

**LAKE TOWNSHIP**  
**ZONING ORDINANCE NO. 9**

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## **LAKE TOWNSHIP LAND USE PLAN**

The Lake Township Land Use Plan is based upon the following sources of information:

- A. Area Wide Master Land Use Plan of 1994, prepared by: Planning and Zoning Center, Inc., 302 S. Waverly Road, Lansing, Mi. 48917.
- B. Roscommon County Master Plan for 2001 & Roscommon County Planning Commission.

Dates from sources listed above are all on file in the Lake Township Clerk's office and available as part of this plan.

## **LAKE TOWNSHIP LOCATION and FEATURES T23N-R4W in Roscommon County**

Houghton Lake, the largest inland lake in Michigan, is the dominant feature of the township. It is the attraction which brings many people to the area seeking year round relaxation. Because it is so important to the economy of the township, the land should be used in a way that the lake is protected at all times.

Another dominant feature of Lake Township is the wildlife and wetlands. Houghton Lake Flats is a wetland area located between U.S. 127 and Old 27. This managed wetland has a viewing platform for amateur naturalists and photographers as well as a fishing site. Both features are handicapped accessible. In addition to the Flats, Lake Township is proud to have one of the most attended State Campgrounds in Michigan.

Yet another physical feature of Lake Township is the Muskegon River and the Muskegon backwaters, both of which provide abundant wildlife habitat.

Lake Township continues to attract many retirees to its shores which may account for the fact that Lake Township has one of the highest per capita incomes in Roscommon County.

## **USE DISTRICT BOUNDARIES**

The location and boundaries of the zones established in the township shall be shown on a map entitled Zoning Map of Lake Township and said map, section, or portion thereof, together with all notations, dimensions and other data shown thereon, are hereby made a part of this ordinance to the same extent as if the information set forth on a said map were fully described and incorporated herein. The official copy of the zoning map, properly attested, shall be in the custody of the Township Clerk.

Such zoning map may be amended from time to time to reflect changes in zones and the rezoning of property shown thereon in the same manner as amendments may be made to the text of this zoning ordinance. Such changes shall be recorded to scale on duplicate copies of the original official zoning map and shall be accomplished by written legal descriptions in appropriate amending ordinances.

## **TITLE**

An ordinance enacted pursuant to the authority contained in Michigan Public Act 110 of 2006, as amended, known as the "Michigan Zoning Enabling Act" (ZEA) for the establishment of zoning districts in the unincorporated portions of Lake Township, within which districts the use of land for agriculture, forestry, recreation, residence, industry, trade, soil conservation, water supply conservation, and additional uses of land may be encouraged, regulated or prohibited; for the adoption for such districts of provisions designating or limiting the location, height, number of stories, and size of dwellings, buildings and structures, including tents and recreational vehicles which may hereafter be erected or altered; for the regulation of the area of yards, courts and other open spaces; and the sanitary, safety and protective measures that shall be required for such dwellings, buildings and structures, including tents and recreational vehicles; for the designation of the maximum number of families which may be housed in buildings, dwellings and structures, including tents and recreational vehicles; to establish a zoning board of appeals, to grant authority to said board in addition to that expressly provided in Public Act 110; to provide standards to guide actions and decisions of said board; to provide for the enforcement of the provisions of said ordinance and penalties and other relief for the violation of a said ordinance; and to provide for the amendment thereof and the repeal of all ordinances or parts of ordinances in conflict therewith.

## **001 PREAMBLE**

In accordance with the authority and intent of Public Act 110 of 2006, as amended, the township desires to provide for its orderly development which is essential to the well-being of the community and which will place no undue burden upon developers, industry, commerce, residents, food producers, the natural resources, or energy conservation. The township further desires to assure adequate sites for industry, commerce, food production, recreation, and residences; to provide for the free movement of vehicles upon the streets and highways of the township; to protect industry, commerce, food producers, natural resources, energy consumption and residences against incongruous and incompatible uses of land; to promote the proper use of land and natural resources for the economic well being of the township as a whole; to assure adequate space for the parking of vehicles of customers and employees using commercial, retail and industrial areas; to assure that all uses of land and buildings within the township are so related as to provide for economy in government and mutual support; and to promote and protect the public health, safety, comfort, convenience and general welfare of all persons and property owners within the township.

## **002 ENACTING CLAUSE**

The Township of Lake, County of Roscommon, State of Michigan, ordains:

## **100 ARTICLE I SHORT TITLE**

101 This ordinance shall hereafter be referred to as "this Ordinance".

200      **ARTICLE II      DEFINITIONS**

201      **General:** When consistent with the context, words used in the present tense      include the future tense,      words used in the singular number include the plural number, and words      used in the plural number      include the singular. The word "**shall**" is **always** mandatory and not merely a directory. The word      "building" includes the word "structure" and vice      versa. Terms not herein defined shall have the      meanings customarily assigned to them.

202      **Specific Terms:** The following terms shall have the following meanings when used within this      ordinance:

202a      **Abutting:** To have a common boundary, to border upon.

203      **Accessory Structure :** Shall mean a building or a portion of a building, normally, but not limited to, being subordinate to and on the same lot as a main building and devoted exclusively to an accessory use,      including but not limited to, a private garage. Such accessory buildings and uses shall conform to the provisions prescribed in this Ordinance for each district. An accessory structure attached to a main structure shall be considered part of the main structure.

204      **Accessory Use:** A use of a building, lot, or portion thereof, which is customarily incidental and subordinate to      the principal use of the main building or lot.

205      **Adjacent property (Lot, parcel etc.):** A parcel of different ownership, close to,      next to, neighboring.

205a      **Adjoining:**      To be next to, to be attached to.

206      **Apartment House:** A building used and/or arranged for rental occupancy, or      cooperatively owned by      its occupants, having three or more family units, and with      yard, compound, and/or utilities in common.

207      **Basement:** That portion of the building which is partly underground and which      has a majority of its floor      to ceiling height below grade.

208      **Bed and Breakfast:** A dwelling in which lodging, meals, or both, is furnished to      three or more guests for compensation.

209      **Boat House:** A permanently enclosed docking area for watercraft, contiguous to      the shoreline.

210      **Building:** Any independent structure (roofed and walled) built for permanent use and/or habitation. A structure erected on/or relocated to a site, a mobile home or mobile structure, a manufactured or precut structure, (above or below ground) designed primarily for the shelter, support or enclosure of persons, animals or property of any kind and attached in a permanent manner to the ground or other structure.

**Height of:** The elevation measured from the average finished grade at the road side of the building to the highest point of the building not including antennas, chimneys, or other appurtenances.

210a **Building Line: (see also #248, Setback Averaging)**

**Front...**The front building line of all buildings and/or accessory structures shall be not less than: 50 feet from the lakefront, 25 feet from a canal/river, and 20 feet from the road right-of-way

**Established:** the established building line shall be determined by those buildings and/or structures already built and/or existing as long as they conform to Ordinance 9

211 **Condominium, Site Condominium:** A condominium is a complex in which individuals own their own dwelling units and share joint ownership in common elements with other unit owners.

A site condominium is a complex in which an individual owns their own dwelling unit, a small parcel of land that the unit rests upon and share joint ownership in common elements with other unit owners.

212 **Contiguous:** Going on or extending without interruption or break. A road does not break contiguity.

213 **Corner Lot: (see Lot, Corner)**

214 **Driving Easements:** Designated for the passage of vehicles, also to be known as streets, roads, or two tracks.

215 **Dwelling, Single Family:** A building containing not more than one dwelling unit designed for residential use, complying with the following standards:

1. It complies with the minimum square footage requirements of this ordinance for the zone in which it is located.
2. It has a minimum continuous width across any front, side or rear dimension, excluding porches, decks, garages or other similar additions, of 23 feet and complies in all respects with the Houghton Lake Building Authority building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different from those imposed by the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended, then and in that event, such federal or state standards of regulation shall apply.
3. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended 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 mobile home, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
4. In the event that a dwelling is a mobile home, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
5. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
6. All construction required herein shall be commenced only after all proper permits have been obtained in accordance with the applicable building code of the Houghton Lake Building Authority provisions and requirements.



- 216     **Dwelling, Two Family:** A building containing two separate dwelling units designed for residential use.
- 217     **Dwelling, Multiple Family:** A building containing three or more dwelling units designed for residential use.
- 217a    **Erratic Setback Line:** An erratic setback line is created by a dwelling that is exceptionally close to the waterfront or exceptionally close to the back of the property.
- 218     **Essential Services:** The erection, construction, alteration or maintenance by public and/or private utilities or township/county departments or commissions of underground or overhead gas, electrical, steam or water transmissions or distribution systems, collections, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, telephone exchange stations and regulator buildings and other similar equipment and accessories in connection therewith (but not including any buildings except those expressly referred to herein) reasonably necessary for the furnishing of adequate services by such public and/or private utilities or township/county departments or commissions or for the public health or safety or general welfare.
- 219     **Family:** A group of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature.
- 220     **Fence:** A permanent or semi-permanent partition or structure erected as a dividing barrier, boundary, or enclosure that is not a part of a building.
- 220a    **Privacy Fence:** A permanent or semi-permanent partition or structure erected as a dividing barrier, boundary or enclosure that is not a part of a building and so constructed as to block sight or the penetration of light, or to provide seclusion.
- 221     **Footprint:** A foundation or ground floor area where a structure once existed.
- 222     **Gaming Establishment:** A legal business established for the purpose of playing games of chance to win money or other goods of
- 223     **Grade:** The finished surface of ground areas outside the walls of any building or structure.
- 224     **Habitable:** Any area including basement, first floor, second floor, used for living purposes exclusive of garage, breezeway or porches.
- 225     **Home Occupation:** A business or trade practiced within a dwelling by the resident.
- 226     **Hotels, Motels, Resorts:** Group of furnished rooms and/or separate structures providing sleeping and parking accommodations for transients.

227     **Junkyard:** Any land or building used for commercial storage and/or sale of paper, rags, scrap metals, other scrap or discarded materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or containers thereof.

228     **Lot or Parcel:** Land which is designated a part of a subdivision or plat which has been recorded in the office of the Register of Deeds of Roscommon County.

229     **Lot Area:** The total horizontal area included within lot lines.

230     **Lot, Corner:** A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two coordinates of which form an angle of 135 degrees or less as measured on the lot side. The point of intersection of the street lot lines is the corner. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above. **See Article II, Section 280, Illustration B.**

231     **Lot Depth:** The mean horizontal distance from the front lot line to the rear lot line.

232     **Lot, Interior:** A lot other than a corner lot.

233     **Lot, Front Line:** The frontage on a lot that has the greatest influence when determining value by the township assessor.

234     **Lot, Rear Line:** That lot line which is opposite and most distant from the front lot line. In the case of an irregular shaped lot, a line 10 feet in length entirely within the lot and parallel to and at the maximum distance from the front lot line shall be considered the rear lot line.

235     **Lot, Side Line:** Any lot line not qualifying as a front or rear lot line.

236     **Lot Width:** The mean horizontal distance between the side lot lines.

237     **Manufactured Home/Mobile Home:** Any portable structure mounted or designed for mounting on wheels, built on a chassis, transportable in one or more sections and used or intended for use for dwelling purposes when hooked up to the proper utilities and with the necessary plumbing, heating and electrical facilities. Any such vehicle or structure shall be deemed to be a manufactured or mobile home whether or not the wheels have been removed therefrom and whether or not resting upon a temporary or permanent foundation.

239     **Non-Conforming Building, Use, or Lot:** A building, structure, use or lot which lawfully exists at the effective date of this Zoning Ordinance or amendments thereto but does not conform to the current provisions of the zoning district in which it is located.

239a **Off Premise Sign:** An outdoor sign advertising services or products, activities, persons or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the sign is located.

240 **Office:** A room, a suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases (accounting, filing, recording, communication and/or stenographic) equipment for current use in the office business, and personnel engaged in executive, administrative, professional, political, informative, research and/or clerical duties.

240a **Outdoor Wood Furnace:** A furnace manufactured specifically for outdoor use and with which to burn wood and/or alternate fuels as suggested by the manufacturer.

241 **Parcel (a.k.a.) Lot:** A lot or lot, which is/are designated part of a subdivision or plat, or a parcel of land which has been recorded in the office of the Register of Deeds of Roscommon County.

241a **Raised Ranch (loft house):** A house with the majority of the living quarters directly above the garage area (which must be fully enclosed). The square foot requirement, setbacks, and open area shall be met for the zoning district in which the raised ranch is located. The square footage of the house (living quarters) shall be at least 80% of the garage below, the remaining percentage shall be a finished deck. (The deck plus living quarters shall be 100% of the garage square footage).

242 **Recreational Vehicle/RV/Camper:** A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, travel trailers, and tent trailers.

243 **Resorts, Hotels, Motels:** Groups of furnished rooms and/or separate structures providing sleeping and parking accommodations for transient tourist trade.

244 **Road Right-of-way:** Is the area provided for a street, alley, easement, or other thoroughfare, public or private, for the passage of persons or vehicles.

244a **Roadways, County Approved Roads:** Must meet Roscommon County Road Commission standards.

**Private Roads:** Road easements that serve from 3 to 8 dwellings.

**Easements:** For the purpose of this ordinance, an easement shall be considered as ingress /egress for 1 or 2 dwellings only. For three or more dwellings, it shall be considered a private road.

245 **RV Park or Mobile Home Park:** Any parcel or tract of land upon which two or more occupied RV's or mobile homes are located, regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used, or intended for use, accessory and incidental to such RV/Mobile Homes.

246 **RV or Mobile Home Site or Space:** A portion of the RV/Mobile Home Park set aside and clearly marked and designated for occupancy and accommodation of an individual mobile home or RV.

247 **Setback:** The minimum horizontal distance a building or structure, or any portion thereof, is required to be located from the boundaries of the lot or parcel of land upon which the same is situated. **See Article II, Section 280, Illustration A.**  
**Erratic Setback Line:** An erratic setback line would be created by a dwelling that was exceptionally close to the waterfront or exceptionally close to the back of the property.

248 **Setback Averaging:** A method of determining a front building line for a dwelling/structure.

Using a distance within 200 feet to the right and/or within 200 feet to the left of the dwelling in question, actual setback measurements of dwellings in each direction will be used to determine the average setback. If a dwelling exists in these 200 foot areas that creates an erratic setback line, that dwelling will not be included in the setback averaging. If there is no "established building line" a distance within 200 feet to the right and 200 feet to the left of the dwelling in question:

**R-1,** a 50 foot setback from the lakefront, **25** feet from a canal / river will take precedence.

**R-2, R-3,** a 20 foot setback from the road right-of-way will take precedence.

249 **Signs:** Any announcement, written declaration, pictorial representation, emblem, flag, illustration, insignia or any figures of similar character for identification of premises and for providing information relative to the function on the premises.

**Height of:** The elevation measured from the average finished grade at the road side of the sign to the highest point of the sign.

250 **Signs, Off Premise:** Any sign providing information about a business or service situated at a location different from where the sign is located.

251 **Site Plan:** The documents and drawings required by this Ordinance to insure that a proposed land use or activity is in compliance with local and county ordinances and state and federal statutes.

252     **Special Exception / Special Land Use:** A zoning ordinance for special land uses which shall be permitted in a zoning district only after review and approval by the Planning Commission.

253     **Structure:** Anything constructed, erected, or to be moved to or from any premises which is permanently or temporarily located above, on, or below the ground, including but not limited to, signs, patios, porches, decks, sheds, fences and portable parking shelters. (These shall require a Land Use Permit).

**Height of:** The elevation measured from the average finished grade on the road side of the structure to the highest point of the structure.

254     **Temporary Structure:** A structure without a foundation and/or footings used for storage of any kind. It shall conform to all setbacks and shall require a Land Use Permit. It shall be anchored to the ground meeting all standards set by the Houghton Lake Building Agency.

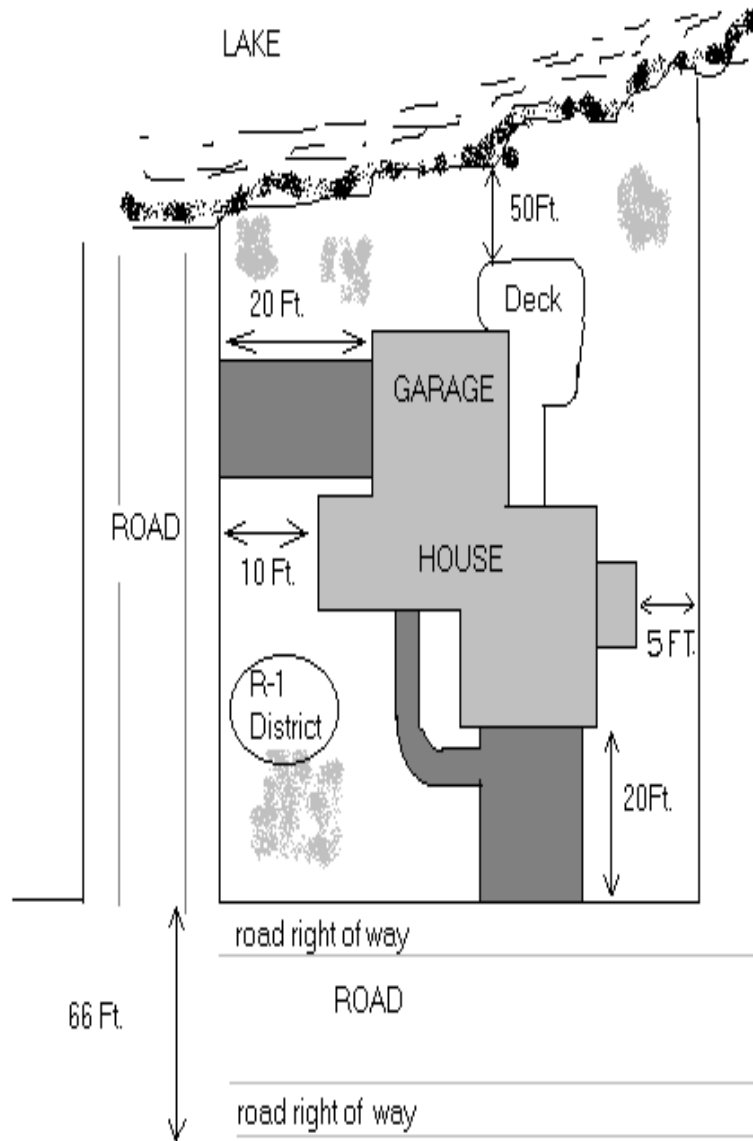
A temporary structure/shelter may be used as a seasonal cover for boats, docks, hoists, firewood or similar items for a limited time only...October through May...and then must be dismantled and stored out of sight.

255     **Water's edge: (Lake)** The distance measured from the crest of the nearest seawall on the right to the crest of the nearest seawall on the left. **(Canal)** The distance to the nearest edge of the water.

257     **ZBA:** Zoning Board of Appeals

258     **ZEA:** Michigan Zoning Enabling Act.

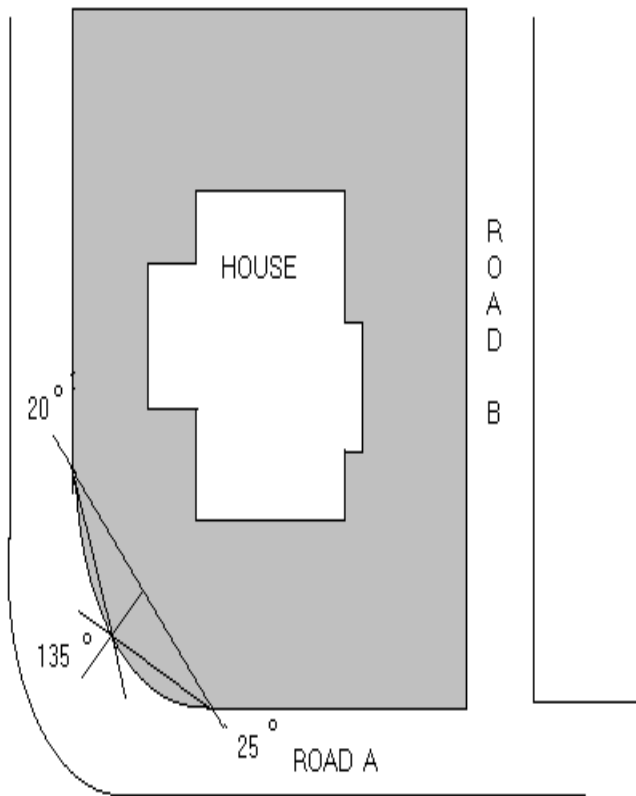
**A. Lot area and setbacks**



**R-1 Residential District**

All lakefront, riverfront and canal dwellings will reside in the R-1 Residential District. The water side of the lot will be considered the FRONT while the road side of the lot will be the REAR for purposes of this Ordinance. Front setback from the lake will be 50 ft.  Rear setback from the road right of way will be 20 ft. Side setback from the lot line will be 5 ft. measured from the roof overhang. Side setback from an intersecting road will be 10 ft. from the dwelling and 20 ft. from a garage either attached or not attached. 50% of the lot area shall remain open.

## B. Corner lot

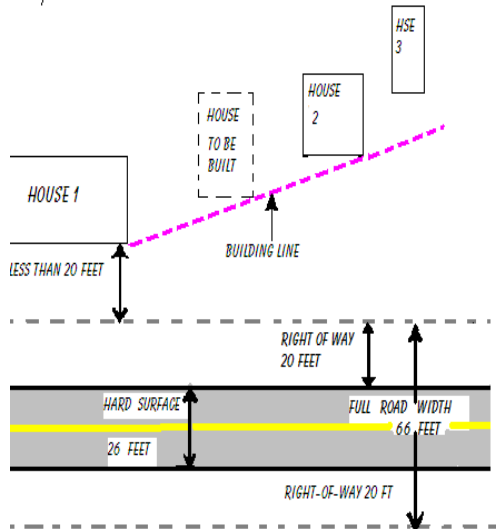


A corner lot is a lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two coordinates of which form an angle of 135 degrees or less as measured on the lot side. The point of intersection of the street lot lines is the corner. In case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

### C. R-2, R-3, Residential

### JOINING DISTRICTS R-2, R-3

ING DISTRICTS R-2, R-3



## Building Line – Setback Averaging

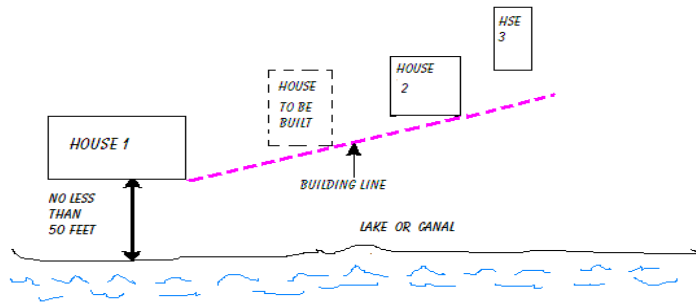
Setback Averaging is used for calculating how far off the road-right-of-way / property line a new dwelling or modification to a dwelling shall be placed. Using a distance within **200 feet** to the right and/or within **200 feet** to the left of the dwelling in question, actual setback measurements of dwellings in each direction will be used to determine the average setback. If a dwelling exists in these **200 foot** areas that creates an erratic setback line, that dwelling will not be included in the setback averaging. If there is no “established building line” a distance within **200 feet** to the right and **200 feet** to the left of the dwelling in question:

**R-2 & R-3 a 20 foot setback from the road-right-of-way will take precedence.**



## D. R-1 Residential Waterfront

*ZONING DISTRICT R-1*



### Building Line – Setback Averaging for Waterfront Dwellings

1. The front for an R-1 dwelling on the water shall be the side that faces the water.
2. Setback averaging is used for calculating how far off the water's edge a new dwelling or modification to a dwelling shall be placed.
3. Using a distance within 200 feet to the right and / or within 200 feet to the left of the dwelling in question, actual waterfront setback measurements of dwellings in each direction will be used to determine the average setback. If a dwelling exists in these 200 foot areas create an erratic setback line; that dwelling will not be included in the setback averaging.
4. If there is no "established building line" a distance within 200 feet to the right and / or within 200 feet to the left of the dwelling in question; a 50 foot setback from the lakefront, (25 foot setback from a canal / river shall take precedence.
5. Water's Edge: (Lake) The distance measured from the crest of the nearest seawall on the right to the crest of the nearest seawall on the left. Water's Edge : (Canal / River) The distance to the nearest edge of the water.

Revised January 12, 2016

**300     ARTICLE III     ZONING DISTRICTS**

**301     DIVISION OF TOWNSHIP**

The Township of Lake shall be divided into zoning districts, as hereafter described, within which districts no buildings or premises or lot shall be used and no building shall hereafter be erected, altered, or located except for the uses and purposes hereafter set forth as "permitted uses" under each separate zoning district classification, or as "special exception uses".