land Use Administrator approval shall contain a sketch plan which need not be to an exact scale but should accurately reflect the lot layout and location of all structures, buildings, uses and features regulated by this Ordinance and as required by the Land Use Administrator. The sketch plan shall give dimensions to and from the property line to all structures, buildings, and uses. It shall show natural and manmade features, including surface water, drainage facilities, roads, driveways, utilities, and existing and proposed vegetation on the

lot. The Land Use Administrator may require other information as necessary under Subsection B to determine compliance with this Ordinance.

B. Class B Site Plans requiring Zoning Board approval shall contain the following information, unless specifically waived by the Land Use Administrator or Zoning Board, in whole or in part:

- (1) The names and addresses of the property owner, petitioner, and individual or firm responsible for preparation of the site plan.
- (2) A locational sketch drawn to scale showing the general area within a half mile radius of the boundaries of the development area including respective zoning abutting the subject property.
- (3) The date, north arrow, and scale. The scale shall not be less than 1" = 20' for property under three acres and at least 1" = 100' for those three acres or more.
- (4) All lots and/or property lines are to be shown with dimensions, including building setback lines.
- (5) The location and height of all existing and proposed structures on and within 100' of the subject property's boundaries. On the lot, and within 100'.
- (6) The location and dimension of all existing and proposed driveways, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas (showing dimensions of typical parking space), unloading areas, recreation areas, common use areas, and areas to be conveyed for public use or purpose.
- (7) Location and pavement width and right-of-way widths of all abutting roads, streets, alleys or easements.
- (8) The location, height and type of fences, walls and landscaping and other accessory uses.
- (9) The size and location of existing and proposed utilities, including proposed connection to public or private sewer or water supply systems.
- (10) Location and size of all surface waters and drainage facilities.
- (11) Topographic information showing contour intervals at two foot intervals for average slopes 10% or under or five foot intervals for slopes over 10%.
- (12) Hydrological and groundwater information, and information regarding groundwater protection measures.
- (13) Existing and proposed vegetation; identifying that being removed.

(14) A narrative description of the proposed use or development, anticipated market to be served, traffic impact, environmental impact, or the development impacts on the township.

(15) Photographs and renderings of the project, building and uses.

(16) A survey of the property prepared by a registered engineer, landscape architect, or architect or other licensed individual which is certified to the Zoning Board.

(17) Any other information necessary to establish compliance with this Zoning Ordinance and other ordinances of Lake Township.

11.4 REVIEW PROCEDURES

A. A Class A site plan only requiring Land Use Administrator's approval shall be submitted to the Land Use Administrator who shall review the site plan for conformance with this Ordinance in the standards in Section 11.5, below. The Land Use Administrator may require reasonable conditions to insure compliance with this Ordinance. The Land Use Administrator shall keep one copy of the approved site plan for the Township's records. A denial of the site plan shall be in writing stating the reasons for denial. Appeal of a denial by the Land Use Administrator may be made to the Zoning Board of Appeals.

B. A Class B site plan requiring Zoning Board approval shall be submitted with eight copies to the Land Use Administrator who shall keep one copy of the proposed site plan and deliver the remaining copies to the Zoning Board. The Zoning Board shall study the site plan and may attach such conditions as are necessary to insure compliance with this Ordinance. If the site plan is disapproved, the reasons for disapproval shall be stated. Upon approval of the site plan, two copies shall be signed and dated by the Chairman of the Zoning Board. One signed site plan shall be kept filed in the Township's records and the other returned to the applicant. Appeals of a decision of the Zoning Board shall be made to the Lake County Trial Court.

11.5 STANDARDS FOR SITE PLAN REVIEW

In reviewing the site plan, the Land Use Administrator or Zoning Board shall determine whether the site plan is consistent with this Ordinance and in accordance with the Township Plan and more specifically with the following:

A. That the movements of vehicular and pedestrian traffic within the site and in relation to the access to streets will be safe and convenient.

B. That the layout in the site plan is harmonious with and not injurious or objectionable to existing and projected uses in the immediate area.

- C. That the site plan shows the use will be adequately served by necessary improvements, including but not limited to, sewage collection and treatment, potable water supply, storm drainage, lighting, roads and parking.
- D. That the site plan is adequate to provide for health, safety and general welfare of the persons and property on the site and in the neighboring community.
- E. That all buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- F. Areas with access on or water frontage shall consider these issues:
- (1) Proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - (2) The susceptibility of the proposed facility and its contents to high water damage and the affect of such damage on the individual owner.
 - (3) The availability of alternative locations not subject to high water hazards for the proposed use.
 - (4) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - (5) The relationship of the proposed use to land use and drainage plans and programs for the area.
 - (6) The safety of access to the property in times of high water or ordinary and emergency vehicles.
- G. That all requirements of this Ordinance and other ordinances are satisfied.

11.6 SITE PLAN REGULATIONS

- A. If the site plan is conditionally approved, the Land Use Administrator shall provide an affidavit of site plan (zoning permit) approval, with any conditions noted; however the chairman of the Zoning Board shall not sign the approved site plan until the applicant has submitted evidence of compliance of all conditions required.
- B. No grading, removal of trees or other vegetation, landfilling, or construction of improvements shall commence for any development which requires site plan approval until an approved site plan has been properly signed.
- C. The plan and conditions approved shall be followed continuously by the owner/developer, its successors, or assigns. Cessation or deviation from the conditions and plan

shall invalidate the approved land use and any permits or licenses issued by the Township in reliance thereon, and constitute a violation of this Ordinance.

D. The Zoning Board may request adequate security for the performance of any conditions in the form of cash, bank cashier's check, certified check, construction bond, in such amount they feel reasonable, as provided in Section 15.4 of this Ordinance.

E. Site plan approval shall be automatically terminated in six months from the date of approval if no building permit has been granted, or if granted, no construction on the principal structure has commenced, excluding site preparation, unless the applicant obtains an extension for good cause shown, or the site plan was part of a Special Use Permit, PUD, Site Condominium, or other special approval granted, in which case, the term shall be coterminous with that approval.

F. The Land Use Administrator shall not issue a land use permit for any land use requiring site plan approval until an approved site plan has been signed by the chairman of the Zoning Board or approved by the Land Use Administrator.

G. Where necessary, the Zoning Board may insist that the conditions for approval be signed by the applicant and recorded with the County Register of Deeds.

H. Any material or substantial error in the site plan shall void site plan approval and terminate any other approval so authorized based on the site plan.

ARTICLE 12

NONCONFORMING USES, LOTS AND STRUCTURES

12.1 INTENT

Nonconforming uses, structures and lots are those not conforming to a provision or requirement of this Ordinance but were lawfully established prior to the time of its applicability. The general intent is to ultimately seek the natural removal of all non-conforming uses. For purposes of this Ordinance three classes of nonconforming exist: Class "A", "B", and "C". Nothing in this Ordinance shall prevent a nonconforming use or structure from being sold, transferred, or conveyed, so long as the action will not increase the degree of nonconformity or change the use or structure to another nonconforming use or structure.

12.2 CLASS "A" NONCONFORMING USES AND STRUCTURES

A. Class "A" nonconforming uses and structures are those which have been so designated by the Zoning Board of Appeals, after application by any interested person or the Land Use Administrator. The Zoning Board of Appeals shall find that the continuance of the nonconformity would not be contrary to the public health, safety, or welfare, or to the spirit of this Ordinance; that the use or structure does not and is not likely to significantly depress the value of nearby properties; that the use or structure was lawful at the time of its inception; and that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform. The Zoning Board of Appeals may attach such conditions as may be necessary to insure compliance with the above requirements.

B. No Class "A" nonconforming use shall be resumed if it has been:

- (1) Damaged or destroyed to an extent that total reconstruction of the structure would be required (excluding the construction of basements, foundations, etc.); except as provided for in subsection (E).
- (2) Discontinued for any continuous period of at least 12 months.
- (3) Changed to a conforming use for any period.
- (4) Found to be in violation of any conditions established for its Class "A" designation.

C. No nonconforming use shall be altered in any way which would increase its nonconformity.

D. No vested interest shall arise out of a Class "A" designation.

E. Where a Class "A" nonconforming structure is nonconforming by reason of substandard lot area, lot coverage, setback, height, lot width, road frontage or parking; or other characteristic of the structure or locations identified in this Section; such structure may be continued, enlarged or reconstructed so long as it remains otherwise lawful, provided:

(1) The use is classified as a permitted use or use by special permit in the District in which it is located, and the structure is not enlarged or altered in any way which increases its nonconformity relative to the lot size, lot width, height, setback, ground coverage, floor area, or parking requirements.

(2) Should such structure be totally destroyed, the structure may be reconstructed, provided it is in conformity with the minimum setback provisions of that District.

(3) Should such structure be moved for any reason or for any distance, it shall thereafter conform to the setback provisions of that District.

12.3 CLASS "B" NONCONFORMING USES

Nonconforming Commercial Retail and Commercial Resort uses located in the R-1, District may be designated as Class "B" as provided for in Section 12.2(A), above. These Class B nonconforming uses may be repaired, rebuilt or expanded, upon approval of a Special Use Permit, provided as follows:

A. Commercial Retail Uses may be rebuilt or repaired when 40% or more of the nonconforming structure is destroyed by fire, wind or other natural disaster, as follows:

(1) The total building area may be expanded by not more than 120% of the existing ground floor area or 150% of the existing total building area; however no total building area shall exceed 5,000 square feet.

(2) All setback standards of the R-1 District are satisfied, except that if the current building was setback less than that provided in the R-1 District, then approval may be conditioned on placement of the building in its original location.

(3) All standards and conditions required for Special Uses Permits, are satisfied.

B. Commercial Resorts (meaning a use that offers for rental or lease residential dwellings, rooms, campers, campsites, mobile homes or other forms sleeping quarters; which individually are referred to as "residential units"), may expand as follows:

(1) Residential units. The number of residential units may be increased by a number equal to 0.5 units per acre of the total area of the existing non-conforming use; provided the overall density of the Commercial Resort does not exceed 2.0 units per acre.

- (2) Land area. The land area devoted to the resort use on the existing parcel may be enlarged by not more than 50% over the existing residential area.
- (3) All areas expanded or units added shall continue to be classed as a non-conforming use.
- (4) All R-1 District setback standards are satisfied.
- (5) All standards and conditions required for Special Uses Permits, are satisfied.

12.4 CLASS "C" NONCONFORMING USES AND STRUCTURES

A. All nonconforming uses and structures not designated as Class "A" or Class "B" are considered as Class "C".

B. It is the purpose of this Ordinance to eliminate Class "C" nonconforming uses and structures as rapidly as permitted by law without payment of compensation. Towards this end:

- (1) No nonconforming use shall be resumed if it has been discontinued for a continuous period of at least one year, if it has been changed to a conforming use for any period, or if it has been damaged to the extent that the cost of reconstruction or repair exceeds 50 percent of the reproduction costs of the structure.
- (2) No nonconforming use shall be enlarged or structurally altered.
- (3) No nonconforming use shall be changed to a substantially different nonconforming use.

C. No Class "C" nonconforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

12.5 REPAIR AND MAINTENANCE OF NONCONFORMING USES

Such repairs and maintenance work as required to keep it in sound condition may be made to any Class "B" or "C" nonconforming building or structure, provided that no structural alterations shall be made in such building or structure shall not, during its life subsequent to the date of its becoming nonconforming, exceed 60% of its assessed value for tax purposes at such date unless changed to a conforming structure.

12.6 TOWNSHIP ACQUISITION

The Township may acquire, by purchase, condemnation or otherwise private property or an interest in private property for the removal of nonconforming structures and uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from the general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in the Township. The elimination of the nonconforming uses and structures in any zoning district is to be declared to be for a public purpose and for a public use. The Township Board, upon a recommendation of the Zoning Board or the Land Use Administrator, may institute and prosecute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain as provided by law.

12.7 NONCONFORMING LOTS

In any district in which single-family residences are permitted, a single-family residence and customary accessory buildings may be erected on any lot-of-record. If a parcel contains two or more nonconforming lots which are contiguous and would make one or more conforming zoning lot, then only one structure would be permitted per conforming parcel. The spirit of this provision is to limit density in areas of historically small lots to provide for proper isolation for wells, septic systems, drainage and similar public health conditions.

ARTICLE 13

VARIANCES AND APPEALS

13.1 ZONING BOARD OF APPEALS

The Zoning Board of Appeals (referred to as the "Board of Appeals") shall have and exercise the following powers:

- A. To act on all questions as they may arise in the administration of the Zoning Ordinance, including the interpretation of the zoning text and map.
- B. To hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with enforcing the provisions of this Ordinance; except the Board of Appeals shall have no power to hear appeals regarding Special Use Permits, Planned Unit Developments, Class B site plan reviews, and the denials of zoning amendments and rezonings.
- C. To order the issuance of permits for buildings and uses.
- D. To ascertain in which district any unspecified use should be located, by determining which district has the most similar comparable uses.
- E. To adopt rules of procedure governing the transaction of its business.

13.2 VARIANCES

The Board of Appeals may order the issuance of dimensional variances from the terms of this ordinance.

A. **Dimensional Variance.** A dimensional variance from any standard established in this Ordinance may be granted in the discretion of the Board of Appeals to allow a modification from such standard establishing area, yard, height, floor space, frontage, setback, or similar numerical restriction, but only after substantive evidence establishes that there are "practical difficulties," in carrying out the strict letter of this Ordinance. Dimensional variance shall be permitted only when they are in harmony with the general purposes and intent of this Ordinance. The Board of Appeals shall find all of the following factors in determining "practical difficulties":

- (1) That there are exceptional or extraordinary circumstances or conditions applying to the property in question, as to the intended use thereof, that do not apply generally to other properties in the same zone.

(2) That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zone. The possibility of increased financial return shall not of itself be deemed sufficient to warrant the granting of a variance.

(3) That such variance, if granted, will not be of substantial detriment to adjacent property, will not alter the essential character of the neighborhood, and will not materially impair the intent and purposes of this ordinance or the public interest.

(4) That the condition or situation of the property or the intended use is not of so general or recurrent in nature as to make reasonably practicable a general regulation for such condition or situation.

(5) The plight of the landowner is due to the circumstances unique to his property not created by the landowner, or applicant's own action.

(6) Whether, in view of the manner in which the difficulty arose, and considering all of the above factors, the interests of justice will be served by allowing the variance.

B Additional Findings. The Board of Appeals shall, after finding "practical difficulties" " exists, also find that the proposed use:

(1) Will be harmonious with and in accordance with the general goals and specific objectives of the Township's plan.

(2) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with existing or intended uses of the district.

(3) Will be the minimum variance necessary to make possible the reasonable use of the land, building or structure.

(4) Will not be issued a variance if the district allows the use by special use permit unless the special use permit has been granted conditioned on the variance.

(5) Will become a nonconforming use or structure which shall then be subject to the nonconforming use provisions regulating the continued use.

C Condition and Review. The following shall apply in the granting of variances:

(1) The Board of Appeals may specify, in writing such conditions to secure substantially the objectives of the regulations or provisions to which such variance applies. The breach of any such condition shall automatically invalidate the permit granted.

(2) No application for a variance which has been denied wholly or in part by the Board of Appeals shall be re-submitted for a period of one 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 of Appeals to be valid.

(3) Each variance granted shall become null and void unless the provisions of the variance have been utilized by the applicant within one year after the granting of the variance.

13.3 APPEALS

A. Appeals of any administrative action, unless otherwise provided in this Ordinance, may be taken by any interested person affected within 21 days of entry of the decision in Township records, by filing with the Board of Appeals a notice of appeal specifying the grounds for appeal.

B. Appeals shall be heard within 45 days after receipt, at a public hearing. Notice of the public hearing shall be published once, at least 10 days prior to the hearing in a newspaper, setting forth the time, date, place and reason for the hearing. Property owners and occupants within 300 feet in all directions of the affected property shall have a notice sent them by First Class Mail, at the address given in the last assessment roll. A decision shall be made within 30 days, in writing, setting forth reasons.

C. An appeal stays all proceedings in furtherance of the action appealed from, unless the Board of Appeals certifies in writing that a stay would cause imminent peril to life or property.

D. The Board of Appeals shall require an affirmative vote of 2/3 of its membership to reverse, in whole or part, or modify an order, requirement, decision or determination appealed from; and to that end shall have all the powers of the officer from whom the appeal was taken and may direct the issuance of a permit. The Board of Appeals may by simple majority vote affirm any action appealed and attach reasonable conditions to achieve substantial compliance with the objectives and purpose of this Ordinance.

E. The Board of Appeals shall keep complete and detailed records of all its proceedings, which shall include the minutes of its meetings, its findings and actions taken on each matter heard by it, including the final order. The order shall include the legal description of the property involved. Reasons for the decision shall be stated in writing. The Board of Appeals shall record the vote of each member on each question, including any absences or other reasons for failing to vote. All records shall be open for public inspection. Meetings shall be held at the call of the Chairman and at such other times as the Board of Appeals may determine.

13.4 INTERPRETATIONS

The Board of Appeals may hear a request for an interpretation of the terms of this ordinance by any interested person. The Board of Appeals shall conduct a hearing upon the request, following the same procedures for an appeal, except that notice to specific properties shall not be necessary. All determinations shall be in writing.

13.5 FURTHER RELIEF

All decisions by the Board of Appeals in granting variances or in hearing appeals shall be final, except that any interested person affected shall have the right to appeal within twenty-one (21) days after the decision, to the Lake County Trial Court.

ARTICLE 14
AMENDMENTS

14.1 INITIATION

Amendments to the Zoning Ordinance text or to the Zoning Map (a _rezoning_) may be initiated by any interested person and payment of the proper fee.

14.2 ACTIONS

A. No amendment shall be considered until a public hearing has been held by the Planning Commission. Notice of the public hearing shall be made by printing a notice of the time, place, date, and purpose at least once in a newspaper of general circulation in the Township, not more than fifteen (15) days before the hearing, in accordance with the Michigan zoning enabling act. If 10 or fewer properties are part of the proposed amendment, notice of the public hearing shall also be given to the owner of the property in question, to all persons who own any real property within 300 feet of the premises in question and to the occupants of all properties within 300 feet. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. Where notices are mailed, an affidavit of mailing shall be maintained.]

C. After the public hearing, the Zoning Board shall submit the proposed amendment, along with its recommendation and a summary of the public hearing comments to the Township Board for their actions.

D. Prior to the adoption of this Ordinance or any amendments to this Ordinance by the Township Board, copies of amendment or appropriate provisions shall be forwarded to the Lake County Planning Commission, and to other state authorities which are obligated by law to review appropriate portions of this Ordinance for their review and comment.

E. Upon receipt of the Zoning Board and County Planning Commission's recommendation the Township Board may adopt or reject the amendment as proposed. However, if the Township Board decides to make any changes, it must return the proposed amendment with changes to the Zoning Board for review and comment. After receipt of this report, the Township Board may proceed to adopt the amendment.

F. Adoption of the zoning amendment shall be in the form of an amendatory ordinance and shall not become effective until a summary of the ordinance is published.

G. A zoning amendment is subject to referendum as provided by law.

[Editor's Note: Amended by Ord No. 2006-9, eff., July 29, 2006

ARTICLE 15

ADMINISTRATION

15.1 LAND USE ADMINISTRATOR

A. Duties. The Township Board shall appoint one, or more, Zoning Administrator(s) (formerly referred to as Land Use Administrator) who shall administer and enforce the provisions of this Ordinance. The Zoning Administrator shall perform the following duties:

- (1) Provide necessary forms and applications.
- (2) Determine and verify zoning compliance upon the demonstration that the applicant's plans are found to conform with the provisions of this Ordinance.
- (3) Issue any authorized permits.
- (4) Identify and record information relative to nonconforming uses.
- (5) Provide assistance in zoning changes and amendments to the Ordinance text or map.
- (6) Maintain files of applications, permits and other relevant documents and said records are open for public inspection.
- (7) Make a monthly report of activities to the Township Board.

B. Powers. The Zoning Administrator shall have all the powers and authority conferred by law to enforce the provisions of this Ordinance, including, but not limited to, the following:

- (1) Access to any structure or premises for the purpose of performing his duties between 8:00 A.M. and 6:00 P.M., by permission of the owner or upon issuance of a special court ordered inspection warrant.
- (2) Upon reasonable cause or question as to proper compliance, he shall notify, in writing, the persons responsible for such violations, indicating the nature of the violation, and ordering action necessary to correct it. He shall order discontinuation or removal, issue cease-and-desist orders, or take other action authorized by the Ordinance to ensure compliance or prevent violations.

C. Except as specifically provided in this Ordinance, the Zoning Administrator shall not vary, change or grant exceptions to any terms of this Ordinance, or grant special privileges to any person making application under the requirements of this Ordinance.

[Editor's Note: Amended by Ord No. 2006-9, eff., July 29, 2006]

15.2 LAND USE PERMITS

- A. No building, structures, including fences, or other uses of land shall be erected, moved, added to, or structurally altered without a Land Use Permit issued pursuant to this Ordinance by the Land Use Administrator.
- B. No Land Use Permit shall be issued by the Land Use Administrator that does not conform with this Ordinance, except by written order of the Board of Appeals.
- C. Plans submitted in application for a Land Use Permit shall contain information necessary to show conformity with this Ordinance.
- D. Land Use Permits shall only be valid for a period of six months from the date of issuance. However extensions of up to six months may be granted by the Land Use Administrator upon proper application, where there exists visible on site construction under the original permit. Extensions shall be subject to review and final approval by the Lake Township Board at its next regularly scheduled meeting.

15.3 FEES AND EXPENSES

The Land Use Administrator shall recommend a schedule of fees, charges and expenses for permits, certificates, appeals, hearings, special meetings and other documents and actions required by the provisions of this Ordinance to be adopted by resolution of the Township Board. This schedule shall be available to the public from the Township Clerk and from the Land Use Administrator. No permit, certificate, amendment, appeal or variance shall be issued unless such fees, charges or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals or Zoning Board, unless or until fees, charges and expenses have been paid in full. The Township Board shall have the authority to waive fee requirements or to refund a fee upon showing of hardship or for other public policy reasons.

15.4 PERFORMANCE BONDS

The Zoning Board may require a performance bond, irrevocable letter of credit, cash bond, or certified check in an amount equal to the estimated cost of providing road, lighting, parking, access, utility, sewage, water, sidewalk, landscaping, and drainage, or other related improvements associated with the project and required under this Ordinance. Such performance guarantee shall be deposited with the Clerk of the Township at the time of the issuance of the permit authorizing the activity of project to ensure faithful completion of the improvements indicated on the approved site plan. If conditions set forth in the approved site plan, PUD, Special Use Permit, or other authorizations are not faithfully completed, the performance guarantee shall be forfeited. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Land Use Administrator. In cases where the provisions of this Article have not been met, the amount of the performance guarantee shall be used by the Township to complete the required improvements, and to enforce the Zoning

Ordinance, including bearing the costs of legal proceedings to enforce the provisions of this ordinance, pay all fees, costs, attorney fees, and to restore the premises to conform to this and other laws, ordinances, codes, rules, and regulations applicable. The balance, if any, shall be returned to the applicant. The Performance Bond cannot guarantee the entire project or development.

15.5 VIOLATIONS AND PENALTIES

A. **Governing Provisions.** No building, structure or land shall be used or occupied and no building or structure or any part shall be erected, constructed, reconstructed, moved or structurally altered so as to be in violation of this Ordinance. No license, permit, variance, or action may be taken which violates this Ordinance. The Township shall not waive any of its rights or remedies against any person violating this Ordinance which violations were performed in reliance on authorization erroneously given in violation of any provision. Any permit, license, variance, or action authorized that is contrary to this Ordinance is deemed illegal and invalid from date of the grant of authorization.

B. **Complaints.** Whenever a violation of this Ordinance occurs or is alleged to have occurred, any person or official may file a written complaint with the Land Use Administrator stating fully the causes or basis of the complaint. The Land Use Administrator shall maintain a record of such complaints and shall take appropriate action pursuant to the provisions of this Ordinance.

C. **Unauthorized Changes.** Any unauthorized change in the official Zoning Map shall be considered a violation of the provisions of this Ordinance.

D. **Injunctive Relief.** In addition to all other remedies, the Township may institute appropriate action or proceedings to prevent, restrain, correct or abate violations or threatened violations and it is the duty of the Township Attorney to institute such action.

E. **Civil Infraction Violation.** Unless specified otherwise in this ordinance, violations of this ordinance shall be a municipal civil infraction which is an act or omission that is prohibited, made or declared to be unlawful, or an offense by this ordinance, but which is not a crime under this ordinance, and for which civil sanctions, including without limitation, fines, damages, expenses, and costs may be ordered as authorized by Act 326 of Public Acts of 1961 as amended, subject to the following provisions:

(1) Sanctions for a violation of a civil infraction shall be a civil fine in the amount of not less than \$50.00, plus other costs, damages, expenses, and other sanctions for each infraction.

(2) Increased civil fines may be imposed for repeat violations of this ordinance. As used in this section, "repeat offenses" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by the same person or others associated or in concert with that person and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise

specifically provided by this ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:

(a) The fine for any offense which is a first repeat offense shall be no less than \$250.00, plus costs.

(b) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no less than \$500.00, plus costs per offense.

(3) A municipal civil infraction action may be commenced upon the issuance of a municipal civil infractions citation directing the alleged violator to appear in court or municipal civil infraction notice directing the alleged violator to appear at the Township Violation Bureau.

(4) Failure to answer a citation or notice to appear in court for a municipal civil infraction is a misdemeanor violation punishable by a fine of not more than \$500.00, plus other costs, or by imprisonment for a term not to exceed 90 days, or both fine and imprisonment.

(5) Failure to comply with an order, judgment, or default in payment of a civil fine, costs, damage, or expenses so ordered may result in enforcement actions, including but not limited to imprisonment, collections, placement of liens, or other remedies as permitted in Chapter 87 of Act 326 of Public Acts of 1961 as amended.

(6) A municipal civil infraction is not a lesser included offense of a criminal offense or an ordinance violation that is not a civil infraction.

F. Misdemeanor Violations. It shall be a misdemeanor, punishable upon conviction by a fine of not to exceed \$500.00 (plus other costs), imprisonment for a term of not to exceed 90 days, or both fine and imprisonment; for any person who:

(1) Makes a knowing false statement, representation, or certification in an application, report, record, plan, or other document filed or required to be maintained pursuant to this ordinance; or

(2) Willfully continues or violates this Ordinance after suspension or revocation of a permit authorized under this Ordinance or other ordinances or state law.

G. Nuisance Per Se. A violation of any regulation contained in this Ordinance, is determined to be detrimental to the health, safety and general welfare of the residents, property owners, and other persons within Lake Township, and is deemed a public nuisance per se. Any violation of this Ordinance shall constitute a basis for injunctive relief against the violator to restrain and prohibit the violator from continuing the violation, in addition to any other relief or penalty provided by this Ordinance or allowed by law.

H. Continuing Offenses. Each day on which a violation of the ordinance continues, constitutes a separate or repeat offense and shall be subject to penalties or sanctions as a separate or repeat offense.

I. Plat Violations. Where the Land Use Administrator determines that an area is in violation of the Michigan Subdivision Control Act, no land use permits shall be issued.

J. Certificate of Occupancy. After receiving the necessary permits and complying with the requirements of this Ordinance and having evidence of compliance with other codes and laws, the Land Use Administrator shall issue a certificate of occupancy.

K. Building Construction Violations. No person shall perform any construction, seek and receive a building permit, as required by the Building Code in effect in Lake Township, or an environmental health, soil erosion, or other local or state permits as are enforced in Lake Township, without an approved land use permit.

L. Overlapping Jurisdiction. In addition to the approvals and permits required and specified in this Ordinance, the Land Use Administrator shall, prior to the issuance of any Township permit, be satisfied that the permit for the particular development and/or construction have been or will be approved from such state or other local, county, state and/or federal agencies having jurisdiction in such matters pursuant to local ordinances, county ordinances, state or federal laws.

M. Administrative Liability. No officer, member, agent or employee of the Township Board, Zoning Board, or Board of Appeals, shall be personally liable for any damage or consequence that may occur as a result of any act, decision, or other event or cause by discharging their duties and responsibilities pursuant to this Ordinance.

ARTICLE 16

LEGAL SUFFICIENCY

16.1 REPEAL OF PRIOR ZONING ORDINANCE

This Ordinance is a newly adopted ordinance and repeals the entire Zoning Ordinance of Township of Lake, originally adopted April 18, 1984, and all its amendments and supplements.

16.2 SEVERABILITY

In any case in which the provisions of this Ordinance are declared by the courts to be unconstitutional or invalid, that ruling shall not affect the validity of the remaining provisions of the Ordinance and to this end the provisions of this Ordinance are declared to be severable.

16.3 SAVINGS CLAUSE

The adoption of this Ordinance shall not prevent or bar the continuance or institution of any proceedings for offenses committed in violation of the prior Lake Township Zoning Ordinance, as amended.

16.4 EFFECTIVE DATE

This Ordinance shall become effective on August 2, 1997, at least thirty (30) days after publication.

ADOPTION CLAUSE

This Ordinance was offered by Supervisor Graber and supported by Trustee Balulis at the Lake Township Board meeting on June 18, 1997. The vote being as follows:

Yeas: Supervisor Graber, Clerk Hodges, Treasurer Farr, Trustees Balulis and Ryskamp
Nays: None
Absence: None

ORDINANCE DECLARED ADOPTED

CERTIFICATION STATEMENT

I certify that the foregoing Lake Township Zoning Ordinance is a true copy of the original Ordinance adopted at a regular meeting of Lake Township Board on June 18, 1997; effective August 2, 1997.

Robert Reidel,
Lake Township Clerk