

Zoning Ordinance

**Cedar Creek Township,
Muskegon County, Michigan**

December 1998

(Including amendments adopted through September 4, 2018)

The Cedar Creek Township Planning Commission voted to recommend approval of the Ordinance Saturday, **October 24, 1998**.

The Cedar Creek Township Board approved this Zoning Ordinance on **December 9, 1998**.

This Ordinance becomes effective: **January 1, 1999**.

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CHAPTER 1
TITLE

Section 1.1 Title.

This Ordinance shall be known, and may be cited as, the Cedar Creek Township Zoning Ordinance.

Section 1.2 Intent.

This Ordinance, enacted under the authority of the Michigan Zoning Enabling Act, is intended to insure that uses of land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision of transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare.

Section 1.3 Scope.

- A. **Interpretation and Application.** In its interpretation and application; the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to impair or interfere with any other existing provision of law or ordinance. However, where this Ordinance imposes a greater restriction than is required by an existing ordinance or by rules, regulations, or permits, the provisions of this Ordinance shall control.

- B. **Vested Rights.** Nothing in this Ordinance shall 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 all rights are hereby declared to be subject to such subsequent amendment, change or modification hereof as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 1.4 Severability.

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 1.5 Effective Date.

Public hearing having been held hereon, the provisions of this Ordinance are hereby adopted, and this Ordinance shall take effect on the 1st day of January 1999.

Section 1.6 Repeal of Prior Ordinance.

The Zoning Ordinance adopted by Cedar Creek Township, known as Ordinance No. _____, and all amendments thereto, is hereby repealed. The repeal does not affect any act done or offense committed, or any liability, penalty, forfeiture, or punishment acquired thereunder. The repeal does not include the official zoning map of the Cedar Creek Township Zoning Ordinance, which is hereby adopted as a part of this Ordinance.

CHAPTER 2 DEFINITIONS

Section 2.1 **Construction of Language.**

The following rules apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference in meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural; and the plural the singular, unless the context clearly indicates the contrary.
- E. A “building” or “structure” includes any part thereof.
- F. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- G. Unless the context clearly indicates the contrary, the conjunctions noted below shall be interpreted as follows:
 - 1. “**And**” indicates that all connected items, conditions, provisions, or events shall apply.
 - 2. “**Or**” indicates that the connected items, conditions, provisions or events may apply singularly or in any combination.
 - 3. “**Either...or**” indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.
- H. Terms not herein defined shall have the meaning customarily assigned to them.

Section 2.2 **Definitions – A.**

Accessory Building (Accessory Structure). A subordinate building on the same premises with a main building or portion of a main building and occupied’ or devoted to an accessory use; for example, a private garage. When attached to a main building, the accessory building shall be considered part of the main building.

Accessory Use, or Accessory. A use which is clearly incidental to the principal use of the lot and customarily found in connection with the principal use. An accessory use shall be located on the same lot as the principal use. When “accessory” is used in this text, it shall have the same meaning as accessory use.

Adult Foster Care Facility. A facility defined as an “adult foster care facility” by the adult foster care facility licensing act, Act No. 218 of the Public Acts of Michigan of 1979 (MCL 400.701 et seq.), as amended, having as its principal function the receiving of adults for foster care, and licensed by the state under the act. An “adult foster care facility” includes facilities and foster care family homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis, but who do not require continuous nursing care.

Adult Foster Care Family Home. A private residence with the approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.

Agriculture. Farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, farm forestry and other similar enterprises or uses, including animals that have been raised on the premises for the use and consumption of persons residing on the premises.

Alley. Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

Alterations. Any change, addition, or modification in construction or type of occupancy, or in the structural members of a building, such as walls or partitions, columns, beams or girders.

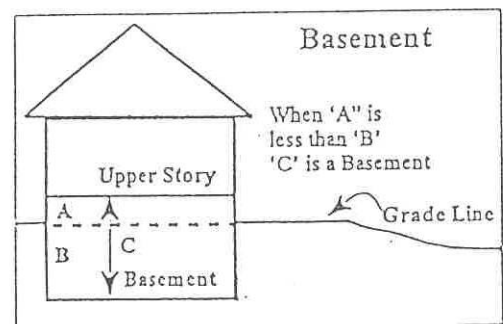
Antenna. Any exterior apparatus designed for telephonic, radio, or television communications through the sending or receiving of electromagnetic waves. Antenna types include, but are not limited to, omnidirectional “whip” antenna, directional “panel” antenna and ancillary antenna. (Rev. 8/99)

Attached Wireless Communication Facilities. A wireless communications facility that is affixed to an existing structure, for example an existing building, tower, water tank or utility pole. (Rev. 8/99)

Section 2.3 Definitions – B.

Basement. That portion of a building which has part, but not less than one half of its height below the average grade. A basement shall not be counted as a story.

Bed and Breakfast Establishment. A single-family residential structure which is occupied by the owner(s), and has one or more of the sleeping rooms available for rent by transient people, and in which the owner(s) serves the breakfast to the transient people at no extra cost.



Berm. A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual or audible screening purposes.

Block. The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

Board of Appeals, or Zoning Board of Appeals. The Zoning Board of Appeals of Cedar Creek Township.

Boathouse. A structure used for the storage of watercraft and related equipment. Such structure shall not be used for guest or sleeping quarters, saunas, or dwelling purposes.

Buffer Strip. A strip of land required between certain zoning districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier or to block noise, light, and other impacts.

Building. An independent structure, temporary or permanent, having a roof supported by columns, walls, or any other support and used for the enclosure of persons, animals, possessions, or the conduct of business activities or other uses.

Building, Accessory. A supplementary building or structure on the same lot or parcel of land as the principal building, occupied by or devoted exclusively to a subordinate or incidental use, and shall not be used as a dwelling, or sleeping quarters for human beings.

Building Height. See “**Height of Building**”

Building Line. A line parallel to the street line formed by the face of the building or touching that part of a building closest to the street. For the purposes of this Ordinance, a minimum building line is the same as the front setback. (See also Chapter 14, Site Development Requirements, and Section 3.6, Projections into Yards.)

Building Official, or Building Inspector. The person designated by the Township Board to administer the provisions of the adopted Building Codes for Cedar Creek Township.

Building, Principal. A building in which the main use of the premises is conducted on which the building is situated.

Building Site. This term shall be used in connection with site condominiums and shall mean either:

- A. The area within the site condominium unit by itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope; or

- B. The area within the condominium unit (as described above), taken together with any contiguous and appurtenant limited common element.

Section 2.4 Definitions – C.

Campground. May be defined as one of the following:

- A. **Primitive Campgrounds.** Privately or governmentally owned sites designated, maintained, intended, or used for the purpose of supplying a location for overnight camping where locations are accessible by canoe, boat, hiking, or by motor vehicles. Such areas are open to the public and may be operated free of charge, or for profit.
- B. **Developed Campgrounds and Camping Resorts.** Any privately or governmentally owned parcel or tract of land accessible by automobile or other engine driven vehicle designed, maintained, intended, or used for the purpose of supplying accommodations for overnight use by recreational vehicles. Such areas are open to the public and may be operated free of charge, or for profit.
- C. **Walk-in Camp.** A walk-in camp is equivalent to a “primitive campground,” except that it is not accessible by motor driven vehicles.

Certificate of Occupancy. A document signed by an authorized Township official as a condition precedent to the commencement of a use which acknowledges that such use, structure or building complies with the provisions of the Zoning Ordinance.

Child Care Center. Is one of the following:

- A. **Day Care Center.** A facility, other than a private residence, licensed by the Michigan Department of Social Services, in which one or more preschool or school age children are given care and supervision for periods of less than 24 hours per day, and where a parent or legal guardian is not immediately available to the child. Child care center includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day.
- B. **Family Day Care Home.** A private home in which one but less than seven minor children are given care and supervision for periods of less than 24 hours per 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 weeks during a calendar year.
- C. **Group Day Care Home.** A private home in which more than six but not more than 12 minor children are given care and supervision for periods of less than 24 hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day-care home includes a home that gives care to unrelated minor children for more than four weeks during a calendar year.

“Child Care Center” does not include a Sunday School, a Vacation Bible School, or a religious class that is conducted by a religious organization where children are in attendance for not greater than four hours per day for an indefinite period or not greater than eight hours per day for a period not to exceed four weeks, during a 12-month period, or a facility operated by a religious organization where children are cared for not greater than four hours, while persons responsible for the children are attending religious classes or services.

Church. A building, or group of buildings, which by design and construction are primarily intended for organized religious services and accessory uses associated therewith.

Club. An organization of persons for special purposes such as sports, arts, sciences, literature, politics, or the like, but not operated for profit.

Co-Location. The use of a single support structure by two or more wireless communication providers. (Rev. 8/99)

Commercial Storage Warehouse. A building or buildings used primarily as a commercial business for the storage of goods and materials, also referred to as a “mini-warehouse.”

Communications Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone and wireless communications towers, alternative towers structures and the like. Tower types include, but are not limited to guyed towers, wooden poles, lattice towers and monopoles. (Rev. 8/99)

Convalescent or Nursing Home. A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and medical care.

Section 2.5 Definitions – D.

Day Care Center. See “Child Care Center”

Drive-Through Business. A business establishment so developed that its retail or service character provides a driveway approach or parking spaces for motor vehicles to serve patrons while in the motor vehicle either exclusively or in addition to service within a building or structure, or to provide self-service for patrons and food carry-out.

Driveway. An undedicated, privately controlled and maintained roadway which provides the means of access from a public or private road to a single lot or parcel. (New 11/9/04)

Dwelling Unit. A room, or rooms connected together, constituting a separate, independent housekeeping establishment for one family occupancy, physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, bathroom, and sleeping facilities. In no case shall a motor home, trailer, automobile chassis, tent, or portable building be considered a dwelling. In the case of mixed occupancy, the part of a building occupied as a dwelling shall be deemed the dwelling unit and shall comply with all applicable provisions of this Ordinance for dwellings.

Dwelling, Multiple Family. A building containing three or more individual dwelling units.

Dwelling, Single-Family Detached. A building containing only one dwelling unit.

Dwelling, Two-Family. A building on a single lot containing two attached dwelling units.

Section 2.6 Definitions - E.

Equipment Enclosure. A small structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communications signals. Associated equipment may include, but is not limited to air conditioning and emergency generators. (Rev. 8/99)

Erected. Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction, excavation, fill, drainage, etc.

Essential Public Services. The erection, construction, alteration, maintenance, and operation by public utilities or municipal utility departments of underground, surface or overhead electric and telephone lines, natural gas pipelines, water distribution mains, sanitary sewer system mains, storm water mains and associated poles, wires, lift stations, storm water drainage flow ways and also including associated conduits, cables, transformer boxes, traffic signals, fire hydrants and similar items of equipment which are necessary for the furnishing of adequate service by public utilities or municipal utility departments, where such utilities or utility departments are permitted by law or regulation to operate as a public utility under the law of the state (but essential public services shall also include cable television service established and operated by providers thereof when granted a franchise by the Township and when utilizing public street rights-of-way and other approved routes consented to by the Township); provided, however, that this definition does not include buildings, storage yards, storage tanks, gas regulator stations, electric substations, wireless communications equipment or facilities or other structures or facilities not specified in this paragraph. Further, essential public services do not include services rendered by persons, companies or other entities that are not certified by the appropriate regulatory body as public utilities or that are not otherwise authorized by law to operate as a public utility, except for cable television providers which have been granted a franchise by the Township and which otherwise comply with the limitations on such providers as stated in this paragraph. (Rev. 9/15/03)

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

Section 2.7 Definitions – F.

Family. A person living alone in a single dwelling unit or two or more persons whose domestic relationship is of a continuing, non-transient character and who reside together as a single housekeeping unit in a single dwelling unit. “Family” does not include a collective number of individuals occupying a motel, fraternity, sorority, society, club, boarding, or lodging house, or any other collective number of individuals whose domestic relationship is of a transient or seasonal nature.

Family Day Care Home. See “Child Care Center”

Farm. All the contiguous neighboring or associated land operated as a single unit on which farming is carried on directly by the owner-operator, manager, or tenant farmer by his own labor or with the assistance of members of his household or hired employees. Farms may be considered as including establishments operated as greenhouses, nurseries, orchards, livestock and poultry farms, and apiaries; but establishments for the purpose of keeping fur-bearing animals or game, stock yards, or sand and gravel pits shall not be considered farms.

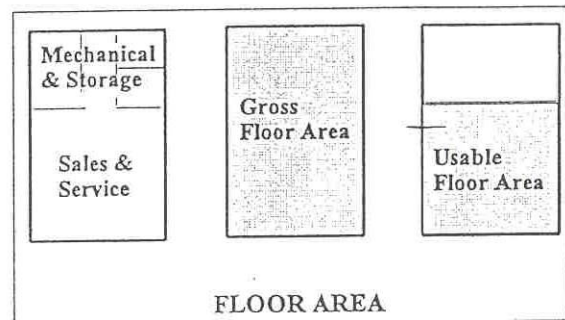
Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Plain. Land designated as special Flood Hazard Area.

Floor Area, Gross. The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls.

Floor Area, Usable. (For the purposes of computing parking). 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. Floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, or for utilities or sanitary facilities shall be excluded from the computation of “usable floor area.” Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building measured from the interior faces of the exterior walls.



Frontage. The continuous linear distance of that portion of a parcel abutting upon a public street right-of-way or private street easement.

Section 2.8 Definitions – G.

Grade. The gradient, the rate of incline or decline expressed as a percent. For example, a rise of 25 feet in a horizontal distance of 100 feet would be expressed as a grade of 25 percent.

Grade, Average. The average finished ground elevation at the center of all walls of a building established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be

determined by averaging the elevation of the ground for each face of the building or structure being measured.

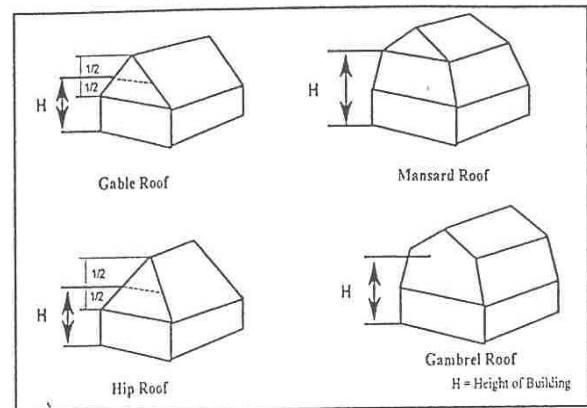
Greenbelt. A strip of land of definite width and location reserved for the planting of shrubs, trees, or grasses to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance. (See also Berm and Buffer Strip).

Group Day Care Home. See “Child Care Center”

Section 2.9 Definitions – H.

Heavy Equipment. Equipment and vehicles to tow or haul other vehicles, or to perform construction, earth moving, or landscaping duties.

Height of Building. The vertical distance measured from the average grade to the highest point of a structure. In the case of a building, height shall be measured from the average grade to the highest point of the roof surface for a flat roof; to the deck line of mansard roofs; and to the midpoint between the eaves and ridge for gable, hip, and gambrel roofs.



Highway. Any public thoroughfare dedicated and maintained for the use and operation of vehicular traffic by the Michigan Department of Transportation.

Home Occupation. An occupation or profession carried on within a portion of a dwelling unit, or accessory building, that is clearly a customary, incidental, and secondary use of the residence. (See Section 3.2.B for specific standards.)

Hospital. An institution providing health, services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

Hotel/Motel. A facility offering lodging accommodations to the general public for a daily rate and which may or may not provide additional services, such as restaurants, meeting rooms, and recreational facilities.

Section 2.10 Definitions – I.

Industry. A business operated primarily for profit including those of product manufacturing or conversion through assembly of new or used products or through the disposal or reclamation of salvaged material and including those businesses and service activities that are a normal integral part of an industrial enterprise.

Inoperable Vehicle. A motor vehicle which is unlicensed or can no longer propel itself.

Section 2.11 Definitions – J.

Junk. Any worn out or discarded materials including, but not necessarily limited to, scrap metal, inoperable motor vehicles and parts, construction material, household wastes, including garbage and discarded appliances, and pallets.

Junk Yard. An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled. These materials include, but are not limited to scrap iron and other metals, paper, rags, rubber tires, pallets, and bottles. A “junk yard” includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Section 2.12 Definitions – K.

Kennel. Any lot or premise on which four or more dogs, cats, or other household pets, three months of age or older, are either permanently or temporarily boarded, regardless of whether they are maintained or kept for the benefit of the owner without remuneration or for commercial purposes. A kennel shall also include any lot or premises where household pets are bred or sold for commercial purposes. (Rev. 1/6/10)

Section 2.13 Definitions – L.

Lighting, Source of. The source of light shall refer to the light bulb or filament which is exposed or visible through a clear material. Exposed mercury vapor lamps or neon lamps shall be considered a direct source of light.

Loading Space. An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a vehicle while loading and unloading merchandise or materials.

Lot. A parcel, vacant land, occupied land, or land intended to be occupied by a building and accessory buildings, or utilized for principal and accessory use(s) together with yards and open spaces required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. A lot may consist of any of the following, or a combination of any of the following, excluding any portion of property subject to a public easement or right-of-way for highway purposes, and provided that in no case shall a division or combination of properties create a residual lot which does not meet the requirements of this Ordinance:

- A. A platted lot, or a portion of a platted lot.
- B. A parcel of land described by metes and bounds, or a portion of a parcel of land described by metes and bounds.

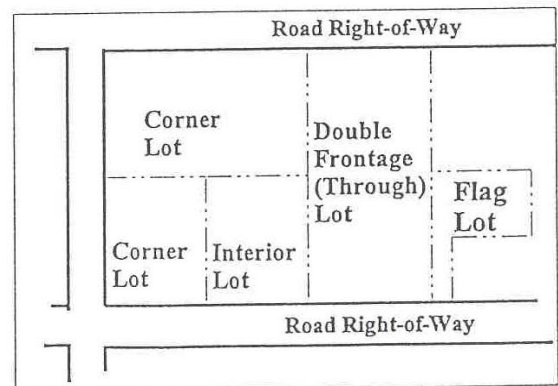
- C. A building site as defined in this Ordinance in connection with a site condominium project.

Lot, Corner. Any lot having at least two contiguous sides abutting upon a road, provided that the interior angle at the intersection of such two sides is less than 135 degrees. A lot abutting upon a curved road or roads shall be considered a corner lot if the tangents to the curve, at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than 135 degrees. (See also Section 3.16.)

Lot, Flag. A lot with access provided to the bulk of the lot by means of a narrow corridor fronting on a public street.

Lot, Interior. A lot other than a corner lot, flag lot, or through lot.

Lot, Through. Any interior lot having frontage on two parallel streets. In the case of a row of through lots, all yards of said lots adjacent to streets shall be considered frontage, and through yard setbacks shall be provided as required.



Lot, Waterfront. A lot having a property line abutting a shoreline.

Lot Area. The total horizontal area within the lot lines.

Lot Coverage. The part of the lot occupied by any building, including accessory buildings, parking areas, driveway, patios, decks and other impervious surfaces. (Rev. 7/26/04)

Lot Depth. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot Lines. The lines bounding a lot as defined herein:

- A. **Front Lot Line.** In the case of a flag lot, or an interior lot, it is the line separating the lot from the street. In the case of a through lot, it is that line separating said lot from either street. In the case of a waterfront lot, it shall be considered the lot line abutting the water. In the case of a corner lot, the front line shall be determined by the property owner at the time of construction.
- B. **Rear Lot Line.** That lot line opposite and most distant from the front lot line. In the case of a lot which is pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line and wholly within the lot.

- C. **Side Lot Line.** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.

Lot of Record. A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by municipal or county officials, which actually exists as shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

Lot Width. The horizontal straight line distance between the side lot lines, measured between the two points where the required front setback line intersects the side lot lines.

Section 2.14 Definitions – M.

Manufactured Home. A transportable, factory-built home, designed to be used as a year-round residential dwelling.

Manufactured Home Park. A parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park.

Massage Parlor. Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area, nor practices of massage therapists who meet one or more of the following criteria:

- A. Proof of graduation from a school of massage licensed by the State of Michigan.
- B. Official transcripts verifying completion of at least 300 hours of massage training from an American community college or university; in addition three references from massage therapists who are professional members of a massage association referred to in this section.
- C. A certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards.
- D. A current occupational license from another state.

Master Plan. The Master Plan currently adopted by Cedar Creek Township, including graphic and written proposals, indicating the general location for streets, parks, schools, public facilities, and all physical development of the Township, and any unit or part of such plan and any amendment to such plan.

Section 2.15 Definitions – N.

Nonconforming Building or Structure. A building or structure, the size, dimensions, or location of which was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present requirements of the zoning district in which it is located.

Nonconforming Lot. A lot, the area, dimensions, or location of which was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present lot requirements of the zoning district in which it is located.

Nonconforming Use. A use or activity that was lawful prior to the adoption or amendment of the Zoning Ordinance, but that fails by reason of such adoption or amendment to conform to the present use regulations of the zoning district in which it is located.

Nursing Home. A nursing care facility licensed as a “nursing home” by the State Department of Public Health under Article 17 of the public health code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.2010 *et seq.*, MSA 14.15(20101) *et seq.*), as amended. A “nursing home” as defined by this section shall include extended care facility and convalescent home.

Section 2.16 Definitions – O.

Off-Street Parking Lot. A facility providing parking spaces, along with adequate drives, maneuvering areas, and aisles, for the parking of more than three vehicles.

Open Air Business. Retail sales establishments operated substantially in the open air, including:

- A. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sales, repair or rental services.
- B. Outdoor display area and sale of garages, motor homes, recreation vehicles, manufactured homes, snowmobiles, swimming pools and similar activities, but not including farm implements or commercial construction equipment.
- C. Retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment, but not including lumberyards.

Open Space. Any space suitable for growing vegetation, recreation, or gardens, but not occupied by buildings or structures.

Section 2.17 Definitions – P.

Parking Space. An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the parking of permitted vehicles.

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

Planned Unit Development (PUD). 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.

Planning Commission, or Commission. The Cedar Creek Township Planning Commission.

Private Park and Sports Area. An area utilized by private or institutional clubs or organizations to provide noncommercial outdoor recreation facilities such as golf courses, archery ranges, recreational camps, picnic grounds and beach access.

Public Utility. Any person, firm, corporation, municipal department, board, or commission duly authorized to furnish, under federal, state or municipal regulations, to the public, electricity, gas, steam, communications (excluding wireless communications), telegraph, transportation, or water services; provided that this definition shall not include any person, firm, or corporation engaged in radio or television broadcasting.

Public Water. The supply of potable water from a municipal department, board, or commission authorized to furnish such, or a private firm or corporation permitted to provide such service via a community system. All public water systems shall meet the minimum standards of the local, state, and federal agencies regulating drinking water.

Section 2.18 Definitions – R.

Recreational Service-Oriented Uses. Uses such as resorts, restaurants, marinas, sporting good shops, and bait shops which are accessory to a main recreational use.

Recreational Vehicle or Equipment. Vehicles or equipment used primarily for recreational purposes, excluding motorcycles or motorbikes or other similar means of transportation intended primarily for on-street use. For the purpose of this Ordinance, recreational camping vehicle shall mean:

- A. 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 such as a motor home or camper.
- B. Boats and trailers designed to transport boats.

- C. Snowmobiles and trailers designed to transport snowmobiles.
- D. Off-road vehicles and trailers designed to transport off-road vehicles.
- E. Pop-up tent and camper trailers.
- F. Other similar vehicles deemed by the Zoning Administrator to be a recreational vehicle.

Related Equipment. All equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit and connectors. (Rev. 8/99)

Residential District. This term shall include the HDR, LDR, AG, and MHP Districts, and any residential uses within an approved planned unit development district.

Road, Private. An undedicated, privately controlled and maintained easement designed and maintained in compliance with the provisions of this Ordinance which provides access to abutting property.

Road, Public. A public dedicated right-of-way controlled or maintained by the Muskegon County Road Commission, which affords the principal means of access to abutting property.

Road, Secondary. On a corner lot, it is the road adjacent to the street side yard, and not the road which is used for the determination of the front yard.

Roadside Stand. A temporary building or structure operated for the purpose of selling produce raised only on the same premises, by the property owner, or their family.

Section 2.19 Definitions – S.

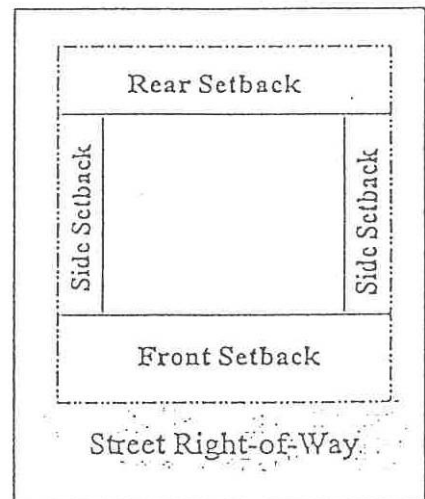
Salvage Yard. An open space where waste, surplus, discarded, or salvaged materials are brought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled including house wrecking and structural steel materials and equipment and automobile wrecking.

Satellite Dish Antenna. An apparatus capable of transmitting to or receiving communications from an orbiting satellite.

Setback. The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance.

Sexually Oriented Business. Means a business or commercial enterprise that conducts or engages in any of the activities hereinafter defined: (New 10/01)

- A. **Adult Arcade.** Means any place to which the public is permitted or invited wherein coin operated, slug operated, electronically controlled, or mechanically controlled



still or motion picture machines, projectors, or image producing or image projecting devices are maintained to show images to five or fewer persons per machine or device at any time, and where the images so projected, produced, or displayed are distinguished or characterized by the depiction or description of specified sexual activities or specified anatomical areas.

B. Adult Bookstores or Adult Video Stores. Means a commercial establishment that, as one of its business purposes or services, offers for sale or rental for any form of consideration, any one or more of the following:

1. Books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations or media which depict or describe specified sexual activities or specified anatomical areas.
2. Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.

A commercial establishment may have other business purposes or services that do not involve the offering for sale or rental of the material identified in paragraphs 1 or 2 above, and still be categorized as an adult bookstore or adult video store. The sale or rental of such material shall be deemed to constitute a business purpose or service of an establishment if it comprises 40 percent or more of the establishment's gross revenues, or if such materials occupy 40 percent or more of the floor area of visible inventory within the establishment.

C. Adult Cabaret. Means a nightclub, bar, restaurant, lounge, or similar commercial establishment that regularly features:

1. Persons who appear in a state of nudity.
2. Live performances that are characterized by the exposure of specified sexual activities or specified anatomical areas.
3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
4. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for sexual interests or titillation of an audience or customers.

D. Adult Motel or Adult Hotel. Means a motel, hotel, or similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions or visual

media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas and has a sign visible from the public right-of-way that advertises the availability of any of the above.

2. Offers a sleeping room for rent for a period of time that is less than 12 hours.
 3. Allows a tenant or occupant of a sleeping room to offer it for rent or other consideration for a period of time that is less than 12 hours.
- E. **Adult Motion Picture Theater.** Means a commercial establishment which, for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides or other photographic reproductions or visual media that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- F. **Adult Theater.** Means a theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity, or that regularly features live performances that are characterized by exposure of specified sexual activities or specified anatomical areas.
- G. **Escort.** Means a person who, for consideration agrees or offers to act as a companion, guide, or date of another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- H. **Escort Agency.** Means a person or business establishment who furnishes, offers to furnish, or advertises to furnish escorts as one of its business purposes or services, for a fee, tip, or other consideration.
- I. **Massage Parlor.** Any establishment having a fixed place of business where massages are administered for pay, including but not limited to massage parlors, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder. This definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, and athletic facilities for the welfare of the residents of the area, nor practices of massage therapists who meet one or more of the following criteria: (New 10/01)
1. Proof of graduation from a school of massage licensed by the State of Michigan.
 2. Official transcripts verifying completion of at least 300 hours of massage training from an American community college or university; in addition three references from massage therapists who are professional members of a massage association referred to in this section.

3. A certificate of professional membership in the American Massage Therapy Association, International Myomassethics Federation, or any other recognized massage association with equivalent professional membership standards.
4. A current occupational license from another state.

J. Nude Model Studio. Means any place where a person who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons, who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

Shoreland. The land, water, and land beneath the water which is in close proximity to the shoreline of a lake or designated waterway.

Sign. A device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of any business, establishment, person, entity, product, service or activity, or to communicate information of any kind to the public. (See also Section 14.3.B.)

Sign, Outdoor Advertising. Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public is affixed. The definition does not include any bulletin boards used to display official court or public notices.

Significant Natural Feature. A natural area as designated by the Planning Commission, Township Board, or the Michigan Department of Environmental Quality which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, flood plain, river, lake, or other unique natural features.

Special Use. A use which is subject to approval by the Planning Commission. A “special use” maybe granted when specified by this Ordinance. A permitted special use is not a nonconforming use.

Specified Anatomical Areas. Are defined as:

- A. Less than completely and opaquely covered human genitals, pubic region, buttock or anus; or female breast immediately below the top of the areola. (Rev. 10/01)
- B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities. Means and includes any of the following:

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or breast. (Rev. 10/01)

- B. Sex acts, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation, or sodomy. (Rev. 10/01)
- C. Masturbation, actual or simulated. (Rev. 10/01)
- D. Excretory functions as part of, or in connection with, any of the activities set forth in paragraphs A, B, and C above. (Rev. 10/01)

State Licensed Residential Facility (Six or Fewer Persons). A structure constructed for residential purposes that is licensed by the state pursuant to the adult foster care facility licensing act (Act No. 218 of the Public Acts of Michigan of 1979; MCL 400.701 *et seq.*, as amended) or the child care organizations act (Act No. 116 of the Public Acts of Michigan of 1973; MCL 722.111 *et seq.*, as amended), which provides resident services or care for six or fewer persons under 24 hour supervision for persons in need of that supervision or care. A “state licensed residential facility (six or less persons)” as defined by this section shall not include an establishment commonly described as an alcohol or substance abuse rehabilitation center, a residential facility for persons released from or assigned to adult correctional institutions, a maternity home, or a hotel or rooming house that does not provide or offer to provide foster care.

Story. That part of a building included between the surface of any floor above the average grade or ground at the foundation and the surface of the next floor, or if there is no floor above, then the ceiling next above.

Story, Half. An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet six inches. For the purpose of this Ordinance, the usable floor area is only that area having at least five feet clear height between floor and ceiling.

Structure. That which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner. (Rev. 11/01)

Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, before improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or the Michigan Register of Historic Places.

Support Structure. A communications tower, or any structure designed or modified to support one or more antennas, as defined herein. Such structures include, but are not limited to, monopoles, lattice towers, light poles, wood poles and guy towers. (Rev. 8/99)

Swimming Pool. Any structure located either above or below grade designed to hold water to a depth of greater than 24 inches, intended for swimming or bathing. A “swimming pool” shall be considered an accessory structure for purposes of computing lot coverage.

Section 2.20 Definitions – T.

Transportation Terminal. A building or area in which freight brought by truck is assembled or stored for routing or reshipment, or in which semi trailers, including tractor or trailer units and other trucks, are parked or stored.

Section 2.21 Definitions – U.

Use. The lawful purpose for which land or premises of a building thereon is designated, arranged, intended, or for which is occupied, maintained, let, or leased.

Use, Accessory. A use normally and naturally incidental to, subordinate to, and devoted exclusively to the principal use of the land or buildings.

Use, Principal. The main, primary, or predominate use of the premises.

Use, Temporary. A use or building permitted to exist during period of construction of the main building or use, or for special events.

Section 2.22 Definitions – V.

Vehicle Service Station. Building and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and other similar motor vehicle accessories and including the customary space and facilities for the installation of such commodities, including storage, minor repair, and servicing but not including vehicle repair as defined herein.

Vehicle 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 rust proofing; and refinishing or steam cleaning.

Vehicle Wash. A building or portion thereof, the primary purpose of which is that of washing motor vehicles.

Section 2.23 Definitions – W.

Waste Disposal Facility. An establishment for the disposal, treatment, application, incineration or storage of human, livestock, commercial or industrial wastes either liquid, gas or solid. (Rev. 8/99)

Waste Dumpster. A container used for the temporary storage of rubbish or materials to be recycled pending collection, having capacity of at least one cubic yard.

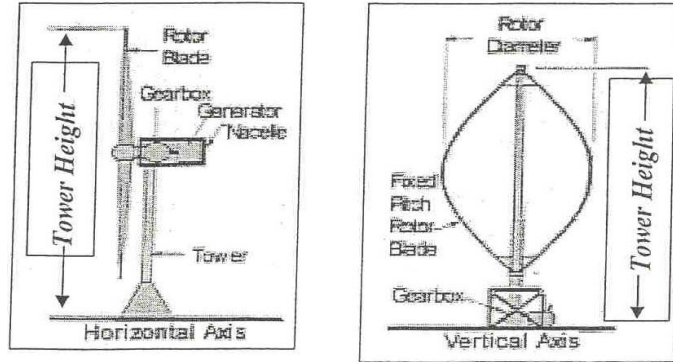
Waters of the State of Michigan. Shall include lakes, rivers, streams, and all other connecting water courses; and waters within the confines of the state, and the Great Lakes border thereon.

Wind Energy Conversion System (WECS). (New 7/26/04)

- A. **Wind Energy Conversion System (WECS).** Shall mean a combination of:
1. A surface area, either variable or fixed, for utilizing the wind for electrical powers.
 2. A shaft, gearing, belt, or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity-producing device.
 3. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy.
 4. The tower, pylon, or other structure upon which any, all, or some combination of the above are mounted.
 5. Building or equipment accessory thereto.
- B. **Survival Wind Speed.** The maximum wind speed, as designated by the WECS manufacturer, at which a WECS, in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.
- C. **Wind Farm.** Clusters (two or more) of WECS towers placed upon land with the intent to sell or provide electricity to others. Said towers may or may not be owned by the owner of the property upon which the towers are placed.
- D. **Single WECS for Commercial Purposes.** A WECS tower placed upon land with the intent to sell or provide electricity to others. Said tower may or may not be owned by the owner of the property upon which the tower is placed.
- E. **Interconnected WECS.** A WECS, which is electrically connected to the local electrical power utility system and can feed power back into the local electrical power utility system.
- F. **WECS Testing Facility.** A structure and equipment used to determine the potential for the placement of a WECS.
- G. **WECS Tower Height (see graphics).**
1. **Horizontal Axis Wind Turbine Rotors.** The distance between the ground and the highest point of the WECS, as measured from the ground, plus the

length by which the rotor blade on a horizontal mounted WECS exceeds the structure which supports the rotor and blades.

2. **Vertical Axis Wind Turbing.** The distance between the ground and the highest point of the WECS.

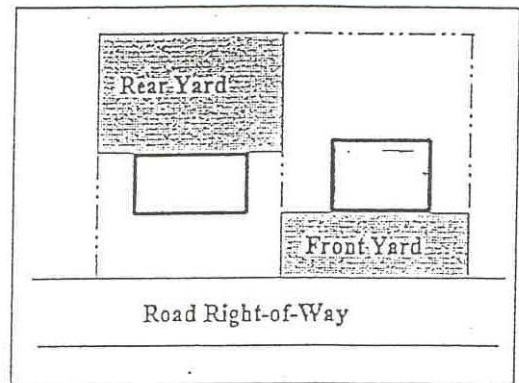


Wireless Communications Facility. An unstaffed facility for the transmission or reception of radio frequency signals usually consisting of a support structure, an antenna, an equipment enclosure or cabinet, and other related equipment. Not included within this definition are citizen band radio facilities, short wave facilities, ham or amateur radio facilities, non-commercial satellite dishes, and government facilities which are subject to state or federal law or regulations which preempt Township regulatory authority. (Rev. 8/99)

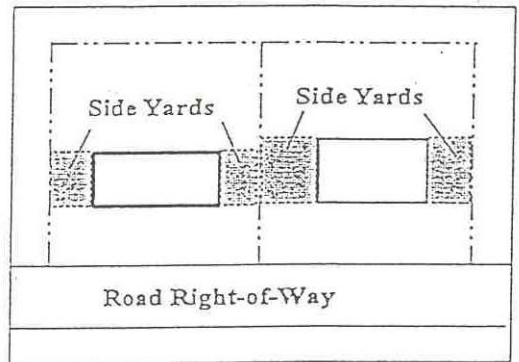
Section 2.24 Definitions – Y.

Yards. The open spaces on the same lot with a main building that are unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein.

- A. **Front Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the building line of the main building.



- B. **Rear Yard.** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the building line of the main building. In the case of a corner lot, the rear yard shall be opposite the street frontage of the principal street (See also Section 3.16).



C. **Side Yard.** An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the building line of the main building.

Yard, Required. The required yard shall be that set forth as the minimum yard setback requirement for each district.

Section 2.25 Definitions – Z.

Zoning Administrator. The person designated by the Township Board to administer the provisions of this Zoning Ordinance.

Zoning District. A portion of the unincorporated area of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

Zoning Permit. A permit for commencing construction issued in accordance with a plan for construction that complies with all the provisions of this Zoning Ordinance.

**CHAPTER 3
GENERAL PROVISIONS**

Section 3.1 Nonconforming Lots, Buildings and Structures, and Uses.

A. Intent.

1. It is recognized that there exist in zoning districts certain lots, buildings and structures, and uses which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance. It is the intent of this Ordinance to permit legal nonconforming lots, buildings and structures, and uses to continue until they are removed, but not to encourage their survival.
2. Nonconforming lots, buildings and structures, and uses are declared by this Ordinance to be incompatible with permitted uses in the districts in which they are located. It is the intent of this Ordinance that these nonconformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other buildings, structures or uses prohibited elsewhere in the district.
3. 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 diligently conducted.

B. Nonconforming Lots of Record.

1. Where a residential lot of record in existence at the time of the adoption or amendment of this Ordinance does not meet the minimum requirements for lot width or lot area, such lot of record may be used for any purposes permitted by the district in which the lot is located, provided that the lot meets at least 70 percent of the required lot area, lot width, and side yard required by that district and further provided that any building or structure constructed on the lot complies with all other yard setback requirements.
2. If two or more lots of record or combination of lots and portions of lots of record, in existence at the time of the passage of this Ordinance, or an amendment thereto, with continuous frontage and under single ownership do not meet the requirements established for lot width or lot area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of such parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.
3. Enlargement of existing principal buildings and construction of accessory buildings on nonconforming lots will be allowed provided that all district regulations except for lot size are adhered to. (New 7/01)

C. Nonconforming Uses.

1. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of the adoption or amendment of this Ordinance.
2. No part of any nonconforming use shall be moved unless such movement eliminates the nonconformity.
3. If a nonconforming use is abandoned for any reason for a period of more than 180 days, any subsequent use shall conform to the requirements of this Ordinance. A nonconforming use shall be determined to be abandoned if one or more of the following conditions exists, and which shall be deemed to constitute an intent on the part of the property owner to abandon the nonconforming use:
 - a. Utilities, such as water, gas and electricity to the property, have been disconnected.
 - b. The property, buildings, and grounds, have fallen into disrepair.
 - c. Signs or other indications of the existence of the nonconforming use have been removed.
 - d. Equipment or fixtures necessary for the operation of the nonconforming use have been removed.
 - e. Other actions, which in the opinion of the Zoning Administrator, constitute an intention of the part of the property owner or lessee to abandon the nonconforming use.
4. A condition of every approval of a Wireless Communication Facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of the following event: (Rev. 8/99)
 - a. When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility, or the cessation of operations (transmission or reception of radio signals) shall be considered as the beginning of a period of nonuse. (Rev. 8/99)
 - b. The situation in which removal of a facility is required, as set forth in paragraph a. above, may be applied and limited to portions of a facility. (Rev. 8/99)
 - c. Upon occurrence of one or more of the events requiring removal, specified in paragraph a. above, the facility owner, or persons who had used the facility shall immediately apply or secure the application

for any required demolition or removal permits, and immediately proceed with, and complete the demolition, restoring the premises to an acceptable condition as reasonably determined by the Zoning Administrator. (Rev. 8/99)

- d. If the required removal of a facility or portions thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days written notice from the Zoning Administrator, the Township may remove or secure the removal of the facility or required portions thereof, with its actual costs and reasonable administrative charge to be drawn or collected from the performance guarantee posted at the time application was made for establishing the facility. (Rev. 8/99)

D. Nonconforming Buildings and Structures.

1. Where a lawful building or structure exists at the effective date of this Ordinance, or an amendment thereto, that does not comply with the requirements of this Ordinance because of restrictions such as lot area, coverage, width, height, or yards, such building or structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - a. No such building or structure may be enlarged or altered in a way that increases its nonconformity, except in cases in which the setback of a building or structure is nonconforming by 50 percent or less of the distance required by this Ordinance. Only in these cases may the nonconforming setback be extended along the same plane as the existing nonconforming setback, provided that in so doing, the setback itself is not further reduced.
 - b. Should a nonconforming building or structure be destroyed to an extent of more than 70 percent of its replacement value, exclusive of the foundation, it shall be reconstructed only in conformity with the provisions of this Ordinance.
 - c. Should a nonconforming building or structure be moved for any reason and for any distance, it shall be moved to a location which complies with the requirements of this Ordinance,
 2. None of the provisions of this section are meant to preclude normal repairs and maintenance on any nonconforming building or structure that would prevent strengthening or correcting of any unsafe condition of the building or structure.
- E. The Township may acquire, through purchase or condemnation, private nonconforming buildings, structures, or land. The Township Board may make this purchase of private property in the manner provided for by law.

- F. Those alleged nonconforming uses of land, buildings, and structures which cannot be proved conclusively to have been existing prior to the effective date of this Ordinance, or any amendment thereto, shall be declared illegal nonconforming uses and shall be discontinued upon written notification from the Zoning Administrator.

Section 3.2 Accessory Buildings, Structures, and Uses.

A. Accessory Buildings; General. (Rev. 5/00)

- 1. Where an accessory building is attached to a main building, it shall conform to all regulations of this Ordinance applicable to the main building.
- 2. Accessory buildings shall not be located in any required front yard, unless otherwise permitted by this Ordinance.
- 3. Accessory buildings shall not be permitted on a lot or parcel which does not have a main use or building.
- 4. Permanent accessory buildings less than 100 square feet in area, are exempt from these restrictions, up to three such buildings on one lot or parcel, but are not exempt from Section 3.2.A.5. (Rev. 9/23/02)
- 5. Permanent accessory buildings shall be stick-built or the equivalent new building construction. No mobile home, tank, junk object, or salvage materials, trailer, vehicle or similar item shall be utilized as an accessory building; provided, however, that such requirement shall not be applicable to bona fide agricultural storage or activities, or to tool sheds or similar temporary storage structures utilized pursuant to the construction of a building, so long as the period of construction does not exceed one year. (New 5/00)
- 6. Manufactured temporary structures shall be allowed, up to two per lot or parcel. (New 9/23/02)
- 7. One temporary building may be placed in the required front yard for use as a bus stop shelter for school children. (New 11/1/06)

B. Accessory Uses; General.

- 1. Accessory uses are permitted only in connection with, incidental to, and on the same lot with a main use which is permitted in the particular zoning district. No accessory use may be placed on a lot without a main use.
- 2. An accessory use must be in the same zoning district as the main use on a lot.
- 3. No accessory use shall be occupied or utilized unless the main structure to which it is accessory is occupied or utilized.

4. Accessory uses shall not be permitted in the required front yard unless expressly permitted in this chapter. (Rev. 9/15/03)
5. Home occupations, may be permitted as an accessory use to a dwelling in the HDR, LDR, LLR, AG or MHP District, subject to the standards and conditions outlined here: (New 11/1/06)
 - a. The use of the dwelling for a home occupation shall be clearly incidental and subordinate to the residential use.
 - b. The home occupation shall utilize no more than 25 percent of the floor area of the residence, i.e. principal building, or 500 square feet, whichever is less. (Rev. 7/01)
 - c. No equipment or process shall be used in such a home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises, or cause fluctuations in line voltage off the premises.
 - d. No persons other than members of the immediate family residing on the premises shall be engaged in the home occupation.
 - e. All activities shall be carried on indoors, either in the principal building or an accessory building. No outdoor activities or storage shall be permitted.
 - f. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than one sign, not exceeding two square feet in area, non-illuminated, and mounted flat against the wall of the principal building. In the AG District, the sign shall not exceed nine square feet, it is not required to be attached to the main structure, but may not be illuminated.
 - g. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street, and not in the required front yard.
 - h. Only normal domestic or household equipment, and equipment characteristic of small workshops, businesses, and professional offices shall be used to accommodate the home occupation.

- i. The essential residential character of the dwelling, in terms of use and appearance, shall not be changed by the occurrence of home occupations.
- j. In the case of property within the MHP District, the applicant shall have written approval from the manufactured home park owner, or owner's association for the use prior to submitting an application for a special land use home occupation.
- k. Notwithstanding the above, the following uses, and any other uses which are similar in nature shall not be permitted as a home occupation:
 - i. Vehicle or boat engine repair.
 - ii. Vehicle or boat body repair.

(Rev. 11/1/06)

C. **Residential Accessory Buildings and Structures.** (Rev. 5/00) Accessory buildings shall be permitted within the HDR, LDR, MHP, and AG Districts or with any residential use provided that the following restrictions are met:

- 1. The total area occupied by the principal building and all accessory buildings shall not exceed the maximum lot coverage permitted in each district, and shall comply with the setbacks herein.
- 2. No detached accessory building shall be located closer than ten feet to the main building on the lot.
- 3. No detached accessory building shall be located in the required front yard.
- 4. No accessory building shall exceed 20 feet in height.
- 5. The maximum size accessory building in a MHP District is 144 square feet per dwelling unit.
- 6. THESE RESTRICTIONS SHALL NOT APPLY TO FARM BUILDINGS USED IN CONJUNCTION WITH A BONA FIDE FARM OPERATION.
- 7. All accessory buildings must meet setback requirements for the district in which they are located. (New 9/23/02)

D. **Other District Accessory Buildings and Structures.** Accessory buildings shall be permitted within the FR, GC, and IND Districts provided the following restrictions are met:

- 1. The total area occupied by the principal building and all accessory buildings shall not exceed the maximum lot coverage permitted in each district.

2. Detached accessory buildings shall meet all setback requirements for the zone district in which they are located.
3. No detached accessory building shall be located nearer than ten feet to any other building on the property.
4. No accessory building shall exceed the permitted height for main buildings in the district in which it is located.

E. **Accessory Buildings and Structures on Waterfront Lots.** One accessory building may be constructed within the required setback from the ordinary high water mark on any waterfront lot, provided it is no larger than 100 square feet and no greater than eight feet in height. The area of such accessory building shall be counted toward the total number and area allowed for all accessory buildings on the property. Other structures permitted within the required setback area may include the following: (Rev. 9/15/03)

1. Unattached decks that are located at least 50 feet away from any dwelling on the lot or parcel of land. For purposes of this section, such a deck is defined as a roofless, unenclosed platform, and any such deck shall be either flush with the ground or raised not more than three feet above the ground, at the highest point of the deck. (New 9/15/03)
2. Docks. (New 9/15/03)
3. Water pumps and pump enclosures; provided, however, that any pump enclosures shall not be larger than approximately the cubic area occupied by the pump being enclosed. (New 9/15/03)
4. Boat cradles or similar boat storage devices with no rigid roofs or walls. (New 9/15/03)
5. Fountains, statues and other incidental decorative structures that are not higher than five feet, as measured from the ground at the base of the structure. (New 9/15/03)
6. Playground equipment, flagpoles and similar yard accessories. (New 9/15/03)

F. **Attached Wireless Communication Facilities** shall be deemed a permitted accessory use, contingent upon the following: (Rev. 8/99)

1. An existing structure to which the attached wireless communication facility will not be significantly altered or changed in appearance (for example use of a water tower). (Rev. 8/99)
2. A proposed co-location upon an attached wireless communication facility which had been pre-approved for such co-location as part of an earlier

approval by the Planning Commission, for example an existing wireless communication facility. (Rev. 8/99)

3. An existing structure which will serve as an attached wireless communication facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the Zoning Administrator, would alter the structure, or result in an impairment of sight lines or other safety interest, for example utility poles. (Rev. 8/99)
 4. A wireless communication support structure established within a right-of-way having an existing width of more than 300 feet. (Rev. 8/99)
 5. Where an attached wireless communication facility and the equipment enclosure is proposed on the roof of a building, it shall be designed, constructed, and maintained to be compatible with the principal building. The term “compatible” will be established by the Township Zoning Administrator. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all setbacks and lot requirements for principal buildings. (Rev. 8/99)
 6. A copy of valid federal Communications Commission (FCC) license for the proposed activity, or proof that the applicant is the winning bidder for a FCC license at auction, and that the final issuance of the FCC license purchased at auction is pending. (Rev. 8/99)
 7. The applicant for permit in a residential area must show that the area cannot be adequately served by a facility placed in a non-residential area. (Rev. 8/99)
 8. The applicant must show that all applicable health, nuisance, fire and safety codes are met. (Rev. 8/99)
- G. Single WECS for on-site service only, single commercial WECS applications of wind energy conversion systems, including WECS testing facility, to serve the energy needs of the property owner may be permitted as an accessory use in any zoning district, provided that all WECS must be sited and designed in accordance with the following:
1. **Visual Appearance.**
 - a. The WEC, including accessory buildings and related structures shall be a solid, non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the WEC.

- b. The WEC shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for reasonable safety and security.
 - c. The WEC shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacture.
2. **Ground Clearance.** The lowest extension of any blade or other exposed moving component of the WEC shall be at least 15 feet above the ground (at the highest point of the natural grade within 30 feet of the base of the tower) and, in addition, at least 15 feet above any outdoor surfaces intended for human use, such as decks, balconies or roof gardens, that are located directly below the WEC.
 3. **Vibration.** Vibrations shall not be produced which are humanly perceptible beyond the property on which a WEC is located.
 4. **Noise.** The WEC shall comply with Ordinance No. 80-1, the Township Noise Control Ordinance.
 5. **Guy Wires.** Guy wires shall not be permitted as part of the WEC.
 6. **Height.** The total height of a structure mounted WEC shall not exceed 15 feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances. The total height of a pole mounted WEC shall be governed by the setback requirements.
 7. **Setback.** The setback for a pole mounted WEC shall be at least 150 feet from any front lot line, and shall be set back a distance equal to or greater than the total height of the STMWET, as measured from the base of the tower, from all other lot lines, streets or private roads, public easements, or overhead public utility lines. (New Sec. G 1/6/10)

Section 3.3 Fences.

- A. Fences in residential districts shall not exceed six feet in height, measured from the surface to the uppermost portion of the fence.
- B. Fences erected within the required front yard in any district shall not exceed 48 inches in height. Fences within the required front yard shall be of a type which is not more than 25 percent solid, so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed. (Rev. 10/01)
- C. Fences in high residential districts or enclosing residential uses shall not contain barbed wire or be electrified, unless in the AG or LDR District, and used in connection with a bona fide farm operation. (Rev. 9/04/18)

- D. Fences in nonresidential districts which enclose storage lots or other areas requiring security may contain barbed wire, provided that the barbed portion of the fence shall not be nearer than six feet from the surface of the ground. The total height of fences in any nonresidential district shall not exceed ten feet, and may be permitted in the rear yard only, unless approved by the Planning Commission as part of a Site Plan Review. (Rev. 9/04/18)
- E. Fences shall not be erected within any public right-of-way in any district.
- F. Fences shall not be erected or maintained in any district in such a way as to obstruct the vision of vehicle drivers within the triangular area formed by the intersection of the street right-of-way and a line connecting two points located on those intersecting right-of-way lines 25 feet from the point of intersection. (Rev. 9/04/18)
- G. Fences may be erected along the property line, except in the case of the front property line, a two-foot setback is required.
- H. Fences shall be approved and a zoning compliance permit issued by the Zoning Administrator prior to construction. Except that seasonal fences, such as snow fences and open fencing of less than twenty-four (24) inches in height, which are temporary in nature (up to 6 months) shall not require a permit. (New 9/04/18)
- I. All fences shall be kept clean and in a good state of repair and vegetation must be kept trimmed not to overgrow their intended size and shape specified at the time of approval. (New 9/04/18)
- J. Permitted materials. Fences shall be constructed of materials commonly used in conventional fence construction, such as solid wood, vinyl, chain link, wrought iron, metal or other durable ornamental material similar in nature, provided that the proposed fence is of structurally sound construction. (New 9/04/18)
- K. Prohibited materials shall include, but are not limited to, junk, debris, rolled plastic, sheet metal, stumps, siding, rope or other waste materials. (New 9/04/18)

Section 3.4 Required Access.

No building permit shall be issued for any structure unless such structure shall be located on land that has unobstructed 20 feet minimum width access continuously maintained in such a way that it is readily accessible to and usable by emergency vehicles in all types of weather.

- A. All parcels must have frontage on an approved and constructed road (public or private). (New 11/9/04)
- B. Driveways shall be constructed to meet all requirements of this Ordinance (or other applicable ordinance) before any building permit will be issued for the property. (New 11/9/04)

- C. Any portion of a driveway must be set back at least 15 feet from any property line. For lots created prior to 11/9/04, the Zoning Administrator may reduce this setback to five feet, but only if unusual topography or amount of road frontage serving the property makes it prohibitively difficult or impossible for a property owner to meet the 15-foot setback. (Rev. 6/28/05)
- D. A driveway intended for a single or two-family residential use shall not serve more than one principal structure. (New 11/9/04)
- E. At a minimum, all driveways shall provide reasonable access to emergency vehicles at all times and shall be constructed of an improved surface such as slag, gravel, dolomite, concrete, or similar material. (Rev. 11/1/06)

Section 3.5 Main Building or Use.

No more than one main building or use may be located on a parcel, except for groups of related industrial or commercial buildings, multiple-family dwellings, or manufactured homes contained within a single, integrated complex, sharing parking and access.

Section 3.6 Projections into Yards.

- A. Certain architectural features, such as cornices, bay windows (or windows without foundations), gutters, chimneys, pilasters and similar features may project no further than four feet into a required front, rear, or side yard.
- B. Any porch, terrace, deck, or balcony which is enclosed shall meet the minimum setback requirements of the main building or accessory building to which it is attached.

Section 3.7 Essential Public Services.

Essential public services as defined in this Ordinance shall be permitted in any zoning district; provided, however, that the erection, construction, alteration, maintenance and operation of buildings, storage yards, storage tanks, gas regulator stations, electric substations, and all other public utility buildings, structures, facilities and installations that are not included in the definition of essential public services as provided in this Ordinance shall be permitted only if approved as a special land use by the Planning Commission, after public notice and public hearing as specified by law for the consideration of special land uses. (Rev. 9/15/03)

Section 3.8 Building Height Exceptions.

The building height restrictions of all zoning districts shall be subject to the following exceptions: parapet walls not exceeding four feet in height, chimneys, cooling towers, elevator bulkheads, fire towers, gas tanks, grain elevators, silos, stacks, stage towers and scenery lofts, water tanks, public monuments, church spires, and penthouses or roof structures housing necessary mechanical appurtenances.

Section 3.9 Required Area or Space.

- A. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance, a lot or adjacent lots in common ownership or a required yard, parking area or other open space shall not be divided or reduced in dimensions or area so as to increase its noncompliance with the minimum requirements of this Ordinance. Lots or yards created after the effective date of this Ordinance shall comply with the requirements of this Ordinance.
- B. Accessory buildings or structures, including, but not limited to, porches enclosed by walls, or garages, attached to a dwelling unit or other main building in a substantial manner, such as by a wall or roof, shall be deemed a part of such main building, for the purpose of determining compliance with the provisions of this Ordinance concerning required yards.

Section 3.10 Regulations Applicable to Single-Family Dwellings Outside Manufactured Home Parks.

Any single-family dwelling on a lot, whether constructed and erected or a manufactured home, shall be permitted only if it complies with all of the following requirements:

- A. If the dwelling unit is a manufactured home, the manufactured home must either be new and certified by the manufacturer or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated, or used and certified by the manufacturer or appropriate inspection agency as meeting the standards referenced above, and found, on inspection by the Building Inspector or his designee, to be in excellent condition and safe and fit for residential occupancy.
- B. The dwelling unit shall comply with all applicable building, electrical, plumbing fire, energy and other similar codes which are, or may be adopted by the Township. However, where a dwelling unit 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 Township codes, then the federal or state standard or regulation shall apply. Appropriate evidence of compliance with such standards or regulations shall be provided to the Building Inspector.
- C. The dwelling unit shall comply with all restrictions and requirements of this Ordinance, including, without limitation, the minimum lot area, minimum lot width, minimum residential floor area, required yard and maximum building height requirements of the zoning district in which it is located.

- D. If the dwelling unit is a manufactured home, the manufactured home shall be installed with the wheels removed.
- E. The dwelling unit shall be firmly attached to a permanent continuous foundation constructed on the building site, such foundation to have a wall of the same perimeter dimensions as the dwelling unit and to be constructed of such materials and type as required by the Building Code for on-site constructed single-family dwellings. If the dwelling unit is a manufactured home, its foundation shall fully enclose the chassis, undercarriage and towing mechanism.
- F. If the dwelling unit is a manufactured home, it shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the building site by an anchoring system or device complying with the rules and regulations, as amended, of the Michigan Mobile Home Commission, or any similar or successor agency having regulatory responsibility for manufactured home parks.
- G. The dwelling unit shall have a minimum horizontal dimension across the front, side and rear elevation of 24 feet at the base. (Rev. 8/99)
- H. Storage area shall be provided within a building, with an area of no less than 120 square feet. This storage area may consist of a basement, closet area, attic or attached garage in a main building, or in a detached accessory building which is in compliance with all other applicable provisions of Section 3.2.

Section 3.11 Illegal Dwellings.

- A. The use of any portion of a garage or accessory building for dwelling or sleeping purposes in any zoning district is prohibited. (Rev. 8/99)
- B. Basements shall not be used for sleeping purposes, unless adequate ingress and egress is provided per the requirements of the Township Building Code and other applicable regulations. In no case shall any living space located in a basement be counted toward the required floor area for the district in which it is located. (Rev. 8/99)
- C. Occupancy in any tent, travel trailer, motor home or other structure, on any lot in the Township for a period in excess of 30 days, in 12 consecutive months shall be prohibited. (Rev. 8/99)
- D. Storage of any of the above structures is permitted by the owner of the structure if one or more requirements are met: (Rev. 8/99)
 - 1. Own and occupy residence and land.
 - 2. Owner of land and residence under construction.
 - 3. Occupant of the residence.

Section 3.12 Construction Buildings and Structures.

Construction buildings and structures, including trailers, incidental to construction work on a lot, may be placed on such lot, subject to the following restrictions:

- A. Construction buildings and structures may also be used for the storage of construction materials, tools, supplies and equipment, for construction management and supervision offices, and for temporary on-site sanitation facilities, related to construction activity on the same lot.
- B. No construction building or structure shall be used as a dwelling unit.
- C. A building permit shall be issued by the building official prior to installation of a construction building or structure.
- D. Construction buildings and structures shall be removed from the lot within 15 days after an occupancy permit is issued by the Building Inspector for the permanent structure on such lot, or within 15 days after the expiration of a building permit issued for construction on such lot.

Section 3.13 Permitted Front Setback Reductions.

- A. Where the established front yards for existing main buildings in the vicinity of, and in the same zoning district as, a subject lot is less than the required front yard for the zoning district of the subject lot, the required front yard for the subject lot shall be the average front yard of existing main buildings on the same side of the road and entirely or partially within 200 feet of the side lot lines of the subject lot, subject to subsections B and C, below.
- B. The front yard reduction permitted in subsection A, above shall only be permitted if there are two or more lots occupied by main buildings within the area described for computing the average front yard.
- C. In no case shall the front yard setback resulting from the application of these provisions, be less than 20 feet.

Section 3.14 Keeping of Animals.

- A. The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted as an accessory use in any residential district. However, the keeping of such pets shall not constitute a nuisance to adjacent property, owners, or a public health hazard.
- B. The keeping of animals not normally considered household pets, including, but not limited to, horses, pigs, sheep, cattle and poultry shall be prohibited in the HDR, FR, GC, and IND Districts. Keeping animals shall be permitted in the AG District, and permitted with the following restrictions in the LDR District: (Rev. 8/99)

1. For this subsection, one animal unit shall be equal to either: (Rev. 8/99)
 - a. One horse, donkey, mule, cow, pig, sheep, or goat.
 - b. Five poultry.
2. A minimum lot size of one and one-half acres shall be required for the first animal unit and one and one-half acres shall be required for each additional animal unit beyond the first one. A maximum of five animal units shall be permitted per parcel. (Rev. 8/99)
3. A combination of animals up to an equivalent of the animal units permitted for the lot size shall be permitted. (Rev. 8/99)
4. An accessory building used to house, feed or shelter the animals shall not be nearer than 60 feet to any property line and it shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining or nearby parcels.
5. Any grazing or exercise area shall not be nearer than 60 feet to any property line. (Rev. 8/99)

Section 3.15 Water and Sanitary Sewer Service.

No structure for human occupancy shall, after the effective date of this Ordinance, be erected, altered or moved and used in whole or part for dwelling, business, industrial or recreation purposes unless provided with a safe, sanitary and potable water supply and with a safe and effective means of collection, treatment and disposal of human, domestic, commercial and industrial waste. Such installations and facilities, if not from an approved public system, shall conform with the minimum requirements for such facilities set forth by the State of Michigan Health Department, the Muskegon County Health Department, and the Subdivision Regulations, Building Code and other applicable ordinances of Cedar Creek Township.

Section 3.16 Corner Lots.

- A. A corner lot shall have two front lot lines, a principal front lot line and a secondary front lot line. The principal front lot line shall be determined by the property owner at construction.
- B. **General Provisions.**
 1. The required front setback shall be measured from both the principal and secondary front lot lines. The remaining setbacks shall be a rear and a side setback.
 2. For a corner lot with three front setbacks, the remaining setback shall be a rear setback. The rear setback shall be measured from the rear lot line, which

in the case of a corner lot, shall be the lot line opposite the principal front lot line.

3. The width of a corner lot shall be determined by the entire length of the principal front lot line.

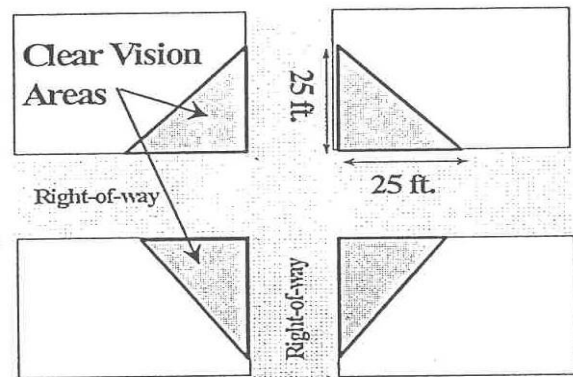
- C. **Commercial and Industrial Zoning Districts.** For a corner lot which is completely within a FR, GC, or IND District, the setback along the secondary lot line(s) shall not be less than 40 feet. All other setbacks shall comply with the minimum setback requirements of the zoning district within which the lot is located.

Section 3.17 Required Greenbelts/Buffers.

In order to provide protective screening for residential areas adjacent to or near nonresidential areas, a landscaped greenbelt shall be provided by the nonresidential property owners. Such greenbelt shall be a strip of at least 20 feet in width which is planted and maintained with a species of plant which will provide a sight obscuring buffer year around, at least five feet in height at the time of planting, and 15 feet on center; or a hedge of evergreens at least four feet in height, situated so as to provide an effective sound and visual buffer; or a six foot wall or solid fence may be substituted for living vegetation. The portion of the greenbelt not covered by such trees or hedges shall be planted with grass or other living material and kept in a healthy growing condition, neat and orderly in appearance. Any shrubs, bushes, or other plants which project into or across adjacent land may be trimmed back to the property line by the adjacent property owner. The buffer shall not in any way cause a vision hazard at a road intersection, or driveway.

Section 3.18 Clear Vision.

- A. No plantings shall be established or maintained on any corner lot which will obstruct the view of a vehicle driver approaching the intersection. Such unobstructed corner shall mean a triangular area formed by the street right-of-way lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the right-of-way lines extended. This shall not prohibit the planting of shrubbery which will not achieve a height at maturity of more than 30 inches.



- B. No plantings shall be established in any required front yard which, in the opinion of the Zoning Administrator, will obstruct the view from driveways or adjacent roadways of vehicles entering or leaving the site.

- C. No plantings, landscaping, fences, or other structures or obstacles, except mail boxes, shall be placed in any road right-of-way.

Section 3.19 Vehicle Repair in Residential Districts.

No person, as owner or tenant, shall perform mechanical or body work on any motor vehicle in a residential district, except under the following conditions:

- A. Work may be done only on a vehicle used by the property owner or tenant or his immediate family, as family transportation.
- B. The property owner or tenant must have proof of ownership available for inspection.
- C. The vehicle being repaired must be currently licensed by the State of Michigan.
- D. No unlicensed, inoperable, partially dismantled, wrecked, junked or discarded vehicle, nor any parts thereof, shall be parked, stored or placed in the open for longer than five days on any premises in any residential district.

Section 3.20 Temporary Dwellings.

Temporary dwellings are permitted in any district provided that the following conditions are met:

- A. No temporary dwelling whether of a fixed or movable nature, may be erected, altered or moved upon any lot or parcel of land in the Township and used in whole or in part for temporary dwelling purposes unless authorization is first obtained from the Building Inspector.
- B. The location and erection of each such temporary dwelling shall conform to all the regulations of the zoning district in which it is situated as well as all other applicable regulations of this Ordinance. It must be connected to water, sewer, and electric supplies.
- C. Temporary dwellings may be allowed for the following reasons:
 - 1. In the event of fire destroying a dwelling.
 - 2. Natural disaster or destruction of a dwelling.
 - 3. A maximum time limit of 12 months or less shall be granted for any of above reasons, and it shall be the intent of the applicant to reconstruct a new permanent dwelling, or make the necessary repairs to the permanent dwelling.
- D. The water supply and sanitary facilities serving each temporary dwelling shall conform to all applicable requirements of the Michigan Health Department, Muskegon County Health Department, the Township Building, Electric, and Plumbing Codes, and all other Township ordinances or rules and regulations.

E. In granting the authorization specified in subsection A of this section, the Building Inspector shall consider the following standards:

1. The reason and necessity for the temporary dwelling structure.
2. The size and condition of the temporary dwelling structure.
3. The proposed location of the temporary dwelling structure.
4. The applicant shall sign an agreement with the Township to pay all the Township legal and other costs of prosecution to remove any temporary dwelling structure that remains on the premises after expiration or revocation of permit.
5. The temporary dwelling structure may be used as a residence for a period not to exceed 12 months. Intent to erect a permanent dwelling on the premises is shown by:
 - a. Zoning, building, and other applicable permits have been issued for the permanent building.
 - b. On-site sewer system permit has been granted by Muskegon County for the temporary and permanent dwelling.
 - c. Submittal of a construction timetable noting dates when major phases will be completed. The construction timetable shall use the following benchmarks to determine the completeness of the project. (For example, if the shell is up, the windows are framed, locked, and weather tight, then the building is 35 percent complete):

i. Shell-sheathed, no windows	20%
ii. Framed, looked and weather tight	15%
iii. Partitions, weather tight with utilities roughed	15%
iv. Utility and electrical fixtures (occupiable)	15%
v. Kitchen complete, walls, floors, and ceiling nearly finished	15%
vi. Complete, minus finishing touches inside and out	10%
vii. Other	10%

F. **Time Extensions.** No extensions will be granted without approval of the Township Board, and only for proven hardship cases.

Section 3.21 Unclassified Use.

Where a proposed use of land or use of building is not contemplated or specified by this Ordinance or where the Zoning Administrator has a question as to the appropriateness of a use which, although permitted, involves other features which were not contemplated or specified by this Ordinance, the Zoning Administrator shall request a determination by the Planning Commission. If the Planning Commission determines that such use is not contemplated or specified by this Ordinance, or that it involves features which were not contemplated or specified herein, then the Planning Commission may permit such use as a special use only after it determines that the use will have no adverse effect upon adjacent property, that the use is similar to other uses in the district in which it is proposed to be placed, and that the spirit, purpose and intent of the Zoning Ordinance and Master Plan are not impaired by permitting such use at the proposed location. (New 6/28/05)

Section 3.22 Storage of Heavy Equipment.

No person as owner or tenant, shall permit or cause heavy equipment to be parked or stored on any residential lot, except under the following conditions:

- A. The lot is in an LDR Zoning District.
- B. The lot is more than five acres in area.
- C. The equipment is parked inside a totally enclosed buildings, or in the rear yard of the property.
- D. No repairs on the equipment shall be permitted, except as outlined in Section 3.19.

Section 3.23 Hazardous Activities.

Shall conform to county, state and federal regulations. (Rev. 8/99)

Section 3.24 Illegal Dumping.

No tin cans, stoves, garbage, automobile bodies, junk, refuse or any junk as defiled in Section 2.11 shall be dumped or allowed to remain on any private or public land within the Township unless as otherwise provided herein, or at such location as has been designated as a sanitary landfill by the Township Board and the County Health Department. (Rev. 8/99)

Section 3.25 Waterfront Dwellings Setback.

(Rev. 9/15/03)

On lots adjacent to a lake, river, creek or stream all single-family dwellings, two-family dwellings and multiple-family dwellings shall be set back from the ordinary high water mark of the lake, river, creek or stream as provided in this section. (Rev. 9/15/03)

- A. In the LDR and HDR Districts, all single-family dwellings, two-family dwellings and multiple-family dwellings shall be set back at least 100 feet from the ordinary high

water mark of any lake, river, creek or stream that is adjacent to the lot on which the dwelling is located. (New 9/15/03)

B. In the AG, FR, MHP, PUD and LLR Districts, all single-family dwellings, two-family dwellings, and multiple-family dwellings shall be set back at least 300 feet from the ordinary high water mark of any lake, river, creek or stream adjacent to the parcel of land on which the dwelling is located; provided, however, that the Planning Commission may consider and approve a special exception use so as to permit a lesser setback, but in any event not less than 100 feet, if in considering an application for such special exception use, the Planning Commission determines that anyone or more of the following factors justifies the approval of the special exception use: (New 9/15/03)

1. There are exceptional topographic conditions pertaining to the property and the placement of a dwelling thereon. (New 9/15/03)
2. The special exception use is necessary in order that the placement of a proposed dwelling would be substantially consistent with existing dwelling setbacks on either side of the property and in the immediate vicinity thereof. (New 9/15/03)
3. The special exception use is necessary in order that significant natural features of the property may be preserved. (New 9/15/03)
4. The special exception use is necessary as a result of other unique characteristics of the land. (New 9/15/03)
5. There are other circumstances constituting an unnecessary hardship, with respect to the land, justifying the approval of the special exception use. (New 9/15/03)

Such special exception use shall be considered at a public meeting of the Planning Commission, and the final decision thereon shall be made by the Commission; provided, however, that in the discretion of the Commission, public notice of the meeting may be given in the same manner as would be required by law for the consideration of a special land use. If the Planning Commission elects to provide such notice, the matter shall be considered at a public hearing of the Commission, and in that case the Commission shall make a recommendation to approve, to deny or to approve with conditions the application for the special exception use, but the final decision thereon shall be made by the Township Board at a public meeting of the Board. (New 9/15/03)

In all such cases, the setback from a lake, river, creek or stream shall be measured from the ordinary high water mark of the body of water to the main wall of the dwelling; provided, however, in those cases in which a deck, as defined in Section 3.2.E of this Ordinance, is located not more than four inches away from a dwelling, either in whole or in part, and such deck is between the dwelling and the ordinary high water mark of the body of water, then the

setback from the body of water shall be measured from the ordinary high water mark thereof to the nearest part or portion of the deck. (New 9/15/03)

All applicable state and federal requirements with respect to the placement of dwellings on parcels adjacent to bodies of water shall be complied with. (New 9/15/03)

Section 3.26 Site Condominiums.

(Repealed In Its Entirety 9/15/03)

See New Chapter 15A

**CHAPTER 4
ZONING DISTRICTS - GENERAL**

Section 4.1 Districts Established.

For the purposes of this Ordinance, Cedar Creek Township is hereby divided into the following zoning districts:

CURRENT DISTRICT DESIGNATION		PREVIOUS ORDINANCE DESIGNATION	
AG	Agricultural District	A-1	Agricultural District
FR	Forest - Recreation District	FR-1	Forest - Recreation District
LDR	Low Density Residential District	R-2	Residential District
HDR	High Density Residential District	R-1	Residential District
MHP	Manufactured Home Park District		
GC	General Commercial District	C-1	Commercial District
IND	Industrial District	I-1	Industrial District
PUD	Planned Unit Development District		
LLR	Large Lot Residential District (new 6/2/03)		

Section 4.2 District Boundaries.

- A. **Boundaries.** The boundaries of the districts listed in Section 4.1 are hereby established as shown on the Cedar Creek Township Zoning Ordinance Map, which is part of this Ordinance.
- B. **Interpretation of District Boundaries.** Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:
 - 1. Boundaries indicated as approximately following the center lines of streets, roads, highways, or alleys shall be construed to follow such center lines.
 - 2. Boundaries indicated as approximately following platted lot lines or Township limits shall be construed as following such lot lines or Township limits.

3. Boundaries indicated as following railroad lines shall be construed to be the midpoint between the main tracks.
4. Boundaries indicated as parallel to or extensions of features indicated in Section 4.2.B.1-3, shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.
5. Where physical or natural features existing on the ground differ from those shown on the zoning map, or in other circumstances not covered by this section, the Zoning Board of Appeals shall interpret the district boundaries.
6. For the sake of map clarity, various districts may not cover public rights-of-way. It is intended that such district boundaries extend to the center of any public right-of-way.

Section 4.3 Zoning or Vacated Areas.

Whenever all or part of a street, alley or other public way is vacated, it shall automatically become a part of the district to which it attaches. If a vacated area is bordered by two different districts, the area is divided along a line half way between, unless the Township Board shall otherwise designate.

CHAPTER 5
AG AGRICULTURAL DISTRICT

Section 5.1 Purpose.

This district is intended to provide for the continuation of the existing general farming and related activities in the Township. The regulations for this district recognize the need to preserve existing farms to remain in those areas where agriculture is best suited, and to discourage untimely and scattered residential and commercial development in such areas.

Section 5.2 Permitted Uses.

No land and/or buildings in the AG District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Agriculture, farming, dairy and stock raising, and all general agricultural land uses, buildings, and activities.
- B. Single-family detached dwellings.
- C. Family day care homes.
- D. State licensed residential family care facilities.
- E. Accessory buildings, structures, and uses.
- F. Essential services and public utilities.
- G. Greenhouses, orchard and plant nurseries.
- H. Woodlots and tree farms.
- I. Single-family housing developments meeting the qualifying conditions of Section 12B.2 may be developed in accordance with the requirements of Chapter 12B. (New 9/15/03)
- J. Home occupations. (New 11/1/06)

Section 5.3 Special Uses.

No land and/or buildings in the AG District shall be used, except for the following purposes when approved in accordance with the requirements of Chapter 15.

- A. Agricultural processing and warehousing.
- B. Group day care homes.
- C. Mining of natural resources excluding forest related programs.

- D. Forest connected industries, including but not limited to, sawmills, lumber and planing mills, debarking operations, and chipping facilities.
- E. Farm labor dwellings.
- F. Roadside stands.
- G. Riding stables. (Renumbered 11/1/06)
- H. Kennels.
- I. Veterinary hospitals and clinics.
- J. Junkyards.
- K. Wireless communication facilities. (Rev. 8/99)
- L. Bed and breakfast establishments.
- M. Cervidae operation. (New 10/28/02)
- N. Wind Energy Conversion System (WECS). (New 7/26/04)

Section 5.4 Site Development Requirements.

All permitted uses and special uses are subject to the following site development requirements:

- A. Site plan review is required for all special uses in accordance with Chapter 14, Section 14.1.
- B. Parking is required in accordance with Chapter 14, Section 14.2.
- C. Signs are permitted in accordance with the requirements of Chapter 14, Section 14.3.
- D. Setbacks, height, area, lot dimension, and setback requirements shall be met as noted on the following chart, and as noted in District Regulations, Chapter 13.

Minimum Lot Size	10 acres
Minimum Lot Width	300 feet
Front Yard Setback	50 feet
Side Yard Setback	30 feet (each side)
Rear Yard Setback	75 feet

Maximum Height	35 feet or 2 1/2 stories, whichever is lower
Maximum Lot Coverage	40% (Rev. 7/26/04)
See also footnotes (a) and (b) in Chapter 13, Section 13.2	

Section 5.5 Site Development Division Option.

(New 4/14/03)

This option is called a conservation zoning privilege that allows the creation of small buildable lots and leaves the majority of the parcel intact and conserved in that future splits are not allowed. Therefore, caution and long range planning should be involved when exercising this option. It is based on the Land Division Act and requires that the maximum lot depth to width ration be four to one on newly created lots with one exception as noted. The provisions of Section 5.4 apply to all parcels with the exception of lot size.

OPTION - A maximum of 20 percent of any master parcel may be divided into new lots averaging not less than two acres in area. The remaining 80 percent of the master parcel, when area allows, may be split into lots not less than 40 acres in area (or 25 acres when the maximum lot depth to width ratio on newly created lots shall be two and one-half to one or less.)

CHAPTER 5A
LLR LARGE LOT RESIDENTIAL DISTRICT

(New 6/2/03)

Section 5A.1 Purpose.

This district is intended for use in those areas identified by the Master Plan where agricultural use will be phased out and replaced by residential use. Lots are intended to be large so that agriculture and homes can coexist and development kept to a low impact level.

Section 5A.2 Permitted Uses.

No land and/or buildings in the LLR District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Single-family detached dwellings.
- B. Family day care homes.
- C. State licensed residential family care homes.
- D. Accessory buildings, structures, and uses.
- E. Agricultural uses. (Rev. 11/1/06)
- F. Essential services and public utilities.
- G. Greenhouses, orchard and plant nurseries.
- H. Wood lots and tree farms.
- I. Home occupations. (New 11/1/06)

Section 5A.3 Special Uses.

No land and/or buildings in the LLR District shall be used, except for the following purposes when approved in accordance with the requirements of Chapter 15.

- A. Public and semi-public uses including but not limited to public and private schools, churches, parks, and recreation areas.
- B. Bed and breakfast establishments.
- C. Cemeteries.
- D. Kennels.

- E. Group day care homes. (Renumbered 11/1/06)
- F. Golf courses or country clubs.
- G. Two-family dwellings.
- H. Cervidae operation.
- I. Roadside stands.
- J. Riding stables.
- K. Veterinary hospitals and clinics.

Section 5A.4 Site Development Requirements.

All permitted uses and special uses are subject to the following site development requirements:

- A. Site plan review is required for all special uses in accordance with Chapter 14, Section 14.2.
- B. Parking is required in accordance with Chapter 14, Section 14.2.
- C. Signs are permitted in accordance with the requirements of Chapter 14, Section 14.3.
- D. Setbacks, height, area, lot dimension, and setback requirements shall be met as noted on the following chart, and as noted in District Regulations, Chapter 13.

Minimum Lot Size	5 acres
Minimum Lot Width	300 ft.
Front Yard Setback	50 ft.
Side Yard Setback	30 ft. (each side)
Rear Yard Setback	75 ft.
Maximum Height	35 ft. or 2 1/2 stories whichever is lower
Maximum Lot Coverage	30%
See also footnotes (a) and (b) in Chapter 13, Section 13.2	

CHAPTER 6
FR FOREST-RECREATION DISTRICT

Section 6.1 Purpose.

This district is intended to prevent the destruction of natural or man-made resources; to maintain large tracts for forest and recreation purposes; to provide for the continuation of forest management and production programs; and to foster certain recreational uses, and other activities which are compatible with the public welfare.

Section 6.2 Permitted Uses.

No land in the FR District shall be used in whole or in part, except for the following purposes by right: (Rev. 7/01)

- A. Production of forest crops, and tree plantations.
- B. Public recreational areas and wildlife refuges.
- C. Harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits, and tree seeds.
- D. Soil and water conservation programs.
- E. Essential services and public utilities.

Section 6.3 Special Uses.

No land and/or buildings in the FR District shall be used, except for the following purposes when approved in accordance with the requirements of Chapter 15:

- A. Private parks and sports areas.
- B. Year around residences for caretakers of forest or recreation areas.
- C. Recreational service-oriented uses such as resorts and marinas. Restaurants, sport shops, boat sales, and other incidental and accessory uses may be permitted when accessory to the principal use.
- D. Mining of natural resources, excluding forest related programs.
- E. Forest connected industries, including but not limited to, sawmills, lumber and planing mills, debarking operations, and chipping facilities.
- F. Riding stables.
- G. Shooting ranges.

- H. Campgrounds.
- I. Cervidae operation. (New 10/28/02)
- J. Wind Energy Conversion Systems (WECS). (New 7/26/04)

Section 6.4 Site Development Requirements.

All permitted uses and special uses are subject to the following site development requirements:

- A. Site plan review is required for all special uses in accordance with Chapter 14, Section 14.1.
- B. Parking is required in accordance with Chapter 14, Section 14.2.
- C. Signs are permitted in accordance with the requirements of Chapter 14, Section 14.3.
- D. Setbacks, height, area, lot dimension, and setback requirements shall be met as noted on the following chart, and as noted in District Regulations, Chapter 13.

Minimum Lot Size	10 acres
Minimum Lot Width	160 feet
Front Yard Setback	75 feet
Side Yard Setback	50 feet (each side)
Rear Yard Setback	75 feet
Maximum Height	35 ft. or 2 1/2 stories, whichever is lower
Maximum Lot Coverage	35% (Rev. 7/26/04)
See also footnotes (a) and (b) in Chapter 13, Section 13.2.	

Section 6.5 Site Development Division Option.

(New 4/14/03)

This option is called a conservation zoning privilege that allows the creation of small buildable lots and leaves the majority of the parcel intact and conserved in that future splits are not allowed. Therefore, caution and long range planning should be involved when exercising this option. It is based on the Land Division Act and requires that the maximum lot depth to width ration be four to one on newly created lots with one exception as noted. The provisions of Section 6.4 apply to all parcels with the exception of lot size.

OPTION - A maximum of 20 percent of any master parcel may be divided into new lots averaging not less than two acres in area. The remaining 80 percent of the master parcel, when area allows, may be split into lots not less than 40 acres in area (or 25 acres when the maximum lot depth to width ratio on newly created lots shall be two and one-half to one or less.)

CHAPTER 7
LDR LOW DENSITY RESIDENTIAL DISTRICT

Section 7.1 Purpose.

This district is intended to provide for single-family residential living environment and to foster stable, high quality neighborhoods free from other uses that are incompatible with residential uses. The regulations for this district provide large enough parcels to sustain a healthy on-site water supply and liquid wastewater disposal. Public sewer and water service in this district is unlikely due to economic restraints. This district will offer low density residential areas.

Section 7.2 Permitted Uses.

No land and/or buildings in the LDR District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Single-family detached dwellings.
- B. Family day care homes.
- C. State licensed residential family care facilities.
- D. Accessory buildings, structures, and uses.
- E. Agricultural uses for personal use and consumption.
- F. Essential services and public utilities.
- G. Single-family housing developments meeting the qualifying conditions of Section 12B.2 may be developed in accordance with the requirements of Chapter 12B. (New 9/15/03)
- H. Home occupations. (New 11/1/06)

Section 7.3 Special Uses.

(Rev. 5/00)

No land and/or buildings in the LDR District may be used, except for the following purposes when approved in accordance with the requirements of Chapter 15:

- A. Public and semi-public uses including but not limited to public and private schools, churches, parks, and recreation areas.
- B. Bed and breakfast establishments.
- C. Cemeteries.

- D. Kennels.
- E. Group day care homes. (Renumbered 11/1/06)
- F. Golf courses or country clubs.
- G. Two-family dwellings.
- H. Cervidae operation. (New 10/28/02)

Section 7.4 Site Development Requirements.

All permitted uses and special uses are subject to the following site development requirements:

- A. Site plan review is required for all special uses in accordance with Chapter 14, Section 14.1.
- B. Parking is required in accordance with Chapter 14, Section 14.2.
- C. Signs are permitted in accordance with the requirements of Chapter 14, Section 14.3.
- D. Setbacks, height, area, lot dimension, and coverage requirements shall be met as noted on the following chart, and as noted in District Regulations, Chapter 13.

Minimum Lot Size	1.5 Acres
Minimum Lot Width	150 feet
Front Yard Setback	30 feet (Rev. 8/99)
Side Yard Setback	10 feet (each side) (Rev. 11/11)
Rear Yard Setback	20 feet; 30 feet when abutting a road (Rev. 7/29/02)
Maximum Height	30 feet or 2 1/2 stories, whichever is lower
Maximum Lot Coverage	30% (Rev. 7/26/04)
Accessory Buildings up to 120 Square Feet (Rev. 9/23/02)	
Front Yard Setback	30
Side Yard Setback	5
Rear Yard Setback	5
See also footnotes (a) and (b) in Chapter 13, Section 13.2	

CHAPTER 8
HDR HIGH DENSITY RESIDENTIAL DISTRICT

Section 8.1 Purpose.

This district is intended to provide areas for the preservation and establishment of residential neighborhoods. Lot sizes are small, and may eventually allow for public sewer and water service. The district will promote a higher density residential environment, at the same time preserving those natural features that are important to the character of Cedar Creek Township.

Section 8.2 Permitted Uses.

(Rev. 9/15/03)

No land and/or buildings in the HDR District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Single-family detached dwellings. (Rev. 9/15/03)
- B. Family day care homes. (Rev. 9/15/03)
- C. State licensed residential family care facilities. (Rev. 9/15/03)
- D. Accessory buildings, structures, and uses. (Rev. 9/15/03)
- E. Essential services and public utilities. (Rev. 9/15/03)
- F. Single-family housing developments meeting the qualifying conditions of Section 12B.2 may be developed in accordance with the requirements of Chapter 12B. (New 9/15/03)
- G. Home occupations. (New 11/1/06)

Section 8.3 Special Uses.

(Rev. 5/00)

No land and/or buildings in the HDR District may be used, except for the following purposes when approved in accordance with the requirements of Chapter 15:

- A. Public uses including but not limited to parks and recreation areas.
- B. Bed and breakfast establishments.
- C. Group day care homes. (Renumbered 11/1/06)

Section 8.4 Site Development Requirements.

All permitted uses and special uses are subject to the following site development requirements:

- A. Site plan review is required for all special uses in accordance with Chapter 14, Section 14.1.
- B. Parking is required in accordance with Chapter 14, Section 14.2.
- C. Signs are permitted in accordance with the requirements of Chapter 14, Section 14.3.
- D. Setbacks, height, area, lot dimension, and coverage requirements shall be met as noted on the following chart, and as noted in District Regulations, Chapter 13.

Minimum Lot Size	25,000 square feet
Minimum Lot Width	100 feet
Front Yard Setback	30 feet
Side Yard Setback	10 feet (each side)
Rear Yard Setback (Rev. 7/29/02)	10 feet; 30 feet when abutting a road
Maximum Height	30 feet or 2 1/2 stories, whichever is lower
Maximum Lot Coverage	35% (Rev. 7/26/04)
Accessory Buildings up to 120 Square Feet (Rev. 9/23/02)	
Front Yard Setback	30
Side Yard Setback	3
Rear Yard Setback	3
See also footnotes (a) and (b) in Chapter 13, Section 13.2	

CHAPTER 9
MHP MANUFACTURED HOME PARK DISTRICT

Section 9.1 Purpose.

Consistent with the Township's goal to provide a mix of housing styles, types, and densities to accommodate the residential needs of all residents; and to provide for manufactured home park development, of long-term duration of stay, in areas which are appropriate by means of traffic access, public utilities, and services. Public water and sewer facilities, or a suitable alternative method shall be provided for each development. Any such development is to be located near essential community services and abutting public roads. All manufactured home parks shall comply with the applicable requirements of Public Act 96 of 1987, as amended.

Section 9.2 Permitted Uses.

No land and/or buildings in the MHP District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Manufactured homes when located within a state licensed and approved manufactured home park.
- B. Family day care homes.
- C. State licensed residential family care facilities.
- D. Accessory buildings, structures, and uses.
- E. Essential services and public utilities.
- F. Home occupations. (New 11/1/06)

Section 9.3 Special Uses.

No land and/or buildings in the MHP District shall be used, except for the following purposes when approved in accordance with the requirements of Chapter 15.

Section 9.4 Regulations.

All manufactured home parks shall comply with the applicable requirements of Public Act 96 of 1987, as amended provided further that said developments meet the standards and conditions and all other provisions as herein established in Chapter 9.

Section 9.5 Installation and Occupation of Manufactured Homes.

- A. No manufactured home shall be placed, parked, or installed in a manufactured home park until such time as a building permit is obtained from the Township Building Inspector.

- B. No manufactured home shall be occupied by any person as a residence, or for any other purpose until such time as said manufactured home is placed or situated on a specific lot in the manufactured home park. Further, such home shall be inspected by the Township Building Inspector and issued an occupancy permit.
- C. Such inspection shall include the placement, connection to utilities, and compliance with all applicable state or Township ordinances and regulations. Upon payment of an inspection fee as may be authorized by resolution of the Township Board, the Building Inspector may issue a permit.
- D. In the event said manufactured home is moved to another lot or another manufactured home is placed on the specific lot, the owner or resident must obtain a new occupancy permit from the Township Building Inspector.

Section 9.6 General Standards.

Manufactured housing developments shall be permitted when the following conditions are met:

- A. **Manufactured Housing Commission Approval.** All manufactured housing developments shall comply with the applicable requirements of the Mobile Home Commission Act, 1987 PA-96, MCL 125.2301: MSA 19.8555(101) as amended, and the rules of the Michigan Manufactured Housing Commission set forth and provided thereunder, as amended, and the requirements of this section.
- B. **Planning Commission Approval.** Manufactured housing developments shall be subject to the review and approval of a preliminary site plan by the Planning Commission. The preliminary site plan shall consist of a manufactured housing development preliminary plan, as described in Section 11, of the Mobile Home Act, Act No. 96 of Public Acts of 1987, as amended. Such review of the preliminary site plan is required in order to minimize the possibility of adverse effects upon adjacent property; and furthermore to find proper relationships in the development features as they relate to traffic, safety, service roads, driveways, parking areas, accessory buildings and uses, and planned open space.
- C. **Minimum Park Area.** Manufactured housing developments shall be at least 15 acres in area, excluding adjacent parcels that may be proposed for expansion.
- D. **Minimum Lot Area.** The average area of manufactured housing sites within a development may not be less than 5,500 square feet per site. The 5,500 square feet for any one site may be reduced by no more than 20 percent, provided that the site area shall be at least 4,400 square feet. For each square foot of land area gained through the reduction of a site below 5,500 square feet, at least an equal area of land shall be designated as open space. In no case, however, shall the open space and distance requirements be less than those required under R 125.1946, Rule 9465, and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.

- E. **Building Height.** No building or structure hereinafter erected or altered in a manufactured housing development shall exceed two story in height or 35 feet.
- F. **Building Setbacks and Spacing.** The following minimum distances shall be provided and maintained from a manufactured home unit as required by the Manufactured Housing Commission rules. Spacing shall be measured from the face, side, or back of the manufactured housing unit. If the unit has an attached or add-on structure, the applicable distances shall be measured from the face, side or back of the attached or add-on structure.
1. Twenty feet between any part of a manufactured home as outlined above, and an adjacent manufactured home used for living purposes.
 2. Ten feet from an on-site parking space of an adjacent manufactured home site.
 3. Ten feet from an attached or detached structure or accessory of an adjacent manufactured home that is not used for living purposes.
 4. Fifty feet from any permanent park-owned structures such as, community buildings, offices, maintenance and storage facilities and similar structures.
 5. One hundred feet from a baseball or softball field.
 6. Ten feet from the edge of an internal street.
 7. Fifteen feet between manufactured homes parallel to an internal road and structures of adjacent homes.
 8. Seven feet from an off-site parking bay and common sidewalk.
 9. Twenty-five feet from the fence of a swimming pool.
 10. Twenty-five feet from the edge of a natural or man-made lake or waterway.
 11. Ten feet from the perimeter property boundary line of the development except where a 20-foot screening buffer is required as provided for in this Ordinance.
- G. **Parking Provisions.** All manufactured housing developments must meet the following parking requirements:
1. Two parking spaces shall be provided for each manufactured home site and shall comply with the requirements of R 125.1925, Rule 925.
 2. One parking space shall be provided for every three manufactured home units for guests, and shall meet the requirements of R 125.1926, Rule 926.

H. **Streets and Access.**

1. Only streets within the manufactured housing development shall provide access to individual manufactured home sites in the development.
2. Internal roads shall be designed in accordance with the Manufactured Housing Commission Rules 125.1920 and 125.1922. The following street widths are permitted. Such width shall be measured on the driving surface of the road. Streets not permitting parking shall be clearly marked or signed.

Street Type	On-Street Parking Permitted	Minimum Street Width
One-way	None	13 feet
Two-way	None	21 feet
One-way	Parallel parking on one side of the street	23 feet
One-way	Parallel parking on both sides of the street	33 feet
Two-way	Parallel parking on one side of the street	31 feet
Two-way	Parallel parking on both sides of the street	41 feet

- I. **Utilities.** Each manufactured housing unit shall be served by all public and private utilities in accordance with rules 125.1931 through 125.1940a. Public sewer and water systems shall be required in manufactured home developments, if available within 200 feet of any perimeter boundary at the time of preliminary plan approval. If a public sewer and water system is unavailable, the development shall connect to a state approved sewage system and/or water supply system.

- J. **Landscaping.** Manufactured housing developments shall be landscaped as follows:

1. If the manufactured housing development abuts an existing residential development, the development shall be required to provide screening along the park boundary abutting the residential development. Required screening shall consist of a mixture of deciduous and evergreen trees and shrubs that are spaced to provide a continuous screen at maturity.
2. If the development abuts a nonresidential development, the development need not provide screening.
3. In all cases, however, a development shall provide landscaping along the boundary abutting a public right-of-way.

4. Where screening is required, canopy trees shall be a minimum size of two inch caliper at the time of planting, evergreen trees shall be a minimum height of three feet at the time of planting and shrubs shall be a minimum height of 24 inches.
- K. **Open Space.** In accordance with R 125.1946, a manufactured housing development that contains 50 or more home sites shall have not less than 2 percent of their gross acreage dedicated as open space, but not less than 25,000 square feet. This area shall be exclusive of storm water management facilities such as detention and retention basins.
- L. **Lighting.** Lighting shall be provided along all vehicular and sidewalk systems within a manufactured housing development including access points, road intersections, designated pedestrian crosswalks and parking bays and shall comply with the intensity levels set forth in R 125.1929.
- M. **Sidewalks.** A five foot concrete sidewalk shall be constructed along the public road(s) on which the manufactured home park fronts. Such sidewalk shall be located within the road right-of-way or easement, beginning one foot inside the right-of-way or easement line. Additionally, should the developer choose to employ internal sidewalk systems, such sidewalk systems shall conform to the Manufactured Housing Commission standards, as promulgated.
- N. **Storage.**
 1. **Storage of Personal Property.**
 - a. Except as otherwise noted in this Ordinance, no personal property, including tires, shall be stored outside or under any manufactured home, or within carports which are open on any side.
 - b. Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted so long as they are kept on either a finished wooden deck, a concrete or bituminous asphalt patio of equivalent type of surface associated with the home.
 - c. Storage sheds with a maximum area of 144 square feet may be placed upon any individual manufactured home site for the storage of personal property.
 2. Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible from the exterior of the community. Towing mechanisms, including axles, may, however, be stored under manufactured homes within the community.
- O. **Recreational Equipment Storage.** If the owner of the manufactured housing development permits storage of boats, motorcycles, recreation vehicles, and similar equipment in the development, then the owner of the development shall provide

common areas for the storage of that equipment within the development. Such storage may take place in accordance with the following standards:

1. Such storage shall be limited to use only by residents of the manufactured housing development.
2. The location of such storage areas shall be shown on the preliminary site plan.
3. No part of any such storage area shall be located in a required yard on the perimeter of the manufactured housing development.
4. Such storage area shall be screened from view from existing residences adjacent to the manufactured housing development in accordance with the screening provision described in Section 9.6.J, above.
5. Park owners who prohibit storage of boats, off-the-road motorcycles, recreation vehicles and similar equipment are not required to construct common areas for storage.

CHAPTER 10
GC GENERAL COMMERCIAL DISTRICT

Section 10.1 Purpose.

This district is intended to provide areas for retail trade, offices, and service outlets to develop in an orderly and attractive manner. These developments will be located to meet the day to day needs of the residents in the nearby neighborhoods. These areas will generally be located along primary roads.

Section 10.2 Permitted Uses.

No land and/or buildings in the GC District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Any retail business whose principal activity is the sale of merchandise within an enclosed building.
- B. Personal and business service establishments including barbers, electronics repair, printing, publishing, photo reproduction, blue-printing, or related trades or arts.
- C. Assembly buildings including dance pavilions, auditoriums, and private clubs.
- D. Indoor recreational and entertainment facilities, such as theaters, bowling lanes, billiard parlors, skating rinks, and similar uses as determined by the Zoning Administrator.
- E. Commercial schools including, but not limited to, dance, music, trade, martial arts.
- F. Restaurants, clubs and other drinking establishments which provide food or beverage for consumption on the premises; excluding drive-ins.
- G. Health and physical fitness salons.
- H. Essential services and public utilities.
- I. Accessory uses and structures.
- J. Churches and other houses of worship. (New 9/15/03)

Section 10.3 Special Uses.

No land and/or buildings in the GC District shall be used, except for the following purposes when approved in accordance with the requirements of Chapter 15.

- A. Vehicle service stations.
- B. Vehicle repair establishments.

- C. Vehicle wash establishments.
- D. Vehicle sales area.
- E. Drive-in establishments including restaurants, banks, drycleaning pick-up stations, pharmacies, and other similar uses.
- F. Open air business.
- G. Funeral homes and mortuaries.
- H. Veterinary hospitals and clinics.
- I. Transportation terminals.
- J. Sales of farm implements and commercial construction equipment.
- K. Hotels and motels.
- L. Rental shops for equipment, tools, cars, trailers, trucks, and recreational products.
- M. Commercial outdoor recreation facility.
- N. Wireless communication facility. (Rev. 8/99)
- O. Commercial storage warehouse.

Section 10.4 Site Development Requirements.

All permitted uses and special uses are subject to the following site development requirements:

- A. Site plan review is required for all special uses in accordance with Chapter 14, Section 14.1.
- B. Parking is required in accordance with Chapter 14, Section 14.2.
- C. Signs are permitted in accordance with the requirements of Chapter 14, Section 14.3.
- D. Setbacks, height, area, lot dimensions, and setback requirements shall be met as noted on the following chart, and as noted in District Regulations, Chapter 13.

Minimum Lot Size	2 acres (Rev. 11/01)
Minimum Lot Width	150 feet
Front Yard Setback	50 feet

Side Yard Setback	20 feet minimum (one side) 100 feet total (Rev. 11/01)
Rear Yard Setback	50 feet
Maximum Height	35 ft. or 2 1/2 stories, whichever is lower
Maximum Lot Coverage	60% (Rev. 7/26/04)
See also footnotes (a), (b), (c) and (d) in Chapter 13, Section 13.2	

E. The outdoor storage of goods or materials is prohibited.

CHAPTER 11 IND INDUSTRIAL DISTRICT

Section 11.1 Purpose.

This district is intended to provide areas for the development and maintenance of industrial sites in the Township. These areas will provide manufacturers with sites close to primary roads for ease of transportation and away from residential areas to minimize potential incompatibilities. These locations will permit finished or semi-finished goods to be manufactured, assembled, treated, and sold for retail or wholesale purchasers.

Section 11.2 Permitted Uses.

No land and/or buildings in the IND District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Office buildings for executive, administrative, professional, accounting, drafting, and other similar professional activities, as determined by the Zoning Administrator.
- B. Research and development facilities, including production activities.
- C. The manufacture, compounding, processing, packaging, warehousing, or treatment of such products as foodstuffs (excepting slaughterhouses or other similar uses), cosmetics, pharmaceuticals, pottery or other ceramic products, monuments, glass products, musical instruments, toys, furniture, molded rubber or plastics products, electrical appliances, electronic instruments, signs, light sheet metal products, hardware, tool, die, gauge, and machine shops, and stamping operations.
- D. Laboratories (experimental, film, research, or testing).
- E. Accessory buildings, structures, and uses.
- F. Converted paper and paper board products.
- G. Printing, publishing, and allied industries.

Section 11.3 Special Uses.

No land and/or buildings in the IND District shall be used, except for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 15.

- A. Metal plating, buffing, and polishing.
- B. Modular and prefabricated homes and structures manufacturing.
- C. Recycling centers.
- D. Sexually oriented business. (Rev. 10/01)

- E. Transportation terminals.
- F. Warehousing facilities.
- G. Wireless communication facilities. (Rev. 8/99)
- H. Commercial storage warehouses.
- I. Solid waste sanitary transfer stations.
- J. Salvage yards.
- K. Waste disposal facilities. (Rev. 8/99)

Section 11.4 Site Development Requirements.

All permitted uses and special uses are subject to the following site development requirements:

- A. Site plan review is required for all special uses in accordance with Chapter 14, Section 14.1
- B. Parking is required in accordance with Chapter 14, Section 14.2.
- C. Signs are permitted in accordance with the requirements of Chapter 14, Section 14.3.
- D. Setbacks, height, area, lot dimension, and setback requirements shall be met as noted on the following chart, and as noted in District Regulations, Chapter 13.

Minimum Lot Size	2 acres
Minimum Lot Width	200 feet
Front Yard Setback	75 feet
Side Yard Setback	50 feet (each side)
Rear Yard Setback	75 feet
Maximum Height	40 feet
Maximum Lot Coverage	75% (Rev. 7/26/04)
See also footnotes (a), (b), (c), and (d) in Chapter 13, Section 13.2	

- E. All industrial activities shall be conducted wholly within a completely enclosed building, except for loading and unloading operations and designated outdoor storage areas meeting all applicable requirements for location and screening.

CHAPTER 12
PUD PLANNED UNIT DEVELOPMENT DISTRICT

Section 12.1 Intent and Objectives.

- A. **Intent.** It is the intent of this district to provide for flexibility in the regulation of land development. Planned unit developments (hereafter sometimes called a “PUD”) in Cedar Creek Township may be established as distinct zoning districts when approved by the Township Board in accordance with the procedures specified herein.
- B. **Objectives.**
1. To encourage innovation in land use and variety in design, layout, and type of structures.
 2. To achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
 3. To encourage useful open space.
 4. To create better living, working, and shopping environments.
 5. To promote the conservation of natural features and resources.
 6. The use of land and the construction and use of buildings and other structures as planned unit development shall be in conformance with the procedures, standards, requirements, and conditions for eligibility contained in this chapter.
 7. To provide for the regulation of a variety of land uses not otherwise authorized within a single district. The provisions of this chapter are not intended as a device for ignoring the Zoning Ordinance, or the planning upon which it has been based. The provisions of this chapter are intended to result in land use development that is substantially consistent with the goals and objectives of the Township Master Plan, this Ordinance, and consistent with sound planning principles.
 8. To provide regulation for developments that would result in recognizable and substantial benefits to the ultimate users of a project, and to the community in general where such benefits would be unfeasible or unlikely to be achieved under the requirements of the other districts in this Ordinance.

Section 12.2 Qualifying Conditions.

Any development which fails to meet the following qualifying conditions, at a minimum, shall not be considered for the PUD District:

- A. The PUD site shall be not less than ten acres in area.

- B. All PUDs shall be served by public water and sanitary sewer facilities, or by individual water wells and individual septic tanks, or by a single private system, all of which shall be approved by the Township Board, the Muskegon County Health Department, and other agencies as appropriate. (Rev. 7/28/03)
- C. The tract of land for which a PUD application is received must be either in one ownership or the subject of an application filed jointly by the owners of all properties.
- D. The proposed uses of the PUD must be consistent with the objectives as outlined in Section 12.1.B, above.
- E. To be considered as a PUD, the proposed development must demonstrate at least one of the following conditions:
 - 1. The PUD contains two or more separate and distinct uses, for example, single-family and multiple-family dwellings.
 - 2. The PUD site exhibits significant natural features encompassing more than 25 percent of the land area of the PUD which will be preserved as a result of the PUD plan.
 - 3. The PUD site has distinct physical characteristics which makes compliance with the strict requirements of this Ordinance impractical.
 - 4. The PUD is designed to preserve in perpetuity at least 30 percent of the total area of the site as open space.

Section 12.3 Permitted Uses.

A planned unit development may be made up of three districts.

- A. Residential PUD. (Section 12.11)
- B. Commercial/Industrial PUD. (Section 12.12)
- C. Mixed-Use PUD. (Section 12.13)

Section 12.4 Application Procedure.

A development plan application for a planned unit development shall contain the following:

- A. A completed application form provided by the Township, and a letter signed by the applicant and owner(s) holding an equitable interest in the property, acknowledging that such property is considered for a PUD.
- B. A site plan, prepared in accordance with Section 14.1 (Site Plan Review) of this Ordinance.

- C. Additional information on the site plan shall include:
1. A schedule of total land areas devoted to each type of use, usable floor areas, density calculations, number and types of units, and building ground coverage.
 2. Open space areas and significant natural features, indicating any proposed uses or improvements for such areas, and landscaping.
 3. Architectural sketches showing building heights, external wall finishes, location of building entry ways, lighting elements, and other architectural features.
 4. Landscaping planting plan in accordance with the landscaping requirements of this Ordinance.
- D. Other information required for consideration of PUDs.
1. Legal description illustrating the location and acreage of the subject property.
 2. General description of proposed development, including a timetable of construction and a list of departures from Zoning Ordinance regulations which will be required.
 3. The applicant shall provide legal documentation of a single ownership or control in the form of agreements, contracts, covenants, or deed restrictions which indicate that the development can be completed as shown on the plans, and further, that all portions of the development that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their successors.
 4. Other information deemed pertinent to the proposed development by the Planning Commission or Township Board.
 5. A construction schedule detailing the completion of the proposed improvements.
- E. A fee as determined by the Township Board shall be paid with the development plan application for the processing of the planned unit development application.

Section 12.5 Review Procedures – Pre-Application Conference.

- A. In order to facilitate review of a planned unit development proposal in a timely manner, the applicant may request an informal pre-application conference with Township staff. The purpose of such conference is to exchange information and provide guidance to the applicant that will assist in preparation of application materials.

- B. The applicant shall present at such conference(s) (at a minimum):
 - 1. A sketch plan of the proposed PUD (drawn to scale).
 - 2. A legal description of the property under consideration.
 - 3. The total land area of the project.
 - 4. The approximate number of residential units to be constructed.
 - 5. The floor area of non-residential uses.
 - 6. Areas to be designated as common areas or open spaces.
- C. No formal action will be taken at a pre-application conference.
- D. There shall be no fee for a pre-application conference. Statements made at the pre-application conference shall not be legally binding commitments.

Section 12.6 Review Procedures – Planning Commission Procedure.

- A. Twelve copies of a development plan application for a PUD, shall be submitted to the Township Planning Department.
- B. After a formal application of the development plan has been filed for a PUD, it shall be reviewed by the Township Planning Department to insure all required information has been provided, then submitted to the Planning Commission.
- C. A public hearing on the proposed development shall be scheduled by the Planning Commission.
- D. Notice of a public hearing shall be delivered and published in accordance with Section 17.5 of this Ordinance. (Rev. 11/1/06)
- E. Within a reasonable time following the submission of a development plan application, the Planning Commission shall make its final consideration of the application, and shall recommend to the Township Board denial, approval, or approval with conditions, the request.
- F. The Planning Commission shall have prepared a report stating its recommendations, and any conditions relating to an affirmative recommendation. If recommended for approval, the applicant shall be required to submit nine copies of the development plan application, as recommended for approval by the Planning Commission, to the Township Board.

Section 12.7 Review Procedures – Township Board Action.

- A. The Township Board shall be provided with:
 - 1. A copy of the Planning Commissions’s report.
 - 2. A summary of comments received at the public hearing.
 - 3. Minutes of all proceedings.
 - 4. All documents related to the planned unit development.
- B. Within a reasonable time of the action of the Planning Commission, the Township Board shall deny, approve, or approve with conditions, the application.

Section 12.8 Review Procedures – General.

- A. All improvements to a use of the site shall be in conformity with the approved PUD site plan and any conditions imposed.
- B. **Effect of Approval.** Approval of a PUD proposal shall constitute an amendment to the Zoning Ordinance and zoning map.

Section 12.9 Standards for Approval.

In considering any application for a planned unit development, the Planning Commission and Township Board shall make their determinations based on the standards for site plans in Section 14.1 (Site Plan Review), and the following standards:

- A. The overall design and all uses proposed in connection with a PUD shall meet the objectives as outlined in this chapter.
- B. The proposed planned unit development shall be designed with due regard to its relationship with development on surrounding properties and uses thereon, including building heights, setbacks, density, parking, traffic circulation, landscaping, views, greenbelts, and other layout features. In particular, consideration shall be given to the following:
 - 1. The bulk, placement, architecture, and type of materials used in construction of proposed structures.
 - 2. The location of outdoor storage, outdoor activity, and mechanical equipment in relation to surrounding development.
 - 3. The location of storm sewers, drains, and/or retention and detention areas or natural water areas.
 - 4. The hours of operation of the proposed uses, for commercial/industrial, and mixed-use PUDs.

5. Landscaping, compatibility with natural features, and other site amenities.
 6. The area and location of open space, and its convenience to users.
 7. Traffic impacts shall be minimized, and consideration shall be given to the following:
 - a. Estimated traffic to be generated by the proposed development.
 - b. Access to major thoroughfares.
 - c. Proximity and relation to intersections.
 - d. Adequacy of driver sight distances.
 - e. Location of, and access to off-street parking.
 - f. Location of, and adequacy of street and parking lot lighting.
 - g. Required vehicular turning movements, and access for emergency vehicles.
 - h. Provision for pedestrian traffic.
 - i. Access to, and placement of loading and unloading areas.
 - j. Adequacy of road widths, traffic controls, and channelization.
- C. The proposed PUD shall be serviced by public water, underground electricity, gas lines, telephone, and cable television, and if available, sanitary sewer. If public water or sanitary sewer are not available, then provisions shall be made for either individual water wells and individual septic tanks, or a private community system approved by the Muskegon County Health Department. (Rev. 7/28/03)
- D. **Open Space Requirements.**
1. Every PUD shall provide at least 30 percent of its gross area as open space.
 2. Designated open space shall consist of contiguous land area which is restricted to non-developmental uses.
 3. The following land within the boundaries of a PUD shall not be included as meeting the requirements for open space:
 - a. Any area which is used for roads, streets, alleys, right-of-way easements, etc.
 - b. Any area devoted to a building lot, accessory use or building, vehicle parking, and any approved land improvement.

4. Any significant natural features of the land shall be included within the designated open spaces. Examples include: dunes, wetlands, woodlands, steep slopes, etc.
 5. The designated open space shall be readily accessible to all property owners and users of the PUD. This shall include such matters as proximity, visual linkages, and pedestrian linkages.
 6. Minor structures or buildings which are accessory to the designated open space may be erected in accordance with the approved open space plan, as outlines in Section 3.2 (Accessory Buildings, Structures, and Uses).
 7. Designated open space shall be under common ownership or control, so a single entity has proprietary responsibility. Documentation of ownership or control shall be provided to the Township.
 8. Designated open space shall be set aside by means of a conveyance approved by the Township Board. The conveyance shall state and outline:
 - a. That the open space is protected from all forms of development except as shown on the approved site plan.
 - b. That the open space shall not be changed to another use without the consent of the Township.
 - c. The proposed allowable use of the designated open space.
 - d. That the designated open space is maintained by the parties who have an ownership interest in the open space.
 - e. The scheduled maintenance of the open space.
 - f. That the maintenance of the open space may be undertaken by the Township in the event that the open space is inadequately maintained or becomes a nuisance. Further that, any costs incurred by the Township for such maintenance shall be assessed against the property owners.
- E. The road system in a PUD shall be designed to limit destruction of existing natural vegetation, or increase the possibility of erosion.
- F. Exterior lighting shall not be a nuisance to users or residents in a PUD or adjacent property owners.
- G. Signs in a commercial/industrial, or mixed-use PUD shall be regulated by Section 14.3 (Signs).

- H. No outside storage of materials shall be permitted unless screened as outlined in Section 3.17 (Required Greenbelts/Buffers).
- I. Parking requirements for each use shall be determined in accordance with Section 14.2 (Off-Street Parking and Loading).
- J. Street lighting shall be installed, as recommended by the Planning Commission.
- K. The proposed development shall be in compliance with all applicable federal, state, county, and local laws and regulations. Any other permits for development that may be required by other agencies shall be available to the Township Board before final approval.
- L. The proposed PUD shall not have a substantially detrimental effect upon, nor substantially impair the value of neighborhood property.
- M. The proposed development shall be reasonably compatible with the natural environment of the subject parcel and adjacent properties.
- N. The proposal shall not unduly interfere with provision of adequate light or air, nor overcrowd land or cause a severe concentration of population.
- O. The proposed use shall not interfere with or unduly burden water supply facilities, sewage collection and disposal systems, school facilities, park and recreational facilities, or other public services.
- P. The Planning Commission may impose reasonable conditions in conjunction with the approval of a PUD. Conditions imposed shall meet all of the following requirements:
 - 1. Be designed to protect natural resources, the health, safety, and welfare of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - 2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.

Section 12.10 Expiration of Approval.

- A. Approval of the PUD shall expire and be of no effect unless substantial construction has commenced within one year of the date of approval. An extension for a specific period may be granted by the Township Board upon good cause shown, only if such request is made to the Township Board prior to the expiration date.
- B. In the case of a PUD proposed to be completed in phases, the expiration of approval; as outlined in subsection A, above, shall only be effective for each phase after approval. The rezoning shall include the entire proposed PUD.

1. Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space.
 2. Shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the occupants of the surrounding area.
- C. In the event an approved PUD has expired, the Township Board may rezone the property after the Planning Commission has held a public hearing and made a recommendation in accordance with the provisions of Section 17.4 (Amendments).

Section 12.11 Residential PUD.

- A. The minimum area required for a parcel to be considered as a residential PUD shall be no less than ten contiguous acres.
- B. The following uses shall be permitted in a residential PUD, any use not specified in this subsection is prohibited.
1. Single-family detached dwellings.
 2. Two-family dwellings.
 3. Multiple-family dwellings.
 4. Apartments above garages accessory to single-family dwellings.
 5. Family day care homes, state licensed residential family care facilities, and group day care homes.
 6. Accessory buildings and uses which are customarily incidental to any of the foregoing to residential uses.
 7. Golf courses or country clubs, including ancillary commercial activities such as pro shops, restaurants without drive-through facilities, and similar uses that are clearly subordinate to the main use.
- C. The minimum lot area, minimum lot width, and yard setback requirements for the designated residential uses in a residential PUD shall be determined by the following chart:

Use	Minimum Lot Area per dwelling in square feet	Minimum Lot Width in feet	Minimum Floor Area in square feet		Yard Setback Requirements in feet		
					Front	Side	Rear
Single-family detached dwellings and family day care homes	15,000	90	1,000		20	10	20
Group day care facilities and state licensed residential family care facilities	20,000	100	1,500		20	10	20
Two-family dwellings	12,500	100	1,000		25	10	20
Multiple-family dwellings and garage apartments	5,500	200	One bedroom	600	40	20	40
			Two bedrooms	750			
			Three bedrooms	950			
			Eighty square feet of floor area will be required for each additional bedroom over three				

D. In order to preserve the maximum amount of open space, the regulation of residential PUDs, provides for an increase in the number of dwelling units in accordance to the following table:

Future Land Use Map – Use Category	Density based on entire land area of the PUD		
	Maximum density with minimum required open space (30%)	Maximum density with 10% additional open space (40%)	Maximum density with 20% additional open space (50%)
Very Low Density Residential (VLDR)	.1 dwellings per acre	.2 dwellings per acre	.33 dwellings per acre
Agricultural Rural Properties (ARP)	.1 dwellings per acre	.2 dwellings per acre	.33 dwellings per acre

Medium Density Residential (MDR)	.67 dwellings per acre	.8 dwellings per acre	1 dwelling per acre
High Density Residential (HDR)	1.5 dwellings per acre	1.75 dwellings per acre	2 dwellings per acre

Section 12.12 Commercial/Industrial PUD.

- A. The minimum area required for a parcel to be considered as a commercial PUD shall be no less than 20 contiguous acres.
- B. The following uses shall be permitted in a commercial/industrial PUD, any use not specified in this subsection or in subsection C, as a special use, is prohibited.
 - 1. Any retail business whose principal activity is the sale of merchandise within an enclosed building.
 - 2. Personal and business service establishments including:
 - a. Barber shops and beauty salons.
 - b. Electronics repair.
 - c. Printing and publishing.
 - d. Photo reproduction.
 - 3. Artists and photographers studios.
 - 4. Banks, credit unions, and other lending institutions; excluding drive-through facilities.
 - 5. Office buildings.
 - 6. Restaurants, clubs, and other drinking establishments which provide food or beverage for consumption on the premises; excluding drive-through facilities.
 - 7. Indoor recreational and entertainment facilities such as theaters, bowling lanes, billiard parlors, skating rinks, and similar uses determined by the Zoning Administrator.
 - 8. Health and physical fitness salons.
 - 9. Research and development facilities, including production activities.
 - 10. The manufacture, compounding, processing, packaging, warehousing, or treatment of products.

11. Accessory buildings and uses customarily incidental to the foregoing uses.
- C. The following uses may be permitted in a commercial/industrial PUD as a special use after approval by the Planning Commission has been obtained in compliance with the provisions of Chapter 15 (Special Uses):
1. Private parks and sports areas.
 2. Recreational service-oriented uses such as resorts, restaurants, marinas, sport shops, bait sales, and other recreation services which the Township Planning Commission deems the same general character of the above uses, and is clearly incidental to a permitted or special use.
 3. Forest connected industries, including but not limited to, sawmills, lumber and planing mills, debarking operations, and chipping facilities.
 4. Campgrounds.
 5. Vehicle service stations.
 6. Vehicle sales area.
 7. Drive-in establishments including restaurants and banks.
 8. Open air businesses.
 9. Hotels and motels.
- D. The buildings and improvements within the PUD shall be designed and developed with a unified architectural treatment.

Section 12.13 Mixed-Use PUD.

- A. The minimum area required for a parcel to be considered as a mixed-use PUD shall be no less than 20 contiguous acres.
- B. The following uses shall be permitted in a mixed-use PUD, any use not specified below is prohibited.
1. Any use as outlined in Section 12.11 (Residential PUD). (Rev. 11/1/06)
 2. Any use as outlined in Section 12.12 (Commercial/Industrial PUD). (Rev. 11/1/06)
- C. The land area dedicated to non-residential uses shall not exceed 30 percent of the total land area in the mixed-use PUD.

- D. Residential densities for mixed-use PUDs shall conform with the following chart:
(Rev. 11/1/06)

Future Land Use Map – Use Category	Maximum density based on entire land area of the PUD
Large Lot Residential	.02 dwellings per acre
Estate Residential	0.67 dwellings per acre

- E. The buildings and improvements within the PUD shall be designed and developed with a unified architectural treatment.

CHAPTER 12A
RIVER'S BEND OVERLAY ZONING DISTRICT

Section 12A.1 Intent.

This overlay zoning district is intended to minimize erosion, stabilize the riverbank, protect water quality, keep nutrients out of the water, maintain water temperature at natural levels, preserve fish and wildlife habitat, and to preserve aesthetic values of the Muskegon River area. This district is in place to preserve the natural features specific to the Muskegon River in Cedar Creek Township, at the same time, it is intended to allow reasonable use of property in the potentially low area, prone to flooding. The River's Bend Overlay Zoning District is intended for use in existing residential areas or areas becoming generally residential, but the use of the land is limited due to flooding or fluctuating water levels. Further, the district will act as an additional layer of standards to allow for the prudent use of one's property while protecting the river and its banks. These regulations apply to that area comprising the River's Bend Subdivision on the Muskegon River, and its flood plain. This area encompasses all islands and lands as shown on the official Cedar Creek Township zoning map, which is part of this Ordinance.

Section 12A.2 Permitted Uses.

All land uses permitted by right in the applicable underlying zoning districts.

Section 12A.3 Special Land Uses.

All land uses permitted by special land use approval in the applicable underlying zoning districts.

Section 12A.4 Additional Requirements and Standards.

- A. **Seasonal Dwellings.** Camping units may be permitted for use and/or storage in the River's Bend Overlay Zoning District for a period of no more than seven months in each calendar year, when the following provisions have been met by the owners:
1. If the camping unit is licensable by the state:
 - a. The unit shall be licensed.
 - b. The running and brake lights shall be operational.
 - c. Tires shall be inflated.
 - d. The towing mechanism shall be in place and operational.
 - e. The sewage holding tank shall be operational and emptied in a sanitary cleaning station on a regular basis.
 2. All permanent dwellings must meet all standards for single-family dwellings.

- B. Recreational camping by the property owner with the following conditions:
1. Occupancy in camping unit is for temporary recreational use, and will not be allowed as a permanent dwelling.
 2. Any permanent sanitation system shall be reviewed by the County Health Department, and approved prior to use.
 3. No permanent attachments shall be permitted to the camping unit. Any decks or steps shall not be left on the property when the camping unit is removed unless such is stored in a fully enclosed building.
 4. One accessory building 14' x 20' or with a maximum floor area of 280 square feet shall be permitted with a building permit.
 5. A maximum of two visitor camping units will be allowed to camp for a period not to exceed 14 days with at least seven days between each visit/visitor. The maximum number of camping units on the property will be four at any one time.
 6. A registration form for the owner/owners unit shall be completed and on file with the Township. Any change in the unit shall necessitate a new registration form.
 7. The setbacks for all camping units and accessory buildings shall be the same as the underlying zoning district, or the distance approved by the Department of Environmental Quality (DEQ) whichever is greater.
 8. Storage of additional camping units shall not be permitted.
 9. For the purposes of this overlay district, a camping unit shall mean any motor home, travel trailer, camper, tent camper, truck camper, or similar unit designed for temporary living quarters.
- C. **Earth Changing Activities.** All earth changes, including dredging, cutting, filling and grading within River's Bend Overlay Zoning District shall be done in accordance with the requirements and applicable permits of the local soil erosion and sedimentation control enforcement agency. Commercial mining and extraction of topsoil or subsurface sand, gravel, or minerals is not permitted within the district.
- D. **Dredge and Fill Activities.** All dredge and fill activities and construction of permanent structures, including docks, lying below the ordinary high water mark of the river are subject to provisions. All applicable permits must be obtained.

CHAPTER 12B
OSPD OPEN SPACE PRESERVATION DISTRICT

Section 12B.1 Intent and Objectives.

- A. **Intent.** It is the intent of this district to adopt “open space preservation” provisions consistent with the Michigan Zoning Enabling Act (Act 110 of 2006, as amended) which requires qualifying townships to permit lands satisfying specified criteria to be developed, at the option of the landowner, with the same number of dwellings on a portion of the land specified in the Zoning Ordinance, but not more than 50 percent, that could otherwise be developed, under existing regulations, on the entire land area. (Rev. 11/1/06)
- B. **Objectives.**
1. To encourage innovation in land use.
 2. To achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
 3. To encourage useful open space.
 4. To promote the conservation of natural features and resources.

Section 12B.2 Qualifying Conditions.

(Rev. 9/15/03)

- A. Land may be developed under the provisions of this chapter only if each of the following conditions is satisfied:
1. The land shall be zoned in the AG, LDR or HDR Zoning District, or other zoning district permitting residential development.
 2. The zoning district in which the land is located shall permit development at a density equivalent to two or fewer dwelling units per acre, if the land is not served by a public sewer system; or shall permit development at a density equivalent to three or fewer dwelling units per acre, if the land is served by a public sanitary sewer system.
 3. The development of land under this chapter shall not depend upon the extension of a public sanitary sewer or a public water supply system to the land, unless the development of the land without the exercise of the clustering option provided by this chapter would also depend on such extension.
 4. The clustering option provided pursuant to this chapter shall not have previously been exercised with respect to the same land.

- B. If all of the preceding conditions are satisfied, the land may be developed, at the option of the landowner, in accordance with the provisions of this chapter.

Section 12B.3 Permitted Uses.

No land and/or buildings in the OSPD District shall be used, erected, altered or converted, in whole or in part, except for the following purposes by right:

- A. Single-family detached dwellings.
- B. Accessory buildings, structures, and uses which are customarily incidental to the foregoing residential use.

Section 12B.4 Application Procedure.

Development plan application for an OSPD shall contain the following:

- A. A completed application form provided by the Township and a letter, signed by the applicant(s) and owner(s) holding an equitable interest in the property, acknowledging that such property is considered for an OSPD.
- B. Twelve copies of a site plan, prepared in accordance with Section 14.1 (Site Plan Review) of this Ordinance.
- C. Additional information on the site plan shall include:
 - 1. A schedule of total land areas (in acres) to be occupied by residential lots, sites, or parcels; area occupied by road right-of-way; area occupied by open space; and areas other than the above.
 - 2. Open space areas and significant natural features including, but not limited to, wetlands, slopes over 20 percent, water bodies, stands of trees, sand dunes, flood plans, and agricultural land, indicating any proposed uses or improvements for such areas and any intended landscaping in such areas.
- D. Other information required, twelve copies of each:
 - 1. Legal description illustrating the location and acreage of the subject property.
 - 2. Legal documents of a single ownership or control in the form of agreements, contracts, covenants, or deed restrictions which indicate that the development can be completed as shown on the plans, and further, that all portions of the development that are not to be maintained or operated at public expense will continue to be operated and maintained by the developers or their successors.
 - 3. General description of proposed development, including a timetable of constructions that details the completion of the proposed improvements.

4. Other information deemed pertinent to the proposed development by the Zoning Administrator or the Planning Commission. (Rev. 9/15/03)
- E. A fee, as determined by the Township Board, shall be paid with the development plan application for the processing of the OSPD application. In addition, an escrow payment may be required to cover the expected costs of any professional reviews of the application requested by the Township Planning Commission. (Rev. 9/15/03)
- F. A legal instrument (conservation easement, deed restriction, covenant, etc.) that will preserve the open space in perpetuity and provide for its maintenance, if needed.
- G. A parallel plan, consisting of a site plan showing the number of units that could be placed on the property based upon current zoning of the property.

Section 12B.5 Review Procedures – Pre-Application Conference.

- A. In order to facilitate review of an OSPD proposal in a timely manner, the applicant may request an informal pre-application conference with the Township staff. The purpose of such conference is to exchange information and provide guidance to the applicant that will assist in preparations of application materials.
- B. The applicant shall present at such conference(s), at a minimum, the following:
 1. A sketch plan of the proposed OSPD, drawn to scale.
 2. A legal description of the property under consideration.
 3. The total land area of the project.
 4. The approximate number of residential units to be constructed.
 5. Areas to be designated as open space.
- C. No formal action will be taken at a pre-application conference.
- D. There shall be no fee for a pre-application conference. Statements made at the pre-application conference shall not be legally binding commitments.

Section 12B.6 Review Procedures – Planning Commission Procedure.

- A. Twelve copies of a development plan application for an OSPD, with all required attachments, shall be submitted to the Township Zoning Administrator.
- B. After a formal application of the development plan has been filed for an OSPD, it shall be reviewed by the Township Zoning Administrator to insure all required information has been provided, then submitted to the Planning Commission.
- C. The review procedures for land proposed to be developed pursuant to the provisions of this chapter shall be those stated in Chapter 14 of this Ordinance, governing site

plan review, except as otherwise noted in this chapter. If the cluster option permitted by this chapter is proposed as a platted subdivision or a site condominium development, the applicant must also submit all information required under applicable plat or site condominium ordinances. (Rev. 9/15/03)

- D. If the development plan application satisfies all requirements of Chapter 14 of this Ordinance and all requirements of this chapter, the Planning Commission shall approve the development plan. If the cluster option permitted by this section is proposed as a platted subdivision or a site condominium development, the applicant shall also demonstrate compliance with all requirements of Township ordinances pertaining to plats or site condominiums before the Planning Commission may approve the development plan. (Rev. 9/15/03)

Section 12B.7 Review Procedures – Township Board Action.

Section 12B.7 of the Zoning Ordinance of the Township of Cedar Creek is hereby repealed in its entirety and reserved for future use. (Rev. 9/15/03)

Section 12B.8 Review Procedures – General.

Section 12B.8 of the Zoning Ordinance of the Township of Cedar Creek is hereby repealed in its entirety and reserved for future use. (Rev. 9/15/03)

Section 12B.9 Standards for Approval.

In considering any application for an OSPD, the Planning Commission shall make their determinations based on the standards for site plans in Section 14.1 (Site Plan Review) and the following standards: (Rev. 9/15/03)

- A. The overall design and all uses proposed in connection with an OSPD shall meet the objectives as outlined in this chapter.
- B. The proposed OSPD shall be designed with due regard to its relationship with development on surrounding properties and uses thereon, including building heights, setbacks, density parking, traffic circulation, landscaping, views, greenbelts, and other layout features. In particular, consideration shall be given to the following:
1. The location of storm sewers, drains, and/or retention and detention areas or natural water areas.
 2. Landscaping, compatibility with natural features, and other site amenities.
 3. The location of outdoor storage, outdoor activity, and mechanical equipment in relation to surrounding development.
 4. The area and location of open space and its convenience to users.

C. Utilities. (Rev. 9/15/03)

1. If, under Township ordinances and/or regulations, development of the subject property without the exercise of the clustering option provided by this chapter would be conditioned upon the extension of public sewer and/or public water, then such extension(s) shall also be required for the development of the subject property using the clustering option permitted by this chapter. If extension of public water and/or sewer is not required and the application does not propose to voluntarily make such extensions, then the applicant shall make provisions for a private community system approved by the County Health Department and the Michigan Department of Environmental Quality, unless the applicant presents evidence to the Planning Commission demonstrating that all lots or units can be satisfactorily served by individual private water wells and individual private septic systems.
2. All electrical, telephone, cable television, natural gas and other utility services shall be installed underground.

D. Open Space Requirements.

1. Every OSPD shall provide at least 50 percent of its gross area as open space.
2. Designated open space shall consist of contiguous land area which is restricted to nondevelopmental uses. Such open space can consist of areas left in their natural state, agricultural uses, recreational trails, picnic areas, children's play areas, greenways, and linear parks, but shall not include golf courses.
3. The following land within the boundaries of an OSPD shall not be included as meeting the requirements for open space:
 - a. Any area which is used for roads, streets, alleys, right-of-way easements, etc.
 - b. Any area devoted to a building lot, accessory use or building, vehicle parking, and any approved land improvement.
4. Any significant natural features of the land shall be included within the designated open spaces. Examples include dunes, wetlands, woodlands, steep slopes, etc. or agricultural land.
5. The designated open space shall be readily accessible to all property owners and users of the OSPD. This shall include such matters as proximity, visual linkages, and pedestrian linkages.
6. Minor structures or buildings which are accessory to the designated open space may be erected in accordance with the approved open space plan, and

may include gazebos, picnic shelters, and similar accessory structures, but shall not include club houses, swimming pools, care taker residences, or similar buildings.

7. Designated open space shall be under common ownership or control, so a single entity has proprietary responsibility. Documentation of ownership or control shall be provided to the Township prior to final approval.
8. Designated open space shall be set aside by means of a conveyance approved by the Township attorney. (Rev. 9/15/03) The conveyance shall state and outline:
 - a. That the open space is protected from all forms of development except as shown on the approved site plan.
 - b. That the open space shall not be changed to another use without the consent of the Township.
 - c. The proposed allowable use of the designated open space.
 - d. That the designated open space is maintained by the parties who have an ownership interest in the open space.
 - e. The scheduled maintenance of the open space.
 - f. That the maintenance of the open space may be undertaken by the Township in the event that the open space is inadequately maintained or becomes a nuisance. Further, that any costs incurred by the Township for such maintenance shall be assessed against the property owners.
- E. The road system in an OSPD shall be designed to limit destruction of existing natural vegetation and to limit the possibility of erosion.
- F. Exterior lighting shall not be a nuisance to users or residents of an OSPD or to adjacent property owners.
- G. Street lighting shall be installed, as approved by the Planning Commission.
- H. The proposed development shall be in compliance with all applicable federal, state, county, and local laws and regulations. Any other permits for development that may be required by other agencies shall be available to the Planning Commission before final approval. (Rev. 9/15/03)

Section 12B.10 Expiration of Approval.

- A. Approval of the OSPD plan shall expire and be of no effect unless substantial construction has commenced within one year of the date of approval. An extension

for a specific period may be granted by the Planning Commission upon good cause shown, only if such request is made to the Planning Commission prior to the expiration date. (Rev. 9/15/03)

- B. In the case of an OSPD proposed to be completed in phases, the expiration of approval, as outlined in subsection A, above, shall only be effective for each phase after approval. (Rev. 9/15/03)
 - 1. Where a project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space.
 - 2. Shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the OSPD and the occupants of the surrounding area.

- C. If an approved OSPD has not be commenced within the above-stated time period, or within any authorized extension thereof, any building permits issued for the development or any part thereof shall be of no further effect. The applicant shall then be required to seek renewed approval from the Planning Commission under the terms of this chapter in order to develop the subject property as an OSPD. (Rev. 9/15/03)

Section 12B.11 Site Development Requirements.

- A. The minimum lot area, minimum lot width, and yard setback requirements for the designated residential uses in an OSPD shall be determined by the following chart:

Use	Minimum Lot Area per dwelling	Minimum Lot Width	Minimum Floor Area	Yard Setback Requirements		
				Front	Side	Rear
Single-Family detached dwelling and Family day care homes	15,000 S.F.	100	1,000	20	10	20
Two-family dwellings	15,000 S.F.	100	1,000 per dwelling unit	25	10	20

**CHAPTER 13
DISTRICT REGULATIONS**

Section 13.1 Schedule of Regulations.

(Rev. 7/29/02, 11/13/11)

Primary Buildings & Accessory Buildings over 120 Square Feet

District	Area	Width (feet)	Front Setback	Side Setback	Rear Setback	Building Height (feet)	Building Height (stories)	Maximum Lot Coverage
AG	10 Acres	300	50	30	75	36(g)	2 1/2	30%
FR-1	10 Acres	165	75	50	75	35	2 1/2	25%
LDR	1.5 Acres	150	30	10	20(f)	30(g)	2 1/2	20%
HDR	25,000 SF	100	30	10	10(f)	30(g)	2	25%
MHP	See Chapter 9							
GC	2 Acres	150	50(d)	20 min <u>one side</u> 100 total (c)	50(c)	35	2 1/2	50%
IND	2 Acres	200	75(d)	50(c)	75(c)	40	N/A	50%

*Footnotes are an integral part of these District Regulations and should be read in conjunction with the above schedule.

Residential Accessory Buildings up to 120 Square Feet(g) (Rev. 9/23/02)

District	Front Setback	Side Setback	Rear Setback
LDR	30	5	5
HDR	30	3	3

Section 13.2 Footnotes to District Regulations.

(Rev. 7/29/02)

- (a) All single-family dwellings shall have a minimum width of 24 feet as outlined in Section 3.10.G and shall contain a minimum floor area in accordance with the following:

Single-family 1,000 sq. ft.

Two-family 850 sq. ft. per dwelling unit

- (b) On corner lots, the required setback along the secondary road shall be the same as the required front yard setback for the district.
- (c) Where a side or rear yard abuts a residential district, a buffer shall be provided in accordance with Section 3.17.
- (d) The first 20 feet of the required front yard shall not be used for parking or aisles and shall be landscaped.
- (e) Where the rear yard abuts a road, a minimum setback of 30 feet shall apply.
- (f) Maximum permitted height of accessory building is 20 feet. (New 9/23/02)

CHAPTER 14
SITE DEVELOPMENT REQUIREMENTS

Section 14.1 Site Plan Review.

A. The purpose of this chapter is to consider and evaluate the applicant's planned objectives in the utilization of land and to ensure compliance with the regulations of this Zoning Ordinance.

B. Uses Subject to Site Plan Review. (Rev. 5/00)

1. A building permit for any proposed use or building or any other improvement requiring a site plan shall not be issued until a site plan has been reviewed and approved under the following procedure:

a. The following uses shall be subject to site plan review in accordance with the provisions of this section.

i. All uses, new construction, or additions to existing buildings in the MHP, FR, GC, and IND Districts, except the following:

I. One family dwellings.

II. Temporary buildings and uses.

III. Accessory uses or structures.

ii. Special uses in any zone district.

iii. Site condominiums. (New 5/00)

b. All uses for which site plan review is not required under Section 14.1.B.1.a, shall be subject to review by the Zoning Administrator. Such review shall be limited to ensuring that the proposed use conforms to the applicable setbacks, yards, parking, and other specific Zoning Ordinance requirements.

C. Application and Review Procedures.

1. Application Procedures.

a. An application for site plan review shall be submitted at least 30 days prior to the Planning Commission meeting through the Zoning Administrator, who will review the application materials to ensure that the requirements of Section 14.1.C.1.c, and 14.1.C.2, are met, then transmit it to the Planning Commission.

- b. Review comments shall be submitted by such departments and consultants to the Planning Commission for consideration prior to the meeting at which the request is to be considered.
- c. An application for site plan review shall consist of the following:
 - i. A completed application form, as provided by the Township.
 - ii. Seven copies of the site plan.
 - iii. Payment of a fee, in accordance with a fee schedule, as determined by Township Board resolution.
 - iv. A legal description, including the permanent parcel number of the subject property and a boundary survey map.
 - v. Other materials as may be required by this section or the Planning Commission.

2. **Site Plan Requirements.** Site plans shall be prepared in a neat and orderly manner, drawn to a scale of not more than one inch equals 100 feet, showing the existing and proposed arrangement of the site and shall include the following:

- a. Small sketch of properties, streets and use of land within one-quarter mile of the subject property.
- b. Existing adjacent streets and proposed streets and existing curb cuts within 100 feet off the property.
- c. All lot lines with dimensions.
- d. Parking lots and access points.
- e. Proposed buffer strips, greenbelts, or screening.
- f. Significant natural features; and other natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, flood plains, hills, and similar natural assets.
- g. Location of any signs.
- h. Existing and proposed buildings, including existing buildings or structures within 100 feet of the boundaries of the property. If no buildings are within 100 feet of the property lines, the use of the adjacent property shall be indicated.
- i. General topographical features including existing contours at intervals no greater than two feet may be required by the Planning

Commission depending on proposed land use and location.
(Rev. 11/01)

- j. Number of acres allocated to each proposed use and gross area in building, structures, parking, public and/or private streets and drives, and open space.
 - k. Dwelling unit densities by type, if applicable.
 - l. Proposed method of providing sewer and water service, as well as other public and private utilities.
 - m. Proposed method of providing storm drainage.
 - n. Written description of the computation for required parking.
 - o. Name, address, and phone number of applicant.
 - p. Name, address, phone number, of the individual responsible for preparing the plan.
3. The Planning Commission shall review the site plan, along with any comments submitted by agencies, departments or consultants, and make such recommendations to the applicant that will cause the Plan to be in conformance with the review standards required by this section and this Ordinance. To this end, the Commission may request from the applicant additional graphic or written materials, prepared by a qualified person or persons, to assist in determining the appropriateness of the site plan. Such material may include, but not limited to, aerial photography, photographs; traffic impacts; impact on significant natural features and drainage; soil tests, and other pertinent information.
4. The Planning Commission shall review all materials submitted as part of the application, and recommend to the Township Board either approval, approval with conditions, or denial of the site plan. Such recommendation shall be based on the requirements of this Ordinance, and specifically, the standards of Section 14.1.D. (Rev. 2/02)
5. The Township Board shall review all materials submitted as part of the application, along with the findings and recommendations of the Planning Commission and the applicable standards of this Ordinance and shall approve, approve with conditions, or deny the site plan.
6. No petition submitted for site plan review which has been denied, shall be resubmitted for a period of one year from the date of denial, except as may be permitted by the Township Board after learning of new and significant facts or conditions which might result in a favorable action upon resubmittal.

D. Site Plan Review Standards.

1. All site plans shall be approved, approved with conditions, or denied based on the purposes, objectives and requirements of this Ordinance, and specifically, the following considerations when applicable:
 - a. The relationship of uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall be planned to take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 - b. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.
 - c. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within Cedar Creek Township.
 - d. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may recommend and Township Board may require that landscaping, buffers, or greenbelts be preserved or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.
 - e. Satisfactory assurance shall be provided that the requirements of all other applicable ordinances, codes, and requirements of Cedar Creek Township will be met.
 - f. The general purposes and spirit of this Ordinance and the Master Plan of Cedar Creek Township shall be maintained.
 - g. Drainage design shall recognize existing natural drainage patterns. Storm water removal shall not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate storm water on-site wherever practical, and prevent direct discharge into surface waters. Storm water calculations may be required to verify adequate storm water storage capacity for the entire site, including deferred parking areas. (New 7/26/04)

E. Approved Plans and Amendments.

1. Upon approval of the site plan, the Township Clerk shall sign three copies thereof. One signed copy shall be made a part of the Township's files; one copy shall be forwarded to the building official for issuance of a building permit; and one copy shall be returned to the applicant.
2. Each development shall be under construction within one year after the date of approval of the site plan, except as noted in this section.
 - a. The Township Board may grant one extension of up to an additional one year period if the applicant applies for such extension prior to the date of the expiration of the site plan and provided that:
 - i. The applicant presents reasonable evidence that said development has encountered unforeseen difficulties beyond the control of the applicant; and
 - ii. The site plan requirements and standards, including those of the Zoning Ordinance and Master Plan, that are reasonably related to said development have not changed.
 - b. Should neither of the provisions of Section 14.1.E.2.a, be fulfilled, or an extension has expired without construction underway, the site plan approval shall be null and void.
 - c. Amendments to an approved site plan may occur only under the following circumstances:
 - i. The holder of a valid site plan approval shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
 - ii. Minor changes, requested by the applicant, may be approved by the Zoning Administrator upon certification in writing to the Township Board that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Board. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change:
 - I. Reduction of the size of any building or sign.
 - II. Movement of buildings or signs by no more than ten feet.
 - III. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.

- IV. Changes in floor plans, of up to 5 percent of the total floor area, which do not alter the character of the use or increase the amount of required parking.
 - V. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - VI. Changes required or requested by the Township, Muskegon County, or other state or federal regulatory agency in order to conform to other laws or regulations.
- iii. Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, a new site plan shall be submitted and reviewed as required by this chapter.

Section 14.2 Off-Street Parking and Loading.

A. General Requirements.

1. Off-street parking for all nonresidential zone districts and uses shall be either on the same lot or within 300 feet of the building or use it is intended to serve, measured from the nearest public entrance of the building to the nearest point of the off-street parking lot.
2. The storage of merchandise or products, motor vehicles displayed for sale, or the repair of vehicles is prohibited in any off-street parking lot.
3. Residential off-street parking spaces shall consist of parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. Such parking spaces shall occupy no greater than 40 percent of the required front yard.
4. Minimum required off-street parking spaces shall not be replaced by any other use unless and until equal facilities are provided elsewhere, in compliance with this section.
5. Off-street parking existing at the effective date of this Ordinance, or amendment thereto, in connection with the operation of an existing building or use, shall not be reduced to an amount less than required for a similar new building or new use.
6. Two or more buildings or uses may collectively provide the required off-street parking.

7. The Township Planning Commission may defer construction of the required number of parking spaces if the following conditions are met. (Rev. 7/26/04)
 - a. Areas proposed for deferred parking shall be shown on the site plan, and shall be sufficient for construction of the required number of parking spaces in accordance with the standards of this Ordinance for parking area design and other site development requirements.
 - b. Evidence shall be presented by the applicant in support of a lower requirement.
 - c. Alterations to the deferred parking area may be initiated by the owner or required by the Zoning Administrator, and shall require the approval of an amended site plan, submitted by the applicant accompanied by evidence documenting the justification for the alteration.
8. **Maximum Parking.** (Rev. 7/26/04)
 - a. To minimize excessive areas of pavement which can reduce water quality, increase erosion and detract from community aesthetics, no parking lot shall exceed the minimum parking space requirements of Section 14.3.C.3 by more than 10 percent unless evidence is presented by the applicant that the additional space is needed.
 - b. In granting additional space, the Zoning Administrator or Planning Commission as appropriate, shall determine that the parking will be required, based on documented evidence of actual use and demand provided by the applicant or as justified through a specific parking study conducted by a professional qualified in the field.
 - c. Additional spaces may be held in deferred parking areas.
9. Parking of semi-trucks, including the tractor and trailers, and commercial vehicles exceeding a one ton load capacity shall be prohibited in the HDR (Residential) District. (New 7/26/04)

B. Parking Lot Design Standards.

1. 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.	12 Ft.	9 Ft.	25 Ft.
30-75 degree angle	24 Ft.	12 Ft.	9 Ft.	21 Ft.
76-90 degree angle	24 Ft.	15 Ft.	9 Ft.	20 Ft.

2. 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.
3. All parking lots shall be constructed with a durable and dustless surface and properly maintained at all times.
4. All parking lots shall be constructed so as to permit proper drainage and prevent ponding or storage of water within the lot. Drainage shall be in accordance with the requirements of Cedar Creek Township and the Muskegon County Drain Commission.
5. All parking lots shall be provided with adequate lighting. Parking lot lighting shall be shielded so as to prevent light from spilling onto adjacent properties.
6. No permit will be issued for major changes to an existing parking lot unless the parking lot is made to comply with the requirements of this Ordinance. A major change consists of one or more of the following:
 - a. Replacement or alteration of existing drainage elevations or structures affecting more than 50 percent of the existing parking lot.
 - b. Any expansion or addition of a parking lot equal to or greater than 25 percent of the area of the existing parking lot.
 - c. Reconstruction of the parking lot, including the removal of existing pavement or drainage structures, which affects more than 25 percent of the existing parking lot.
 - d. Any other change which, in the opinion of the Zoning Administrator, constitutes a major change.

C. Off-Street Parking Requirements.

1. Required off-street parking spaces are noted in the table below 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 Zoning Administrator considers similar in type.
2. 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 parking space.
3. The minimum number of off-street parking spaces shall be determined in accordance with the following tables:

Use	PARKING SPACE PER UNIT OF MEASUREMENT
Residential	
Nursing or Convalescent Homes	One space for each two dwelling units, plus one space for each five dwelling units to be marked as visitor spaces
Single-family dwellings	Two for each dwelling unit
Two-family dwellings	Two for each dwelling unit
Institutional	
Assembly areas, auditoriums, and gymnasiums	Two spaces for each five seats, or each eight feet of pew length; or one space for each three persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Churches	One space for each three seats in the main unit of worship; or one space for each six feet of pew length, whichever is less
Group day care homes and group foster care homes	One space for each four clients; plus one space for each employee
Schools, elementary and middle	One and one-half spaces for each classroom, plus amount required for auditorium or gymnasium seating
Schools, secondary and institutions of higher learning	One space for each eight students, plus one and one half spaces for each classroom, plus amount required for auditorium or gymnasium seating

Commercial	
Banks, credit unions, savings and loan associations and other similar uses (New 7/26/04)	One space for each 400 square feet of usable floor area (New 7/26/04)
Beauty/barber shop	Three spaces for each chair
Bowling alleys	Four spaces for each bowling lane plus required spaces for each accessory use
Funeral homes and mortuary establishments	One space for each 50 square feet of usable floor area
Furniture, appliance and household goods retail sales	One space for each 500 square feet of usable floor area
Hotels and motels	One and one-half spaces for each guest room, plus required spaces for accessory uses
Medical and dental offices and clinics (New 7/26/04)	One space for each 400 square feet of gross floor area (New 7/26/04)
Offices not otherwise specified (New 7/26/04)	One space for each 300 square feet of usable floor area (New 7/26/04)
Open air businesses	One space for each 800 square feet of lot area used of the open air business, plus parking for any principal use building and associated accessory uses (Rev. 7/26/04)
Personal service establishments	Two spaces for each service provider (Rev. 7/26/04)
Restaurants – without drive-through facilities	One space for each 100 square feet of usable floor area; or one space for each two persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurants with drive-through facilities	One space for each 100 square feet of usable floor area; or one space for each three persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Retail stores not otherwise specified	One space for each 300 square feet of usable floor area (Rev. 7/26/04)
Roadside stands	One space for each 1,000 square feet of outdoor display area

Theaters	Two spaces for each five seats, each eight feet of pew length; or one space for each three persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Vehicle wash (self service)	One space for each five stalls
Vehicle wash (automatic)	One space for each employee on the largest shift
Video rental stores	One space for each 300 square feet of usable floor area (Rev. 7/26/04)
Offices	
Banks, credit unions, savings and loan associations and other similar uses	One space for each 150 square feet of usable floor area, plus three spaces for each non-drive through automatic teller machine
Medical and dental offices and clinics	One space for each 75 square feet of waiting room area, plus one space for each examining room, dental chair, or similar use area.
Offices not otherwise specified	One space fore each 300 square feet of usable floor area
Industrial	
Manufacturing, processing, and research establishments	One space for each employee working during the largest shift
Warehouses and wholesale	One space for each 2,000 square feet of gross floor area, plus those spaces required for offices located on the premises

D. Off-Street Loading Requirements.

1. 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.
2. In the GC District all loading spaces shall be located in the rear yard in the ratio of at least ten square feet per front linear foot of building and shall be computed separately from off-street parking requirements.
3. IND District:

- a. In the IND District at least one loading space shall be provided. All loading spaces shall be at least ten feet by 70 feet, or a minimum of 700 square feet in area. A minimum 14-foot clearance height shall be provided.
 - b. Loading spaces shall only be permitted off-street and in the rear yard or interior side yard.
4. Where an alley exists in the rear yard, loading requirements may be computed from the center of the alley.
 5. All dedicated loading spaces shall be provided with a pavement having an asphalt or portland cement binder so as to provide a permanent, durable and dustless service.

Section 14.3 Signs.

A. This section is intended to protect and further the health, safety, and welfare of the residents of Cedar Creek Township; to maintain and improve the appearance of Cedar Creek 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. These regulations are further intended to provide reasonable identification for businesses and other uses within the community, but are not intended to serve as a means of advertising.

B. Sign Definitions.

1. **Awning.** A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.
2. **Awning Sign.** A sign affixed flat against the surface of an awning.
3. **Banner Sign.** A fabric, plastic, or other sign made of non-rigid material without an enclosing structural framework.
4. **Billboard.** A sign which advertises an establishment, product, service, or activity not available on the premises on which the sign is located.
5. **Construction Sign.** A sign which identifies the owners, financiers, contractors, architects, and engineers of a project under construction.
6. **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.
7. **Freestanding Sign.** A sign supported on poles not attached to a building or wall.

8. **Government Sign.** A temporary or permanent sign erected by Cedar Creek Township, Muskegon County, or the state or federal government.
9. **Ground Sign.** A sign resting directly on the ground or supported by short poles not attached to a building or wall.
10. **Marquee.** A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
11. **Marquee Sign.** A sign affixed flat against the surface of a marquee.
12. **Mural.** A design or representation painted or drawn on a wall which does not advertise an establishment, product, service, or activity.
13. **Off-Premise Sign.** A sign which relates to or advertises an establishment, product, merchandise, good, service or entertainment which is not located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.
14. **On-Premise Sign.** Any sign which pertains solely to the use of the property on which it is located, such as to an establishment, product, merchandise, good, service or entertainment which is located, sold, offered, produced, manufactured or furnished at the property on which the sign is located.
15. **Placard.** A sign not exceeding two square feet which provides notices of a public nature, such as “No Trespassing” or “No Hunting” signs.
16. **Political Sign.** A temporary sign used in connection with a noncommercial message or an official Cedar Creek Township, school district, county, state, or federal election or referendum.
17. **Portable Sign.** A sign designed to be moved easily and not permanently attached to the ground, a structure, or a building.
18. **Projecting Sign.** A double-faced sign attached to a building or wall that extends more than 12 inches but not more than 36 inches from the face of the building or wall.
19. **Reader Board.** A portion of a sign on which copy is changed manually.
20. **Real Estate Sign.** A sign advertising the real estate upon which the sign is located as being for sale, rent, or lease.
21. **Roof Line.** The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys, or other minor projections.
22. **Roof Sign.** A sign erected above the roof line of a building.

23. **Sign.** A 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.
24. **Special Event Sign.** Temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or nonprofit organizations.
25. **Wall Sign.** A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than 12 inches from the exterior face of the wall to which it is attached.
26. **Window Sign.** A sign installed inside a window and intended to be viewed from the outside.

C. General Sign Provisions.

1. No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a building permit, provided the following signs shall not require a building permit:
 - a. Directional signs of six square feet in size or less.
 - b. Government signs.
 - c. Placards.
 - d. Temporary sale signs of four square feet in size or less.
 - e. Window signs.
 - f. Political signs.
2. Signs shall be maintained free of peeling paint or paper, fading, staining, rust, or other condition which impairs legibility or intelligibility.
3. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
4. Signs, may be internally illuminated or if externally illuminated, except for home occupation signs which shall not be illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
5. 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.

6. No light pole, utility pole, or other supporting member shall be used for the placement of any sign unless specifically designed and approved for such use.
7. 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.
8. No commercial vehicle, which in the opinion of the Zoning Administrator has the intended function of acting as a sign, shall be parked in any area abutting the street, unless no other parking area is available.
9. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light, provided variable time-temperature signs may be permitted.
10. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
11. No wall sign shall extend beyond the edge of the wall to which it is affixed, and no wall sign shall extend above the roof line of a building.

D. **Exempted Signs.** The following signs shall be exempt from the provisions of the Cedar Creek Township Zoning Ordinance, except for the provisions of Section 14.3.C:

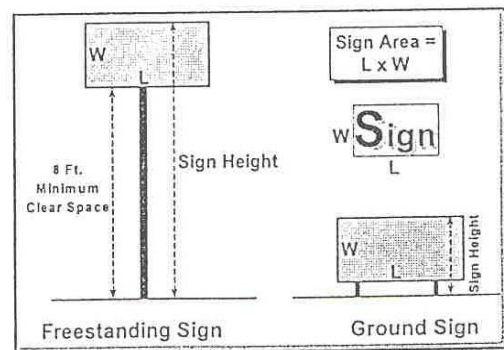
1. Government signs.
2. Historical markers.
3. Window signs.
4. Memorial signs or tablets.
5. Murals.
6. Signs not visible from any street.
7. Signs for essential services.
8. Placards not exceeding two square feet.
9. Signs with address, owner, or occupant name, of up to two square feet in area attached to a mailbox, light fixture or exterior wall.
10. Flags or insignia of any nation, state, Township, community organization, or educational institution.

E. **Nonconforming Signs, Illegal Signs, and Signs Accessory to Nonconforming Uses.**

1. Every permanent sign which does not conform to the height, size, area, or location requirements of this section as of the date of the adoption of this Ordinance, is hereby deemed to be nonconforming.
2. Nonconforming signs may not be altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained and repaired so as to continue the useful life of the sign.
3. For purposes of this article, a nonconforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of nonconforming, use. If a sign is nonconforming in its setback, this section shall not apply, and the sign may not be replaced.
4. Any nonconforming sign destroyed by fire or other casualty loss shall not be restored or rebuilt if reconstruction will constitute more than 50 percent of the value of the sign on the date of loss.
5. Any sign which for a period of one 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 30 days of receipt of written notice by the Zoning Administrator.
6. A sign accessory to a nonconforming use may be erected in the Township in accordance with the sign regulations for the subject zoning district.

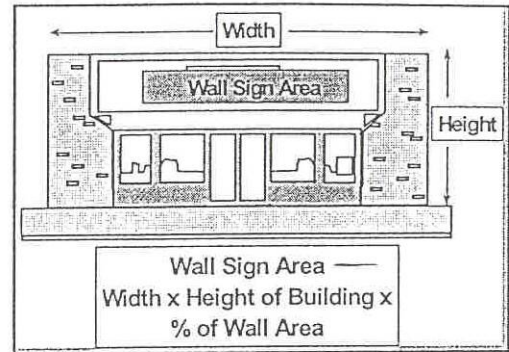
F. **Units of Measurement.**

1. The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign.
2. The area of a freestanding, ground, or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, the area of the two back-to-back faces shall be counted as one face. If the two back-to-back



faces are of unequal size, the larger of the two sign faces shall be counted as the one face.

3. The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the adjacent street or the average grade of the ground immediately beneath the sign, whichever is less.



4. For buildings with multiple tenants, the sign areas for wall signs, projecting signs and awning signs shall be determined by taking that portion of the front wall of the building applicable to each tenant and computing sign requirements for that portion of the total wall.

G. Sign Regulations Applicable to All Zoning Districts.

1. All ground, wall and freestanding signs may include reader boards.
2. Any sign, including awnings to which signs are affixed or displayed, not resting directly on the ground shall maintain a minimum clear space of eight feet from the bottom of the sign to the ground.
3. Real estate signs shall be removed within 30 days after completion of the sale or lease of the property.
4. Construction signs are permitted within any zone district, subject to the following restrictions:
 - a. One sign is permitted to be placed on the lot where the construction is taking place to identify contractors, design professionals, lending institutions, etc.
 - b. The sign shall be no larger than 16 square feet in area, and not exceed eight feet in height. In a case where two or more firms utilize a sign, the sign shall be no larger than 32 square feet in area, and not exceed eight feet in height.
 - c. Construction signs shall not be erected until a building permit has been issued for the project which is the subject of the proposed sign and construction activity has begun.
 - d. Construction signs shall be removed within 15 days of the issuance of any occupancy permit for the building or structure which is the subject of the construction sign.

5. Special event signs, including banner signs, are permitted in conjunction with any permitted nonresidential use, or agricultural use in a residential zone district, subject to the following restrictions:
 - a. No more than four such signs shall be displayed for each special event. Such signs shall be located on the lot on which the special event is held.
 - b. The display of such signs shall be limited to the 21 days immediately preceding the special event which is being advertised.
 - c. Such signs shall have a maximum size of 24 square feet in area, and a maximum height of five feet and shall be set back from any side or rear property line a minimum of 15 feet.
 - d. Such signs shall be removed within 48 hours of the conclusion of the special event which is being advertised.
 - e. Such signs shall not cause a vision hazard at any road intersection, or the driveway
6. Directional signs are permitted subject to the following restrictions:
 - a. A directional sign may contain a logo of an on-premise establishment, but no advertising copy.
 - b. No such sign shall exceed six square feet in area or three feet in height.
 - c. Directional signs shall be limited to traffic control functions only.
 - d. Such signs shall not cause a vision hazard at any road intersection, or driveway.
7. Garage and estate sale signs are permitted subject to the following restrictions:
 - a. One sign per lot or parcel is permitted, located on the lot or parcel on which such sale is being conducted, and set back a minimum of 15 feet from any side or rear property line.
 - b. Such sign shall not exceed six square feet in area.
 - c. Such sign shall be erected no more than ten days prior to the day(s) of the sale and shall be removed within one day after the completion of the sale.

H. **Signs in each Zoning District** shall be subject to the following regulations:

HDR, LDR, AG, AND MHP ZONING DISTRICTS – PERMITTED SIGNS	
Ground signs for residential subdivision, manufactured homes parks, schools, or other nonresidential uses allowed in the district	
Number	One per major entrance
Size	No greater than 32 square feet
Location	Minimum of 15 feet from any side or rear property line
Height	No higher than six feet
Wall signs for home occupations	
Number	One per lot or parcel
Size	No greater than two square feet, nine square feet in the AR District
Location	On wall of principal building facing street, or in front yard in the AR District
Wall signs for nonresidential uses	
Number	One per street frontage
Size	No greater than 5 percent of the wall area to which the sign is affixed
Location	On wall of building facing street
Political signs	
Number	One per issue or candidate
Size	No greater than six square feet
Location	Minimum of 15 feet from any side or rear property line
Height	No higher than six feet
Real estate signs	
Number	One per lot or parcel
Size	No greater than six square feet for developed properties or lots; 16 square feet for vacant lots or parcels

Location	Minimum of 15 feet from any side or rear property line
Height	No higher than six feet

FR, GC, AND IND – PERMITTED SIGNS
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Ground signs	
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Number	One per lot or parcel, except that only one ground sign or one freestanding sign shall be permitted per lot or parcel
Size	No greater than 45 square feet
Location	Minimum of 15 feet from any property line
Height	No higher than six feet

Freestanding signs	
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Number	One per lot or parcel, except that only one ground sign or one freestanding sign shall be permitted per lot or parcel
Size	No greater than 60 square feet
Location	Minimum of 15 feet from any property line
Height	No higher than 20 feet, with a minimum clearance of eight feet between the ground and the bottom of the sign.

Wall signs	
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Number	One per street frontage
Size	No greater than 10 percent of the wall area to which the sign is affixed, not to exceed a maximum sign area of 150 square feet
Location	One wall of building facing street

Political signs	
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Number	One per issue or candidate
Size	No greater than six square feet
Location	Minimum of 15 feet from any side or rear property line

Height	No higher than six feet
Real estate signs	
Number	One per lot or parcel
Size	No greater than 16 square feet
Location	Minimum of 15 feet from any side or rear property line
Height	No higher than six feet

BILLBOARDS ARE PERMITTED IN THE GC AND IND DISTRICTS ONLY
All billboards shall conform to the requirements of the Highway Advertising Act

CHAPTER 15 SPECIAL USES

Section 15.1 Application Procedures.

Application for a special use permit shall be made to the Zoning Administrator and shall include the following:

- A. Seven copies of a site plan containing the information required by Section 14.1.C.2.
- B. A completed application form.
- C. Payment of an application fee, which shall be non-refundable, as established from time to time by resolution of the Township Board.

Section 15.2 Notification, Hearing, and Review Procedures.

- A. Upon receipt of a complete application for a special use permit, the Zoning Administrator shall, within a reasonable time thereafter, schedule a public hearing on the application. Notice of such public hearing shall be published and delivered in accordance with Section 17.5 of this Ordinance. (Rev. 11/1/06)
- B. Following notice, the Planning Commission shall hold a public hearing on the special use permit application.
- C. The Planning Commission shall make its recommendation of approval, approval with conditions, or denial of the special use permit request to the Township Board. The Planning Commission shall base its recommendation upon the review and consideration of materials submitted with the application and the applicable standards of this chapter.
- D. If the Township Board finds the request meets all required standards, they shall approve the special use request.

Section 15.3 General Standards for Approval.

- A. The Township Board shall approve, or approve with conditions, a special use permit request only upon a finding that all of the following general standards for approval are complied with:
 - 1. The use is designed and constructed, and will be operated and maintained, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, will be compatible with adjacent uses of, and will not change the essential character of the area in which it is proposed.
 - 2. The use is, or will be as a result of the special use permit, served adequately by public services and facilities, including, but not limited to streets, police

and fire protection, drainage structures, refuse disposal, and schools. Adequate water and sewer facilities must be available.

3. The use does not involve activities, processes, materials and equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of traffic, noise, smoke, fumes, glare or odors.
 4. The use will be compatible with the natural environment and will be designed to encourage conservation of natural resources and energy. The Planning Commission may require an environmental impact study be done to demonstrate compliance with this standard. (Rev. 7/26/04)
 5. The site plan proposed for such use demonstrates compliance with the specific design standards for the special use as contained in Section 15.6.
- B. The recommendation of the Planning Commission shall be incorporated in a statement of conclusions specifying the basis of the recommendation, and any conditions imposed. The decision and statement of conclusions, including conditions imposed on any approval, shall be kept and made a part of the Township Board minutes.
- C. No request for special use approval which has been denied shall be resubmitted for one year following such disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

Section 15.4 Conditions of Approval.

- A. The Planning Commission or Township Board may impose reasonable conditions in conjunction with approval of a special use permit which are deemed necessary to ensure compliance with the general standards for approval in Section 15.3 and the specific design standards of Section 15.6.
- B. Conditions shall be imposed in a manner in accordance with the Michigan Zoning Enabling Act.

Section 15.5 Approval Term, Validity, and Expiration.

(Rev. 2/24/03)

- A. A special use permit, including conditions imposed, is attached to, and shall run with the land for which the permit is granted. The special use permit shall be binding upon subsequent owners and all occupants of the subject land. However, a time limit for the special use may be imposed as a condition of approval.
- B. The Zoning Administrator shall make periodic inspections of the use or development authorized in the special use permit to ensure compliance with all requirements of this Ordinance and the special use permit. If non-compliance is discovered, the

Zoning Administrator shall notify the property owner and the Planning Commission. The Planning Commission may hold a public hearing at any regular Planning Commission meeting to determine and verify the non-compliance. Following such hearing, the Planning Commission may terminate the special use permit and order the use(s) approved under the permit terminated.

- C. In cases where actual and substantial physical construction to accommodate the use(s) permitted under a special use permit has not commenced within 12 months following the date of issue, and written application for extension has not been filed, the special use permit shall automatically become null and void and all rights thereunder shall cease.
- D. Upon written application filed during the initial 12-month period for any special use permit, the Planning Commission may grant an additional 12-month period. An extension may be granted only when there is a reasonable likelihood of commencement of construction during the extension period.
- E. Any use permitted by a special use permit which ceases to continuously operate for a period of 180 days shall be considered abandoned and the special use permit shall become null and void and all rights thereunder shall cease.

Section 15.6 Special Use Specific Design Standards.

The following special uses shall be subject to the requirements of the district in which located, in addition to all the applicable conditions, standards, and regulations as are cited in this section. The following uses have such conditions, standards, or regulations:

- A. **Sexually oriented businesses**
- B. may be permitted as a special use in the IND District, subject to the standards and conditions outlined in this chapter, and specifically here: (Rev. 7/01).

In the development and execution of this subsection, it is recognized that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or when one or more of them is located in proximity to a residential zone, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this subsection. These controls are for the purpose of preventing a concentration of these uses within any one area, or to prevent deterioration or blighting of a nearby residential neighborhood. These controls do not legitimize activities which are prohibited in other sections of the Zoning Ordinance.

- 1. Sexually oriented business is permitted if: (Rev. 7/01)

- a. The use is located within a zone district where the use requires special use approval.
- b. The use is not located within a 1,000 foot radius of another such use except that restrictions may be waived by the Planning Commission, if the following findings are made:
 - i. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this subsection will be observed.
 - ii. That the proposed use will not enlarge or encourage the development of a blighted or deteriorating area in its immediate surroundings.
 - iii. That the establishment of a regulated use, or an additional regulated use, in the area will not be contrary to any program of neighborhood conservation.
 - iv. That all applicable state laws and local ordinances will be observed.
 - v. Prior to the granting of any waiver as herein provided, the Planning Commission may impose any such conditions or limitations upon the establishment, location, construction, maintenance, or operation of the regulated use as may, in its judgment, be necessary for the protection of the public interest. Any evidence and any guarantee may be required as proof that the conditions stipulated in connection therewith will be fulfilled.
- c. Parking spaces shall be provided at the ratio of one space per person permitted by the maximum occupancy load established by local, county, state, fire, health, or building codes.
- d. No sexually oriented business shall remain open at any time between the hours of 11:00 p.m. and 10:00 a.m., and no such use shall be open on Sundays. (Rev. 10/01)
- e. No alcohol shall be served at any adult use.
- f. No sexually oriented business shall permit any person under the age of 18 years to enter the premises. Signs shall be conspicuously posted noting that such minors are not allowed. (Rev. 10/01)
- g. All parking areas and the building shall be well lighted to ensure the safety and security of patrons. These areas shall remain lighted for one hour after closing each night.

- h. The lot or parcel on which the use is located shall not be closer than 1,000 feet from any residential use or zoning district, school, church or park, measured from lot line to lot line.
- i. All sexually oriented businesses shall comply with the requirements of Ordinance No. 136-2001 of Cedar Creek Township. (New 10/01)

B. Agricultural processing and warehousing

C. , may be permitted in the AG District subject to the standards and conditions outlined in this chapter, and specifically here:

- 1. The applicant shall provide a site plan showing the following information:
 - a. The size, nature, and character of the proposed use.
 - b. The proximity and impacts of the proposed use on adjoining properties.
 - c. The extent of traffic congestion or hazard which would accompany such a use.
 - d. The total effect of the proposed use on adjoining properties and the surrounding neighborhoods.
 - e. The frequency of use, hours of operations, parking requirements, ingress and egress points, lighting, and maintenance of the parking lot.
 - f. A proper buffer or greenbelt to screen the use from any adjacent residential uses, as outlined in Section 3.17.
- 2. Trash containers shall be enclosed by a structure screened on at least three sides.
- 3. The property shall be kept free of litter, and in a sanitary condition.
- 4. Any odor, gas, glare, heat, or smoke detectable at any point along the lot lines shall not be permitted.

C. Banks, credit unions, savings and loan associations, and other similar financial institutions, as determined by the Zoning Administrator, having drive-through facilities

D. ; may be permitted in the GC District, subject to the standards and conditions outlined in this chapter, and specifically here:

- 1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-

of-way. A minimum of four stacking spaces for each drive-through teller operation, whether personal or automatic, shall be provided.

2. Parking areas shall have a front yard setback of 20 feet and side and rear yard setbacks of ten feet.
3. Access driveways shall be located no less than 75 feet from the nearest right-of-way line of any intersecting street or 50 feet from the nearest edge of any other driveway.

D. Bed and breakfast establishments

E. , may be permitted in the AG, HDR, or LDR Districts, subject to the standards and conditions outlined in this chapter, and specifically here:

1. The establishment shall be serviced by public water and sanitary sewer services, or adequate on-site resources may be used.
2. The establishment shall be located on property with direct access to a public road.
3. No such use shall be permitted on any property where there exists another bed and breakfast establishment within 750 feet, measured between the closest property lines.
4. Such uses shall only be established in a single-family dwelling.
5. Off-street parking shall be in the rear yard, and one space per sleeping room shall be required. If it is impracticable to locate the parking in the rear, the Planning Commission or Township Board may permit the required off-street parking to be located in an area that best minimizes negative impacts on adjacent properties.
6. The number of guest rooms in the establishment shall not exceed three, plus one additional guest room for each 10,000 square feet or fraction thereof by which the lot area of the use exceeds one acre, not to exceed seven guest rooms in any case.
7. Exterior refuse storage facilities beyond what might normally be expected for a single-family detached dwelling shall be prohibited.
8. Signs for bed and breakfast establishments shall comply with the requirements of the zone district in which the use is located.
9. The establishment shall contain the principal residence of the operator.

10. Accessory retail or service uses to a bed and breakfast establishment shall be prohibited; including but not limited to gift shops, antique shops, restaurants, bakeries, and so forth.
11. Meals shall be served only to the operator's family, employees, and overnight guests.

E. Campgrounds

F. , may be permitted in the FR District, subject to the standards and conditions outlined in this chapter, and specifically here:

1. The campground must provide a health department approved sewage disposal and water system.
2. There must be a minimum of 25 campsites.
3. The setback of a campsite, building, or facility from the property line must be at least 50 feet.
4. The property must be screened with six-foot fencing or proper greenbelt when adjacent to a residential use, as outlined in Section 3.17.
5. Minimum lot size of two acres is required for the first 25 sites, and one acre for each additional 15 sites, or fraction thereof.
6. A store may be permitted as an accessory use, to serve the immediate needs of those using the campground. Off-street parking requirements for the store will be one-half the required amount for retail outlets, as outlined in this Ordinance.

F. Cemeteries

G. , may be permitted in the LDR District, subject to the standards and conditions outlined in this chapter, and specifically here:

1. Minimum lot size of three acres is required.
2. Plan must show any roads, and plot areas.
3. A five-foot tall fence is required along any property line not adjacent to a road right-of-way.
4. One sign is permitted that must conform with the district restrictions for signs.

G. Churches and other houses of worship

- H. may be permitted as a special land use in any district except GC (in which they are a permitted use) and except IND, subject to the standards and conditions outlined in this chapter, and further as follows: (Rev. 9/15/03)
1. Minimum lot width shall be 200 feet.
 2. Minimum lot area shall be two acres; plus an additional 15,000 square feet for each 100 seating capacity or fraction thereof in excess of 100.
 3. The property location shall be such that at least one side of the property abuts and has access to a county primary road.

H. **Commercial outdoor recreation facility**

- I. , may be permitted in the GC District subject to the standards and conditions outlined in this chapter, and specifically here:
1. Minimum lot size of one acre, and minimum lot width of 100 feet is required.
 2. All outdoor lighting shall be directed away from, and shall be shielded from adjacent parcels.
 3. All adjacent parcels shall be screened with a proper buffer or greenbelt, as outlined in Section 3.17, to afford adjacent property owners protection from noise, light, dust, or other nuisances.
 4. Accessory retail sales may be permitted, but limited to the sale of goods specific to the recreation facility, be it miniature golf, a golf driving range, go-carts, etc.
 5. All areas for the storage of waste dumpsters shall be screened on three sides with a six foot tall solid fence or wall.

I. **Commercial storage warehouses (mini-warehouses or self storage units)**

- J. , may be permitted in the GC or IND District, subject to the standards and conditions outlined in this chapter, and specifically here:
1. Minimum lot area shall be two acres.
 2. No more than 85 percent of the lot may be covered by buildings, on-site driveways, parking and loading areas, and vehicular circulation aisles.
 3. Parking and circulation:
 - a. One parking space shall be provided for each ten storage cubicles, and shall be equally distributed throughout the site.

- b. All driveways, parking and loading areas, and vehicular circulation aisles shall be paved or heated so as to prevent dust.
- 4. A six-foot fence shall surround the property. The fence shall be aesthetically pleasing, and be made of an acceptable material, such as but not limited to, redwood, cinder block, or chain link with slats. The fence must be setback at least 40 feet from the road right-of-way, and 20 feet on the side and rear yard.
- 5. The use shall be fully screened from adjacent residential uses with a proper buffer or greenbelt, as outlined in Section 3.17.
- 6. The facility shall be fully lighted to insure optimal security. Any lights shall be shielded to direct light onto the use establish, and away from the adjacent properties.
- 7. An office may be permitted on site, but the office area shall be included in calculating the lot coverage.
- 8. In addition to any standards in this section, outside storage shall also comply with the following:
 - a. Must be at the rear of the property, at least 100 feet from the front property line, and not in any required yard.
 - b. A decorative and aesthetically pleasing fence shall be required with a minimum height of eight feet.
- 9. No toxic, hazardous, or flammable materials may be stored in such a unit.
- 10. The Planning Commission may stipulate additional standards to promote health, safety, and welfare to the public.

J. Farm labor dwellings

K. , may be permitted in the AG District subject to the standards and conditions outlined in this chapter, and specifically here:

1. Seasonal Farm Labor Dwellings.

- a. Such dwellings shall be for farm laborers, and their immediate families. The dwellings may not be used for members of the immediate family of the owner/operator of the farm.
- b. Each dwelling must be at least 760 square feet in area, and a minimum of 24 feet in width across any front, side, or rear elevation. Each sleeping room must comply with any applicable Township, or State Buildings Codes.

- c. Each additional seasonal farm labor dwelling, after the first three, must be applied for separately.
- d. The dwellings may not be located closer than 50 feet to any property line, and no closer than ten feet to any other building on the parcel.
- e. Off-street parking is required, and shall comply with the requirements for dwellings in this Ordinance.
- f. Such dwellings shall be occupied no longer than seven months in any one calendar year.

2. Permanent Farm Labor Dwellings.

- a. Such dwellings shall be for farm laborers, and their immediate families.
- b. Each dwelling must be at least 1,000 square feet in area, and a minimum of 24 feet in width across any front, side, or rear elevation. Each sleeping room must comply with any applicable Township, or State Buildings Codes.
- c. Each permanent farm labor dwelling must be applied for separately.
- d. The dwelling may not be located closer than 50 feet to any property line, and no closer than ten feet to any other building on the parcel.
- e. Off-street parking is required, and shall comply with the requirements for dwellings in this Ordinance.

K. Forest connected industries

L. , may be permitted in the AG or FR District, subject to the standards and conditions outlined in this chapter, and specifically here:

- 1. The principal and accessory buildings and structures shall not be located within 300 feet of any residential use or district property line.
- 2. A proper buffer or greenbelt shall be provided between the subject use and any adjacent residential uses, as outlined in Section 3.17.
- 3. Any outside storage shall be so screened to obstruct outside vision of the materials from any public road, or adjacent property.
- 4. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved or treated so as to prevent dust.
- 5. The applicant shall provide a site plan showing the following information:

- a. The size, nature, and character of the proposed use.
 - b. The proximity and impacts of the proposed use on adjoining properties.
 - c. The extent of traffic congestion or hazard which would accompany such a use.
 - d. The total effect of the proposed use on adjoining properties and the surrounding neighborhoods.
 - e. The frequency of use, hours of operations, parking requirements, ingress and egress points, lighting, and maintenance of the parking lot.
 - f. The buffer or greenbelt location, and contents thereof.
- 6. No light source shall be visible from adjacent properties.
 - 7. Trash containers shall be enclosed by a structure screened on at least three sides.
 - 8. The property shall be kept free of litter, and in a sanitary condition.
 - 9. Any odor, gas, glare, heat, or smoke detectable at any point along the lot lines shall not be permitted.

L. Funeral homes and mortuary establishments

M. , may be permitted in the GC District, subject to the standards and conditions outlined in this chapter, and specifically here:

- 1. Lighting for parking areas or outdoor activity areas shall not be a nuisance to adjacent properties.
- 2. Minimum lot area shall be one acre and minimum lot width shall be 150 feet.
- 3. An off-street vehicle assembly area shall be provided to be used in support of funeral processions and activities. This area shall be in addition to the required off-street parking and its related maneuvering area.
- 4. No waiting lines of vehicles shall extend off-site or onto any public street.
- 5. Access driveways shall be located at least 75 feet from the nearest right-of-way line of any intersecting street or from the nearest edge of any other driveway.

M. Golf courses or country clubs

N. , may be permitted in the LDR District subject to the standards and conditions outlined in this chapter, and specifically here:

1. Minimum lot size of 80 acres is required for a regulation 18 hole golf course, or 20 acres for each nine holes of a par three style course.
2. The site shall be so planned to provide all access directly onto or from a major paved road.
3. All structures shall be at least 100 feet from any property line abutting residentially zoned land.
4. The off-street parking area shall be so arranged as to provide the most safety for pedestrians, and ease of vehicular maneuvering.
5. The off-street parking area shall be at least 50 feet from any property line abutting residentially zoned land.
6. Accessory uses like pro shops, restaurants and lounges, and golf driving ranges may be permitted to serve the golf course or country club customers or members.
7. Tees, greens and fairways shall be arranged in a manner to prevent chemical runoff into wetlands or surface waters. An undisturbed natural vegetative buffer strip of 75 feet shall be provided immediately adjacent to wetlands or water bodies. (New 11/9/04)

N. **Group day care homes**

O. , may be permitted in the LDR, or AG District, subject to the standards and conditions outlined in this chapter, and specifically here:

1. The use may not be closer than 1,500 feet to any of the following:
 - a. Another licensed group day care home.
 - b. Another adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Act 218 of the Public Acts of 1979.
 - c. A facility offering substances abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the Public Health Code, Act 368 of Public Acts of 1978.
 - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

This distance shall be measured along a street, road, or place maintained by the state, county, or Township of Cedar Creek and generally open to use by the public as a matter of right for the purpose of vehicular traffic, not including an alley.

2. A drop off/pick up area shall be provided for motorists off the public street, which permits vehicles to exit the property without backing into the street.
3. Fencing at least 54 inches, and no more than six feet in height shall be provided around all outdoor areas accessible to children.
4. All playground equipment, and areas for playing and exercise shall be in the rear yard of the property. This area shall be at least 2,500 square feet in size.
5. The property shall be consistent with the characteristics of the neighborhood.
6. The facility shall not exceed 16 hours of operations during a 24 hour period, and shall not operate between the hours of 10:00 p.m. and 5:00 a.m.
7. One non-illuminated sign measuring no more than four square feet may be permitted if attached to the principal structure.
8. Inspections shall be conducted at least once a year to ensure compliance with these standards.

O. Reserved

P. . (Rev. 11/1/06)

P. Hotels and motels

Q. , may be permitted in the GC District, subject to the standards and conditions outlined in this chapter, and specifically here:

1. Minimum lot area shall be one acre and minimum lot width shall be 200 feet.
2. Parking areas shall have a front yard setback of 40 feet, and side and rear yard setbacks of 20 feet.
3. Access driveways shall be located at least 100 feet from the nearest right-of-way line of any intersecting street or 75 feet from the nearest edge of any other driveway.
4. Restaurants and retail shops may be permitted accessory to the hotel or motel. However, off-street parking for the accessory uses must be provided in addition to the required parking for the sleeping rooms.

Q. Kennels

R. , may be permitted in the LDR, or AG District, subject to the standards and conditions outlined in this chapter, and specifically here:

1. The minimum lot size shall be two acres for the first four animals and an additional one-third acre for each additional animal.
2. Buildings in which animals are kept, runs, or exercise areas shall not be located nearer than 200 feet to any lot line.
3. A proper buffer or greenbelt complete with trees, shall be provided between any runs, or exercise areas, and adjacent residential properties, as outlined in Section 3.17.

R. **Metal plating, buffing, and polishing**

S. , may be permitted in the IND District, subject to the standards and conditions outlined in this chapter, and specifically here:

1. The principal and accessory buildings and structures shall not be located within 300 feet of any residential use or district property line.
2. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential uses, as outlined in Section 3.17.
3. Any outside storage shall be so screened to obstruct outside vision of the materials from any public road, or adjacent property, and be limited to the rear or interior side yards.
4. All driveways, parking, loading, storage, and vehicular circulation areas shall be paved or treated so as to prevent dust.

S. **Mining of natural resources**

T. , may be permitted in the FR or AG District subject to the standards and conditions outlined in this chapter, and specifically here:

Mining of natural resources includes the excavation or mining of sand and gravel; the processing, storage, loading, and transportation of sand and gravel; the mining of clay; the extraction of peat or marl; the quarrying of stone; and the mining of coal. The incidental excavation of sand and gravel for on-site use only is excluded from the regulations of this Ordinance, except that the setback and yard requirements for the district shall be met.

1. A minimum setback of 50 feet from any property, line, and 75 feet from any public road.
2. The permanent processing plant and its accessory structures shall not be closer than 250 feet from any property line or public road.

3. When practicable, the permanent processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, in order to reduce the visual impact of the plant structure.
4. Storage piles of processed material and overburden stripped mining areas shall not be located closer than 50 feet from any property line, and 100 feet from any public road.
5. A minimum of 20 acres is required for the use.
6. With application for the special use, an operational plan must be submitted for review by the Planning Commission and Township Board. If the operational plan meets the intent and purpose of this Ordinance, the goals and objectives of the Township Master Plan, and is consistent with sound planning principles, the Township Board may approve the plan. The plan should provide at least the following information, but not limited to: the areas to be mined, the location of permanent structures, locations for storage piles, the points of access upon public roads, screening, and reclamation plans. The operational plan must be approved prior to issuance of a zoning permit.
7. Upon commencement of mining operations, the mining area shall be enclosed within a five foot high fence, and “No Trespassing” signs shall be posted at most 100 feet apart.
8. Sight barriers shall be provided along all boundaries adjacent to roads which lack the natural vegetative terrain conditions to effectively screen the mining operation. The sight barriers shall consist of one or more of the following:
 - a. Earth beams which shall be constructed to a height of five feet above the mean elevation of the centerline of the public road adjacent to the mining property. The beam shall have a slope not in excess of one foot vertical to four feet horizontal, and shall be planted with grass, trees, and shrubs.
 - b. Screen plantings of coniferous or other suitable species at least five feet in height, in two rows parallel to the boundary of the property, with spacing of rows no greater than ten feet, and spacing of trees within rows no greater than ten feet apart.
 - c. Masonry walls or solid fences which shall be constructed to a height at least five feet.
9. Noise and vibration shall not be nuisance to the general health, safety, and welfare of the residents in Cedar Creek Township, and shall be minimized in their effect on adjacent properties by the proper use of beams, walls, and screen plantings.

10. Air pollution in the form of dust and dirt shall be kept at a minimum.
11. All equipment used for the mining operation shall be operated in such a manner as to minimize insofar as is practicable, dust, noise and vibration conditions which are injurious or substantially annoying to persons living in the vicinity.
12. Interior roads serving the mining operation shall be paved, treated, or watered insofar as is practicable, to minimize dust conditions.
13. No mining shall take place within the specified distance from the margin of any stream or waterway as established by the Michigan Water Resources Commission, Department of Environmental Quality.

Mining of natural resources: (New 7/26/04)

- a. Soil and gravel stockpiles shall not be located within 200 feet of wetlands or water bodies.
 - b. Extraction operations shall not occur within 100 feet of a wetland or water body.
 - c. An undisturbed natural vegetative buffer strip of 75 feet shall be provided immediately adjacent to wetlands or water bodies during excavation activities.
14. All natural resource extraction areas shall be reclaimed and rehabilitated as soon as may be practicable after each mining phase has been completed, and in accordance with the plan approved by the Planning Commission. Reclamation may be conducted concurrently with phased mining operations, for example, a mined-out phase section of the area may be undergoing rehabilitation while a second phase may be undergoing active mining.
 15. Reclamation shall be completed in accordance with the plan approved by the Planning Commission within one year after all extraction has been completed.
 - a. The excavated area shall not retain stagnant water.
 - b. The surface of the excavated area shall be graded or backfilled to produce gently rolling surface that will minimize wind and water erosion, and be compatible with the adjoining land area.
 - c. The finished grade resulting from excavation shall not be steeper than one foot vertical to three feet horizontal.
 - d. Topsoil of a quality equal to that occurring naturally in the surrounding area, shall be replaced on all excavated areas, except on

roads, beaches, or other planned improvements. The depth of the topsoil shall be at least four inches deep

- e. Vegetation shall be restored by the appropriate planting of grass, trees, and shrubs in order to establish a permanent vegetative cover on the land surface, and to minimize erosion.
- f. All processing plant structures, buildings, stockpiles, and equipment shall be removed from the area no later than one year after extraction has ceased.

16. The mining company shall post a minimum financial guarantee in the amount of \$10,000 for the first five operational acres. The financial guarantee shall be increased on the yearly anniversary date of the mining permit at a rate of \$2,000 per each additional operation acre which exceeds the first five. The guarantee shall be provided in one of the following forms:

- a. Cash.
- b. Certified check.
- c. Irrevocable bank letter of credit.
- d. Surety bond acceptable to the Planning Commission.

Upon rehabilitation of mined acreage, and reduction of net operational area, the bond or security shall be released in accordance with the amount or security required per acre.

17. Inspections shall be made of the mining site, not less often than twice in each calendar year, by the Zoning Administrator. Failure to correct a reported violation shall be reason for revocation of the special use permit. Additional time for correction of the cited violation may be allowed upon submission to the Zoning Administrator of proof of good and sufficient cause by the operating company.

T. **Modular and prefabricated homes and structures manufacturing**

U. , may be permitted in the IND District subject to the standards and conditions outlined in this chapter, and specifically here:

- 1. All principal and accessory buildings and structures shall not be closer than 100 feet from any property line.
- 2. Any outside storage shall be screened from any adjacent residential uses, and from any public right-of-way.
- 3. Minimum lot size shall be no less than ten acres.

4. Minimum lot width of 300 feet.
5. Model homes and structures may be no closer than 100 feet to any lot line.
6. The off-street parking and loading areas shall be paved or so treated to be free from dust.
7. Outdoor lighting shall not be so directed to shine onto adjacent properties, and the source of the light shall not be visible from adjacent properties.

U. **Open air businesses**

V. , may be permitted in the GC District, subject to the standards and conditions outlined in this chapter, and specifically here:

1. The lot area used for parking, display, or storage shall be paved or treated so as to prevent dust.
2. The parking area shall also be graded and drained so as to dispose of all surface water in a safe and effective manner without causing ponding, or harm to adjacent property owners.
3. Access driveways shall be located, at least 100 feet from the nearest right-of-way line of any intersecting street or 75 feet from the nearest edge of any other driveway.
4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
5. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential uses, as outlined in Section 3.17.
6. Any outside storage shall be so screened to obstruct outside vision of the materials from any public road, or adjacent property.

V. **Public and private schools**

W. , may be permitted in the LDR District subject to the standards and conditions outlined in this chapter, and specifically here:

1. **Minimum Lot Size:**
 - a. For elementary schools a minimum of five acres.
 - b. For secondary schools a minimum of ten acres.
 - c. For trade, martial arts, or other professional or technical schools, a minimum of one acre.

2. Playground equipment may only be located in the side or rear yard of the lot, and must have a five foot fence around its border. The playground must be at least 50 feet from any side or rear property line.
3. The off-street parking shall be arranged so the bus loading and unloading of students area will not be in the path of vehicular traffic.
4. The off-street parking shall meet the requirements outlined in this Ordinance for schools.
5. Sidewalks shall be required connecting the off-street parking area to the main entrance to the school, and to the required sidewalk along the adjacent road right-of-way line.
6. The main school building shall be 100 feet from any property line.
7. Practice and playing fields, tracks, and ball diamonds shall be set back at least 50 feet from any property line.

W. Private parks and sports areas

X. , may be permitted in the FR District subject to the standards and conditions outlined in this chapter, and specifically here:

1. The use shall be located on property with direct access to a public road.
2. Any outdoor activity areas shall be set back a minimum of 50 feet from any residential use or district.
3. Lighting for parking areas or outdoor activity areas shall not be a nuisance to adjacent property owners.
4. Access driveways shall be located at least 100 feet from the nearest right-of-way line of any intersecting street or 75 feet from the nearest edge of any other driveway.
5. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential uses, as outlined in Section 3.17.
6. Plans for the use, operation, maintenance, water supply and sewer disposal systems, and any other special featured must be submitted.
7. All existing and proposed buildings shall be shown.
8. The use shall not constitute a public health or safety hazard, or adversely affect adjacent properties.

X. Recreational service-oriented uses

Y. , may be permitted in the FR District subject to the standards and conditions outlined in this chapter, and specifically here:

1. The use shall be clearly subordinate and incidental to the principal use.
2. Must comply with the standards for “year around residences for caretakers of forest or recreation areas.”

Y. **Recycling centers**

Z. , may be permitted in the IND District subject to the standards and conditions outlined in this chapter, and specifically here:

1. A minimum lot size of five acres is required for the use.
2. Plans and specifications shall be submitted to the Planning Commission and shall include the following:
 - a. Specific location of the facility shown on a vicinity map.
 - b. Location of public roadways, habitable structures, and places of public use on the site and other properties influenced by the project.
 - c. Legal description and site boundaries.
 - d. Means of limiting access including fencing, gates, natural barriers, or other methods.
 - e. Details of the method of treating or disposing of liquid waste resulting from operation of the facility as it relates to the Township’s waste water treatment facility.
 - f. The location of all structures and equipment.
 - g. A detailed description and statement of appurtenances and procedures intended to handle heavy or bulky items, store refuse beyond the end of the working day, and control dust, odors, and fire as they comply with state and federal regulations.
 - h. The location of existing proposed utilities available to the site.
 - i. The method of final reduction, such as compacting, grinding, shredding, compression, or tamping equipment.
 - j. Daily clean-up procedures.
 - k. Other details necessary as required by the Planning Commission.

3. A facility shall be located not less than 500 feet from the nearest residential zone and must be screened by a fence of not less than eight feet in height and not less than 90 percent solid. It must also be screened by fences from streets, roads, or highways open to public vehicle travel.
4. The site must be located on a major paved county road, and not on residential or collector type roads. Roadways on the property shall be all-weather roads and shall maintain a condition to prevent a dust nuisance.
5. Dust and odor resulting from unloading and operation of the facility shall be reasonably controlled at all times. Operation of the facility shall be carried on in a manner to prevent noise and vibration, or a nuisance to an adjoining property.
6. Highly flammable or explosive materials shall not be accepted unless approved by the Health Department.
7. Open burning shall not be carried on in a recycling facility.
8. The recycling area shall be maintained in a sanitary manner at all times so as not to create general unsightliness or health and safety hazards.
9. Necessary operations of the recycling center shall be carried out promptly in a systematic manner so that conditions are unfavorable for harborage and production of insects and rodents.
10. Adequate provisions shall be made for routine operational maintenance of the facility and all appurtenances.

Z. Rental shops for equipment, tools, cars, trailers, trucks, construction equipment, and recreation products

AA. , may be permitted in the GC District, subject to the standards and conditions outlined in this chapter, and specifically here:

1. Security fencing six feet in height shall be required around all outside storage.
2. All outside storage areas shall have sufficient lighting as to illuminate the entire storage area, but to not be visible on adjacent properties.
3. All outside storage areas shall be constructed and maintained as to provide a smooth, dustless, and a well-drained surface.
4. A proper buffer or greenbelt shall be required to protect adjacent residential areas, as outlined in Section 3.17.

5. Outside storage shall be permitted in any required yard setback area, furthermore, outside storage is limited to the side and rear yards of the premises.

AA. Restaurants with drive-through facilities

BB. , may be permitted in the GC District subject to the standards and conditions outlined in this chapter, and specifically here:

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten stacking spaces for the service ordering station shall be provided. Stacking spaces shall be located so as not to interfere with vehicular circulation and egress from the property of parking spaces by vehicles not using the drive-through portion of the facility.
2. In addition to parking space requirements, at least three parking spaces shall be provided, in close proximity to the exit of the drive-through portion of the operation, to allow for customers waiting for delivery of orders.
3. Parking areas shall have a front yard setback of 25 feet from the right-of-way line, and side and rear yard setbacks of ten feet.
4. Access driveways shall be located at least 100 feet from the nearest right-of-way line of any intersecting street or 75 feet from the nearest edge of any other driveway.
5. Any trash receptacle shall be screened and enclosed to prevent trash, paper, and other debris from blowing onto adjacent properties.
6. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential uses, as outlined in Section 3.17.

BB. Riding stables

CC. , may be permitted in the AG, FR, LDR and LLR District subject to the standards and conditions outlined in this chapter, and specifically here: (Rev. 6/2/03)

1. The minimum lot size shall be ten acres.
2. The maximum horse population shall be limited to one and one-half horses per acre.
3. Any building used to breed, house, feed, train, or shelter horses shall be located at least 60 feet from any lot line. (Rev. 6/2/03)

4. The facility shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance, disturbance, or hazard to adjacent or nearby property owners.
5. Height limitations must be followed for the district.
6. All on-site accumulations of manure and other animal related solid wastes shall be disposed of in accordance with county and state health regulations. On-site accumulations of manure shall not adversely affect adjoining parcels.
7. Off-street parking shall be provided as required in this Ordinance for outdoor recreation, assembly halls, and any other related use accessory to the stable.
8. Off-street loading and unloading of horses, feed, straw, or any other on-site use related to the facility shall be completely on the property.
9. A map of the riding trail shall be submitted to the Planning Commission, with a maintenance plan for the trail, and hours of operation.
10. The riding trail shall not unreasonably affect adjoining property.
11. Additional standards may be imposed by the Planning Commission to maintain the health, safety, and welfare of the Township.

CC. Roadside stands

DD. , may be permitted in the AG District subject to the standards and conditions outlined in this chapter, and specifically here:

1. The use may be permitted for seven months in any one calendar year.
2. Only farm produce may be sold.
3. The produce sold, shall be grown on the same premises as the roadside stand sits.
4. Off-street parking must be provided as outlined in this Ordinance.

DD. Sale of farm implements and commercial construction equipment

EE. , may be permitted in the GC District subject to the standards and conditions outlined in this chapter, and specifically here:

1. The lot area used for parking, display, or storage shall be paved or treated so as to prevent dust.
2. The parking area shall also be graded and drained so as to dispose of all surface water in a safe and effective manner without causing ponding, or harm to adjacent property owners.

3. Access driveways shall be located at least 100 feet from the nearest right-of-way line of any intersecting street or 75 feet from the nearest edge of any other driveway.
4. Any display materials or equipment stored or displayed outside of an enclosed building shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
5. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential uses, as outlined in Section 3.17.
6. Any outside storage shall be so screened to obstruct outside vision of the materials from any public road, or adjacent property.
7. Minimum lot size of two acres is required.

EE. Salvage yards, junk yards

FF. , may be permitted in the AG or IND District subject to the standards and conditions outlined in this chapter, and specifically here:

1. Requests for a special use approval for establishment of a salvage or junk yard shall also require submission of a detailed proposal identifying the predominant type of salvage or junk to be received, the methods of separation or recycling, and ultimate destination of waste materials. The applicant shall be required to submit written materials outlining measures taken to comply with all necessary state, county, and local laws.
2. The site shall abut and have suitable access to a paved county primary road to ensure safe, direct transport of salvage to and from the site.
3. No portion of the storage area shall be located within 1,000 feet of any residential use or district, or any church, school, park, or cemetery.
4. Any outdoor storage area shall be completely enclosed by a fence or wall at least ten feet in height constructed of a sturdy, durable material and sufficiently opaque to ensure that salvage is not visible from outside the storage area. The fence or wall shall have a minimum of two non-transparent gates not exceeding 24 feet in width, each. Such gates shall provide access to the storage area for vehicles, but shall not allow direct view of the storage area from adjacent properties or streets. Said fence or wall shall be of uniform appearance and continuously maintained in good condition and shall contain only approved signs.
5. Stored materials shall not be stacked higher than ten feet and shall be stored in a manner so as not to be visible from adjoining properties or rights-of-way. In no case shall salvage or junk be stored at a height exceeding the height of the storage area fence or wall.

6. The fence or wall enclosing the storage area shall meet all applicable building setback requirements for the zoning district.
7. A management office shall be provided on site. A residence may be permitted for security personnel or on-site operator.
8. Conditions within the storage area shall be controlled to minimize the hazards of fire and other threats to health and safety.
9. Piles of material shall be limited to encompassing not more than 300 square feet in area, and a 20-foot separation shall be required between each pile.
10. All portions of the storage area shall be accessible to emergency vehicles.
11. Vehicles or vehicle bodies shall be stored in rows with a minimum of 20-foot wide continuous loop drives separating each row of vehicles.
12. All batteries shall be removed from any vehicle, and all radiators and fuel tanks shall be drained prior to the vehicle being placed in the storage yard. Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.
13. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the salvage yard.
14. The property shall be a minimum size of at least 20 acres.
15. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
16. Storage shall not be permitted within 200 feet of a wetland or surface water body. (New 7/26/04)
17. The Planning Commission or Township Board may impose other conditions which have a reasonable relationship to the health, safety and general welfare of Cedar Creek Township. These conditions can include a provision for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards. (Rev. 7/26/04)

FF. **Site condominiums.**

GG. (Deleted 5/00)

GG. **Shooting ranges**

HH. , may be permitted in the FR District subject to the standards and conditions outlined in this chapter and specifically here:

1. Minimum lot area of 40 acres.
2. Minimum setback of 250 feet for each required yard.
3. Hours of operation: 9:00 a.m. to sundown.
4. The use shall not be located any closer than one-quarter mile from any residential district, church, school, or residential use.
5. Rifle, pistol, and archery ranges shall have adequate backstops.

HH. Solid waste sanitary transfer stations

II. , may be permitted in the IND District subject to the standards and conditions outlined in this chapter, and specifically here:

1. The applicant must offer proof of license to operate such a transfer station, issued by Muskegon County, the State of Michigan or the U.S. Department of Environmental Protection Agency.
2. All transfer stations shall have a minimum side, front, and rear yard of 100 feet each.
3. The transfer station must be screened so that all materials, equipment and facilities are not visible in all seasons of the year, from adjacent properties, and the public right-of-way.
4. All facilities, equipment, vehicles, and other materials stored on the site shall be completely enclosed by a wall or fence.

II. Transportation terminals

JJ. , may be permitted in the GC or IND District subject to the standards and conditions outlined in this chapter, and specifically here:

1. Access driveways shall be located at least 100 feet from the nearest right-of-way line of any intersecting street or any other driveway.
2. Trucks and trailers parked overnight shall be set back from the front lot line a minimum of 100 feet.
3. The principal and accessory buildings and structures shall not be located within 200 feet of any residential use or district.
4. The lot area used for parking or display shall be paved or treated so as to prevent dust.

5. The parking area shall be graded and drained so as to dispose of all surface water in a safe and effective manner without causing ponding, or harm to adjacent property owners.
6. A proper buffer or greenbelt shall be provided between the subject use, and any adjacent residential uses, as outlined in Section 3.17.
7. Any vehicle or equipment stored outside of an enclosed building shall not be located within any required yard.
8. The minimum required lot area shall be two acres with a minimum lot width of 200 feet.
9. No outside storage shall be permitted. However, storage of licensed and operable vehicles may be permitted in an enclosed fence.

JJ. Two-family dwellings

KK. , may be permitted in the LDR District subject to the standards and conditions outlined in this chapter, and specifically here:

1. Minimum lot area of three acres for each two family dwelling.
2. A minimum lot width of 200 feet for each two family dwelling.
3. Building setbacks and height requirements shall comply with the requirements for single-family dwellings as required for the LDR District.
4. Two paved off-street parking spaces shall be provided for each dwelling unit.
5. The building shall be of substantially similar appearance as other residential buildings on adjacent properties and in the neighborhood.

KK. Vehicle repair establishments and vehicle sales areas

LL. , may be permitted in the GC District subject to the standards and conditions outlined in this chapter, and specifically here:

1. The principal and accessory buildings and structures shall not be located within 100 feet of any residential use or district.
2. Minimum lot area shall be one acre, and minimum lot width shall be 150 feet.
3. All equipment and activities associated with vehicle repair operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
4. Inoperative vehicles left on the site shall be stored within an enclosed building or in an area screened by an opaque fence not less than six feet in

height. Such fence shall be continuously maintained in good condition. This area shall be paved with asphalt or concrete, and shall be no larger than 5,000 square feet.

5. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited, except in designated and approved storage areas as outlined in subsection 4.
6. Access driveways shall be located at least 100 feet from the nearest right-of-way line of any intersecting street or 75 feet from the nearest edge of any other driveway.
7. Where adjoining residentially zoned or used property, buffer or greenbelt shall be provided along the nonresidential property line, as outlined in Section 3.17.
8. The lot area used for parking shall be paved, graded, and drained so as to dispose of all surface water free from ponding, and not harmful to adjacent property owners.

LL. Vehicle service stations

MM. , may be permitted in the GC District subject to the standards and conditions outlined in this chapter, and specifically here:

1. Minimum lot area shall be one acre, and the minimum lot width shall be 150 feet.
2. Pump islands shall be a minimum of 30 feet from any public right-of-way or property line.
3. All equipment and activities associated with vehicle service operations, except those in incidental use, such as air hoses, shall be kept within an enclosed building.
4. Storage of vehicle components and parts, trash, supplies, or equipment outside of a building is prohibited.
5. If retail sales of convenience goods are conducted on the premises, parking for such uses shall be computed and provided separately for that use.
6. Canopy roofs shall be permitted to encroach into any required yard, provided that a minimum setback of five feet is maintained, and further provided that the fascia of such canopy is a minimum of 12 feet above the average grade.
7. Access driveways shall be located at least 100 feet from the nearest right-of-way line of any intersecting street or 75 feet from the nearest edge of any other driveway.

8. Where adjoining residentially zoned or used property, buffer or greenbelt shall be provided along the nonresidential property line, as outlined in Section 3.17.
9. The lot area used for parking shall be paved, graded, and drained so as to dispose of all surface water free from ponding, and not harmful to adjacent property owners.

MM. Vehicle wash establishment, either self-serve or automatic

NN. , may be permitted in the GC District subject to the standards and conditions outlined in this chapter, and specifically here:

1. Sufficient stacking capacity for the drive-through portion of the operation shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of 15 stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least two stacking spaces at the entrance and one space at the exit.
2. Vacuuming activities, if outdoors, shall be at least 100 feet from any residential use or district property line. Wash bays for self-service establishments shall be located at least 50 feet from any residential use or district line.
3. Only one access driveway shall be permitted on any single street. Access driveways shall be located at least 100 feet from the nearest right-of-way line of any intersecting street or 75 feet from the nearest edge of any other driveway.
4. Where adjoining residentially zoned or used property, a proper buffer or greenbelt shall be installed and maintained, as outlined in Section 3.17.
5. All wash bays shall be at least 200 feet from any wetland or surface water body. (New 7/26/04)

NN. Veterinary hospitals and veterinary clinics

OO. , may be permitted in the AG or GC District subject to the standards and conditions outlined in this chapter, and specifically here:

Runs, exercise areas, pens or other outdoor areas where animals are kept shall meet the requirements for kennels, as provided in this chapter.

OO. Warehousing facility

PP. , may be permitted in the IND District subject to the standards and conditions outlined in this chapter, and specifically here:

1. No parking shall be allowed within 50 feet of a residence, or residential district.
2. The site shall be screened from all adjacent residential uses or districts.
3. All refuse containers shall be screened on at least three sides, and located on a concrete pad.
4. No outdoor storage of any kind shall occur in the parking or site area.
5. No toxic, hazardous, flammable, explosive materials shall be stored or allowed on-site.
6. Security entry shall be required, restricting access to operators and users of the facility.
7. The use must be conducted in a building which fully encloses all activities.

PP. Wireless communication facilities

QQ. , may be permitted in the AG, GC or IND District subject to the standards and conditions outlined in this chapter and specifically here: (Rev. 8/99)

1. Such facilities may be permitted as a principal use or an accessory use on a parcel.
2. In addition to the requirements for site plan application and review outlined in Section 14.1.C, the information shall be included with any application for such special use:
 - a. A current map or update for an existing map on file, showing locations of applicant's antenna, facilities, existing towers and proposed towers which are reflected in public records, serving any property within the Township.
 - b. Identification of the owners of all antenna and equipment to be located at the site as of the date of application. Such identification shall include the name, address and phone number of a contact person. This information shall be updated every three years, or whenever such contact person changes.
 - c. Written authorization from the site owner for the applications.
 - d. Copy of valid FCC license for the proposed activity, or proof that the applicant is the winning bidder for an FCC license at auction and that the final issuance of the FCC license purchased at auction is pending.
 - e. A report from a structural engineer registered in Michigan showing that the support structure capacity by type and number and a

certification that the tower is designed to withstand winds in accordance with most current ANSI standards.

3. The maximum height of the new or modified support structure shall be the minimum height demonstrated to be necessary for reasonable use by the applicant. The building contemplated to enclose the related equipment shall be limited to the maximum height for accessory structures for the zoning district in which the building is located.
4. For new or modified communication towers, the setback of the support structure from any lot line shall be no less than the height of the structure plus the setback distance as required for the district in which the tower is placed unless otherwise permitted by the Township Board, with recommendation from the Planning Commission using the following three standards:
 - a. For purposes of determining whether a proposed antenna or tower complies with the setback requirements of a district, the dimensions of the entire lot or parcel of land shall control, even though the antenna or tower may be located on leased parcels within such lot or parcel.
 - b. If an antenna or tower is placed on a vacant lot or parcel, the location and setbacks of the antenna or tower shall be determined by the Township Board, per recommendation by the Planning Commission. To the greatest degree possible, the tower shall be placed in a central location on the lot to minimize the portion of the tower that could land on an adjacent property in the case of complete tower collapse.
 - c. The Township Board, with recommendations from the Planning Commission, may modify the minimum setback distance requirements if it determines that an alternative setback distance will have no serious adverse effects or otherwise impair the health, safety and welfare of Township residents. In making this determination, the Planning Commission shall find and the Township Board shall concur, that the tower is designed to break or buckle no lower than one-half of the total height of the tower, there are no structures (other than tower equipment structures) within a radius centered upon the tower equal to one-half of the tower height, and that the tower is placed upon the lot to minimize the possibility of any damage to adjoining property in the case of a complete tower collapse.
5. There shall be unobstructed access to the support structure, for operation, maintenance, and inspection purposes. Such access may be provided through or over an easement.

6. A communication tower must be finished in a standard galvanized metal finish or painted in a color so as to minimize visual obtrusiveness and must not be illuminated unless otherwise required in state or federal regulations. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.
7. A maintenance plan and any applicable maintenance agreement shall be presented for approval as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.
8. Wireless communication facilities shall comply with applicable federal and state standards relative to the environmental effect of radio frequency emissions and radiation. The requirements of the Federal Aviation Administration, Federal Communication Commission and Michigan Aeronautics Commission shall be met.
9. Applicant must show that the proposed antenna and equipment could not be placed on a pre-existing facility under control of the applicant and function under applicable regulatory and design requirements without unreasonable modification.
10. The applicant shall demonstrate that reasonable measures have been taken to assure that the proposed communication tower, antenna or accessory structure will be placed in a reasonably available location which will minimize the visual impact of the surrounding area (i.e., adjacent public rights-of-way) in accordance with minimum standards of applicable federal and other regulations.
11. The applicant must show that the tower is designed to accommodate the applicant's potential future needs as well as future users, to the extent that those future needs may be determined at the time of application.
12. A permit for a proposed tower within 1,000 feet of an existing tower will not be granted unless the applicant certifies that the existing tower does not meet the applicant's structural specifications or technical requirements or that a co-location agreement could not be obtained at commercially reasonable terms and conditions.
13. Applicant must show that all applicable health, nuisance, fire and safety codes are met.
14. All communication towers shall be equipped with an anti-climbing device to prevent unauthorized access.
15. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structure, except as may be required for emergency purposes.

16. Where the property adjoins any residential district or land use, the applicant shall plant and maintain a proper buffer or greenbelt as outlined in Section 3.17.
17. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners as outlined in Section 3.1, of this Ordinance. The application shall include a performance guarantee to be posted at the time of receiving a building permit for the facility to ensure removal of the facility if it has been abandoned or is no longer needed. In this regard, the guarantee shall, at the election of the applicant, be in the form of cash or surety bond establishing a promise of the applicant to remove the facility in a timely fashion as required in this Ordinance. Further, the applicant shall be responsible for the payment of costs and attorney fees incurred by the Township in securing removal if the applicant fails to remove the facility as outlined in this Ordinance.
18. Co-location of antennas.
 - a. The Zoning Administrator may approve minor modifications to previously permitted antennas or towers, including the co-location of an antenna on an existing tower, provided that the modifications are designed to accommodate the co-location of an additional antenna, and provided that the modification otherwise complies with the requirements of this chapter.
 - b. No modification shall be considered minor if the modification will result in any one or more of the following conditions:
 - i. A tower or antenna is located closer to a residential use or zoning district.
 - ii. A height increase of ten feet or more; or
 - iii. Any other material change that may substantially affect the original basis of approval.

Modifications that are not deemed minor shall be processed according to Section 15.2 of this Ordinance.

QQ. Year around residences for caretakers of forest or recreation areas

- RR. , may be permitted in the FR District subject to the standards and conditions outlined in this chapter, and specifically here:
1. Minimum lot area of 40 acres to be considered a forest recreation area, and one acre must be set aside for the caretakers residence.

2. Water supply and sewer disposal systems must be provided for review and approval issued by the Muskegon County Health Department.
3. The dwelling shall comply with Section 3.10 (Regulation for Single-Family Dwellings).

RR. Waste treatment facilities

SS. , may be permitted in the IND District subject to the standards and conditions outlined in this chapter, and specifically here: (Rev. 8/99)

1. Minimum lot size of 40 acres shall be required for such use.
2. Such use may not be nearer than one-quarter mile from the lot line of any residential use.
3. The site shall be designed and operated in compliance with all state and federal regulations and requirements.
4. The applicant shall demonstrate that all required permits for any state or federal agencies regulating such uses have been obtained.

SS. Cervidae operation

TT. may be permitted in the LDR, AG, and FR Districts, subject to the standards and conditions outlined in this chapter, and specifically here: (New 10/28/02)

1. Minimum lot area of ten acres shall be required for such use.
2. All areas accessible to the animals including, but not limited to, all grazing, exercise, and shelter areas, shall be a minimum of 30 feet away from adjacent parcels, unless a greater distance is necessary to prevent odors, noises, or other irritants from excessively impacting adjacent parcels, in which case a greater distance may be required.
3. The property owner must provide copies of all permits required by the Department of Natural Resources, the Michigan Department of Agriculture Animal Industry Division, and/or any other applicable governing agency to the Township Planning Commission, demonstrating compliance with any applicable federal or state guidelines for the shelter and care of the intended animals.
4. Hunting in a cervidae operation is prohibited. Should conditions exist that require culling a herd, proper authorization from the Michigan Department of Agriculture shall be on file with the Township.
5. The Planning Commission may impose any conditions necessary to minimize potential negative impacts on adjacent properties.

TT. Storage, transportation and distribution of heating fuels for commercial purposes, including natural gas, propane gas, and similar fuels.

UU. (New 9/15/03)

1. Such uses, including storage tanks, buildings, pipelines, vehicle parking areas and other associated facilities, installations and equipment, used for commercial purposes, may be permitted if approved by the Planning Commission as a special land use in accordance with this subsection.
2. Detailed plans and specifications for the proposed land use shall be submitted to the Planning Commission and shall include the following:
 - a. The size, nature, and specific location of the proposed land use.
 - b. The proximity of the use to adjoining and nearby lands and uses, and the effects of the use on such other uses and the public streets.
 - c. The measures proposed to be taken to avoid or moderate adverse impacts on adjacent and nearby lands and uses.
 - d. The means of limiting access to all facilities, structures and appurtenances, such as fencing, gates, natural barriers or other methods.
 - e. Other information, details and evaluations deemed necessary by the Planning Commission, including, but not limited to a traffic impact analysis, environmental impact study, analysis of safety issues and other matters.
3. A minimum lot area of two acres shall be required, and the parcel of land shall be vacant; provided, however, that the Planning Commission in its discretion may permit a lesser area.
4. Any tank, structure, or facility shall comply with all building setback requirements of the zone district in which the tank, structure or facility is located, or it shall comply with such greater setbacks as the Planning Commission may require.
5. A fence at least six feet high shall surround any above-ground tank, structure, or facility. The fence shall be made of an acceptable material, such as but not limited to, wood, cinder block, or chain link with slats or other approved materials.
6. Any above-ground tank, structure, or other facility shall be screened from adjacent residential uses with a buffer, greenbelt, or other effective screening as outlined in Section 3.17.

7. Any odor, fumes, heat, dust, or smoke from the proposed use shall have no adverse impact on adjacent and nearby lands and uses.
8. The proposed use shall comply with all state and other applicable regulatory requirements. Copies of all necessary state and other permits shall be furnished to the Planning Commission.
9. All tanks, facilities, and appurtenances shall be fully and properly maintained on a regular and frequent basis.
10. The Planning Commission may impose other terms and conditions to promote public health, safety, and welfare. These conditions may include requirements for an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

UU. Wind energy conversion systems (WECS).

VV. (New 7/26/04; Rev. 1/6/10). Wind farms may be permitted in the AG and FR Districts subject to the standards and conditions outlined in this chapter, and specifically here:

1. Such facilities may be permitted as a principal use or an accessory use on a parcel.
2. Minimum lot size of two acres and minimum lot width of 200 feet is required.
3. In addition to the requirements for site plan application and review outlined in Section 14.1.C, the following information shall be included with any application of a special land use for a WECS:
 - a. Location of overhead electrical transmission or distribution lines.
 - b. Location and height of all buildings, structures, towers, guy wires, guy wire anchors, security fencing, and other above ground structures associated with the WECS.
 - c. Locations and height of all adjacent buildings, structures, and above ground utilities located within 300 feet of the exterior boundaries of the site housing the WECS and/or testing facility. The boundaries to include the outermost locations upon which towers, structures, fencing, facilities, and other items associated with a WECS are placed. Specific distances to other on-site buildings, structures, and utilities shall be provided.
 - d. A proper buffer or greenbelt to screen the use from any adjacent residential use or district and the public road as outlined in Section 3.17.

- e. Existing and proposed setbacks of all structures located on the property in question.
 - f. Sketch elevation of the premises accurately depicting the proposed WECS and its relationship to all structures within 300 feet. For wind farms in which case numerous towers of similar height are planned, sketches are necessary only at borders of proposed project and when adjacent to other established structures within 300 feet.
 - g. Access road to the WECS and testing facility with detail on dimensions, composition, and maintenance.
 - h. Planned security measures to prevent unauthorized trespass and access.
 - i. WECS and testing facility maintenance programs shall be provided that describes the maintenance program used to maintain the WECS and testing facility, including removal when determined to be obsolete.
4. A copy of the manufacturer's installation instruction shall be provided. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the wind energy conversion system and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Township Building Code; drawings and engineering calculations shall be certified by a registered engineer licensed to practice in the State of Michigan.
5. Each WECS shall be grounded to protect against natural lightning strikes in conformance with the National Electrical Code. Additionally, WECS and testing facility electrical equipment and connections shall be designed and installed in adherence to the National Electrical Code as adopted by the Township.
6. Design standards:
- a. A minimum of a six-foot tall fence shall be provided around the perimeter of the WECS, or in the case of several WECSs, around the perimeter of the site.
 - b. No part of a WECS or testing facility (including guy wire anchors) shall be located within or above any required front, side or rear yard setback of the zoning district in which it is located. WECS towers shall be setback from the closest property line two feet for every one-foot of system height.

- c. WECS and testing facilities shall not be located within 30 feet of an above ground utility line.
- d. The permitted maximum height of a WECS and testing facility shall be less than 200 feet.
- e. Colors and surface treatment of the WECS and supporting structures shall minimize disruption of the natural characteristics of the site. No part of the structure shall be used for signs or advertising.
- f. All WECS rotors shall not have rotor diameters greater than 26 feet.
- g. Blade-arcs created by the WECS shall have a minimum of 30 feet of clearance over any structure, land or tree within a 200 foot radius of the tower.
- h. Each WECS shall be equipped with both a manual and automatic braking device capable of stopping the WECS operation in high winds (40 mph or greater).
- i. To prevent unauthorized climbing, WECS and testing facility towers must comply with one of the following provisions:
 - i. Tower climbing apparatus shall not be located within 12 feet of the ground.
 - ii. A locked anti-climb device shall be installed on the tower.
 - iii. Tower capable of being climbed shall be enclosed by a locked, protective fence at least six feet high.
- j. Each WECS and testing facility shall have one sign, not to exceed two square feet in area posted at the base of the tower. The sign shall contain the following information:
 - i. Warning high voltage.
 - ii. Manufacturer's name.
 - iii. Emergency phone number.
- k. WECS and testing facilities shall not have affixed or attached any lights, reflectors, flashers or any other illumination, except for illumination devices required by federal regulations.
- l. WECS and testing facilities shall be designed and constructed so as not to cause radio and television interference.

- m. Noise emanating from the operation of WECS and testing facilities shall not exceed 50 decibels, as measured on the DBA scale, measured at the nearest property line. Estimates of noise levels shall be provided by applicant for property lines for normal operating conditions.
 - n. No WECS shall be interconnected with a local electrical utility company until the utility company has reviewed and commented upon it. The interconnection of the WECS with the utility company shall adhere to the National Electrical Code as adopted by the Township.
7. The Township hereby reserves the right upon issuing any WECS or testing facility special land use permit to inspect the premises on which the WECS is located. If a WECS is not maintained in operational condition and poses a potential safety hazard, the owner shall take expeditious action to correct the situation.
8. Any WECS or testing facilities which are not used for six successive months shall be deemed abandoned and shall be dismantled and removed including all foundations and footings. The Township may require a performance guarantee in accordance with the provisions of Section 17.3.B to ensure enforcement of this requirement.

CHAPTER 15A
SITE CONDOMINIUMS

(New 9/15/03)

Section 15A.1 Purpose.

Site condominiums are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself, or the condominium unit taken together with any contiguous, appurtenant limited common element, shall be considered to constitute a building site which is the functional equivalent of a “lot” for purposes of determining compliance with the requirement of the Zoning Ordinance and other applicable laws, ordinances and regulations.

Site condominiums may also include general common elements consisting of common open space, recreational areas, streets, and other areas and amenities available for use by all owners of condominium units within the development.

This chapter requires preliminary review by the Planning Commission followed by final review and approval by the Township Board of site condominium plans to ensure that site condominiums comply with this Ordinance and other applicable Township ordinances.

Section 15A.2 Definitions.

For purposes of this chapter, the following words and phrases are defined as follows:

- A. “Building envelope” means the area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the master deed for the site condominium. In a single-family residential site condominium project, the building envelope refers to the area of each condominium unit within which the dwelling and any accessory structures may be built.
- B. “Building site” means either:
 - 1. The area within the site condominium unit by itself (i.e., exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope.
 - 2. The area within the condominium unit, taken together with any contiguous and appurtenant limited common element.

For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitation, height, area, yard, and density requirements) or

with other applicable laws, ordinance or regulations, a “building site” shall be considered to be the equivalent of a “lot.”

- C. “Condominium Act” means Public Act 59 of 1978, as amended.
- D. “Limited common element” means an area which is appurtenant to a site condominium unit and which is reserved in the master deed for the site condominium development for the exclusive use of the owner of the site condominium unit.
- E. “Site condominium development” means a plan or development consisting of not less than two site condominium units established in compliance with the Condominium Act.
- F. “Site condominium development plan” means the plans, drawings and information prepared for a site condominium development as required by Section 66 of the Condominium Act and as required by this chapter for review of the development by the Planning Commission and the Township Board.
- G. “Site condominium unit” means a condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of vacant air space, designed and intended for separate ownership and use as described in the site condominium master deed, and within which a building or other improvements may be constructed by the condominium unit owner.
- H. Except as otherwise provided by this chapter, the following words and phrases, as well as any other words or phrases used in this chapter which are specifically defined in the Condominium Act, shall conform to the meaning given to them in the Condominium Act: “common elements;” “condominium documents;” “condominium unit;” “contractible condominium;” “convertible area;” “expandable condominium;” “general common elements;” and “master deed.”

Section 15A.3 Review of Preliminary Development Plan by the Planning Commission.

- A. **Preliminary Site Condominium Development Plan Review.** Prior to final review and approval of a site condominium development plan by the Township Board, a preliminary site condominium development plan shall be reviewed by the Planning Commission. If the preliminary site condominium development plan meets the requirements of this Ordinance and all other applicable local, county, state and federal regulations, the Planning Commission shall recommend preliminary plan approval. The Planning Commission shall then forward one copy of the preliminary plan along with a notation indicating its recommendation for preliminary plan approval and any other recommendations to the Township Board.

If the plan does not meet the requirements of this Ordinance, the Planning Commission shall:

1. Recommend denial of the preliminary site condominium development plan, setting forth the reasons in writing, or

2. Recommend granting approval of the preliminary plan contingent upon completion of such revisions as may be noted or upon such conditions as the Planning Commission may impose.

The Planning Commission shall conduct at least one public hearing for the purpose of receiving public comments on the proposed preliminary site condominium development plan. Notification of the public hearing shall be published and delivered in accordance with Section 17.5 of this Ordinance. (Rev. 11/1/06)

B. Preliminary Site Condominium Development Plan. Applications for review and approval of a site condominium development plan shall be initiated by the submission to the Township Clerk of the following:

1. A preliminary site condominium development plan containing all of the information required for a site plan under Section 14.1.C.2 of this Ordinance.
2. An application fee in accordance with the fee schedule established by resolution of the Township Board.

C. Standards of Review. The Planning Commission shall review the preliminary site condominium development plan to ensure compliance with the Zoning Ordinance and any other applicable federal, state or local laws or ordinances. In addition, the following standards and requirements shall apply:

1. In its review of a site condominium development plan, the Planning Commission may consult with the Zoning Administrator, Township attorney, or other appropriate persons regarding the adequacy of the proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, development layout and design, or other aspects of the proposed development.
2. The building site for each site condominium unit shall comply with all applicable provisions of this Ordinance, including minimum lot area, minimum lot width, required front, side and rear yards, and maximum building height.
3. If a site condominium development is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval and maintenance requirements for platted public streets as required by the Muskegon County Road Commission. All private streets in a site condominium development shall be developed as required by the private street requirements of the Zoning Ordinance.
4. If public water and sanitary sewer facilities are not available, each condominium unit shall either be served by a private central system (designed for connection to a public system when and if a public system is made available), or shall have a well, septic tank, and drain field located

within the condominium unit's building site. Water and sanitary sewer facilities shall be approved by the Muskegon County Department of Health and the Township in accordance with applicable standards.

5. The Planning Commission shall require that portions of the plan as relevant to the reviewing authority in question be submitted to the Muskegon County Health Department, Muskegon County Road Commission, Muskegon County Drain Commissioner, Michigan Department of Natural Resources, Michigan Department of Public Health and other appropriate state and county review and enforcement agencies having direct approval or permitting authority over any aspect of the proposed site condominium development.

Section 15A.4 Planning Commission Recommendation.

After reviewing the preliminary site condominium development plan, the Planning Commission shall prepare a written recommendation to deny, approve or approve with conditions, the proposed site condominium development. The Planning Commission may include any suggested or required changes in the plan. The Planning Commission shall provide a copy of its written recommendations to the applicant and to the Township Board.

Section 15A.5 Review and Approval of Final Site Condominium Development Plan by Township Board.

- A. After receiving the Planning Commission's recommendations on the preliminary site condominium development plan, the applicant shall submit to the Township Clerk 12 copies of a final site condominium development plan which complies with the requirements of this section and contains the information for a site plan as set forth in Chapter 14 of this Ordinance.

The Township Clerk shall, upon receipt of a complete final site condominium development plan, forward copies of the final plan to the Township Board.

- B. The final site condominium development plan submitted by the applicant shall incorporate all of the recommendations, if any, made by the Planning Commission based on its prior review of the preliminary plan. If any of the Planning Commission's recommendations are not incorporated in the final plan the applicant shall clearly specify in writing which recommendations have not been incorporated and the reasons why those recommendations have not been incorporated.

Except for changes made to the plan as necessary to incorporate the recommendations of the Planning Commission, the final plan shall otherwise be identical to the preliminary plan which was reviewed by the Planning Commission. Changes made to the plan other than those necessary to incorporate the recommendations of the Planning Commission shall be reviewed by the Planning Commission prior to approval of the plan by the Township Board.

- C. After receiving the Planning Commission's recommendations on the preliminary plan and a final site condominium development plan from the applicant, the

Township Board shall proceed to review and may approve, deny, or approve with conditions the final site condominium development plan in accordance with the standards and requirements provided in Section 14.8 of this Ordinance and other applicable requirements of this Ordinance and other Township ordinances.

- D. As a condition of approval of a final site condominium development plan, the Township Board may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Board covering the estimated cost of improvements associated with the site condominium development for which approval is sought shall be deposited with the Township as provided by the Michigan Zoning Enabling Act.

Section 15A.6 Contents of Side Condominium Project Plans.

A condominium development plan shall include the documents and information required by Sections 15A.3 and 15A.5 of this Ordinance and shall also include the following:

- A. The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed.
- B. A storm drainage and storm water management plan, including all lines, swales, drains, basins, and other facilities and easements granted to the appropriate municipality for installation, repair and maintenance of all drainage facilities and such other information as may be required by the Township's storm water control ordinance.
- C. A utility plan showing all water and sewer lines and easements granted to the appropriate municipality for installation, repair and maintenance of all utilities.
- D. A narrative describing the overall objectives of the proposed site condominium development.
- E. A narrative describing the proposed method of providing potable water supply, waste disposal facilities and public and private utilities.
- F. A street construction, paving and maintenance plan for all private streets within the proposed condominium development.

Section 15A.7 Construction in Compliance with Approved Final Site Condominium Development Plan.

No buildings or structures shall be constructed nor shall any other site improvements or changes be made on the property in connection with a proposed site condominium development except in compliance with a final site condominium development plan as approved by the Township Board, including any conditions of approval.

Section 15A.8 Commencement of Construction; Construction; Issuance of Permits.

No building permit shall be issued, and no public sanitary sewer or public water service shall be provided for any dwelling or other structure located on a parcel established or sold in violation of this chapter. The sale, or the reservation for sale, of site condominium units shall be as regulated by the Condominium Act. No building in a site condominium development may be occupied or used until all required improvements have been completed and all necessary utilities installed.

Section 15A.9 Expandable or Convertible Condominium Developments.

Approval of a final site condominium development plan shall not constitute approval of expandable or convertible portions of a site condominium development unless the expandable or convertible areas were specifically reviewed and approved by the Planning Commission and Township Board in compliance with the procedures, standards and requirements of this chapter.

Section 15A.10 Changes in the Approved Site Condominium Development Plan.

- A. The holder of an approved site condominium development plan shall notify the Zoning Administrator of any proposed change to the approved plan.
- B. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design nor will it alter any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - 1. A decrease in the number of site condominium units.
 - 2. A reduction in the area of the building site for any site condominium unit.
 - 3. A reduction of less than 10 percent in the total combined area of the general common elements of the site condominium.
 - 4. A reduction in the total combined area of all limited common elements of the site condominium.
 - 5. Other minor variation in the site configuration, design, layout, topography or other aspect of the development which is subject to regulation under this Zoning Ordinance, and which, as determined by the Zoning Administrator, does not constitute a major change.

Any change which constitutes a minor change shall be reviewed and approved by the Zoning Administrator, but in the discretion of the Administrator, any such minor change may be reviewed and approved by the Planning Commission, at a public meeting.

- C. A proposed change not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a site condominium development plan amendment and shall be reviewed in the same manner as the original application. Certain changes, such as a change in the name of the development, a change in the name of the streets within the development, a change of the name of the developer, a change of the voting rights of co-owners or mortgagees or other changes which, as determined by the Zoning Administrator, do not change the site configuration, design, layout, topography or other aspect of the development which is subject to regulation under the Zoning Ordinance, are exempt from review by the Township.

Section 15A.11 Incorporation of Approved Provisions in Master Deed.

All provisions of a final site condominium development plan which are approved by the Township Board as provided by this chapter shall be incorporated by reference in the master deed for the site condominium project. The master deed and condominium documents shall be approved by the Township attorney prior to recording. A copy of the master deed as recorded with the Muskegon County Register of Deeds shall be provided to the Township promptly after recording.

Section 15A.12 Commencement of Construction.

Construction of an approved site condominium development shall commence within two years after such approval and be diligently pursued to completion in accordance with the terms and conditions of the approval. Such two year period may be extended by the Township Board in its discretion, for additional periods of time as determined appropriate by the Board. Any such extension shall be applied for by the applicant within such two year period.

Section 15A.13 Variances.

A variance from the provisions of this chapter may be granted if the applicant demonstrates that literal enforcement of any of the provisions of this chapter is impractical, or will impose undue hardship in the use of the land because of special or peculiar conditions pertaining to the land. Upon application, the Township Board, after recommendation by the Planning Commission, may permit a variance or variances which are reasonable and within the general policies and purposes of this chapter. The Planning Commission and Township Board may attach conditions to the variance.

CHAPTER 16
ZONING BOARD OF APPEALS

Section 16.1 Membership.

- A. **Continuation of Present Zoning Board of Appeals.** The Zoning Board of Appeals existing at the time of adoption of this Ordinance shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act.
- B. **Composition and Terms.** The Zoning Board of Appeals shall consist of three members appointed by the Township Board for a three-year term. One member shall be from the Planning Commission. The Chairman of the Zoning Board of Appeals may not be an elected official.
- C. **Alternate Members.** Up to two alternate members may be appointed by the Township Board for three-year terms. If two alternate members have been appointed, they may be called on a rotating basis, as they are available to sit as regular members of the Zoning Board of Appeals, in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals. An alternate member shall only serve to discuss or vote upon a case in the absence of a regular member or upon the conflict of interest of a regular member.
- D. **Vacancies.** Any vacancies in the Zoning Board of Appeals shall be filled by appointment by the Township Board.
- E. **Officers.** The Zoning Board of Appeals shall annually elect its own chairman, vice chairman and secretary.

Section 16.2 Meetings.

- A. **Meetings.** All meetings of the Zoning Board of Appeals shall be held at the call of the chairman and at such times as the Zoning Board of Appeals may determine. All hearings conducted by the Zoning Board of Appeals shall be open to the public. The secretary to the Board or their representative, 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 also keep records of its hearings and other official action. Two members of the Zoning Board of Appeals shall constitute a quorum for the conduct of its business. The Zoning Board of Appeals shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

- B. **Hearings.** The Zoning Board of Appeals shall make no decision regarding a variance except after a public hearing is conducted by the Zoning Board of Appeals. Notice of such hearing shall be published and delivered in accordance with Section 17.5 of this Ordinance. (Rev. 11/1/06)

Section 16.3 Jurisdiction.

The Zoning Board of Appeals shall not have the power to make any change in the terms of this Ordinance, but does have power to act on those matters where this Ordinance provides for an administrative review, interpretation, and to authorize a variance as defined in this chapter and the laws of the State of Michigan. The Zoning Board of Appeals shall not have the authority to hear appeals from a decision made in respect to any special use, planned unit development, or rezoning. The powers of the Zoning Board of Appeals include:

- A. **Hearing of Appeals.** To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing the provisions of this Ordinance.
- B. **Granting of Variances.** A variance from the specific requirements of this Ordinance may be granted by the Zoning Board of Appeals in accordance with the requirements and procedures of this chapter.
- C. **Zoning Ordinance Interpretation.** The Zoning Board of Appeals may interpret the provisions of this Ordinance to carry out the intent and purposes of the Zoning Ordinance where the meaning of the provision is uncertain.
- D. **Granting of Temporary Uses and Buildings.**
1. The Zoning Board of Appeals may permit, upon proper application, temporary uses not otherwise permitted in the district. Such temporary uses shall not exceed a duration of 12 months, however, the Zoning Board of Appeals may grant one extension, of up to 12 months, when appropriate.
 2. The Zoning Board of Appeals, in granting permits for temporary uses, shall do so under the following conditions:
 - a. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district, nor on the property where the temporary use is permitted.
 - b. The granting of the temporary use shall be issued in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of the temporary permit.

- c. All setbacks, land coverage, off-street parking, lighting and other requirements shall be made at the discretion of the Zoning Board of Appeals.
 - d. The use shall be in harmony with the general character of the district.
 - e. The Board shall not grant a temporary permit without first holding a public hearing on the application for temporary permit. Notice of such hearing shall be delivered and published in accordance with Section 17.5 of this Ordinance. (Rev. 11/1/06)
 - f. Prior to granting a temporary permit the Board may seek the review and recommendation of the Planning Commission.
3. For temporary buildings, the procedure as outlined in Section 3.20 (Temporary Dwellings), shall be followed.

Section 16.4 Decisions.

- A. **Procedure.** An appeal may be taken by a person aggrieved, or by an officer, department, or Board of the Township. Such appeal shall be taken within 21 days, as prescribed by the rules of the Zoning Board of Appeals, by the filing with the officer or body from whom the appeal is taken and with the Zoning Board of Appeals of a notice of appeal specifying the grounds for the appeal.
- B. **Filing.** The party from whom the appeal is taken shall immediately transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed was taken. These papers shall include a completed application form and site plan, including the following, unless determined to be inapplicable to the request and specifically waived by the Zoning Board of Appeals:
 - 1. Project information, including:
 - a. The applicant's name.
 - b. Name of the development.
 - c. The preparer's name.
 - d. North arrow.
 - e. Complete and current legal description and size of property in acres.
 - f. Small scale location sketch of sufficient size and scale.
 - 2. **Existing Features.**
 - a. Property lines and dimensions.

- b. Zoning and current land use of applicant's property and all abutting properties and of properties across any public or private road from the site.
- c. Lot lines and all structures on the property, the Zoning Board of Appeals may require buildings and structures within 100 feet of the site's property lines, also be shown.
- d. Location of any access points on both sides of the street within 100 feet of the site along streets where access to the site is proposed.

3. **Proposed Construction.**

- a. Building footprints, setbacks, floor plans and elevations showing height and materials for all proposed structures, including any residential units, with the acreage allotted to each use.
- b. Location and dimensions of parking spaces.
- c. Details of site circulation and access design, including:
 - i. Indication of street right-of-way and pavement widths and pavement type.
 - ii. Names of abutting public roads, proposed access driveways and parking areas, and existing and proposed pedestrian/bicycle paths.
 - iii. Written verification of access easements or agreements, if applicable.

C. **Stay of Proceedings.** An appeal stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in the opinion of the officer or body, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order. This restraining order may be granted by the Zoning Board of Appeals or circuit court on application or notice to the officer or body from whom the appeal is taken and due cause shown.

D. **Decisions.**

- 1. The concurring vote of a majority of the membership of the Board shall be required to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the Board is required to pass, or to effect a variation in the ordinance; except that a concurring vote of two-thirds of the membership shall be necessary to grant a use variance.

2. The Zoning Board of Appeals shall render its decision upon any appeal or application submitted to it within a reasonable time after the hearing.
 3. All decisions of the Zoning Board of Appeals shall become final five days after the date of entry of an order, unless the Board shall find, and so certify on the record, that it is necessary to cause such order to have immediate effect, in order to preserve property or personal rights.
- E. **Record of Actions.** For each decision of the Zoning Board of Appeals, a record shall be prepared. Such record shall include, at a minimum, the following items:
1. Description of the applicant's request.
 2. The Zoning Board of Appeal's motion and vote.
 3. A summary or transcription of all relevant material and evidence presented at hearing.
 4. Any conditions attached to an affirmative decision.
- F. **Appeals to Circuit Court.** A decision of the Board of Appeals on an appeal from a Township officer or body shall be final; provided, however, a party aggrieved by the Board of Appeals' decision may appeal to the circuit court, to the extent and in the manner permitted by law. (Rev. 11/1/06)
- G. **Resubmission.** No variance request which has been decided by the Zoning Board of Appeals shall be submitted for reconsideration within a one year period from the date of the original application unless the Board finds that at least one of the following conditions exist:
1. That the conditions involving all of the reasons for the original denial have been significantly altered.
 2. That new conditions or circumstances exist which change the nature of the original request.

Section 16.5 Conditions of Approval.

- A. The Zoning Board of Appeals may impose reasonable conditions in conjunction with approval of an appeal, variance, or any other decision which they are required to make.
- B. Conditions shall be imposed in a manner in accordance with the Michigan Zoning Enabling Act, and related to the standards by which the decision is reached.

Section 16.6 Variance Procedures.

- A. **Authority for Variances.** The Zoning Board of Appeals, after public hearing, shall have the power to grant requests for variances from the provisions of this Ordinance

where it is proved by the applicant that there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of the Ordinance relating to the construction, equipment, or alteration of buildings or structures so that the spirit of the Ordinance shall be observed, public safety secured and substantial justice done.

B. Granting of Non-Use Variances. A non-use variance may be allowed by the Zoning Board of Appeals only in cases where there is reasonable evidence of practical difficulty in the official record of the hearing and that all of the following conditions are met:

1. That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same zoning district.
2. That the condition or situation of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations. Unique circumstances include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this chapter, or by reason of exceptional topographic conditions or other extraordinary situation on the land, building or structure or by reason of the use or development of the property immediately adjoining the property in question, the literal enforcement of the requirements of this chapter would involve practical difficulties.
3. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.
4. The variance will not be significantly detrimental to adjacent property and the surrounding neighborhood.
5. The variance will not impair the intent and purpose of this Ordinance.
6. That the immediate practical difficulty causing the need for the variance request was not created by any action of the applicant.

C. Granting of use variances shall be prohibited.

Section 16.7 Fees.

The Township Board may prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Zoning Board of Appeals. The fee shall be paid to the Township Treasurer at the time the application for the appeal or variance is filed.

Section 16.8 Voiding of a Variance.

(New 2/24/03)

Whenever actions authorized by a variance are not commenced within one year of the date granted, the variance shall become null and void.

**CHAPTER 17
ADMINISTRATION**

Section 17.1 Zoning Administrator.

Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Zoning Administrator, or such other official or officials as may be designated by the Township Board. The Zoning Administrator shall have the power to:

- A. Issue zoning permits.
- B. Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this Ordinance.
- C. Issue and serve appearance tickets on any person with respect to any violation of this Ordinance where there is reasonable cause to believe that the person has committed such an offense.
- D. Perform such other functions necessary and proper to enforce and administer the provisions of this Ordinance.

Section 17.2 Permits.

A. Zoning Permits.

- 1. No building, structure, or sign shall be erected, altered, or moved unless a zoning permit shall have been first issued for such work.
- 2. No zoning permit shall be issued for the erection, alteration, or use of any building or structure, or for the use of any land which is not in accordance with all provisions of this Ordinance.
- 3. A record of all zoning permits issued shall be kept on file in the office of the Zoning Administrator and copies shall be furnished upon request to any person owning or renting the property which is the subject of the permit.
- 4. No vacant land shall be used and no existing use of land shall be changed to a different class of use unless a zoning permit is first obtained for the new or different use.

B. Building Permits and Certificates of Occupancy.

- 1. No building permit for the construction, erection, alteration, repair, or moving of any building or structure shall be issued until a zoning permit, or zoning approval for such work has been issued by the Zoning Administrator.
- 2. No building or structure which is hereafter erected or altered shall be occupied or used unless and until a certificate of occupancy shall have been issued for such building or structure.

3. Certificates of occupancy, as required by the currently adopted Building Code for Cedar Creek Township, shall also constitute certification of compliance with the Zoning Ordinance.
 4. A record of all certificates of occupancy issued shall be kept on file in the office of the Building Inspector, and copies shall be furnished upon request to any person owning or renting the property which is the subject of the certificate.
- C. **Fees** for the inspection and issuance of zoning permits, building permits, or certificates of occupancy, or copies required or issued under the provisions of this Ordinance, may be collected by the Township in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance.

Section 17.3 Enforcement.

A. Violations.

1. Any person, firm, or corporation, or any owner of any building, structure, or premises, or part thereof, where any condition is in violation of this Ordinance exists, or has been created, and who has assisted knowingly in the commission of such violation, shall be guilty of a civil infraction, for which the fine shall be not less than \$100 nor more than \$500 for the first offense and not less than \$500 nor more than \$1,000 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, and expenses provided by law.

For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility, or was adjudicated to be responsible; provided however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall all be considered separate first offenses. Each day during which any violation continues shall be deemed a separate offense.

2. Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and is in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se.
3. Each day the violation occurs or continues shall be deemed a separate offense.
4. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

B. Performance Guarantees.

1. As a condition of approval of a site plan review, special use, or planned unit development, the Township Board 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.
2. Performance guarantees shall be processed in the following manner:
 - a. Prior to the issuance of a zoning permit, the applicant shall submit an itemized estimate of the cost of the required improvements which are subject to the performance guarantee, which shall then be reviewed by the person designated by the Township Board. The amount of the performance guarantee shall be 100 percent of the cost of purchasing materials and installing 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, or surety bond acceptable to the Township.
 - c. Upon receipt of the required performance guarantee, the Zoning Administrator shall issue a zoning permit for the subject development or activity, provided it is in compliance with all other applicable provisions of this Ordinance and other applicable Ordinances of the Township.
 - d. The Township Treasurer will refund to the obligor portions of the performance guarantee, only after written notice from the Building Inspector, 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 obligor shall send written notice to the Building Inspector of completion of said improvements. Thereupon, the Building Inspector 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 obligor 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.

- f. A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

Section 17.4 Amendments.

The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented or changed. Proposals for amendments may be initiated by the Board, the Planning Commission or by petition of one or more owners of property in Cedar Creek Township affected by such proposed amendment. The procedure for amending this Ordinance shall be as follows:

- A. Each petition shall be submitted to the Zoning Administrator, accompanied by a fee as established by the Township Board, and then referred to the Clerk to set a hearing date and publish notices.
- B. The Planning Commission shall conduct a public hearing, notice of which shall be given in accordance with Section 17.5 of this Ordinance. (Rev. 11/1/06)
- C. The Planning Commission shall make a recommendation which shall be transmitted, along with the request and its findings, to the Township Board and to Muskegon County for review, as provided in the Michigan Zoning Enabling Act. The county shall, within 30 days of receiving the request make a recommendation to the Township. If a recommendation is not received within such time period, a recommendation of approval shall be presumed.
- D. The Township Board may hold additional hearings if it considers it necessary. Notice of such hearing shall be delivered and published in accordance with Section 17.5 of this Ordinance. (Rev. 11/1/06)
- E. No petition for rezoning or other ordinance amendment, which has been disapproved, shall be resubmitted for a period of one year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

Section 17.5 Publication and Delivery of Notice of Public Hearing.

Except where expressly stated otherwise in this Ordinance, whenever a public hearing on a zoning application is required by this Ordinance or by the Michigan Zoning Enabling Act, notice of the public hearing shall be published and delivered in accordance with the requirements of this section.

- A. The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.

- B. For applications involving the rezoning of ten or fewer adjacent properties; for applications to the Zoning Board of Appeals involving a specific parcel; and for all planned unit development and special land use applications, a notice of public hearing shall be mailed by way of U.S. first class mail or personally delivered to the following persons, at least 15 days prior to the date of the public hearing:
1. The applicant;
 2. All persons to whom real property is assessed within 300 feet of the property that is the subject to the application; and
 3. The occupants of all structures within 300 feet of the property that is the subject of the application.

If the above-described 300-foot radius extends outside of the Township's boundaries, then notice must be provided outside of the Township boundaries, within the 300-foot radius, to all persons in the above-stated categories.

- C. The notice of public hearing shall include the following information:
1. A description of the nature of the application or request.
 2. An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if 11 or more adjacent properties are being proposed for rezoning.
 3. State when and where the application or request will be considered.
 4. Identify when and where written comments will be received concerning the application or request.

(New Section 17.5, 11/1/06)