

**Definitions**

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

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

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

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

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

The word “structure” includes the word “building.”

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

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

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

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

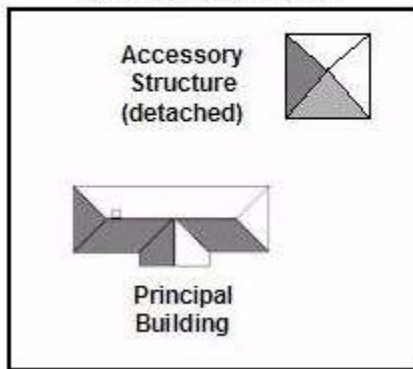
The term “he” shall be read as he, she, or they.

**SECTION 202. DEFINITIONS**

ACCESSORY BUILDING: A subordinate building, the use of which is incidental to that of the main building, and which is located on the same parcel of property as the main building. *(Amended 4.18.2011 adding):* To include canvas and aluminum structures, those are to be classified as open structures. Open structures can have a roof, but no front, back or sides enclosed. They have the same requirements as a normal accessory building.

**LAKE TOWNSHIP ZONING ORDINANCE**

**Principal and Accessory Buildings - Residential**

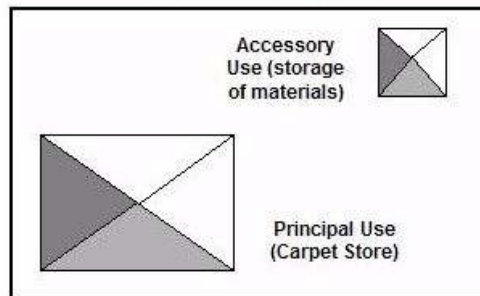


**ACCESSORY BUILDING, ATTACHED:** A building accessory to the main building, which is physically attached to the main building.

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

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

**Principal and Accessory Use**



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

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

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

## LAKE TOWNSHIP ZONING ORDINANCE

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

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

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

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

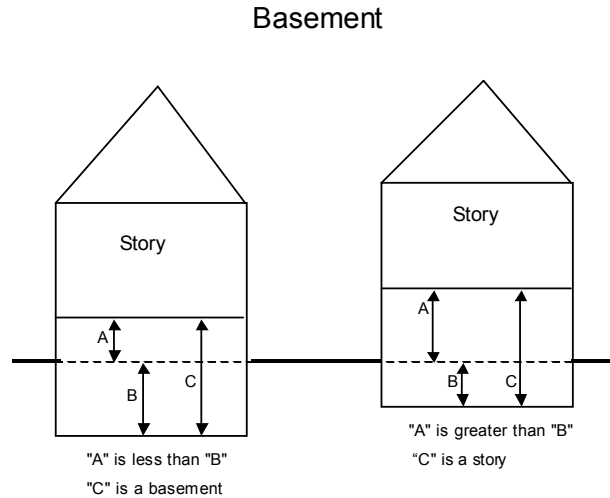
**AUTOMOBILE REPAIR:** General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles including collision service, such as body, frame, or fender straightening and repair, painting, vehicle rust-proofing and any related activities.

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

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

## LAKE TOWNSHIP ZONING ORDINANCE

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



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

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

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

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

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

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

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

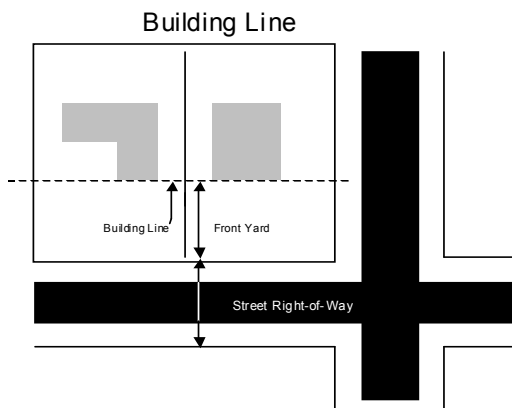
**BUFFER:** An area, typically found at the perimeter of a use, designed to filter noise, light and other potentially invasive effects of a higher intensity use, such as a service station, from a lower intensity use, such as residential development.

## LAKE TOWNSHIP ZONING ORDINANCE

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

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

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



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

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

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

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

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

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

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

## LAKE TOWNSHIP ZONING ORDINANCE

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

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

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

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

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

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

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

## LAKE TOWNSHIP ZONING ORDINANCE

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

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

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

**CONVERTIBLE AREA:** Means a unit or portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this ordinance and the Condominium Act.

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

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

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

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

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

## LAKE TOWNSHIP ZONING ORDINANCE

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

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

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

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

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

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

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

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



## LAKE TOWNSHIP ZONING ORDINANCE

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

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

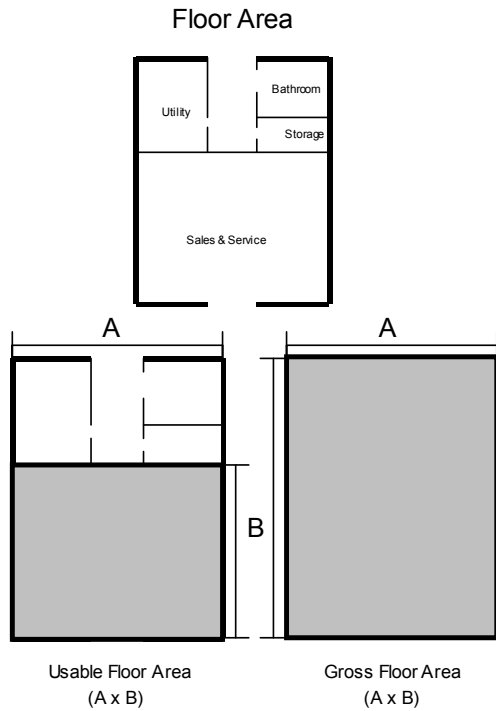
**FAMILY:**

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

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

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

# LAKE TOWNSHIP ZONING ORDINANCE



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

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

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

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

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

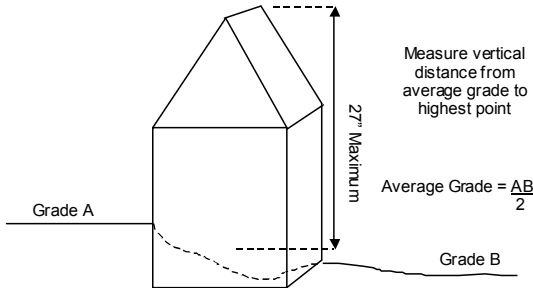
**GARAGE, PRIVATE:** A space or structure suitable for the storage of motor vehicles having no public shop or service in connection therewith, for the use solely of the owner or occupant of the principal building on a lot, or his family or domestic employees, and with a capacity of not more than three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

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

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

**LAKE TOWNSHIP ZONING ORDINANCE**

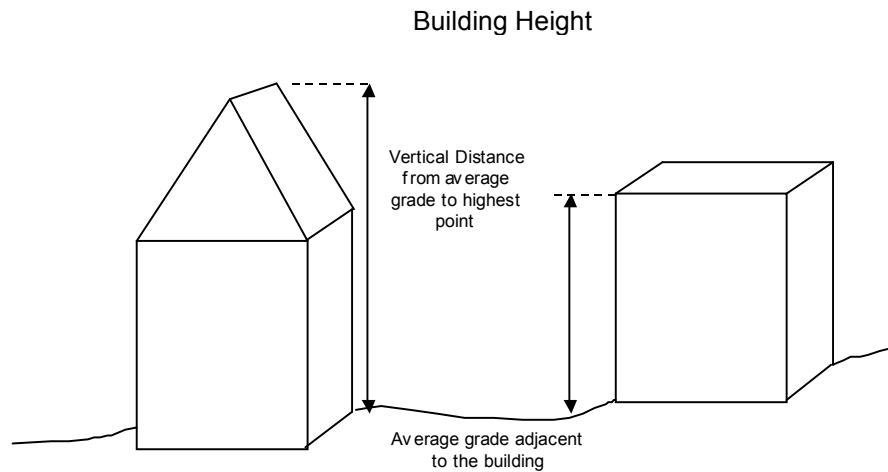
**GRADE, BUILDING:** Average elevation of the ground adjacent to the walls of a building.



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

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

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



## LAKE TOWNSHIP ZONING ORDINANCE

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

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

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

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

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

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

**LAKE TOWNSHIP ZONING ORDINANCE**

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

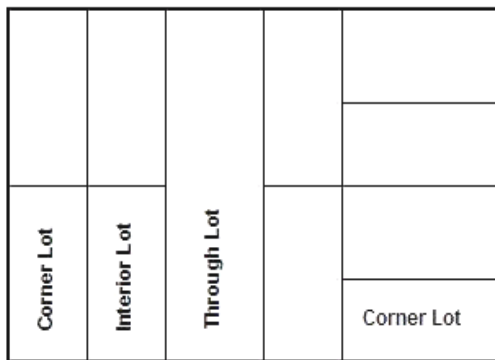
**LOADING SPACE:** An off-street space at least ten (10') feet wide, twenty-five (25') feet long and fifteen (15') feet high, either within a building or outside on the same lot, provided, maintained, and available for the loading or unloading of goods or merchandise and having direct and unobstructed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

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

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

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

Lot Types



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

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

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

## LAKE TOWNSHIP ZONING ORDINANCE

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

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

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

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

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

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

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

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

## LAKE TOWNSHIP ZONING ORDINANCE

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

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

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

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

**MOBILE HOME:** See Manufactured Home.

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

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

**NON-CONFORMING USE OR BUILDING:**

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

## LAKE TOWNSHIP ZONING ORDINANCE

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

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

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

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

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

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

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

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



## LAKE TOWNSHIP ZONING ORDINANCE

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

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

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

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

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

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

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

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

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

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

# LAKE TOWNSHIP ZONING ORDINANCE

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

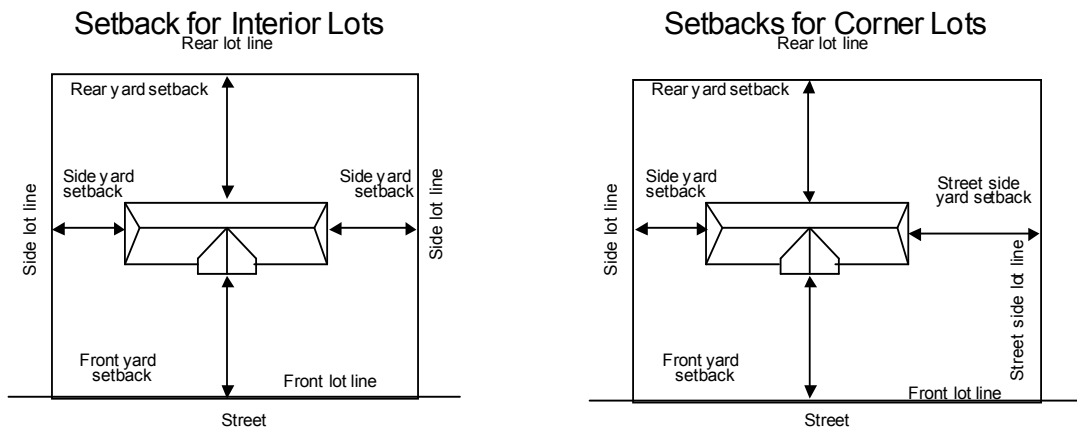
**ROOF RIDGE:** The outside top edge covering of a building.

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

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

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

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



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

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

## LAKE TOWNSHIP ZONING ORDINANCE

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

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

**SIGNS, NUMBER AND SURFACE AREA:** For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit.

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

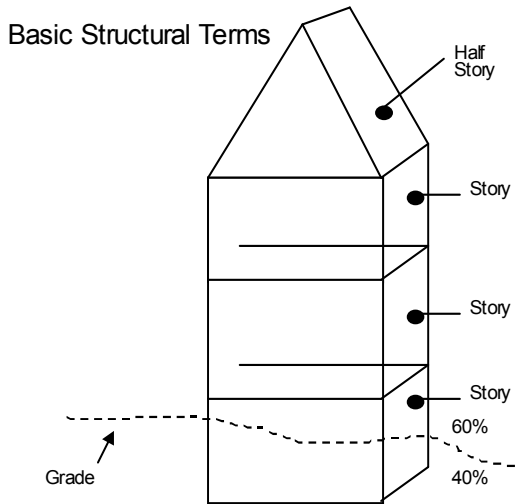
**SITE AREA:** The total area within the property lines excluding street rights-of-way.

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

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

# LAKE TOWNSHIP ZONING ORDINANCE

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



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

**STORY, HALF:** The part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (½) the floor area of said full story. (See illustration entitled “Basic Structural Terms”).

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

**STRUCTURE:** ~~Anything constructed or erected which requires permanent location on the ground or attachment to something having such location.~~ Anything constructed, erected, or placed on a parcel of land which is permanently located in the ground or attached to something having a permanent location. This shall include buildings, manufactured homes, pre-manufactured units, modular units, and similar items. Any structure located on the same premises for more than six months shall be deemed to be permanently located within the meaning of this definition. *Amended 5.20.2013*

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

## LAKE TOWNSHIP ZONING ORDINANCE

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

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

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

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

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

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

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

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

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

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

WALL OR RETAINING WALL: See fence.

## **LAKE TOWNSHIP ZONING ORDINANCE**

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

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

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

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

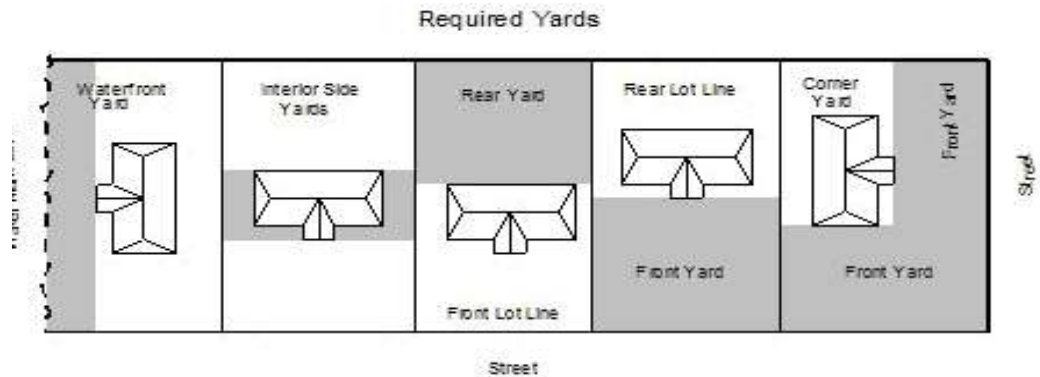
**WIRELESS ATTACHED COMMUNICATION FACILITIES:** Wireless communication facilities affixed to existing structures, including but not limited to existing buildings, towers, water tanks or utility poles.

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

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

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

**LAKE TOWNSHIP ZONING ORDINANCE**



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

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

**YARD, SIDE:** A yard between all the main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of all buildings the main building. *Amended 8.6.2015*

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

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

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