

Lake Charter Township

Zoning Ordinance



Adopted: October 17, 2011

Effective: _____

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CHAPTER 1

Short Title and Purpose

Section 1.01 Title

This Ordinance shall be known and may be cited as the "Lake Charter Township Zoning Ordinance."

Section 1.02 Statement of Purpose

A. This Ordinance is based in part upon the Lake Charter Township Master Plan and is designed to:

1. promote the public health, safety and general welfare;
2. encourage the use of land in accordance with its character and adaptability and limit the improper use of land;
3. conserve natural resources and energy, to meet the needs of the State's citizens for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land;
4. insure that uses of land shall be situated in appropriate locations and relationships;
5. avoid the overcrowding of population;
6. provide adequate light and air;
7. lessen congestion on the public roads and streets;
8. reduce hazards to life and property;
9. facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and
10. conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties.

B. This Ordinance is adopted with reasonable consideration, among other things, of the character of each zoning district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development.

Section 1.03 Scope and Interpretation

This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the

land to which the Township is a party. Where this Ordinance imposes greater restrictions, limitations, or requirements upon:

- A. the use of buildings, structures, or land;
- B. the height of buildings or structures;
- C. lot coverage;
- D. lot areas;
- E. yards or other open spaces; or
- F. any other use or utilization of land imposed or required by such existing laws, ordinances, regulations, private restrictions, or restrictive covenants, the provisions of this Ordinance shall control.

Section 1.04 **Legal Basis**

This Ordinance is enacted pursuant to the Michigan Zoning Enabling Act, Act 110 of 2006, as amended.

Section 1.05 **The Effect of Zoning**

Zoning applies to every building, structure or use. No building, structure or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved, placed, reconstructed, extended, enlarged or altered, except in conformity with this Ordinance. This zoning ordinance is written to be prescriptive. Unless a use or action is specifically permitted by the ordinance, it shall be deemed prohibited. All uses shall conform to local, state and federal laws.

CHAPTER 2

Definitions

Section 2.01 **Statement of Purpose**

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows: The word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The present tense includes the future tense, the singular number includes the plural, and the plural includes the singular. The word shall is mandatory, the word may is permissive. The words used or occupied include the words intended, designed, or arranged to be used or to be occupied. The word his includes the word her. The word building shall include the word structure. The word automobile shall include the word vehicle. Unless otherwise indicated, where the term “Section” is used, it shall mean a Section of this Ordinance.

Section 2.02 **(“A”)**

Access – A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

Accessory Building – A structure, building or portion of a building supplementary and/or subordinate to a main building on the same lot occupied by or exclusively to an accessory use.

Accessory Structure – See Accessory Building.

Accessory Use – A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Addition – An extension or increase in floor area or height of a building or structure.

Adult Care Facilities - A facility for the care of adults, over eighteen (18) years of age, as licensed and regulated by the State under Michigan Public Act 218 of 1979, as amended, and governed by rules promulgated by the State Department of Consumer and Industry Services. The organizations shall be defined as follows:

- A. **Adult Foster Care Facility:** A governmental or non-governmental establishment that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.

- B. **Adult Foster Care Family Home:** A private home with the approved capacity to receive six (6) or fewer adults to be provided with foster care for twenty-four (24) hours a day, five (5) or more days a week and for two (2) or more consecutive

weeks for compensation and the adult foster care family home licensee is a member of the household and an occupant of the residence.

- C. Adult Foster Care Small Group Home:** A private home with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation where the licensee is not required to live in the home.
- D. Adult Foster Care Large Group Home:** A private home with the approved capacity for thirteen (13) to twenty (20) adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation where the licensee is not required to live in the home.

Adult Caring Institution - A state licensed adult residential facility, which provides care and supervision on a twenty-four (24) hour basis for the treatment of mental health, alcohol, substance abuse or other long-term illness or rehabilitation program. The terms institutions for mentally handicapped, drug or alcohol patients, correctional institutions, or mental health facilities shall mean the same, with regard to persons eighteen (18) years of age or older.

Agricultural Market Stand: The sale of agricultural goods or value-added products when such products are not grown on site.

Airport – Land, water, or structure which is used or intended for use, for the landing and takeoff of aircraft, and appurtenant land or structure used or intended for use for airport buildings or other airport structures or right-of-way.

Alley – A public way not more than thirty (30) feet in width which affords a secondary means of access to abutting property but not being intended for general traffic circulation.

Alteration – Any construction or renovation to an existing structure other than repair or addition that requires a permit. Also, a change in a mechanical system that involves an extension, addition or change to the arrangement, type or purpose of the original installation that requires a permit.

Attic – That part of a building that is immediately below and wholly or partly within the framing.

Auction house – A building, area, or areas within a building used for the public sale of goods, wares, merchandise, or equipment to the highest bidder.

Automobile - Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, or road, excepting devices moved by human power or used exclusively upon stationary rails or tracks. For the purposes of this ordinance, a buggy shall also be considered an automobile.

Automobile Repair - Any major activity involving the general repair, rebuilding or reconditioning of motor vehicles, engines, or trailers; collision services, such as body,

frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

Automobile Service Station - A building and lot or parcel designed or used for the retail sale of fuel, lubricants, air, water or other operating commodities for motor vehicles (including trucks, aircraft and boats) and including the customary space and facilities for the installation of such commodities on or in such vehicles and including space for storage, hand washing, minor repair, and servicing, but not including vehicle repair as defined in this Chapter.

Section 2.03 (“B”)

Basement – That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling, and as defined by the Michigan Building Code, as amended.

Bed & Breakfast - A use within a detached single dwelling in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

Biological products manufacturing – The process of producing pharmaceuticals, biological-based chemical products for medical use or diagnostic testing, and or similar products.

Board, Township – The words, “Township Board,” shall mean the Lake Charter Township Board.

Boat Ramp or Landing – A facility to launch and retrieve recreational boats or watercraft from a trailer.

Body Shops and Wrecker Services – A facility for the temporary warehousing and repair of automobile bodies, interiors, or installation of aftermarket body parts. Uses shall not include the repair or maintenance of motors, transmissions, running gear, or similar mechanical components.

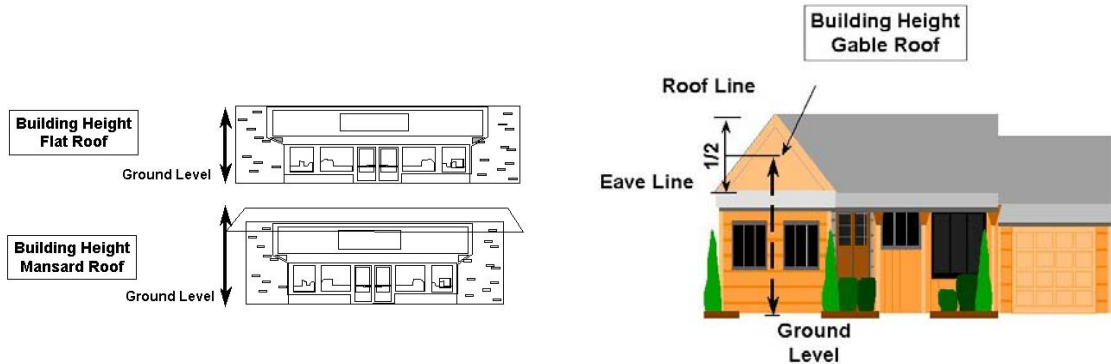
Bowling alley – An indoor facility for the playing of the sport of ten-pin or duck-pin bowling, with customary accessory uses such as snack bars.

Buildable Area – The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

Building – A combination of materials, whether portable or fixed, forming a structure affording a facility or shelter for use or occupancy by persons, animals or property, and as defined by the Michigan Building Code, as amended.

Building Height – The vertical distance measured from the established grade to the highest point of the roof’s surface for flat roofs, and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping

terrain, height may be measured from the average ground level of the grade at the building wall.

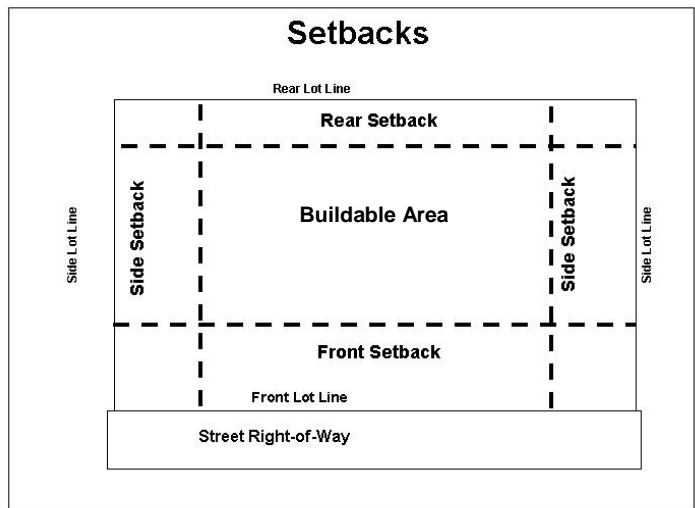


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Building, Main or Principal – A building in which is conducted the principal use of the lot on which it is situated.

Building Setback Lines – Lines marking the setback distance from the lot lines that establish the minimum permitted front, side, or rear yards.

- A. Front building setback line** - The line marking the setback distance from the front lot line which establishes the minimum required front yard.
- B. Rear building setback line** - The line marking the setback distance from the rear lot line which establishes the minimum required rear yard.
- C. Side building setback line** – Lines marking the setback distance from the side lot lines which establish the minimum required side yards.



Section 2.04 ("C")

Car wash – A facility for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

Cemetery – A facility or site used for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

Chemical storage, warehousing, and transport – The storing and moving of chemicals for commercial or industrial purpose.

Child Care Organization - An organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision notwithstanding that educational instruction may be given. Child care organizations are licensed and regulated under the State of Michigan Act 116 of 1973, as amended, and include the following:

- A. Commercial day care (or Day Care Center):** A facility, other than a private residence, receiving one or more children for care for periods of less than twenty-four (24) hours a day and for not less than two (2) consecutive weeks and where the parents or guardians are not immediately available to the child. This may also include day care for adults needing oversight and monitoring.
- B. Foster Family Home:** A private home in which one (1) but not more than four (4) minor children, who are not related to an adult member of the household by blood, marriage or who are not placed in the household pursuant to the adoption code, are given care and supervision for twenty-four (24) hours a day, for four (4) or more days a week for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- C. Foster Family Group Home:** A private home in which more than four (4) but fewer than seven (7) minor children, who are not related to an adult member of the household by blood, marriage, or who are not placed in the household pursuant to the adoption code, are provided care for twenty-four (24) hours a day, for four (4) or more days a week for two (2) or more consecutive weeks, unattended by a parent or legal guardian.
- D. Family Child Day Care Home:** A private home in which one (1) but fewer than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
- E. Group Child Day Care Home:** A private home in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to the adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Commercial/retail establishments – A facility or site dedicated to the selling of goods, wares, or merchandise directly to the ultimate consumer or persons.

Commercial Vehicle Or Equipment– Any vehicle bearing or required to bear commercial license plates and which falls into one or more of the categories listed below: (1) truck tractor; (2) semi-trailer, which shall include flat beds, stake beds, tanker bodies, dump bodies and full or partial box-type enclosures; (3) vehicles of a type that are commonly used for the delivery of ice cream, milk, bread, fruit or similar vending

supply commercial or delivery trucks. This category shall include vehicles of a similar nature which are also of a type commonly used by electrical, plumbing, heating and cooling, and other construction oriented contractors; (4) tow trucks; (5) commercial hauling trucks; (6) vehicle repair service trucks; (7) vehicles with blades attached for plowing, grading; (8) construction vehicle, such as a bulldozer, backhoe and similar vehicles; (9) a vehicle which has permanently mounted outside brackets or holders for ladders, tools, pipes, or other similar equipment; or (10) a boat used for commercial activity such as towing, hauling, or public safety.

Commission, Planning – This term shall mean the Lake Charter Township Planning Commission.

Communication Tower– A structure designed and constructed to support one or more antennas used for licensed telecommunications services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public and as defined and regulated under Lake Charter Township Ordinance 00-1 as telecommunication tower.

Composting operation – A facility or site where organic matter that is derived primarily from off-site is to be processed by composting and/or is processed for commercial purposes. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of compost.

Condominium Act - Public Act 59 of 1978, of the State of Michigan, as amended.

Condominium Project or Site Condominium Project - A plan or project consisting of not less than two (2) condominium units established in conformance with the Condominium Act.

Condominium Unit - That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreation, use as a time share unit or any other type of use.

Contractor's office and yard – A facility or site and associated buildings used primarily for the office operations and the storage of equipment, vehicles, machinery (new or used), building materials, paints, pipe, or electrical components used by the owner or occupant of the premises in the conduct of any building trades or building craft.

Section 2.05 (“D”)

Day Care Center – See Child Care Organizations.

Deck – An accessory structure exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports.

Density – The number of developable lots or dwelling units per acre of land.

District, Zoning – A Zoning District as described in Section 4.06 of this Ordinance.

Drive-Through Facility – A commercial establishment whose character is significantly dependent on providing a driveway approach and service windows or facilities in order to serve patrons while in or momentarily stepped away from the vehicle.

Driveway – A roadway providing private access for vehicles to a parking area, garage, dwelling or other structure.

Driving range – An area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, and which may include a snack-bar and proshop, but excludes miniature golf courses and “putt-putt” courses.

Dry cleaning plant – A building, portion of a building, or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in volatile solvents including, but not by way of limitation, solvents of the petroleum distillate type, and/or the chlorinated hydrocarbon type, and the processes incidental thereto.

Dwelling – A building or portion thereof that is used exclusively for human habitation and which provides complete living facilities, including permanent provisions for sleeping, eating, cooking and sanitation.

Dwelling, Manufactured – A dwelling which is transportable in one (1) or more sections, that 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 therein and is installed by a Michigan Licensed Mobile Home dealer or Michigan Licensed Mobile Home installer as required by Michigan statute, and administrative rules promulgated there under.

Dwelling, Multi-Family – A building which is a dwelling designed for or occupied by three (3) or more families, with separate housekeeping, cooking, and bathroom facilities for each.

Dwelling, Single-Family – A building containing one (1) dwelling unit and that is not attached to any other dwelling by any means and is surrounded by open space or yards.

Dwelling, Single-Family Attached – Three (3) or more one (1) family dwelling units, each having its own entrance on the first floor and sharing common walls but not having a common floor/ceiling. Such dwellings may also be termed townhouses or rowhouses.

Dwelling, Sub-standard – a dwelling of any class which is not so equipped as to have each of the following items: running water, inside toilets; or a dwelling which has either inadequate cellar drainage, defective plumbing, and inside room having no windows therein, improper exits or defective stairways so as to make such dwelling a fire hazard.

Dwelling, Two-Family – A detached building or portion thereof used or designed for use exclusively by two families living independently of each other and so designed and arranged as to provide cooking and kitchen accommodations for 2 families only. It may also be termed a duplex.

Dwelling Unit – a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Section 2.06 (“E”)

Earth Materials - Topsoil, subsoil, clay, sand, gravel, rock, stone and aggregate, earth or any other similar material proposed to be, removed, excavated, mined, filled, or deposited on land.

Easement - A right-of-way granted, but not dedicated, for limited use of private land for private, public or quasi-public purpose, such as for franchised utilities, a conservation easement or an access easement for a private road or service drive, and within which no permanent structures shall be erected.

Eating and drinking establishment – means an establishment serving food and drink to the public for consumption on the premises.

Electrical Power Generating Plants – See Heating and Electrical Power Generating Plants.

Erected – The word “erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building.

Essential Services – The term “essential services” means the erection, construction, alteration, or maintenance 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, police call boxes, traffic signals, hydrants, towers, poles and other similar equipment, and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare. Essential services shall not include cellular telephone towers, commercial reception towers, air quality monitoring stations, school bus parking yards, sales or business offices, or commercial buildings or activities

Section 2.07 (“F”)

Family – means either of the following:

- A. A domestic family which is one or more persons living together and related by the bonds of blood, marriage or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of the individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
- B. The functional equivalent of the domestic family which is persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the

domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must operate as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement and/or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration.

C. Immediate family means a spouse, parent, child, or sibling.

Farm or Farm Operation – As defined by the Right to Farm Act, P.A. 93 of 1981, as amended.

Farm Market – As defined by the Right to Farm Act, P.A. 93 of 1981, as amended and in compliance with the GAAMPS for Farm Markets.

Fence – Any permanent partition, wall, structure or gate erected as a dividing structure, barrier or enclosure, and not part of a structure requiring a building permit.

Financial institution - Any building wherein the primary occupation is concerned with such federal or state-regulated businesses as banking, savings and loans, loan companies, and investment companies.

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 runoff of surface waters from any source.

Flood Hazard Area - Land which on the basis of available floodplain information is subject to a one (1) percent or greater chance of flooding in any given year.

Flood Insurance Rate Map (FIRM) - An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the Township.

Flood Insurance Study -The official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, and may include a flood hazard boundary-floodway map.

Floodplain - Land at a specified elevation subject to periodic flooding that have been defined by the Federal Emergency Management Agency (FEMA) as flood hazard areas (i.e., lands within the 100 year flood boundary) in the flood insurance study for the Township.

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood.

Floor Area - The sum of all horizontal areas of the several floors of a building or dwelling unit, measured from the exterior faces of exterior walls, or from the centerline of walls separating dwelling units. Unenclosed porches, courtyards, patios and cellars shall not be considered as part of floor area, except when utilized for commercial or industrial purposes.

Floor Area, Gross (GFA) –The sum of the horizontal areas of each story of a building shall be measured from the exterior faces of the exterior walls, exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking, breezeways, and enclosed and unenclosed porches, elevators, or stair bulkheads, common hall areas, and accessory structures.

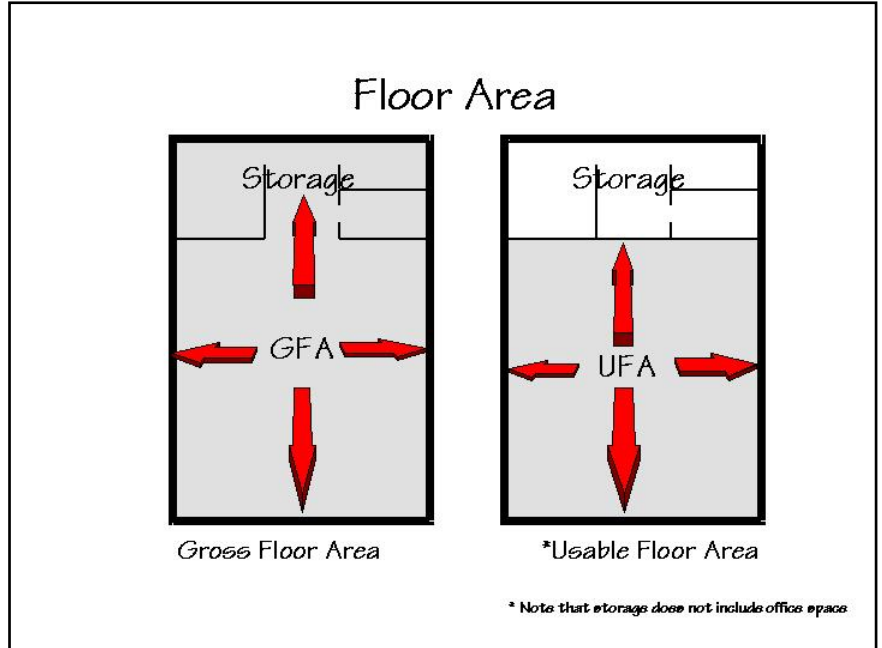
Floor Area, Usable –

That area used for, or intended to be used for, the sale of merchandise or services, or for use to serve patrons, clients, or customers and all that area devoted to employee workspace.

Frontage –

The total length of the front lot line(s) being the horizontal distance between the side lot lines, as measured at the front setback line. See also Lot Frontage.

Funeral homes - A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.



Section 2.08 (“G”)

Gas Station – A facility for the retail sale of gasoline and accessory merchandise to be used or consumed off site.

Garage, Private – A building used primarily for the storage of vehicles for the use of the occupants of a lot on which the main building is located.

Golf course - A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A clubhouse and shelters are customarily included as accessory uses.

Governmental uses – See Institutional.

Grade – The finished ground level adjoining the building at all exterior walls.

Grade, (grade plane) – The average point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building between the building and a line five (5) feet from the building, and as defined by the Michigan Building Code, as amended.

Greenbelt - A landscaped area along a street between the curb or road shoulder and the front yard setback or parking setback.

Group Day Care Center - See Child Care Organizations.

Gun club - Any building or premises where there are facilities of any sort for the firing of handguns, rifles, or other firearms.

Section 2.09 (“H”)

Heating and Electrical Power Generation Plants - An electrical energy generating facility with generating capacity of more than 50 megawatts and any appurtenant facilities or facility constructed for the commercial distribution of heat.

High Intensity Industrial Uses - Uses that are typically loud and harmful to residential uses such as slaughter houses, foundries, natural mineral processing, stockyards, and concrete batch plants.

Home based business –See Live-Work use.

Home occupation– An occupation customarily conducted in a dwelling unit that is clearly an incidental and secondary use of the dwelling and which is not a live-work use. Without limiting the foregoing, a single family residence used by an occupant of that residence to give instruction in a craft or fine art within the residence shall be considered a home occupation.

Hospitals – See Institutional.

Hotel – A building occupied or used as a predominately temporary abiding place by individuals or groups of individuals, with or without meals. A hotel shall include accessory uses, including, but not limited to, gift shops, restaurants, and other similar uses primarily oriented to the customers of the hotel.

Section 2.10 (“I”)

Inoperative Vehicle – Any motor vehicle that is currently not capable of being started and safely and properly operated on a public or private street.

Institutional - A non-profit or quasi-public use, such as a library, public or private school, hospital, or government owned or government operated structure used for public purpose.

Section 2.11 (“J”)

Junk – Any scrap metals or materials, or motor vehicles, machinery, appliances, products, or merchandise that are damaged or deteriorated or otherwise in a condition which precludes their use for the purpose for which they were manufactured.

Junkyard – The term “junkyard” includes automobile wrecking yards and salvage areas for the storage, sale, processing, keeping or abandonment of junk, including scrap

metals, other scrap or reclaimed materials (reclaimed materials may be excluded from this definition if approved as part of a special land use process) but does not include uses established entirely within enclosed buildings.

Section 2.12 (“K”)

Kennel – An establishment wherein or whereon 3 or more dogs are confined and kept for sale, boarding, breeding or training purposes, for remuneration, and a kennel facility shall be so constructed as to prevent the public or stray dogs from obtaining entrance thereto and gaining contact with dogs lodged in the kennel.

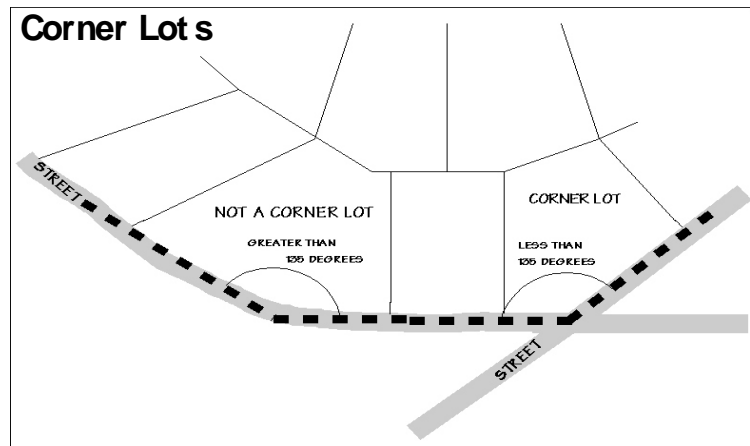
Section 2.13 (“L”)

Live/Work: A structure, or a part of a structure, used both as a dwelling and for any nonresidential use permitted in the Zoning District in which the structure is located.

Loading Space, Off-Street – Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

Lodging house - A building or place where lodging is provided (or which is equipped regularly to provide lodging by prearrangement for definite periods), for compensation, for three or more, but not exceeding 12 individuals, not open to transient guests, in contradistinction to hotels open to transients.

Lot – For the purposes of this Ordinance, a lot is a parcel of land of at least sufficient size, exclusive of areas under water, to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required and frontage on a recorded public or private street. The word lot includes the word plot and parcel. A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of 1978, as amended, designed and intended for separate or limited ownership and/or use.



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Lot Area – The total horizontal area within the lot lines of a lot excluding road right-of-way.

Lot Corner - A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two (2) chords of which form an angle of one hundred thirty five (135) degrees or less.

Lot Coverage – The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures, but not including paved areas.

Lot Frontage - The total length of the front lot line (s) being the horizontal distance between the side lot lines, as measured at the front setback line.

Lot Interior - A lot other than a corner lot with only one (1) lot line fronting on a street.

Lot Line -The boundaries of a lot which divide one (1) lot from another lot or from a public or existing private road or any other publicly owned parcel of land.

Front Lot Line – In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating the lot from the street right-of-way. In the case of a corner or through lot, all lots fronting on streets shall be considered as frontage lot width purposes.

Rear Lot Line – Ordinarily, that lot line opposite and most distant from the front lot line of the lot. In the case of an irregular or triangular shaped lot, a line at least 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 Zoning Administrator shall designate the rear lot line.

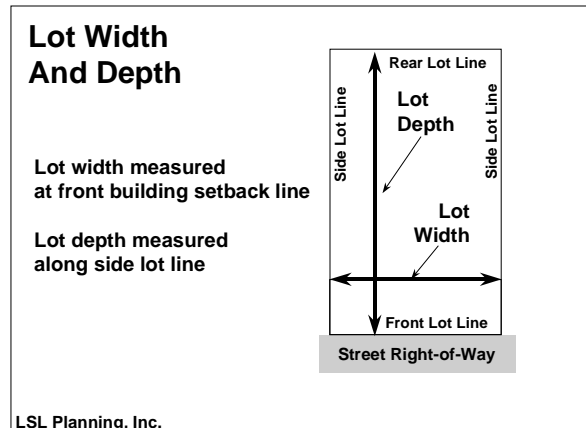
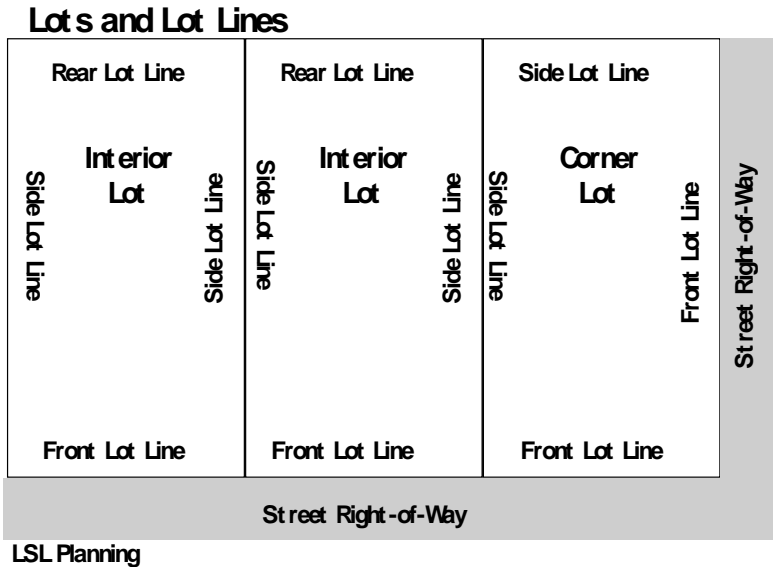
Side Lot Line – Any lot line not a front or rear lot line.

Through Lot or Double Frontage Lot – An interior lot having frontage on two (2) more or less parallel streets as distinguished from a corner lot.

Lot Measurements

A. **Lot Depth** of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

B. **Lot Width** of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, provided however that in determining lot frontage on odd-shaped lots if the lot abuts on the outside curve



boundary of a curving street and as a result the side lot lines diverge toward the rear, the measurement of width may be taken at the front building line of the principal building; and provided further that if the lot abuts on an inside curve boundary of a curved street wherein the lot lines converge toward the rear line of the principle building or thirty (30) feet behind the front setback line, parallel to the street or street chord.

Lot of Record – A lot that is part of a subdivision recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot, Waterfront – A lot having frontage directly upon a lake, river, or other significantly sized impoundment of water. The portion adjacent to the water is considered the rear yard and the opposite side, abutting the street, shall be the front yard.

Lumber Yard – See open air business.

Section 2.14 (“M”)

Manufactured Home – See Dwelling, Manufactured.

Manufactured Home Development or Manufactured Home Park - A parcel or tract of land under the control of a person upon which three (3) or more manufactured homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home. This does not include farm labor housing.

Master Deed - The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium plan for the project.

Master Plan – The Master Plan currently adopted by Lake Charter Township, including graphic and written materials, indicating the general location for streets, parks, schools, public buildings, and all physical development of Lake Charter Township, and includes any unit or part of such plan and amendment to such plan.

Manufacturing, compounding, processing, packaging – Enclose establishments engaged in the transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials.

Medical Clinic - A building or group of buildings where human patients are admitted for examination and treatment by more than one professional, such as a physician, dentist, or the like, except that human patients are not lodged therein overnight.

Mezzanine – An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third of the area of the room or space in which the level or levels are located.

Migrant Labor Housing – Seasonal dwellings established and used as living quarters, which are licensed by the Michigan Department of Agriculture for migratory laborers and their immediate family (spouse, grandparent, children) who are engaged in an agricultural activity, including related food processing.

Motel – An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Section 2.15 (“N”)

New building materials sales and storage – The retail sale of unused hardware and related materials generally used in the maintenance, repair, or construction of buildings or other structures, including lawn and garden supplies, lumber, or similar items.

Nightclub – A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainment are permitted.

Non-Conforming Building or Structure – A building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto, and which does not conform to the provisions of the Ordinance in the Zoning District in which it is located.

Non-Conforming Lot – A lot, whether platted or unplatted, that conformed with all zoning lot requirements at the time of recording but which no longer conforms to the zoning regulations and requirements for lot area, lot width, or both; do to zoning amendments or natural causes and which has not been subdivided or reduced in size subsequent to the time it did conform to the Zoning Ordinance.

Non-Conforming Use – The lawful use of a dwelling, building, or structure and of land or a premise as existing and lawful at the time of enactment of a zoning ordinance, or, in the case of an amendment of an ordinance, then at the time of the amendment.

Nurseries and Greenhouses - A building or structure, and lands associated therewith, for the growing of flowers, fruits, vegetables, plants, shrubs, trees, or similar vegetation together with gardening tools and implements which are sold at retail from such building or lot to the general public.

Nursing or Convalescent Home – A state licensed long-term facility providing room and board and supervised personal care by facility staff on a twenty-four (24) hour basis for seven (7) or more aged, infirm or persons recovering from illness which is regulated under Act 368 of 1978. A State Licensed Sub-Acute Care Facility, State Licensed Home for the Aged, a State Licensed Nursing Home, or State Licensed Hospice Facility providing twenty-four (24) hour nursing care shall mean the same.

Section 2.16 (“O”)

Ordinary 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. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present. Can also mean Shoreline.

Open Air Business – A business and commercial use operated outside of any building, including: retail sales of garden supplies and equipment (including but not limited to, trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture); outdoor display, sale, and storage of building and lumber supplies; automobiles, recreational vehicles, boats, manufactured homes, garages, swimming pools, playground equipment, mowing equipment, farm implements, construction equipment and similar materials or equipment; contractor yards; and permanent flea markets farmer’s markets, roadside stands and auctions.

Open Space – An area that is intended to provide light and air, and is designed for environmental, scenic, or recreational purposes. Open space may include dedicated undeveloped public areas, walkways, gazebos, active and passive recreation areas, playgrounds, woodlands, wetlands and water courses. Open space shall not be deemed to include driveways, parking lots or other surfaces designed or intended for vehicular travel.

Open space development – A development in which the improved area of the site is situated in a concentrated section as to preserve or protect large areas of the overall development site in an undeveloped, unimproved, or natural state.

Section 2.17 (“P”)

Parcel – See Lot.

Parking Space, Off-Street – An off-street space exclusive of necessary driveways, aisles, or maneuvering areas suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley.

Personal Service Establishment – Any commercial business conducting services that are performed primarily on the premises.

Place of religious worship - A building primarily designed and constructed for organized religious services, maintained and controlled by a religious body organized to sustain public worship, together with all accessory structures and uses customarily associated with such primary purpose.

Planned Unit Development – A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

Principal Residential Districts: The Single Family Residential (R-1), Multi-Family Residential (R-2) and Manufactured Home Park Residential (R-3) zoning districts.

Principal Use – the primary use to which the premises is devoted.

Printing and publishing - An establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving.

Private clubs and organizations - An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture, or similar activities, but not operated for profit and open only to members, not the general public.

Private Recreation Uses – Privately owned recreational facilities such as ball fields, stadiums, gymnasiums, skating rinks, etc. *Golf course and driving ranges are listed separately in this ordinance.*

Private Street or Road – Any undedicated path, trail, or road which provides or is intended to provide the primary means of ingress and egress to two (2) or more parcels or two or more main buildings, dwelling units, or structures, or combination thereof, whether created by a private right-of-way agreement, license, joint ownership, easement or prescription. Any and all extensions, additions, or breaches of or to a private street shall be considered part of the primary private street which abuts the public street. A private street shall also include:

- A. An access serving one (1) parcel if that parcel does not have the requisite amount of frontage on a public road as required by the Lake Charter Township Zoning Ordinance; or
- B. Where more than two (2) parcels or dwellings share or utilize a common access drive, even if each parcel has the required frontage on a public street. A private road shall also include a path, trail, or road which is privately built or maintained and which is located on a public right-of-way or easement.

Professional office - A place, such as a building, room, or suite, in which services, clerical work, professional duties, or the like are carried out.

Professional service establishments - The office or other working space used by a member of a profession for the conduct of that profession. Included in this definition, but not necessarily limited to, are doctors' offices, dentists' offices, real estate businesses, insurance offices, and attorney offices. This definition shall not include Sexually Oriented Businesses, as defined herein.

Public parking garage or lot – See Institutional.

Public recreation uses - Publicly owned or operated recreation facilities.

Public Street - A public thoroughfare for traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, land, boulevard, highway, road, and other thoroughfare, including all area within the right-of-way; except an alley and a private street.

Public Utilities and services – Any person, firm, corporation, municipal department or board, duly authorized to furnish and furnishing under state or municipal regulations to the public: electricity, gas, steam, communications, telegraph, transportation or water.

Section 2.18 **(“Q”)** **(Reserved for Future Use)**

Section 2.19 **(“R”)**

Recreational Equipment and Vehicles – A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle. This includes trailer coach.

- A. Truck camper:** is a portable structure, designed and constructed to be loaded onto, or affixed to, the bed or chassis of a truck, and which is used to provide temporary living quarters for recreational camping or travel.
- B. Folding tent trailer:** A folding structure, mounted on wheels for towing and designed for travel and vacation use.
- C. Boats and boat trailers:** Boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- D. Other recreational equipment:** Includes snowmobiles, jet skis, all terrain or special terrain vehicles, utility trailers, plus the normal equipment used to transport them on the highway.

Recreation Facility - A recreation facility which is completely housed within a building and which is operated as a business and open to the public for a fee. Included in this definition are bowling alleys, movie theaters, and arcades.

Research and development - An establishment which conducts research, development, or controlled production of high-technology electronic, industrial, or scientific products or commodities for sale or laboratories conducting educational or medical research or testing. This term includes but is not limited to a biotechnology firm or a manufacturer of nontoxic computer components.

Residential districts – The Residential Agriculture (R-AG), Single Family Residential (R-1), Multi-Family Residential (R-2) and Manufactured Home Park Residential (R-3) zoning districts.

Retail sales as accessory to a permitted or special land use – The selling of goods, wares, or merchandise which are directly incidental or associated with the principal permitted or special land use, directly to the ultimate consumer or persons as part of the overall commercial establishment.

Retail shops with on-site fabrication – The selling of goods, wares, or merchandise which have been assembled, modified, or otherwise altered, directly to the ultimate consumer or persons.

Riding Academy - An establishment where horses are boarded and cared for, and where instruction in riding, jumping, and showing is offered, and where horses may be hired for riding.

Right-Of-Way – Public or private land, property, or interest therein, devoted to transportation or utility purposes, and/or providing access to property.

Roadside Stand – An accessory structure for the display and sale of agricultural products grown on the site.

Section 2.20 (“S”)

Salvage Yard – See Junk Yard.

Seasonal Recreational Vehicle Park – Any lot or parcel of land upon which two or more recreational vehicle (travel trailer) sites are located, established, or maintained for occupancy for a fee by recreational vehicles, such as travel trailers, of the general public as temporary, seasonal living quarters for recreation or vacation purposes from May 1 thru November 1.

Service Drive – A minor street which is parallel to and adjacent to a major thoroughfare, and which provides access to abutting properties and restricts access to the major thoroughfare.

Setback – See Building Setback Lines.

Sexually Oriented Business – For the purposes of this Zoning Ordinance, the terms relating to Sexually Oriented Businesses and the use itself shall be defined as provided in Section 2 of the Lake Charter Township Sexually Oriented Business Ordinance.

Shipping and delivery – A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

Shoreline – See Ordinary High Water Mark

Showroom – Enclosed facility for the purpose of displaying tangible goods for retail sale or entertainment.

Sign – See Chapter 20, Signs.

Site Plan – A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations in this Ordinance.

Skating rink - An establishment that provides facilities for participant skating.

Soil and mineral extraction - Any operation within any 12-month period which removes more than 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location, and transports the product removed away from the extraction site.

Solar Panel – A structure designed to utilize solar energy as an alternative for, or supplement to, a conventional energy system.

Special Land Use – A Special Land Use is a use that would not be appropriate generally or without restriction throughout the Zoning District but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, and welfare.

Stable - A structure or land use in or on which equines are kept for sale or hire to the public. Breeding, boarding, or training of equines may also be conducted. This term shall not include the keeping of equines for private use.

State Licensed Residential Facility – A residential care facility licensed by the State of Michigan under Act 287 of 1972 of the Public Acts of Michigan, as amended, or Act 116 of 1973 of the Public Acts of Michigan, as amended, which provides resident care services under twenty four (24) hour supervision or care for persons in need of that supervision or care. This term does not include such facilities licensed by the State of Michigan for care and treatment of persons released from or assigned to adult correctional institutions:

A. A Family Care Facility includes a state licensed residential facility providing resident services to six (6) or fewer persons.

B. A Group Home Care Facility includes a state licensed residential facility providing resident services to more than six (6) persons.

Storage of manufactured homes, RVs, etc. - A space or place where manufactured homes, recreational vehicles, and other similar items of personal property are placed and kept for more than 24 consecutive hours.

Story – That part of a building, except a mezzanine or basement as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above then the ceiling next above and as defined by the Michigan Building Code, as amended.

Story, half – is an uppermost story lying under a sloping roof, the useable floor area of which does not exceed seventy-five (75) percent of the floor area of the story immediately below it and is not used or designed or arranged or intended to be used in whole or in part as an independent housekeeping unit or dwelling, and as defined by the Michigan Building Code, as amended.

Street or road – A dedicated right-of-way affording the principal means of access to abutting property.

Street Line – The right-of-way line of a street or easement for ingress and egress.

Structure – Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground; including, but not limited to, buildings, fences, decks, patios and walls.

Subdivision - Subdivision means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one (1) year, or of building development that results in one (1) or more parcels of less than forty (40) acres or the equivalent, and that is not exempted from the platting requirements of the Land Division Act, Act 288 of 1967 of the Public Acts of Michigan, as amended. "Subdivide" or "subdivision" does not include a property transfer between two (2) or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the Land Division Act, the requirements of the Townships Land Division Ordinance, and this Ordinance.

Subdivision Plat – A map or chart depicting the subdivision of land as regulated by the Land Division Act, Act 288 of the Public Acts of 1967, as amended.

Swimming Pool – A structure, whether above or below grade level, designed to hold water more than 30 inches deep to be used for recreational purposes.

Section 2.21 ("T")

Temporary Building, Structure, or Use – A non-permanent structure or non-permanent use permitted by the Zoning Administrator to exist during periods of construction of the main building or for special events.

Theater - A structure used for dramatic, operatic, motion pictures, or other performance, for admission to which entrance money is received and no audience participation or meal service allowed.

Trade or Industrial schools - A secondary or higher education facility primarily teaching usable skills that prepare students for jobs in a trade and meeting the state requirements as a vocational facility.

Truck and freight terminals - A premises used for loading or unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment and which is designed to accommodate the simultaneous loading or unloading of multiple trucks.

Section 2.22 ("U")

Use – The purpose or activity for which land or structures are designed, arranged, or intended or for which land or structures are occupied or maintained.

Section 2.23 ("V")

Variance – Permission given by the Zoning Board of Appeals to a property owner to depart from the literal requirements of this Ordinance which may occur when compliance

with this Ordinance would create a practical difficulty or unnecessary hardship on the property owner.

Veterinarian - A state licensed facility where animals are given medical care and the boarding of animals is limited to short-term care incidental to the hospital use.

Section 2.24 (“W”)

Warehousing - A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

Wholesale, retail, storage, or the manufacturing of fireworks or explosives– The process of producing, storing, or selling a class of low explosive pyrotechnic devices used for aesthetic and entertainment purposes.

Wood burner – Any device or structure that:

- (1) Is designed, intended, or used to provide heat and/or hot water to any residence or other structure;
- (2) Operates by the burning of wood or any other solid fuel, including but not limited to, coal, paper pellets, and agricultural product; and
- (3) Is not located within a residential structure or other structure for which it is providing heat and/or hot water.

Section 2.25 (“X”)

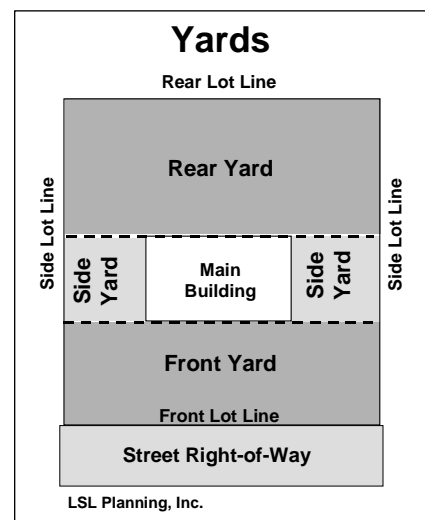
(Reserved for Future Use)

Section 2.26 (“Y”)

Yard – A yard is 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, except as otherwise provided herein:

A. Front yard - A front yard is an open space extending the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the front lot line and is unoccupied space between the front lot line and the nearest line of the main building, excepting steps and unenclosed porches.

B. Rear Yard -A rear yard is an open area extending across the full width of the lot, the uniform depth of which is the minimum prescribed horizontal setback distance measured at right angles to the rear lot line, describing



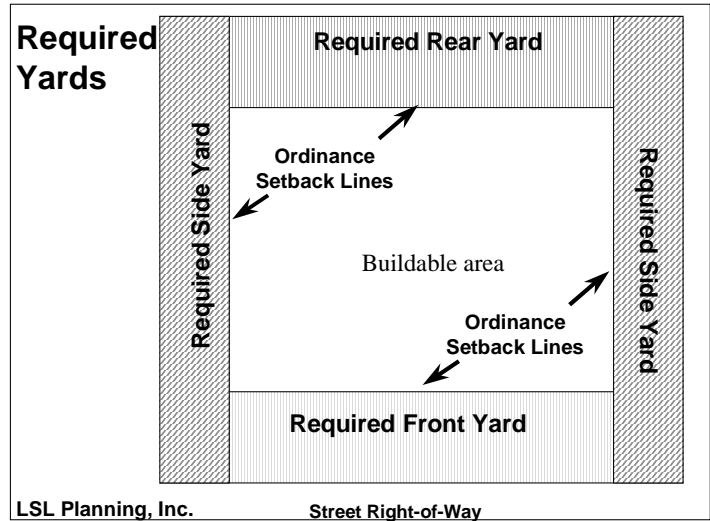
an unoccupied space between the rear lot line and the nearest line of the main building.

C. Side Yard - A side yard is an open unoccupied area between a main building and the side lot lines, extending from the front yard area to the rear yard area. The width of the required side yard shall be measured from the center of the nearest wall of the building or structure to the nearest point of the side lot line.

Yard, Required - A required yard is an open space on a lot prescribed by the setback requirements of the Zoning District in which it is located.

Section 2.27 (“Z”)

Zoning - The dividing of Lake Charter Township into districts of a number and shape considered best suited to carry out the purposes of the Zoning Act and the creation of uniform regulations throughout each individual district. Such districts are referred to as Zoning Districts in this Ordinance.



Zoning Act – The Michigan Zoning Enabling Act, Act 110 of 2006, as amended.

Zoning Administrator – The person designated by the Lake Charter Township Board to administer and enforce the provisions of this Ordinance.

Zoning Board of Appeals – The Zoning Board of Appeals of Lake Charter Township.

Zoning Ordinance – The Lake Township Zoning Ordinance as adopted in accordance with the Zoning Act.

CHAPTER 3

General Provisions

Section 3.01 Accessory Buildings, Structures and Uses

- A.** When an accessory building is attached to a main building in a substantial manner, with a wall, roof, and an enclosed heated space constructed of the same building materials as the main building, the accessory structure shall be deemed a part of such building and must conform to all setback and height regulations of this Ordinance applicable to such main buildings.
- B.** An accessory building or use shall only be permitted on a lot, which contains a principal use. Buildings related to an active farming operation are exempt from this requirement.
- C.** No part of a detached accessory building shall be used as a dwelling for residential purposes.
- D.** Reserved for Future
- E.** Location of detached accessory buildings.
 - 1. Detached accessory buildings shall be located a minimum of ten (10) feet from any main building.
 - 2. Detached accessory buildings equal to or less than two hundred (200) square feet GFA shall be located a minimum of three (3) feet from any side or rear lot line.
 - 3. Detached accessory buildings greater than two hundred (200) square feet GFA shall be located a minimum of fifteen (15) feet from any side or rear lot line.
 - 4. Detached accessory buildings and structures shall be located in a side or rear yard only.
- F.** Side and rear yard setbacks for detached accessory buildings shall be measured to the eaves of the building.
- G.** Detached accessory buildings in residential districts shall not exceed eighteen (18) feet in height, except accessory buildings used for agricultural operations, which are exempt. Attached accessory buildings may be permitted at the same height allowed as that of the principal building.
- H.** All accessory buildings housing livestock shall be at least one hundred (100) feet from any existing dwelling located on a separate parcel of property.
- I.** Personal Wind Energy Conversion Systems (WECS) shall be considered an accessory structure and shall be subject to the following provisions:
 - 1. Setbacks shall be no less than 1.5 times the total height of the WECS from

the ground level to the top of the blade at the highest point in rotation.

2. Rooftop mounted and detached personal WECS shall not exceed 1.5 times the maximum permitted building height for the district in which they are located.
- K.** Solar Panels shall be affixed to a principle or accessory building and aligned in a manner not to create glare or adverse effects to neighboring properties or right-of-ways.
- L.** Wood Burners shall be considered an accessory structure and shall be subject to the following provisions:
1. Setbacks shall meet the setbacks of the principal building
 2. Smoke stacks or chimneys shall be constructed so that they will not create a nuisance.
- M.** Accessory structures, such as decks or patios shall be setback a minimum of three (3) feet from any property line.

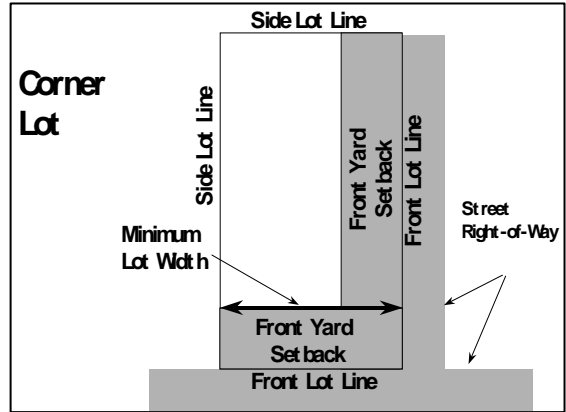
Section 3.02 Animals and Poultry

- A.** The keeping of customary household pets such as cats, dogs, household fish and household birds is expressly permitted in any zoning district. The keeping of any other animals or poultry shall be permitted in the Residential/Agricultural district only.
- B.** No more than a combined total of six (6) adult cats, dogs or other similarly sized household pets, six (6) months of age or older, shall be kept or housed in a dwelling unit.
- C.** Only one horse, pony, cow or similar large animal may be kept on parcels, which are less than three (3) acres in area. For parcels in excess of three (3) acres, the number of large animals permitted shall not exceed the standards established by the Michigan Department of Agriculture and Generally Accepted Agricultural Management Practices. Any piles of refuse or manure shall be located at least one hundred (100) feet from any property line of the parcel of land so used. All accessory buildings housing animals or poultry shall be located at least fifty (50) feet from any property line of said parcel, and said accessory building or pile of refuse or manure shall be located at least one hundred and fifty (150) feet from any existing dwelling unit located on a separate parcel which is owned by persons other than the parcel where such animals or poultry are kept.

Section 3.03 Corner and Cul-de-sac Lots

- A.** Corner Lots:
1. A corner lot shall have two (2) front lot lines, two (2) side lot lines, and no rear lot line.

2. Required front yard setbacks shall be measured from both front lot lines.
3. For a corner lot with three (3) front lot lines, the remaining lot line shall be a side lot line.
4. The minimum lot width of a corner lot shall be determined at the shorter of the 2 front lot lines.



B. Cul-de-sac Lots:

1. The cul-de-sac shall be determined to commence at the intersection of the radius of the cul-de-sac with the street right-of-way line.
2. A lot on a cul-de-sac shall meet minimum width requirements of the zoning district at the minimum front yard setback line. The minimum lot width for lots fronting on cul-de-sac streets shall be measured at the rear of the required front yard and shall not be diminished throughout a given lot. In no case shall the lot frontage on the cul-de-sac within the front yard be less than (80%) of the minimum lot frontage or minimum lot width required for the zoning district.

Section 3.04 Essential Services

The erection, construction, alteration, or maintenance of essential services shall be permitted as authorized or regulated by law and other Ordinance in any District. The intent of this provision is to exempt such actions regarding essential services from the application of this Ordinance. However, all mechanical equipment and outdoor storage shall be effectively screened and provided for in appropriate and aesthetic manners.

Section 3.05 Exceptions to Height Regulations

The height limitations contained in the District regulations do not apply to spires, belfries, cupolas, antennas, water tanks, silos, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy, not including communication towers.

Section 3.06 Fences and Walls

- A. Fences shall not be located within a public right-of-way.
- B. Residential Districts and Residential Uses in the Agricultural District
 1. Fences may not exceed a height of four (4) feet in the front yard and eight (8) feet in any other area.
 2. Fences shall be constructed of wood, vinyl, brick, stone, composite material, or chain link.
- C. No fence shall contain any barbed wire or electrification except for security in

Nonresidential Districts, or for the containment of farm animals as permitted in the Districts allowing agricultural uses, or for the protection of public utility buildings or improvements. In nonagricultural uses, the barbed portion of the fence shall be at least six (6) feet from the ground, in which case the height of a fence may extend to a maximum of eight (8) feet.

Section 3.07 Greenbelts

- A. Non-residential uses shall be screened from adjacent residential uses by means of a greenbelt.
- B. Parking areas and maneuvering lanes shall be screened from adjacent streets by means of a greenbelt along each street frontage and property line.
- C. Greenbelt landscaping requirements:
 - 1. The greenbelt shall be a strip at least ten (10) feet in width planted and maintained with evergreens, such as spruce, pines, or firs at least five (5) feet in height, deciduous or flowering ornamental trees at least ten (10) feet in height, or a hedge of evergreens at least four (4) feet in height, at the time of planting, and situated so as to provide an effective sound and visual permanent buffer. All greenbelts shall be covered with suitable, living ground cover, or properly maintained ground cover such as bark chips, stone, or pebbles. Evergreens and/or deciduous trees shall be spaced not more than twenty (20) feet apart, unless a hedge is proposed.
 - 2. All landscaped areas and plant materials shall be kept in a healthy growing condition, neat and orderly in appearance. Dead or diseased plant materials shall be replaced by the owner upon the request of the Township.
 - 3. Parking shall be prohibited in any greenbelt area.
- D. Any shrubs, bushes, or other growing plants that project into or across adjacent land may be trimmed back to the property line by the adjacent property owner.

Section 3.08 Front Yard Setback Requirements, Average Setbacks, Determination Basis

- A. The front yard setback line shall be measured from the right-of-way line, to an imaginary line across the width of the lot drawn at the minimum required front setback distance for that district.
- B. On corner and through lots, the front yard requirements shall apply on both streets, except that a waterfront lot shall not be considered as a through lot. Corner lots shall have two front lot lines and two side lot lines and no rear lot line.
- C. Where an average setback line, which is less than that required by this Ordinance has been established by existing buildings located within two hundred (200) feet of the proposed building within the same zoning district and on the same side of the street, such average setback shall apply.

Section 3.09 Home Occupation

Home occupations shall be allowed only in principal use single-family dwellings and permitted by right in conformance with the following regulations:

- A. No person other than members of the family residing on the premises shall be engaged in such occupation;
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purpose by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in conducting the home occupation;
- C. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conducting of such home occupation.
- D. No home occupation shall be conducted in any accessory building, except in the Residential-Agricultural District where one (1) accessory building may be utilized for a home occupation provided all other requirements of this Chapter are met.
- E. No traffic shall be generated by such home occupation in greater volumes that would be normally expected in a residential neighborhood, and any need for parking generated by the conducting of such home occupation shall be met off the street and other than in a required front yard; and
- F. No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuation in line voltage off the premises.

Section 3.10 Minimum Lot Width For Irregular Shaped Lots

The minimum lot width for a lot on a cul-de-sac or other irregularly shaped lot shall be measured at the front yard setback line and shall not be diminished throughout the rest of the lot. Such lots shall have a minimum lot width of sixty (60) feet at the front lot line.

Section 3.11 Nonconforming Lots, Uses, and Structures

- A. Intent
 - 1. Within the districts established by this ordinance, or any subsequent amendments thereto, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this ordinance was passed or amended but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. Except as provided in subparagraph E hereof, it is the intent of this ordinance to permit these nonconformity's to

continue until they are removed but not to encourage their continuation. It is further the intent of this ordinance that nonconformity's shall not be enlarged upon, expanded or extended, nor used as grounds for adding other structures or uses prohibited elsewhere in the same district.

2. Nonconforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. Except as provided in subparagraph E hereof, a nonconforming use of land or a nonconforming use of structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.
3. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

B. Nonconforming Lots of Records

1. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance, provided erection of such dwellings and buildings is in accordance with all other applicable township, county, and state regulations. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through the issuance of a variance by the Board of Appeals in accordance with Section 21.02.
2. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the land involved shall be considered to be an undivided parcel for the purpose of this ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any

parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

C. Reserved for future use

D. Nonconforming Structures

1. Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity but any structure or portion thereof may be altered to decrease its nonconformity;
 - b. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than one hundred (100) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance; provided, however, that an accessory building which is nonconforming by virtue of its location in the front yard which is so destroyed by any means, may be rebuilt or reconstructed on the same footprint, but shall not be enlarged or expanded.
 - c. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

E. Nonconforming Uses of Structures or of Structures and Premises in Combination

1. Except as provided in sub-paragraph 2 of this section, if a lawful use involving individual structures exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful:
 - a. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
 - b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any additional land outside such building;
 - c. Any structure, or structure and land in combination, on which a nonconforming use is superseded by a permitted use, shall thereafter

conform to the regulations for the district, and the nonconforming use may not hereafter be resumed;

- d. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months (except when circumstances beyond the control of the owner impede access to or occupation of the premises), the structure, or structure and premises in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located;
- e. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than one hundred (100) percent of the replacement cost at the time of destruction.

2 Exceptions for Certain Existing Structures

- a. Existing Single Family Dwellings in the I and C-1 Districts. If the nature of a nonconforming use in the I or C-1 district is that of a single-family dwelling lawfully in existence upon the date of adoption of this Zoning Ordinance, then the use and structures associated with it may be expanded upon its existing parcel, improved, repaired and replaced if necessary within the standards and regulations applicable to that zoning district as if it were a use permitted by right in that zoning district, including home occupations subject to Section 3.09 hereof. Any such existing single family dwelling which may be destroyed by any means may be repaired, restored, remodeled, altered or rebuilt in keeping with the regulations of the district in which it is located.
- b. Existing Commercial Buildings in the I District. If the nature of a nonconforming use in the I District is that of an existing commercial building lawfully in existence upon the date of adoption of this Zoning Ordinance, then the use and structures associated with it may be expanded upon its existing parcel, improved, repaired and replaced if necessary within the standards and regulations applicable to that zoning district as if it were a use permitted by right in that zoning district. Any such existing commercial building which may be destroyed by any means may be repaired, restored, remodeled, altered or rebuilt in keeping with the regulations of the I District.
- c. Existing Industrial Buildings in the C District. If the nature of a nonconforming use in the C District is that of an existing industrial building lawfully in existence upon the date of adoption of this Zoning Ordinance, then the use and structures associated with it may be expanded upon its existing parcel, improved, repaired and replaced if necessary within the standards and regulations applicable to that zoning district as if it were a use permitted by right in that zoning district. Any such existing industrial building which may be destroyed by any means may be repaired, restored, remodeled, altered or rebuilt in keeping with the regulations of the C District.

F. Repairs and Maintenance

1. Except as provided by Section 3.11, D, 2, and Paragraph 2., below, on any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding one hundred (100%) percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be, provided the cubic content existing when it became nonconforming shall not be increased.
2. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, removed or rebuilt except in conformity with the regulations of the district in which it is located.

G. Uses Under Special Land Use Provisions Are Not Nonconforming Uses

Any use which is approved by the Planning Commission after the effective date of this ordinance as a Special Land Use in a district under the terms of this ordinance in accordance with Chapter 16, shall not be deemed a nonconforming use in such district but shall without further action be considered a conforming use.

Section 3.12 One Dwelling or Use Upon a Lot of Record

Every single-family, two-family and multiple dwelling structure shall be located upon a lot of record and shall have frontage on a public or private street. Except in the case of mixed use development, multiple dwelling structures and planned unit development projects, no more than one such structure shall be erected upon a lot of record. Seasonal farm labor housing or structures located upon premises, which are being actively farmed, and in conjunction with State requirements, which are designated for and occupied by farm labor personnel may be located upon the same lot of record as the main dwelling structure on the farm premises.

Section 3.13 Seasonal Uses

- A. The Zoning Administrator may issue a permit for the temporary sale of merchandise or goods in any district related to a seasonal or periodic event. Such seasonal uses shall include the sale of Christmas trees, fireworks, and similar activities. Roadside stands and garage sales shall not require a permit.
- B. In considering a request for a temporary permit, the Zoning Administrator must determine that the operation of such a use is seasonal in nature and will not be established as a permanent use. The Zoning Administrator will also determine:
 1. that the use does not have an unreasonable detrimental effect upon adjacent properties;
 2. that the use does not negatively affect the character of the neighborhood;

3. that access to the use will not constitute a traffic hazard; and
 4. that adequate off-street parking is available to accommodate the use.
- C. Each permit shall be valid for a period of not more than sixty (60) days within any consecutive six (6) month period, except that such permit may be renewed by the Zoning Administrator for up to one (1) additional successive thirty (30) day period, provided the season or event to which the use relates is continued.

Section 3.14 **Single-Family Dwellings, Regulations Applicable to, Outside of Manufactured Home Parks**

It is the intent of this Section to establish minimum standards of appearance and construction for all single-family dwellings, whether “stick built” being constructed and erected on a lot or delivered to the site as a manufactured home. Construction and/or placement of a single-family dwelling on any lot or parcel shall be permitted only if the dwelling complies with all of the following standards:

- A. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located;
- B. It has a minimum width across any front, side or rear elevation of twenty four (24) feet and complies in all respects with the Township building code. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Township building code, then and in that event such federal or state standard or regulation shall apply;
- C. It is firmly attached to a permanent foundation constructed on the site in accordance with the Township building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a manufactured home, as defined herein, such dwelling shall be installed pursuant to the manufacturer’s setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Home Commission, and shall have a perimeter wall as required above;
- D. In the event that a dwelling is a manufactured home as defined herein, each manufactured home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, under carriage or chassis;
- E. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department;
- F. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to ten percent (10%) of the square footage of the dwelling or one hundred (100) square feet, whichever shall be less;

- G. The dwelling complies with all pertinent building and fire codes. In the case of a manufactured home, all construction and all plumbing, electrical apparatus and insulation within and connected to said manufactured home shall be of a type and quality conforming to the “Manufactured Home Construction and Safety Standards” as promulgated by the United States Department of Housing and Urban Development, being 24 CRF 3280, and as from time to time such standards may be amended;
- H. The foregoing standards shall not apply to a manufactured home located in a licensed manufactured home park except to the extent required in the Ordinance of the Township pertaining to such parks; and
- I. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Township building code provisions and requirements.

Section 3.15 Structures to Have Access

- A. Every building hereafter erected or moved shall be on a lot, adjacent to a public street, or on a private street built to County Road Commission and Lake Township standards in Chapter 16 (Off-Street Parking and Loading).
- B. All structures shall be so located on the lot as to provide safe and convenient access for servicing fire protection and required off-street parking.

Section 3.16 Swimming Pools

- A. It shall be unlawful for any person or persons to install, place or maintain a swimming pool upon any lot or parcel of land in Lake Township without first securing a Building Permit therefore from the Township Building Inspector.
- B. The location of a swimming pool on any lot or parcel of land must comply with the yard requirements for accessory buildings in the respective zoning district. Swimming pools shall not be located within any front yard.
- C. After a determination by the Building Inspector, in conjunction with the Zoning Administrator, that all applicable requirements of this Ordinance and the Township Building Code, including provisions regarding plans and permits, have been met, the building inspector may issue the necessary permit for the construction, installation, enlargement or alteration of a swimming pool. In granting such certificates, the Building Inspector shall consider, among other things, the availability of water and adequate drainage.
- D. Fencing shall be in accordance with the Michigan Building Code, as adopted by the Township and amended from time to time.
- E. A building permit is not needed for pools not requiring a fence as stated in section C.

Section 3.17 Temporary Dwelling Structures

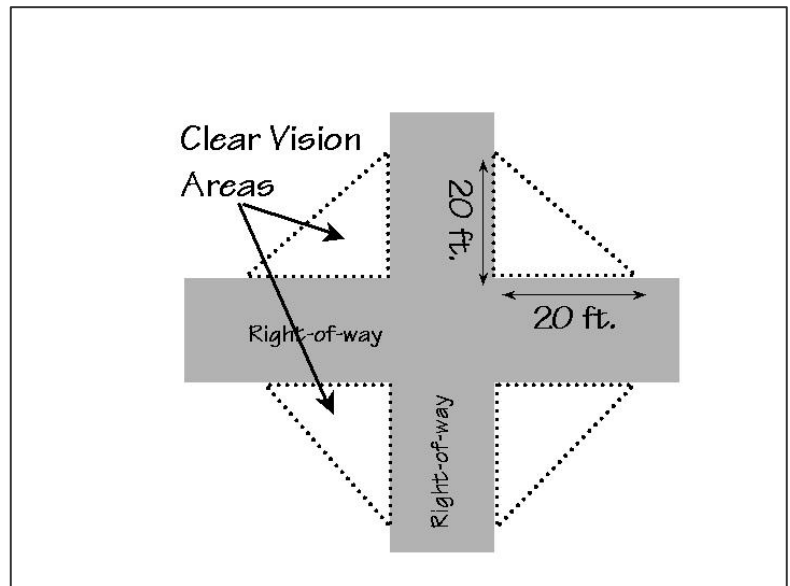
No building, garage, cellar, basement or other structure which does not conform to the provisions of this Ordinance relative to permanent dwellings shall be erected, altered or

moved upon any premises and used for dwelling purposes except under the following applicable limitations:

- A. Temporary use of a building, garage, cellar, basement or other structure shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period which a permanent dwelling conforming to the provisions of this Ordinance is in process of erection and completion, provided, however, such period shall not exceed twelve (12) consecutive months beginning with the date of issuance of the permit.
- B. Use of any building, garage, basement or other structure for temporary occupancy shall comply with the Building code and not be adverse to health, safety or the public welfare.
- C. The location of each such building, garage, cellar, basement or other structure shall conform to the regulations governing the yard requirements for dwellings, or similar conformable structures in the district in which it is situated.
- D. In the case of recreational vehicles providing temporary housing of guests or visitors of the primary resident on the premises, such use shall be permitted for a period of time not to exceed thirty (30) days in any twelve (12) consecutive month period.
- E. Application for the erection, movement, alteration and use of such building, garage, basement or other structure intended for temporary occupancy shall be made to the Township building inspector on an appropriated form signed by the applicant which shall indicate the applicant has read, understands and agrees to abide by all the applicable provisions of this Ordinance and that failure to abide by such applicable provisions constitutes a violation of this Ordinance.

Section 3.18 Visibility at Intersections

On any corner lot in any district no fence, accessory structure, plant, shrub or similar object over three (3) feet in height shall hereafter be placed, erected, planted or allowed to grow in the area bounded by the street right-of-way lines of such corner lot and a line joining points along the street right-of-way lines for a distance of twenty (20) feet from the point of the intersection



Section 3.19 Reserved

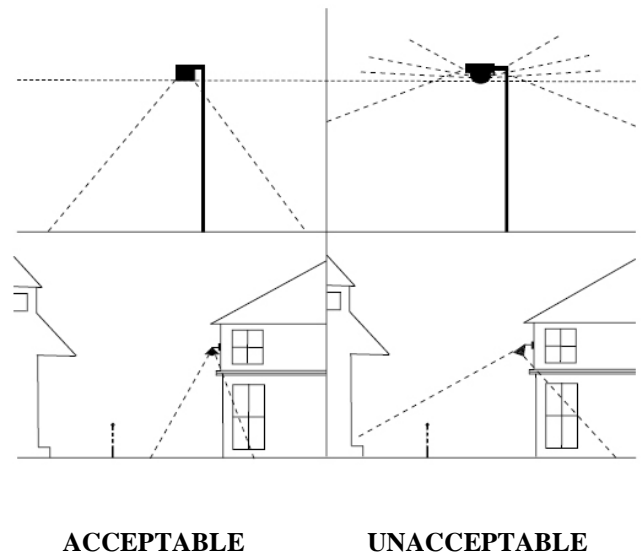
**Section 3.20 Night-sky
Compliant
Lighting**

- A. Intent and Purpose: To maintain safe nighttime driver performance on public

roadways, by minimizing both brightly lighted surfaces and lighting glare, to preserve the restful quality of nighttime, by eliminating intrusive, artificial light and lighting that unnecessarily contributes to “sky glow”, and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission and Zoning Administrator in the review of all site plans submitted for approval under the terms of this Ordinance.

B. General Provisions:

1. Exempted areas and types. The following types of outdoor lighting shall not be covered by this Ordinance:
 - a) Residential decorative lighting such as porch lights, low level lawn lights, and special seasonal lights such as for Christmas decorating, and residential yard lights whether building mounted or pole mounted.
 - b) Lighting associated with detached single-family housing.
 - c) Farm yard lighting.
2. Regulated Lighting. The following types of lighting shall be regulated by this Ordinance:
 - a) Parking lot lighting and site lighting for commercial, industrial and institutional developments.
 - b) Multiple Family Developments including parking lot lighting and site lighting.
 - c) Publicly and privately owned roadway lighting.
 - d) Building facade lighting for any commercial, industrial, or use permitted as a Special Land Use.
 - e) Other forms of outdoor lighting which, in the judgment of the Planning Commission is similar in character, luminosity and/or glare to the foregoing.
 - f) All forms of neon lighting used as exterior signage or building accents.
3. Standards: Lighting shall be designed and constructed in such as manner to:
 - a) Insure that direct or directly reflected light is confined to the subject property.
 - b) Lamps and luminaries shall be shielded, hooded and/or louvered to provide a glare free area beyond the property line and beyond any right-of-way, or the light source is not directly visible from beyond the boundary of the site.
 - c) The light from any illuminated source shall be designed so that the light intensity or brightness at any property



line shall not exceed one (1) foot candle.

- d) Lighting fixtures shall have one hundred percent (100%) cut off fixtures above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane (see Figure 4.2). No light fixture shall be mounted higher than twenty (20) feet above the grade of the site.
- e) Outdoor recreation area lighting may use standard color metal halide sources and standard sports lighting fixtures if they are mounted at a sufficient height and properly equipped with baffling, glare guards or lenses to meet the requirements of this section.
- f) Other than illuminated signage subject to Chapter 14, there shall be no lighting of a blinking, flashing, or fluttering nature including changes in light intensity, brightness or color. Beacon and search lights are not permitted.
- g) No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.

Section 3.21 Outdoor Parking of Commercial Vehicles on Residential Lots

The outdoor storage or parking of commercial vehicles or any other similar equipment or machinery in a Residential/Agricultural, Single Family Residential, Multi-Family or Residential Mobile Home District or in conjunction with a residential use is prohibited with the exception of the following:

- A. Parking and storage of vehicles for farming operations is permitted provided the vehicles are exclusively for agricultural use.
- B. Construction vehicles may be parked for approved construction on the property only while a current building permit is in effect.
- C. Residents in the Residential/Agricultural, Single Family Residential, Multi-Family or Residential Mobile Home Districts who use a commercial vehicle in their line of work shall be permitted to park such vehicle at their residence.
- D. The storage or parking of commercial vehicles has been approved as part of a Special Land Use and the property is in compliance with all applicable regulations, the Zoning ordinance and any conditions of approval of the Special Land Use imposed by the Township.

Section 3.22 Mechanical Work

- A. Mechanical work on trucks over one (1) ton or more, racecars or stock cars is prohibited in the R-1, R-2 and R-3 Districts. Any permitted work on vehicles must be performed entirely within a building, and no parts or vehicles not in legally operable conditions shall be stored outside. All vehicle wastes shall be properly disposed of off-site in accordance with all state and federal regulations.

- B. In all Residential districts, motor vehicles that are not licensed or inoperable private passenger vehicles, shall be garaged at all times.

Section 3.23 Waste Receptacles (Dumpsters)

- A. A waste receptacle enclosure shall be provided for all uses in the Commercial, Neighborhood Commercial and Industrial Districts, and for any other uses the Planning Commission determines requires a waste receptacle for waste disposal. The enclosure shall meet the following standards:
 - 1. The enclosure shall be provided on three (3) sides with a gate on the fourth side and the gate shall remain closed except when adding to or emptying the dumpster.
 - 2. The enclosure shall be constructed of material, which matches or complements the primary building material. Steel pipe bollards shall be provided to protect the enclosure from damage resulting from the emptying of the trash receptacle.
 - 3. The height shall be at least six (6) feet or one (1) foot above the height of the enclosed waste receptacle, whichever is greater. The enclosure shall provide a three (3) foot clear area on all sides between the waste receptacle and any screen wall. A change to a larger or taller waste receptacle may require modifications to the screening to retain compliance with these standards.
 - 4. A concrete, asphalt or other hard-packed, dust-free surface shall be provided that extends six (6) feet beyond the front edge of the receptacle pad or gate, to support the front axle load of a refuse vehicle, and be constructed with six (6) inches of reinforced concrete.
- B. Waste receptacles may be located in a required rear or side yard, but shall not be located in a front yard. The enclosure shall be located as far as practical, but not less than twenty (20) feet, from a residential property line or District.
- C. Waste receptacles must be conveniently located and accessible to servicing vehicles and not unduly interfere with traffic circulation and parking.

Section 3.24 RESERVED

Section 3.25 Private Road Standards

- A. Purpose: Standards and specifications for the construction and maintenance of private roads to ensure access to emergency vehicles, and the protection of public health, safety and welfare.
- B. Scope: Any lot or parcel of land which does not abut a public street shall abut a private road meeting the standards of this section. This section shall not apply to driveways internal to any individual lot or parcel of land, as defined herein, which has direct public street frontage access and is under the control of one person, provided that the driveway does not provide access to any abutting lot. Examples of

driveways that may be exempted from the provisions of this section include those serving apartment complexes, mobile home parks (manufactured home communities), nursing homes, hospitals, factories, schools and shopping centers which are otherwise subject to site plan review and approval under the provisions of the Lake Charter Township Zoning Ordinance.

C. General provisions for private roads:

1. Prohibitions. No persons shall construct or extend any private road within the Charter Township of Lake except by permit in accordance with the standards as herein set forth.
2. Notice Required Upon Conveyance of Interest in Land Abutting a Private Road. No person shall sell or convey an interest in any lot, including by purchase agreement in a recorded plat or any parcel of unplatted land if it abuts a private road as defined in this Ordinance, unless the seller first informs the purchaser in writing on a separate instrument to be attached to the instrument conveying any interest in such lot or parcel of land a notice substantially as follows: "This property is accessed through a private road which is not required to be maintained by the Government, and is subject to regulation by local ordinance."
3. Private Road Easements. All private roads shall be located within a private road easement. Such easement shall not be less than sixty-six (66) feet in width at any point. At any dead end of such easement that exceeds two hundred (200) feet in length, the easement shall widen such that there is a minimum radius of fifty-seven (57) feet for residential use and sixty-seven (67) feet for non-residential use.
4. Grade. The maximum longitudinal grade for any private road shall not exceed eight (8) percent.
5. Maximum Length.
 - a) In no instance shall a private road or a network of private roads exceed two thousand (2,000) feet in length measured along the centerline without a second access to a public road.
 - b) In no instance shall a private road that terminates in a cul-de-sac exceed one thousand (1,000) feet in length measured along the centerline.
6. Connections to Dead End Public Street. Private roads shall not connect with dead end public streets when the effect would result in a combined length of public and private road in excess of two thousand (2,000) feet.
7. Location of Private Roads. Private roads shall not interconnect with the public street network in a manner that will preclude the extension of public streets within areas where the future extension of public streets is necessary to further the logical, orderly, and efficient development of the overall public street network. In making such determination, consideration shall be given to the circulation pattern and traffic volumes on nearby public streets, existing and proposed land uses in the general area, the recommendations contained within the Lake Charter

Township Master Plan and plans of the Berrien County Road Commission and Michigan Department of Transportation, as applicable.

8. Names and Signage.
 - a) The names of all private roads created hereunder shall be approved by the Township Board.
 - b) Name signs and sign posts shall be erected at the expense of the applicant by either the Berrien County Road Commission or Lake Charter Township. Name signs shall be blue in color with white letters.
 - c) Where a private road meets any public road, a stop sign shall be installed at the intersection.
 - d) All traffic signs must meet Berrien County Road Commission standards.
9. Utility Easements. The proposed private roadway shall provide easements for the entire width and length of the private road for all utilities and services as may be necessary to provide all public services to the lots which benefit from the private road.
10. Improvements. All improvements installed or constructed as required under the terms of this Ordinance shall be made and maintained at the expense of the property owner(s) or developer.
11. Extending existing private roads. An existing private road in existence at the time of adoption of this ordinance shall not be made to comply with the requirements of this section, unless it is proposed to be extended. No existing private road shall be extended unless it either complies with the standards as set forth in this Ordinance or is made to comply at the time of such extension. In the event of a proposed extension of an existing private road, all of such standards shall be deemed to apply to the existing roadway and the proposed extension. An applicant proposing to extend an existing private road shall secure written evidence of consent from a majority of all persons who, to the knowledge of the applicant, possess any interest in the existing private road or have a right of access to their property thereby. Such evidence of consent shall be filed with the Township contemporaneously with the filing of the application for permit hereunder. Said consent shall state:
 - a) That the owner consents to the extension of the roadway pursuant to the application, and
 - b) That the consenting party consents to the upgrading of the existing roadway to the standards as set forth in this Ordinance, and where applicable, will agree to grant such easements or rights-of-way as are necessary to satisfy the requirements of this Ordinance.

D. Construction Specifications:

1. Minor private roads. Minor private roads may be gravel or paved and shall be built to the specifications shown in Exhibit 3.24 A below. The road shall widen at any dead end so there is at least a fifty-seven (57) foot right-of-way radius with a forty (40) foot radius cul-de-sac. Minor private road means a private road, which

serves residential uses up to twenty-five (25) lots, dwelling units, or condominium units.

2. Major private road. A major private road shall be paved, and built to meet or exceed the specification illustrated in Exhibit 3.24 B below. The road shall widen at any dead end so there is at least a sixty-seven (67) foot right-of-way radius with a fifty (50) foot paved radius cul-de-sac. Major private road means a private road which serves more than twenty-five (25) lots, dwelling units, or condominium units, or a private road serving any commercial or industrial use.

E. Maintenance Specifications:

1. Road surfaces are to be graded and graveled or paved to assure vehicle transit at all times of the year.
2. Drainage facilities shall be maintained to be open and freely draining.
3. A clear, unobstructed envelope shall be maintained at a minimum height of at least fifteen (15) feet above the entire minimum required road surface.
4. Road signs and traffic control signs, etc., shall be maintained and replaced by the owner(s) of the private road.

F. Driveway Locations:

Lots that are located at the intersection of public and private roads (corner lots) shall construct their driveways and be addressed on the private road, except in the case of an existing lot or structure or where topography, such as wetlands or steep slopes make such access unfeasible or where prohibited by the Berrien County Road Commission.

G. Additional Requirements:

In addition to the above, the Township Board may impose any reasonable requirements it determines are necessary to fulfill the purpose of this section.

H. Application Required:

1. Application Contents.
 - a) A plan prepared by a registered land surveyor, civil engineer, or landscape architect at a scale of at least 1" = 100 feet together with a fee established by the Township Board shall be submitted to the Township Clerk or designated agent. The plans shall include the following information:
 - i. The proposed name of development.
 - ii. Lot identification number(s) and/or a legal description.
 - iii. The names and addresses of the proprietor, owner proprietor, and planner, design engineer, landscape architect or surveyor.
 - iv. The scale of the drawing.

- v. The date of preparation.
 - vi. A north arrow.
 - vii. A location map showing the general relationship of the affected property to the surrounding area within a one mile radius, in a scale not less than 1" = 2,000 feet.
 - viii. The proposed property lines and dimensions of each parcel benefited by the proposed private road.
 - ix. The zoning classification of subject lot and surrounding parcels.
 - x. The location of existing buildings and structures.
 - xi. The locations, widths, legal descriptions and names of existing or prior easements of record, located on the subject lot.
 - xii. The location of existing and proposed sanitary sewers, water mains, storm drains, and other utilities.
 - xiii. The existing and proposed topography drawn at contour intervals no greater than four feet (4'). Proposed road grades shall be labeled on the drawing.
 - xiv. The location of significant natural features such as lakes, streams, wetlands, and slopes over twenty percent (20%).
 - xv. The layout and preliminary design of the proposed private road, indicating the proposed easement width and connections to adjoining rights-of-way.
 - xvi. Locations of proposed building sites including approximate grades and building set backs.
 - xvii. Easements for the benefit of the Charter Township of Lake for purposes of public utilities such as water and sewer, or for whatever other public services are deemed necessary by the Township, including but not limited to municipal water and sewer. These easements are subject to the review and approval of the Township Attorney and the Township Engineer. The developer shall provide drainage way easements as required by the regulations established by the Berrien County Drain Commissioner.
 - xviii. Indication of possible future land divisions. This is for information purposes.
 - xix. Locations of proposed building sites including approximate grades and building setbacks.
 - xx. Soil borings upon request.
 - xxi. Drainage plans and calculations to support adequate drainage and retention/detention (if necessary).
- b) In addition to the above plans, a maintenance agreement, easement agreement, and deed restrictions which provide for the perpetual private (non-public) maintenance of the private road and easement to a necessary and reasonable standard to serve the several interests involved shall be provided. These documents shall be recorded and shall contain the following provisions:

- i. A method of initiating and financing of such road and/or easements in order to keep the road in a reasonably good and usable condition.
- ii. A workable method of apportioning the costs of maintenance and improvements.
- iii. A notice that no public funds of Lake Charter Township are to be used to build, repair, or maintain the private road, including road cuts, curbs and gutters that may be required at the entry of the private road onto a public road.
- iv. Easements to the public for purposes of public and private utilities, emergency and other public vehicles for whatever public services are necessary.
- v. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting, or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, employees, and other bound to or returning from any of the properties having a right to use the road.
- vi. A method for apportioning any costs of road improvement required under this Ordinance occasioned by an extension of the private road.
- vii. A requirement that all future amendments to the maintenance agreement, easement agreement, master deed and/or deed restrictions shall be provided to the Township and shall be recorded with the Berrien County Register of Deeds.
- viii. A provision placing on notice all future purchasers, mortgagees and others with possible interest in the property that development on the property is subject to the terms of this Ordinance and the issuance of building permits for development on the property may be contingent on full compliance with the terms of this section.
- ix. The applicant must provide parcel number and legal descriptions of all parcels that have legal access to the private road easement.

I. Application Procedure:

1. Preliminary Review by the Planning Commission.
 - a) Twelve (12) copies of the application for a private road, or extension of an existing private road shall be submitted to the Lake Charter Township Zoning Administrator who shall review the application and determine whether the application's content satisfies the requirements listed herein. If the application is deficient, the Zoning Administrator shall immediately notify the applicant and provide written notice of the deficiency.
 - b) Once the Zoning Administrator determines that the application satisfies the requirements listed herein, the Zoning Administrator shall forward it to the Planning Commission, Township Engineer, Fire Chief, Township Planner and Zoning Board of Appeals (if applicable) for consideration.
 - c) The Planning Commission shall consider the application, and any recommendations from the Township Engineer, Fire Chief and/or Township

Planner, and shall recommend preliminary approval, or preliminary approval subject to conditions to the Township Board, only if it finds that the proposed private road will:

- i. Be compatible with the adjacent uses of land.
- ii. Be consistent with, and promote the intent and purpose of the Ordinance.
- iii. Be consistent with the capacities of public services and facilities affected by the proposed private road.
- iv. Not harm the public health, safety or welfare.
- v. Not create unreasonable or dangerous noise, dust, pollution or traffic conditions.
- vi. Be consistent with the public street network.

2. Preliminary Approval by the Township Board.

- a) After having received the Planning Commission's recommendation, the applicant shall contact the Zoning Administrator to request Township Board review.
- b) The applicant shall submit twelve (12) sets of the site plan including construction plans and other documents to the Zoning Administrator at least twenty-one (21) days prior to the meeting. These plans shall include all recommendations of the Planning Commission.
- c) The Township Board shall grant preliminary approval only if the proposed private road satisfies the standards of this Ordinance. Preliminary approval by the Township Board authorizes the applicant to commence road construction.
- d) Upon preliminary approval of the site plan, construction plans and other documents by the Township Board, the Zoning Administrator may issue a private road construction permit. No work on a private road shall commence until and unless there has been both preliminary approval by the Township Board and a private road construction permit has been issued by the Zoning Administrator. Preliminary approval expires one year after the Board grants preliminary approval if the applicant fails to obtain final approval. The one year may be extended if applied for by the applicant and granted by the Township Board in writing for good cause shown.
- e) The Township Board shall have the final decision regarding application for private road construction. The Board may waive or revise any requirement of this Ordinance where unusual or extraordinary circumstances make compliance with the terms of the Ordinance impossible and where alternative approaches are proposed to accomplish the primary objectives of the Ordinance.

J. Road Construction:

1. All necessary approvals and permits of the Berrien County Road Commission shall be obtained by the applicant prior to the commencement of road construction.

2. Prior to the commencement of any clearing or grading, the work area shall be staked by the developer's engineer or surveyor and may be inspected by Township officials.
3. The Township Board or Planning Commission may require the developer to deposit a cash bond or other bond assurance of performance, in the amount to be determined by the Township, to guarantee that the clearing and grading will conform with the approved plans. In addition, copies of the proof of adequate liability insurance coverage for the developer's engineer and contractor shall be provided to the Township prior to commencement of construction.
4. All private roads shall be inspected by the Township Engineer during the construction of the road. Two (2) working days' notification shall be given to the Township Engineer's office before commencing construction of the road. The owner and/or contractor shall provide proof of and maintain financial responsibility by a bond or insurance in an amount deemed necessary by the Township Board to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the applicant, or an agent or employee thereof in the character and form the Township Board determines is necessary to protect the public. Prior to final approval, the developer's engineer shall certify that the road has been constructed in accordance with as-built plans (which shall be submitted at the completion of the job). This certification shall be signed and sealed by the developer's engineer.
5. If, at any time during road construction, a deviation from the information provided in the plan which has received preliminary approval by the Township Board occurs or is anticipated to occur, the applicant shall stop construction and submit sufficient detailed information pertaining to that portion of the private road which deviates from the plan and consult with the Zoning Administrator to determine whether the deviation requires approval by the Planning Commission. If, in the opinion of the Zoning Administrator, the deviation is not significant, construction may continue. If the deviation in the opinion of the Zoning Administrator and/or Township Engineer is significant, the applicant shall submit a request to deviate from the plan to the Planning Commission including:
 - a) A revised site plan which conspicuously identifies location and nature of the deviation.
 - b) A written explanation of the cause of and reason justifying the deviation.

K. Consideration of Request to Deviate:

The Planning Commission will hear and decide whether to permit the continued road construction with the deviation within 60 days of receipt by the Planning Commission of a complete request to deviate from the plan as described herein. If the Planning Commission denies the request to deviate from the plan, it shall cause its reason for the denial to be recorded in the minutes of the meeting.

L. Township Engineer Recommendation:

Upon receipt of acceptable as-built plans and verification of proper certification of construction, the Township Engineer may submit his or her recommendation to the Township to accept the road as completed. If there is any deviation from the plans, the

Township Engineer shall report the deviation and reason for same to the Zoning Administrator.

M. Final Approval By Township Board:

1. The Township Board shall consider for final approval, only applications which contain all of the following:
 - a) Final inspection and approval of private road by the Township's Engineer.
 - b) Proof of installation of street name sign and traffic control devices.
 - c) Proof of installation of underground utilities required to adequately serve the parcels on the private road.
2. Information Required. The following information shall be submitted to the Zoning Administrator at least twenty-one (21) days prior to the Board meeting at which final approval of the proposed private road will be considered:
 - a) Twelve (12) copies of recorded land survey and legal descriptions showing easements for underground electrical and communication service lines, drainage, sanitary sewer, water, and private road and dedication of any public road rights-of-way.
 - b) Two (2) copies of the recorded road maintenance agreement.
 - c) Two (2) copies of the recorded deed restrictions, if any, and easements.
 - d) Verification of approval of a significant deviation by the Planning Commission (if applicable)
3. If there is compliance with this section and all other applicable Township ordinances, the Township Board shall give final approval to the private road. If final approval is denied, the Township Board shall record the reasons for the denial in its minutes. The developer shall submit copies of the plan to the Berrien County Road Commission, appropriate fire department(s), police department(s), ambulance department(s) 9-1-1 and all utilities which serve lots benefited by the private road.

N. Permit Issued:

No building permits shall be issued by the Building Inspector and/or Zoning Administrator for the use of any lot served by a private road, unless such road has received final approval by the Township Board as provided herein, unless said lot is accessible by an existing road.

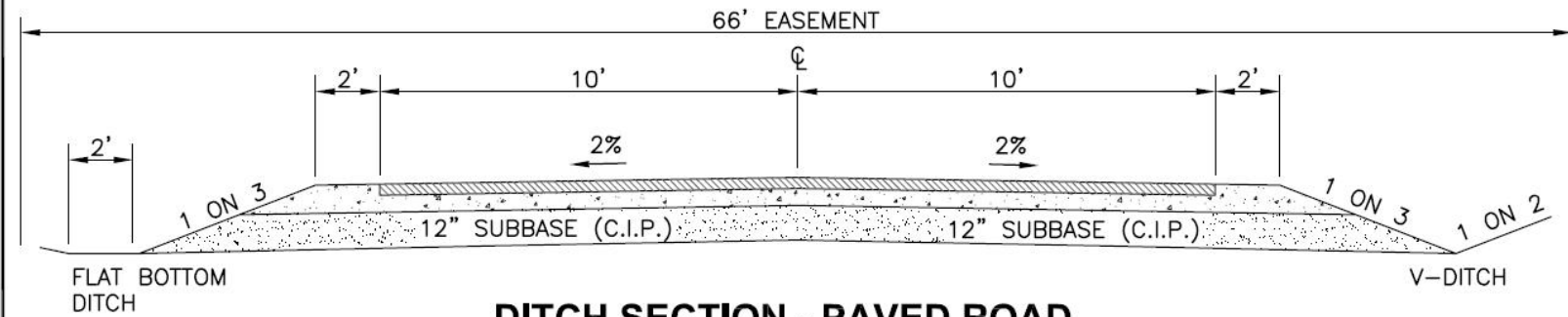
O. Variances:

In addition to the variance review and approval requirements set forth in Chapter 18 of this ordinance, the Zoning Board of Appeals may provide relief from the strict application of the standards of this Section 3.25 when it finds that one or more of the following criteria apply:

1. A proposed private road extension or improvement is of very modest scale affecting not more than three parcels such that full compliance with construction,

- design and development standards of this section would be inordinately burdensome as to be unwarranted.
2. Construction of a new private road or the extension or improvement of an existing private road in conformance with the standards of this section would result in severe degradation to important natural features which may be preserved and protected with a lessening of the standards. Provided, that a safe alternative design will still result from such reduced standards.
 3. The requirements of the Michigan Department of Natural Resources and Environment (or other successor agency) would preclude the development of a roadway in full conformance with the requirements of this Section.

**EXHIBIT 3.24 A – LAKE CHARTER TOWNSHIP
MINOR PRIVATE ROAD
TYPICAL SECTIONS FOR PAVED ROAD**



DITCH SECTION - PAVED ROAD

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By: HUDELSON

04/08

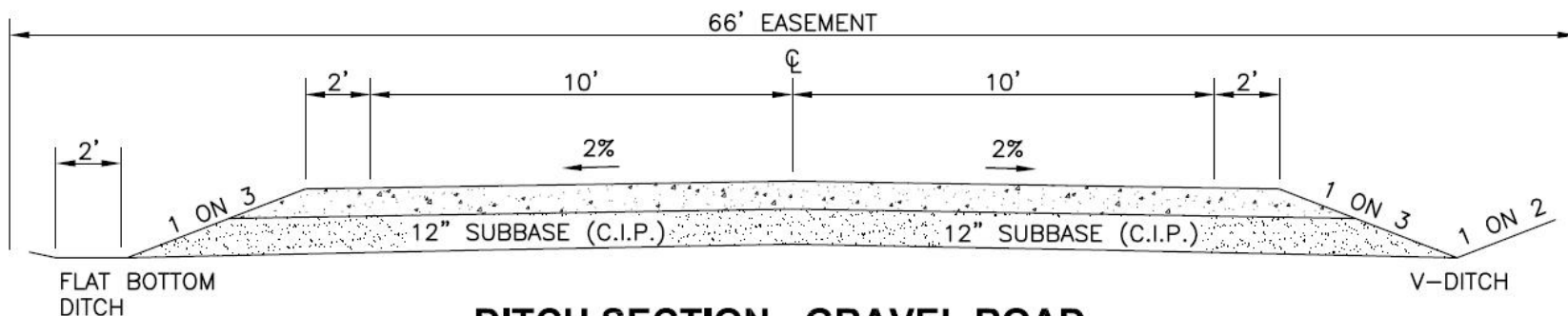
| LEGEND | |
|---------------------------------|--|
| HMA SURFACE 2.5" | |
| GRAVEL 8" MDOT 22A | |
| SSB-(IF NECESSARY) | |
| MDOT GRANULAR MATERIAL CLASS II | |

MINOR PRIVATE ROAD - PAVED

Williams & Works
engineers . planners . surveyors

616.224.1500 phone • 616.224.1501 facsimile
549 Ottawa Ave NW • Grand Rapids, MI 49503

**EXHIBIT 3.24 A – LAKE CHARTER TOWNSHIP
MINOR PRIVATE ROAD
TYPICAL SECTIONS FOR GRAVEL ROAD**





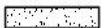
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(TYPICAL SECTION FOR PAVED ROADS ON SEPERATE SHEET)

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LEGEND

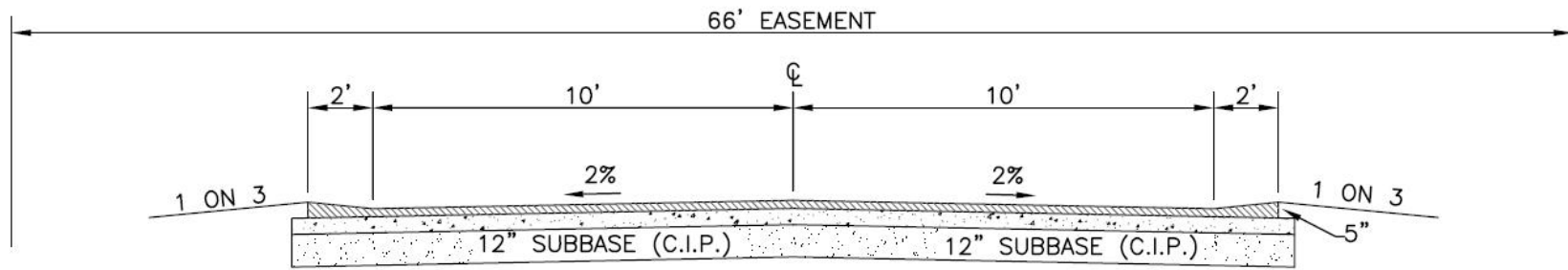
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| SSB-(IF NECESSARY) |  |
| MDOT GRANULAR MATERIAL CLASS II |  |

MINOR PRIVATE ROAD - GRAVEL

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engineers . planners . surveyors

616.224.1500 phone . 616.224.1501 facsimile
549 Ottawa Ave NW . Grand Rapids, MI 49503

**EXHIBIT 3.24 A – LAKE CHARTER TOWNSHIP
MINOR PRIVATE ROAD
TYPICAL SECTIONS FOR PAVED ROAD**



VALLEY GUTTER SECTION - PAVED ROAD

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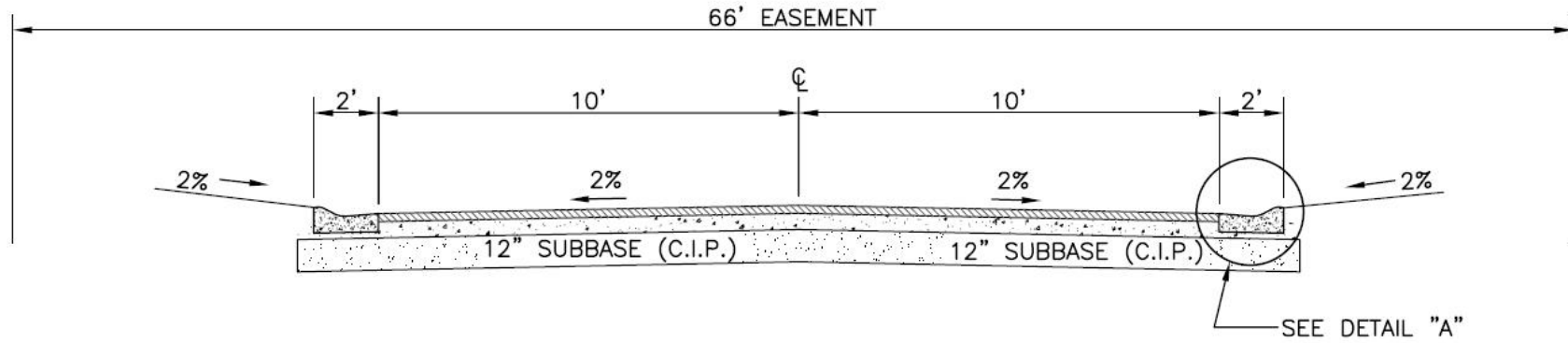
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| SSB-(IF NECESSARY) | |
| MDOT GRANULAR MATERIAL CLASS II | |

MINOR PRIVATE ROAD - PAVED

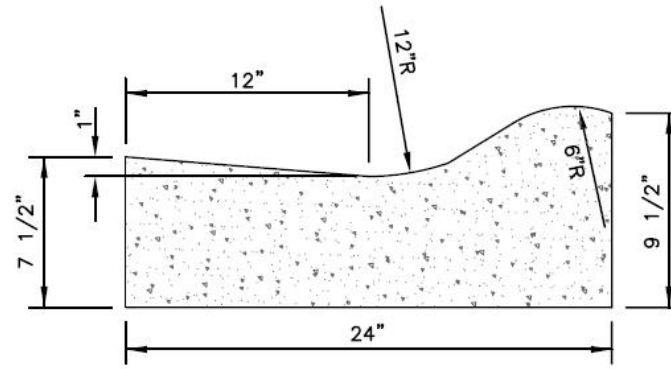
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**EXHIBIT 3.24 A – LAKE CHARTER TOWNSHIP
MINOR PRIVATE ROAD
TYPICAL SECTIONS FOR PAVED ROAD**



CONCRETE CURB & GUTTER SECTION - PAVED ROAD



DETAIL "A"
NOT TO SCALE

04/08

| <u>LEGEND</u> | |
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| MDOT GRANULAR MATERIAL CLASS II | |

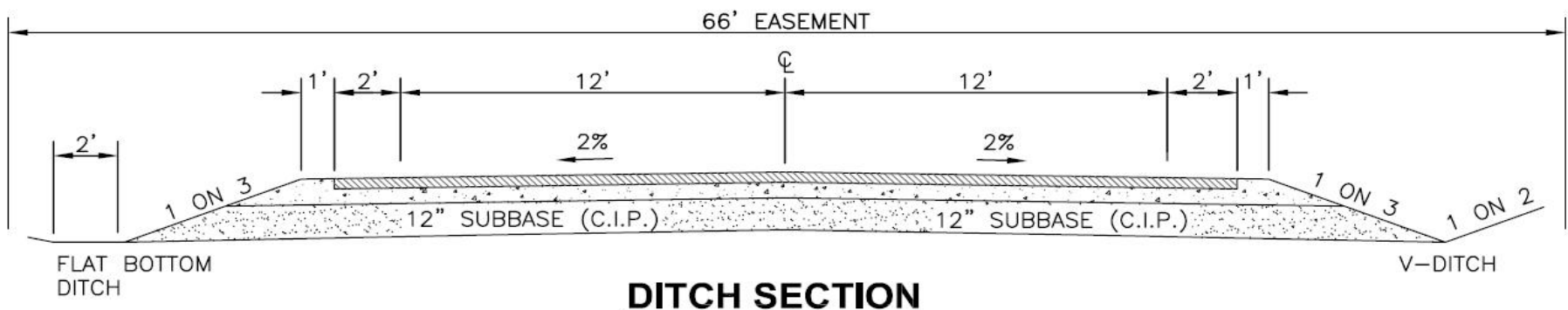
MINOR PRIVATE ROAD - PAVED

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**EXHIBIT 3.24 B – LAKE CHARTER TOWNSHIP
MAJOR PRIVATE ROAD
TYPICAL SECTIONS FOR PAVED ROAD**



04/08

LEGEND

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| GRAVEL 8" MDOT 22A |  |
| SSB—(IF NECESSARY) |  |
| MDOT GRANULAR MATERIAL CLASS II |  |

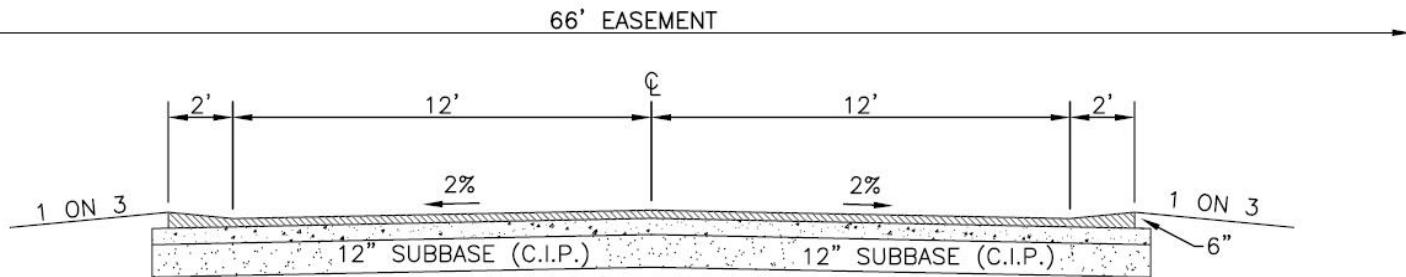
MAJOR PRIVATE ROAD - PAVED

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549 Ottawa Ave NW · Grand Rapids, MI 49503

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**EXHIBIT 3.24 B – LAKE CHARTER
TOWNSHIP
MAJOR PRIVATE ROAD
TYPICAL SECTIONS FOR PAVED ROAD**



VALLEY GUTTER SECTION

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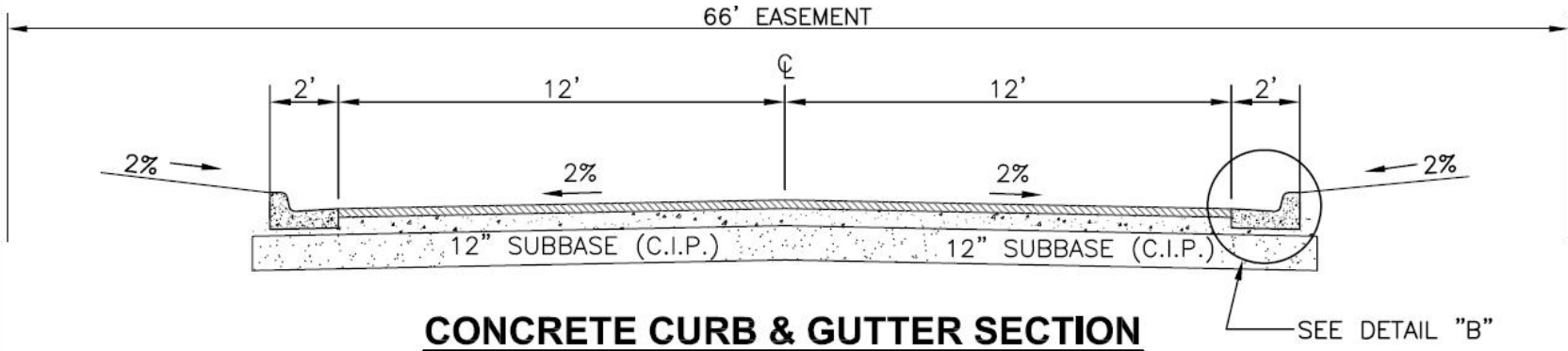
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MAJOR PRIVATE ROAD - PAVED

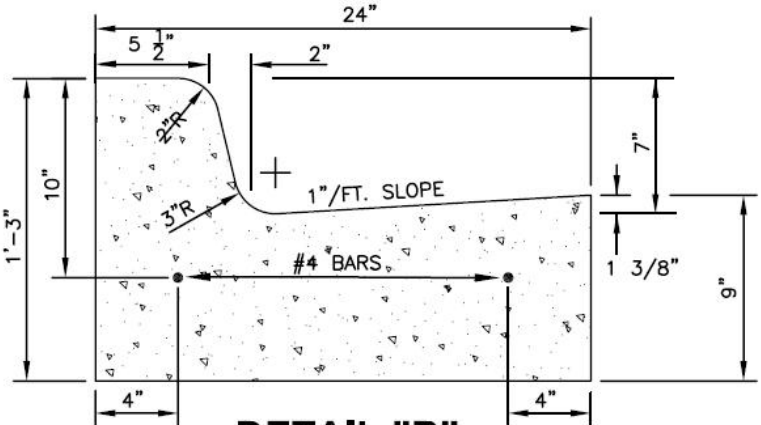
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**EXHIBIT 3.24 B – LAKE CHARTER TOWNSHIP
MAJOR PRIVATE ROAD
TYPICAL SECTIONS FOR PAVED ROAD**



CONCRETE CURB & GUTTER SECTION



DETAIL "B"
NOT TO SCALE

04/08

| LEGEND | |
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| HMA SURFACE 3" | |
| GRAVEL 8" MDOT 22A | |
| SSB-(IF NECESSARY) | |
| MDOT GRANULAR MATERIAL CLASS II | |

MAJOR PRIVATE ROAD - PAVED
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CHAPTER 4

Mapped Districts

Section 4.01 Official Zoning Map

For the purposes of this Ordinance, Lake Charter Township is divided into the following Zoning Districts:

| Zoning District | | Chapter |
|-----------------|------------------------------------|---------|
| R-AG | Residential, Agriculture | 5 |
| R-1 | Single Family Residential | 6 |
| R-2 | Multi-Family Residential | 7 |
| R-3 | Manufactured Home Park Residential | 8 |
| C-1 | Commercial | 9 |
| I | Industrial | 10 |
| RE | Recreation | 11 |

Section 4.02 Official Zoning Map

- A. The Township is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.
- B. The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk and shall bear the seal of the Township and the date of adoption. The Official Zoning Map shall be the map adopted on the effective date of this ordinance.
- C. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map. The Official Zoning Map is to be kept up to date, accessible to the general public, and shall be the final authority as to the current Zoning District status of all land and buildings in Lake Township which are subject to the provisions of this Ordinance.
- D. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance and in accordance with state law.
- E. Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map shall be located in the custody of the Township Clerk and shall be the final authority as to the current zoning status of land and water areas in the Township.

Section 4.03 Rules for Interpretation of District Boundaries

- A. In order to more effectively protect and promote the general welfare and accomplish the aims and objectives of the Lake Township Land Use Plan, the Township is

divided into Zoning Districts of such number, boundaries, shape and area, and of such common unity of purpose adaptability or use, that are deemed most suitable to provide for the best development of the community, while protecting the common rights and interests of all through associated regulations and restrictions. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed as following such center lines;
2. Boundaries indicated as approximately following the property, parcel, or lot lines shall be construed as following such lines;
3. Boundaries indicated as approximately following Township boundaries shall be construed as following such Township boundaries;
4. Boundaries indicated as following Township section lines shall be construed as following such section lines;
5. Boundaries indicated as approximately following railroad lines shall be construed to be midway between the railroad right-of-way;
6. Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
7. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Board of Appeals, after recommendation from the Zoning Administrator. An appeal of the Zoning Administrator's decision may be taken to the Zoning Board of Appeals;
8. Where a district boundary line divides a lot at the time of passage of this Ordinance, the Zoning Administrator may permit the extension of the regulations for either portion of the lot not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

Section 4.04 Application of District Regulations

- A.** The regulations set forth by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land within a Zoning District, and particularly, except as hereinafter provided:
1. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

2. No building or other structure shall hereafter be erected or altered to:
 - a) Exceed the height or bulk;
 - b) Accommodate or house a greater number of families;
 - c) Occupy a greater percentage of lot area; or
 - d) Have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or be erected or altered in any other manner contrary to the provisions of this Ordinance.
3. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension 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.
4. In no such case shall a division or combination of any new or residual lot or parcel be created which does not meet the P.A. Act 288 of 1967, Land Division Act as amended, and the requirements of this Ordinance.

Section 4.05 **Zoning of Vacated Areas**

Whenever any street, alley or other public way within the Township shall have been vacated by official governmental action, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such street, alley or public way, such lands shall automatically and without further governmental action be subjected to the same zoning regulations as are applicable to the adjoining lands.

Section 4.06 **Zoning of Filled Land**

Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action acquire and be subjected to the same zoning regulations under this Ordinance for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

Section 4.07 **Zoning District Changes**





When District boundaries become changed, any use made non-conforming by such change may be continued, subject to the provisions of Section 3.10 Nonconforming Lots, Uses, and Structures of this Ordinance.

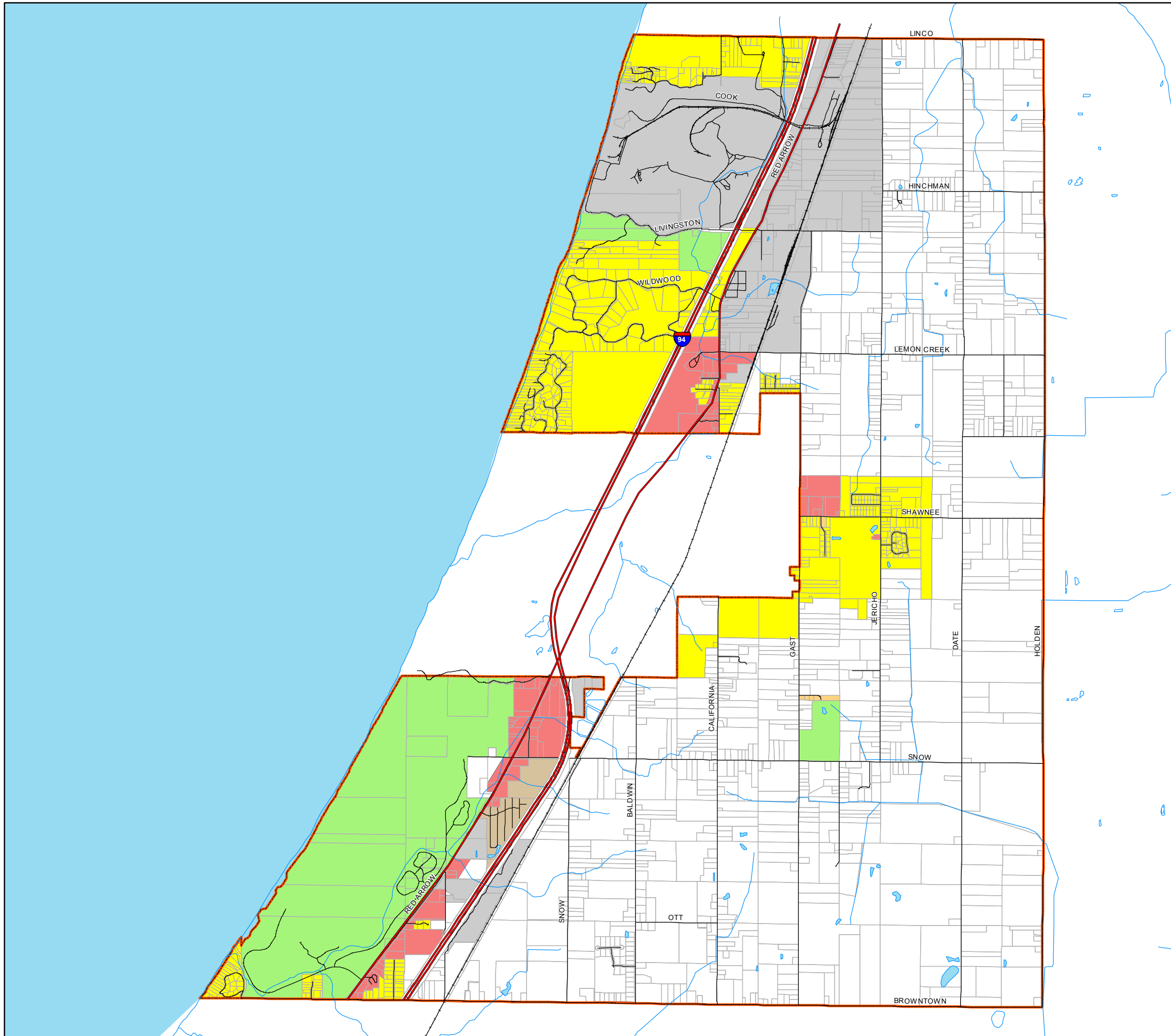
Lake Charter Township

Berrien County, Michigan

Zoning

September 30, 2011

-  R-AG, Agricultural/Residential
-  R-1, Single Family Residential
-  R-2, Multi-Family Residential
-  R-3, Residential Mobile Home
-  RE, Recreational
-  C-1, Commercial
-  I, Industrial



1 inch = 3,154 feet
0 1,500 3,000 6,000 Feet



CHAPTER 5

R-AG, Residential – Agricultural District.

Section 5.01 Schedule of District Regulations

To conserve and enhance the low-density rural residential and agricultural use of substantial portions of the township that does now and, for a substantial period of time, should have such character. By conserving such character, the township and other public agencies will realize economies in public expenditures by minimizing scattered demand for urban types and levels of services, utilities and facilities in otherwise predominantly rural areas; protect a vital economic activity and encourage and conserve portions of the countryside in an open and natural state.

Only bona fide Farm and Farm Operations shall be protected by the Right-to-Farm Act. Other uses legally operating within the Residential/Agricultural District shall adhere to all local, state, and federal regulations and ordinances, including but not limited to the Michigan Building Code. All laws, rules, regulations of the county, state or federal government must be strictly obeyed.

Section 5.02 Permitted Principal Uses.

1. Farms and Farm Operations
2. Dwellings, Single Family
3. Institutional Uses
4. Foster family homes, adult foster care family homes, family child care homes
5. Open space developments
6. Public recreation uses
7. Accessory uses, building, or structure
8. Nurseries and Greenhouses
9. Home occupations, per 3.09
10. Farm Markets
11. Roadside Stands
12. Places of religious worship

Section 5.03 Permitted Accessory Uses.

1. Migrant labor housing

Section 5.04 Uses Requiring Special Land Use Permit.

1. Stables
2. Riding academies
3. Gun clubs
4. Golf course
5. Driving ranges
6. Veterinarians
7. Airports
8. Private recreation uses
9. Cemeteries
10. Kennels
11. Soil and mineral extraction operations
12. Composting operations
13. Planned Unit Developments
14. Bed and Breakfast facilities

Section 5.05 Site Development Requirements.

Standards for height, bulk, density, and area:

| R-AG District Regulations | |
|----------------------------------|--|
| Minimum Lot Area | 1 acre (43,560 square feet) |
| Minimum Road Frontage | 150 feet |
| Minimum Front Yard Setback | 35 feet |
| Minimum Side Yard Setback | 15 feet |
| Minimum Rear yard Setback | 25 feet |
| Maximum Building Height | 2 ½ stories; or 35 feet, whichever is higher |
| Minimum Dwelling Unit Size | 720 square feet |

Section 5.06 Off-Street Parking and Loading.

See Chapter 16.

Section 5.07 Signs.

See Chapter 15.

Section 5.08 Site Plan Review.

See Chapter 19.

CHAPTER 6

R-1, Single-Family Residential

Section 6.01 Statement of Purpose

To provide for a suitable residential environment for families typically with children, the following uses are basically limited to single-family dwellings together with certain other uses such as schools, parks and playgrounds, which provide a neighborhood environment. In keeping with the purpose, development is regulated to a moderate density.

Section 6.02 Permitted Principal Uses

Except as provided in Section 6.03, below, in a R-1 District, no building or land shall be used and no building or structure shall be erected, except for the following uses:

1. Dwellings, Single Family
2. Foster family homes, adult foster care family homes, family child care homes
3. Open space developments
4. Public recreation uses
5. Accessory uses, buildings or structures
6. Home occupations
7. Places of religious worship

Section 6.03 Uses Requiring Special Land Use Permit

The following uses are permitted in the R-1 District when approved as special land uses pursuant to the procedures provided in Chapter 16 (Special Land Uses):

1. Golf courses
2. Nursing or convalescent homes
3. Institutional uses
4. Cemeteries
5. Planned unit developments
6. Bed & breakfast facilities

7. Family child care group homes, adult foster care group homes, foster family group homes, group child care homes.

Section 6.04 Site Development Requirements

Standards for height, bulk, density and area:

| R-1 District Regulations | |
|---------------------------------|--|
| Minimum Lot Area | 15,000 square feet |
| Minimum Lot Width | 100 feet |
| Minimum Front Yard Setback | 35 feet |
| Minimum Side Yard Setback | 15 feet |
| Minimum Rear Yard Setback | 25 feet |
| Maximum Building Height | 2 ½ stories; or 35 feet, whichever is higher |
| Minimum Dwelling Unit Size | 720 square feet |

Section 6.05 Off-Street Parking and Loading

See Chapter 15.

Section 6.06 Signs

See Chapter 14.

Section 6.07 Site Plan Review

See Chapter 17.

CHAPTER 7

R-2 Multi-Family Residential District

Section 7.01 Statement of Purpose

This district is intended to provide a sound and stable environment for various types of residential buildings and group housing developments. If it further intended to accommodate a mixture of housing types, including single family, multiple family, townhouses, row house and other housing facilities. This District may act as a buffer between detached single-family developments and certain non-residential or multiple family developments.

Section 7.02 Permitted Principal Uses

Except as provided in Section 7.03, below, in a R-2 District, no building or land shall be used and no building or structure shall be erected, except for the following uses:

1. Dwellings, Single Family
2. Dwellings, Two Family
3. Dwellings, Multiple family
4. Foster family homes, adult foster care family homes, family child care homes
5. Open space developments
6. Public recreation uses
7. Accessory uses, buildings or structures
8. Home occupations, per 3.09
9. Places of religious worship

Section 7.03 Uses Requiring Special Land Use Permit

The following uses are permitted in the R-2 District when approved as special land uses pursuant to the procedures provided in Chapter 16 (Special Land Uses):

1. Golf courses
2. Nursing or convalescent homes
3. Institutional uses
4. Cemeteries
5. Planned unit developments
6. Bed & breakfast facilities
7. Family child care group homes, adult foster care group homes, foster family group homes, group child care homes.

Section 7.04 Site Development Requirements

Standards for height, bulk, density and area:

| R-2 District Regulations | | | | | | | | | | | | | |
|---------------------------------|--|------------------------|-------------|-------------------------------|--|-----------------|-------------|------------------|-------------|------------------|-------------|-------------------------|-------------|
| Minimum Lot Area | Single-family dwelling: 15,000 square feet per unit Two-family dwelling: 10,000 square feet per structure Multi-family dwelling: 12 dwelling units to the acre Other uses: 15,000 square feet | | | | | | | | | | | | |
| Minimum Lot Width | 150 feet | | | | | | | | | | | | |
| Minimum Front Yard Setback | 35 feet | | | | | | | | | | | | |
| Minimum Side Yard Setback | 15 feet | | | | | | | | | | | | |
| Minimum Rear Yard Setback | 25 feet | | | | | | | | | | | | |
| Maximum Building Height | 2 ½ stories; or 35 feet, whichever is higher | | | | | | | | | | | | |
| Minimum Dwelling Unit Size | <table border="1" style="width: 100%;"> <tr> <td>Single family dwelling</td> <td style="text-align: center;">720 sq. ft.</td> </tr> <tr> <td colspan="2" style="text-align: center;">Duplex and multiple dwellings</td> </tr> <tr> <td>Efficiency unit</td> <td style="text-align: center;">400 sq. ft.</td> </tr> <tr> <td>One-bedroom unit</td> <td style="text-align: center;">500 sq. ft.</td> </tr> <tr> <td>Two-bedroom unit</td> <td style="text-align: center;">600 sq. ft.</td> </tr> <tr> <td>Three plus bedroom unit</td> <td style="text-align: center;">700 sq. ft.</td> </tr> </table> | Single family dwelling | 720 sq. ft. | Duplex and multiple dwellings | | Efficiency unit | 400 sq. ft. | One-bedroom unit | 500 sq. ft. | Two-bedroom unit | 600 sq. ft. | Three plus bedroom unit | 700 sq. ft. |
| | Single family dwelling | 720 sq. ft. | | | | | | | | | | | |
| | Duplex and multiple dwellings | | | | | | | | | | | | |
| | Efficiency unit | 400 sq. ft. | | | | | | | | | | | |
| | One-bedroom unit | 500 sq. ft. | | | | | | | | | | | |
| Two-bedroom unit | 600 sq. ft. | | | | | | | | | | | | |
| Three plus bedroom unit | 700 sq. ft. | | | | | | | | | | | | |

Section 7.05 Off-Street Parking and Loading

See Chapter 15.

Section 7.06 Signs

See Chapter 14.

Section 7.07 Site Plan Review

See Chapter 17.

CHAPTER 8

R-3 Manufactured Home Park District

Section 8.01 Statement of Purpose

To make provisions for manufactured homes in state-licensed manufactured home parks that provide housing options in an appropriate, safe and attractive manner.

Section 8.02 Permitted Principal Uses

1. Manufactured home parks shall be established in full compliance with all applicable requirements of the State Manufactured Home Park Act, Act 243, P.A. 1959, and the provisions of the Manufactured Home Commission Act, Act 96 of 1987, as amended, provided further that said developments meet the standards and conditions and all other provisions as herein established.
2. Accessory uses, building, or structure

Section 8.03 Off-Street Parking and Loading

See Chapter 15.

Section 8.04 Signs

See Chapter 14.

Section 8.05 Site Plan Review

See Chapter 17.

CHAPTER 9

C-1 Commercial District

Section 9.01 Statement of Purpose

To encourage and facilitate the development and maintenance of sound and efficient shopping, business and service areas, among such necessary regulations being the exclusion of certain uses and activities which tend to disrupt the efficient functioning of commercial areas, and which function better outside such areas.

Section 9.02 Permitted Principle Uses

Except as provided in Section 9.03, below, in a C-1 District, no building or land shall be used and no building or structure shall be erected, except for the following uses:

1. Commercial/retail establishments
2. Personal service establishments
3. Professional service establishments
4. Funeral homes
5. Medical clinics
6. Nursing or convalescent homes
7. Eating and drinking establishments
8. Financial institutions
9. Professional offices
10. Showrooms
11. Accessory uses, buildings and structures
12. Automobile service and repair stations
13. Car wash facilities
14. Hotels/motels
15. Theaters, nightclubs, bowling alleys, skating rinks and similar places of entertainment or recreation
16. Places of religious worship
17. Contractor's offices and yards

18. Institutional uses
19. Public or private recreational uses
20. Lodging Houses
21. Gas Stations

Section 9.03 **Uses Requiring Special Land Use Permit**

The following uses are permitted in the C-1 District when approved as special land uses pursuant to the procedures provided in Chapter 16 (Special Land Uses):

1. Adult caring institutions
2. Day care centers
3. Group child care homes, adult foster care group homes, foster family group homes
4. Private clubs and organizations
5. Retail shops with on-site fabrication
6. Veterinarians
7. Communication towers
8. Planned unit developments
9. Open air businesses
10. Storage of continually unoccupied manufactured homes, RV's, campers, watercraft, etc.
11. Live-work facilities
12. Golf courses
13. Bed and breakfast facilities
14. Sexually Oriented Business
15. Billboards

Section 9.04 **Site Development Regulations**

Standards for height, bulk, density and area:

| C-1 District Regulations | |
|---------------------------------|--|
| Minimum Lot Area | 10,000 square feet |
| Minimum Lot Width | 100 feet |
| Minimum Front Yard Setback | 35 feet |
| Minimum Side Yard Setback | If adjacent to a residential district – 25 feet; if adjacent to a nonresidential district – 15 feet |
| Minimum Rear Yard Setback | 25 feet |
| Maximum Building Height | The lessor of 3 stories or 35 feet |
| Minimum Dwelling Unit Size | 720 square feet |

Section 9.05 Off-Street Parking and Loading

See Chapter 15.

Section 9.06 Signs

See Chapter 14.

Section 9.07 Site Plan Review

See Chapter 17.

Chapter 10

I- Industrial District

Section 10.1 Statement of Purpose

To encourage and facilitate the development of industrial enterprises in a setting conducive to public health, economic stability, and growth, protection from blight, deterioration, and non-industrial encroachment, and efficient traffic movement including employee and truck traffic.

Section 10.2 Permitted Principal Uses

Except as provided in Section 10.3, below, in an I District, no building or land shall be used and no building or structure shall be erected, except for the following uses:

1. Manufacturing, compounding, processing, packaging, treating, or assembling operations for the following:
 - A. Agricultural products, including but not limited to, the production in greenhouses of flowers, plants, shrubs, trees, or other similar living products;
 - B. Food and kindred products including meat, dairy, fruit, vegetable, seafood, bakery, confectionery, beverage, and similar products (but not including slaughtering of animals, or rendering or refining of fats and oils);
 - C. Furniture and fixtures;
 - D. Printing, publishing, and allied industries;
 - E. Electrical machinery, equipment and supplies, electronic components and accessories;
 - F. Engineering, measuring, optical, medical, scientific, photographic, and similar instruments and goods; and
 - G. Cut stone and stone products related to monuments.

2. Operations involving manufacturing, compounding, processing, packaging, treating, or assembling materials or products from previously prepared materials including the following:
 - A. Textile mill products, including woven fabric, knit goods, dyeing and finishing, floor coverings, yard and thread, and other similar products;
 - B. Apparel and other finished products including clothing, leather goods, furnishing and canvas products;
 - C. Lumber and wood products including mill work, prefabricated structural work products and containers;
 - D. Paper and paperboard containers and products;
 - E. Glass products;
 - F. Jewelry, silverware and plated ware, musical instruments and parts, toys, amusement, sporting and athletic goods, pens, pencils, and other office and artist supplies and materials, notions, signs, and advertising displays;
 - G. Pottery, figurines, and other ceramic products using only previously pulverized clay; and
 - H. Fabricated metal products.

3. Gas Stations

4. Wholesale businesses and warehousing, including automotive equipment, dry goods, apparel, food, farm products, electrical goods, hardware, machinery, equipment, metals, paper products, and lumber;
5. Warehousing (refrigerated and general storage within an enclosed building);
6. Dry cleaning plants
7. Professional offices
8. Research and development facilities
9. Trade or industrial schools;
10. New building materials sales and storage;
11. Body shops and wrecker services;
12. Accessory buildings, structures and uses
13. Truck and freight terminals;
14. Electric power generation plants;
15. Auction houses
16. Automobile service and repair facilities
17. Contractor's office and yards
18. Printing and publishing operations
19. Shipping and delivery operations
20. Institutional uses
21. Retail sales as accessory to a permitted principal or special land uses

22. Farms or Farm Operations

Section 10.03 Uses Requiring Special Land Use Permit

The following uses are permitted in the I District when approved as special land uses pursuant to the procedures provided in Chapter 16 (Special Land Uses):

1. Chemical storage, warehousing, and transport operations
2. High intensity industrial uses
3. Recycling facilities

4. Communication towers
5. Junkyards
6. Planned unit developments
7. Biological products, drugs, medicinal chemicals and pharmaceutical manufacturing
8. Wholesale, retail, storage or the manufacturing of fireworks or explosives
9. Storage of manufactured homes, RVs., etc.
10. Live-work facilities
11. Financial institutions
12. Eating and drinking establishments
13. Cemeteries
14. Billboards

Section 10.04 Site Development Requirements

Standards for height, bulk, density and area:

| 1. I District Regulations | |
|----------------------------------|--|
| Minimum Lot Area | 10,000 square feet |
| Minimum Lot Width | 100 feet |
| Minimum Front Yard Setback | 35 feet |
| Minimum Side Yard Setback | If adjacent to a residential district – 25 feet; if adjacent to a nonresidential district – 15 feet |
| Minimum Rear Yard Setback | 25 feet |
| Maximum Building Height | The lessor of three stories or 35 feet |
| Minimum Dwelling Unit Size | 720 square feet |

Section 10.05 Required Conditions

- A. Public Health: The above mentioned special land uses may be permitted only upon conclusive demonstration through specific plans that the proposed use shall not be obnoxious, hazardous or detrimental to the public health, safety and welfare.

- B. Restrictive location: Uses listed in Section 10.03 shall not be located closer than one thousand (1000) feet to a Residential District.
- C. Fences: Where an Industrial use abuts the R-1, R-2 or R-3 districts along a common lot or property line, a substantial opaque fence or wall of not less than six (6) feet nor more than ten (10) feet in height shall be constructed. The screening fence may be replaced with a landscaped buffer of evergreen trees and shrubs containing a width of at least fifteen (15) feet and at least six (6) feet in height.
- D. Oil, gasoline or chemical storage facilities: These facilities must be constructed in conformity with State and Federal regulations, and further provided that above ground storage shall be entirely enclosed with a fence not less than six (6) feet in height, and shall be located at least five hundred (500) feet distant from any Residential/Agricultural, Single Family Residential, Manufactured Housing or Multi-Family Residential District.

Section 10.06 Off-Street Parking and Loading

See Chapter 15.

Section 10.07 Signs

See Chapter 14.

Section 10.08 Site Plan Review

See Chapter 17.

CHAPTER 11

RE Recreation District

Section 11.01 Statement of Purpose

The regulations of this district are intended to conserve open space and natural amenities such as lakes, streams and the shorelines thereof, pronounced topography, woodlands, certain wetlands, floodplains and other natural features; to allow and regulate public and private use of such areas for the recreation and enjoyment of persons; to regulate the use, improvement and development of such lands so as to safeguard the natural amenities and undesirable influences and to allow, by Special Land Use Permit, certain special uses which may be found suitable at certain specific locations in such districts, subject to appropriate controls.

Section 11.02 Permitted Principal Uses

No building or land shall be used and no building or structure shall be erected, except for the following uses:

1. Private recreation uses
2. Public recreation uses
3. Driving ranges

Section 11.03 Uses Requiring Special Land Use Permit

The following uses are permitted in the RE District when approved as a special land use pursuant to the procedures provided in Chapter 16 (Special Land Uses) and in this Chapter:

1. Seasonal recreational vehicle parks licensed by the State
2. Bed & breakfast facilities
3. Stables
4. Golf courses

Section 11.04 Special Use Standards

Besides the general and specific standards listed in Chapter 16, these additional standards are to be used when permitting the special land uses discussed in this Chapter:

1. Recommendations on the basis of the proposed use being in harmony with adjoining and nearby uses; capable of adequate service by utilities, fire and police protection, and roads for traffic access;
2. The proposed use is designed to meet, and is reasonably capable of meeting and maintaining, the requirements of this chapter by virtue of its location, size and shape of lot accessibility and topography; and
3. The use advances and enhances the Statement of Purpose of this District.

Section 11.05 Site Development Requirements

Standards for height, bulk, density and area:

| RE District Regulations | |
|--------------------------------|----------------------------------|
| Minimum Lot Area | 1 acre |
| Minimum Lot Width | 150 feet |
| Minimum Front Yard Setback | 40 feet |
| Minimum Side Yard Setback | 20 feet |
| Minimum Rear Yard Setback | 25 feet |
| Maximum Building Height | Lessor of 2 ½ stories or 35 feet |

Section 11.06 Off-Street Parking and Loading

See Chapter 15.

Section 11.07 Signs

See Chapter 14.

Section 11.08 Site Plan Review

See Chapter 17.

Chapter 12

RESERVED

Chapter 13

RESERVED

Chapter 14

Signs

Section 14.01 **Intent**

The sign regulations of this Chapter are intended to protect and further the health, safety, and welfare of the residents of Lake Charter Township; to maintain and improve the appearance of the Township; to conserve community character; to prevent traffic hazards; to provide safer conditions for pedestrians; and to promote economic development by regulating the construction, alteration, repair, maintenance, size, location, and number of signs.

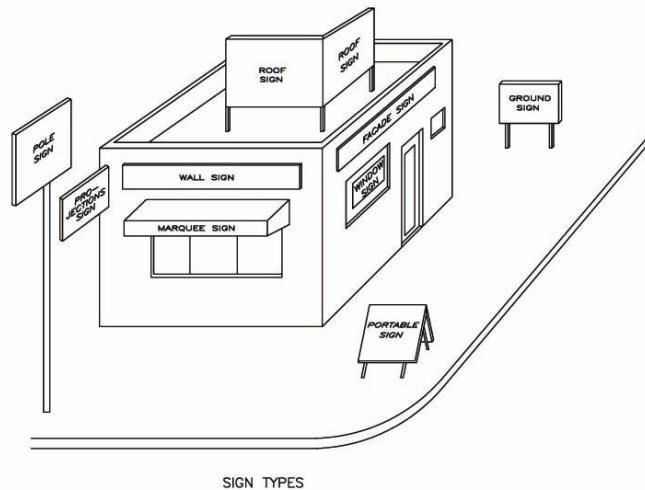
Section 14.02 **Definitions**

- A. Awning:** A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.
- B. Awning sign:** A sign affixed flat against the surface of an awning.
- C. Balloon sign:** A sign composed of a non-porous bag of material filled with air or gas.
- D. Banner sign:** A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.
- E. Billboard:** An off premises object, device, display, sign or structure, or part thereof, displayed outdoors or visible from a public way, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location, or to express a point of view, by any means, including word, letters, figures, design, symbols, advertising flags, fixtures, colors, illuminations or projected images. Each substantially different face of a billboard structure shall constitute a separate billboard. Billboards do not include on premises commercial or political signage nor sham commercial or non-commercials signs temporarily placed in residential lawns by residents, owners, contractors, realtors, or by or on behalf of political candidates or issues.
- F. Business Center:** Any two (2) or more businesses that:
 - 1. Are located on a single parcel; or
 - 2. Are under one (1) common ownership or management and have a common arrangement for the maintenance of the grounds; or
 - 3. Are connected by common walls, partitions, canopies, other structural members, or walkways to form a continuous building or group of buildings; or
 - 4. Share a common parking area; or
 - 5. Otherwise present the appearance of a single continuous business area.
- G. Construction Sign:** A sign, which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.

- H. **Directional Sign:** A sign which gives directions, instructions, or facility information for the use on the lot on which the sign is located, such as parking or exit and entrance signs.
- I. **Freestanding Sign:** A sign which is supported by one or more uprights with all parts of the display surface of the sign eight (8) feet or more above the grade at the base of the sign and not attached to a building or wall.
- J. **Government Sign:** A temporary or permanent sign erected by Lake Charter Township, state or federal government or other appropriate governmental agencies.
- K. **Ground Sign:** A sign which is supported by one or more uprights in or upon the ground where parts of the display surface are less than eight (8) feet above the grade to the bottom of the display area and not attached to a building or wall.
- L. **Marquee:** A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
- M. **Marquee Sign:** A sign affixed flat against the surface of a marquee.
- N. **Mural:** A design or representation painted or drawn on a wall, which does not advertise an establishment, product, service, or activity.
- O. **Off Premise Directional Sign:** A sign located on property other than the location of the services or business advertising thereon directing passersby to activities, events or items for sale with graphics or a commercial message.

P. **Placard:** A sign not exceeding two (2) square feet which provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.

Q. **Political Sign:** A temporary sign used in connection with an official city, village, Township, school district, county, state, or federal election, referendum, or public issue.



- R. **Portable sign:** A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.
- S. **Projecting Sign:** A double-faced sign attached to a building or wall that extends more than twelve (12) inches but not more than forty-eight (48) inches from the face of the building or wall.

- T. Reader Board:** A portion of a sign on which copy is changed manually, but do not include electronic or video message boards.
- U. Real Estate Sign:** A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
- V. Roof Line:** The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
- W. Roof Sign:** A sign erected above the roofline of a building.
- X. Sign:** An object, display, device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service, or activity.
- Y. Special Event Sign:** Temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or non-profit organizations.
- Z. Wall Sign:** A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve (12) inches from the exterior face of the wall to which it is attached.
- AA. Window Sign:** A sign installed inside a window and intended to be viewed from the outside.

Section 14.03 General Sign Provisions

- A.** The following signs shall be exempt, provided all applicable standards within this chapter are complied with:
 - 1. Directional signs;
 - 2. Government signs, including traffic safety, informational and regulatory signs;
 - 3. Placards;
 - 4. Temporary sale signs;
 - 5. Window signs (interior);
 - 6. Political signs;
 - 7. Special event signs; and
 - 9. Government signs;
 - 10. Historical markers;
 - 11. Memorial signs or tablets;
 - 12. Murals;
 - 13. Signs for essential public services;
 - 14. Signs with address, owner, or occupant name, of up to two (2) square feet in area attached to Residential Dwelling; and
 - 15. Flags or insignia of any nation, state, county, community organization, educational institution or non-commercial operation.
- B.** Signs shall be maintained in a manner which will not impair legibility or intelligibility. Broken or damaged parts of signs shall be repaired and / or removed within thirty (30) days after the damage has occurred.

- C. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
- D. Signs may be internally or externally illuminated, except for signs within a Residential/Agricultural or Single Family District, in which case illumination shall be external only. External light fixtures shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
- E. No sign shall be placed in, upon or over any public right-of-way, alley, or other public place, except as may be otherwise permitted by this Section.
- F. No public light pole, utility pole, or other supporting member shall be used for the placement of any sign.
- G. No sign shall be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance per se.
- H. No signs shall be placed in the road right-of-way that will obstruct clear driver vision.

Section 14.04 Non-Conforming Signs, Illegal Signs, and Signs Accessory to Non-Conforming Uses

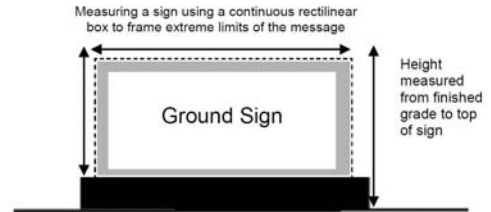
- A. Every permanent sign, which does not conform to the height, size, area, or location requirements of this Chapter as of the date of the adoption of this Ordinance, is hereby deemed to be non-conforming.
- B. Non-conforming signs may not be altered, expanded, enlarged, or extended; however, non-conforming signs may be maintained and repaired so as to continue the useful life of the sign. Non-conforming signs may also be removed.
- C. For purposes of this Chapter, a non-conforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming use.
- D. Any non-conforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than fifty (50) percent of the value of the sign on the date of loss.
- E. Any sign which for a period of one (1) year or more no longer advertises a bona fide business conducted or product sold shall be removed by the owner of the building, structure, or property upon which such sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator.

Section 14.05 Sign, Number and Surface Area

- A. 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. Where matter is displayed in a random manner without

organized relationship of elements, or where there is a reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

- B.** The surface area of a sign shall be computed as including the entire area within a regular geometric form, or combination of regular geometric forms, comprising all of the display area of the sign and including all of the elements of the matter displayed. Framed and structural members not bearing advertising matter shall not be included in computation of sign area, but shall be included in computation of sign height.



Section 14.06 Regulations Applicable to Illuminated Signs

- A.** All illumination of signs and any other outdoor features shall not be of a flashing, moving, or intermittent type. For the purposes of this section, illumination shall be considered flashing, moving or intermittent if it changes in intensity, luminosity, color or message, or if the message text or image shifts on the sign face, more frequently than once every eight (8) seconds. This section shall apply to all illuminated signs, including but not limited to, changeable copy signs, liquid crystal display and other video-type display signs, lighted marquee signs, and any other internally or externally lit signs.
- B.** Illumination of signs shall be directed or shaded so as not to interfere with adjacent highways or adjacent property.

Section 14.07 Regulations Applicable to Permitted Districts

The following sign regulations are applicable to permitted signs all Districts:

- A.** All ground or freestanding signs in the C-1 Commercial district may include non-digital reader boards. Non-digital reader boards shall also be permitted for religious institutions, schools, and governmental uses.
- B.** Any sign, including awnings to which signs are affixed to a building, not resting directly on the ground shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.
- C.** Real estate signs shall be removed within thirty (30) days after completion of the sale or lease of the property.
- D.** Construction signs are permitted within any District, subject to the following restrictions:
1. Construction signs shall be removed thirty (30) days upon completion or the issuance of any Occupancy Permit for the building or structure that is the subject of the construction sign.
- E.** Directional signs are permitted subject to the following restrictions:
1. A directional sign may contain a logo of an on-premise establishment, but no advertising copy.
 2. Directional signs shall be limited to traffic control functions only.
- F.** Garage, yard, basement, estate sale, and similar signs are permitted subject to the

following restrictions:

1. Two signs per premises are permitted, located on the premises on which such sale is being conducted.
2. Such sign shall not exceed eight (8) square feet in area.
3. All such sign shall be erected no more than seven (7) days prior to the day(s) of the sale and shall be removed within one (1) day after the completion of the sale.

G. Temporary, portable signs or off-premise directional signs are permitted subject to the following restrictions:

1. No more than one (1) such sign shall be displayed on the premises. Any such sign shall be located on the same lot as the business to which the sign pertains.
2. Such signs shall not be located in any required parking space or located so as to interfere with the vision of motorists or pedestrians.
3. Signs shall be limited to a period of sixty (60) days within a calendar year.
4. Signs shall adhere to the sign setback requirements of the underlying district.
5. Signs shall not exceed thirty two (32) square feet in area or six (6) feet in height.
6. Temporary signs may be off-premise directional signs upon written consent of the property owner where such sign will be displayed.
7. Permanent installation of off-premise signs shall require a special land use permit pursuant to Section 16.13, Billboards.

H. There shall be no more than one sign per parcel per frontage per use.

Section 14.08 District Sign Regulations

Signs in each District shall be subject to the following regulations:

| R-AG, R-1, R-2, R-3 and RE DISTRICTS - PERMITTED SIGNS | |
|---|--|
| Ground signs for residential subdivisions, private road entrances to public streets, multiple family complexes, farms, or other non-residential uses allowed in the District | |
| Number | One (1) per major entrance |
| Size | No greater than sixteen (16) square feet |
| Location | No signs may project into the street right-of-way, and shall be setback at least ten (10) feet from lot line |
| Height | No greater than six (6) feet in height |
| Ground or wall signs for home occupations | |
| Number | One (1) per lot or parcel |
| Size | No greater than sixteen (16) square feet |
| Location | No signs may project into the street right-of-way, setback at least ten (10) from lot line |
| Height | No greater than six (6) feet in height |

| Ground or wall signs for non-residential uses | |
|--|--|
| Number | One (1) per street frontage |
| Location | No signs may project into the street right-of-way, setback at least ten (10) from lot line |
| Size | No greater than sixteen (16) square feet |
| Height | No greater than six (6) feet in height |

| C-1 and I - PERMITTED SIGNS All uses except for single family dwellings. | |
|--|--|
| Ground, Freestanding or Wall Signs | |
| Number | One (1) per frontage |
| Size | No greater than sixty-four (64) square feet |
| Location | No signs may project into the street right-of-way, setback at least ten (10) from lot line |
| Height | No greater than eighteen (18) feet in height |

CHAPTER 15

Off-Street Parking and Loading Regulations

Section 15.01 Scope

In all Zoning Districts, off street parking facilities for the storage and parking or self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

Section 15.02 Parking - General Requirements

- A.** There shall be provided by the owner, lessee, and occupant of any property in all districts prior to the issuance of a Certificate of Occupancy for the erection or enlargement of any building or structure, or the commencement or expansion of any use, off-street parking spaces meeting the requirements of this Chapter.
- B.** The Zoning Administrator may require a performance guarantee prior to the issuance of the Certificate of Occupancy where full completion of a parking area would not be possible due to adverse weather conditions or similar reasonable circumstances beyond the control of the applicant.
- C.** Required off-street parking spaces shall not be removed unless an equal number of parking spaces as required by this Chapter are provided elsewhere on the premises.
- D.** In the case of mixed uses on the same premises, the total requirements for off-street parking facilities shall be the sum of the requirements of the individual uses computed separately, provided that this provision shall not apply where a use is accessory to the main use and is not intended to serve additional patrons or employees. However, the Planning Commission may grant an exception to the preceding standards and permit less than the combined sum of required parking if the hours of operation are staggered and parking demands would not overlap.
- E.** Off-street parking facilities for any use shall not be considered as providing required parking facilities for any other, separate use, except in the case of item D. above when approved by the Planning Commission.
- F.** All driveway openings installed, altered, changed, replaced, or extended after the effective date of this Ordinance shall meet all applicable requirements of the Berrien County Road Commission and the Michigan Department of Transportation, when applicable.
- G.** Where not specifically listed, the Zoning Administrator shall use the parking requirements most similar to the use not listed.

- H. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
- I. A required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

Section 15.03 Existing Nonconforming Parking and Loading Areas

- A. Whenever there is any change in use or an increase in floor area, or in any other unit of measurement specified in this Chapter, additional off-street parking and loading facilities shall be provided consistent with the provisions of this Chapter.

Section 15.04 Nonresidential and Multiple Family Residential Parking

- A. Parking facilities for nonresidential and multiple family residential uses shall be on the premises or within three hundred (300) feet thereof, as measured from the main entrance to the nearest portion of the parking lot.
- B. Adequate radius shall be provided to permit the turning of all vehicles, including trucks and emergency vehicles, intended to use the site such that any vehicle may enter the street facing forward.
- C. Parking spaces in non-residential districts will be setback from abutting residential districts as follows:
 - 1. Twenty-five (25) feet from each side lot line.
 - 2. A front lot line setback of ten (10) feet.
 - 3. Ten (10) feet from the rear lot line.
- D. Covered parking such as parking ramps, parking garages, rooftop parking, and basement parking may serve as required parking areas. These structures are subject to the dimensional regulations of the district in which it is located.

Section 15.05 Handicapped Parking Requirements

Off-street parking areas shall include spaces for the handicapped in accordance with the provisions of Act 230 of the Public Acts of the State of Michigan, 1972, as amended, the Michigan Building Code and shall be included in the count of required spaces.

Section 15.06 Parking Lot Design Standards

- A. Minimum dimensions of parking spaces and maneuvering aisles shall be in accordance with the following requirements:

| Parking Pattern | Two-Way Aisle Width | One-Way Aisle Width | Parking Space Width | Parking Space Length |
|------------------------|----------------------------|----------------------------|----------------------------|-----------------------------|
| Parallel Parking | 18 Ft. | 15 Ft. | 9 Ft. | 25 Ft. |
| 30-75 degree angle | 24 Ft. | 15 Ft. | 9 Ft. | 21 Ft. |
| 76-90 degree angle | 24 Ft. | 15 Ft. | 9 Ft. | 18 Ft. |

- B.** Minor adjustments of the dimensions prescribed in this Section may be authorized by the Zoning Administrator if consistent with generally recognized design standards for off-street parking facilities.
- C.** The minimum driveway width shall be twelve (12) feet for one-way traffic and twenty-four (24) feet for two-way traffic within a commercial district, or any greater dimension as may be required by any agency having jurisdiction.
- D.** All parking lots shall be constructed so as to permit proper drainage and prevent puddling or storage of water within the lot. Drainage shall be in accordance with the requirements of the Berrien County Drain Commission and the State of Michigan.
- E.** All front, side, and rear setbacks around a parking lot shall be called a greenbelt and shall comply with Section 3.07 when fronting a public right-of-way or private road.
- F.** There shall be bumper stops or wheel chocks provided so as to prevent any vehicle from projecting over the buffer strip.
- G.** A vehicle headlight shield or screen at least four (4) feet in height shall be provided along any lot line which abuts a residential district. The shield or screen may be comprised of berming, plant material, screen walls, fences or any combination of these elements.
- H.** Parking lots that are lit to ensure security and safety and shall meet the following requirements:
 - 1. Light fixtures shall be no higher than twenty (20) feet and shall be provided with light cut-off fixtures that direct light downward. For parking lots serving a single building or groups of related commercial, industrial, or office buildings in excess of five hundred (500) spaces the Planning Commission may permit a higher light fixture in selected locations within the parking lot where existing or planned residential areas will not be affected. All lighting shall be night-sky compliant and downward facing and meet the standards of Section 3.19.
- I.** Waste Receptacles:
 - 1. Waste dumpster pads in parking areas shall be located so as to not interfere with the general public/patron normal traffic flow and shall be in addition to parking stall and aisle requirements. Such facilities shall meet the requirements of Section 3.23.

Section 15.07 Off-Street Parking Requirements

- A. Required off-street parking spaces are noted in the following table for the uses listed. For those uses not specifically mentioned, the requirements for off-street parking shall be in accord with a use which the Planning Commission or Zoning Administrator considers similar in type.
- B. When units of measurement determining the number of required off-street parking spaces result in the requirement of a fractional space that fraction shall require one (1) parking space.
- C. No use shall exceed the minimum number of spaces provided to limit paved areas and excessive parking. The Planning Commission may waive this standard upon a study furnished by the applicant showing higher parking demands for the specified use.
- D. The minimum number (which shall also be the maximum numbers as outlined in item 15.07 C above) of off-street parking spaces shall be determined in accordance with the following tables:

| USE | PARKING SPACE PER UNIT OF MEASUREMENT* |
|---|---|
| Residential | |
| Single family dwellings | Two (2) for each dwelling unit |
| Two family dwellings | Two (2) for each dwelling unit |
| Multiple family dwellings | One and one half (1.5) for each dwelling unit |
| Institutional | |
| Group day care homes and group foster care homes | One (1) space for each four (4) clients, plus one (1) space for each employee |
| Nursing or convalescent home | One (1) space for each two (2) dwelling units, plus one (1) for each employee, plus one (1) space for each five (5) dwelling units to be marked as visitor spaces |
| Churches, theaters, assembly areas, gymnasiums | One (1) space for each four (4) seats or four (4) occupants |
| Hospitals | One (1) space per bed |
| Institutional, continued | |
| Schools, elementary and middle | One (1) space for each employee, plus amount required for auditorium or gymnasium seating |
| High schools, secondary and institutions of higher learning, college, vocational, and trade schools | One (1) space for each four (4) students, one (1) space per employee, plus amount required for auditorium or gymnasium seating |
| Commercial | |
| Car wash | One (1) space per stall |
| Beauty/barber shop | Two (2) spaces for each chair |
| Bowling alleys | Four (4) spaces for each bowling lane and one (1) space per |

| USE | PARKING SPACE PER UNIT OF MEASUREMENT* |
|---|--|
| | employee |
| Restaurants | 1 space for each four (4) occupants allowed within the maximum occupancy load established by any applicable codes or Ordinances |
| Automobile service and repair stations | One (1) space for each service stall, plus one (1) space for each pump island, plus requirements for convenience store, car wash, or other uses, as applicable |
| Convenience store | One (1) space per four (4) occupants |
| Personal service establishments (not otherwise provided for herein) | One (1) space per four (4) occupants, one (1) space per employee |
| Retail furniture, appliance and household good | One (1) space per four (4) occupants and one (1) space per employee |
| Funeral homes and mortuary establishments | One (1) space per four (4) occupants and one (1) space per employee |
| Open air businesses | One (1) space for each two hundred (200) square feet of outdoor display area |
| Retail stores not otherwise specified | One (1) space for each three hundred (300) square feet of useable floor area |
| Bar | One (1) space per four (4) occupants and one (1) space per employee |
| Hotels and motels | One (1) space for each guest room, plus one (1) space per employee |
| Office | |
| Financial institutions | One (1) space per four (4) occupants and one (1) space per employee |
| Offices not otherwise specified | One (1) space per four (4) occupants and one (1) space per employee |
| Medical and dental offices and clinics | Two (2) spaces for each examining room, dental chair, or similar use area and one (1) per employee |
| Industrial | |
| Manufacturing, processing, and research establishments | One (1) space per employee |
| Warehouses and wholesale establishments | One (1) space per four (4) occupants and one (1) space per employee |

***For the purposes of the above table, a seat must be at least 20 inches wide.**

Section 15.08 Off-Street Loading Requirements

A. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and

maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.

B. Uses in the I and C districts:

1. All loading and unloading spaces shall be a minimum of ten (10) feet by sixty (60) feet with a minimum of fourteen (14) foot clearance height shall be provided.
2. Loading spaces shall only be permitted off-street.

Chapter 16

Special Land Uses

Section 16.01 Purpose

Special Land Uses are uses of land which are essentially compatible with the uses permitted in a Zoning District, but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the natural environment of the site, the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this Chapter is to establish equitable procedures and criteria, which shall be applied in the determination of requests to establish special land uses. The standards for approval and requirements provided for under the provisions of this Chapter shall be in addition to those required elsewhere in this Ordinance which are applicable to the special land use under consideration. This Chapter hereby requires the Lake Township Planning Commission to issue Special Land Use Permits, provided:

- A. The proposed use is one listed as a special land use for that district in which said use is proposed to be located; and
- B. The Planning Commission insures before approving a Special Land Use Permit request that both:
 - 1. The standards of the district in which the special land use is to be located are fulfilled; and
 - 2. The standards or other requirements of this Chapter and this Ordinance are fully met.

Section 16.02 Application Procedures

An application for permission to establish a special land use shall be submitted and acted upon in accordance with the following procedures:

- A. Any person owning or having an interest (with the written approval of the owner) in the subject property may file an application for one (1) Special Land Use Permit provided for in this Ordinance in the Zoning District in which the land is situated. Only one (1) Special Land Use shall be permitted per parcel at any given time.
- B. Complete applications for Special Land Use Permits shall be submitted through the Zoning Administrator to the Planning Commission thirty (30) days prior to consideration on the Planning Commission agenda. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the costs of processing the application.
- C. Twelve (12) copies of an application for a Special Land Use Permit shall be presented to the Zoning Administrator, unless otherwise specified by the Zoning Administrator, and accompanied by, but not limited to, the following documents and information:

1. A Special Land Use Permit application form supplied by the Zoning Administrator, which has been completed in full by the applicant.
 2. A site plan in conformance with Chapter 17 of this Ordinance.
 3. A narrative statement and other evidence or proof by the applicant of present and future compliance with the standards required for approval in Section 16.03 and the applicable specific standards within 16.08-16.51, and other standards imposed by this Ordinance affecting the Special Land Use under consideration. The narrative shall include a written response to each standard.
- D.** An application which is determined by the Zoning Administrator to be incomplete or otherwise not in compliance with this Ordinance, shall be returned by the Zoning Administrator to the applicant. No application shall be processed until properly prepared and submitted and all required fees paid in full.
- E.** Procedures for processing special use applications. After determining that the application is complete, the Zoning Administrator shall forward complete copies of the application for the Special Land Use request to the Planning Commission for the next available Planning Commission meeting. Upon receipt of the Special Land Use complete application, the Planning Commission or the Zoning Administrator shall set the public hearing date and notice the hearing in accordance with the requirements of Section 19.03.
- F.** With the exception of a Planned Unit Development, the review of an application and site plan requesting a Special Land Use Permit shall be made by the Planning Commission in accordance with the procedures and standards specified in this chapter. A site plan and application for a Special Land Use Permit shall be approved by the Planning Commission if it complies in all respects with the requirements of this Ordinance and other applicable county, state or federal laws, rules or regulations. Approval and issuance of a Special Land Use Permit shall signify approval of the application and site plan, including any modification and any conditions imposed where necessary to comply with this Ordinance. The site plan, as approved, and any statements of conditions and modifications shall become part of the Special Land Use Permit and shall be enforceable. The decision to approve or deny a request for a Special Land Use Permit shall be retained as a part of the record of action on the request and shall incorporate a statement of conclusions which specify; the basis for the decision, any changes to the originally submitted applications and site plan necessary to insure compliance with the Ordinance, and any conditions imposed with approval.
- G.** For a Planned Unit Development, the Planning Commission, following the public hearing, shall submit to the Township Board a recommendation for approval, denial, or approval with conditions, including their findings regarding compliance with Sections 16.03 and 16.08. Prior to final approval by the Township Board, the Township Board shall also hold a public hearing in accordance with Section 19.03. Township Board shall have final approval authority for Planned Unit Developments, in accordance with the procedures of this Chapter.
- H.** Any person, firm, corporation or department, board or bureau of the Township aggrieved by the decision of the Planning Commission or Township Board in the case of a decision regarding a Planned Unit Development or Special Land Uses shall forward such grievances to the Zoning Board of Appeals.

Section 16.03 Special Land Use General Standards

- A.** The Planning Commission shall review the particular circumstances of the special land use request under consideration in terms of the following general standards, and approve a special land use request only upon a finding of compliance with each of the following standards, the Specific Requirements of Section 16.08, as well as applicable standards established elsewhere in this Ordinance.
1. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
 2. The special land use shall not inappropriately change the essential character of the surrounding area.
 3. The special land use shall not interfere with the general enjoyment of adjacent property.
 4. The special land use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site.
 5. The special land use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.
 6. The special land use shall not place demands on public services and facilities in excess of available capacity and be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed special land use shall be able to continually provide adequately for the services and facilities deemed essential to the special land use under consideration.
 7. The special land use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any currently adopted Township Master Plan.
 8. Applicable special land use standards are met as provided in sections 16.09-16.51.
 9. The special land use shall include a plan for the removal and restoration of the site should any hazardous materials be used or stored as part of the special land use.
- B.** The Planning Commission or Township Board, as applicable, may impose reasonable conditions with the approval of a special land use application and site plan which are necessary to insure compliance with the standards for approval stated in this section, Section 16.08, and any other applicable Township Ordinances and regulations. The conditions shall be considered an integral part of the Special Land Use Permit and the approved site plan and shall be enforced by the Zoning Administrator. The conditions may include those necessary to ensure that the standards for approval stated in this section, Section 16.08, and any other applicable Township Ordinances and regulations are met. The Planning Commission or Township Board may require a surety, bond or performance guarantee to cover any costs associated with removing any buildings or structures which would not otherwise be permitted in the underlying zoning district.
- C.** In authorizing a Special Land Use Permit, the Planning Commission or Township Board, as applicable, may require that a performance guarantee be furnished by the

developer to insure compliance with an approved site plan and the Special Land Use Permit requirements. Such guarantee shall be deposited with the Township Clerk at the time of the issuance of the Special Land Use Permit.

Section 16.04 **Effective Date**

Upon approval by the Planning Commission or Township Board, as applicable, the Zoning Administrator shall issue a Special Land Use Permit to the applicant provided that all conditions have been met and any outstanding fees are paid in full. It shall be the responsibility of the Zoning Administrator to monitor compliance with the terms, conditions and restrictions of any Special Use Permit and take any enforcement action necessary in the event of a violation of the Special Land Use Permit.

- A. A building permit shall not be issued until approval of such Special Land Use Permit by the Planning Commission or Township Board, as applicable and all conditions of approval have been met.
- B. Until a building permit has been granted pursuant to the Special Land Use Permit, there shall be no construction of said land.
- C. Land subject to a Special Land Use Permit may not be used or occupied for purposes of such special land use until after a certificate of occupancy has been issued pursuant to the provisions of this Ordinance.

Section 16.05 **Permit Validity**

- A. Approval of a Special Land Use Permit shall be valid regardless of change of ownership, provided that any subsequent owner meets all terms and conditions of the permit.
- B. In instances where development authorized by a Special Land Use Permit has not commenced within one (1) year from the date of approval unless the Applicant requests, and the Planning Commission approves an extension of up to one (1) year. In considering such extension, the Planning Commission shall find that there have been no changed conditions on the property, the surrounding area, or in provisions of this Ordinance applicable to the Special Land Use Permit, that such permit is no longer in conformance with the requirements of this Ordinance.
- C. No application for a special land use permit which has been denied wholly or in part by the Planning Commission or Township Board, as applicable shall not be resubmitted until the expiration of one (1) year or from the date of denial, except on the grounds of newly discovered evidence or proof of change of conditions.

Section 16.06 **Requirement for Compliance – Penalties**

It shall be the duty and obligation of the owner(s) and occupant(s) or operator(s) of land and uses subject to a Special Land Use Permit and approved site plan therefore, that the continued use of such land shall at all times be in compliance with the use requirements of this Ordinance. Failure thereof shall be violation of this Ordinance and subject to the penalties and remedies provided in this Ordinance and the continuance thereof is declared to be a nuisance per se.

Section 16.07 Previously Approved Special Land Uses

Any Special Land Use which was approved in accordance with the requirements of a previous Zoning Ordinance shall be regarded as in compliance with this Zoning Ordinance. Provided, however, that any previously approved Special Land Use may not be expanded, enlarged or altered in character or use, except in accordance with this Zoning Ordinance.

Section 16.08 Specific Requirements

The Planning Commission or Township Board, as applicable shall review the particular circumstances of the special land use request under consideration in terms of the following specific standards, and approve a special land use request only upon a finding of compliance with the applicable standards, the General Standards of Section 16.03, as well as applicable standards established elsewhere in this Ordinance.

16.09 Adult Foster Care Group Home

- A. Section 206 of the Michigan Zoning Enabling Act states that a state licensed residential facility providing supervision or care or both to six or less persons shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones, including those zoned for single-family dwellings, and shall not be subject to a special use or conditional use permit or procedure different from those required for other dwellings of similar density in the same zone. Section 206 further states that this shall not apply to adult foster care facilities licensed by a state agency for care and treatment of person released from or assigned to adult correctional institutions.
- B. The following are standards that shall be applied to adult foster care group homes:
 - 1. All ingress and egress to the site shall be directly from a hard-surfaced road.
 - 2. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit or other accessory uses.
 - 3. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.
 - 4. A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.
 - 5. A landscaped buffer shall be provided along all property lines that abut a less intense use and around the visible perimeters of all parking and loading/unloading areas.
 - 6. All lighting shall be shielded from adjacent roads and residential districts.

16.10 Adult Caring Institution

- A. All ingress and egress to the site shall be directly from a hard-surfaced road.
- B. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.
- C. A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.
- D. A landscaped buffer shall be provided along all property lines that abut a less intense use and around the visible perimeters of all parking and loading/unloading areas.
- E. All lighting shall be shielded from adjacent roads and residential districts.

16.11 Airport

- A. Minimum area required for the airport shall not be less than one-hundred sixty (160) acres.
- B. The area shall have its principal means of access to a hard-surfaced road.
- C. Airports, airfields, runways, hangars, beacons, and other facilities involved with aircraft operations, subject to all rules and regulations of the Federal Aeronautics Administration, which agency shall approve the preliminary plans submitted to the County. (Land beneath all aircraft approach lanes, as established by appropriate aeronautical authorities, which is not part of the airport, shall be so developed as to not endanger safe flight conditions to and from an established airport. Permitted height of buildings, structures, telephone and electrical lines and appurtenances thereto shall be established after consultation with the appropriate aeronautical agencies.)
- D. Yard and Placement Requirements.
 - 1. No building or structure or part thereof shall be erected closer than thirty (30) feet from any property line.
 - 2. Those buildings to be used for servicing or maintenance shall not be located on the outer perimeter of the site where abutting property is zoned residential.

16.12 Bed and Breakfast

- A. Site Requirements:
 - 1. A bed and breakfast operation shall provide off-street parking spaces in accordance with the requirements for a single-family dwelling plus one (1) space for each guest sleeping room. Off-street parking shall be located in a side or rear yard and shall be prohibited from being located in a front yard. Parking spaces shall be setback a minimum of fifteen (15) feet from any property line. The Planning Commission may require landscaping to screen required parking areas, if such areas are deemed to impact adjacent properties.
 - 2. The parcel on which the establishment is to operate must meet or exceed the minimum lot area requirements of the zoning district.
- B. Performance Standards:
 - 1. The bed and breakfast facility must be a single-family dwelling which is operated and occupied by the owner of the dwelling.
 - 2. The applicant shall provide a scaled floor plan of the premises as part of the special land use application.
 - 3. The exterior appearance of the structure shall not be altered from its single-family character.
 - 4. The impact of the bed and breakfast establishment on the neighborhood shall be no greater than that of a private home with weekend guests.
 - 5. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) year.
 - 6. No separate or additional kitchen facilities shall be provided for the guests.
 - 7. Retail sales are not permitted beyond those activities serving overnight patrons.
 - 8. Meals shall not be served to the public at large but only to guests.
 - 9. No receptions, private parties, or activities for which a fee is paid shall be permitted.
 - 10. Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling shall be prohibited.

11. Bed and breakfast operations, including rooms for guest sleeping, shall be part of the principal place of residence of the owner. Rooms for guest sleeping shall not have been specifically constructed for rental purposes.
12. Bed and breakfast operations may have up to eight (8) sleeping rooms and an additional full bathroom facility for a third and/or fourth sleeping room.
13. All sleeping rooms and living areas shall have a fully functional smoke detector approved by the Building Inspector.
14. A bed and breakfast operation shall provide a minimum of two (2) exits to the outdoors.

16.13 Billboards.

- A. Not more than two (2) billboards may be located per linear half-mile of highway regardless that such billboards may be located on different sides of the highway. The linear half-mile measurement shall not be limited to the boundaries of Lake Charter Township where the highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures showing only one face visible to traffic proceeding from any given direction on a highway shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face, including billboard structures with tandem (side-by-side) or stacked (one above the other) billboard faces, shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subparagraph b below.
- B. No billboard shall be located within one-thousand (1,000) feet of another billboard abutting either side of the same highway.
- C. No billboard shall be located within two hundred (200) feet of a residential zone and/or existing residence. If the billboard is illuminated, this required distance shall be three hundred (300) feet.
- D. A billboard may be located adjacent to the street right-of-way line, but shall be setback from other property lines in accord with the requirements of the zoning district; provided that the Township may require greater setback distances if necessary to protect a clear vision area for motorists and pedestrians.
- E. The surface display area (sign face) of any side of a billboard may not exceed three hundred (300) square feet. If a billboard abuts a portion of a highway with a posted speed limit of forty-five (45) m.p.h. or less, the surface display area limits shall be seventy-five (75) square feet instead of three hundred (300) square feet.
- F. The height of a billboard shall not exceed forty (40) feet above the natural grade of the ground on which the billboard is established.
- G. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
- H. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare, upward light or reflection onto any portion of an adjacent street or highway property, landscaping, etc., the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- I. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard

must be maintained so as to assure proper alignment or structure, continued structural soundness, and continued readability of message.

- J. A billboard established within a business, commercial, or industrial area, as defined in the "Highway Advertising Act of 1972" (PA 106 of 1972, as amended) bordering interstate highway, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.
- K. No person, firm or corporation shall erect a billboard within Lake Charter Township without first obtaining a Zoning Compliance Permit from the Zoning Administrator, which permit shall be granted upon a showing of compliance with the provisions of this Ordinance and payment of a fee.

16.14 Biological Products Manufacturing

- A. The use shall be connected to municipal water and sewer.
- B. The use shall be completely contained within a fully enclosed facility and there shall be no outside storage unless it can be located in an enclosed, locked facility.
- C. The use shall meet all applicable county, state, and federal regulations.

16.15 Cemetery

- A. The use shall meet all applicable county, state, and federal regulations.
- B. The use shall be connected to a trust or maintenance bond for general maintenance and repairs.
- C. The minimum lot or parcel size shall be two (2) acres.
- D. No more than five (5) percent of the site area may be occupied by buildings.
- E. All ingress and egress shall be directly from a hard-surfaced road or from an approved shared access drive to such road.
- F. All burial plots and all structures, including but not limited to, a mausoleum shall be set back no less than fifty (50) feet from any lot line or road right-of-way.
- G. Adequate parking shall be provided on the site and shall be setback at least fifty (50) feet from any lot line, and no cemetery parking shall be permitted on any public road.
- H. Buffering requirements: A greenbelt, as required by the Planning Commission, shall be constructed around the perimeter of the cemetery.
- I. Performance Standards: All facilities for the ground burial area of the site shall be designed and constructed in accordance with the requirements of the Berrien County Health Department and the State of Michigan.

16.16 Chemical Storage, Warehousing, and Transport

- A. The use shall be on a site completely enclosed with a 6-foot or higher fence.
- B. The use shall be connected to municipal water and sewer.
- C. The use shall be screen from any adjacent non-industrial uses with a screening wall or 5 foot landscaped berm.
- D. The use shall be designed such that all storm water is completely retained on site.
- E. The use shall meet all applicable county, state, or federal regulations.

- F. There shall be no outdoor storage, unless storage occurs in an enclosed, locked facility.

16.17 Child Caring Institution

- A. The following are standards shall be applied:
 - 1. All ingress and egress to the site shall be directly from a hard-surfaced road.
 - 2. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.
 - 3. A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.
 - 4. A landscaped buffer shall be provided along all property lines that abut a less intense use and around the visible perimeters of all parking and loading/unloading areas.
 - 5. All lighting shall be shielded from adjacent roads and residential districts.
 - 6. Outdoor play areas shall be fenced and screened from view.

16.18 Commercial Day Care

- A. The following are standards shall be applied:
 - 1. All ingress and egress to the site shall be directly from a hard-surfaced road.
 - 2. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit or other accessory uses.
 - 3. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.
 - 4. A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.
 - 5. A landscaped buffer shall be provided along all property lines that abut a less intense use and around the visible perimeters of all parking and loading/unloading areas.
 - 6. All lighting shall be shielded from adjacent roads and residential districts.
 - 7. Outdoor play areas shall be fenced and screened from view.

16.19 Communication Towers

See Township Ordinance 00-1 for the provisions and standards of Communication Towers.

16.20 Composting Operation

- A. The use shall be completely screen by a 6-foot opaque fence, structure, or vegetative wall at least 6 feet in height.
- B. The use shall not be located within 500 feet from the foundation of any residential dwelling.
- C. The use shall be graded such that all storm water and run off will be retained on site.
- D. The use shall meet all applicable county, state, and federal regulations.

16.21 Day Care Center

- A. The following are standards shall be applied:
 - 1. All ingress and egress to the site shall be directly from a hard-surfaced road.

2. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit or other accessory uses.
3. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.
4. A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.
5. A landscaped buffer shall be provided along all property lines that abut a less intense use and around the visible perimeters of all parking and loading/unloading areas.
6. All lighting shall be shielded from adjacent roads and residential districts.
7. Outdoor play areas shall be fenced and screened from view.

16.22 Driving Range

- A. The use shall have netting to prevent golf balls from leaving the property.
- B. The use shall be designed to retain all stormwater on site.

16.23 Eating and Drinking Establishment

- A. Such facilities shall maintain, at all times, all required state and local licenses and permits.
- B. Such facilities shall be located and designed such that no objectionable noise in excess of 60 decibels shall be carried onto adjoining property zoned for, or occupied by, residential uses.
- C. Such facilities shall be located and designed such that no objectionable odor or fumes shall be carried onto property located in the residential district.
- D. The site plan shall include measures satisfactory to the Planning Commission to control blowing trash, dust or debris from the facility.
- E. The Planning Commission may establish reasonable hours of operation for eating and drinking establishments.
- F. Any drive-through use shall only be permitted if such use is permitted in the underlying zoning district.
- G. Outdoor dining may be permitted on private property and at the discretion of the Planning Commission.

16.24 Financial Institution

- A. Ingress and egress to the motel shall be only from a hard-surfaced road or from an approved shared access drive to such road.
- B. The maximum lot coverage of all buildings, including accessory buildings, shall not exceed twenty-five (25) percent of the area within the lot lines of land developed at any one time.
- C. The front twenty-five (25) feet of the lot shall be landscaped buffer zone, unpaved, and shall not be used for off-street parking.
- D. Trash dumpsters shall be screened from adjacent properties by vegetation, landscaping, or fence.

16.25 Foster Family Group Home

- A. The following are standards shall be applied:
 1. All ingress and egress to the site shall be directly from a hard-surfaced road.
 2. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit or other accessory uses.
 3. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.

4. A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the facility.
5. A landscaped buffer shall be provided along all property lines that abut a less intense use and around the visible perimeters of all parking and loading/unloading areas.
6. All lighting shall be shielded from adjacent roads and residential districts.
7. Outdoor play areas shall be fenced and screened from view.

16.26 Reserved

16.27 Golf Course

- A. Grading shall be situated to retain all stormwater and runoff on site.
- B. Lighting of the course shall not be permitted.
- C. Accessory uses included a restaurant, reception hall, bar, and proshop may be considered if additional parking is provided.

16.28 Group Child Care Home

- A. Location Requirements. Group day care homes shall not be located closer than one-thousand five-hundred (1,500) feet to another licensed group day care home, adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, PA 218 of 1979, MCL 400.701 et seq., a facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under Article VI of the Michigan Public Health Code, PA 368 of 1978, MCL 333.6101 et seq., or a community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Michigan Department of Corrections.
- B. Site Requirements:
 1. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high.
 2. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking normally required for the residence. A driveway may be used for this purpose.
 3. One (1) on-site parking space shall be provided for any assistant provider or caregiver not a resident on the premises.
 4. Playground equipment shall not be located in front or side yards.
- C. Buffering Requirements: Adequate provision shall be made to reduce noise impacts on surrounding residential properties.
- D. Performance Standards:
 1. The group day care facility shall not operate between the hours of 10 p.m. and 6 a.m., unless specifically permitted by the Planning Commission.
 2. Operation and maintenance of all group day care facilities shall conform to existing applicable county and state regulations.

16.29 Reserved

16.30 Gun club

- A. The use shall be fully enclosed within a building.
- B. Hours of operation shall be established by the Planning Commission.
- C. The use shall not produce noise which exceeds 65 db at the closest residential or commercial property line.

16.31 High Intensity Industrial Uses

- A. The use shall be on a site completely enclosed with a 6-foot or higher fence.
- B. The use shall be connected to municipal water and sewer.
- C. The use shall be screen from any adjacent non-industrial uses with a vegetative wall.
- D. The use shall be designed such that all storm water is completely retained on site.
- E. The use shall meet all applicable county, state, or federal regulations.

16.32 Institutional

- A. Public facilities include: public parks, administrative offices, fire and police facilities, libraries, museums, public recreational centers, and storage areas for public equipment.
- B. Site Requirements:
 - 1. No building shall be closer than fifty (50) feet to any property or road right-of-way line.
 - 2. No more than thirty (30) percent of the gross lot area shall be covered by buildings.
 - 3. Lot area and width shall not be less than that specified for the district in which the proposed use would be located.
 - 4. No building shall be erected to a height greater than that permitted in the district in which the proposed use is located.
- C. Buffering Requirements:
 - 1. Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material and it shall be fenced with a chain link fence five (5) feet in height.
 - 2. All buildings housing mechanical equipment shall be landscaped and maintained.
- D. Performance Standards:
 - 1. All buildings shall be harmonious in appearance with the surrounding area and shall be similar in design and appearance to other buildings on the same development site.
 - 2. No adverse environmental conditions such as noise, air pollution, lighting, or other disruptions shall be allowed.
 - 3. Outdoor storage areas shall be located a minimum of fifty (50) feet from any residentially zoned property.
 - 4. Facilities shall provide off-street parking and passenger loading areas at least twenty-five (25) feet from residential lot lines.
 - 5. Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.
 - 6. Any sports fields shall be a minimum of one-hundred (100) feet from any lot line and two-hundred (200) feet from any dwelling.

16.33 Junkyard

- A. Location Requirements:
 - 1. Ingress and egress to the facility shall be only from a hard-surfaced street or from an approved shared access drive to such street. The Planning Commission may approve access to an unpaved or County Local Road if the Commission finds that such access point will further minimize impacts on other properties.
- B. Site Requirements:

1. The minimum lot or parcel size for junkyards shall be five (5) acres.
 2. Setbacks:
 - a.) All enclosed areas shall be set back at least one-hundred (100) feet from any front lot line.
 - b.) Junkyards shall not be located closer than two-hundred (200) feet from the border of the Industrial District.
 3. Adequate standing and parking facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.
 4. Whenever the installation abuts a residential district, a transition strip at least two-hundred (200) feet in width shall be provided between the enclosed area and the adjoining district. Such strip shall contain plants, grass, and structural screens of a type approved by the Planning Commission.
- C. Buffering Requirements:
1. The front yard shall be planted with trees, grass, and shrubs.
 2. A solid fence, wall, or earthen berm at least eight (8) feet in height but no higher than ten (10) feet shall be provided around the periphery of the site to screen said site from surrounding property. Such fence, wall or berm shall be of sound construction, painted, or otherwise finished neatly and inconspicuously. Such fence, wall, or berm shall be of permanent finish and construction.
- D. Performance Standards:
1. All activities shall be confined within the enclosed area. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.
 2. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
 3. All roads, driveways, parking lots, and loading and unloading areas within any junkyard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.
 4. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles. Before the state will issue the licenses, the Zoning Administrator and the County Sheriff shall certify that the facility is in a properly zoned area and that the operators have not been previously convicted as felons.
 5. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Natural Resources and Environment.
 6. Noise produced on site shall not exceed 65 db. measured at the property line.
 7. The Planning Commission shall specify hours of operation.

16.34 Kennel

- A. A kennel shall be on a lot with a minimum lot size of five (5) acres for the first eleven (11) animals and an additional one-third acre for each animal thereafter.
- B. Accessory buildings where animals are kept, runs, and exercise areas shall not be located nearer than one-hundred (100) feet to any adjacent residential lot line.
- C. All kennels shall be operated in conformance with all applicable county, state, and federal regulations.

- D. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized.
- E. The intensity level of sounds shall not exceed seventy-five (75) decibels at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the common lot line when adjacent to residential uses and residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.
- F. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 7:00 a.m.
- G. During the hours between 7:00 a.m. until 10:00 p.m., animals shall be permitted in outdoor runs or pens. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
- H. Runs and/or exercise areas, and buildings where the animals are maintained shall be located in the rear yard only.
- I. The commercial or boarding kennel area shall be screened from view by appropriate screening as determined by the Planning Commission.
- J. The outside perimeter of the run and/or exercise area of a commercial or boarding kennel shall be enclosed by chain link or cyclone fencing at sufficient height or completely covered on sides and top having to prohibit the escape of animals.
- K. All animals must be licensed and maintained in a healthful and careful manner.
- L. Outdoor runs and breeding areas in commercial kennels shall have concrete surfaces, suitable for cleaning by high-pressure water, and shall be provided with an adequate septic system.
- M. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease, or offensive odor.
- N. Animal odors shall not be detectable beyond the lot lines of the property in which the kennel is located.
- O. Dust and drainage from the commercial or boarding kennel enclosure shall not create a nuisance or hazard to adjoining property or uses.
- P. The Planning Commission shall reserve the right to restrict the number of dogs kept on site.

16.35 Live/Work

- A. Space devoted to nonresidential uses shall be accessible from the dwelling area.
- B. Only residents of the dwelling shall use the nonresidential space for purposes of employment.
- C. The floor area of the dwelling unit shall be at least eight hundred (800) square feet in area and continuously occupied as a dwelling.
- D. The Planning Commission may limit hours of operation of the nonresidential use to protect the character of the neighborhood.
- E. The Planning Commission may require measures to abate nuisances associated with the live/work unit, including sound and odor transmission, and any hazardous or regulated materials and processes.
- F. Any change in the nature or activities of a nonresidential use shall be regarded as a new use and shall require a new application.
- G. Failure to fulfill the terms of the approved special use permit shall be grounds for revocation of Planning Commission approval.

16.36 Motel

- A. Ingress and egress to the motel shall be only from a hard-surfaced road or from an approved shared access drive to such road.
- B. There shall be at least eight-hundred (800) square feet of lot area for each guest.
- C. The maximum lot coverage of all buildings, including accessory buildings, shall not exceed twenty-five (25) percent of the area within the lot lines of land developed at any one time.
- D. The front twenty-five (25) feet of the lot shall be landscaped buffer zone, unpaved, and shall not be used for off-street parking.
- E. Trash dumpsters shall be screened from adjacent properties by vegetation, landscaping, or fence.
- F. No kitchen or cooking facilities shall be provided in guest rooms.
- G. The minimum floor area of each guest unit shall be two-hundred fifty (250) square feet.
- H. No guest shall establish permanent residence at the motel.

16.37 Nursing or Convalescent homes

- A. All such complexes shall be constructed on parcels of at least three (3) acres.
- B. There shall be provided not less than one-thousand five-hundred (1,500) square feet of open space for each one (1) bed in a convalescent or nursing home, and each unit in a housing complex for the elderly. The one-thousand five-hundred (1,500) square feet of open space per bed or unit shall provide for landscaping, off-street parking, service drives, loading space, yard requirements, and required accessory uses but shall not include the area covered by main or accessory buildings.
- C. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five (25) percent of the total site not including any dedicated public right-of-way.
- D. All ingress and egress to the site shall be directly from a hard-surfaced street or from an approved shared access drive to such street.
- E. No building shall be closer than forty (40) feet to any lot line.
- F. Building heights shall be no more than two (2) stories.
- G. All such complexes shall provide for common service areas containing, but not limited to, central dining rooms, recreational rooms, and lounge areas.
- H. In the case of a convalescent home for the elderly, minimum dwelling unit size shall be four-hundred (400) square feet of living area per unit.
- I. All facilities shall be licensed by the Michigan Department of Public Health and shall conform to applicable state and federal laws.

16.38 Open air business

- A. Site Requirements:
 - 1. The minimum frontage shall be two-hundred (200) feet.
 - 2. No loading activities shall be permitted within seventy-five (75) feet of any lot line abutting a residential land use.
 - 3. All buildings shall be set back a minimum of fifty (50) feet from any lot line.
 - 4. Ingress and egress to the facility shall be only from a hard-surfaced road or from an approved shared access drive to such road.
 - 5. No more than two (2) driveways onto a road shall be permitted per site. Driveway approach width shall not exceed thirty-five (35) feet.
- B. Buffering requirements:
 - 1. Trucking, outside storage, loading, and dock areas shall be fenced and screened.

2. Storage yards associated with home and garden centers, lumber yards, and nurseries shall be completely obscured from view from public roads.
- C. Performance standards:
1. Not more than fifty (50) percent of the parcel shall be covered by buildings and outdoor storage of materials and goods.
 2. Storage or display of goods and materials shall not occur in the required yards.
 3. No public address system shall be audible from any abutting residential parcel.
 4. All lighting shall be shielded from adjacent roads and residential districts.
 5. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building, and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.
 6. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse affect on adjacent properties, water bodies, wetlands, and drainage-ways.
 7. All areas subject to vehicular use shall be paved with a durable dust-free surface, with appropriate bumper-guards where needed.
 8. In the case of auto sales:
 - a.) No vehicles which are inoperative shall be stored on the premises.
 - b.) All repair, assembly, disassembly, or maintenance of vehicles shall occur within a closed building except minor maintenance, including tire replacement, adding oil, and wiper replacement.
 - c.) For facilities with new underground storage tanks, the site shall be three-hundred (300) feet from any residential well, eight-hundred (800) feet from a non-community public water well and two-thousand (2,000) feet from any public water well.

16.39 Planned Unit Development

A. Intent

1. Planned Unit Developments are promoted as special land uses in Lake Charter Township as a way for the Township to encourage high quality development with an emphasis on enhanced architectural and site design, landscaping, pedestrian, motorized and non-motorized activities. In creating a win-win situation, the developer may expect a cooperative working relationship with the Township by receiving relief from typical Zoning Ordinance standards, such as setbacks and parking requirements.
2. Planned Unit Developments (PUDs) may be established as a special land use when approved by the Township Board, after recommendation from the Planning Commission in accordance with the procedures specified in this Chapter. It is the intent of this subsection to provide for flexibility in the regulation of land development; to encourage innovation in land use and variety in design, layout, and type of structures; to achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; to encourage useful open space; and to create better living, working, and shopping environments. In order to accomplish this intent, this provision permits the relaxation of the conventional requirements found in the Zoning Districts. The use of land and the construction and use of buildings and other structures as Planned Unit

Developments shall be in conformance with the procedures, standards, requirements, and conditions for eligibility contained in this subsection.

- B. Qualifying Conditions: Any development that fails to meet the following qualifying conditions, at a minimum, shall not be considered for a special land use:
 - 1. The PUD site shall not be less than three (3) acres of fully contiguous property not separated by a public road, railroad, or other such feature or barrier. The Planning Commission may consider a PUD on lesser acreage if it is clear that the proposed PUD substantially promotes the intent of a PUD as stated above. In addition, the Planning Commission may consider a PUD with property that may be separated by a public road, railroad, or other feature or barrier e.g - if the applicant owned property on the north and south sides of a street, provided the applicant can demonstrate why the separation would not restrict their ability to develop a cohesive PUD.
 - 2. All PUDs shall be served by public water and sanitary sewer facilities
 - 3. The tract of land for which a PUD application is received must be either in one (1) ownership, filed jointly by the owners of all properties or through option agreements relating to the property in question.
 - 4. The PUD must provide for integrated, safe and abundant pedestrian access and movement within the PUD and to adjacent properties.
 - 5. The PUD should provide for coordinated and innovative architectural styles, building forms and building relationships.
 - 6. The PUD should provide for enhanced landscaping within the development. Examples include efforts to preserve the natural landscape, tree lined streets, decorative landscaping around structures and focal landscape areas.
- C. Open Space Requirements:
 - 1. The PUD shall contain usable open space in an amount equal to at least twenty percent (20%) of the total PUD site. The Planning Commission may consider a PUD with a lesser amount of open space if it is clear that the proposed PUD substantially promotes the intent of a PUD as stated above. Open space is a important element of a PUD and reductions to the open space provision should be granted only as a result of specific, clearly documented reasons.
 - 2. Useable open space shall not include required yards or buffers, parking areas, drives, rights-of-way, utility or road easements, storm water detention ponds, and structures.
 - 3. Open space shall be permanently set aside for the benefit, use, and enjoyment of present and future occupants of the PUD through covenant, deed restriction, open space easement, or similar legal instrument acceptable to the Township; or, if agreed to by the Township Board, the open space may be conveyed to the Township for the use of the general public.
- D. Permitted Uses -Any Principal Permitted Use or special land use otherwise allowed in the existing District(s) in which the PUD is to be located may be approved within a PUD. A mixed use PUD may be allowed in a R-2 or R-3 District provided that commercial uses that relate to the project shall not occupy an area greater than fifteen percent (15%) of the total land area included in the PUD. Prior to the construction of any part of the commercial uses, at least thirty percent (30%) of the residential uses in the PUD must be constructed. In a mixed use PUD, the applicant must demonstrate that proposed nonresidential uses would enhance the development and be compatible with surrounding and nearby uses.
- E. Pre-Application Conference

1. Upon request to the Zoning Administrator, a pre-application conference may be held with the Planning Commission for the purpose of exchanging information, providing guidance to the applicant and determining the eligibility of the request for consideration as a PUD.
2. As part of the pre-application conference, the applicant shall submit copies of a conceptual plan, at least seven (7) days prior to the pre-application conference, which shows the property location, boundaries, significant natural features, vehicular and pedestrian circulation, and proposed land use(s) for the entire site.
3. The Township shall advise the applicant of the conformance of the PUD concept with the intent and objectives of a PUD, and whether it meets the qualifying conditions listed above. No formal action will be taken at a pre-application conference nor will any party consider statements made at the pre-application conference legally binding commitments.

F. PUD Application

1. Following the pre-application conference, applicants seeking approval of a PUD shall submit a complete application for review to the Zoning Administrator who shall schedule a date and time for a public hearing and Planning Commission review. The application shall include, at a minimum, the following:
 - a.) A completed application form, supplied by the Zoning Administrator.
 - b.) Payment of a fee, as established by the Township Board.
 - c.) A narrative statement describing:
 - i. The objectives of the PUD and how it relates to the Intent of the PUD District, as described above.
 - ii. Phases of development and approximate time frame for each phase.
 - iii. Proposed deed restrictions, covenants, or similar legal instruments to be used within the PUD.
 - iv. Anticipated start and completion of construction, including future phases if a multi-phased PUD.
 - v. Location, type, and size of areas to be dedicated for common open space.
 - d.) Twelve (12) copies of a preliminary development plan shall be provided to the Zoning Administrator. If the PUD is to be developed in phases, the preliminary development plan shall show all phases. The preliminary plan shall contain the same information required in Section 16.39 F.
 - e.) Upon receipt of an application for PUD approval, the Zoning Administrator shall cause notice to be given, in accordance with the requirements of this Ordinance.

G. Planning Commission Recommendation

1. Following notice, the Planning Commission shall hold a public hearing on the proposed PUD special land use, for the purpose of receiving public comment on the application.
2. Following the public hearing, the Planning Commission shall review the PUD request and preliminary development plan based on the conformance with the General Review Standards of Section 16.03, the Specific Requirements of Section 16.08 ; and shall recommend that the Township Board approve, approve with conditions, or deny the PUD special land use.

H. Township Board Action

1. After receiving the recommendation of the Planning Commission, the Township Board shall review the application package, preliminary development plan, the record of the Planning Commission proceedings and the recommendation.
 2. The Township Board shall hold a public hearing and then approve, approve with conditions, or deny the proposed PUD special land use.
- I. Final Development Plan Application
1. Within twelve (12) months of the Township Board's approval of the PUD, including the preliminary development plan, the applicant shall submit a request to the Zoning Administrator for final PUD approval. If the project includes phases, then the applicant must submit a request within twelve (12) months of the Township Board's approval of the PUD for final approval of any phase.
 2. If the applicant fails to submit a request within twelve (12) months as stated above, then the PUD approval shall be determined to be expired. If a preliminary plan includes phases, the applicant must submit each subsequent phase within twenty-four (24) months of the approval date of the initial phase. If the applicant fails to submit the next phase within this time period, any phase included as part of the preliminary site plan not approved for final site plan shall be deemed expired.
 3. A final development plan application shall consist of the following:
 - a.) A completed application form, supplied by the Zoning Administrator.
 - b.) Payment of a fee, as established by the Township Board.
 - c.) A written response to the findings, review comments, and conditions, if any, from the Township Board's review and approval of the preliminary development plan and a narrative explanation of the changes made to the plan in response to those items.
 - d.) A site plan containing all of the information required in this subsection and as stated in Section 16.04. If the PUD consists of phases, then the above mentioned information is only required for the specific phase(s) being presented for final approval. Each subsequent phase shall be reviewed in the same manner.
- J. Planning Commission Review Of Final Development Plan
1. The Planning Commission shall review the final development plan in relation to its conformance with the preliminary development plan and any conditions of the PUD approval. If it is determined that the final plan is not in substantial conformance with the preliminary development plan, the review process shall be required to resubmit the special land use for the PUD, according to the requirements of this Chapter.
 2. If the final development plan is consistent with the approved preliminary development plan, the Planning Commission shall review the final plan in accordance with the standards for approval stated in Section 16.03 and the requirements of this Section 16.39.
 3. The Planning Commission shall cause a record of its findings to be prepared and shall approve, approve with conditions, or deny the final development plan.
 4. Any Zoning Ordinance regulatory modification (e.g.. - setbacks) shall be approved through a finding by the Planning Commission that the deviation shall result in a higher quality of development than would be possible using conventional zoning standards. Regulatory modifications are not subject to variance approval of the Zoning Board of Appeals. This provision shall not take the place of the requirement for an individual lot owner to seek a variance for

individual lot development requirements (e.g. - a residential detached garage variance related to setbacks) following final approval of the PUD, provided such variance does not involve alterations to open space areas as shown on the approved PUD site plan.

5. A table shall be provided on the final site plan which specifically details all deviations from the established general provisions area, height and setback regulations, off-street parking regulations, general provisions, or other regulations which would otherwise be applicable to the uses and development proposed in the absence of this PUD section.
- K. PUD Development Agreement
1. Prior to issuance of any building permits or commencement of construction on any portion of the PUD, the applicant shall enter into an agreement with the Township in recordable form, setting forth the applicant's obligations with respect to the PUD.
 2. The agreement shall describe all improvements to be constructed as part of the PUD and shall incorporate, by reference, the final development plan with all required revisions, other documents which comprise the PUD, and all conditions attached to the approval by the Township Board.
 3. A phasing plan shall also be submitted describing the intended schedule for start and completion of each phase and the improvements to be undertaken in each phase.
 4. The agreement shall also establish the remedies of the Township in the event of default by the applicant in carrying out the PUD, and such remedies shall be binding on all successors in interest to the applicant.
 5. All documents shall be executed and recorded in the office of the Berrien County Register of Deeds.
- L. Changes To An Approved Final PUD
1. The holder of an approved PUD final development plan shall notify the Zoning Administrator of any desired change to the approved PUD.
 2. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the PUD, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - a.) Reduction of the size of any building and/or sign.
 - b.) Movement of buildings and/or signs by no more than ten (10) feet.
 - c.) Landscaping approved in the final development plan that is replaced by similar landscaping to an equal or greater extent.
 - d.) Changes in floor plans, of up to five percent (5%) of the total floor area, which do not alter the character of the use or increase the amount of required parking.
 - e.) Internal rearrangement of a parking lot that does not affect the number of parking spaces or alter access locations or design.
 - f.) Changes required or requested by the Township, Berrien County, or other State or Federal regulatory agency in order to conform to other laws or regulations.
 3. A proposed change not determined by the Zoning Administrator to be minor shall be submitted as an amendment to the special land use PUD and shall be processed in the same manner as the original PUD application for the final development plan.
- M. Time Limit For Approved PUD

1. Each approved Final PUD must be under construction within twelve (12) months after the date of approval of the PUD final development plan, except as noted in this subsection. For the purposes of this paragraph, start of construction shall mean, at a minimum, issuance of building permits.
2. The Township Board may grant one (1) extension of up to one (1) additional twelve (12) month period from the expiration date of the PUD or phase of a PUD if the applicant applies for such extension prior to the date of the expiration of the PUD or PUD phase and provided that:
 - a.) The applicant presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the applicant; and
 - b.) The PUD requirements and standards, including those of the Zoning Ordinance, that are reasonably related to the development have not changed.
3. Should neither of the above provisions be fulfilled, or an extension has expired without construction underway, the PUD final plan approval(s) shall be null and void. This does not include any phases that may have previously received final PUD approval.

16.40 Private Recreation Uses

- A. The minimum lot size shall be one (1) acre.
- B. Sites shall be cleared daily of debris so that litter does not accumulate on adjacent properties.
- C. Said recreation facility shall be for the exclusive use of the membership, as conditioned above and their guests, as well as open to the public for a fee.
- D. Provision for the land and/or buildings shall have been identified in the original platting of the land so that all subsequent lot purchasers were duly placed on notice. Prior to approval of the special land use, the County shall determine that such affected area residents were able to determine that such facilities were a part of the original development scheme. Evidence to this effect would include a provision in the recorded plat.
- E. In those instances where the proposed facility is intended to serve areas beyond the recorded subdivision, the proposed site shall have one (1) property line abutting a major road, and the site shall be so planned as to provide ingress and egress directly from said hard-surfaced road or from an approved shared access drive to such road.
- F. Front, side, and rear yards shall be at least eighty (80) feet on those sides adjacent to residential districts. Front, side, and rear yards shall not less than ten (10) feet on those sides adjacent to non-residential districts. Such required yard setback shall be landscaped in trees, shrubs, grass, and terrace areas. All such landscaping shall be maintained in a healthy condition.
- G. Off-street parking shall be provided so as to accommodate not less than one-half of the family and individual membership or as otherwise provided. Prior to the approval of a special land use, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements.
- H. There shall be no parking or structures permitted in the required front, side, and rear yards, except for required entrance drives and screening walls used to obscure the use from abutting residential districts.
- I. All lighting shall be shielded from adjacent roads and residential districts.
- J. Central loudspeakers/paging systems are prohibited adjacent to residential property.

- K. The intensity level of sounds shall not exceed seventy (70) decibels at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the common lot line when adjacent to residential uses and residential districts. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.
- L. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.
- M. When a swimming pool is constructed under this section of the Zoning Ordinance, said pool area shall be provided with a protective fence five (5) feet in height, and entry shall be provided by means of a controlled gate.
- N. All plans for storm sewers, sanitary sewers, water, and other utilities shall be reviewed and approved by the Township's Engineer.

16.41 Recycling Facility

- A. Location Requirements:
 - 1. Ingress and egress to the facility shall be only from a hard-surfaced road.
- B. Site Requirements:
 - 1. The minimum lot or parcel size shall be three (3) acres.
 - 2. Setbacks:
 - a.) All enclosed areas shall be set back at least sixty (60) feet from any front lot line.
 - b.) All enclosed areas shall not be located closer than one hundred (100) feet from the border of the Residential District.
 - c.) Adequate standing and parking facilities shall be provided at the site so that no loaded vehicle at any time stands on a public right-of-way awaiting entrance to the site.
- C. Buffering Requirements:
 - 1. Whenever the installation abuts a residential district, a transition strip at least one hundred (100) feet in width shall be provided between the fenced periphery of the site and the adjoining district. Such strip shall contain plants, grass, and or other natural screening materials approved by the Planning Commission.
 - 2. A solid fence, wall, or earthen berm at least eight (8) feet in height but no higher than ten (10) feet shall be provided around the periphery of the site to screen said site from surrounding property. Such fence, wall or berm shall be of sound construction, painted, or otherwise finished neatly and inconspicuously. Such fence, wall, or berm shall be of permanent finish and constructed with materials approved by the Planning Commission.
- D. Performance Standards:
 - 1. All activities shall be confined within the fenced periphery of the site. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.
 - 2. Storage of materials shall not occur in the front of the building.
 - 3. No open burning shall be permitted.
 - 4. All roads, driveways, parking lots, and loading and unloading areas within any recycling facility yard shall be paved, watered, or chemically treated so as to limit the nuisance caused by wind-borne dust on adjoining lots and public roads.

5. Any materials listed on the Michigan Critical Materials Register (gasoline, freon, solvents, etc.) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Natural Resources and Environment.
- E. Fugitive Dust, Noxious Odors, Noise, Vibration, Light, and Blowing Debris.
 1. The operation of a recycling facility shall not result in off-site deterioration of air quality or cause injurious effects to human health, safety, and welfare. All recycling facilities shall be designed, constructed and operated so that fugitive dust, noxious odors, noise, vibration, light, and blowing debris are controlled and do not cause off-site problems or nuisances.
 2. The following performance standards shall be enacted in an effort to control noxious odors, noise, vibration, and light so that they do not cause off-site problems and nuisances:
 - a.) Noise. The pressure level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

SOUND LEVEL ADJACENT USE

65dBA Residential/Agricultural

WHERE MEASURED

Boundary Property Line

The sound levels shall be measured using a weighted decibel measurement and with a type of audio out meter approved by the National Institute of Standards and Technology. Objectionable noise as determined by the Board, of an intermittent nature, or high frequency sounds, even if falling below the aforementioned decibel readings, shall be muffled so as not to become a nuisance to adjacent uses.

- b.) Vibration. All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of 0.003 inches as measured at any property line of its source.
 3. Light. All lighting shall be shielded from adjacent roads and residential districts.
 4. The applicant shall submit with the site plan an operations plan to minimize the off-site occurrences of fugitive dust, noxious odors, vibrations, light, and blowing debris. This plan shall include such measures as: restricting the daily work hours, refusing to accept certain materials, or other appropriate measures. This plan shall be approved by the Planning Commission.
- F. If there is evidence that performance standards have not been met and/or that a problem or nuisance condition exists as determined by the Zoning Administrator, despite compliance with the operation plan, then a contingency plan shall be developed by the operator. This contingency plan shall be submitted within ten working days from the date that the Zoning Administrator notifies the operator. This plan may demonstrate to the satisfaction of the Zoning Administrator that the problem will be abated within two (2) weeks.

16.42 Retail Shops With On-Site Fabrication

- A. Any goods produced, fabricated, modified, or assembled on site shall be for on-site retail sale.
- B. Noise produced on site shall not exceed 65 db. measured at the nearest adjacent property.
- C. Production, fabrication, modification, or assembly of goods shall not produce any vibration which can be measured at the nearest adjacent property line.
- D. The use shall be connected to municipal water and sewer.

- E. All waste materials shall be disposed of in a manner that meets or exceeds any county, state, or federal regulations.
- F. All production, fabrication, modification, or assembly of goods shall be done in a completely enclosed facility.
- G. Outdoor storage of goods, parts, or waste products is prohibited.
- H. The area for production, fabrication, modification, or assembly shall not exceed 50% of the total gross floor area.

16.43 Oil, Gas or Chemical Storage

- A. Facilities shall be constructed in conformity with State and Federal regulations.
- B. Above ground storage shall be entirely enclosed with a fence not less than six (6) feet in height.
- C. The use shall be located at least five hundred (500) feet from any Residential/Agricultural, Single Family Residential, Manufactured Housing or Multi-Family Residential District.
- D. The use shall be connected to municipal water and sewer.
- E. The use shall be designed such that all storm water is completely retained on site.

16.44 Riding Academy

- A. Site Requirements:
 - 1. Riding academies shall have a minimum lot size of two (2) acres for the first (1) horse and an additional one acre for each horse thereafter.
 - 2. Commercial stables shall provide off-street parking at a minimum of one (1) parking space per one (1) animal, based on the number of horse stalls or maximum number of horses that can be accommodated in the stable.
- B. Buffering Requirements:
 - 1. Animals shall be confined in a suitably fenced area or paddock to prevent their approaching nearer than fifty (50) feet to any dwelling on adjacent premises.
 - 2. A vegetative strip of at least fifty (50) feet wide shall be maintained between any animal holding area, manure pile, or manure application area and any surface water or well head. In areas with slopes of over five (5) percent, the Planning Commission may increase setbacks in order to minimize runoff, prevent erosion, and promote quick nutrient absorption.
- C. Performance Standards:
 - 1. All riding academies shall be operated in conformance with all applicable county, state, and federal regulations.
 - 2. All animals shall be maintained in a healthy condition and carefully handled.
 - 3. The facility shall be constructed and maintained so that dust and drainage from the stable will not create a nuisance or hazard to adjoining property or uses.
 - 4. Inspections of riding academies may be conducted at any time within reason by either the police authorities or by employees under the supervision of the Zoning Administrator. A review of inspections shall be made prior to special use permit renewal.
 - 5. Manure piles shall be stored, removed, and/or applied in accordance with Michigan Department of Agriculture, Generally Accepted Agricultural Management Practices (GAAMPS) and County Health Department regulations.

6. A shelter shall be provided for all horses, including a separate stall for each horse which is at least ten (10) feet by ten (10) feet.
7. Stables, corrals, and piles of manure or feed shall not be located nearer than two-hundred (200) feet to any lot line and one-hundred and fifty (150) feet from any right-of-way line.
8. Enclosed riding arenas shall not exceed twenty-thousand (20,000) square feet in gross floor area on a minimum of a ten (10) acre site, except that an additional one-thousand five-hundred (1,500) square feet of floor area may be permitted for each additional full acre in a lot area, provided that no riding arena shall exceed thirty-thousand (30,000) square feet in gross floor area. Riding arenas shall meet height and setback restrictions of the district.
9. No living quarters shall be located in any arena building.
10. The Planning Commission may limit the number of horses and prescribe the manner of keeping the animals as necessary to mitigate any impact on surrounding land uses.

16.45 Seasonal Recreational Vehicle Park

- A. Recreational Vehicle Campsite Condominiums shall comply with the following standards:
 1. The minimum area necessary for eligibility as a Recreational Vehicle Campsite Condominium shall be not less than one-hundred twenty (120) contiguous acres of land. An owner of less than one-hundred twenty (120) contiguous acres of land may apply for special use approval under the provisions of this section if the land subject to the application is adjacent to an existing Recreational Vehicle Campsite Condominium.
 2. Accessory uses which may be permitted in a Recreational Vehicle Campsite Condominium include indoor and outdoor recreation facilities, coin-operated laundry, and small scale retail establishments for serving occupants of the Recreational Vehicle Campsite Condominium only.
 3. Accessory uses which may be permitted on individual condominium units may include, but shall not be limited to, detached garages, detached screen porches, lawn buildings, gazebos, and carports.
 4. Each condominium unit within a Recreational Vehicle Campsite Condominium shall have a water and sanitary system designed, constructed and approved in accordance with applicable County Health Department standards and regulations. These systems may include individual on-site wells and septic systems.
 5. Minimum yard requirements and building setbacks from the exterior boundaries of individual campsite condominium units shall comply with regulations applicable in the zoning district in which the Recreational Vehicle Campsite Condominium is located.
 6. Common buildings and structures on individual condominium units shall not exceed one (1) story or sixteen (16) feet in height, whichever is less.
 7. A driveway providing access to a Recreational Vehicle Campsite Condominium from a public or private road shall not be located closer than five-hundred (500) feet to any other driveway providing access to the same or to another Recreational Vehicle Campsite Condominium. Such driveways, when opposite sides of a public or private street, must be aligned end to end, or be spaced at least two-hundred fifty (250) feet apart.
 8. Each condominium unit shall have two (2) off street parking spaces.

9. No more than one (1) recreational vehicle may be permanently placed on any single condominium unit. Additional or “Companion” recreational vehicles may be permitted on condominium units having an area of 21,780 square feet and larger.

16.46 Sexually Oriented Business

A. PURPOSE. It is the purpose of this Section to regulate Sexually Oriented Businesses in order to promote the health, safety, and general welfare of the citizens of the Township, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of Sexually Oriented Businesses within the Township. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Section to condone or legitimize the distribution of obscene material.

B. FINDINGS. Based on evidence of the adverse secondary effects of Sexually Oriented Businesses presented in reports assembled by the American Planning Association and reviewed by members of the Township Planning Commission and professionals serving the Township, Lake Charter Township finds as follows:

1. Sexually Oriented Businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. The incidence of crime in the vicinity of Sexually Oriented Businesses ranged from 21% to 56% greater than the community at large, in specific studies conducted in the cities of Indianapolis, Los Angeles, Denver, San Diego and Phoenix.
2. Studies have shown that the incidence of sex-related crime, including indecent exposure, prostitution and aggravated sexual assault, in the vicinity of Sexually Oriented Businesses has been demonstrated to be as much as five times greater than in the broader community. These negative impacts are exacerbated in any area with a concentration of Sexually Oriented Businesses.
3. The presence of Sexually Oriented Businesses in proximity to residentially-zoned and used property has been shown to negatively impact property values. A study in Indianapolis showed that the vast majority of respondents (80%) reported an expectation of property value decline within one-block of a Sexually Oriented Business. A study in Austin, TX, found that 88% of the respondents reported an expectation of property value decline within one block of a Sexually Oriented Business and that 59% reported similar expectations within a three-block radius of a Sexually Oriented Business.

C. RATIONALE. Each of the foregoing negative secondary effects constitutes a harm which the Township has a substantial government interest in minimizing, preventing and/or abating. This substantial government interest in preventing secondary effects, which is the Township's rationale for this Section, exists independent of any comparative analysis between Sexually Oriented Businesses and non-Sexually Oriented Businesses. Additionally, the Township's interest in regulating Sexually Oriented Businesses extends to preventing future secondary effects of either current or future Sexually Oriented Businesses that may locate in the Township. The Township hereby finds that the information outlined in this section and relied on by the Township is relevant to such secondary effects and the Township hereby adopts and incorporates in its stated findings and legislative record the various studies of the American Planning Association as well as the judicial opinions and reports related to such secondary effects contained therein.

D. REGULATORY STRUCTURE. This Section of the Zoning Ordinance is meant to function in conjunction with Sexually Oriented Business Ordinance pertaining to the licensing and operation of Sexually Oriented Businesses. This Section is intended to regulate the establishment of such facilities, including standards for their location, site and building layout as special land uses in the Township. The Sexually Oriented Business Ordinance provides standards for the licensing and regulation of Sexually Oriented Businesses and their Employees and for the operation of such businesses. The Township hereby finds that the resulting regulatory structure is reasonably necessary to address the operational, siting and development effects of Sexually Oriented Businesses on the community. In addition to the standard requirements of information requested of all uses under Special Land Uses and Site Plan Review, Sexually Oriented Businesses shall provide the following:

1. A narrative statement and of supporting evidence demonstrating compliance with the requirements of this section.
2. A site plan compliant with the requirements of Chapter 17 depicting the location of all abutting streets, the location of all existing and proposed easements on site, the location of all existing and proposed structures and their uses, the location and extent of all above ground development, both existing and proposed on the site, site lighting, proposed signage, and exterior elevations of the proposed Sexually Oriented Business depicting it, to the extent feasible, in what will become its "as-built" condition, all in legible form.
3. Final building floor plans and specifications of the proposed development.
4. A description of the proposed use, including references to definitions within this section.
5. An area map, in a scale (no larger than 1" = 100'), depicting and describing all land uses situated within 1,000 feet of the boundaries of the property upon which the proposed Sexually Oriented Business is to be located. A survey, sealed by a licensed surveyor or engineer, shall be submitted showing that the proposed Sexually Oriented Business will be located in accordance with the requirements of Section 16.46, D, 7, a.
6. Documentation that the applicant has received a certificate of tentative approval of a Sexually Oriented Business License from the Lake Charter

Township Board, pursuant to the Lake Charter Township Sexually Oriented Business Licensing Ordinance.

7. Basis for determination – specific requirements: In reviewing an application for a Sexually Oriented Business, the Planning Commission shall determine whether the following specific requirements have been met, or will be met in the proposed special land use:
 - a. Isolation Distance Requirements. The proposed Sexually Oriented Business shall not be located within 500 feet of any residence, recreational facility, school, child care establishment, government-owned facility, place of worship, cemetery nor within 1,000 feet of any other Sexually Oriented Business. For purposes of this paragraph, the distance between a proposed Sexually Oriented Business and any of the above listed uses, shall be measured in a straight line, without regard to intervening structures or objects, from the proposed Sexually Oriented Business structure to the above listed uses, regardless of the political jurisdiction.
 - b. The proposed Sexually Oriented Business shall abut and utilize direct access from Red Arrow Highway.
 - c. Proposed signage shall not include animated or flashing illumination of any type and shall otherwise conform with the requirements of Chapter 14. Proposed signage may contain only the name of the Sexually Oriented Business and shall not include photographs, silhouettes, drawings, or pictorial representations of any type.
 - d. Entrances to the proposed Sexually Oriented Business shall be posted on both the exterior and interior walls, clearly visible to the public, indicating in lettering no less than two inches in height that (a) "No one under the age of eighteen is permitted to enter the premises" and (b) "No alcoholic beverages of any type are permitted within the building or anywhere on the property."
 - e. No product or service for sale or gift, or any picture or other representation thereof, shall be displayed so as to be visible from the street or exterior of the building.
 - f. Hours of operation shall be limited to between the hours of 8:00 a.m. to 12:00 a.m. (midnight).
 - g. Persons operating a Sexually Oriented Business shall not permit any person under the age of 18 years to be on the premises.
 - h. All off-street parking areas shall conform with the requirements of Chapter 15 and shall be illuminated during all hours of operation and for one hour after closing in accordance with this Ordinance and shall otherwise be open to view from the Red Arrow Highway.
 - i. The proposed Sexually Oriented Business owner/operator shall have provided an exterior maintenance program to the Township Zoning Administrator, together with its Special Land Use Application, which shall provide for routine reasonable and necessary grounds maintenance and shall include, at a minimum, the clearing of trash and rubbish from all

parking areas and other portions of the premises not less than daily. Continued adherence to such exterior maintenance program shall be a condition to the issuance of any special use permit pursuant to this Section.

- j. The interior of the building shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Enclosed viewing booths shall not be permitted. Restrooms shall not contain video reproduction equipment. If the building has two or more manager's stations designated, then the interior of the building shall be configured in such a manner that there is an unobstructed view of each area of the building to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required by this subsection must be by direct line of sight from the manager's station.
- k. Any booth, room or cubicle available in any Sexually Oriented Business used by patrons for the viewing of any entertainment characterized as showing Specified Anatomical Areas or Specified Sexual Activities shall:
 - 1) Be constructed in accord with the Michigan Building Code, as may be amended from time to time;
 - 2) Be unobstructed by any door, lock or other entrance and exit control device;
 - 3) Have at least one side totally open to a lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - 4) Be illuminated by a light bulb of wattage not less than one hundred (100) watts; and
 - 5) Have no holes or openings, other than doorways, in walls.
- 8. The premises shall meet all barrier free requirements and building code requirements applicable in the Township.
- 9. The number of patrons allowed on premises at any one time shall be limited to the amount of seating available, but shall not exceed the maximum occupancy permitted by applicable codes.
- 10. The applicant shall provide an overall management plan for the facility including explicit rules which prohibit total nudity and prevent any physical contact between or among performers, dancers or entertainers and the establishment patrons. Other rules shall include, but not be limited to, hours of operation which shall conform with the requirements of this Section, the prohibition of alcoholic beverages, and other rules that may be imposed by the Planning Commission.
- 11. The Planning Commission may impose such additional conditions and safeguards deemed necessary to mitigate negative secondary effects reasonably documented to emanate from Sexually Oriented Businesses for the protection of the general welfare and individual property rights of affected property owners, and for insuring that the intent and objectives of this Section

will be observed. The violation of any condition, safeguard, requirement or approved rule of operation shall be grounds for revocation of the permit by the Planning Commission, after not less than fifteen (15) days' written notice to the Sexually Oriented Businesses and an opportunity to be heard at a meeting of the Planning Commission.

12. As a condition of approval of any permit issued, renewed and maintained pursuant to this Chapter, the Sexually Oriented Businesses shall acquire and maintain all necessary federal and local approvals, including the Township Sexually Oriented Businesses License Ordinance. The revocation or suspension of the Sexually Oriented Business License shall require the immediate revocation of any special land use permit pursuant to this Zoning Ordinance.
13. Any dumpsters on site shall be enclosed on (4) sides with an opaque fence equipped with a lockable gate and shall not be visible from lot lines.

16.47 Reserved

16.48 Soil and Mineral Extraction

Sand or gravel extraction, as defined in this ordinance, shall be permitted in any district by special use permit issued by the Planning Commission. The application shall include a development plan and rehabilitation plan. It shall first be submitted to the Planning Commission. The following information shall be submitted:

- A. Site plan. A site plan which shall include the following information:
 1. North point, scale, and date.
 2. Extent of the area to be excavated.
 3. Location, width, and grade of all easements or right-of-way on or abutting the property.
 4. Location of all structures on the property.
 5. Location of all areas on the property subject to 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.
 6. Processing and storage areas.
 7. Proposed fencing, gates, parking, and signs.
 8. Ingress-egress roads, plus on-site roads, and proposed surface treatment and means to limit dust.
 9. A map showing access routes between the property and the nearest arterial road.
- B. Rehabilitation plan. A rehabilitation plan which shall include:
 1. A statement of planning rehabilitation, including methods of accomplishment, phasing, and timing.
 2. A plan indicating: the final grade of the excavation; any water features including 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 site plan. For excavation application, the final grade shall mean the approximate planned final grade.
 3. 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.

4. The method of disposing of any equipment or structures used in the operation of the excavation upon completion of the excavation.
 5. The name, address, and signature of the property owners and applicant.
 6. A written legal description or record of survey of the property;
 7. Proof of a bond, cash deposit, or deposit of negotiable securities and public liability insurance shall be provided to the Planning Commission to ensure conformance to County operational and reclamation standards.
- C. Review standards for approval. The Planning Commission may consider the following factors in their review of the permit 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. The proposed plan complies with existing applicable County and State waste management plans and standards.
 6. Whether the spirit and intent of the objectives of this Zoning Ordinance would be preserved or promoted.
- D. Permit to fill. The Zoning Administrator will issue the permit to fill land, after it has been determined:
1. That such filling will not cause surface water to collect or to run off onto adjoining lands contrary to normal and natural drainage.
 2. That such fill material will not unreasonably cause blowing dust, grime, fumes, or odors.
 3. That 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.
 4. That, upon completion of such fill, the property will be left in such a condition that it may be properly used for the use designated for the area in the Zoning Ordinance and maps.
 5. That such fill shall not operate to inhibit light and air to the adjoining properties.
 6. That such filling operations will not be conducted before 7:30 a.m. or after 7:00 p.m., local time.
 7. That 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 highways and roads of the County.
 8. That such fill will not cause any hazard or fire and that combustible materials shall not become any part of the fill material.
 9. That the filling will be carried out under the terms and conditions above set forth, and that the Administrator may, if concerned about the applicants fulfilling the above conditions, require a performance bond in favor of the County and conditioned upon the applicant faithfully carrying out all of the terms and conditions of the permit.

16.49 Stable

- A. Site Requirements:
1. Stables shall have a minimum lot size of two (2) acres for the first (1) horse and an additional one acre for each horse thereafter.

2. Commercial stables shall provide off-street parking at a minimum of .5 parking spaces per two (2) animals, based on the number of horse stalls or maximum number of horses that can be accommodated in the stable.
- B. Buffering Requirements:
1. Animals shall be confined in a suitably fenced area or paddock to prevent their approaching nearer than fifty (50) feet to any dwelling on adjacent premises.
 2. A vegetative strip of at least fifty (50) feet wide shall be maintained between any animal holding area, manure pile, or manure application area and any surface water or well head. In areas with slopes of over five (5) percent, the Planning Commission may increase setbacks in order to minimize runoff, prevent erosion, and promote quick nutrient absorption.
- C. Performance Standards:
1. All stables shall be operated in conformance with all applicable county, state, and federal regulations.
 2. The facility shall be constructed and maintained so that dust and drainage from the stable will not create a nuisance or hazard to adjoining property or uses.
 3. Inspections of stables may be conducted at any time within reason by either the police authorities or by employees under the supervision of the Zoning Administrator. A review of inspections shall be made prior to special use permit renewal.
 4. Manure piles shall be stored, removed, and/or applied in accordance with Michigan Department of Agriculture and County Health Department regulations.
 5. A shelter shall be provided for all horses, including a separate stall for each horse which is at least ten (10) feet by ten (10) feet.
 6. Stables, corrals, and piles of manure or feed shall not be located nearer than two-hundred (200) feet to any lot line and one-hundred and fifty (150) feet from any right-of-way line.
 7. Enclosed riding arenas associated with commercial stables shall not exceed ten-thousand (10,000) square feet in gross floor area on a minimum of a ten (10) acre site, except that an additional one-thousand five-hundred (1,500) square feet of floor area may be permitted for each additional full acre in a lot area, provided that no riding arena shall exceed fifteen-thousand (15,000) square feet in gross floor area.
 8. Riding arenas are permitted providing they meet height and setback restrictions of the district and they do not exceed four-thousand five-hundred (4,500) square feet in gross floor area.
 9. No living quarters shall be located in any arena building.
 10. Special events for which a fee is paid, such as shows, exhibitions, and contests shall be permitted only after a temporary zoning permit has been secured.
 11. The Planning Commission may limit the number of horses and prescribe the manner of keeping the animals as necessary to prevent offensive odors, the pollution of water supplies, and/or the spread of infectious disease.

16.50 Storage of Manufactured Homes, RVs, etc.

- A. All manufactured homes, RV's, or other units shall not be occupied as a dwelling for any purpose

- B. All units not stored within a fully enclosed structure shall be maintained in good condition and not missing any parts or damaged.
- C. Outdoor storage areas shall be fully enclosed with a fence and shall not be closer than 500 feet from any residential property line.
- D. Facilities adjacent to non-industrial uses shall maintain a 10-foot wide screening buffer of coniferous landscape material or an 8-foot wood stockade fence.

16.51 Veterinarian

- A. All ingress and egress to the site shall be directly from a hard-surfaced road.
- B. The minimum area shall be one (1) acre.
- C. Buildings wherein animals are kept, other than the principal building, and/or any exercise areas shall not be located closer than one-hundred (100) feet to any property line.

CHAPTER 17

Site Plan Review

Section 17.01 Intent

- A. The intent of requiring site plan submittal and review in certain instances specified herein is to facilitate determination of whether certain development proposals meet all applicable requirements and are in harmony with the purpose, intent and spirit of this ordinance.
- B. It is further the intent to assist township officials in encouraging and assisting proposers of land development to design and implement land use proposals which foster orderly, efficient, compatible and aesthetic uses of land in Lake Township.

Section 17.02 When Required

- A. A site plan shall be prepared for any permitted use, Special Land Use, or Variance in accordance with Sections 17.03 and 17.04. Exempt from this requirement are:
 - 1. Single-family dwellings
 - 2. Farm or farm operation
 - 3. Home occupation
 - 4. Family day care homes
 - 5. Family adult day care homes
 - 6. Foster family home
- B. The Planning Commission, at its discretion, may waive the requirements for site plans for each request submitted where it determines that the required information would not be relevant to the site or the proposed land use.

Section 17.03 Contents

- A. A required site plan shall be drawn at a scale which does not exceed 1 inch equals 100 feet and shall contain the following information:
 - 1. Applicant name, address and parcel number. The boundary lines of the area included in the site plan, including angles, dimensions and reference to a section corner, quarter corner or point on a recorded plat, an arrow pointing north, and the individual lot areas and dimensions of the land included in the site plan and within one hundred (100) feet of the subject site.
 - 2. Existing and proposed topography, drainage systems, drainage calculations, and structures, with topographic contour intervals of not more than 2 feet.
 - 3. The shape, size and location of all structures on the lot including yard dimensions, fences, height, floor area and the finish grade.
 - 4. Natural features such as wooded lots, streams and lakes or ponds, and man-made features such as existing roads and structures, with indication as to which

features are to be retained and which removed or altered. Adjacent properties and their uses shall be identified.

5. Proposed streets, driveways, parking spaces, curb cuts, loading spaces and sidewalks, with indication of direction of travel for one-way streets and drives and the inside radius of all curves. The width of streets, driveways and sidewalks, and the total number and layout of parking spaces shall be shown.
6. The size and location of all existing and proposed public and private utilities, drainage calculations, signage, lighting and landscaping. Information to be included is number, size, spacing, brightness, height, etc.
7. Review from the Department of Environmental Quality relating to Floodplains, Critical Dunes, Wetlands, etc., when required.
8. A vicinity sketch showing location of the site in relation to the surrounding street system and uses within 100 feet.
9. A legal description of the land and lots included in the site plan.
10. Any other information necessary to establish compliance with this and any other ordinances and the availability of adequate utility capacity.
11. The name, signature, title and mailing address of the person who prepared the site plan. A site plan for any development of 1 acre or more in land area shall be prepared by a registered architect, engineer, professional community planner or land surveyor. A site plan for a development of less than 1 acre may, at the discretion of the Zoning Administrator, be prepared by a qualified person who is not a registered architect, engineer, professional community planner or land surveyor.

Section 17.04 Review Process and Approval

- A. A minimum of ten copies along with any required site plan shall be submitted of original quality, to the Zoning Administrator along with a cover letter signed by the owner of the land, designated agent and/or prospective developer providing an explanation and background information on the proposed development along with all necessary fees and documents required by this Ordinance. All applicants are encouraged to confer informally with the Planning Commission before any documents for application are prepared.
 1. The site plan and any accompanying documents shall be forwarded to the Planning Commission for its consideration at its next regular meeting, provided such application has been received by the Zoning Administrator at least thirty (30) days prior to the regular meeting of the Planning Commission. If not received within this time schedule, the site plan will be considered at a subsequent meeting. The Zoning Administrator shall not forward the site plan and supplemental documents to the Planning Commission until the applicant's submittal is deemed sufficiently complete.

2. The Planning Commission shall examine the site plan as to proper form and content and particularly as to compliance with all applicable requirements of this ordinance.
 - B. If the proposed development does not require the issuance of a Special Land Use Permit or Variance by the Board of Appeals, within 30 days after receipt, the Planning Commission shall cause notice in writing to the proposer of the development of the approval or disapproval of the site plan. If the site plan is disapproved, the reasons therefore shall be given. Such disapproval shall be limited to inadequacy or defect in form or content and/or noncompliance with identified applicable provisions of this ordinance.
 - C. If the proposed development requires issuance of a Special Land Use Permit, the Planning Commission shall follow the Special Land Use procedure as provided in Chapter 16. The proposer of the development shall be notified of the status of his requested site plan approval.
 - D. If any Variances from the requirements of this ordinance are needed for a particular site, a decision on such variances shall be rendered by the Zoning Board of Appeals under the terms of Chapter 18 prior to any decision by the Planning Commission on a proposed site plan. If Variances have already been obtained from the Zoning Board of Appeals concerning the subject property, the minutes concerning the Variances, duly signed, shall also be filed with the Township records as a part of the site plan.

CHAPTER 18

Zoning Board of Appeals

Section 18.01 Establishment and Procedures

- A. A Board of Appeals is hereby established which shall consist of 5 members to be appointed in accordance with Act 110 of 2006, as amended. The first member of the Board of Appeals shall be a member of the Township Planning Commission and the term of office on the Board of Appeals shall be concurrent with the term of office on the Planning Commission. The second member of the Board of Appeals may be a member of the Township Board appointed annually for a term of 1 year by the Township Board. The second member, if a member of the Township Board, shall not serve as chairman of the Board of Appeals. The additional member(s) of the Board of Appeals shall be appointed for a term of three (3) years by the Township Board from among the electors residing in the unincorporated area of the Township. An employee or contractor of the Township Board shall not serve as a member of the Board of Appeals. Members of the Board of Appeals shall be removable by the Township Board for malfeasance, misfeasance, or nonfeasance, in office upon written charges and after public hearing. A successor shall be appointed by the Township Board at the next regular meeting subsequent to a vacancy on the Board of Appeals. Vacancies shall be filled for the remainder of the term.
- B. The Board of Appeals shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board of Appeals may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- C. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent, or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Township Clerk.
- D. The legislative body shall appoint not more than two (2) alternate members for the same term as regular members to the Board of Appeals. An alternate member may be called as specified to serve as a member of the Board of Appeals in the absence of a regular member if the regular member will be unable to attend on or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made and shall have the same voting rights as a regular member.

Section 18.02 Powers and Duties.

The Board of Appeals shall have the following powers and duties:

- A. Appellate Jurisdiction. – To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of this ordinance, or made by the Planning Commission in the issuance, approval, or disapproval of Special Land Use Permits.
1. Appeals; Filing. – Appeals to the Board of Appeals concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the Township affected by any decision of the Zoning Administrator. Such appeals shall be taken within a reasonable time of the aggrieved action, not to exceed 30 days, by filing with the Zoning Administrator and with the Board of Appeals a Notice of Appeals all papers constituting the record from which the action appealed was taken.
 2. Hearings. – The Board of Appeals shall fix a reasonable time for a hearing, not to exceed 30 days from the filing of the Notice of Appeal, and shall give due notice in accordance with the procedures set forth in Section 19.03.
 3. Stay of Proceedings. – An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Appeals after the Notice of Appeals is filed with him, that by reason of facts stated in the Certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by a court of record, on application, on notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.
- B. Variances; Applications; Procedures – The Board of Appeals may authorize upon written application in specific cases a non-use variance from the dimensional standards of the Zoning Ordinance due to practical difficulties.
1. A written application for a non-use variance is submitted to the Zoning Administrator demonstrating:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district;
 - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - c. That the special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variance requested will not confer on the applicant any special privilege denied by this ordinance to other lands, structures or buildings in the same district.
 2. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.
 3. Notice of hearing shall be given in accordance with Section 19.03.

4. The hearing shall be held within 30 days after the application is submitted. Any party may appear in person, by agent or by attorney.
 5. The Board of Appeals shall make findings that the requirements of Section 18.02, B. have been met by the applicant for variance.
 6. The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance which will make possible reasonable use of the land, building, or structure.
 7. The Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public health, safety and welfare.
 8. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Section 19.09 of this ordinance.
 9. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.
 10. Within twelve months after the granting of a variance, the applicant shall obtain all required permits and begin the construction or other work authorized by the variance, and shall proceed diligently towards the completion thereof. The construction or other work authorized by a variance shall be completed not later than one year after commencing the construction or other work. If permits have not been obtained and/or construction has not commenced as required, the variance shall become null and void. The Zoning Board of Appeals may grant an extension of up to one additional year, upon request by the applicant and if the Zoning Board of Appeals finds that the Township Ordinances and conditions of property and surrounding area supporting the variance have not changed, extenuating circumstances have prevented the completion of the authorized work, and if the Zoning Board of Appeals determines that an extension is otherwise justified. Any request for such an extension shall be considered at a public meeting of the Zoning Board of Appeals, but a public hearing shall not be required.
- C. Board of Appeals Has Powers of Zoning Administrator on Appeals; Reversing Decision of Zoning Administrator.**
1. In exercising the above mentioned powers, the Board of Appeals may, so long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from determination as ought to be made, and to that end shall have the powers of the Zoning Administrator, or Planning Commission in reference to

special land use decisions from whom the appeal is taken under appellate jurisdiction.

2. The concurring vote of 3 members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to affect any variation in the application of this ordinance.

Section 18.03 Appeals from the Zoning Board of Appeals

Any person, firm, corporation or department, board or bureau of the township aggrieved by any decision of the Board of Appeals may seek review by a court of record of such decision, in the manner prescribed by the laws of the State of Michigan.

Section 18.04 Duties of the Board of Appeals

It is the intent of this ordinance that all questions under appellate jurisdiction shall be presented to the Board of Appeals only on appeal from the decision of the Zoning Administrator or Planning Commission on Special Land Use Permits. Variances, constituting matters under original jurisdiction of the Board of Appeals, shall be filed with the Board of Appeals via the Zoning Administrator and shall not be construed as an appeal from the decision of the Zoning Administrator. Recourse from the decisions of the Board of Appeals shall be to the Courts as provided by the laws of the State of Michigan.

CHAPTER 19

Administration and Enforcement

Section 19.01 Administration and Enforcement

- A. An administrative official, who shall be known as the Zoning Administrator, shall be designated by the Township Board to administer and enforce this Ordinance. He may be provided with the assistance of other persons as the Township Board may direct.
- B. If the Zoning Administrator shall find any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.
- C. Planning Commission Re-establishment, Roles and Responsibilities

The Lake Charter Township Planning Commission is hereby re-established in accordance with the Michigan Planning Enabling Act, Act 33 of 2008, as amended. While the Planning Commission has lawfully existed and exercised its duties pursuant to the Township Rural Zoning Act for decades, an ordinance establishing or reestablishing the Planning Commission is required under the provisions of the Michigan Planning Enabling Act and this Section is therefore incorporated into the Zoning Ordinance to comply with said Act.

- 1. Membership. The Planning Commission shall consist of five (5) members, or such other number determined by the Township Board and authorized by law. The Planning Commission membership shall generally be representative of the Township. Members of the Planning Commission shall be qualified electors of the Township, except that one Planning Commission member may be an individual who is not a qualified elector of the Township. One (1) member of the Township Board shall be a member of the Planning Commission. All members of the Planning Commission shall be nominated by the Township Supervisor and appointed with affirmative majority vote of the members of the Township Board.
- 2. Removal. The Township Board may by majority vote of the Township Board, remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office.
- 3. Terms. The term of each member shall be 3 years, and until a successor is appointed and qualified, except that a Township Board member appointed as a

- member of the Planning Commission shall have a term corresponding with that person's term as a member of the Township Board. The duration of the terms of members first appointed to the Commission shall vary, though not exceeding 3 years, so that terms will expire in different years. Vacancies in office shall be filled for the remainder of the unexpired term.
4. Officers. The officers of the Commission shall be the chairperson, the vice-chairperson and the secretary. The officers shall be elected by affirmative majority vote of the Commission members present and voting. The Commission may by majority vote establish other officers in its discretion. In addition, the Planning Commission may appoint advisory committees whose members are not members of the Planning Commission.
 5. Bylaws and Record-Keeping. The Planning Commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.
 6. Meetings
 - a. Regular meetings of the Commission shall be held once a month on a day and at a time to be determined by the Commission at its first meeting of the calendar year; provided, however, that a meeting need not be convened if pending matters do not warrant a meeting.
 - b. The Commission shall hold at least 4 meetings each year.
 - c. All meetings of the Planning Commission shall be public meetings, held in compliance with the provisions of the Open Meetings Act.
 - d. A quorum for the conduct of business shall consist of a majority of the total number of current members of the Commission.
 7. Duties and Responsibilities. The Planning Commission shall be responsible for the following planning activities, among others:
 - a. To prepare, consider and approve or recommend approval of the Township's Master Plan.
 - b. Monitor and oversee the effectiveness of the Master Plan; and in accordance with the Michigan Planning Enabling Act, Act 33 of 2008, as amended, to consider, no less frequently than every five years, whether a revision of the Master Plan or updated amendments in the Master Plan are needed and to prepare, consider and approve or recommend approval of any such revisions or amendments.
 - c. To consider and recommend the adoption of this Ordinance and amendments to this Ordinance.
 - d. To promote understanding of and interest in the Master Plan and this Ordinance.
 - e. To consider, recommend and/or approve zoning applications and requests assigned to the Commission under the terms of this Ordinance, including special land uses and other types of land use approval.

- f. To make an annual written report to the Township Board concerning its zoning and planning activities during the previous year and including, if desired, recommendations on zoning and planning changes and amendments.
- g. To review and make recommendations on proposed public improvement projects, and to review and approve a capital improvement plan, as applicable and in accordance with the Planning Enabling Act, Act 33 of 2008, as amended.
- h. To review and make recommendations on proposed platted subdivisions, condominiums and site condominiums.
- i. To carry out other duties and responsibilities provided by law.

Section 19.02 Duties and Limitations of the Zoning Administrator

- A.** The Zoning Administrator shall have the authority to grant zoning compliance permits and make inspections of buildings or premises necessary to carry out his duties in the enforcement of the Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue a zoning compliance permit for any excavation, construction, or use until he has inspected the plans in detail and found them in compliance with this Ordinance. To this end, the Zoning Administrator shall require every application for a Building Permit for excavation, construction, moving, alteration or change in type of use or type of occupancy, where required by Section 17.02, be accompanied by a site plan prepared in accordance with specifications of Chapter 17.
- B.** If the proposed excavation, construction, moving or alteration or use of land as set forth in the application is in conformity with the provisions of this Ordinance and in conformance with the provisions of the building code, the Zoning Administrator shall issue a zoning permit. If an application for such permit is not approved, the Zoning Administrator shall state in writing on an appropriate denial form the cause for such disapproval.
- C.** The Zoning Administrator may accept a preliminary application and a lesser number of submitted documents than those listed above in situations where basic clarification is desired before proceeding with the further technical work; and the Zoning Administrator may on such preliminary submittal indicate tentative denial or tentative approval.
- D.** Issuance of a building permit shall in no case be construed as waiving any provision of this Ordinance. The Zoning Administrator is under no circumstance permitted to grant exceptions to the actual meaning of any clause, order, or regulation contained in the Ordinance to any person making application to excavate, construct, move, alter or use either buildings, structures or land. The Zoning Administrator is under no circumstance permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his duties.
- E.** The Zoning Administrator shall not refuse to issue a permit when the applicant complies with conditions imposed by this Ordinance and all other applicable

township, county, and state regulations. Violations of contracts, such as covenants or private agreements, which may result upon the granting of said permit, are not cause for refusal to issue a permit.

Section 19.03 Public Hearing Noticing Requirements and Schedule of Fees

All applications for development approval, amendments, variances or other deliberations requiring a public hearing under the terms of this Ordinance shall comply with the Zoning Enabling Act, as amended and the other provisions of this Section with regard to public notification.

- A.** When the provisions of this Ordinance or the Zoning Enabling Act require notice to be published, the Zoning Administrator shall cause such notice to be prepared and published in accordance therewith.
- B.** All such notices for public hearings shall include:
 - 1. A description of the nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
 - 2. An identification of the property that is the subject of the hearing.
 - 3. An indication of when and where the request will be considered.
 - 4. An indication of when and where written comments will be received concerning the request.
- C.** Unless otherwise provided in the Zoning Enabling Act, or this Ordinance, notice of a public hearing on an application for a rezoning, text amendment, special land use, planned development, variance, appeal, or ordinance interpretation, shall be provided as follow:
 - 1. Publication shall occur not less than fifteen (15), nor more than forty-five (45) days before the date the application or other matter will be considered.
 - 2. Personal Notice by mail or delivery to the persons identified in subparagraph D, 1, 2 and 3, hereof shall occur not less than fifteen (15), nor more than forty-five (45) days before the date the application or other matter will be considered.
- D.** If the hearing involves a request for an interpretation of the Zoning Ordinance by the Board of Appeals, an appeal of an administrative decision by the Board of Appeals, or consideration of a zoning map change involving ten or fewer adjacent properties, in addition to publication of the notice as required, notice shall be provided by mail or personal delivery to:
 - 1. The owner(s) of record of the property for which approval is being considered and/or to the person(s) requesting the interpretation or appealing the decision, as applicable; and
 - 2. The owners of record of real property located within three hundred (300) feet of the property, regardless of whether the property is located within Lake Charter Township; and
 - 3. The occupant(s) of all structures within three hundred (300) feet of the property, regardless of whether the occupant(s) are located within the Township. If the name of said occupant(s) is not known, the notice may be addressed to

“occupant.” If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.

- E. Fees. The Township Board shall by resolution establish a schedule of fees, charges and expenses and a collection procedure for Permits and Certificates of Occupancy, Appeals, requests for Special Land Uses and Variances, Rezoning Applications and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator and may be amended only by the Township Board.
- F. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 19.04 Zoning Compliance

- A. It shall be unlawful to commence excavation for, or construction of, any building or other structure, including an accessory building, or to commence the moving, alteration or repair of any structure, including accessory buildings, or exceeding two hundred (200) square feet in floor area, until the Zoning Administrator has issued for the work a building permit including a certification of his opinion that plans, specifications and intended use of such structure does in all respects conform to the provisions of this Ordinance.
- B. It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use on any lot on which there is a nonconforming use, until the Zoning Administrator has determined such change to be in compliance with applicable provisions of this Ordinance.
- C. When the Zoning Administrator receives an application for a building permit, which requires Planning Commission Special Land Use or other approvals, he shall so inform the applicant.

Section 19.05 Zoning Ordinance Amendments

- A. Intent - Amendment to this Ordinance may be initiated by:
 - 1. The Township Board on its own motion or, in the manner and pursuant to the procedure hereinafter set forth;
 - 2. By any property owner, person, firm or corporation filing an application therefor with the Township Board, provided that person, firm, or corporation who is not the property owner, hold a valid option to purchase or have written permission from the property owner,
 - 3. By the Planning Commission who may then recommend the same to the Township Board for adoption.
- B. Amendment Procedure

1. Filing of Applications: All petitions for amendments to this Ordinance shall be in writing, signed and filed in triplicate with the Township Clerk for presentation to the Township Board.
2. All petitions for amendments to this Ordinance, without limiting the right to file additional material, shall contain the following:
 - a. The petitioner's name, address and interest in the petition as well as the name, address and interest of every person, firm or corporation having a legal or equitable interest in the land.
 - b. The nature and effect of the proposed amendment.
 - c. If an individual property, or several adjacent properties are proposed for rezoning, a site plan prepared in accordance with Chapter 17, a legal description of the land, the present zoning classification of the land, the zoning classification of all abutting districts, all public and private rights-of-way and easements bounding and intersecting the land under consideration.
 - d. Any changed or changing conditions in the area or in the municipality which make the proposed amendment reasonable and necessary to the promotion of the public health, safety and general welfare.
 - e. All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.
3. The Township Board, upon receipt of the petition to amend, after having it examined and approved as to form and content by the Township Clerk, shall refer the same to the Township Planning Commission for study and report.
 - a. Public hearing: Before submitting its recommendations of the petition to amend, the Planning Commission shall hold a public hearing. Publication and noticing shall follow Section 19.03 of this Zoning Ordinance.
 - b. Following the public hearing, the Planning Commission will cause the proposed amendment along with its recommendation and public hearing summary to be submitted to the County Planning Commission for review and comment. The review and general concurrence of the County Planning Commission shall be conclusively presumed unless the County Planning Commission within thirty (30) days of receipt notifies the Township Clerk of its comments.
 - c. The Township Planning Commission shall then refer the proposed amendment to the Township Board along with its summary of the public hearing and written recommendations for approval or disapproval and reasons therefore.
 - d. A public hearing conducted by the Township Board shall not be necessary unless a request is made in writing by a property owner.
 - e. Thereafter at any regular meeting or at any special meeting called therefore the Township Board may adopt and enact the proposed amendment, in accordance with Zoning Act.
4. Upon enactment, the Zoning Ordinance, as well as subsequent amendments or supplements, shall be filed with the Township Clerk, and one (1) notice of Ordinance adoption shall be published in a newspaper of general circulation in

the Township within fifteen (15) days after adoption. The notice shall include the following information:

- a. In the case of a newly adopted Zoning Ordinance, the following statement: "A Zoning Ordinance regulating the development and use of land has been adopted by the Township Board of the Lake Charter Township, Berrien County, MI."
 - b. In the case of an amendment to an existing Ordinance, a summary of the regulatory effect of the amendment including the geographic area affected.
 - c. The effective date of the Ordinance.
 - d. The place and time where a copy of the Ordinance may be purchased or inspected.
6. Within seven (7) days after publication, the amendment to the Zoning Ordinance shall be filed in the Official Ordinance Book of the Township with a certification of the Township Clerk stating the vote on passage and when published and filed. If the amendment requires a change on the official zoning map, the change shall be made on the map.

Section 19.06 Repeal of Prior Ordinance

The Zoning Ordinance previously adopted by the Township and all amendments therefore, are hereby repealed. The repeal of the previous Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

Section 19.07 Interpretation

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or Ordinance other than the above described Zoning Ordinance, or with any rules, regulation or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing Ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 19.08 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. The complaint, stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate and take action thereon as provided by Section 19.09 of this Ordinance and make answer to the complainant.

Section 19.09 Penalties for Violations

- A. Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards shall constitute a violation of this Ordinance. A violation of this Ordinance constitutes a municipal civil infraction and shall be punished by a civil fine as provided by Ordinance. Each day such violation continues shall be considered a separate offense.
- B. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- C. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation of this Ordinance.
- D. A record of required performance guarantees shall be maintained by the Zoning Administrator.

Section 19.10 Performance Guarantees

- A. As a condition of approval of a site plan review, special land use, or planned unit development, the Planning Commission, Township Board, or Zoning Administrator, whichever is designated as the approving authority, or the Zoning Board of Appeals, may require a financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as "improvements," may include, but shall not be limited to, roadways, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items.
- B. Performance guarantees shall be processed in the following manner:
 - a. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit an itemized estimate of the cost of the required improvements that are subject to the performance guarantee, which shall then be reviewed by the Zoning Administrator. The amount of the performance guarantee shall be one-hundred percent (100%) of the cost of purchasing of materials, unless otherwise determined by the Township Board or Planning Commission, and installation of the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies.
 - b. The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, surety bond or other method acceptable to the Township.
 - c. Upon receipt of the required performance guarantee, the Zoning Administrator shall authorize the subject development or activity, pending building permit issuance and provided it is in compliance with all other applicable provisions of this Ordinance and other applicable Township Ordinances.

- d. The Zoning Administrator, upon the written request of the applicant, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvements.
- e. When all of the required improvements have been completed, the applicant shall send written notice to the Zoning Administrator of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the applicant shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.

Section 19.11 Severability Clause

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, the decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 19.12 Comprehensive Review

The Planning Commission shall from time to time, at intervals of not more than one (1) year, examine the provisions of this Ordinance and the locations of district boundary lines and shall submit a written report to the Township Board recommending changes and amendments, if any, which are desirable in the interest of the public health, safety and general welfare.

Section 19.13 Effective Date

The provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the public peace, health, safety, and welfare of the people and are hereby ordered to become effective immediately upon publication of a "Notice of Ordinance Adoption" in a newspaper circulating within Lake Charter Township. Such publication shall be preceded by a public hearing and by approval of the Lake Charter Township Board, in that order.

This Zoning Ordinance shall become effective eight (8) days following publication of notice of adoption.

I, _____, the duly elected, qualified and acting clerk for Lake Charter Township, do hereby certify that the foregoing Zoning Ordinance was duly adopted at a regular meeting of the Lake Township Board on _____, 2011.

Lake Township

Matrix of Uses

P = Permitted Use S = Special Land Use PA=Permitted Accessory Use

| Uses | R-AG | R-1 | R-2 | R-3 | C-1 | I | RE |
|--|------|-----|-----|-----|-----|---|----|
| Accessory uses, building, or structure | P | P | P | P | P | P | |
| Adult caring institution | | | | | S | | |
| Adult foster care family home | P | P | P | | | | |
| Adult foster care group home | | S | S | | S | | |
| Airport | S | | | | | | |
| Auction houses | | | | | | P | |
| Automobile service and repair | | | | | P | P | |
| Bed and breakfast | S | S | S | | S | | S |
| Billboards | | | | | S | S | |
| Biological products manufacturing | | | | | | S | |
| Body shops and wrecker services | | | | | | P | |
| Bowling alley | | | | | P | | |
| Car wash | | | | | P | | |
| Cemetery | S | S | S | | | S | |
| Chemical storage, warehousing, and transport | | | | | | S | |
| Communication Towers | | | | | S | S | |
| Commercial/retail establishments | | | | | P | | |
| Composting operation | S | | | | | | |
| Contractor's office and yard | | | | | P | P | |
| Day care center | | | | | S | | |
| Driving range | S | | | | | | P |
| Dry cleaning plant | | | | | | P | |
| Dwelling, Multi-family | | | P | | | | |
| Dwelling, Single Family | P | P | P | | | | |
| Dwelling, Two family | | | P | | | | |
| Eating and drinking establishments | | | | | P | S | |
| Electric power generation plants | | | | | | P | |
| Family child care group home | P | S | | | | | |
| Family child care home | | P | P | | | | |
| Farm and Farm Operation | P | | | | | P | |
| Farm market | P | | | | | | |
| Financial institution | | | | | P | S | |
| Foster family group home | | S | S | | S | | |
| Foster family home | P | P | P | | | | |
| Funeral homes | | | | | P | | |
| Gas station | | | | | P | P | |
| Golf course | S | S | S | | S | | S |
| Group child care home | | S | S | | S | | |
| Gun club | S | | | | | | |
| High intensity industrial uses | | | | | | S | |
| Home occupation | P | P | P | | | | |

Lake Township

Matrix of Uses

P = Permitted Use S = Special Land Use PA=Permitted Accessory Use

| Uses | R-AG | R-1 | R-2 | R-3 | C-1 | I | RE |
|--|------|-----|-----|-----|-----|---|----|
| Hotel | | | | | P | | |
| Institutional | P | S | S | | P | P | |
| Junkyard | | | | | | S | |
| Kennel | S | | | | | | |
| Live-work | | | | | S | S | |
| Lodging house | | | | | P | | |
| Manufactured home park | | | | P | | | |
| Manufacturing, compounding, processing, packaging | | | | | | P | |
| Medical Clinic | | | | | P | | |
| Migrant Labor Housing | PA | | | | | | |
| Motel | | | | | P | | |
| New building materials sales and storage | | | | | | P | |
| Nightclub | | | | | P | | |
| Nurseries and Greenhouses | P | | | | | | |
| Nursing or Convalescent homes | | S | S | | P | | |
| Open air business | | | | | S | | |
| Open space development | P | P | P | | | | |
| Personal Services Establishments | | | | | P | | |
| Place of religious worship | P | P | P | | P | | |
| Planned Unit Development | S | S | S | | S | S | |
| Printing and publishing | | | | | | P | |
| Private clubs and organizations | | | | | S | | |
| Private recreation use | S | | | | P | | P |
| Professional office | | | | | P | P | |
| Professional service establishments | | | | | P | | |
| Public recreation uses | P | P | P | | P | | P |
| Recycling facility | | | | | | S | |
| Research and development | | | | | | P | |
| Retail sales as accessory to a permitted or special land use | | | | | | P | |
| Retail shops with on-site fabrication | | | | | S | | |
| Riding Academy | S | | | | | | |
| Roadside Stand | P | | | | | | |
| Seasonal recreational vehicle park | | | | | | | S |
| Sexually Oriented Business | | | | | S | | |
| Shipping and delivery | | | | | | P | |
| Showroom | | | | | P | | |
| Skating rink | | | | | P | | |
| Soil and mineral extraction | S | | | | | | |
| Stable | S | | | | | | S |
| Storage of manufactured homes, | | | | | S | S | |

Lake Township

Matrix of Uses

P = Permitted Use S = Special Land Use PA=Permitted Accessory Use

| Uses | R-AG | R-1 | R-2 | R-3 | C-1 | I | RE |
|---|------|-----|-----|-----|-----|---|----|
| RVs, etc. | | | | | | | |
| Theater | | | | | P | | |
| Trade or Industrial Schools | | | | | | P | |
| Truck and freight terminals | | | | | | P | |
| Veterinarian | S | | | | S | | |
| Warehousing | | | | | | P | |
| Wholesale, retail, storage, or the manufacturing of fireworks or explosives | | | | | | S | |
| Wholesale and warehousing of non-explosive materials | | | | | | P | |

| Lake Charter Township Table of Dimensional Standards | | | | | | | | |
|--|--|-------------------|-------|---|------|----------------|-----------------|-----------------------|
| District | Minimum Lot Size | Minimum Lot Width | Front | Setbacks Side | Rear | Maximum Height | Maximum Stories | Minimum Dwelling Size |
| R-AG | 1 ac. | 150' | 35' | 15' | 25' | 35' | 2.5 | 720 |
| R-1 | 15,000 | 100' | 35' | 15' | 25' | 35' | 2.5 | 720 |
| R-2 | 15,000 for SF; 10,000 for TF; 12 du/ac for MF* | 150' | 35' | 15' | 25' | 35' | 2.5 | 720** |
| R-3 | Standards per State Manufactured Housing Act | | | | | | | |
| C-1 | 10,000 | 100' | 35' | 25' if adj. to res. dist.(or 15' non res) | 25' | 35' | 3 | 720 |
| I | 10,000 | 100' | 35' | 25' if adj. to res. dist.(or 15' non res) | 25' | 35' | 3 | 720 |
| RE | 1 ac. | 150' | 40' | 20' | 25' | 35' | 2.5 | |
| *Min. lot area for all non-residential uses is 15,000 sq.ft. | | | | | | | | |
| **400 for efficeincy, 500 for one bedroom, 600 for two or more bedrooms, 700 for three bedrooms plus | | | | | | | | |