

# **CROTON TOWNSHIP ZONING ORDINANCE**

**ADOPTED: NOVEMBER 2002**

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**CHAPTER 1  
DEFINITIONS**

**SECTION 1.10      RULES APPLYING TO TEXT**

The following listed rules of construction 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, corporation, governmental unit or municipality, partnership, limited liability company, incorporated association, or any other similar entity or combination thereof.
- 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.
- I.     The masculine shall also mean the feminine and vice versa.
- J.     If a particular use or activity is not expressly authorized in the particular District involved (whether listed as a permitted use or with approval as a Special Land Use), then it is not permitted or allowed within that District.

**SECTION 1.20      DEFINITIONS - A****ACCESSORY BUILDING**

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.

**ACCESSORY USE, OR ACCESSORY**

A use of a lot which is clearly incidental to the principal use of the lot and customarily found in connection with the principal use. When "accessory" is used in this text, it shall have the same meaning as accessory use.

**ADULT BOOKSTORE**

An enclosed building used for the sale of motion picture films, video cassettes, magazines, posters, and other printed material, or tapes, or sex objects for other than contraceptive purposes, distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in this Ordinance, for sale to patrons therein.

**ADULT FOSTER CARE FAMILY HOME**

- A.     Adult Foster Care Family Home is a single-family dwelling occupied as such in which one (1) but not more than six (6) adults, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage, or adoption, are given care and supervision for twenty-four (24) hours per day, unattended by a parent or legal guardian.
  
- B.     Adult Foster Care Group Home is a single-family dwelling occupied as such in which more than six (6) adults, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage, or adoption are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.

**ADULT LIVE ENTERTAINMENT THEATER**

An enclosed building for presenting live entertainment involving the use of strip dancers, naked individuals, individuals who wear see-through clothing which permits the view of "specified anatomical areas," individuals who are partially clothed and partially unclothed so as to permit the view of "specified anatomical areas," or individuals conducting "specified sexual activities."

**ADULT MOTION PICTURE THEATER**

An enclosed building used for presenting motion picture films, video cassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter

depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in this Ordinance, for observation by patrons therein.

#### **ADULT USES**

Uses whose primary business is for an adult bookstore, adult live entertainment theater, or adult motion picture theater, or a combination thereof.

#### **AGRICULTURE**

The cultivation, tilling or use of soil for the purpose of growing or storing crops thereon or use of land for the purpose of animal or poultry husbandry, including the preparation and marketing of agricultural products for commercial purposes. All reasonable dust, spray drift, water drift, noise, odors, and other conditions normally associated with the foregoing agricultural uses are considered a part of the agriculture and are permitted.

#### **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, any substantial change in the roof, or an addition to or diminution of a structure or building.

#### **AMATEUR RADIO ANTENNA AND ANTENNA**

The arrangement of wires or metal rods used in sending and receiving of electromagnetic waves.

#### **AMATEUR RADIO STATION**

A radio station operated in the Amateur Radio Service under license of the Federal Communication Commission.

#### **ANTENNA SUPPORT STRUCTURE**

Any structure, mast, pole, tripod or towers utilized for the purpose of supporting an antenna or antennas for the purpose of transmission or reception of electromagnetic waves.

#### **AVERAGE GRADE**

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.

**SECTION 1.30 DEFINITIONS - B****BASEMENT**

That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

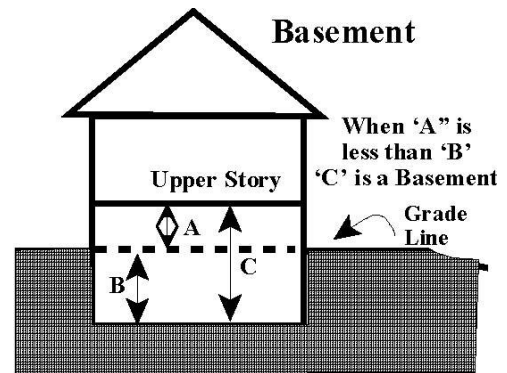


Figure 1.1

**BED AND BREAKFAST ESTABLISHMENT.**

A house, or portion thereof, where short-term lodging rooms and meals are provided for a fee or as a commercial operation.

**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.

**BODY OF WATER/ORDINARY HIGH WATER MARK**

The line between upland and bottom land which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present.

**BODY SHOPS**

Any building premises, or land in which or upon which the primary use is the servicing, repair, or painting of motor vehicles.

**BREAK IN THE BANK**

The point at which there is a sudden interruption in the topography of land in the proximity of lake, river, or a tributary thereof whereat the land commences to fall vertically toward the water at a rate of one (1) foot for every three (3) horizontal feet or greater.

**BUFFER STRIP**

A strip of land required between certain Districts reserved for plant material, beams, walls, or fencing to serve as a visual barrier.

**BUILDABLE AREA**

The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been met.

**BUILDING ADMINISTRATOR AND BUILDING INSPECTOR**

The person designated by the Township Board to administer the provisions of the adopted Building Codes for Croton Township.

**BUILDING**

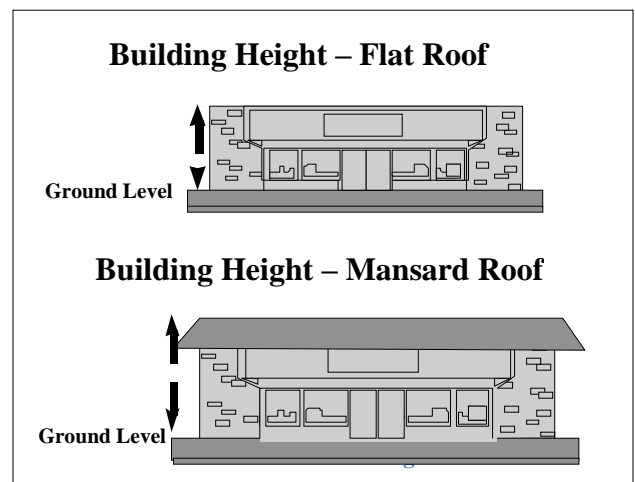
A structure erected on site, a pre-manufactured, or pre-cut structure placed on site above or below ground, designed primarily for the shelter, support, or enclosure of persons, animals, or property of any kind.

**BUILDING CODE**

The code or codes governing the erection and maintenance of buildings as currently adopted by Croton Township.

**BUILDING HEIGHT**

The vertical distance measured from the top of the main or ground level foundation wall, whichever is lowest, to the highest point of the roof surface of flat roofs, to the deck of mansard roofs, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.



**Figure 1.2**

**BUILDING LINE**

Unless otherwise specifically noted, a line formed by the eave of the building, or the most horizontal appendage of the building. For purposes of setbacks, the measurement shall occur from the outermost portion of the building (including eaves, chimneys, and overhangs) and perpendicular to the property line or right-of-way involved.

**BUILDING PERMITS**

A building permit is the written authority as issued by the Building Inspector on behalf of the Township permitting the construction, moving, alterations or use of a building in conformity with the provisions of this Ordinance and the Township’s Building Code.



**SECTION 1.40 DEFINITIONS - C****CAMP, CAMPGROUND (PUBLIC OR PRIVATE)**

A facility for camping or staying overnight with sites for tents, trailers, and/or camping recreational vehicles, which is either open to the general public for a fee or is operated by a bona fide nonprofit organization, church, or similar organization.

**CERTIFICATE OF OCCUPANCY**

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

**CHILD CARE CENTER**

A facility other than a private residence, licensed by the Michigan Department of Social Services, in which one (1) or more children are given care and supervision for periods of less than twenty-four (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 (2) consecutive weeks, regardless of the number of hours of care per day.

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 (4) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks, during a twelve (12) month period, or a facility operated by a religious organization where children are cared for not greater than four (4) hours, while persons responsible for the children are attending religious classes or services.

**CHILD FOSTER FAMILY HOME**

- A. Child Foster Family Home is a single-family dwelling occupied as such in which one (1) but not more than six (6) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage, or adoption are given care and supervision for twenty-four (24) hours per day, unattended by a parent or legal guardian.
- B. Child Foster Care Group Home is a single-family dwelling occupied as such in which more than six (6) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage, or adoption are given care and supervision for twenty-four (24) hours per day, unattended by a parent or legal guardian.

**COMMERCIAL STORAGE WAREHOUSE**

A building or buildings used primarily as a commercial business for the storage of goods and materials.

**COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES**

Licensed telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public, but are not considered an essential public service.

**COMMUNICATION TOWER**

A public or private device used for the transmission and/or receipt of commercial wireless telecommunication services including, but not limited to, radio, television, sonar, satellite, or other such communication signals. A communications tower as characterized by, but not necessarily limited to, a narrow, spire-type metal structure anchored to a concrete pad which is permanently affixed to the ground. The tower is normally maintained in place by said anchorage and may include guide wires, expanded base, and/or other means for support of the tower. A communications tower may or may not be regulated by the Federal Communications Commission or its successor. This definition shall also include appurtenances of a communications tower, including buildings.

**COMPOST**

A light, dry, humus material created from the biochemical decomposition of organic matter due to the metabolic activity of aerobic microorganisms.

**CONVALESCENT OR NURSING HOME**

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

**CUL- DE-SAC**

A cul-de-sac is a dead end public or private street, generally short in distance, which terminates in a circular or semicircular section of street and allows for vehicle turnaround.

**SECTION 1.50      DEFINITIONS - D****DAY CARE**

A private residence in which the operator permanently resides as a member of the household, licensed by the State of Michigan, in which minor children are given care and supervision for periods of less than twenty-four (24) hours per day, untended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption.

Day Care Family Home: A Day Care Home providing care for not more than six (6) minor children.

Day Care Group Home: A Day Care Home providing care for more than six (6) but not more than twelve (12) minor children.

#### DISH ANTENNA OR SATELLITE DISH ANTENNA

An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

#### DISTRICT

A Zoning District as described in Section 3.10 of this Ordinance.

#### DRAIN COMMISSIONER

The Newaygo County Drain Commissioner.

#### DRIVE-THROUGH FACILITIES

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 improved or unimproved path or road extending from a public or private road or right-of-way to a single building, dwelling or structure, intended to provide ingress and egress primarily for the occupants and visitors thereto. A driveway is located entirely within and on the lot which it serves.

#### DUMPING GROUNDS

An area where junk has been abandoned. (See Junk for definition)

#### DWELLING, MULTIPLE-FAMILY

A dwelling, or a portion of a building, designed exclusively for occupancy by three (3) or more families living independently of each other.

#### DWELLING, SINGLE FAMILY

A detached dwelling designed exclusively for and occupied exclusively by one (1) family.

**DWELLING, TWO-FAMILY**

A dwelling designed exclusively for occupancy by two (2) families living independently of each other.

**DWELLING UNIT**

One (1) room or suite of two (2) or more rooms designed for use and occupancy by one (1) family for living and sleeping purposes, with housekeeping facilities.

**SECTION 1.60      DEFINITIONS - E**

**ERECTED**

Built, constructed, altered, reconstructed, installed, placed, or 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 or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission, distribution, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, but not including buildings and storage yards, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare. Telecommunications services, other than those operated by a governmental agency, and wind electrical generation towers shall not be considered essential services.

**EXCAVATION**

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

**SECTION 1.70      DEFINITIONS - F**

**FAMILY**

- A. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants who are domiciled together as a single housekeeping unit in a dwelling unit; or
- B. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing, non-transient domestic character, and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any

society, club, fraternity, sorority, association, halfway house, lodge, coterie, organization, group of students, or other individual whose domestic relationship is of a transitory or seasonal nature, is for an anticipated limited duration of school term, or during a period of rehabilitation or treatment, or is otherwise not intended to be of a permanent nature.

**FAMILY DAY CARE HOME**

A private residence in which the operator permanently resides as a member of the household, registered with the State of Michigan, in which one (1) but less than seven (7) minor children are given care and supervision for periods of less than twenty-four (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 (4) weeks during a calendar year.

**FARM**

A contiguous parcel of land of not less than ten (10) acres in area, directly farmed or used for commercial agriculture by the owner-operator, manager, or tenant farmer by his own labor or with assistance of members of his household or hired employees. A farm includes a farm dwelling and accessory buildings necessary for the storage or housing of farm implements, products, or animals, or used for the operation of the farm. Farms may include greenhouses, nurseries, orchards, hatcheries, dairy farms, poultry farms, piggeries, commercial feedlots, apiaries (beekeeping), truck farms, and forestry operations. Fish hatcheries, stockyards, intensive livestock operations, recreation parks, stone quarries, gravel, dirt or sand pits, keeping of furbearing animals or game, kennels, stables, riding academies, or mineral extraction, are not considered farms or farm uses.

**FLOOD PLAIN**

Land designated as Special Flood Hazard Area.

**FLOOR AREA, GROSS (GFA)**

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, but excluding porches, patios, terraces, breezeways, carports, verandas, garages, and basements.

**FLOOR AREA, USABLE (UFA)**

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

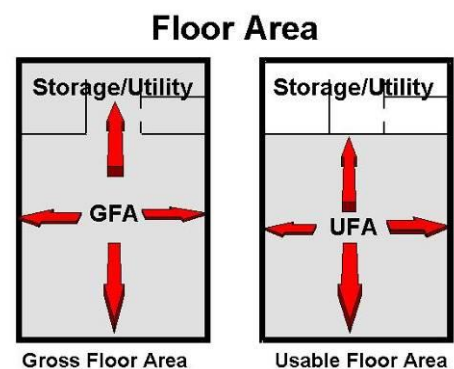


Figure 1.3

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

For purposes of street frontage, that portion of the lot which abuts a street. For purposes of lake or other water frontage, that portion of the lot which abuts the lake or other body of water.

### **SECTION 1.80      DEFINITIONS - G**

#### GARAGE

An accessory building used for parking or storage of vehicles as may be permitted in connection with the permitted use of the principal building.

#### GRADE

The gradient, the rate of incline or decline expressed as a percent. For example, a rise of twenty-five (25) feet in a horizontal distance of one hundred (100) feet would be expressed as a grade of twenty-five percent (25%).

#### 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.

### **SECTION 1.90      DEFINITIONS - H**

#### HEIGHT

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.

#### HOME OCCUPATION

An occupation or profession that is clearly a customary, incidental, and secondary use of a residential dwelling unit. Without limiting the foregoing, a single-family residence used by an occupant of that residence to give instruction in a craft or fine art within the residence shall be considered a home occupation.

**HOUSING FOR THE ELDERLY**

A building or group of buildings containing dwellings where the occupancy of dwellings is restricted to persons sixty (60) years of age or older or couples where either the husband or wife is sixty (60) years of age or older. This does not include a development that contains convalescent or nursing home as licensed under Act No. 139 of the Public Acts of 1956, as amended, being Sections 331.651 to 331.660 of the Compiled Laws of 1948; or a mental hospital for mental patients licensed under Sections 51 and 52 of Act No. 151 of the Public Acts of 1923, as amended, being Sections 330.61 and 330.62 of the Compiled Laws of 1948.

**SECTION 1.100 DEFINITIONS - I****INOPERATIVE VEHICLE**

A motor vehicle which can no longer propel itself.

**INSTITUTIONAL OR PUBLIC USE**

Churches, schools teaching, academic subjects, hospitals, convalescent or nursing homes, parks, civic centers, libraries and other public or quasi-public uses.

**INTENSIVE FARMING OPERATIONS**

A concentrated livestock or poultry breeding, raising, holding, boarding or feeding operation or business which meets either of the following criteria:

- A. A total of 300 dairy cattle (all classes), 300 slaughter or feeder cattle, 300 swine (all classes), 1000 poultry (all classes), 300 sheep or goats (all classes) or 75 horses (all classes) or more at one operation, on one parcel or as an aggregated total on adjoining or contiguous parcels; or
- B. A population per contiguous acre of two (2) dairy cattle (all classes), two (2) slaughter or feeder cattle, two (2) swine, 50 poultry, three (3) sheep or goats, or one (1) horse or more of such animals or fowl.

**SECTION 1.110 DEFINITIONS - J****JUNK**

Any worn out, previously used, dilapidated, 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 yard debris.

**JUNK YARD**

An open area where waste, junk, used or secondhand materials are bought and sold, exchanged, stored, baled, kept, discarded, packed, disassembled, or handled. These materials include, but are not limited to: junk, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings unless commercial in nature.

**SECTION 1.120      DEFINITIONS - K****KENNEL**

Any lot or premise on which three (3) or more dogs, cats, or other household pets, six (6) months of age or older, are kept.

**SECTION 1.130      DEFINITIONS - L****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 which is vacant or is intended to be occupied by a building and accessory buildings, or utilized for the principal and accessory use(s) together with yards and open spaces required under the provisions of this Ordinance, either platted or unplatted. A lot may or may not be specifically designated as such on public records. A lot may also mean a portion of a condominium project, as regulated by Public Act 59 of the Michigan Public Acts of 1978, as amended, designed and intended for separate ownership and use.



**LOT, CORNER**

Any lot having at least two (2) contiguous sides abutting upon a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets 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 one hundred thirty-five (135) degrees.

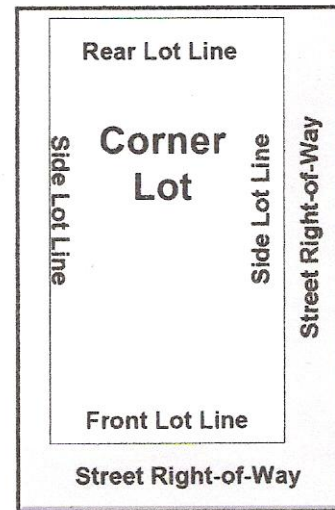


Figure 1.4

**LOT, FLAG**

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

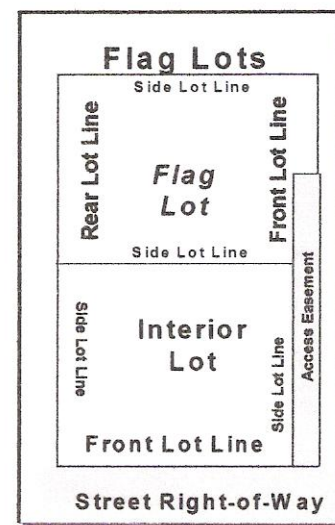


Figure 1.5

**LOT, INTERIOR**

A lot other than a corner lot or through lot.

**LOT, THROUGH**

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

**LOT AREA**

The total horizontal area of a lot within the lot lines, excluding areas within or under streets, access easement, street right-of-way, lakes, or rivers.

**LOT COVERAGE**

The part of the lot occupied by impervious surfaces and any building, including accessory buildings.

**LOT DEPTH**

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

**LOT LINES**

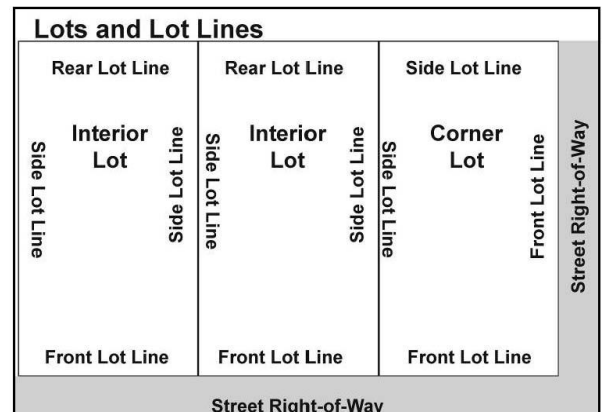
The lines bounding a lot as defined herein:

**A. FRONT LOT LINE**

In the case of an interior lot, it is the line separating the lot from the street. ( i.e, the edge of the street rights-of-way or easement). In the case of a through lot, it is that line separating said lot from either street.

**B. REAR LOT LINE**

That lot line opposite 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 (10') long, lying farthest from the front lot line and wholly within the lot.



**Figure 1.6**

**C. SIDE LOT LINE**

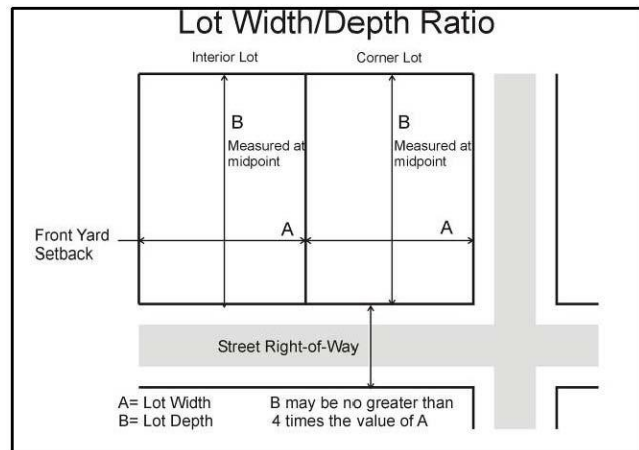
Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot is an interior side lot line.

**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 Township or county officials, which actually exists as shown and was lawful when created, 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.



**Figure 1. 7**

**SECTION 1.140 DEFINITIONS - M**

**MAIN BUILDING**

A building in which is conducted the principal use of the the lot upon which it is situated.

**MAJOR STREET**

See Primary Road.

**MANUFACTURED HOME**

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

**MANUFACTURED HOME PARK COMMUNITIES**

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

**MASTER PLAN**

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

**MODULAR AND SECTIONAL HOMES**

A dwelling consisting of two (2) or more transportable factory-fabricated units designed to be assembled as a single residential structure on a foundation as required for a conventional residence.

**MOTEL/HOTEL**

A building or group of buildings on the same lot, whether detached or in connected rows, containing sleeping or dwelling units which may or may not be independently accessible from the outside with garage or parking spaces located on the lot and designed for, or occupied by, automobile travelers. The term shall include any building or building groups designated as motor lodges, transient cabins, or by any other title intended to identify them as providing lodging, with or without meals, for compensation on a transient basis.

**MOTORIZED SALES AREA**

An area used for the display, sale, or rental, but not for the repair, of new or used motor vehicles, boats, travel trailers, farm equipment, construction equipment, or mobile homes in operable condition.

**SECTION 1.150      DEFINITIONS - N****NON-CONFORMING BUILDING**

A building or portion thereof lawfully existing at the effective date of this Ordinance or amendments thereto and not conforming to the provisions of the Zoning Ordinance in the District in which it is located.

**NON-CONFORMING LOT OF RECORD**

A legally recorded lot that conformed with all zoning requirements at the time of recording of said lot, which no longer conforms to the zoning regulations and requirements for lot area, lot width, or both.

**NON-CONFORMING USE**

A use or activity, which lawfully occupied a building or land at the effective date of this Ordinance or amendments thereto and which does not currently conform to the use regulations of the District in which it is located.

**NON-RESIDENTIAL DISTRICT**

The HC, NC, LI, and P Zoning Districts.

**SECTION 1.160 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 (3) 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.
- D. Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement parks or similar recreational uses (transient or permanent).
- E. Telecommunications service, other than those operated by a governmental agency, and wind electrical generation towers shall not be considered essential services.

**ORDINARY HIGH WATER MARK/BODY OF WATER**

The line between upland and bottom land which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where the water levels vary for purposes of water level management, the ordinary high water mark shall be the higher of the levels generally present.

**OUTDOOR RECREATION AND ENTERTAINMENT FACILITIES**

Park, grounds, athletic grounds, golf courses, county clubs, ski areas, race tracks (including harness racing and motor racing), music festival and performances, including related buildings and other structures used for recreation, entertainment, and as gathering places, for and in connection with any of such outdoor recreation uses and activities, together with associated uses including, but not limited to, motor vehicle parking, the providing of refreshments and the sale of related merchandise, and the providing of related services.

**SECTION 1.170 DEFINITIONS - P****PARCEL**

A tract of land which can be legally described with certainty and is capable of being located by survey.

**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**

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 Croton Township Planning Commission.

**PRIMARY ROAD**

A County Primary roadway as designated in the Croton Township Master Plan or the Newaygo County Road Commission. For purposes of this Ordinance only, a State trunkline shall also be considered as a County Primary.

**PRINCIPAL USE**

The primary use to which the premises is devoted.

**PRIVATE ROAD**

- A. An undedicated path, trail, or road which provides or is intended to provide the primary means of ingress and egress to two (2) or more parcels or two or more main buildings, dwelling units, or structures, or combination thereof, whether created by a private right-of-way agreement, license joint ownership, easement or prescription.
- B. Any and all extensions, additions, or branches of or to a private road shall be considered part of the primary private road which abuts the public road.
- C. A private road shall also include:
  - 1. An access within an easement or private right-of-way serving one (1) parcel if that parcel does not have the requisite amount of frontage on a public road as required by Croton Township Zoning Ordinance; or
  - 2. Where two (2) or more parcels or dwellings share or utilize a common access drive, even if each parcel has the required frontage on a public road.
  - 3. A path, trail, or road which is privately built or maintained and which is located on a public right-of-way or easement.

**PUBLIC UTILITY**

A person, firm, or corporation, municipal department, board or commission duly authorized to furnish to the public under federal, state or municipal regulations, gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

**SECTION 1.180 DEFINITIONS – Q**

**SECTION 1.190 DEFINITIONS - R****RECREATIONAL VEHICLE OR EQUIPMENT**

A vehicle or equipment intended for temporary or periodic use for recreational or leisure pursuits. This definition shall include, but shall not be limited to, motor homes, RVs, snowmobiles, boats and similar items.

**REQUIRED YARD**

The required yard shall be that set forth as the minimum yard requirement for each District. Within the required yard (i.e., also referred to as a setback area), there shall be no buildings or structures.

**RESIDENTIAL DISTRICT**

The AR, R-1, R-2, MHP, WO Districts, as described in this Ordinance.

**RESTAURANT**

A commercial establishment in which the sole or primary activity is the preparation and sale of food for on-site consumption or takeout. Alcoholic beverages may be sold, provided, however, the sale and/or distribution of such beverages shall clearly be incidental to the preparation, sale, and consumption of food.

**RETAINING WALL**

A structure erected to support an embankment or to prevent erosion or collapse of steep slopes.

**RIGHT-OF-WAY**

Public or private land, property, easement, or interest therein, devoted to transportation or utility purposes, and/or providing access to property.

**ROAD COMMISSION**

The Newaygo County Road Commission.

**ROADSIDE STAND**

A farm building or separate structure used for the display or sale of agricultural products grown for human consumption.



**SECTION 1.200 DEFINITIONS - S**

**SALVAGE YARD**

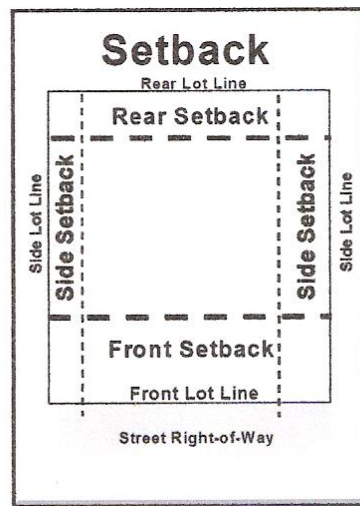
An open space where waste, surplus, discarded, or salvaged materials are brought, sold, exchanged, stored, kept, baled, cleaned, packed, disassembled, or handled, including house wrecking and structural steel materials and equipment and automobile wrecking.

**SATELLITE DISH ANTENNA, OR DISH ANTENNA**

An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

**SETBACK**

The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance. Also, the distance between a structure or building, the boundary line, lot line, or street right-of-way or easement involved.



**Figure 1.8**

**SHORELINE OR ORDINARY HIGH WATER MARK**

See Ordinary High Water Mark or Shoreline.

**SIGN**

A lettered board, or other notice advertising an individual, firm, profession, business or other thing and visible to the general public. Also, a device, structure, painting on a building, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any event, establishment, product, good, service, or displaying or depicting other information.

**SIGNIFICANT NATURAL FEATURE**

A natural area as designated by the Planning Commission, Township Board, or the Michigan Department of Natural Resources which exhibits unique topographic, ecological, hydrological,

or historic characteristics such as a wetland, floodplain, water features, or other unique natural features.

#### SITE PLAN

A scale drawing meeting the requirements of this Ordinance that shows the location and dimensions of existing features as well as proposed improvement upon a parcel of land, such as but not limited to buildings, driveways, parking areas, landscaping, sidewalks, signs, sewage systems, water supply, and drainage facilities.

#### SPECIFIED ANATOMICAL AREAS

- A. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola.
- B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

#### SPECIFIED SEXUAL ACTIVITIES

- A. Human genitals in a state of sexual stimulation or arousal;
- B. Acts of human masturbation, sexual intercourse or sodomy;
- C. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

#### 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 two hundred (200) square feet with a clear height of seven (7) feet six (6) inches. For the purpose of this Ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.

#### STREET

A public dedicated right-of-way other than an alley, or a Township-approved private road easement, which affords the principal means of access to abutting property.

**STRUCTURE**

Anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground. Also, any constructed, erected, or placed material or combination of materials in or upon the ground having a fixed location, including, but not limited to: buildings, radio towers, freestanding signs, billboards, light posts, swimming pools, animal enclosures (other than fences), garages, sheds, decks, platforms, satellite dishes, gazebos, tennis courts, and storage bins, but excluding lawful fences, sidewalks, and paving on streets, driveways, or parking areas. This definition of structure also excludes retention walls, and sea walls, as well as decks or patios (without roofs) no portion of which is located above the ground closer than five (5) feet to any lot line nor closer to a lake than thirty (30) feet of the ordinary high water mark regardless of height.

**SUBSTANTIAL IMPROVEMENT**

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) 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 alterations 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.

**SWIMMING POOL**

Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas.

**SECTION 1.210 DEFINITIONS - T****TEMPORARY USES**

Parades, carnivals, outdoor concerts, rodeos, block parties, parade of home events, or designer showcases or any similar use or event occurring on a temporary or sporadic basis in any zoning district where fifty (50) or more persons will attend or may be expected to attend. A temporary use shall not include residential social events such as family gatherings, reunions, weddings, and other such events or other traditional agricultural activities and events such as farm tours, hay rides on farms, and fall harvest events on farms. Temporary uses shall not include uses which are of a permanent nature and as to which zoning approval has been obtained, nor shall temporary uses which are necessary to and normally associated with a permanent use or structure where

such permanent use or structure is lawful and as to which all required zoning approvals have been obtained.

**TOWNSHIP**

Township shall mean Croton Township, Newaygo County.

**TOWNSHIP BOARD**

The Township Board of Croton Township.

**TRAVEL TRAILER**

A vehicular, portable unit built on a chassis designed to be used as a temporary dwelling for travel and recreational purposes. It includes folding campers, truck mounted campers and mobile homes.

**TRUCK TERMINAL**

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

**TRUE CASH VALUE**

The value placed on a property by the Township Assessor on the last tax day, being December 31st of each year, as kept in the records of the Township.

**SECTION 1.220      DEFINITIONS – U****SECTION 1.230      DEFINITIONS - V****VEGETATIVE STRIP**

A strip of land at least twenty-five (25) feet bordering each bank of the waterways of this District, as measured from the break in the bank or the ordinary high water mark, whichever is furthest inland, which is to be maintained in its natural vegetative state, except for the clearing of dead or obnoxious plants.

**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.

**VEHICLE WASH ESTABLISHMENT**

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

**SECTION 1.240      DEFINITIONS - W**

**WASTE DUMPSTER**

A container used for the temporary storage of rubbish and/or materials to be recycled pending collection, having capacity of at least one (1) cubic yard.

**WATERCRAFT**

Any motorized boat or water vehicle, regardless of size or any non-motorized boat or water vehicle more than sixteen (16) feet in length.

**WATERWAY**

Any natural or artificial lake, pond or impoundment, river, stream, creek, or any other body of water which has definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water. The Muskegon River and the Little Muskegon River (and their tributaries) shall each be considered a waterway as well as a river; Croton Pond shall be considered a waterway as well as a lake.

**WIND ELECTRICAL GENERATIONS TOWERS**

Any structures designed to support a generator which utilizes wind power to convert wind energy, by means of a rotor, to electrical energy, and any associated generation equipment. A wind generator may also be deemed as a “windmill”.

**WIRELESS COMMUNICATION**

See: Communication Tower.

**SECTION 1.250      DEFINITIONS – X**

**SECTION 1.260      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**

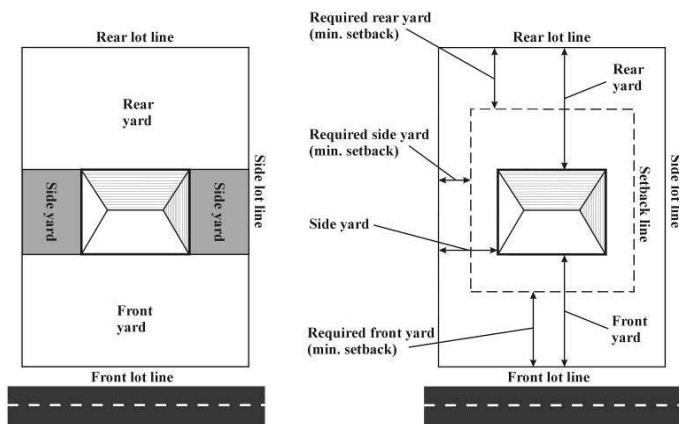
An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the building line of the main building. For a lot with frontage on a lake, river, or waterway, the front yard shall be deemed the area along the waterway.

**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. For a lot with frontage on a lake, river, or waterway, the rear yard shall be deemed the area along the street.

**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.



**Figure 1.9**

**YARD, REQUIRED**

The required yard shall be that set forth as the minimum yard requirement for each District.

**SECTION 1.270 DEFINITIONS - Z**

**ZONING ACT**

The Township Zoning Act; Act 184 of 1943 of the Public Acts of Michigan, as amended.

**ZONING ADMINISTRATOR**

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

**ZONING BOARD OF APPEALS, OR BOARD**

The Zoning Board of Appeals of Croton Township.

**ZONING DISTRICT**

Any of the mapped districts or zoning districts specified in Chapter 3 hereof.

**ZONING PERMIT OR ZONING COMPLIANCE PERMIT**

The permit specified in Section 17.30.

**CHAPTER 2**  
**GENERAL PROVISIONS**  
(Amended 11/12/2012 and 02/22/2018)

**SECTION 2.10      AREA, HEIGHT, AND USE CONDITIONS AND EXCEPTIONS**

A.      Required Area or Space

All lots (whether intended to be used for a building, dwelling, or otherwise, or even if intended to remain vacant or as open space) shall meet the minimum lot size, frontage, widths, and other area or dimensional requirements of this Ordinance. A lot or lots owned by the same person or a yard, court, parking area, frontage, dimension or other space shall not be divided, altered or reduced so as to make it non-conforming or not in compliance with the minimum requirements of this Ordinance. If already less than the minimum requirements of this Ordinance a lot or lots in common ownership or a yard, court, parking area, or other space shall not be further divided, altered, or reduced so as to increase its noncompliance with such minimum requirements. Lots with land submerged for more than six (6) months in any twelve (12) month period shall not be permitted to include such lands in the calculation of required lot size.

B.      Existing Lot of Record

A lot which is platted, or otherwise lawfully of record as of the effective date of this Ordinance, may be used in the District, provided the lot can meet the Health Department Requirements and that the requirements of Section 2.210 of this Ordinance are met. An accessory structure shall meet the setback requirements of Section 2.110.

C.      Dwellings on More Than One (1) Lot: If a structure is to be located on two (2) or more lots under single ownership, or if adjacent lots are required to maintain minimum lot area or yard requirements, the entire parcel shall be considered a lot for purposes of this Ordinance and the lots shall be legally and automatically combined into one (1) individual lot.

D.      Division of Lots: The division of a parcel of land into two (2) or more lots or parcels shall require the approval of the Township Board or such other body or Township official as is designated by the Township. The Township Board or its designee shall not approve such division of land unless it shall determine that the proposed division complies with the requirements of this Ordinance, the Michigan Land Division Act (Act 288 of the Michigan Public Acts of 1967, as amended), and all applicable Township ordinances.

E.      Height Exception: The following buildings and structures shall be exempt from height regulations in all Districts: parapet walls not exceeding four feet (4') feet in height, chimneys, cooling towers, elevator bulkheads, fire towers with Special Land Use approval, grain elevators, silos stacks, elevated water towers with Special Land Use



approval, stage towers, scenery lofts, monuments, cupolas, domes, spires, penthouses housing necessary mechanical appurtenances, wind-powered electrical generators with Special Land Use approval, essential public service towers and poles with Special Land Use approval and television and radio reception and transmission antennas and towers which do not exceed seventy feet (70') in height.

## **SECTION 2.20 REQUIRED LOTS, YARDS, AND FRONTAGE**

- A. All lots, yards, parking area or other spaces created after the effective date of this Ordinance shall comply with the minimum requirements of the District in which they are located.
- B. All lots or parcels shall have frontage upon a fully-improved public street or a Township approved private road meeting the requirements of this Ordinance, equal to the minimum lot width required by the District in which it is located except as otherwise noted in Section 2.50 for lots on a cul-de-sac.
- C. Lot areas shall not include land located within the street right-of-way for the purposes of computing minimum lot size or densities. Lots with land submerged for more than six (6) months in any twelve (12) month period shall not be permitted to include such lands in the calculation of required lot size or density.
- D. All lots within the WO – Waterfront District with waterway frontage (or in any other zone district with lake, river, or waterway frontage) shall have frontage on the body of water, measured along the high water mark, equal to or greater than the minimum lot width required by the underlying District in which it is located. All front yard requirements for accessory buildings, parking, fences, dish antennas and other applicable provisions shall also be met with regard to setback from the waterway. No lot or parcel shall be created which is greater than four (4) times deeper in length than its width.
- E. No lot or parcel shall be created which is greater than four (4) times deeper/longer in length/depth than its width as measured at the street.
- F. The minimum lot width requirement in each District shall be maintained across the entire length/depth of the lot, except as otherwise provided for cul-de-sac in Section 2.50 below.
- G. Properties located in different sides of a public street or public street right-of-way shall be deemed to be separate lots, even if in common ownership, listed on the same deed, and/or joined for property tax purposes.

**SECTION 2.30 PRINCIPAL USES OR MAIN BUILDINGS ON A LOT**

- A. In all Districts, no more than one (1) principal use or main building shall be placed on a lot, except for groups of related industrial or commercial buildings with site plan approval, or multiple family dwellings, contained within a single, integrated complex, sharing parking and access.
- B. If any part of any building is lawfully used for residential purpose and the remainder thereof is lawfully used for business, commercial or other nonresidential use, the part thereof used for residence purposes shall comply with all applicable requirements of the underlying District, if a Residential District, and with the requirements of the R-2 District if a nonresidential District.

**SECTION 2.40 CORNER LOTS**

- A. For corner lots, the front lot line shall be the shorter of the two (2) lot lines. Where the lot lines are of equal length, the Zoning Administrator shall determine the front lot line.
- B. For corner lots the required front setback shall be measured from the front lot line. The rear lot line shall be that line opposite the front lot line. The remaining setbacks shall be a rear and a side setback.
- C. Buildings on lots having frontage on through lots shall comply with front yard requirements on both frontage streets.

**SECTION 2.50 MINIMUM LOT WIDTH FOR CUL-DE-SAC OR IRREGULAR LOTS**

All lots must have frontage on an improved public road or Township approved private road for a distance equal to the minimum lot width requirement for the District involved. If approved pursuant to a planned unit development, special use, or site plan approval, lots with frontage on the rounded portion of a cul-de-sac may have less street frontage as follows: The minimum street frontage shall be forty feet (40') and the minimum distance between lot lines at the street right-of-way shall be forty feet (40') measured in a straight line.

**SECTION 2.60 PROJECTIONS INTO YARDS**

- A. Certain architectural features such as cornices, bay windows (or windows without foundations), gutters, chimney, pilasters and similar features may project no further than two feet (2') into a required front, rear or side yard. No other portion of a building (including eaves of roof overhangs) shall encroach into a required setback area or other front, rear, or side yard.

- B. Except for those lots in the WO - Waterfront District, an open unenclosed and uncovered porch, paved terrace, deck balcony or window awning may project no further than ten feet (10') into a required front yard, no further than fifteen feet (15') into a required rear yard, and shall not project into a required side yard. In no case shall a porch, deck, balcony or awning be placed closer than five feet (5') to any front or rear lot line. No such projection shall be allowed into a required setback area or front, rear, or side yard if the building involved is already non-conforming such that the particular setback required/involved is not met for the building.
- C. In the WO - Waterfront District or for any lot with frontage on a waterway, lake, or river, an open unenclosed and uncovered porch paved terrace or deck may not project into the required setback from the break of the bank to the waterway or the required setback from the shoreline if no break of the bank exists. A window awning may project no further than five feet (5') into a required front or rear yard and shall not project into a required side yard.

### SECTION 2.70 CLEAR VISION CORNERS

On any street corner, nothing shall be erected, placed or allowed to grow in such a manner as to materially impede vision between a height of thirty inches (30") and eight feet (8') above the established abutting road grade within a triangle formed by the two street right-of-way lines and a line connecting them to points twenty feet (20') from the intersection of the right-of-way lines.

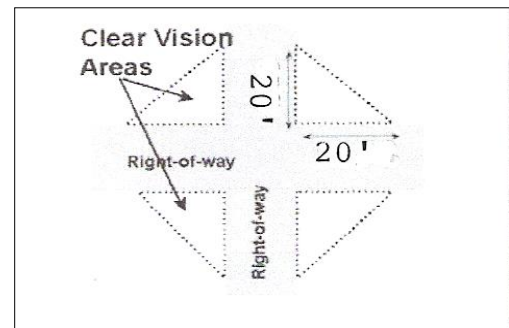


Figure 2. 2

### SECTION 2.80 CONTROL OF HEAT, GLARE, FUMES, DUST, NOISE, VIBRATION, AND ODORS

Every use shall be so conducted and operated such that it is not obnoxious or dangerous by reason of heat, glare, dust, noise, vibration or odors beyond the lot on which the use is located.

### SECTION 2.90 TEMPORARY DWELLINGS, USES, OR STRUCTURES

- A. Temporary Offices or Storage Yards
1. Upon application, the Zoning Administrator may issue a permit for a temporary building (excluding a temporary dwelling) for a construction office, or yard for construction materials and/or equipment which is both incidental and necessary to construction at the site where located. Each permit shall be valid for a period of

not more than six (6) calendar months and may be renewed by the Zoning Administrator for four (4) additional successive periods of six (6) calendar months or less at the same location and only if such building or yard is still incidental and necessary to construction at the site where it is located.

2. Upon application, the Zoning Administrator may issue a permit for a temporary sales office or model home (excluding a temporary dwelling) which is both incidental and necessary for the sale or rental of real property in a new residential development.
  - a. Each permit shall specify the location of the office and shall be valid for a period of not more than six (6) calendar months.
  - b. The permit may be renewed by the Zoning Administrator for up to four (4) additional successive periods of six (6) calendar months or less at the same location, if the Zoning Administrator determines that such office is still incidental and necessary.
  - c. Approval by the Township Board will be necessary for any extension of the time beyond those permitted in subparagraph 2.90(A)(2)(b), above.
  - d. The Township may require as a prerequisite to the issuance of any such permit that the applicant post monetary security or an irrevocable letter of credit (in a form acceptable to the Township) in such amount as the Township may determine is reasonably necessary to ensure that such structure or building is removed when required.

B. Temporary Manufactured Dwellings

1. The Zoning Administrator may issue a permit to an individual to park and occupy a temporary manufactured home dwelling in any District while a permanent dwelling is being built, provided that the Zoning Board of Appeals makes the following determinations:
  - a. The temporary dwelling will be used only as a temporary use on the same lot while the property owner is constructing a permanent residence.
  - b. A building permit has been issued for the construction of a permanent residence to the property owner applying for the temporary dwelling permit.
  - c. The temporary dwelling is lawfully connected to an approved well and septic system.

- d. The temporary dwelling is sufficiently secured to the ground to prevent overturning through the actions of high winds or other natural conditions.
2. The Zoning Board of Appeals shall determine the required size of the dwelling and placement on the lot. The Board of Appeals determinations shall be generally consistent with the standards of Section 2.90 (C).
  3. Upon applying for a temporary dwelling approval, the applicant shall pay a fee to the Township Treasurer as determined by the Township Board.
  4. All original temporary dwelling permits shall be limited to a period of six (6) months. If the permanent residence is not approximately fifty percent (50%) complete, as determined by the Zoning Administrator, within the six (6) month period, a six (6) month extension or less may be permitted by the Zoning Administrator only for the purpose of completing the residence. Additional extensions may only be permitted by action of the Zoning Board of Appeals after consideration of the standards of Section 2.90 (C).
  5. Upon the filing of an application for continuation of any manufactured home permit, the applicant shall pay a fee to the Township Treasurer, as determined by the Township Board. The fee shall be for the consideration of the application and a refund shall not be made in the event of denial.
  6. The Township may require that the applicant post monetary security or an irrevocable letter of credit (in a form acceptable to the Township), in addition to the application fee, in an amount determined by the Township to be a reasonable estimate of all costs which will likely be incurred by the Township to have such building or structure removed (including the Township's attorney fees and incidental costs) should the applicant not remove the building or structure when required.
  7. Prior to the issuance of a permit hereunder, the applicant shall sign a form provided by the Township whereby the applicant agrees to pay the required security amount, will indemnify and hold the Township harmless regarding any and all potential liability arising out of the permit, giving the Township permission to have the building or structure removed, and to apply the security if a violation occurs and related matters
- C. In considering authorization for temporary uses or structures, the Zoning Administrator or Zoning Board of Appeals shall consider all of the following standards:
1. That the use or structure does not have an unreasonable effect upon adjacent properties;
  2. That the use or structure is reasonably necessary for the convenience and safety of the construction proposed;

3. That the use or structure does not impact the nature of the surrounding neighborhood; and
  4. That access to the use area or structure is located at the least offensive point.
- D. All temporary buildings and uses shall be removed from the premises following the expiration of the permit and any extensions, or upon completion of the permanent building or structure.

### **SECTION 2.100 ACCESSORY USES**

- A. In any District, accessory uses, incidental only to a Use Permitted by Right or approved Special Land Use, are permitted when located on the same property; provided that such accessory uses shall not involve the conduct of any business, trade or industry. This provision shall not mean the exclusion of home occupation as regulated by Section 2.140, nor shall it exclude the operation of a garage or yard sale in any Residential District, provided that such sale is not operated for more than two (2) sales per year and with a maximum of five (5) days per sale.
- B. Gardening and keeping of domestic or farm animals, as regulated by Section 2.230, shall be considered customary to and commonly associated with, the operation of any Use Permitted by Right or approved Special Land Use, provided any structure housing farm animals shall be located not less than fifty feet (50') from every lot line.

### **SECTION 2.110 ACCESSORY BUILDINGS**

(Amended 11/12/2012) (Amended 10/16/2014)

- A. Accessory Buildings or Structures: In general are permitted in all Districts provide the following are met.
1. An accessory building may be erected detached from the main building, or it may be erected as an integral part of the main building.
  2. When erected as an integral part of the main building, the accessory building shall comply in all respects with the requirements of this Ordinance applicable to the main building.
  3. No accessory building or structure shall be erected on a vacant lot unless it meets with restrictions of B-1 or it is determined by the Zoning Administrator that said structure will not be for a principle residence.

4. The distance between detached accessory buildings or garages and the main building or buildings shall not be less than ten feet (10'). Accessory buildings or garages shall be considered as attached to the main building when the distance between structures is enclosed by a breezeway, portico, covered colonnade or similar architectural device.
  5. An accessory building that does not exceed two hundred (200) square feet on the ground does not require a building permit, but does require a Zoning Permit.
  6. The total area of all accessory buildings and main buildings shall not exceed the lot coverage requirements of the District in which it is located, except for those used in bona fide farming operations, which shall not be counted toward the total square footage.
  7. The total area of all accessory buildings shall not occupy more than thirty percent (30%) of the required lot.
  8. No accessory building shall exceed the height restrictions for the districts in which it is located.
- B.** In the WO - Water Overlay District and for any lot with frontage on a lake or river and all tributaries, one (1) accessory building or structure may be constructed within the required setback from the break in the bank or from the ordinary high water mark, provided that it is no larger than hundred (100) square feet and eight feet (8') in height, which shall be counted toward the total number and square footage allowed for all accessory buildings. Any other accessory buildings or structure shall otherwise comply with the requirements of the underlying District. All necessary Government permits shall be obtained.
1. No Accessory buildings are allowed in the WO District on Vacant Land unless a portion of a lot is within five hundred (500) feet from the lot upon which the principal structure is located, an accessory building or structure may be constructed on that portion of the unoccupied lot, provided, however, said lots shall be permanently bound together under one (1) legal description and described and recorded as such **or where parcels cannot be combined under one (1) description said parcels shall have a Deed Restriction/Restrictive Covenant so that they must be sold together as one unit.** An accessory building so located shall meet the requirements of a principle building pursuant to setbacks from the road, side and rear lot lines. The accessory building shall have a minimum floor area of 300 square feet. Such accessory buildings shall not occupy more than that thirty (30) percent of the individual lot on which it is located.

**SECTION 2.120 FENCES** (Amended 10/17/11) (Amended 02/22/2018)

- A. All fences shall require a zoning permit. The zoning permit will be free of charge.
- B. All fences, artificial walls, or landscaping and plantings shall be so arranged that they do not obstruct any water views or the clear vision of the traveling public on any public street or intersection of any street, alley, driveway, parking lot or other access.
- C. Fence height shall not obscure vision at the right of way or property line of the lot or parcel on which it is placed. No fences are permitted within the public right-of-way.
  - 1. Fences within the required front yard shall be of a type which is see-through in nature (i.e. chain link), so as not to obscure vision at the right-of-way or property line of the lot or parcel on which it is placed.
- D. Fences shall not exceed six feet (6') along the rear and side lot lines of an interior lot and four feet (4') along a front lot line. Fence height shall be measured from the finished grade (elevation) of the ground immediately below the location of the fence. There is no setback for a fence; however the fence must be placed on the inside of the property line. Regulations differ for waterfront lots and corner lots.
  - 1. A fence may be erected on a wall or berm; however, the combined height of the wall or berm and fence shall not exceed the allowable fence height.
- E. All fences shall be constructed with the finished side facing the adjoining lot of any abutting right-of-way with the support posts placed on the inside in a manner which serves to enhance the aesthetic appearance of the neighborhood or surrounding area.
- F. Fences shall be situated so as to ensure safe ingress and egress from any lot or property in cases of emergency.
- G. No fence shall be constructed so as to prevent normal maintenance on any existing building.
- H. No fence in the Water Overlay Zone or on a lot with frontage on a lake, river or tributary shall be located within thirty feet (30') of the ordinary high water mark or within ten feet (10') of the break in the bank.
- I. Unless specifically authorized elsewhere in this Ordinance, no fence, wall or screen located within the side yard or rear yard in any Residential District shall exceed six feet (6') in height from the natural grade. Fences for Agricultural use may exceed the limitations stated in the subparagraph, if necessary, for the containment of animals, but only with a Special Land Use permit. Fences erected for the containment of animals which are not native to the State of Michigan or which require a State or Federal permit



for said containment shall require a Special Land Use Permit. The conditions for the Special Land Use Permit will be based on Federal or State requirements.

- J. Barbed wire fence only permitted for agricultural fencing used for bona fide farming for the containment of livestock. Except the reasonable use of barbed wire is allowed along the top of security fences which protect the public or properties such as storage yards, transfer stations, public utilities, impoundment lots, etc. On such fences the barbed wire will be at least six feet (6') above ground level.
- K. On waterfront lots, fences, walls, screens and other structures that are located between the main building and the waterfront shall be of an open air type and see-through in nature (i.e. chain link). In addition, fences as permitted in paragraph G in the Water Overlay District shall not exceed three feet (3') in height along the break in the bank.
- L. Fences shall be maintained in good and safe condition and shall not be permitted to fall into disrepair or become unsightly. Fences shall be used only for the purpose of confinement or enclosure, or for decorative purposes.
  - 1. Fences shall not be used for billboards or advertisement of any kind, or for other purposes that are contrary to or inconsistent with their usual and customary uses.
- M. The use of natural vegetation such as deciduous and coniferous trees, decorative bushes and evergreens and other types of plantings are encouraged in place of fences and walls or in combination with same; however they must meet the requirements as set aside in paragraph A.
  - 1. No fence or wall shall be constructed of used or discarded materials, including but not limited to pallets, tree trunks, trash, tires, junk, cloth, canvas or any similar type items. Used railroad ties may be used.

### **SECTION 2.130 SWIMMING POOLS**

- A. Pools or hot tubs used for swimming or bathing shall be in conformity with the requirements of this Section provided, however, these regulations shall not be applicable to any pool less than twenty-four inches (24") deep or having a surface area less than two hundred and fifty (250) square feet, except where pools are permanently installed with a water recirculating system or involve permanent structural materials.
- B. A swimming pool, hot tub, or appurtenances hereto shall not be constructed, installed, enlarged or altered until a permit has been obtained from the Zoning Administrator.
- C. The outside edge of the pool wall or hot tub shall not be constructed in the front yard or located closer than ten feet (10') to any rear or side property line.
- D. Each pool or hot tub shall be enclosed by a fence or wall with a height of at least four feet

- (4'), including gates therein, sufficient to make such body of water inaccessible to small children. All gates must be self-latching with latches placed four feet (4') above the underlying ground or otherwise made in accessible from the outside to small children.
- E. All swimming pool or hot tub installations shall comply with the State Construction Code and all standard codes referred to therein.
- F. No swimming pool or hot tub shall be filled with water or utilized (by swimming, floating, or otherwise) until all required fencing or walls have been fully installed and all applicable Township, County, and State inspections and approvals have occurred.

### **SECTION 2.140 HOME OCCUPATIONS**

- A. Home occupations shall be approved by the Zoning Administrator, who may issue an approval upon receipt of a letter from the applicant stating an intent to comply with the requirements of this Section and the measures by which compliance will be maintained. The approval or denial of any such home occupation by the Zoning Administrator may be appealed to the Zoning Board of Appeals by either the applicant or aggrieved party (including anyone owning a property interest within three hundred feet (300') of the applicant's property).
- B. The home occupation shall be conducted entirely within the residential dwelling and only by a person residing in the residential dwelling, except that not more than one (1) person may be employed who is not a resident of the premises. No portion of the home occupation (or related usage, activities, or storage) shall be conducted outdoors or in an accessory building or outside of the residential dwelling.
- C. No motor other than electrically operated motors shall be used in conjunction with a home occupation, and the total horsepower of permitted electrical motors shall not exceed three (3) horsepower, or one (1) horsepower for any single motor. All motors and equipment used in the conduct of any home occupation shall be shielded so as not to cause radio or television interference.
- D. There shall be no alteration in the residential character of the premises in connection with such home occupation and no more than twenty percent (20%) of the living area of the dwelling shall be devoted to a home occupation.
- E. No merchandise or articles for sale shall be displayed for advertising purposes and no sign or devise relative to the sale of such merchandise shall be displayed on the premises.
- F. All articles or materials used in connection with a home occupation shall be stored within the residential dwelling.
- G. No traffic shall be generated by a home occupation in greater volume than would normally be expected in a residential neighborhood and any need for parking generated

by the conduct of a home occupation shall be provided off the street and not within the required front yard.

**SECTION 2.150 MECHANICAL APPURTENANCES** (Amended 02/22/2018)

Mechanical appurtenances, such as central air conditioning units, outdoor stoves/boilers, propane tanks and other similar devices, shall not be located nearer than ten feet (10') to any adjoining lot line or within thirty feet (30') of a lake, river, or tributary. Supplemental heating systems located outside of the principal building shall require a permit from the Zoning Administrator, who will determine that the installation shall not create a nuisance for neighbors' properties.

**SECTION 2.160 SATELITTE DISH ANTENNA**

- A. A dish antenna may be mounted on the roof of a main or accessory building provided it shall not exceed a height of five feet (5') above the roof line of the building, including the mounting structure.
- B. Dish antennas are permitted in all Districts upon approval of the Building Inspector provided the setback requirements of Section 2.110 for detached accessory buildings are maintained and the following conditions satisfied:
  - 1. The antenna shall be permanently anchored to a foundation.
  - 2. No portion of the antenna shall conduct or display any advertising, message, or other graphic representative other than the manufacturer's name.
  - 3. No dish antenna shall exceed a height of fifteen feet (15'), including its mounting structure.
  - 4. No dish antenna shall be located in the required front yard.
- C. The Zoning Board of Appeals may approve antennas not meeting the above requirements of this Section provided that the applicant establishes to the satisfaction of the Zoning Board of Appeals that the receiving function of the antenna would be restricted or blocked if constructed or placed in compliance with the requirements of this Section.
- D. If the antenna is to be located in the side yard, or in the rear yard on the street side of a lot, the Building Inspector may require that a landscape screen be installed around the antenna to obstruct the view of the antenna from adjoining properties or from the street.
- E. Dish antennas of 39.37 inches or less in diameter in Residential Districts or 78.74 inches or less in diameter in Non Residential Districts are exempt from this Ordinance.

**SECTION 2.170 ESSENTIAL SERVICE**

- A. The erection, construction, alteration or maintenance by public or government units, boards or commissions of overhead or underground gas, electrical, stream or water distribution, transmission, collection, communications or supply systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations, utility pump and metering stations and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health, safety or general welfare is permitted in any District.
- B. Notwithstanding the exceptions contained above:
1. Electrical substances, gas/oil well equipment, and/or gas regulator stations shall be enclosed with a fence or wall six feet (6') high and adequate to obstruct passage of persons or materials, except through securable gates.
  2. Public utility buildings when located in any Residential District shall not include maintenance shops, repair garages, or storage yards as a principal or accessory use.
  3. Public utility facilities in any District are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the architecture of the surrounding neighborhood.
  4. No public water system or private community water system or publicly-owned or operated sewage system or private community sewage system (including wells and waste disposal systems related thereto) shall be installed, constructed, or utilized within the Township unless approved as a Special Land Use. This subsection shall not apply to facilities owned and operated by the Township.

**SECTION 2.180 ILLEGAL DWELLINGS**

- A. No permit shall be issued for the construction of a building or structure which is to have drinking and/or sanitary facilities located therein and which is to be located on a lot which is not served by both public water and sewer facilities if its water supply and/or sewage disposal facilities, as the case may be, does not comply with the rules and regulations governing waste and sewage disposal of Newaygo County. Outdoor restrooms/outhouses shall not be permitted for any residential use.

- B. Any unfinished basement or finished basement without a direct outside access shall not be considered as living area, for the calculation of required living area of a dwelling. Any dwelling without a full floor grade shall be considered a basement dwelling.
- C. No building, structure, or recreational equipment intended for human use or habitation shall be constructed or occupied unless it meets the minimum requirements of this Ordinance, the Newaygo County Health Department, and the adopted Building Code of Croton Township, except as otherwise permitted in this Ordinance.

### **SECTION 2.190 RAZING OF BUILDING**

No building shall be razed or demolished until both a building permit, and a Zoning Permit have been obtained. Furthermore, the Township may require that the applicant post a security deposit or an irrevocable letter of credit (in a form acceptable to the Township) in such amount as the Township determines may reasonably be needed to finish the demolition or razing, to properly dispose of the demolition materials, and to fully restore the site. The monetary security shall also include an amount sufficient to cover the Township's attorney fees and all incidental costs. Reasonable conditions may also be attached by the Township to the zoning permit.

### **SECTION 2.200 MOVING OF BUILDINGS**

No existing building or structure of any type or kind shall be moved into the Township or moved from one lot in the Township to another lot in the Township unless a Zoning Compliance Permit is issued by the Zoning Administrator. All moved buildings shall meet the requirements of this Ordinance and the adopted Building Code of the Township and obtain such permits as may otherwise be required. Furthermore, the Township may require that the applicant post a security deposit or an irrevocable letter of credit (in a form acceptable to the Township) in such amount as the Township determines may reasonably be needed to finish moving the building and to fully restore the site. The monetary security shall also include an amount sufficient to cover the Township's attorney fees and all incidental costs. Reasonable conditions may also be attached by the Township to the zoning permit.

### **SECTION 2.210 NON-CONFORMING USES, BUILDINGS OR STRUCTURES AND LOTS**

- A. Continuance of Non-conforming Structures, Buildings or Uses.
  - 1. Except where specifically provided to the contrary and subject to the provisions of this Ordinance, the lawful use of any building or structure or of any land or premises which is existing and lawful on the effective date of Ordinance, or in the case of an amendment to this Ordinance, on the effective date of such amendment, may be continued, (but not expanded, extended, or altered) although the use does not conform with the provisions of this Ordinance or amendment thereto.

2. In addition, except where specifically provided to the contrary and subject to the provisions of this Section, a building or structure which is existing and lawful on the effective date of this Ordinance or in the case of an amendment of this Ordinance then, on the effective date of such amendment, may be maintained and continued, (but not expanded, extended, or altered) although the building or structure does not conform with the provisions of this Ordinance or amendment thereto.

B. Changes to Non-conforming Structures, Buildings or Uses

1. Non-conforming structures or buildings may only be altered, remodeled or modernized when the Zoning Administrator finds that the following conditioned are met:
  - a. The building or structure shall comply with all provisions of this Ordinance with respect to the extension, alteration or modernization, including setbacks.
  - b. That any alteration, remodeling or modernization will not substantially exceed the reasonable and ordinary life of any non-conforming building or structure.
2. Any use of a building or structure which is non-conforming by reason of parking and loading provisions and which is thereafter made conforming or less non-conforming by the addition of parking and/or loading space shall not thereafter be permitted to use the additionally acquired parking and/or loading space to meet requirements for an extension, enlargement or change of use which requires greater areas for parking and/or loading space.
3. No non-conforming use of any land or structure shall hereafter be enlarged or extended except after the approval of the Zoning Board of Appeals and which approval shall be granted only upon a finding of all of the following facts:
  - a. That the enlargement or extension will not substantially extend the probable duration of the non-conforming use and that all enlargements since the use became non-conforming are upon and limited to the same parcel on which the non-conforming use was located at the time of the adoption of the current Zoning Ordinance.
  - b. That the enlargement or extension will not become a precedent for other variations in the vicinity.
  - c. That the enlargement or extension does not, in total, exceed fifty percent

(50%) of the area of the originally non-conforming area.

- d. That the enlargement or extension will not interfere with the use of other properties in the vicinity for the uses for which they have been zoned nor with their compliance with all of the provisions of this Ordinance.
- e. The applicant shall also be required to prove that all standards are met which are applicable to a dimensional/nonuse variance.

C. Restoration and Repair

1. Subject to the provisions of this Section, nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition to maintain public safety.
2. All repairs and maintenance work required to keep a non-conforming building or structure in sound condition may be made but it shall not be structurally altered to permit the use of the building or structure to extend beyond its natural life, except for repairs necessary to maintain public safety.
3. In the event any non-conforming building or structure is damaged by fire, wind, Act of God or public enemy, it may be rebuilt or restored if the cost thereof does not exceed fifty percent (50%) of the appraised value for property tax purposes of the non-conforming building or structure prior to its damage or destruction.
4. In the event any non-conforming building or structure is damaged by fire, wind, Act of God or public enemy and the cost of rebuilding or restoration exceeds fifty percent (50%) of the appraised valuation of the building or structure prior to its damage or destruction, the rebuilding or restoration shall only be permitted if one of the two following conditions are met:
  - a. Authorized by the Zoning Board of Appeals prior to making their determination, the Zoning Board of Appeals shall consider whether the rebuilding or restoration will substantially extend the probable duration of the non-conforming building.
  - b. If the destroyed non-conforming building is a residence and it is on a non-conforming lot making it not possible to increase the size of the structure without causing a setback violation it will be permitted to replace the structure with a structure of similar size.

D. Change or Abandonment

1. The non-conforming use of a building, structure or of any land or premises shall not be:

- a. Changed to any other non-conforming use.
  - b. Reestablished after it has been changed to a conforming use.
  - c. Reestablished if abandoned for any reason for a period of more than twelve (12) months. In such cases, and subsequent use shall conform to the requirements of this Ordinance.
2. A non-conforming use shall be determined to be abandoned if one (1) or more of the following conditions exists and which shall be deemed by the Zoning Administrator to constitute an intent on the part of the property owner to abandon the non-conforming 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 external indications of the existence of the non-conforming use have been removed;
  - d. Removal of equipment or fixtures which are necessary for the operation of the non-conforming use;
  - e. Other actions, which in the opinion of the Zoning Administrator, constitute as intention of the part of the property owner or lessee to abandon the non-conforming use.
- E. Building or Structure Under Construction on Effective Date of Ordinance.
- Any building or structure shall be considered as an existing and lawful non-conforming use, and for purposes of this Section, to have been in use for the purpose for which constructed if on the effective date of this Ordinance, a zoning compliance permit and a building permit have been obtained therefore, if a building permit was required, and substantial construction has lawfully occurred, which may include such operations as the pouring of foundation and other work as the Zoning Administrator may deem to be substantial and is thereafter pursued diligently to conclusion. If all of the above-mentioned requirements are met, the building or structure shall fully comply with the original zoning compliance permit and building permit (if applicable) issued prior to the effective date of this Ordinance or applicable amendment thereto, and shall not be altered further or violate the Ordinance or amendment thereto.
- F. Non-Conformance Under Previous Zoning Ordinances
- Any structure or uses which failed to conform to the previous Zoning Ordinance or other law or ordinance, or were not permissible uses or structures there under or which violate



the applicable provisions of this Ordinance shall not be considered as non-conforming under this Ordinance but shall be considered violations subject to the applicable provisions of Chapter 17.

### **SECTION 2.220 KEEPING OF PETS**

No more than three (3) adult dogs or cats in combination shall be kept or housed per each dwelling unit in any Residential District. No such pets shall be allowed to roam free and shall be retained by leash or otherwise when not on the lot of the pet owner. Furthermore, no dog shall be permitted to bark, howl, or otherwise make such noise as to disturb the peace or unreasonably annoy the owners or occupant on properties other than the lot of the dog owner.

### **SECTION 2.230 RAISING AND KEEPING FOWL OR ANIMALS**

- A. Any other provision of this Ordinance notwithstanding the keeping, housing, raising or use of fowl or animals other than customary house pets of an occupant of the premises, is prohibited in any R-2 or MHP District.
- B. The number and type of animals subject to keeping, housing, raising or use of fowl or animals (other than customary house pets of an occupant of the premises which are regulated in Section 2.220) is subject to the following restrictions:
  - 1. On lots of one-half (½) acre but less than one (1) acre: raising and keeping fowl and/or rabbits and/or other small animals for pets. Not to exceed three (3) per dwelling.
  - 2. On lots of one (1) acre but less than two (2) acres: raising and keeping fowl and/or other small animals commonly raised for human consumption in numbers no greater than is required to satisfy the personal needs of the residents of the premises;
  - 3. On lots of two (2) acres but less than five (5) acres: the uses permitted by paragraph 2 above plus one (1) horse, or one (1) cow, one (1) pig per acre, provided that any pig pen or building or structure housing farm animals shall be minimum of fifty feet (50') from any property line.
  - 4. On lots of five (5) acres or more, the uses permitted by paragraphs 2 and 3, above, plus one (1) additional head of horse, cow, pig or other large domestic for each additional one-half (½) acre above the first five (5) acres. Provided that any pigpen or building or structure housing farm animals shall be a minimum of fifty feet (50') from any property line.
- C. A kennel shall have a minimum lot area of ten (10) acres and shall be subject to Special Land Use approval.

- D. Notwithstanding the above, Intensive Farming Operations are permitted only in the IF Zoning District.

**SECTION 2.240 MINIMUM REQUIREMENTS FOR DWELLING OUTSIDE MANUFACTURED HOME PARKS**

- A. All dwellings units located outside of approved manufactured home parks shall comply with all of the following requirements:
1. All dwelling units shall provide a minimum height between the floor and ceiling of seven and one-half feet (7 ½').
  2. The minimum width of any single family dwelling unit shall be twenty-four feet (24') for the entire length of the building and shall meet the square footage requirements of the zone district in which it is located.
  3. There shall be a foundation of concrete or block around the entire exterior perimeter of all dwellings. The foundation shall have a minimum depth of forty-two inches (42") below grade. The foundation shall provide a maximum exposed foundation above grade of sixteen inches (16") and a minimum exposed foundation above grade of eight inches (8").
  4. All dwellings without basements shall provide a crawl space below the entire floor of the dwelling four feet (4') in depth with a vapor barrier consisting of two inches (2") of concrete on the floor of the crawl space. The crawl space shall also be provided with adequate drains to drain any accumulation of water in the crawl space. The Building Inspector may allow an alternative building plan to be utilized if consistent with the adopted Building Code of the Township.
  5. All dwellings shall be firmly attached to the foundation so as to be watertight as required by the construction code currently adopted by the Township or if a manufactured home shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards."
  6. The wheels, pulling mechanism and tongue of any manufactured home shall be removed prior to placement on a foundation.
  7. All dwellings shall be connected to a public sewer system and water supply system and/or a well or septic system approved by the Newaygo County Health Department.
  8. All dwellings shall provide steps or porch areas, permanently attached to the

foundation, where there exists an elevation differential of more than one foot (1') between any door and the surrounding grade. All dwellings shall provide a minimum of two (2) points of ingress and egress.

9. Additions to any existing dwelling shall meet all of the applicable requirements of this Ordinance.
10. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity.
  - a. The compatibility of design and appearance shall be determined in the first instance by the Building Inspector upon review of the plans submitted for a particular dwelling.
  - b. An appeal of the Building Inspector's decision may be taken by an aggrieved party to the Zoning Board of Appeals. Any determination of compatibility shall be based upon the standards set forth in this Section as well as the character, design and appearance of residential dwellings located outside of manufactured home parks within five hundred feet (500') of the subject dwelling.
  - c. The pitch of the main roof of the dwelling unit shall not be less than three feet (3') of rise for each twelve feet (12') of horizontal run and shall have not less than a twelve inch (12") overhang.
- B. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- C. Prior to issuance of a building permit for any dwelling unit, construction plans, including a plot, adequate to illustrate compliance with the requirements of this Ordinance shall be submitted to the Building Inspector. If the dwelling unit is a manufactured home there shall also be submitted adequate evidence to assure that the dwelling complies with the standards applicable to manufactured homes set forth in this Section.
- D. All manufactured homes shall meet the standards for manufactured home construction contained in the United States Department and Urban Development Regulations entitled "Mobile Home Construction & Safety Standards," effective June 15, 1976 as amended. All other dwellings shall meet the requirements of the construction code adopted by the Township and the Michigan Construction Code for snow loading.

**SECTION 2.250 PRIVATE ROADS AND DRIVEWAYS**

- A. Legislature Purpose: The Township determines that it is in the best interest of the public health, safety and welfare to regulate the construction, improvement, maintenance, extension, relocation and use of private roads to assure the following:
1. That private roads are designed with sufficient width, surface and grade to assure safe passage and maneuverability of private vehicles, police, fire, ambulance, and other safety vehicles.
  2. That private roads are constructed of suitable materials to ensure minimal maintenance and safe passage.
  3. That private roads will be constructed so as to protect against or to minimize soil erosion and to prevent damage to the lakes, streams, wetlands, and natural environment of the Township.
  4. That private roads are properly maintained.
- B. Definitions: The following definitions shall apply to this Section:
1. "Parcel" means a tract of land which can be legally described with certainty and is capable of being located by survey.
  2. "Driveway" means an improved or unimproved path or way extending from a public or private road or right-of-way to a single building, dwelling or structure, intended to provide ingress and egress primarily for the occupants thereof. The driveway shall be located entirely on the parcel which it serves.
  3. "Private Road" means any undedicated path, trail, way, or road, which provides or is intended to provide the primary means of ingress and egress to three (3) or more lots or parcels or three (3) or more principal buildings, dwelling units, or structures or combination thereof whether created by a private right-of-way agreement, license, lease, joint ownership, easement, or prescription. Any and all extensions, additions or branches of or to a private road shall be considered part of the primary private road which abuts the public road. A private road shall also include the following.
    - a. An access serving one (1) parcel if that parcel does not have the requisite amount of frontage on a public road as required by this Ordinance and it is served by a 66-foot permanent access easement or the equivalent, and a maintenance agreement.

The phrase “private road” shall not include the following:

- b. Where two (2) parcels or dwellings share or utilize a common access drive and each parcel has the required frontage on a public road.
4. “Road Commission” means the Newaygo County Road Commission.

C. Permits and Approvals Required

1. No private road easement or right-of-way shall be created and no private road shall be constructed, extended, used, utilized, improved, upgraded to serve additional parcels, or relocated after the effective date of this Ordinance unless an application for a private road construction permit (“permit”) has been completed and filed with the Township, the permit fee established by the Township Board has been paid, a Special Land Use approval by the Planning Commission has occurred (except where the private road will serve three or fewer lots or parcels as specified below) and a permit has been issued by the Township. The application for such permit shall provide and include all of the following information:
  - a. The name(s) of the owner(s) and any other parties having any legal interest in the private road and any property across which it is to be constructed.
  - b. A site plan, drawn to scale, prepared by a registered engineer showing the precise location, grade, route, elevation, dimensions and design of the private road or any proposed extensions thereto, existing or proposed curb cuts and the location and distance to any public streets which the private road is to intersect. The plan may be prepared by a registered surveyor rather than by a registered engineer if the proposed private road is to serve five (5) or fewer parcels, principal buildings, etc. and the Township Zoning Administrator waives the requirements in writing.
  - c. A survey of the right-of-way by a registered land surveyor, together with surveys for each parcel to be served by the private road.
  - d. The location of all public utilities including, but not limited to, water, sewer, telephone, gas, electricity, and television cable to be located within the private road right-of-way or within twenty feet (20') of either side thereof. Copies of the instruments describing and granting the easements shall be submitted with the application.
  - e. The location of any lakes, streams, rivers, wetlands, and drains within the proposed right-of-way or within one hundred feet (100') thereof.

- f. The location of any other buildings and structures located or to be located within one hundred feet (100') of the private road right-of-way.

- g. A proposed maintenance agreement as required in this Section.

Notwithstanding the above, a private road serving three (3) or fewer parcels shall not require Special Land Use approval by Planning Commission but shall be reviewed and approved by the Zoning Administrator if all of the requirements of this Ordinance are met. All of the other requirements of this Section 2.250 shall still be applicable.

- 2. No building permit shall be issued for any principal building, dwelling, or structure the primary access to which is to be provided by a private road unless:
    - a. A private road permit has been issued by the Township and all other applicable Township approvals have occurred, and
    - b. The road has either been completed in accordance with the approved permit (and a Certificate of Completion has been issued) and this Ordinance or the applicant(s) for the building permit or owner(s) of the private road right-of-way have provided the Township with a performance bond or other security in an amount determined by the Township to be sufficient to ensure construction of the private road in full compliance with the private road permit within one (1) year from the date of the issuance of the building permit.
  - 3. No permit shall be issued for a private road until:
    - a. A Special Land Use approval has occurred (or where the private road will serve three (3) or fewer parcels or lots, the Zoning Administrator has issued a zoning approval), and
    - b. The applicant(s) has presented the Township with either an approved private road permit by the Newaygo County Road Commission, or a letter from the Newaygo County Road Commission indicating that no private road permit from the county is required at that location.
- D. Standards and Requirements for Private Roads: No private road construction permit shall be issued (and no private road shall be constructed) unless the plans, maintenance agreement and proposed construction comply with all of the standards and requirements in this Section.
- 1. All private roads shall have a recorded permanent right-of-way and easement with a minimum width of at least sixty-six feet (66'). The right-of-way shall also expressly permit utilities to be installed within the right-of-way.
  - 2. The area in which the private road is to be located shall have a minimum cleared width of twenty-eight feet (28'), which shall always be maintained.

3. The traveled portion of the private road shall be as follows:
  - a. For a private road serving one, two, or three parcels, lots, or dwellings, the traveled portion of the private road shall be at least twelve feet (12') wide and shall have a minimum sub-base of six inches (6") of sand and four inches (4") of finish compacted gravel (No. 22A) on the top thereof.
  - b. For a private road serving four to six parcels, lots, or dwellings, the traveled portion of the private road shall be at least fifteen feet (15') wide and shall have a minimum sub-base of twelve inches (12") of sand and six inches (6") of finish compacted gravel (No. 22A) on the top thereof.
  - c. For a private road serving seven to nine parcels, lots, or dwellings, the traveled portion of the private road shall be at least eighteen feet (18') wide and shall have a minimum sub-base of twelve inches (12") of sand and six inches (6") of finish compacted gravel (No. 22A) on the top thereof.
  - d. For a private road serving ten or more parcels, lots, or dwellings, the private road shall be paved pursuant to subsection 13, below.
4. The road surface shall have a minimum crown of two-tenths of one foot (.2') from the centerline of the private road to the outside edge thereof.
5. A road shoulder composed of six inches (6") of compacted gravel shall be provided on each side of the private road surface with a minimum width of two feet (2'), containing a slope of twenty-two hundredths of a foot (.22') from the outside edge of the road surface to the toe of the slope.
6. The maximum longitudinal road grade shall not exceed six percent (6%). The Planning Commission may allow up to a ten percent (10%) grade provided that the applicant produces written justification, satisfactory to such individual as appointed or contracted by the Township on an as needed or per diem basis, that an increase in the road grade will not adversely affect public safety and the design of the road system(s) and the Township Engineer approves thereof in writing.
7. Any private road which terminates at a dead-end shall have a means for a vehicle turn around either by use of a cul-de-sac, with minimum radius of forty feet (40'), or a continuous loop private road system, both of which must be constructed in accordance with the standards set forth in this Ordinance.
8. No private road shall extend for a distance of more than four thousand feet (4,000') in length from the nearest public street right-of-way as measured along the center line of the private road, without a second direct access thereto being available from another public street.



9. The layout of all private roads and the intersections of private roads with other public or private roads shall be such that clear vision, safe turning, and travel in all directions at the posted speed limit is assured, as recommended by such individual as appointed or contracted by the Township on an as needed or per diem basis. The minimum distance between intersections of public and/or private road rights-of-way shall not be less than three hundred feet (300') as measured along the right-of-way line thereof.
10. The private road shall be constructed with such storm water runoff, culverts, and drainage contours as is required by the Township to ensure adequate drainage and run off. The method and construction technique to be used in the crossing of any natural stream, wetland, or drainage course shall satisfy the recommendations of such individual as appointed or contracted by the Township on an as needed or per diem basis (where a private road serving four (4) or more parcels or lots is involved) and any other agency having jurisdiction thereof.
11. The private road shall be given a name and street signs shall be installed (before any building permit is issued for any building along such private road) in accordance with the standards and approval of the Newaygo County Road Commission (including signage for any branches or arteries of a private road if named differently). The private road addresses shall be posted and maintained in a conspicuous place at the entrance to the private road (at the intersection with the public road) in letters at least three inches (3") high. Private roads serving four (4) or more lots or parcels shall have a standard stop sign where the private road abuts the public road (as well as at any branches of a private road or roads). Such required private road signs shall be reasonably maintained at all times and shall be replaced promptly if destroyed or stolen.
12. Upon completion of construction of the private road, the applicant(s)/owner(s) shall remove and properly dispose of any and all trees, shrubs, construction debris and rubbish.
13. Private roads servicing or intended to service ten (10) or more parcels or principal buildings, or combinations thereof, shall also meet the minimum standards set forth in Section 2.250 (D) except for the following:
  - a. The private road shall be paved with a minimum of one and three-quarters inches (1 $\frac{3}{4}$ ") of bituminous aggregate meeting Michigan MDOT specification 1100t.
  - b. If the private road is to include a storm sewer system, the minimum width of the private road surface, including valley gutters shall be twenty-six feet (26'). Otherwise, the paved road width shall be at least twenty-two feet (22') wide.

14. If the private road is proposed as part of a planned unit development (PUD) project, the provisions of this ordinance regarding private road standards may be modified for the PUD project by the Township at its sole discretion for good cause shown.
- E. Indemnity: The applicant(s)/owner(s) of the private road agree that by applying for and securing a permit to construct the private road that they shall indemnify and will hold the Township harmless for, from, and against any and all claims for personal injury and/or property damage arising out of the use of the road or of the failure to properly construct, maintain, repair, and replace the private road.
- F. Maintenance Agreement
1. The applicant(s) of the proposed private road right-of-way or private road shall provide the Township with a recordable private road maintenance or restrictive covenant agreement between the owner(s) of the private road right-of-way and any other parties having any interest therein and assure that the private road shall be regularly maintained, repaired and snow plowed so as to assure that the private road is safe for travel at all times and the cost thereof paid for.
  2. The applicant(s) agree, by filing an application for and receiving a permit under this Ordinance, that they will assure that any building(s) or parcels thereafter created or constructed on the private road shall also be subject to the road maintenance or restrictive covenant agreement and that agreement shall be recorded and shall run with the land. A copy of the agreement shall be furnished to the Township Clerk and shall be approved by the Township prior to issuance of the permit.
  3. Upon completion of the construction, improvement, relocation or extension of a private road, the applicant(s)/owner(s) shall maintain, repair, and snowplow the private road right-of-way to always comply with the requirements of this Ordinance and in such a manner as to assure that the private road is safe for travel at all times.
  4. The following statement shall be put in a deed restriction and recorded for any parcels serviced by a private road before each parcel is sold: "This property does not abut or front on a public road. If a public road or street does not abut or service the property, it is private and is not required to be maintained by any governmental unit"
  5. Private roads shall be maintained in a manner that complies with the provisions of this Ordinance.
  6. All driveways and private roads shall be continuously maintained in such a way that they will not constitute a danger to the health, safety, and welfare of the inhabitants of the Township. All driveways and private roads shall be

continuously maintained in such a way that they are readily accessible to and usable by emergency vehicles in all types of weather.

7. All costs for the maintenance and repair of the private road shall be the responsibility of the property owners or associations served by the private road.

G. Certificate of Compliance

1. Upon completion of construction of the private road, the Zoning Administrator, Building Inspector or his/her designee shall inspect the completed construction to determine whether it complies with the approved plans, specifications, permit, and this Ordinance.
2. If the private road is required to be constructed in accordance with Section 2.250 (D)(13), the applicant(s), at the applicant(s) expense, shall provide the Township with a set of "as built" drawings bearing a certificate and statement from a registered engineer certifying that the private road has been completed in accordance with the requirements of the permit.
3. If the completed private road does not satisfy the requirements of the permit or this Ordinance, the applicant(s) shall be notified of the noncompliance in writing and shall be given a reasonable period of time within which to correct the deficiencies. Failure to correct the deficiencies within the time provided shall subject the applicant(s) to the penalties provided for in this Ordinance.
4. The Building Inspector or Zoning Administrator or his/her designee shall have the right to enter upon the property where the private road is or will be located to conduct such inspections as may be necessary to enforce this Ordinance.

H. Fees: Fees for the permits required hereunder shall be set by the Township Board from time to time by resolution. Additionally, the Township may require that the applicant(s) put sufficient funds in escrow to cover the costs of having the Township Attorney, and such individual as appointed or contracted by the Township on an as needed or per diem basis, review the private road plans, specifications and maintenance agreements and to do the necessary inspections.

I. Private roads are permitted in all zoning districts except in the HC, NC, and LI Districts. No commercial, business or mercantile use shall utilize or be located on a private road. Notwithstanding this prohibition, agricultural uses may utilize private roads and service drives for commercial, business or industrial uses may be used only as otherwise authorized by the Croton Township Zoning Ordinance.

J. All parcels utilizing a private road shall have frontage on the approved private road for a distance equal to or greater than the minimum lot width required for a lot or parcel by the Zoning Ordinance for the zoning district within which the lot or parcel is located.

K. Performance Guarantee

1. The Township may, as a condition of the private road construction permit application approval process, require the applicant(s) to post a cash bond, bank letter of credit or other security in order to ensure compliance with the requirements of this ordinance.
2. The amount of the bond or security to be submitted, if required, shall be equal to the total estimated cost for completing construction of the private road as approved by the Township.
3. The bond, escrow or unspent portions thereof, will be returned to the applicant(s) by the Township upon completion of the private road to the standards required by this Ordinance.

L. Effect

1. This Section shall apply to all private roads constructed, extended, or expanded from and after the effective date of this Ordinance.
2. If an existing lawful private road is extended after the effective date of this Ordinance by an increase in its length for the purpose of providing access to one (1) or more additional parcels or lots, the provisions of this Ordinance shall thereupon apply to the entire length of such private road, that is, to both the part of such private road existing on the effective date of this Ordinance and the part of such road laid out or constructed after such effective date.
3. If, after the effective date of this Ordinance, one (1) or more additional lots or parcels are created or added along (or are so situated as to be given access by) an existing lawful private road, then the provisions of this Ordinance shall thereupon apply to the entire length of such lawfully existing private road, that is, to both the part of such private road lawfully existing on the effective date of this Ordinance and the part of such road where parcels or lots are created or added after such effective date.
4. In either of the cases stated in the two preceding subsections, the provisions of this Ordinance shall be applied to the private road as if the entire length thereof or as if all of the parcels or lot provided access thereby, were created or added after the effective date of this Ordinance. In such event, the private road shall thereupon be improved and otherwise be brought into compliance with all of the applicable provisions hereof.

- M. Requirements for Driveways: No building permit shall be issued for any main building, dwelling, or structure served by a driveway, as defined by this Section, unless the plans and proposed construction comply with the requirements of this subsection.

1. A driveway shall have direct access to and touch either an improved public road or approved private road.
  2. Driveways shall have a minimum traveled width of at least twelve feet (12'), and shall be maintained in reasonable fashion and kept in a reasonably passable state for emergency vehicles year-around.
- N. In a situation where a property owner desires to extend or add onto a lawful non-conforming private road (i.e., a private road that does not meet one or more of the standards or requirements of Section 2.250) or to split or divide a parcel on such a lawful non-conforming private road or to add one or more parcels or lots to a lawful non-conforming private road, the Planning Commission, upon written application, may waive or modify any of the provisions of Section 2.250 (D) after finding that:
1. Topography, natural features, or other physical features preclude compliance with the provision(s) for which the waiver is requested, without undue alteration to the landscape and/or the destruction of the natural condition.
  2. Financial considerations are not the reason for the request of the waiver.
  3. The waiver, if granted, will continue to permit the private road to meet the Legislative Purpose described in Section 2.250 (A).
  4. The waiver, if granted, will not result in any unsafe conditions and the private road will remain reasonably usable for emergency vehicles.
- However, this subsection “N” shall not be utilized to waive or modify any requirements for a proposed new private road. Furthermore, where this subsection “N” is applicable, the procedures for a special land use approval shall be followed, except in addition to the normal notice requirements. The owners of all properties with frontage on any portion of the private road (as shown on the most current property tax bills) shall also be given notice of the public hearing. Pursuant to this subsection “N”, the Planning Commission may also attach reasonable conditions and requirements to any such modification or waiver, including, but not limited to, requiring that existing portions of the private road and/or portions of the segment of the new private road shall be improved or upgraded.
- O. All Lots and Parcels Created Shall Utilize the Private Road. Where a private road is proposed to serve fewer than all of the lots or parcels to be created out of a given lot or parcel, the Planning Commission (or where three (3) or fewer parcels or lots are involved, the Zoning Administrator) can require that all resulting lots and parcels utilize the private road so that no lots or parcels shall have a driveway or other access onto a public road or other private road apart from the approved private road.
- P. Parcel Size and Configuration. Pursuant to the approval of a private road as a special land use, the Planning Commission can require that proposed lot or parcel boundaries and sizes be altered (but not less than the minimum required by this Ordinance) (as well as

reducing the total number of lots or parcels) if it is determined by the Planning Commission that such alterations are required to meet the standards required for site plan and special land use approval.

- Q. Miscellaneous. No land division shall occur (and no land division shall be approved by the Township) which involves one or more lots or parcels utilizing a private road until and unless formal Township approval has occurred pursuant to this Section. Furthermore, no such land division shall occur and no land division approval shall be granted by the Township involving a private road (and no private road easement or access easement or the equivalent shall be created) until and unless the maintenance agreement (as required by this Section) has been submitted to and approved by the Township. An approved maintenance agreement (as required by this Section) shall be recorded with the Newaygo County Register of Deeds records prior to any lots or parcels utilizing the private road at issue being sold.

### **SECTION 2.260 STORAGE OF RECREATION EQUIPMENT**

- A. Recreational equipment for private use may be located outside of an enclosed building on any lot within a Residential District provided that the setback requirements of Section 2.110 for detached accessory buildings are maintained and the following requirements are met.
1. During storage, no water or sewer hook-ups are allowed and no one may live in any such vehicle or equipment;
  2. Notwithstanding the provisions of this section, recreational equipment may be parked within any yards but not within the required yard for cleaning, loading or unloading purposes for not more than forty eight (48) hours within any seven (7) day period.
  3. Recreational equipment may be used for living or housekeeping purposes for a period not exceeding fourteen (14) days in any calendar year, provided that running water or indoor sewage facilities within such equipment is not utilized and provided that the storage requirements of this Section are met.
  4. The storage allowed pursuant to this Section is only permitted if there is a residential dwelling located on the lot.
  5. Where physical features of a property, such as, but not limited to immovable structures or a tree with a diameter of four inches (4") or greater, prohibit a recreational vehicle from being parked in compliance with this Section, the owner may apply to the Zoning Administrator for permission to park the recreational vehicle on the lot. This permit shall be granted, provided that the following requirements are met:

- a. An application for permission shall be accompanied by a site plan, drawn to scale, showing the reasons why the recreational vehicle cannot be parked in compliance with this Section. A filing fee, set by the Township Board by resolution, shall also be required.
- b. A twenty foot (20') setback shall be maintained from the recreational vehicle to the edge of the street pavement or curb: or, if a sidewalk exists, the twenty foot (20') setback shall be measured from the inside edge of the sidewalk.
- c. Parking approval, if granted by the Zoning Administrator, shall be effective for three (3) years following the date of issuance. Further approvals may be granted by the Zoning Administrator in accordance with this Section.

#### **SECTION 2.270 USE OF RECREATIONAL EQUIPMENT**

- A. No tents, travel trailers, campers, motor homes, fifth wheels and any other travel equipment designed for living or sleeping shall be used in Croton Township, other than in approved parks or campgrounds without first obtaining a permit from the Zoning Administrator.
  1. Permits may be issued for a two (2) week period of time and may be renewable at the discretion of the Zoning Administrator for an additional two (2) weeks not to exceed four (4) weeks in total per calendar year.
  2. Notwithstanding the provisions of this Section, recreational equipment of this type may be stored under the provisions in Section 2.260.

#### **SECTION 2.280 STORAGE AND REPAIR OF VEHICLES**

- A. The noncommercial carrying out of repair, restoration and maintenance procedures or projects on vehicles in any Residential District, when such work is not conducted entirely within the interior of a building, shall be subject to the following limitations:
  1. Procedure or projects exceeding seventy-two (72) hours in duration or which require the vehicle to be immobile or inoperable in excess of seventy-two (72) hours shall be carried out within a garage. Only one (1) such seventy-two (72) hour period shall be permitted within a single thirty (30) day period.
  2. Inoperable or unlicensed, vehicles and vehicle parts shall be stored at all times inside a building.

3. No such repair, restoration, or maintenance shall occur for profit, for hire, or as a commercial use.
- B. It shall be unlawful for the owner, tenant or lessee of any lot in a Residential District to permit the open storage or parking outside of a building of mobile homes not used as dwellings (except as may be permitted in Section 2.90), semi-tractor trucks and/or semi-trailers, bulldozers, earth carriers, cranes, or any other similar equipment or machinery, unless parked thereon while in use in construction being conducted on such lot.

### **SECTION 2.290 LIGHTING**

All lighting upon any premises, regardless of the District, shall be arranged so that such lighting does not produce any glare which is a nuisance or annoyance to residents or occupants of adjoining premises or to the traveling public on public roadways.

### **SECTION 2.300 MAINTENANCE OF LANDSCAPING AND BUFFER**

The owner of the land on which landscaping or buffers have been required by this Ordinance or by action of the Township pursuant an approval granted by this Ordinance or other Township ordinances after the initial installation shall, thereafter, ensure that all necessary maintenance and replacement for the landscaping and/or buffer is performed at all times. All trees or other landscape material required or used as part of the landscaping and /or buffer which die or are seriously damaged for any reason shall be replaced not later than the following planting season with equivalent landscape material.

### **SECTION 2.310 FLOOR AREAS AND GRADE LEVEL**

No building or structure intended for human use or habitation shall be constructed on land which is subject to flooding or on land where a minimum of one foot (1') between finished grade level and flood level cannot be maintained. Filling to bring to grade level is not permitted.

### **SECTION 2.320 OPEN SPACE PRESERVATION REGULATIONS**

#### **A. Description and Purpose**

1. The purpose of the Open Space Preservation Development (OSPD) regulation is to permit greater flexibility in development. The intent of the regulations is to foster the preservation of significant natural features and open spaces that would otherwise be developed but will be preserved as a result of the OSPD.
2. The OSPD provisions are not intended as a device for ignoring the requirements of this Ordinance nor are they intended simply as a means to increase density.



Rather these provisions are intended to result in land development substantially consistent with the underlying zoning, but provide a degree of flexibility in design to allow for customization of design to meet the unique natural conditions of a particular site and innovation in design to create a higher quality development than could otherwise be possible with the underlying zoning.

B. Qualifying Conditions

1. The tract of land for which an OSPD application is received must be either in one (1) ownership or the subject of an application filed jointly by the owners of all affected properties.
2. The property within an OSPD must have a minimum area of twenty (20) contiguous acres. The Planning Commission may consider a lesser development size if the OSPD site exhibits unusually valuable natural features or other unique conditions or location which warrant consideration as an OSPD. The Planning Commission shall document these conditions in their minutes.
3. An OSPD may only be applied for in lands located within the AR, R-1, and R-2 Districts.
4. The applicant must demonstrate that the property proposed for OSPD contains unique site conditions, significant natural features, large open spaces, or active agricultural land, which would otherwise be developed but will be preserved as a result of OSPD.
5. A minimum of fifty percent (50%) of the area within an OSPD must be in open space meeting the requirements of this Section.

C. Review Procedures

1. An Open Space Preservation Development shall be processed as a Special Land Use in accordance with the requirements of Chapter 15.
2. The OSPD application shall be required to receive approval of a Preliminary and Final Site Plan Review in accordance with the requirements of Chapter 13.
3. In addition to the applicable requirements of Section 13.40 (B) and Section 13.50 (B), an Open Space Preservation Development application and site plan shall include all the following information:
  - a. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire such land, such as an option or purchase agreement, or a signed agreement from the property owner(s) indicating permission to file such application.

- b. Ten (10) copies of the Parallel Plan used to determine base density, meeting the requirements of Section 13.40 (B)(2), (except that building locations need not be shown) and Section 2.330 (E)(3)( a).
  - c. If a phased development is proposed, identification of the areas included in each phase. The density, lot area and setbacks of proposed housing units within each phase and for the total OSPD.
  - d. Arrangement and area calculations for open space, including upland and wetland open space areas.
- D. Permitted Uses: Only the following uses, either singly or in combination, may be permitted within the OSPD.
- 1. Single-family detached dwellings, including home occupations in accordance with the requirements of Section 2.140.
  - 2. Accessory buildings and uses customarily associated with single family detached dwellings in accordance with the requirements of Sections 2.100 and 2.110.
  - 3. Agriculture.
  - 4. Open space and recreational facilities for use by the residents of the OSPD.
  - 5. Public open space or open space and natural areas dedicated to a public or private non-profit organization or agency that shall ensure that the open space remains in place in perpetuity.
- E. Site Development Requirements
- 1. The minimum lot and yard requirements for residential uses shall be determined by the following chart. Minimum floor area and height regulations for dwelling units shall conform to the requirements of the District.

Lot /Area Requirements  Services Provided	Lot Requirements			Yard Requirements		
	Area (Sq. Ft.)	Width (Ft.)	Lot Coverage	Front	Each Side	Rear
Individual septic system/well	AR R-1	20,000	110			
	R-2	10,000	90	20%	25	10
Community or public sanitary sewer	8,000	70	30%	25	10	20

Figure 2. 4

2. Land not proposed for development, but used for the calculation of overall density shall be considered open space and subject to the requirements of Section 2.330 (E)(4).
3. Development Density
  - a. Parallel Plan: The maximum base density and number of dwelling units permitted in the OSPD shall be determined through the submission of a parallel plan showing the number of dwelling units that may be developed under the existing zoning classification. The Planning Commission may require additional detail or information as it may determine necessary to evaluate the feasibility of the parallel plan. The parallel plan shall meet the following minimum requirements:
    - (1) The parallel plan shall contain enough detail to permit the Township to evaluate the feasibility of development for each lot.
    - (2) All lots or buildings shown on the parallel plans shall be located on buildable lots, which, for the purposes of this Section shall mean lots that are of sufficient size and shape to meet existing zoning requirements and accommodate a main building, septic and well systems (where no public sanitary sewer or water system is to be used), and required streets and driveways.

- (3) Areas of wetlands, water bodies, and other unbuildable areas shall not be included within buildable areas, but may be included in the lot area calculations.
- (4) In evaluating the feasibility of the parallel plan, the Planning Commission shall consider whether or not the plan would have been approved under the processes normally used to review site plans or subdivision plans, including such factors as access, lot orientation, street layout, and other considerations the Commission deems appropriate.

b. Bonus Density

- (1) In order to preserve the maximum amount of open space, the Planning Commission, may permit an Open Space Preservation Development an increase in the number of dwelling units above the base density established in the parallel plan, up to a maximum of sixty (60) percent of the base density. The Open Space Preservation Development may be eligible for consideration of a cumulative density bonus in accordance with the following:

Facility/Open Space Provided		Density Bonus
Open Space Percentage (open space proposed to be included for the purposes of bonus density shall meet the Open Space Requirements of this Section, including minimum dimensions)	55%	Up to 10%
	60%	Up to 20%
	65%	Up to 30%
Providing walking trails/pathways through the entire OSPD		Up to 10%
Providing active recreation areas (ball field, tennis court, tot lot, swimming pool, etc.) at a ratio of at least one facility per 25 dwelling units.		Up to 20%
Providing innovative design features, such as traditional neighborhood development, traffic calming measures, and other similar features.		Up to 30%

Figure 2.5

- (2) The Planning Commission may elect to award all or a portion of the available bonus density. In determining the amount of density bonus to be awarded, the Planning Commission shall find that the design of the Open Space Preservation Development substantially

meets the Description and Purpose of Section 2.330 (A) and the Design Principles of Section 2.330 (E)(6). The Commission shall state its reasons for the amount of bonus awarded.

4. Open Space Requirements: Any open space provided in the OSPD shall meet the following considerations and requirements:
  - a. Open space areas shall be large enough and of proper dimensions so as to constitute a useable area, with adequate access, through easements or other similar arrangements, such that all properties within the entire OSPD may utilize the available open space.
  - b. The OSPD shall have a minimum of fifty percent (50%) open space. Open space within an OSPD shall have a minimum dimension of at least one hundred and fifty feet (150') in both length and width in order to be considered and counted as open space.
  - c. Evidence shall be given that satisfactory arrangements will be made for the maintenance of such designated land to relieve the Township of the future maintenance thereof.
  - d. Open space may be provided where significant natural features may be preserved and/or be used for passive or active recreation. Open space is encouraged to be located between neighborhood clusters of housing units.
  - e. All land set aside as open space shall be deed restricted, protected by conservation easement, or other similar permanent restriction, to ensure that the open space remains in a natural and undisturbed condition in perpetuity. Land set aside for agriculture may, at the discretion of the property owner(s) be converted to open space, but shall not be used as land for the construction of additional dwellings, nor used for any other development.
  - f. All open space shall be in the joint ownership of the property owners within the OSPD. A property owner's association shall be formed which shall take responsibility for the maintenance of the open space.
5. Development Setback
  - a. Any building area, which for the purposes of this Section shall mean any lot on which a main use is located, shall be located at least two hundred feet (200') from any public street right-of-way not constructed as part of the OSPD.

- b. No native or natural vegetation shall be removed from the two hundred foot (200') setback, nor any grading or changes in topography occur, except that necessary for entrance roads, required utilities, or drainage improvements.
  - c. The Planning Commission may modify this requirement provided the applicant demonstrates that the clearing of existing vegetation would contribute significantly to the purpose and objectives of the OSPD.
  - d. The Planning Commission may reduce this setback to not less than one hundred feet (100') if existing landscaping or topography provides a natural screen that substantially blocks the view to the proposed development. The Commission may also require additional landscaping if necessary to further screen the development area. The landscaping may consist of either existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.
  - e. OSPD sites abutting more than one (1) public street shall be permitted to reduce the setback on the shorter of the abutting streets to one hundred feet (100') without a screen. No native or natural vegetation shall be removed from the one hundred foot (100') setback, nor any grading or changes in topography occur, except that as may be necessary for entrance roads or utilities.
  - f. The Planning Commission may require a landscape plan for the development setback area showing additional landscaping to enhance the screening of the Open Space Preservation Development from the adjacent street. This landscaping may consist of either existing vegetation, land forms, or landscaped areas using native or natural materials, or a combination thereof.
6. Design Principles: The overall intent of the Open Space Preservation Development regulations is to foster more creative development design, using open space to the advantage of the development, maintaining the rural character of the township, ensuring access to open spaces, preserving natural features, and other design objectives intended to foster an improved living environment. To this end the following general guidelines will be considered by the Planning Commission in evaluating proposed Open Space Preservation Developments.

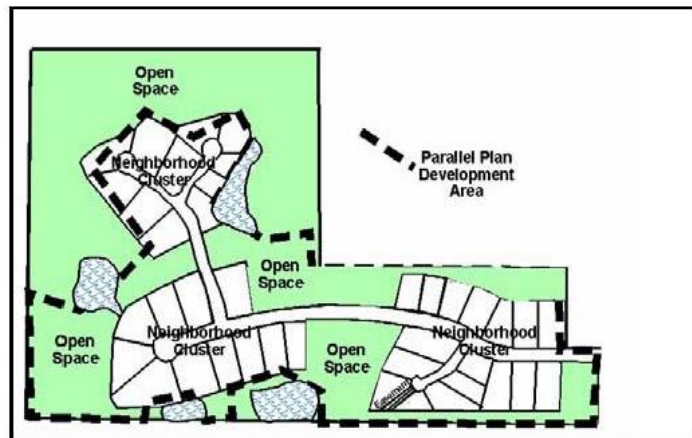


Figure 2. 6

- a.. Open space should be provided where significant natural features may be preserved, active agricultural land maintained, or be used for passive or active recreation.
  - b. Open space should generally be used to group areas of residential neighborhoods as clusters of housing units. This is intended to avoid the suburban development type normally found in urbanized areas. Generally, neighborhood clusters should have not more than 10-15 units per cluster for smaller developments and 15-20 units for larger developments.
  - c. The Open Space Preservation Development should be designed with due regard for views from roadways as well as lots within the OSPD.
  - d. Open space within the development should generally be accessible from as many places within the development as possible, rather than limited to individual easements between development lots. To this end, providing open space segments along the internal roadways will be considered a high priority by the Township. Such areas should be large enough to appear as open space, rather than a vacant lot for future development, and kept in their natural state. Such areas may, however, incorporate trails or other internal pedestrian circulation paths.
  - e. The overall design of the Open Space Preservation Development should emphasize the rural character of the Township, provide views to open spaces from as many areas of the development as possible, and avoid long, straight street segments and rows of homes.
7. Review Standards: The following review standards will be used by the Planning Commission, in addition to the Site Plan Review Standards of Section 13.60, in its

consideration of a OSPD. Before such developments may be approved the Planning Commission shall find:

- a. That the OSPD meets the Description and Intent, and Qualifying Conditions of this Section.
- b. That the location of the buildings of the OSPD do not unduly impact other land uses in the vicinity of the proposed development.
- c. That the OSPD preserves, in perpetuity, unique site conditions, such as significant natural features; large, well placed and accessible open space areas; or active agricultural land.
- d. That the OSPD can accommodate adequate and safe disposal of sewage and can provide an adequate, assured source of water for domestic use.
- e. The Planning Commission may require evidence from the applicant that groundwater sources will be protected and other environmental concerns met. Approval of District 10 of the Newaygo County Health Department or other agencies may not be the sole determining factor in this regard. To this end, the Commission may specify additional evidence it deems necessary, including additional soil borings, soil reports, hydrological tests, and other such evidence which will be submitted by the applicant and reviewed by the Township prior to approval of the OSPD.

### **SECTION 2.330 LOT COVERAGE**

Except as expressly permitted otherwise in this Ordinance, no more than fifty percent (50%) of the surface area of any lot in any zoning district shall be covered in total by buildings, structures, streets, or paved surface areas. Additionally, no more than thirty percent (30%) of any lot in any zoning district shall be covered by buildings.

### **SECTION 2.340 RESIDENTIAL USE IN COMMERCIAL DISTRICTS**

Residential uses shall not be permitted in the commercial districts; provided, however, that a residential use or a combined residential-commercial use may be permitted in a commercial district if a special land use approval is obtained from the Planning Commission. If such a Special Land Use is granted, all use (other than the residential use prohibition), dimension, sign and other applicable requirements of the commercial district shall apply to the residential use or the combined residential-commercial use.



**SECTION 2.350 CONSTRUCTION OF ACCESSORY BUILDINGS**

Accessory buildings shall be stick-built or the equivalent new building construction. No mobile home, tank, junk object, or salvage material, trailer, vehicle or similar item shall be utilized as an accessory building or storage structure; 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 and in compliance with Section 2.90.

**SECTION 2.360 CERTAIN LARGE SCALE RESIDENTIAL DEVELOPMENTS**

Certain large scale residential developments (being those which include eleven [11] or more lots, parcels, or site condominium units) shall be developed only as planned unit developments (PUD). The regulating of such development on a PUD basis will enable the Township to control and moderate the size, scope, and impact of such development, The requirements of this Section shall apply whether such development involves simple land divisions, platted subdivisions, site condominium units or any other type of land division, conveyance or development resulting in eleven (11) or more lots, parcels, site condominium units or other land divisions.

- A. No subdivision (as defined in this Section) shall be established or created and no lot, site condominium unit or parcel of land in a subdivision shall be sold, conveyed, created, transferred, or otherwise established, nor shall any building permit or zoning approval permit be issued, for any land in a subdivision unless such subdivision shall have been approved by the Township as a planned unit development (PUD).
- B. For purposes of this section, a subdivision means any land or property, wherever located, improved or unimproved, which is divided, split, conveyed, proposed to be divided, split or conveyed, proposed to be divided, split or conveyed, or developed as a site condominium or recorded plat, for the purpose of a sale, transfer or building construction, into including eleven (11) or more lots, parcel of land, site condominium unit or other interest in land, or any combination thereof, whether in whole or in part. For purposes of this section, a subdivision also includes any lands, whether contiguous or not, if eleven (11) or more lot, parcels of land, site condominium units or other unit or interests are offered as part of a common promotional plan for sale or conveyance, or where the subdivision is being developed or is offered for sale or conveyance, or where the subdivision is being developed or is offered for sale, transfer or building construction by one developer, or more than one developer, whether acting individually or in concert.
- C. If parcels of land are contiguous or if they are known, designated or advertised as a single or common development, or by a single or common name, the land shall be deemed to be offered for a disposition, as part of a common promotional plan and shall accordingly be deemed to part of a subdivision, if the total number of lots, parcels of land, site condominium unit or other interests is eleven (11) or more.

- D. For purposes of this section, contiguous land means any additional land adjacent to or adjoining the subdivided land included in any previous subdivision.
- E. If a parcel of land is created, divided or split from or out of another parcel of land, and if either or both of such parcels are further divided, split or site condominium units are created, or if any of such actions is proposed, within seven years after the recording of the first land division, or land split, then each parcel shall be considered a subdivision for purposes of this section, and accordingly, each parcel shall be subject to planned unit development approval, if eleven (11) or more lots, parcels of land or site condominium units are created or developed from or out of such parcels or either of them.

### **SECTION 2.370 EXCAVATION AND CONSTRUCTION EQUIPMENT**

Except where permitted within the LI - Light Industrial, HC - Highway Commercial, and NC - Neighborhood Commercial Districts, excavating and construction equipment (including, but not limited to, dump trucks, bulldozers, cranes, earth movers, and trailers related thereto) shall not be kept, stored, or parked on a property or lot except under the following circumstances:

- A. They are being used for bona fide farming purposes; or
- B. They are actively being used for Construction or excavation on the property involved, but only for such time period as is reasonably necessary to finish such construction and/or excavation.

### **SECTION 2.380 DRAINAGE**

No new structure, building, use, or activity shall increase water runoff or drainage onto any adjoining or neighboring property or properties unless pursuant to a permanent easement permitting the same or with the express written consent of the owner(s) of all properties involved. Furthermore, where a use, building, or structure requires site plan, special use, or planned unit development approval, the Township Engineer may attach reasonable conditions and requirements to any such approval regarding detention / retention of storm water runoff and drainage matters.

### **SECTION 2.390 TIME LIMITS ON CONSTRUCTION**

Construction of a structure or dwelling shall be fully completed within eighteen (18) months from the date of commencement of construction or installation, unless the Zoning Administrator extends said time limit for an additional six (6) months (for a total of twenty-four (24) months). The Zoning Compliance Permit shall follow such time limits. A new permit must be obtained if the structure is not completed within the twenty-four (24) months, also at this time all new codes will be enforced.

**SECTION 2.400      STORING OF MOBILE AND MODULAR HOMES**

No mobile or modular home shall be placed or stored on any lot unless each such item meets all requirements of this Ordinance (as well as other applicable ordinances and laws) and both the Zoning Compliance Permit and Building Permit have been issued for the installation of that home as a dwelling on the lot. This prohibition shall not apply to lawful sales of mobile and modular homes as a commercial use so long as all of the applicable requirements of this Ordinance are met.

**SECTION 2.410      TEMPORARY USES**

No temporary use shall occur in any zoning district unless and until a temporary use permit has been issued by the Township. The following requirements shall apply:

- A. All applications for a temporary use permit shall be filed with the Township at least sixty (60) days prior to the commencement date of the proposed temporary use. This sixty (60) day period can, however, be shortened in the discretion of the Zoning Administrator or the Planning Commission, for good cause shown by the applicant.
- B. The Township Zoning Administrator may issue a temporary permit if all of the requirements of Subsection C are satisfied. If the Zoning Administrator determines that a proposed temporary use would have a major impact on the neighborhood or area involved, or if the Zoning Administrator determines that a hearing should be held before temporary use permit is issued, because of the scope or likely impact of the proposed temporary use, then the Zoning Administrator shall refer the temporary use application to the Planning Commission for final approval or denial, in the whole or in part. An applicant may appeal the Zoning Administrator's denial of a temporary use permit application to the Planning Commission. If a temporary use permit application is referred to the Planning Commission, it shall hold a hearing on the application, complying with all hearing and notice requirements.
- C. A temporary use permit shall not be granted by the Zoning Administrator or by the Planning Commission unless all of the following requirements are satisfied:
  1. Nuisance, hazardous features. The temporary use shall not result in any hazard or nuisance to adjacent lands or the uses thereof, nor otherwise be contrary to the public health, safety or welfare of the Township
  2. Traffic and circulation. The temporary use shall not create hazardous vehicle or pedestrian traffic conditions on or adjacent of the streets serving the property. A temporary use permit shall not be issued if the Zoning Administrator or Planning Commission determines that the proposed use will:
    - a. Unreasonably interfere with the use of a street for vehicular travel;

- b. Unreasonably interfere with the view of access to or use of property adjacent to the street serving the proposed temporary use;
  - c. Cause a violation of any State laws or local ordinances; or
  - d. Reduce the effectiveness of or access to any utility pole, street lighting, sign or other traffic control device.
3. Public facilities and services. Adequate utilities, drainage, refuse management, sanitary facilities. Emergency services and access and other necessary facilities and services shall be available for the proposed temporary use.
  4. Natural environment. The proposed temporary use shall not have a substantially adverse impact on the natural environment.
  5. Suitability of the site. The site of the proposed temporary use shall be suitable for such temporary use, giving consideration to possible flood hazards, storm water.
  6. Building, electrical and other codes. The temporary use and all associated temporary improvements, including, but not limited to tents, stands, temporary electrical systems, temporary heating systems, and temporary lighting systems shall comply with all applicable provisions of the Township Building Code, Electrical Code, and other applicable codes adopted or amended from time to time.
- D. A temporary use shall be permitted only for such period of time as is practical, given all of the circumstances. In no case shall a temporary use permit be issued for a period in excess of eighteen (18) days during any twelve (12) month period, nor shall any property be used for a temporary use in excess of eighteen (18) days during any twelve (12) month period.
- E. In connection with the approval of any temporary use, the Township may impose additional reasonable terms and conditions.
- F. The Township may revoke or suspend a temporary use permit at any time upon the failure of the owner or any operator of the use to comply with the requirements of this Ordinance, the conditions imposed upon the issuance of any such temporary use permit, or any other applicable provisions of State law or local Ordinance.
- G. A temporary use shall include a permanent structure or permanent building.

#### **SECTION 2.420 ADDRESS NUMBERS**

All principal buildings will have an address number visible from the nearest public or private road.

## CHAPTER 3 MAPPED DISTRICTS

### SECTION 3.10 DISTRICTS

The Township of Croton is hereby divided into the following Zoning Districts:

Letter	District Name	Ordinance Chapter
AR	Agricultural/Rural Residential	Chapter 4
WO	Waterfront Overlay	Chapter 5
R-1	Rural Residential	Chapter 6
R-2	Residential	Chapter 7
MHP	Manufactured Home Park	Chapter 8
HC	Highway Commercial	Chapter 9
NC	Neighborhood Commercial	Chapter 10
LI	Light Industrial	Chapter 11
P	Public/Semi-Public	Chapter 12

Figure 3. 1

### SECTION 3.20 ZONING MAP

- A. The locations and boundaries of the Zoning Districts are hereby established as shown on a map, as the same may be amended from time to time, entitled *The Croton Township Zoning Map* which accompanies and is hereby made a part of this Ordinance.
- B. Where uncertainty exists as to the boundaries of Zoning Districts as shown on the zoning map, the following rules of construction and interpretation shall apply:
1. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow the centerline.
  2. Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines.
  3. Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.
  4. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following the shorelines or lake or stream beds, and in

the event of change in the location of shorelines or lake or stream beds, shall be construed as moving with the shoreline of lake or stream bed.

5. Lines parallel to streets without indication of the depth from the street line shall be construed as having a depth of two hundred feet (200') from the front lot line.
  6. Boundaries indicated as approximately following property lines, section lines, or other lines of a government survey shall be construed as following the property lines, section lines, or other lines of a government survey as they exist on the effective date of this Ordinance or applicable amendment thereto.
- C. When there is any question as to the location of any boundary line between zoning districts which cannot be resolved by the rules stated above, upon a request for an interpretation of the zoning maps, the Zoning Board of Appeals shall establish the boundaries based upon the zoning map and all available information relating thereto and establish such boundaries in such ways as to carry out the intent and purposes of this Ordinance and the Master Plan.
- D. 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 (2) different Districts, the area is divided along a line halfway between them according to the adjacent District, unless the Township Board shall otherwise designate.

### **SECTION 3.30 AREAS NOT INCLUDED WITHIN A DISTRICT**

In every case where land has not been included within a District on the Zoning Map, the land shall be in the R-1 Zoning District.

### **SECTION 3.40 CERTAIN WATER WITHDRAWALS**

The drawing, gathering, pumping, or removal of surface water, spring water, or groundwater for commercial use on the property where the water is originally located is only allowed in the HC-Highway Commercial District if approved as a Special Land Use pursuant to subsection 9.30 (O), of this Ordinance. This includes, but is not limited to, canning operations, bottled water operations (including the drawing, gathering, pumping, or removal of surface water, spring water, or groundwater for the same), and the transportation of water originating within Croton Township to a place located outside of Croton Township. Notwithstanding that such drawing, gathering, pumping, or removal of waters is allowed only within the HC-Highway Commercial District and in no other zoning districts under this Ordinance, the drawing, pumping, gathering, or removal of surface water, spring water, or groundwater for farming and bona fide agricultural uses is allowed in any zoning district within this Ordinance where such farm or agricultural uses are permitted and the water is not transported out of its watershed origin.

## **CHAPTER 4**

### **AR - AGRICULTURAL/RURAL RESIDENTIAL DISTRICT**

#### **SECTION 4.10 DESCRIPTION AND PURPOSE**

This District is intended for large tracts used or which have been used for farming, and single farming dwellings. It is intended for agricultural uses, other uses generally associated with agriculture, single-family residential development on larger lots and related nonresidential uses. The overall purpose of this District is to preserve larger tracts of land for agricultural use, open space, recreation, and to allow for residential development at very low densities.

#### **SECTION 4.20 USES PERMITTED BY RIGHT**

Land and/or buildings in the AR District may be used for the following purposes as permitted uses:

- A. Farms for both general and specialized farming together with farm dwelling and buildings and other installation useful to farms, but excluding Intensive Farming Operations.
- B. Single-family dwellings.
- C. Adult foster care family home, provided that the home is not located closer than one thousand five hundred feet (1,500') from an existing or proposed foster care home, including group homes, but not including a State licensed residential facility caring for four (4) or less minors.
- D. Day Care Family Homes.
- E. Home occupations in accordance with the requirements of Section 2.140.
- F. Schools, churches, libraries, parks, playgrounds and community center buildings.
- G. Accessory buildings, structures and uses customarily incidental to any permitted or Special Land Use (where approved).

#### **SECTION 4.30 SPECIAL LAND USES**

Land and/or buildings in the AR District may be used for the following purposes following approval by the Planning Commission as a Special Land Use as regulated by Chapter 15.

- A. Outdoor entertainment and recreational facilities, country clubs, golf courses, riding stables, gun clubs and publicly-owned athletic grounds and parks and other similar uses, including related uses, such as snack bars, and small retail shops selling goods directly related to the primary use.
- B. Roadside stands for sale of produce grown on the premises.
- C. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
- D. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- E. Public or private campgrounds.
- F. Kennels.
- G. Bed and breakfast establishments.
- H. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires and underground utility systems.
- I. Intensive Livestock Operations.
- J. Multi-Use Recreation and Conference Centers.
- K. Windmills and wind-powered generators and apparatus (excluding those where the electricity or power generated) is used exclusively on the parcel where the structure is located.
- L. Open Space Preservation Development, in accordance with the provisions of Section 2.330.
- M. P.U.D.

**SECTION 4.40 DISTRICT REGULATIONS**

No building or structure, nor the enlargement of any building or structure, shall be hereafter erected and no lot shall be used or created unless the following minimum requirements are met and maintained in connection with the building, structure, or enlargement:



Front Yard	50 Feet
Side Yards	15 Feet one side/total 50 Feet
Rear Yard	50 Feet
Maximum Building Height	35 Feet
Lot Coverage	25%
Minimum Lot Area	10 Acres
Minimum Lot Width	330 Feet
Minimum Dwelling Unit Floor Area	Ground level - 850 ft. sq. 2 <sup>nd</sup> level (ground level) – 720 sq. ft. Minimum of 400 sq. ft. finished Tri-level, 2 lower floors - total 900 sq. ft.

**Figure 4. 1**

**CHAPTER 5**  
**WO - WATERFRONT OVERLAY DISTRICT**  
(Amended 03/12/2012)

**SECTION 5.10 DESCRIPTION AND PURPOSE**

- A. The Waterfront Overlay District is a supplementary District which applies to any property within three hundred feet (300') of any lake, river, impoundment or tributary. This District applies in conjunction with all underlying Zoning Districts. Lands included in the Waterfront Overlay District are characterized by uses which are strongly oriented toward the residential and recreational experience and enjoyment of the waterways and shorelines of Croton Township.
- B. It is the intent of the Waterfront Overlay District to provide regulations in addition to those contained in the underlying District pertaining to lands located along the waterfront and shoreline areas of the township. The purpose of these regulations is to recognize the unique physical, economic and social attributes of waterfront and shoreline properties and to ensure that the structure and uses in this District are compatible with and protect these unique attributes.

**SECTION 5.20 PERMIT APPLICATIONS**

- A. All projects within the Water Overlay District shall have the proper permits filed with the Zoning Administrator and must have a detailed Township-approved plan prior to construction.

**SECTION 5.30 USES PERMITTED BY RIGHT** (Amended 02/22/2018)

Land and/or buildings in the WO - Waterfront Overlay District may be used for the following purposes as Permitted Uses:

- A. Permitted Uses in the underlying District in which the land is located.
- B. Private boat docks, accessory to residential uses, subject to the following provisions:
1. Two (2) private boat docks per dwelling shall be permitted for a single family dwelling unit. Two (2) private boat docks shall be permitted for a two (2) family dwelling.
  2. In addition to the allowances of Section 5.20 (B) (1), an additional private boat dock shall be permitted for each full fifty feet (50') of lot width along the lake or other body of water.
  3. Boat docks, boat lifts and boat slips shall be used only by person(s) residing on the premises or their guests and shall not be leased, rented or otherwise made available for compensation, except in conjunction with the lease or rental of the dwelling unit on the same lot, unless approved as a marina, subject to the

requirements of Section 5.30.

4. Docks and Boat Lifts
  - a. No portion of any dock shall be located within ten feet (10') from the nearest side property line as projected into a waterway perpendicular from shore. Boats on a lift shall remain inside of the nearest property line.
  - b. Every structure or item pursuant to Section 5.50 shall maintain, to a reasonable extent, an open and unobstructed view to the waterway from adjacent properties, roadways, and pedestrian ways.

#### SECTION 5.40 SPECIAL LAND USES

Land and/or buildings in the Waterfront Overlay District may be used for the following purposes, following approval by the Planning Commission, as a Special Land Use as regulated by Chapter 15:

- A. Special Land Uses in the underlying District in which the land is located.
- B. Public or private boat launches.
- C. Marinas.

#### SECTION 5.50 DISTRICT REGULATIONS

- A. These regulations apply to all parcels or lots within three hundred feet (300') of any lake, river, impoundment or tributary.
- B. No building or structures, nor the enlargement of any building or structure, shall hereafter be erected or constructed unless the requirements of the underlying District are met and maintained in connection with such building, structure, or enlargement. The following minimum requirements shall also be applicable:
  1. No dwelling or garage shall be placed or located closer than thirty feet (30') from the break of the bank or closer than thirty feet (30') from the shoreline if no break of the bank exists.
  2. Accessory buildings may be permitted, subject to the requirements of Section 2.110, Section 5.50 and the underlying District.
  3. All waterfront properties inside the Waterfront Overlay District are deemed to have a front yard that is closest to the water. For non-waterfront properties and

vacant waterfront properties, the front yard may be determined by the Zoning Administrator.

4. Developments within the Waterfront Overlay District shall maintain, to a reasonable extent, open and unobstructed views of the waterway from adjacent properties, roadways, and pedestrian ways.
5. A balcony or window awning not connected to or resting on the ground may project no further than five feet (5') into the required front or rear yard and shall not project into a required side yard.
6. All other applicable District regulations shall be as provided in the underlying District, except that where more than one (1) limitation applies, the more stringent of the limitations shall apply. Also, where any provision of the Waterfront Overlay District conflicts with any requirement of the underlying District, the stricter requirement or limitation shall apply.

## **SECTION 5.60 WATERFRONT PROPERTIES**

The following shall apply to all properties with frontage on a river, impoundment, lake, or other body of water:

- A. Decks, Wooden Walkways/Sidewalks, Viewing Platforms, and Similar Matters.

The following regulations shall apply to all decks, wooden walkways/sidewalks and viewing platforms on all properties with frontage on a river, lake, or other body of water.

1. Decks, wooden walkways, etc. near the water at a lake or river with less than 30% grade shall comply with the following:
  - a. May not be lakeside of either a lawful seawall or the body of water. However, a deck or walkway may “cantilever” or extend up to two feet (2') over the lake, river, or the shoreline of either. Subject to MDEQ approval.
  - b. Must be made of a material and in such a way to allow infiltration of rain or surface water; corrosive metal is not allowed.
  - c. No portion can be located higher than twelve inches (12") above the natural/normal grade within thirty feet (30') of the body of water and shall maintain, to a reasonable extent, an open and unobstructed view to the waterway from adjacent properties, roadways, and pedestrian ways.
  - d. Must receive prior written approval from the Zoning Administrator to install or modify. Furthermore, the Zoning Administrator may attach reasonable conditions to the granting of any approval or permit.

- e. Decks and platforms cannot be any wider (as measured perpendicular from the seawall at the lake or river or from the body of water) than twelve feet (12').
  - f. Each such item shall be kept in good condition and reasonable repair at all times.
2. Any deck, viewing platform or similar item located at the top of a lake bank or river bank on a lot with a grade of thirty percent (30%) or more shall comply with the following:
- a. Must receive prior written approval from the Zoning Administrator to install or modify. Furthermore, the Zoning Administrator may attach reasonable conditions to the granting of any approval or permit.
  - b. Cannot extend more than five feet (5') beyond the break of the bank.
  - c. The portion of the structure which extends beyond the break of the bank shall not exceed one hundred (100) square feet in surface area.
  - d. Must be kept in good condition and reasonable repair at all times. Furthermore, it must always be properly secured to the ground/ bank so as to minimize any risk of collapse, migration, movement, breaking away, etc.
  - e. Must be made of wood or wood composite (which can include earth tone recycled materials, but not metal).

**B. Buildings and sheds**

1. Only the following buildings and sheds are allowed between the river or lake and the dwelling on the lot or parcel involved:
  - a. A gazebo not exceeding twelve feet (12') in height (from natural grade) and not exceeding one hundred fifty-five (155) square feet of floor area.
  - b. A shed or similar accessory building which does not have a ground floor area exceeding one hundred (100) square feet and does not have a height exceeding eight feet (8').
  - c. All gazebos or sheds shall be set back at least twenty feet (20') from the body of water and at least five feet (5') from any side lot line on lots with a slope of less than thirty percent (30%).

- d. All gazebos or sheds shall be set back at least ten feet (10') from the break of the bank and at least five feet (5') from any side lot line on lots with a slope of greater than thirty percent (30%).
  - e. In areas of excessive slope (30% or greater), an allowed gazebo or shed may be placed on any "landing", sitting area, or similar item installed between the body of water (or lawful seawall) and the break in bank.
  - f. Structures shall maintain, to a reasonable extent, an open and unobstructed view to the waterway from adjacent properties, roadways, and pedestrian paths.
2. On a vacant lakefront or riverfront lot, not more than one (1) gazebo and one (1) shed shall be allowed between the lake or river and the building site subject to the requirements specified in Section 5.50 (B)(1), above.
  3. A portable or movable gazebo or shed shall be considered a permanent structure and shall meet all other requirements contained in this Section 5.50 and elsewhere in this Ordinance.
  4. Boat houses and similar structures cannot extend beyond the body of water and cannot exceed a height above the break of the bank closest to the water.
- C. Stairways (and appurtenances), Decks, Viewing Platforms, Trams (power lifts/inclined elevators), and Similar Items Located on a Hill or a Bank (between the Break of the Bank and the Body of Water)
1. The structure's design shall blend with hillside forms and vegetation.
  2. All structures shall be located in the center portion of the available frontage to the extent reasonably possible.
  3. Trams may go to the water's edge, but the owner of the property shall be fully responsible for promptly repairing any damage to a tram due to ice, high water, or other calamity and shall keep all portions of the tram in reasonable repair and condition at all times.
  4. Vegetation shall be maintained whenever possible. If removal of vegetation is required, re-establishment of a comparable plant material will be required to pre-disturbed densities as soon as possible.
  5. Existing mature plants shall be incorporated into the project design where feasible.
  6. Landscaping on slopes should be blended in with the natural landscape to soften the effects of the built environment including buildings, retaining walls, pavement and grading. Any alterations of soils shall maintain soil erosion measures.

7. Natural drainage patterns shall be protected and affected as little as possible. Groundwater flow patterns shall be maintained.
8. Erosion Prevention
  - a. The structure's design shall generally conform to the natural grade. A County Soil and Erosion Permit shall be obtained and filed with the Township prior to any other permits being issued.
  - b. Placement of stairwells shall not be located on a property line or dedicated easement, unless proper review and approval is received from the Zoning Administrator.
  - c. All exposed slopes and graded areas shall be landscaped with ground cover, shrubs, and trees to reduce the potential for erosion.
  - d. Stairwells that require switchback construction due to existing site topography shall be designed, maintained, and installed in such a way as to ensure proper soil stabilization.
9. A site plan shall be provided to the Township showing the location, dimensions, and size of the proposed stairs, tram, landing, or deck. Areas of disturbed earth must be detailed as to how re-introduction of vegetation and soil erosion will be installed.
10. In areas of excessive slope (30% or greater), retaining walls shall be designed, constructed, and maintained in such a way so as to overcome foundation and other structural problems created by steep slope conditions, in order to preserve the natural flow of water and prevent soil erosion.
11. No stairs or stairways, tram, deck, or viewing platform shall be commenced or installed between the river or lake and a dwelling (or building site) prior to the issuance of a written permit by the Township Zoning Administrator. The Township Zoning Administrator may attach reasonable conditions to the granting of any permit. In addition, prior to the installation of a tram, there must be a Township permit, along with a County permit and a permit through the State of Michigan Licensing and Registration Agency (LARA).
12. Any "landing," sitting area, or similar item installed between the break of the bank and the body of water (or lawful seawall thereof) as part of a stairs or stairway (or in conjunction therewith) shall be deemed a "deck" if any portion of the item has a surface exceeding twenty-four (24) square feet. For any such landing, sitting area, deck, or similar item exceeding those dimensions, the following requirements shall also be met:

- a. Such structures may be constructed no closer to each other than at sixteen foot (16') intervals on stairways between the body of water and the break of the bank at the top of the bank.
  - b. No such structure or item shall have a total surface area exceeding ninety-six (96) square feet.
13. All stairs, stairways, landings, viewing platforms and decks must be made of a material and in such a way to allow infiltration of rain or surface water. Corrosive metal is not allowed. All items shall be kept in good repair and reasonable condition at all times. Furthermore, any such structure shall be properly attached and anchored to the bank/ground to be safe at all times.
  14. Where the portion of a bank located within twenty feet (20') of the body of water of a lake or river exceeds a thirty percent (30%) grade, no deck, platform, or similar item shall be located within that twenty foot (20') area unless a lawful seawall or retaining wall is present at the water, and even then, the deck, platform, or other item can only be installed and used over the backfilled area behind the wall. Such deck, platform, or similar item must also meet all other requirements of this Section 5.50 (C).

D. Sea Walls

1. The natural grade of the adjacent land shall be maintained.
2. Any backfill material must be of a natural pervious material such as gravel, sand, or soil, or similar material that will not restrict water flow.
3. All filling and grading work must be accomplished so as not to alter the natural drainage of the adjoining land.
4. Any and all permits required from the Michigan Department of Environmental Quality, Newaygo County Drain Commission, and other governmental units shall be obtained prior to any work beginning and a copy shall also be filed with the Township before construction or work commences.

E. Lot Coverage and Vegetative Cover in Waterfront Overlay Zone

All waterfront lots shall maintain a vegetative cover, to the extent practicable. Vegetative areas shall be maintained along lot lines, water bodies and watercourses, natural drainage courses, wetlands, and steep slopes.

F. Vegetation/Buffer Strips

1. Vegetation/Buffer Strips shall be maintained, to the extent practicable, bordering the bank of any water body. Areas not in use as decks, stairways, viewing platforms, walkways, and etcetera are encouraged to be maintained in an



unmowed, unfertilized state to encourage and maintain soil erosion control measures and protect water quality. To maintain the beauty of the waterfront, plantings are encouraged wherever possible.

2. The Zoning Administrator may allow limited clearing of the vegetation/buffer strips when required for the construction of a permitted building or structure outside the vegetative strip.
3. Individual trees within the vegetation/buffer strip areas which are diseased, in danger of falling, causing damage to dwellings or other structures, or causing blockage of the watercourse or water body may be removed upon verification of existing conditions from the Zoning Administrator.
4. The vegetation/buffer strip areas shall not be used for any motorized vehicular traffic or parking, or for storage of junk, waste, or garbage, or for any other use not otherwise authorized by this Ordinance. The temporary storage of watercraft and associated equipment is permitted.
5. Restoration: For any restoration of a vegetative buffer strip where the vegetation had been previously removed, completely or partially, a replacement vegetation plan shall be approved by the Township Zoning Administrator prior to any restoration occurring. Vegetation shall be deep rooted perennials, tall grasses and trees. All vegetation shall be permanently maintained.

#### G. Clearing of Land

The stripping and removal of topsoil or existing vegetation from any site, parcel or lot within the Township must first receive appropriate development approval such as, but not limited to, Township Permits, a County Soil and Erosion Permit, Site Plan Review, Special Land Use, Planned Unit Development, Land Division, or Subdivision Permits.

#### H. Setbacks

Where a specific setback for a structure or item is specified in this Section 5.50; that setback shall govern regardless of other setbacks specified elsewhere in this Ordinance.

### **SECTION 5.70 RIPARIAN ACCESS**

The following restrictions are intended to limit the number of users of waterway, lake or river frontage in order to preserve the quality of the waters, to promote safety, and to preserve the quality of recreational use of all waters within the township.

- A. In all zoning districts there shall be at least fifty feet (50') of lake, river, stream, or all tributaries frontage as measured along the body of water for each single family home,

dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit utilizing or accessing the lake or stream frontage.

- B. Any multiple-unit residential development in any zoning district that shares a common lake, river, stream, or tributaries front area or frontage may not permit lake or stream access to more than one (1) single-family home, dwelling unit, cottage, condominium unit, site condominium unit, or apartment unit for each fifty feet (50') of lake, river, stream or tributaries frontage in such common lake, river, stream or tributaries front area, as measured along the body of water.
- C. Any multi-unit residential development shall have not more than one (1) dock for each fifty feet (50') of lake or river frontage as measured along the body of water in any zoning district in the township. All such docks and docking or mooring shall also comply with all other applicable township ordinances.
- D. The above restrictions shall apply to all lot and parcels on or abutting any lake, river, stream or tributaries in all zoning districts, regardless of whether access to the lake or river waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease.
- E. In all zoning districts, no lake or river access, boat ramp, shore station, dock, boat launch, or shoreline abutting a lake shall be utilized for commercial, business, outdoor recreational (or entertainment) facilities, institutional, or nonresidential or nonagricultural uses or purposes unless such is authorized pursuant to a special use approval or as a planned unit development (PUD), and complies with the requirements of the District where the property is located.
- F. The lake and river access and use regulation contained in this Section shall be fully applicable to all planned unit development (PUD) and special use projects or developments.
- G. Refer to other applicable Township ordinances for other keyhole development regulations.
- H. In addition to the above limitations, no easement, private park, common area, lot or access property abutting or adjoining a lake, river or stream shall be used to permit access to the lake or stream for more than one (1) single-family home, dwelling unit, condominium unit, site condominium unit, apartment unit or any other use unless such additional access use is approved as a special use or as a planned unit development (PUD).
- I. If a property is located within a zoning district where the minimum lot width requirements is greater than fifty feet (50'), the minimum water frontage requirements of subsections A, B and C hereof shall be increased so as to equal the minimum lot width requirement of the zoning district in which the property is located.

- J. No channel, canal, or similar waterway or device shall be dug, constructed, dredged, enlarged, or created out of or that connects to any lake or river in the Township. Nor shall the size or surface area of any lake or river be increased by digging, dredging, or excavation upland from the body of water; provided, however, that this subsection shall not apply to the following:
1. Any lawful dredging occurring on an existing lake or river bottomland that is lakeward or riverward of the body of water.
  2. The lawful creation or enlargement of a pond which does not abut or connect into an existing body of water. However, no pond shall be created or enlarged if the resulting pond will be over two acres in size unless a Special Land Use approval occurs. Agricultural uses will be governed by the Right to Farm Act.
  3. The lawful creation or enlargement of an artificial lake which does not abut or connect into an existing lake or river. However, an artificial lake shall not be created or enlarged if the resulting lake would be over two (2) acres in size unless a Special Land Use Approval occurs. Agricultural uses will be governed by the Right to Farm Act.
  4. The lawful dredging of an existing canal or channel pursuant to applicable state laws and permit requirements.
- K. No parcel shall have any wetland altered, drained or filled so as to accommodate access or increase its water frontage.

**CHAPTER 6  
R-1 RURAL RESIDENTIAL DISTRICT**

**SECTION 6.10 DESCRIPTION AND PURPOSE FOR FARMING OR SINGLE FAMILY DWELLING**

This District is intended for larger lots used for farm dwellings and single family dwellings. The overall purpose of this District is to allow the use of larger lots for residential development and certain related nonresidential uses. Farming operations being conducted within this District shall be allowed to continue.

**SECTION 6.20 USES PERMITTED BY RIGHT**

Land and/or buildings in the R-1 District may be used for the following purposes as Permitted Uses:

- A. Farms for both general and specialized farming together with farm dwellings and buildings and other installations useful to farms, but excluding Intensive Farming Operations.
- B. Single-family dwellings.
- C. Adult foster care family home, provided that the home is not located closer than one thousand five hundred feet (1,500') from an existing or proposed foster care home, including group homes, but not including a state licensed residential facility caring for four (4) or less minors.
- D. Day Care Family Homes.
- E. Home occupations in accordance with the requirements of Section 2.140.
- F. Accessory buildings, structures and uses customarily incidental to any Permitted or Special Land Use.

**SECTION 6.30 SPECIAL LAND USES**

Land and/or buildings in the R-1 District may be used for the following purposes following approval by the Planning Commission as a Special Land Use as regulated by Chapter 15.

- A. Outdoor entertainment and recreational facilities, country clubs, golf courses, riding stables, and publicly-owned athletic grounds and parks and other similar uses, including related uses such as snack bars and small retail shops selling goods directly related to the primary use.
- B. Roadside stands for sale of produce grown on the premises.
- C. Schools, churches, libraries, parks, public buildings, playgrounds and community center buildings.
- D. Removal and processing of topsoil, stone, rock, gravel, lime or other soil or mineral resources.
- E. Public or private campgrounds.
- F. Kennels.
- G. Bed and breakfast establishments
- H. Multi-Use Recreation and Conference Centers
- I. Open Space Preservation Development, in accordance with the provisions of Section 2.330.
- J. Utility and public service buildings, without storage yards but not including essential public service such as poles, wires and underground utility systems.
- K. Group day care homes and facilities.
- L. Wineries, Micro Breweries, Cideries and Distillers, with or without tasting rooms.

**SECTION 6.40 DISTRICT REGULATIONS**

No building or structure, nor the enlargement of any building or structure, shall be hereafter erected and no lot shall be used or created unless the following minimum requirements are met and maintained in connection with the building, structure or enlargement.

Front Yard	50 Feet
Side Yard	15 Feet on one side / total 50 Feet
Rear Yard	30 Feet
Maximum Building Height	35 Feet
Lot Coverage	25 %
Minimum Lot Area	1 Acre
Minimum Lot Width	150 Feet
Minimum Dwelling Unit Floor Area	Ground level 850 square feet 2nd. level (from the ground) 720 square feet Minimum of 400 square feet finished Tri level 2 lower floors - total 900 square feet
<b>Nonconforming Lots</b>	
Front Yard	25 Feet to road right-of-way
Side Yard	5 feet unless on a road right-of-way then it is 25 Feet
Rear yard	30 Feet

Figure 6. 1

**CHAPTER 7**  
**R-2 RESIDENTIAL DISTRICT**

**SECTION 7.10 DESCRIPTION AND PURPOSES**

This District is primarily intended for residential uses at higher densities than otherwise allowed in the other residential Districts. Certain related nonresidential uses are also provided. As with the other residential Districts, farming operations (except Intensive Farming Operations) being conducted within this District shall be allowed to continue.

**SECTION 7.20 USES PERMITTED BY RIGHT**

Land and/or buildings in the R-2 Residential District may be used for the following purposes as permitted uses:

- A. Farms for both general and specialized farming together with farm dwelling and buildings and other installations useful to farms, but excluding Intensive Farming Operations.
- B. Single-family dwellings.
- C. Adult foster care family home, provided that the home is not located closer than one thousand five hundred feet (1,500') from an existing or proposed foster care home, including group homes, but not including a State licensed residential facility caring for four (4) or less minors.
- D. Day Care Family Homes.
- E. Home occupations in accordance with the requirements of Section 2.140.
- F. Accessory buildings, structures and uses customarily incidental to any permitted or Special Land Use (if approved).

**SECTION 7.30 SPECIAL LAND USES**

Land and/or buildings in the R-2 District may be used for the following purposes following approval by the Planning Commission as a Special Land Use as regulated by Chapter 15:

- A. Removal and processing of topsoil, stone, rock and gravel, lime or other soil or mineral resources.
- B. Two-family dwellings.
- C. Multiple family dwellings.
- D. Foster care group homes.
- E. Group and day care homes and facilities.
- F. Schools, churches, libraries, parks, public buildings, playgrounds and community center buildings.
- G. Bed and breakfast establishments.
- H. Multi-Use Recreation and Conference Centers.
- I. Open Space Preservation Development in accordance with the provisions of Section 2.330.
- J. Utility and public service buildings, without storage yards but not including essential public services such as poles, wires and underground utility system(s).

**SECTION 7.40 DISTRICT REGULATIONS**

No building or structure, nor the enlargement of any building or structure, shall be hereafter erected and no lot shall be created, unless the following minimum requirements are met and maintained in connection with the lot, building, structure or enlargement.

Front Yard		50 feet
Side Yard	Single and Two Family	15 feet one side/ Total 50 Feet
	Multiple Family	25 feet
	Non-Residential	30 feet
Rear Yard		30 feet
Maximum Building Height	Single or Two Family	35 feet
	Multiple Family	35 feet
Lot Coverage		50% total



Minimum Lot Area	Single and Two Family	1 Acre
	Multiple Family	1 Acre for first 4 units, plus 2500 sq. ft. for each unit over 4
	Non-Residential	1 Acre
Minimum Lot Width		150 feet
Minimum Floor Area	Single Family Dwelling	1 <sup>st</sup> level - 850 sq. ft. 2 <sup>nd</sup> level (from the ground) - 720 sq. ft. 1½ level - 850 sq. ft. Tri-level - 2 lower floors - total 900 sq. ft.
	Two Family Dwelling	750 sq. ft. GFA per unit, with 750 sq. ft. on the ground floor
	Multiple Family Dwelling	750 sq. ft. GFA per unit

**Figure 7. 1**

**CHAPTER 8  
MHPC - MANUFACTURED HOME PARK COMMUNITIES**

**SECTION 8.10 DESCRIPTION AND PURPOSE**

The Manufactured Home Park Communities District (“MHPC”) is intended to provide regulations for manufactured home residential developments to provide for additional variety in housing opportunities and choices.

**SECTION 8.20 USES PERMITTED BY RIGHT**

Land and/or buildings in the MHPC District may be used for the following purposes as Permitted Uses:

- A. Manufactured homes located in a state-licensed manufactured home park.
- B. Manufactured home Communities in accordance with the requirements of Section 8.40.
- C. Adult foster care family home, provided that the home is not located closer than one thousand five hundred feet (1,500') from an existing or proposed foster care home, including group homes, but not including a state licensed residential facility caring for four (4) or less minors.
- D. Day Care Family Homes.
- E. Home occupations in accordance with the requirements of Section 2.140.
- F. Accessory buildings, structures and uses customarily incidental to any permitted or Special Land Use (if approved).

**SECTION 8.30 SPECIAL LAND USES**

Land and/or buildings in the MHPC District may be used for the following purposes following approval by the Planning Commission as a Special Land Use as regulated by Chapter 15.

- A. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires and underground utility systems.
- B. Adult foster care group home.

**SECTION 8.40 REGULATIONS FOR LICENSED MANUFACTURED PARK COMMUNITIES.**

- A. All manufactured home communities shall comply with the applicable requirements of Public Act 96 of the Michigan Public Acts of 1987, as amended, provided further that said developments meet the standards and conditions and all other provisions as herein established.
- B. The parking of more than one (1) manufactured home on a single parcel of land or on two (2) or more adjoining parcels of land under common ownership shall be illegal in Croton Township, irrespective of the requirements of any other ordinance of Croton Township, unless the parcel or parcels of land shall have been approved as a licensed manufactured home community under the provisions of this Chapter.
- C. No manufactured home shall be occupied within the park area until such time as a Home Occupancy Permit shall be issued by the Building Inspector. The permit shall be issued by the Building Inspector on payment by owner of the manufactured home community of a fee which shall be established from time to time by the Township Board.
- D. The Manufactured Home Community Occupancy Permit shall be issued by the Building Inspector only after inspection of the premises and after making a finding that the conditions as set forth below have been fulfilled and complied with by the developer. A Permit may be issued if weather conditions or other temporary obstructions makes complete compliance impossible. In such case, the Zoning Administrator may require the submission of a performance guarantee, in accordance with the provisions of Section 17.100, covering the cost of the necessary improvements, provided that the improvements are completed within six (6) months from the date of the request for the Permit.
- E. All applications for a Manufactured Home Community will be submitted with a preliminary site plan. The preliminary plan shall include the location, layout, general design and general description of the project. Applications must be approved by the Township Board, upon the recommendation of the Planning Commission.
- F. The Planning Commission and Township Board shall consider the followings standards when considering an application for a Manufactured Home Community:
  - 1. Whether the proposal is in accordance with the Master Plan.
  - 2. Whether the proposal meets all the design standards of this Ordinance, other applicable local codes, regulations and ordinances and applicable State and Federal requirements.
  - 3. Whether the density of the proposed development could adversely affect adjacent properties and land uses.

4. Whether the proposed development can be reasonably expected to constitute a health hazard or public nuisance to adjacent properties because of inappropriate or inadequate sanitation and/or drainage facilities.
5. Whether the proposed development produces excessive demands on available fire and police protection or other community service.
6. Whether the traffic characteristics of the proposed development may create a hazard or place an excessive burden on adjacent public roads or pedestrian facilities.

**G. Manufactured Homes Standards**

1. All manufactured homes within the manufactured home park shall be set up in accordance with the State of Michigan Manufactured Housing Commission rules and regulations applicable to manufactured home pad design and set up.
2. All utilities shall be underground.
3. All lots shall be served by an approved water and sanitary sewer services system, as determined by the Newaygo County Health Department and all manufactured homes shall be connected thereto. All expense of installation and connection shall be borne by the owner or operator of the manufactured home Community.
4. The manufactured home park shall provide sufficient storm sewer facilities, independent of sanitary sewers, to prevent flooding of either streets or lots. On-site storm water detention or retention may be required where deemed necessary by such individual as appointed or contracted by the Township on an as needed or per diem basis. All storm drainage and surface drainage facilities shall be approved by the Newaygo County Drain Commissioner.

**H.** All signs will comply with this Ordinance.

**I. Manufactured Home Sales**

1. No person desiring to rent a dwelling unit site shall be required, as a condition of such rental, to purchase a manufactured home from the owner or operator of the manufactured home park as long as the manufactured home intended to be located on such site conforms in size, style, shape, price or other such requirements as may be required by any reasonable manufactured home park rules and regulations.
2. Nothing contained in this Ordinance shall be deemed as prohibiting the sale of a manufactured home located on a manufactured home lot by the individual owner or his agent or those home occupants as permitted in this Ordinance, provided that

a manufactured home sales lot shall not be permitted in conjunction with any Manufactured Home Community.

- J. All persons, including but not limited to Township officials or police officers, whose entry upon the Manufactured Home Community property is necessary, proper or advisable in the execution of their governmental duties or to the execution of work authorized by a governmental body or for the preservation of the peace, shall have the right to enter upon and inspect the Manufactured Home Community at all reasonable times.

**CHAPTER 9**  
**HC - HIGHWAY COMMERCIAL DISTRICT**

**SECTION 9.10 DESCRIPTION AND PURPOSE**

This district is intended to accommodate uses which can provide office, personal services and commercial goods for visitors and residents of Croton Township, including auto-related uses which would ordinarily be incompatible with the character of Residential Districts. It is intended to primarily serve traffic along State trunk line roadways and to contain uses which require access to and frontage on such roadways.

**SECTION 9.20 USES PERMITTED BY RIGHT**

Land and/or building in the HC District may be used for the following purposes as Permitted Uses:

- A. Office buildings for any of the following occupations:
  - 1. Executive, administrative, professional, accounting, drafting and other similar professional activities, as determined by Zoning Administrator.
  - 2. Medical and dental offices and clinics.
- B. Banks, credit units, savings and loan associations and other similar uses as determined by the Zoning Administrator, including those with drive-through facilities.
- C. Personal service establishment conducting service on the premises, including barber and dry cleaning service outlets, beauty shops, fitness centers, travel agencies and other similar uses, as determined by the Zoning Administrator.
- D. Retail stores, providing goods within a completely enclosed building.
- E. Drug stores and pharmacies.
- F. Restaurant, exclusive of drive-through facilities.
- G. Private clubs, fraternal organizations and lodge halls.
- H. Indoor recreational facilities, excluding bowling alleys.
- I. Commercial child care centers.

- J. Utility and public service buildings, without storage yards but not including essential public services such as poles, wires and underground utility systems.
- K. Accessory buildings, structures and uses customarily incidental to any Permitted or Special Land Use (if approved).

**SECTION 9.30 SPECIAL LAND USES**

Land/or buildings in the HC District may be used for the following purposes following approval by the Planning Commission as a Special Land Use as regulated by Chapter 15:

- A. Commercial greenhouses and nurseries.
- B. Kennels.
- C. Funeral homes and mortuary establishments.
- D. Hotels and motels.
- E. Theaters or similar places of public assembly, as determined by the Zoning Administrator.
- F. Restaurants with drive-through facilities.
- G. Vehicle service stations, including body shops.
- H. Vehicle wash establishments, either self-serve or automatic.
- I. Open air businesses.
- J. Veterinary hospitals and animal clinics.
- K. Bowling alleys.
- L. Commercial storage warehouses.
- M. Schools, churches, libraries, parks, playground and community center buildings.
- N. Dry cleaning and laundry establishments performing cleaning operations on the premises, including retail/service operations.
- O. The drawing, gathering, pumping, or removal of surface water, spring water, or groundwater for consumption or use, other than residential use, on the property where the water is originally located. This includes, but is not limited to, canning operations, bottled water operation(s) (including any well, pipe, or transport pipeline, generator, well house,

factory, or other structure or item related or associated thereto), and the transportation of water originating within Croton Township to a place located outside of Croton Township. No such use or related building, structure, pipeline, or similar item shall occur or be located, constructed, or operated within 1,300 feet of a river, creek, stream, or lake.

**SECTION 9.40 SITE DEVELOPMENT REQUIREMENTS**

No building or structure, nor the enlargement of any building or structure, shall be hereafter erected unless the following requirements are met and maintained in connection with the building, structure or enlargement.

- A. The outdoor storage of goods or materials shall be prohibited in the required front yard. Goods or materials stored in the side or rear yard shall be entirely screened from the view from the street or from abutting properties.

**SECTION 9.50 DISTRICT REGULATIONS**

No building or structure, nor the enlargement of any building or structure, shall be hereafter erected and no lot shall be created unless the following requirements are met and maintained in conjunction with the lot, building, structure, or enlargement.

Front Yard	100 feet - The first 35 feet of the Front Yard area, except for necessary entrance drives, shall be landscaped.
Side Yard	30 feet
	Street side of a corner lot - 50 feet.
Rear Yard	30 feet
Maximum Building Height	35 feet
Lot Coverage	40 %
Minimum Lot Area	1 acre
Minimum Lot Width	150 feet

**Figure 9.1**



**CHAPTER 10**  
**NC- NEIGHBORHOOD COMMERCIAL DISTRICT**

**SECTION 10.10 DESCRIPTION AND PURPOSE**

This District is intended to accommodate uses which can provide office, personal services and commercial goods for visitors to and residents of the neighborhoods of Croton Township, including uses which are generally compatible with the character of residential Districts.

**SECTION 10.20 USES PERMITTED BY RIGHT**

Land and/or buildings in the NC District may be used for the followings purposes as Permitted Use:

- A. Office buildings for any of the following occupations:
  - 1. Executive, administrative, professional, accounting, drafting and other similar professional activities, as determined by the Zoning Administrator.
  - 2. Medical and dental offices and clinics.
- B. Banks, credit unions, saving and loan associations and other similar uses as determined by the Zoning Administrator, including those with drive-through facilities.
- C. Personal service establishments conducting services on the premises, including barber and dry cleaning service outlets, beauty shops, fitness centers, travel agencies and other similar uses, as determined by the Zoning Administrator.
- D. Retail stores, providing goods within a completely enclosed building.
- E. Drug stores and pharmacies.
- F. Restaurants, exclusive of drive-through facilities.
- G. Private clubs, fraternal organizations and lodge halls.
- H. Indoor recreational facilities, excluding bowling alleys.
- I. Commercial child care centers.
- J. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires and underground utility systems.

- K. Accessory buildings, structures and uses customarily incidental to any Permitted or Special Land Use (if approved).

**SECTION 10.30 SPECIAL LAND USES**

Land and/or buildings in the NC District may be used for the following purposes following approval by the Planning Commission as a Special Land Use as regulated by Chapter 15.

- A. Funeral homes and mortuary establishments.
- B. Vehicle service stations, excluding body shops.
- C. Vehicle wash establishments, either self-serve or automatic.
- D. Open air businesses.
- E. Dry cleaning and laundry establishments performing cleaning operations on the premises, including retail/service operations.
- F. Marinas
- G. Schools, churches, libraries, parks, playground and community center buildings.

**SECTION 10.40 DISTRICT REGULATIONS**

- A. The outdoor storage of goods or materials shall be prohibited in the required front yard. Goods or materials stored in the side or rear yard shall be screened from the view from the street or from abutting properties.
- B. No building or structure, nor the enlargement of any building or structure, shall be hereafter erected and no lot shall be created unless the following minimum requirements are met and maintained in connection with the building, structure or enlargement.

Front Yard	35 feet - no parking is permitted in the Required Front Yard
Side Yard	Side abutting AR, R-1, R-2, or MHPC lot - 15 feet
	Side abutting other districts - 0 or 10 feet
	Street side of a corner lot - 35 feet
Rear	25 feet
Maximum Building Height	35 feet
Lot Coverage	50%
Minimum Lot Area	15,000 square feet
Minimum Lot Width	75 feet
<b>Non-conforming Lots</b>	
Front Yard	100 feet to road right-of-way
Side Yard	Minimum 15 feet unless on a road right-of-way, then it is 25 feet
Rear Yard	30 feet

**Figure 10. 1**

## **CHAPTER 11 L1- LIGHT INDUSTRIAL DISTRICT**

### **SECTION 11.10 DESCRIPTION AND PURPOSE**

This District is intended to accommodate wholesale, warehousing, light manufacturing, storage, and other industrial-related uses which have minimum potential effects on surrounding property.

### **SECTION 11.20 USES PERMITTED BY RIGHT**

Land and/or buildings in the LI District may be used for the following purposes as permitted uses:

- A. Office buildings for executive, administrative, professional, accounting, drafting and other similar professional activities, as determined by the Zoning Administrator.
- B. Banks, credit unions, savings and loan associations, and other similar uses as determined by the Zoning Administrator, including those with drive-through facilities.
- C. Research and development facilities, including production activities.
- D. Wholesale establishments.
- E. 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, musical instruments, toys, furniture, molded rubber products, electrical appliances, electronic instruments, signs, light sheet metal products, hardware, tool, die, gauge and machine shops, excluding stamping operations.
- F. Laboratories (experimental, film, or testing).
- G. Dry cleaning and laundry establishments performing cleaning operations on the premises, excluding retail/service operations.
- H. Utility and public service buildings, including storage yards, but not including essential public services such as poles, wires and underground utility systems.
- I. Excavator and/or contractor's showrooms and storage yards.
- J. Body shops.

- K. Accessory buildings, structures and uses customarily incidental to any permitted or Special Land Use (if approved).

**SECTION 11.30 SPECIAL LAND USES**

Land and/or buildings in the LI District shall be used for the following purposes when approved by the Planning Commission in accordance with the requirements of Chapter 15:

- A. Adult uses.
- B. Lumber and planing mills.
- C. Metal plating, buffing and polishing.
- D. Commercial storage warehouses.
- E. The manufacture, compounding, processing, packaging or treatment of products requiring stamping or punch press operations.
- F. Junk yards/salvage yards.

**SECTION 11.40 DISTRICT REGULATIONS**

No building or structure, nor the enlargement of any building or structure, shall be thereafter erected and no lot shall be created unless the following requirements are met and maintained in connection with the building, structure, or enlargement.

- A. The outdoor storage of goods and/or material shall be screened from the view from the street and from abutting properties.
- B. All industrial activities shall be conducted wholly within a completely enclosed building, except for loading and unloading operations and on-site parking of vehicles

Front Yard	100 feet: the first 35 feet of the Front Yard area, except for necessary entrance drives, shall be landscaped
Side Yard	Side abutting AR, R-1, R-2, or MHPC lot: 75 feet
	Side abutting, other districts: 50 feet
	Street side of a corner lot: 50 feet
Rear Yard	Abutting AR, R-1, R-2, or MHPC lot: 100 feet
	Abutting, other districts: 50 feet
Maximum Building Height	40 Feet
Lot Coverage	50%
Minimum Lot Area	2 acres
Minimum Lot Width	200 feet

**Figure 11. 1**

**CHAPTER 12  
P- PUBLIC DISTRICT**

**SECTION 12.10 DESCRIPTION AND PURPOSE**

The Public District and regulations are established in order to provide a proper zoning classification for government, civic, welfare and recreational facilities in proper locations and extent to promote the general safety, convenience, comfort and welfare.

**SECTION 12.20 PERMITTED USES**

Land and/or buildings in the P District may be used for the following purposes as Permitted Uses:

- A. Municipal, county, state and federal buildings and uses.
- B. Civic uses, including:
  - 1. Libraries
  - 2. Museums
  - 3. Places for public assembly
  - 4. Memorials and monuments
  - 5. Cemeteries
- C. Primary and secondary public, private or parochial schools and institutions of higher education.
- D. Parks, recreation fields and playgrounds, lakes, beaches, pools, public gardens and publicly-owned golf courses.
- E. Utility and public service buildings, without storage yards but not including essential public services such as poles, wires and underground utility systems.
- F. Churches.
- G. Accessory buildings, structures and uses customarily incidental to any Permitted or Special Land Use ( if approved).

**SECTION 12.30 SPECIAL LAND USES**

Land and/or buildings in the P District may used for the following purpose following approval by the Planning Commission as a Special Land Use as regulated by Chapter 15.

Outside storage yards which are accessory to a Permitted Use as listed in Section 12.20.

**SECTION 12.40 DISTRICT REGULATIONS**

- A. Driveways and parking areas serving the public facility may be located within the side or rear yard setback required in the above schedule, except that driveways and parking areas shall be located at least ten feet (10') from any adjacent lot lines. Playground equipment shall be located at least twenty feet (20') from the adjacent property line.
- B. No building or structure, nor the enlargement of any building or structure, shall be hereafter erected and no lot shall be created unless the following requirements are met and maintained in connection with the building, structure or enlargement.

Front Yard	Not less than the required Front Yard setback for any adjacent District. Where two Districts are adjacent, the greater of the two setbacks shall be used.
Side Yard	15 feet + one-half the height over 20 feet of the vertical wall of the building adjacent to the lot line, if the vertical wall is greater than 20 feet.
Rear yard	20 feet
Maximum Building Height	35 feet
Lot Coverage	40%
Minimum Lot Area	As approved by the Planning Commission
Building Heights	Not exceeding the required height for any adjacent District. Where two Districts are adjacent, the lesser of the two heights shall be used.

Figure 12. 1



## CHAPTER 13 SITE PLAN REVIEW

### SECTION 13.10 PURPOSE

The intent of this Chapter is to provide for consultation and cooperation between the applicant and the Croton Township Planning Commission in order that the objective of the applicant may be accomplished in the utilization of the land which is the subject of the site plan within the regulation of this Zoning Ordinance and with minimum adverse effect on the use of adjacent streets and highways and on existing and future uses and environment in the immediate area and vicinity.

### SECTION 13.20 SITE PLANS REVIEWED

- A. The Zoning Administrator shall not issue a Zoning Compliance Permit for any use or building (and none of the following uses shall commence) until a site plan has been reviewed and approved by the Township board upon the recommendation of the Planning Commission.
1. Permitted uses in AR, R-1, R-2 and MHP Districts, except farms, single family dwellings, state licensed residential family care facilities, family day care homes, home occupations and accessory buildings and uses.
  2. Permitted Uses in the HC, NC, LI, and P Districts.
  3. Special Land Uses in any District.
  4. Expansions, alterations and additions to Permitted Uses and Special Land Uses allowed by this Ordinance.
  5. Regular or site condominiums.
  6. Private roads.
  7. Any commercial use.
  8. Any industrial use.
  9. Planned Unit Developments.
  10. Any land division or residential development (including simple land divisions,

site condominium projects, and plats) containing or proposing four (4) or more lots.

11. Any expansion, alteration, or material changes in or to any of the above-mentioned uses.
12. As otherwise might be required in this Ordinance.

B. Prior to review by the Planning Commission, the Zoning Administrator shall review the site plan to ensure compliance of this Ordinance.

**SECTION 13.30 APPLICATION PROCEDURES**

- A. An application for Site Plan Review, plus either a preliminary or final site plan, shall be submitted at least fifteen (15) days prior to the next Planning Commission meeting through the Zoning Administrator who will review the application and plans for completeness, then transmit them to the Planning Commission.
- B. An application for Site Plan Review shall consist of the following:
  1. Nine (9) copies of the preliminary or Final Site Plan.
  2. A completed Application form, as provided by the Township.
  3. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
  4. A legal description of the entire property which is the subject of the Site Plan Review.
  5. Other materials as may be required by the Planning Commission

**SECTION 13.40 PRELIMINARY SITE PLAN REVIEW**

- A. A Preliminary Site Plan (twelve [12] copies) may be submitted for review by the Planning Commission prior to final site plan submittal. The purpose of such procedure is to allow discussion between the applicant and the Planning Commission to better inform the applicant of the acceptability of the proposed plans prior to incurring extensive engineering and other costs which might be necessary for the final site plan approval.
- B. Preliminary Site Plan shall include the following, unless deemed unnecessary by the Zoning Administrator:
1. Small scale sketch of properties, streets and use of land within one-half (½) mile of the area.
  2. A Site Plan at a scale of not more than one (1) inch equals one-hundred feet (100') showing any existing or proposed arrangements of:
    - a. Existing adjacent streets and proposed streets.
    - b. Lots.
    - c. Parking lots and access points.
    - d. Proposed buffer strips or screening.
    - e. Natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, flood plains, hills and similar natural assets both on the subject property and within one hundred feet (100') of the property lines.
    - f. Location of any signs not attached to a building.
    - g. Existing and proposed buildings.
    - h. General topographical features including contour intervals no greater than ten feet (10').
  3. A narrative describing:
    - a. The overall objectives of the proposed development.
    - b. 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.

- c. Dwelling unit densities by type, if applicable.
  - d. Proposed method of providing sewer and water service, as well as other public and private utilities.
  - e. Proposed method of providing storm drainage.
- C. The Planning Commission shall review the Preliminary Site Plan and make such recommendations to the applicant that will likely cause the Plan to be in conformance with the review standards required by Section 13.60. No statements or comments made during this review shall be binding on any party.

### SECTION 13.50 FINAL SITE PLAN REVIEW

- A. The Planning Commission shall approve, approve with conditions, or deny the Final Site Plan, based on the purposes, objectives and requirements of this Ordinance and specifically the considerations listed in Section 13.60.
- B. The site plan shall include the following information, unless deemed unnecessary by the Zoning Administrator, for Planning Commission review:
- 1. Legal description of the property.
  - 2. Small scale sketch of properties, streets and use of land within one-half (1/2) mile of the area.
  - 3. A narrative describing the items indicated in Section 13.40 (B) (3).
  - 4. Twelve (12) copies of a site plan at a scale not to exceed one inch (1") equals one hundred feet (100'). The following items shall be shown on the plan:
    - a. Date of preparation/revision.
    - b. Name and address of the preparer.
    - c. The topography of the site at a minimum of five foot (5') intervals and its relationship to adjoining land.
    - d. Existing manmade features.
    - e. Dimensions of setbacks, location, heights and structures.
    - f. Street rights-of-way, indicating proposed access routes, internal circulations and relationship to existing rights-of-way. All driveways or access points within one hundred feet (100') of the property lines of the

subject property shall also be shown.

- g. Proposed grading.
  - h. Natural characteristics, including but not limited to open space, stands of trees, brooks, ponds, floodplain, hills, and similar natural assets both on the subject property and within one hundred feet (100') of the property lines.
  - i. Location and type of drainage, sanitary sewers, storm sewers and other utilities.
  - j. Location and type of signs and on-site lighting.
  - k. Proposed parking areas and drives. Parking areas shall be designated by lines showing individual spaces and shall conform with the provisions of Chapter 14.
  - l. Easements, if any.
  - m. Dimensions and number of proposed lots.
- C. The Planning Commission, prior to granting approval of a site plan, may request from the applicant any additional graphics or written materials, prepared by a qualified person or person(s) to assist in determining the appropriateness of the site plan. Such material may include, but need not be limited to, aerial photography, photographs, traffic impacts, impact on significant natural features and drainage, soil tests and other pertinent information.

**SECTION 13.60 SITE PLAN REVIEW STANDARDS**

- A. The Planning Commission shall review the Preliminary and Final Site Plans and approve, approve with conditions or deny the Site Plan based on the purposes, objectives and requirements of this Ordinance and, specifically, the following consideration(s) when applicable:
1. The use(s) proposed will not harm the public health, safety or welfare. All elements of the site plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property and the type and size of buildings. 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.
  2. Safe, convenient, uncongested and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets and other elements shall be designed to promote safe and efficient traffic operations within the site and at its access point.
  3. The arrangements of public or common ways for vehicular and pedestrian circulation shall be connected to existing or planned streets in the area.
  4. The landscape shall be preserved in its natural state, insofar as practical, by removing only those areas of vegetation or making those alterations to the topography which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers and greenbelts be preserved and/or provided to ensure that the proposed uses will be adequately buffered from one another and from surrounding public and private property.
  5. Stormwater and Erosion Protection:
    - a. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties, the public storm water drainage system or nearby bodies of water.
    - b. Provisions shall be made to accommodate storm water, prevent erosion and the formation of dust.
    - c. The use of detention/retention ponds may be required.
    - d. Surface water on all paved areas shall be collected at locations so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water that may interfere with this traffic.

- e. Areas of natural drainage such as swales, wetland, ponds or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural land.
  - f. Catch basins or other protective measures may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system. Other provisions may be required to contain runoff or spillage from areas where hazardous materials are stored or proposed to be stored.
6. All buildings or groups of buildings shall be arranged so as to permit necessary emergency vehicle access as required by the Fire Department and Sheriff's Department.
  7. All loading and unloading areas and outside storage areas, including refuse storage stations, shall be screened from the view of the street and/or adjacent properties.
  8. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
  9. Off-street parking and loading areas where required, with particular attention to noise, glare and odor effects of each use in the plan on adjoining properties and properties in the proposed development.
  10. The site plan and proposed use is harmonious with, and not injurious or objectionable to, existing projected uses in the immediate area and adjoining neighborhoods.
  11. The site plan and proposed use will not adversely affect the environment.
  12. The general purposes and spirit of this Ordinance and the Master Plan of the Township will be met.

#### **SECTION 13.70 APPROVED SITE PLANS**

- A. Upon approval of the Preliminary or Final Site Plan, the applicant and Chairperson or Secretary of the Planning Commission shall sign and date three (3) copies thereof. One (1) signed copy shall be made a part of the Commission's files, one (1) shall be forwarded to the Building Inspector for issuance of a building permit, and one (1) copy shall be returned to the applicant.

## B. Time limits on site plan:

1. Each development or use shall be substantially under construction within one (1) year after the date of approval of the Final Site Plan by the Planning Commission, or the site plan will expire and be null and void.
2. The Planning Commission may grant one (1) six (6) month extension, provided that the applicant applies for such extension prior to the date of the expiration of the Final Site Plan.
3. The extension shall be approved if the applicant presents reasonable evidence to the effect that said development has encountered unforeseen difficulties beyond the control of the applicant but is now ready to proceed.
4. Should neither of the aforementioned provisions be fulfilled or a six (6) month extension has expired without construction underway, the Final Site Plan approval shall be null and void.

## C. Amendments to an approved site plan may occur only under the following circumstances:

1. The holder of a valid site plan shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
2. Minor changes may be approved by the Zoning Administrator upon certification in writing to the Planning Commission that the proposed revision does not alter the basic design nor any specified conditions of the plan as agreed upon by the Planning Commission. In considering such a determination, the Zoning Administrator shall consider the following to be a minor charge:
  - a. Reduction of the size of any building and/or sign.
  - b. Movement of buildings and/or signs by no more than ten feet (10').
  - c. Plantings approved in the site plan landscape plan may be replaced by similar types of landscaping on a one-to-one or greater basis.
  - d. Changes of building materials to a higher quality, as determined by the Zoning Administrator.
  - e. Changes in floor plans which do not alter the character of the use.
  - f. Internal rearrangements of a parking lot which does not affect the number of parking spaces or alter access locations or design.
  - g. Changes required or requested by the Township for safety reasons shall be



considered a minor change.

3. Should the Zoning Administrator determine that the requested modification to the approved site plan is not minor, resubmission to the Planning Commission for an amendment shall be required and conducted in the same manner as an original application.
- D. Reasonable conditions may be attached to the approval of a site plan by the Planning Commission.
  - E. The approval of a site plan (as well as conditions attached thereto) or denial of a site plan shall not be subject to an appeal to or variance by the Zoning Board of Appeals.

## CHAPTER 14 OFF-STREET PARKING/LOADING AND SIGNS

### SECTION 14.10     **PARKING - GENERAL REQUIREMENTS**

- A. Unless otherwise provided for in this Ordinance, off-street parking shall not be located within the required front yard.
- B. Off-street parking for all non-residential District and uses shall be either on the same lot or within three hundred feet (300') 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.
- C. The storage of merchandise or products, motor vehicles displayed for sale or the repair of vehicles is prohibited in any off-street parking lot.
- D. 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 be constructed with an asphalt or Portland cement binder, graveled or compacted earth so as to provide a durable and dustless surface and shall occupy no greater than thirty-three percent (33%) of the required front yard.
- E. Minimum required off-street parking shall not be replaced by any other use unless equal facilities are provided elsewhere in compliance with this Chapter.
- F. 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 off-street parking.
- G. Two (2) or more buildings or uses may collectively provide the required off-street parking.
- H. Parking Area Deferment
  - 1. Where the property owner can demonstrate that the required amount of parking is excessive, the Planning Commission may approve a smaller parking area, provided that area of sufficient size to meet the parking space requirements of this Chapter is retained as open spaces.
  - 2. The site plan shall note the area where parking is being deferred, including dimensions and dotted parking lot layout.

3. The property owner shall agree, in writing, to construct the additional parking at the direction of the Planning Commission based on observed use within six (6) months of being informed of such request in writing by the Zoning Administrator.
4. Storm water calculations shall be provided verifying adequate stormwater storage capacity if an expansion is necessary.

**I. Maximum Parking Requirement**

1. To minimize excessive areas of pavement which detract from the aesthetics of an area and contribute to high rates of stormwater runoff, no parking lot shall have parking spaces totaling more than an amount equal to ten percent (10%) greater than the minimum parking space requirements, as determined by the Off-Street Parking Requirements of Section 14.30, except as may be approved by the Planning Commission.
2. The Planning Commission, upon application, may grant additional spaces beyond those permitted in subsection (I)(1), above. In granting such additional spaces, the Planning Commission shall determine that the parking area otherwise permitted will be inadequate to accommodate the minimum parking needs of the particular use and that the additional parking will be required to avoid overcrowding of the parking area. The actual number of permitted spaces shall be based on documented evidence of use and demand provided by the applicant.

**SECTION 14.20 PARKING LOT DESIGN STANDARDS**

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

Parking Pattern	Aisle Width		Parking Space	
	Two-Way	One-Way	Width	Length
Parallel Parking	18 feet	12 feet	9 feet	25 feet
30-75 degree angle	24 feet	12 feet	9 feet	21 feet
76-90 degree angle	26 feet	15 feet	9 feet	18 feet

**Figure 14. 1**

- B. Minor adjustments of the dimensions prescribed in this Section may be authorized by the Zoning Administrator where topography or other specific site related conditions make compliance impractical, provided that the adjustments shall be consistent with generally recognized design standards for off-street parking facilities.
- C. All parking lots shall be provided with a pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless service.

- D. All parking lots shall be constructed so as to permit proper drainage and prevent puddling or storage of water within the lot. Drainage shall be in accordance with the requirements of Croton Township and the Newygo County Drain Commissioner.
- E. All parking lots shall be provided with adequate lighting. Parking lot lighting shall be shielded so as to prevent light from spilling onto adjacent Residential District or uses.

**SECTION 14.30 OFF-STREET PARKING REQUIREMENTS**

- A. Required off-street parking spaces are noted in the table below for the uses listed. For those uses not specifically mentioned, the requirement for off-street parking shall be in accord with a use which the Planning Commission or Zoning Administrator considers similar in type.
- B. When units of measurements determining the number of required off-street parking spaces result in the requirements of a fractional space, that fraction shall require one (1) parking space.
- C. The minimum number of off-street parking spaces shall be determined in accordance with the following tables:

USE	PARKING SPACE PER UNIT OF MEASUREMENT
<b>RESIDENTIAL</b>	
Single family dwellings	2 for each dwelling unit
Two family dwellings	2 for each dwelling unit
Multiple family dwellings	2 for each dwelling unit plus 1 additional space for each 2 units.
Housing for the elderly	1 space for each 2 dwelling units, plus 1 for each 5 dwellings units to be marked as visitor spaces
<b>INSTITUTIONAL</b>	
Group day care homes & group foster care homes	1 space for each 4 clients, plus 1 space for each employee
Churches, theaters, assembly areas, auditoriums, gymnasiums	1 space for each 4 seats or each 8 feet of pew length; or 1 space for each 3 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Schools, elementary & middle	2 spaces for each 3 employees, plus amount required for auditorium or gymnasium seating
<b>COMMERCIAL</b>	
Vehicle wash (self service)	1 space for each 5 stalls

<b>USE</b>	<b>PARKING SPACE PER UNIT OF MEASUREMENT</b>
Vehicle wash (automatic)	1 space for each employee
Beauty / barber shop	3 spaces for each chair
Assembly halls without fixed seats	1 space for each 3 persons allowed within the maximum occupancy load by any applicable codes or ordinances
Restaurants without drive-through facilities	1 space for each 100 sq. ft. of UFA or 1 space for each 2 persons allowed within the maximum occupancy load established by any applicable codes or ordinances, whichever is greater
Restaurant with drive-through facilities	1 space for each 100 sq. ft. of UFA or 1 space for each 1-½ persons allowed within the maximum, occupancy load established by any applicable codes or ordinances, whichever is greater.
Vehicle service stations	1 space for each service stall, plus 1 space for each island, plus 1 space for each maximum number of employees on the premises at any one time.
Personal service establishments	1 space for each 50 sq. ft. of UFA
Retail furniture, appliance & household goods	1 space for each 1,000 sq. ft. of UFA
Funeral homes & mortuary establishments	1 space for each 50 sq. ft. of UFA
Open air businesses	1 space for each 200 sq. ft. of indoor UFA plus 1 space for each 1,000 sq. ft. of outdoor display area
Retail stores not otherwise specified	1 space for each 200 sq. ft. of UFA
Boat launch sites	50% of the total area devoted to the launch site shall be devoted to parking, in accordance with the requirements of Section 14.20
Marinas	1-½ spaces per boat slip or rack storage bin, plus required spaces for any accessory uses
Hotels & motels	1 space for each guest room, plus required spaces for any accessory uses
Video rental stores	1 space for each 100 sq. ft. of UFA plus 1 space for the maximum number of employees on the premises at any one time
<b>OFFICES</b>	
Banks, credit unions, savings & loan associations & other similar uses	1 space for each 150 sq. ft. of UFA plus 3 spaces for each non-drive-through automatic teller machine
Offices not otherwise specified	1 space for each 300 sq. ft. of UFA
Medical & dental offices & clinics	1 space for each 75 sq. ft. of waiting room area plus 1 space for each examining room, dental chair or similar use area

USE	PARKING SPACE PER UNIT OF MEASUREMENT
<b>INDUSTRIAL</b>	
Manufacturing, processing & research establishments	1 space for each 1,000 sq. ft. of GFA plus those spaces required for offices located on the premises
Warehouses & wholesale establishments	1 space for each 2,000 sq. ft. of GFA plus those spaces required for offices located on the premises
Schools, secondary & institutions of higher learning	1 space for each 8 students, plus 1-½ spaces for each classroom, plus amount required for auditorium or gymnasium seating

Figure 14. 2

**SECTION 14.40 OFF-STREET LOADING REQUIREMENTS**

- A. On the same premises with every building or structure involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading. This space shall be placed so as to avoid undue interference with public use of dedicated rights-of-way and parking areas.
- B. In the NC or HC Districts all loading spaces shall be located in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from off-street parking requirements.
- C. Loading spaces for nonresidential uses in a Residential District shall be located in the rear yard in the ratio of at least five (5) square feet per front foot of building and shall be computed separately from off-street parking requirements.
- D. LI District
  - 1. In the LI District at least one (1) loading space shall be provided. All loading spaces shall be at least ten feet by fifty feet (10'x50') or a minimum of five hundred (500) square feet in area. A minimum fourteen foot (14') clearance height shall be provided.
  - 2. Loading spaces shall only be permitted off-street and in the rear yard or interior side yard.
- E. 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 14.50 SIGNS - INTENT**

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

**SECTION 14.60 SIGNS - DEFINITIONS**

<b>Sign Type</b>	<b>Definition</b>
Awning	A retractable or fixed shelter constructed of non-rigid materials on a supporting framework that projects from the exterior wall of a building.
Awning Sign	A sign affixed flat against the surface of an awning.
Balloon Sign	A sign composed of a non-porous bag of material filled with gas.
Banner Sign	A fabric, plastic or other sign made of non-rigid material without an enclosing structural framework.
Billboard	A sign which advertises an establishment, product, service or activity not available on the lot on which the sign is located.
Construction Sign	A sign which identifies the owner's financiers, contractors, architects, and engineers of a project under construction.
Directional Sign	A sign which gives directions, instructions or facility information for directing traffic.
Freestanding Sign	A sign supported on poles not attached to a building or wall.
Government Sign	A temporary or permanent sign erected by Croton Township, Newaygo County or the State or Federal Government.
Ground Sign	A sign resting directly on the ground or supported by short poles not attached to a building or wall.
Marquee	A permanent structure constructed of rigid materials that projects from the exterior wall of a building.
Marquee Sign	A sign affixed flat against the surface of a marquee.
Mural	A design or representation painted or drawn on a wall which does not advertise an establishment project, service, or activity.
Placard	A sign not exceeding two (2) square feet which provided notices of a public nature such as "No Trespassing" or "No Hunting" signs.

<b>Sign Type</b>	<b>Definition</b>
Political Sign	A temporary sign used in connection with an official Croton Township, school district, County, State or Federal election or referendum.
Portable Sign	A sign designed to be moved easily and not permanently attached to the ground, a structure or a building.
Projection Sign	A double-faced sign attached to a building or wall that extends more than twelve inches (12") but not more than thirty-six inches (36") from the face of the building or wall.
Reader Board	A portion of a sign on which copy is changed manually.
Real Estate Sign	A sign advertising the real estate upon which the sign is located as being for the sale, rent or lease.
Roof Line	The top edge of a roof or parapet wall, whichever is higher, but excluding any cupolas, chimneys or other minor projections.
Roof Sign	A sign erected above the line of a building.
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.
Special Event Sign	Temporary and portable signs containing public messages concerning special events sponsored by governmental agencies or nonprofit organizations.
Temporary Directional Sign	A sign which gives direction to real estate, open house, garage sale, auction sale, etc.
Wall Sign	A sign painted or attached directly to and parallel to the exterior wall of a building extending no greater than twelve inches (12") from the exterior face of the wall to which it is attached.
Window Sign	A sign installed inside a window and intended to be viewed from the outside.

**Figure 14.3**

**SECTION 14.70 GENERAL SIGN PROVISIONS**

- A. No person shall erect, alter, place or permit to be placed, or replace any sign without first obtaining a building permit, except as noted in Section 14.70 (B).
- B. The following signs shall not require a zoning compliance permit:
  - 1. Directional sign of six (6) square feet in size or less located on the property involved (i.e., the destination).



2. Government Signs.
  3. Placards.
  4. Temporary sale signs of four (4) square feet in size or less.
  5. Window signs.
  6. Political signs.
- C. Signs shall be maintained free of peeling paint or paper, fading, straining, rust, or other conditions which impair legibility or intelligibility. Broken or damaged parts of signs shall be repaired as soon as possible after the damage has occurred.
- D. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
- E. Signs may be internally or externally illuminated, except for home occupation signs which shall not be illuminated. External light fixtures shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
- F. 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.
- G. No light pole, utility pole or other supporting member shall be used for the placement of any sign unless specifically designed and approved for each use.
- H. 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.
- I. No commercial vehicles, 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.
- J. No sign shall employ any flashing, moving, oscillating, blinking, or variable intensity light, except that variable time-temperature signs may be permitted.
- K. No sign shall contain any moving or animated parts nor have the appearance of having any moving or animated parts.
- L. Balloons, strings of light bulbs, pennants, streamers or flags (other than those of a governmental nature not used for the purpose of commercial advertisement) hung overhead to draw attention to a business or to merchandise on display shall be prohibited.

- M. No wall sign shall extend beyond the edge of the wall to which it is affixed or extend above the roof line of a building.
- N. No sign shall be erected above the roof line of a building.

**SECTION 14.80 EXEMPTED SIGNS**

The followings signs shall be exempt from the provisions of the Croton Township Zoning Ordinance, except for the applicable provisions of Section 14.70:

- A. Government Signs
- B. Historical markers
- C. Window signs
- D. Memorial signs or tablets
- E. Murals
- F. Signs not visible from any street
- G. Signs for essential services
- H. Placards
- I. Signs with address, owner or occupant name, of up to two (2) square feet in area attached to a mailbox, light fixture or exterior wall.
- J. Flags or insignia of any nation, state, township, community organization or educational institution.

**SECTION 14.90 NON-CONFORMING SIGNS, ILLEGAL SIGNS, AND SIGNS ACCESSORY TO NON-CONFORMING USES**

- A. Every permanent sign which does not conform to the height, size, area or location requirements of the Chapter, as of the date of the adoption of the Ordinance, (but lawful when installed), is hereby deemed to be non-conforming.
- B. Non-conforming signs may not be altered, expanded, enlarged or extended; however, non-conforming signs may be maintained and repaired so as to continue the useful life of the sign.

- C. For purposes of this Chapter, a non-conforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing the privilege of non-conforming use.
- D. Any non-conforming sign destroyed by fire, wind, or other casualty loss (or removed by the landowner or anyone not associated with Township government) shall not be restored or rebuilt if reconstruction will constitute more than fifty percent (50%) of the value of the sign replacement cost on the date of loss.
- E. Any sign which for a period of one (1) year or more no longer advertises a bona fide business conducted or product sold on the property shall be removed by the owner of the building, structure or property upon which such sign is located, within thirty (30) days of receipt of written notice by the Zoning Administrator.
- F. Notwithstanding Subsection A, above, a commercial sign located outdoors within the Township shall be deemed to be a lawful non-conforming structure as of September 1, 2007, so long as all of the following requirements are met:
1. The sign must have existed as of September 1, 2007.
  2. The sign was commercial in nature before September 1, 2007 and remains so.
  3. The owner of the sign has provided the Township with a written certification of the exact height, location, nature, and dimensions of the sign as of September 1, 2007 (and any other information required by the Township) as specified in subsection 5, below.
  4. The business or commercial use which the sign references or advertises (as well as any and all uses on the property where the sign is located) fully complies with the Zoning Ordinance and other applicable Township ordinances.
  5. The owner of the sign must have completed, signed (as an affidavit), and filed with the Township a fully-completed certification form (on a form as provided by the Township) no later than May 1, 2008. The certification form shall not be deemed filed with the Township Zoning Administrator until counter-signed by the Zoning Administrator. The Township Zoning Administrator may assist the owner of the sign in filling out or preparing the certification form.

If the owner of a sign has not fully complied with Subsections 1 through 5, above, a rebuttable presumption will arise that the sign involved is not a lawful non-conforming sign, which sign is subject to removal and any enforcement provisions or remedies accorded to the Township by law.

For any sign which qualifies as a lawful non-conforming sign pursuant to this Subsection F, no such sign can be expanded, or extended unless there is full compliance with all of the then-applicable sign regulations and requirements of

the Croton Township Zoning Ordinance, as amended, and any other applicable Croton Township ordinances.

### SECTION 14.100 SIGNS - UNIT OF MEASUREMENT

- A. 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.

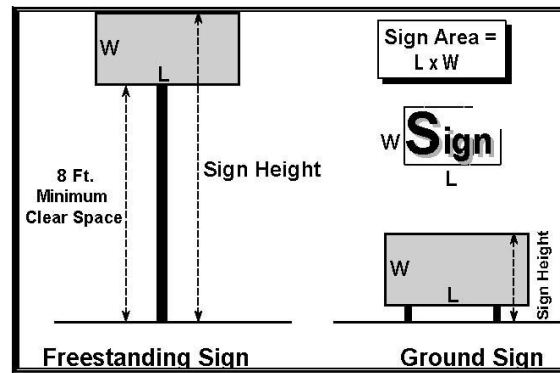


Figure 14.4

- B. The area of a freestanding, ground or projecting sign that has two (2) or more faces shall be measured by including the area of all sign faces, except if two (2) faces are placed back-to-back and are of equal size, the area of the two (2) back-to-back faces shall be counted as one (1) face. If the two (2) back-to-back faces are of unequal size, the larger of the two (2) sign faces shall be counted as the one (1) face.
- C. 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.

### SECTION 14.110 SIGN REGULATIONS APPLICABLE TO ALL DISTRICTS

- A. The following sign regulations are applicable to all Districts:
1. Billboards and balloon signs are not permitted.

2. All ground, wall and freestanding signs may include reader boards.
3. Any sign, including awnings to which signs are affixed or displayed, not resting on the ground shall maintain a minimum clear space of eight (8) feet from the bottom of the sign to the ground.
4. Political signs shall be removed within forty-eight (48) hours after completion of the election to which they refer.
5. Real estate signs shall be removed within thirty (30) days after completion of the sale or lease of the property.
6. Construction signs are permitted within any District, subject to the following restrictions:
  - a. Construction signs shall be no larger than thirty-two (32) square feet and not exceed eight feet (8') in height.
  - b. 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.
  - c. Construction signs shall be removed immediately upon the issuance of any Occupancy Permit for the building or structure which is the subject of the construction sign.
7. Special event signs, including banner signs, are permitted in any District, subject to the following restrictions:
  - a. No more than five (5) signs shall be displayed for each special event. The signs may be located either on or off the lot on which the special event is held.
  - b. The display of the signs shall be limited to the twenty-one (21) days immediately preceding the special event which is being advertised.
  - c. The signs shall have a maximum size of thirty-two (32) square feet in area and a maximum height of five feet (5') and shall be set back from any side or rear property line a minimum of fifteen feet (15').
  - d. The signs shall be removed within forty-eight (48) hours of the conclusion of the special event which is being advertised.
8. 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 directional sign shall exceed six (6) square feet in area or four feet (4') in height.
  - c. Directional signs shall be limited to traffic control functions only.
  - d. Directional signs are for temporary use only unless specifically permitted.
9. Garage and estate sale signs are permitted subject to the following restrictions:
- a. One (1) sign per premise is permitted, located on the premises on which the sale is being conducted and set back a minimum of five feet (5') from any property line.
  - b. The sign shall not exceed six (6) square feet in area.
  - c. The sign shall be erected no more than 10 days prior to the day(s) of the sale and shall be removed within one (1) day after the completion of the sale.
10. No signs, placards, or stickers shall be placed on a utility pole, traffic sign, or similar structure except by the owner thereof.

**SECTION 14.120 DISTRICT SIGN REGULATIONS**

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

<b>A-R, R-1, R-2, MHP AND P DISTRICTS - PERMITTED SIGNS</b>	
<b>Grounds signs for residential subdivisions, private road entrances to public streets when serving more than three (3) dwelling units, manufactured home parks, multiple family complexes, school or other non-residential uses allowed in the District.</b>	
Number	1 per major entrance
Size	No greater than 32 sq. ft.
Location	Minimum of 5 feet from any property line
<b>Wall Signs for Home Occupations</b>	
Number	1 per lot or parcel
Size	No greater than 4 sq. ft.
Location	On wall of house facing street

<b>Wall Signs for Non-Residential Uses</b>	
Number	1 per street frontage
Size	No greater than 5% of the wall area to which the sign is affixed
Location	On wall of building facing street
<b>Political Signs</b>	
Number	1 per issue or candidate
Size	No greater than 6 sq. ft.
Location	Minimum of 5 feet from any property line
Height	No higher than 6 feet
<b>Real Estate Signs</b>	
Number	1 per lot or parcel; plus 1 for the waterfront side of lots with waterfront frontage
Size	No greater than 6 sq. ft. for unoccupied properties or lots; 16 sq. ft. for vacant lots or parcels over 1 acre.
Location	Minimum of 5 feet from any property line.
Height	No higher than 6 feet
<b>Temporary Signs</b>	
Number	1 per issue or candidate
Size	No greater than 6 sq. ft.; length cannot exceed more than 4 times its height
Location	Minimum of 5 feet from any property line
Height	No higher than 42 inches
<b>NC, HC, COMMERCIAL DISTRICTS - PERMITTED SIGNS</b>	
<b>Ground Signs</b>	
Number	1 per lot or parcel
Size	No greater than 32 sq. ft.
Location	Minimum of 10 feet from any property line & separated from any other sign by a minimum of 10 feet
Height	No higher than 6 feet
<b>Wall Signs</b>	
Number	1 per street frontage
Size	No greater than 10% of the wall area facing the street
Location	On wall of building facing street

<b>Political Signs</b>	
Number	1 per issue or candidate
Size	No greater than 16 sq. ft.
Location	Minimum of 5 feet from any property line
Height	No higher than 6 feet
<b>Real Estate Signs</b>	
Number	1 per lot or parcel
Size	No greater than 16 sq. ft.
Location	Minimum of 5 feet any property line
Height	No higher than 6 feet

<b>Freestanding signs</b>	
Number	1 per lot or parcel
Size	Maximum of 50 sq. ft.
Location	Minimum of 5 feet from any property line & separated from any other sign by a minimum of 10 feet
Height	No higher than 20 feet

<b>Temporary Signs</b>	
Number	1 per issue or candidate
Size	No greater than 6 sq. ft.; length cannot exceed more than 4 times its height
Location	Minimum of 5 feet from any property line
Height	No higher than 42 inches

**LI - LIGHT INDUSTRIAL DISTRICT - PERMITTED**

**Ground signs for individual uses and entrances to industrial parks or subdivisions**

Number	1 per lot or parcel; except for entrances to industrial parks or subdivisions, which shall be permitted an additional sign at the entrance to the park or subdivisions
Size	No greater than 32 sq. ft.
Location	Minimum of 5 feet from any property line
Height	No higher than 6 feet

**Wall signs**

Number	1 per street frontage
Size	No greater than 5% of the wall area on which the sign is affixed



Location	On wall of building facing street
<b>Political signs</b>	
Number	1 per issue or candidate
Size	No greater than 16 sq. ft.
Location	Minimum of 5 feet from any property line
Height	No higher than 6 feet
<b>Real estate signs</b>	
Number	1 per lot or parcel
Size	No greater than 16 sq. ft.
Location	Minimum of 5 feet from any property line
Height	No higher than 6 feet
<b>Temporary Signs</b>	
Number	1 per issue or candidate
Size	No greater than 6 sq. ft.; length cannot exceed more than 4 times its height
Location	Minimum of 5 feet from any property line
Height	No higher than 42 inches

**Figure 14.5**

## CHAPTER 15 SPECIAL LAND USES

### SECTION 15.10    **PURPOSE**

Special Land Uses are those uses of land which are not essentially incompatible with uses permitted in a District, but possess characteristics or location qualities which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities and adjacent uses of land. The purpose of this Chapter is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish Special Land Uses. The criteria for decision and requirements provided for under the provisions of the Chapter shall be in addition to those required elsewhere in this Ordinance which are applicable to the Special Land Use under consideration.

### SECTION 15.20    **APPLICATION AND REVIEW PROCEDURES**

- A.       An application for permission to establish a Special Land Use shall be submitted in accordance with the following procedures:
1.       Application for a Special Land Use shall be submitted at least thirty (30) days prior to the next Planning Commission meeting through the Zoning Administrator (or other official designated by Township Board) who will review the application for completeness, then transmit it to the Planning Commission. Applications not meeting the requirements shall be returned to the applicant for completion.
  2.       An application for a Special Land Use approval shall consist of the following:
    - a.       Twelve (12) copies of a Final Site Plan meeting the requirements of Section 13.50 (B).
    - b.       A complete application form, as provided by the Township
    - c.       Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
    - d.       A legal description of the entire property which is the subject of the Special Land Use.
    - e.       A statement with regard to compliance with the criteria required for approval in Section 15.30 and other criteria imposed by this Ordinance affecting the Special Land Use under consideration.
    - f.       Other materials as may be required by the Planning Commission.

**B. Public Hearing**

1. Upon receipt of an application for a Special Land Use, the Planning Commission shall hold a public hearing for the purpose of receiving comments relative to the Special Land Use application.
2. Notice of the public hearing shall be as required by the Zoning Act.
3. Upon the approval or approval with conditions by the Planning Commission, the applicant may apply for a building permit.
4. If denied, the Planning Commission, in its minutes or by resolution shall state the reasons for the denial and provide the applicant with a copy.

**SECTION 15.30 BASIS OF DETERMINATION**

A. Prior to approval of a Special Land Use application, the Planning Commission shall ensure that the standards specified in this Section as well as applicable standards established elsewhere in this Ordinance, shall be satisfied by the completion and operation of the Special Land Use under consideration.

B. The Planning Commission shall review the particular circumstances of the application under consideration in terms of the following standards in this Special Land Use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

1. The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
2. The Special Land Use shall not change the essential character of the surrounding area.
3. The Special Land Use shall not be hazardous to adjacent property or involve uses, activities, material or equipment which will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous situations of the excessive production of traffic, noise, smoke, fumes or glare.
4. The Special Land Use shall not place demands on public services and facilities in excess of current capacity.
5. The proposed Special Land Use shall be harmonious and consistent with the intent of this Ordinance and the Township's Master Plan.
- 6.

The proposed Special Land Use will not establish a precedent for developments or uses which could adversely affect the long-term goals of this Ordinance and the Township's Master Plan.

- 7. The Special Land Use shall be designed to preserve environmental features and will not negatively impact lakes, streams, wetlands, flood plains, agricultural areas, and natural areas.
- C. The Planning Commission may impose conditions with the approval of a Special Land Use which are necessary to ensure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. These conditions shall be considered an integral part of the Special Land Use application and shall be enforced by the Zoning Administrator.
- D. If, after the establishment of the Special Land Use, the approved use is found not to be in compliance with the approval granted by the Planning Commission, the use shall have sixty (60) days to correct any problems as determined by the Planning Commission. If infractions are not corrected within the sixty (60) days, the provisions of Section 15.50 shall be initiated.

**SECTION 15.40 APPROVAL TERM, EXPIRATION, AND APPEALS**

- A. A Special Land Use approval shall be valid for one (1) year from the date of approval, unless approval is revoked as provided in Section 15.50 or the Special Land Use has been initiated, or construction necessary for the use has been initiated and proceeding meaningfully toward completion, in which case the approval shall remain valid indefinitely, unless the use is abandoned or discontinued for six (6) consecutive months.
- B. If, by the end of this one (1) year period, the Special Land Use has not been initiated or construction necessary for the use has not been initiated, or if construction has been initiated but is not proceeding meaningfully toward completion, then the Special Land Use shall be deemed expired and no longer valid.
- C. A Special Land Use approval, including conditions imposed, is attached to and shall run with the land for which the approval is granted and shall be binding upon subsequent owners and all occupants of the subject use.
- D. Re-application for approval of an expired Special Land Use approval shall be considered in the same manner as the original application.
- E. No Special Land Use approval (or conditions attached thereto) or denial shall be subject to a variance request or appealable to the Zoning Board of Appeals.

**SECTION 15.50 REVOCATION OF SPECIAL LAND USE APPROVAL**

The Planning Commission may revoke any Special Land Use approval or take any other action allowed by law, if the applicant fails to comply with any of the applicable requirements in this Chapter, any conditions placed on the approval by the Planning Commission or any other applicable provisions of this Ordinance. Prior to revoking a Special Land Use approval, the Planning Commission shall conduct a public hearing and give notice of the hearing in accordance with Section 15.20 (B).

### **SECTION 15.60 EXISTING SPECIAL EXCEPTIONS**

Use of land and/or development projects granted special exception status by the Township prior to the adoption of this Zoning Ordinance may continue this status, provided the rules, regulations, requirements and conditions of the special exception are met.

### **SECTION 15.70 SPECIFIC SPECIAL LAND USE STANDARDS**

The following Special Land Use shall be subject to the requirements of the District in which it is located, in addition to all the applicable conditions, standards and regulations as are cited in this Section. The following uses have these conditions, standards or regulations:

- A. Outdoor recreational and entertainment facilities, country clubs, golf courses, gun clubs, riding stables and publicly-owned athletic grounds and parks, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use and other similar uses integral to the main use.
- B. Roadside stands for sale of produce grown on the premises.
- C. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.
- D. Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.
- E. Public or private campgrounds.
- F. Two-family dwellings.
- G. Multiple family dwellings.
- H. Planned Unit Developments.
- I. Adult Foster Care Group Home Facilities.
- J. Day Care group Home and commercial day care homes and facilities.

- K. Funeral homes and mortuary establishments.
- L. Hotels and motels.
- M. Theaters or similar places of public assembly as determined by the Zoning Administrator.
- N. Restaurants with drive-through facilities.
- O. Vehicle service stations with or without body shops.
- P. Vehicle wash establishments, either self-serve or automatic.
- Q. Open air business.
- R. Veterinary hospitals, animal clinics and commercial kennels.
- S. Bowling alleys.
- T. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires and underground utility systems.
- U. Body shops.
- V. Lumber and planing mills.
- W. Metal plating, buffing and polishing.
- X. Commercial storage warehouses.
- Y. The manufacture, compounding, processing, packaging or treatment of products requiring stamping or punch press operations.
- Z. Junk yards/salvage yards.
- AA. Public or private boat launches.
- BB. Marinas.
- CC. Adult uses.
- DD. Bed and breakfast establishments.
- EE. Schools, churches, libraries, parks, playground and community center buildings.
- FF. Intensive Livestock Operations

- GG. Communication Towers/Antennas (Amended 10/16/14)
- HH. Dry cleaning
- II. Multi-Use Recreation and Conference Centers
- JJ. Wind Electrical Generations Towers
- KK. Billboards

**STANDARDS**

- A. Outdoor recreational and entertainment facilities, country clubs, golf courses, gun clubs, riding stables and publicly-owned athletic grounds and parks, including related uses, such as snack bars, small retail shops selling goods directly related to the primary use and other similar uses integral to the main use.
  - 1. The use shall be located on property with direct access to a public street.
  - 2. Any outdoor activity areas shall be set back a minimum of fifty feet (50') from any Residential District or use property line.
  - 3. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use property line.
  - 4. Access driveways shall be located no less than fifty feet (50') from the centerline of the intersection of any street or any other driveway.
- B. Roadside stands for sale of produce grown on the premises.
  - 1. Access driveways shall be located no less than fifty feet (50') from the centerline of the intersection of any street or driveway.
  - 2. No lighting shall be provided for any use nor shall any use operate after dark.
  - 3. Any building or display area shall not extend into any required yard or occupy any required parking or maneuvering areas for vehicles.
  - 4. The main building and any accessory buildings shall not exceed a combined total floor area of one hundred twenty (120) square feet.

C. Commercial greenhouses and nurseries, when operated primarily as wholesaling operations and limited retail sales.

1. The lot area used for parking, display or storage shall be provided with a permanent, durable and dustless surface and shall be graded and drained so as to dispose of all surface water.
2. Access driveways shall be located no less than fifty feet (50') from the centerline of the intersection of any street or driveway.
3. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any Residential District or use property line
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.

D. Removal and/or processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.

The Planning Commission shall not approve the use until the following information is provided and the Commission finds that the proposed use will not adversely impact surrounding properties and the Planning Commission shall consider following:

1. The size of the property from which the topsoil, sand, gravel or other such materials are to be removed.
2. The amount of topsoil, sand, gravel or other such materials which is to be removed.
3. The purpose of the removal.
4. The effect of the removal on adjoining property; all removal activities shall be set back a minimum of one hundred feet (100') from any adjoining Residential District or use, as well as fifty feet (50') from any side or rear property line and seventy-five feet (75') from any front property line or road or street right-of-way.
5. The effect of the removal in causing a safety hazard, creating erosion problems or altering the groundwater table.
6. The potential for the removal to cause the creation of sand blows, stagnant water pools or swampy areas.
7. The effect of the removal on the environment and the natural topography and the potential destruction of any natural resources.
8. Potential traffic congestion and problems because of trucks or other vehicles or



means utilized to haul and transport the materials removed.

9. Any change of the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained in a safe condition.
10. No business or industrial buildings or structures of a permanent nature shall be erected, except where the building is a permitted use within the District in which the extraction activity is located.
11. No storage or truck parking shall be located within two hundred feet (200') of any adjacent residence or within fifty feet (50') of any other adjacent property.
12. All of the operation shall be screened with an evergreen screen planting on any side adjacent to Residential District or use or occupied property.
13. As the natural resources are being removed, the property shall be restored by the placement of topsoil where feasible, and all excavations shall be sloped to a gradient with not more than a thirty (30) degree slope and the contour shall be caused to blend as nearly as possible with the natural surroundings.
14. All truck operations shall be directed away from residential streets and utilize County primary roads wherever possible.
15. The Planning Commission may require a performance guarantee as deemed necessary to insure that requirements are fulfilled, in accordance with the provisions of Section 17.70 and may revoke permission to operate at any time that specified conditions are not maintained.
16. Topsoil or sand may be removed from a lot for the purpose of erecting or constructing a building or structure on the lot, provided a permit is first obtained from the Zoning Administrator. If any removal from a parcel shall exceed five hundred (500) cubic yards of material, then the applicant shall comply with the provisions of this Section. In addition, topsoil or sand may be moved from one part of a lot to another part if the action will not cause or be likely to cause, sand blows, stagnant water pools, bogs or possible future injury to adjoining properties.
17. The applicant shall secure all necessary permits from Township, County, and State authorities.
18. No removal and/or processing shall occur on holidays or Sundays, nor between the hours of 6:00 p.m. and 7:30 a.m. Monday through Friday nor before 8:30 a.m. nor after 1:00 p.m. on Saturdays.

- E. Public or private campgrounds. (Amended 02/22/2018)
1. Access driveways shall be located no less than fifty feet (50') from the centerline of the intersection of any street or any other driveway.
  2. The applicant shall secure all necessary permits from Township, County, and State authorities.
  3. Minimum lot area shall be twenty (20) acres.
  4. Retail commercial uses may be permitted within the campground provided that the following requirements are met:
    - a. All commercial uses allowed shall occupy no more than five percent (5%) of the lot for building and parking areas.
    - b. No merchandise for display, sale or lease shall be located in any manner outside the main building.
    - c. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use property.
- F. Two-family dwellings.
1. All dwelling units in the building shall have a minimum of seven hundred fifty (750) square feet per unit.
  2. The uses shall be permitted only if they will not materially alter the existing character of the neighborhood.
- G. Multiple family dwellings:
1. Parking areas shall have a front yard setback of ten feet (10').
  2. Access driveways shall be located no less than fifty feet (50') from the centerline of the intersection of any street or any other driveway.
  3. Buildings shall not be constructed closer than a distance equal to one and one-half (1½) times the height of the taller building.
  4. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District regulations or use property line.

## H. Planned Unit Developments.

1. Description and purpose:
  - a. The purpose of a PUD is to permit greater flexibility in development than is generally possible under standard District regulations. It is further intended to promote more efficient use of land while providing a harmonious variety of housing choices, the integration of necessary commercial and community facilities and the preservation of open space.
  - b. These PUD provisions are not intended as a device for ignoring the other requirements of this Ordinance. These provisions are intended to result in land development substantially consistent with the underlying zoning.
2. Qualifying conditions:
  - a. The tract for which a PUD application is received must be either in one (1) ownership or the subject of an application filed jointly by the owners of all properties.
  - b. The property which is the subject of a PUD application must be a minimum of ten (10) contiguous acres in total area.
  - c. To be considered as a PUD, the proposed development must fulfill one (1) of the following conditions:
    - (1) The PUD contains two (2) or more separate and distinct uses; for example, single family and multiple family dwellings.
    - (2) The PUD site exhibits significant natural features which will be preserved as a result of the PUD plan.
    - (3) The PUD is designed to preserve at least seventy-five percent (75%) of the total area of the site in active agriculture or open space.
3. Review procedures.
  - a. Preliminary Sketch Plan:
    - (1) To be considered as a PUD the applicant shall be required to first receive approval of a sketch plan in accordance with the requirements of this Section.

(2) Applications for sketch plan approval for PUDs shall be submitted to the Zoning Administrator at least thirty (30) days prior to the date of first consideration by the Planning Commission.

(3) The application materials shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary:

(a) Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire the land, such as an option or purchase agreement.

(b) Written documentation that the proposal meets the standards of Section 15.70 (H) (6).

(c) If a phased development is proposed, identification of the areas included in each phase. For residential uses, identify the number, type and density of proposed housing units within each phase.

(d) A completed application form, supplied by the Zoning Administrator and an application fee.

(e) Twelve (12) copies of a site plan meeting the requirements of Section 13.40 (B).

(4) The Planning Commission shall either approve, approve with conditions or deny..

(5) Changes in the sketch plan shall be submitted to the Planning Commission pursuant to the above procedures applicable to the original application.

b. Final Site Plan Approval:

(1) After receiving approval of a sketch plan from the Planning Commission, a final site plan may be submitted pursuant to the above procedures applicable to the original application.

(2) The final site plan may be for either the entire project or for one or more phases. Site plan approval shall be conducted to accordance with the requirements of Section 13.50.

(3) Failure to submit a final site plan for approval within the one (1) year period shall void the previous sketch plan approval, and a new

application shall be required to be submitted and approved in accordance with these provisions.

(4) The Planning Commission shall make recommendations to the Township Board which shall either approve, approve with conditions, or deny the final site plan.

(5) Changes in the final site plan shall be submitted to the Planning Commission pursuant to the above procedures applicable to the original application.

4. Permitted Uses.

a. The following uses shall be permitted in accordance with the applicable PUD requirements:

(1) Single-family dwellings

(2) Two-family dwellings

(3) Multiple-family dwellings

(4) Permitted Uses in the HC District, subject to the standards noted for non-residential uses in the PUD

(5) Site condominiums

5. Site Development Requirements.

a. Residential Uses: The minimum lot area, width, setbacks and yard requirements for any lot designated for residential use may be established by the Planning Commission, subject to the following considerations:

(1) Character of the neighborhood in which the development is proposed.

(2) The proximity of other Residential District or uses.

(3) Unique site conditions, such as the presence of drainage ways, significant natural features, soil conditions, etc.

b. Non-Residential Uses:

(1) All non-residential uses allowed in the PUD, shall occupy no more than ten percent (10%) of the PUD project's developable area.

(2) All the uses shall be integrated into the design of the project with

similar architectural and site development elements, such as signs, landscaping, etc.

(3) The uses shall be permitted only if they will not materially alter the existing character of the neighborhood and/or the PUD.

(4) All merchandise for display, sale or lease shall be entirely within an enclosed building.

(5) Buildings and uses designed for non-residential uses shall be constructed according to the following requirements:

(a) If the entire PUD contains fewer than twenty (20) dwelling units, seventy-five percent (75%) of these units must be constructed prior to the establishment of any non-residential use.

(b) If the PUD contains more than twenty (20) dwelling units, fifty percent (50%) of these units shall be constructed prior to the establishment of any non-residential use.

c. Open Space: The amount of open space set aside for common use of the PUD shall be determined by the Planning Commission subject to the following consideration and requirements:

(1) Open space areas shall be large enough and proper dimensions so as to constitute a useable area, with adequate access such that all properties within the entire PUD may utilize the available open space.

(2) Evidence shall be given that satisfactory arrangements will be made for the maintenance of the designated land to relieve the Township of the future maintenance thereof.

(3) Open space will be provided where natural features may be preserved and/or be used for passive or active recreation.

d. All electric and telephone transmission shall be underground.

e. Parking is required in accordance with Chapter 14.

f. Signs are permitted in accordance with the requirements of Chapter 14.

The least intensive District in which the use is permitted shall be used in determining sign requirements.

6. Approval standards: The Planning Commission shall consider and find that the standards of Sections 13.60 and 15.30 (B) have each been satisfied before

I. Adult foster care group home facilities.

These facilities shall not be located closer than one thousand five hundred feet (1,500') from an existing or proposed similar State licensed residential facility, including group care facilities but not including State licensed residential facilities caring for four (4) or fewer minors.

J. Group and commercial day care homes and facilities.

1. 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.
2. Fencing no less than four feet (4') nor more than six feet (6') in height shall be provided around all outdoor areas accessible to children.
3. There shall be contiguous open space of a minimum of one thousand two hundred (1,200) square feet provided on the subject parcel. The open space shall not be located within a required front yard setback area. This requirement may be waived by the Planning Commission if public open space is available within five hundred feet (500') of the subject parcel, measured from the nearest lot line of the use to the nearest lot line of the public open space.

K. Funeral homes and mortuary establishments.

1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use property line.
2. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred fifty feet (150').
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 no less than twenty-five feet (25') from the centerline of the intersection of any street or any other driveway.

L. Hotels and motels.

1. Minimum lot area shall be four (4) acres and minimum lot width shall be two-hundred feet (200').
  2. Parking areas shall have a front yard setback of twenty feet (20') and side and rear yard setbacks of ten feet (10').
  3. Access driveways shall be located no less than fifty feet (50') from the centerline of the intersection of any street or any other driveway.
- M. Theaters or similar places of public assembly as determined by the Zoning Administrator.
1. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or use property line.
  2. Main buildings shall be set back a minimum of one hundred feet (100') from any Residential District use property line.
  3. For uses exceeding a seating capacity of two hundred and fifty (250) persons, a traffic impact study shall be required to be submitted by the applicant which describes internal circulation and projected impacts on traffic operations, capacity and access on adjacent and nearby streets which are likely to provide access to the site.
  4. Access driveways shall be located no less than fifty feet (50') from the centerline of the intersection of any street or any other driveway.
- N. Restaurants with drive-through facilities.
1. Sufficient stacking capacity for the drive-through portion of the operations shall be provided to ensure that traffic does not extend into the public right-of-way. A minimum of ten (10) 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 by vehicles not using the drive-through portion of the facility.
  2. In addition to parking space requirements, at least three (3) 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 twenty feet (20') and side and rear yard setbacks of ten feet (10').

4. Access driveways shall be located no less than twenty-five feet (25') from the centerline of the intersection of any street or any other driveway.



O. Vehicle service stations, with or without body shops.

1. Minimum lot area shall be one (1) acre and minimum lot width shall be two hundred fifty feet (250').
2. Pump islands shall be a minimum of fifteen feet (15') from any public right-of-way or lot line.
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. Storage of vehicles awaiting repair, 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 the 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 (5') is maintained and further provided that the fascia of the canopy is a minimum of fifteen feet (15') above the average grade.
7. Access driveways shall be located no less than twenty-five feet (25') from the centerline of the intersection of any street or any other driveway.
8. Where adjoining a Residential District or use property, a solid wall or fence, six feet (6') in height shall be erected along any common lot line. The fence or wall shall be continuously maintained in good condition.

P. Vehicle wash establishments, either self-serve or automatic.

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 fifteen (15) stacking spaces for an automatic wash facility shall be provided. For self-service establishments, each stall shall have at least two (2) stacking spaces at the entrance and one (1) space at the exit.
2. Vacuuming activities, if outdoors, shall be at least one hundred feet (100') from any Residential District or use property line. Wash bays for self-service establishments shall be located at least fifty feet (50') from any Residential District or use property line.
3. Should self-service wash bays be located with openings parallel to an adjacent

street, they shall be screened by a solid wall or fence, six feet (6') in height, and shall be erected along any common lot line. The fence or wall shall be continuously

maintained in good condition.

4. Only one (1) access driveway shall be permitted on any single street. All access driveways shall be located no less than twenty-five feet (25') from the centerline of the intersections of any street or driveway.
5. Where adjoining a Residential District or use property, a solid wall or fence six feet (6') in height shall be erected along any common lot line. The fence shall be continuously maintained in good condition.

Q. Open air businesses.

1. The lot area used for parking, display or storage shall be provided with a permanent, durable and dustless surface and shall be graded and drained so as to dispose of all surface water.
2. Access driveways shall be located no less than fifty feet (50') from the centerline of the intersection of any street or driveway.
3. Lighting for parking and outdoor storage areas shall be shielded to prevent light from spilling onto any Residential District or use property line.
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 for vehicles.

R. Veterinary hospitals, animal clinics and commercial kennels.

Buildings, dog runs and/or exercise areas or any other area where animals are kept shall be set back at least one hundred feet (100') from any property line.

S. Bowling alleys.

1. The principal and accessory buildings and structures shall be located no closer than one hundred feet (100') to any Residential District or use property line.
2. Minimum lot area shall be one (1) acre and minimum lot width shall be one hundred fifty feet (150').
3. Access driveways shall be located no less than fifty feet (50') from the centerline of the intersection of any street or driveway.

T. Utility and public service buildings, without storage yards, but not including essential public services such as poles, wires and underground utility systems.

1. Buildings shall be generally compatible, with respect to materials and color, with the surrounding neighborhood.

2. Buildings shall comply with the yard setback requirements of the District in which it is located.

U. Body shops.

1. The principal and accessory buildings and structures shall not be located within one hundred feet (100') of any Residential District or use property.
2. Minimum lot area shall be one (1) acre, and minimum lot width shall be one hundred fifty feet (150').
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, within forty-eight (48) hours, be stored within an enclosed building or in an area screened by an opaque fence not less than six feet (6') in height. The fence shall be continuously maintained in good condition.
5. Storage of vehicle components and parts, trash, supplies or equipment outside of a building is prohibited.
6. Access driveways shall be located no less than twenty-five feet (25') from the centerline of the intersection of any street or driveway.
7. Where adjoining a Residential District or use property, a solid wall or fence six feet (6') in height shall be erected along any common lot line. The fence or wall shall be continuously maintained in good condition.

V. Lumber and planing mills.

The principal and accessory buildings and structure shall not be located within two hundred feet (200') of any Residential District or use property line.

W. Metal plating, buffing and polishing.

The principal and accessory buildings and structures shall not be located within two hundred feet (200') of any Residential District or use property line.

X. Commercial storage warehouses.

1. Minimum lot area shall be two (2) acres.

2. A residence may be permitted on the premises for security personnel or on-site operator. The residence shall conform to the minimum requirements for a single-

family dwelling in the R-2 District.

3. Parking and circulation:

- a. One parking space shall be provided for each ten (10) storage cubicles, equally distributed throughout the storage area. The parking requirement may be met with the parking lanes required for the storage area.
- b. Two (2) parking spaces shall also be required for the residence of security personnel or on-site operator employed on the premises.
- c. One (1) parking space shall also be required for every twenty (20) storage cubicles, up to a maximum of ten (10) spaces, to be located adjacent to the rental office, for the use of customers.
- d. The following parking lanes and access aisles shall be required. The parking lanes may be eliminated when the access aisle does not serve storage cubicles.

Lane/Aisle	Lane/Aisle Width (ft)		# Lane/Aisle Required	
	One-Way	Two-Way (each lane or aisle)	One-Way	Two-Way
Parking Lane	10	10	1	1
Access Aisle	15	12	1	2

Figure 15. 1

- e. All driveways, parking, loading, storage and vehicular circulation areas shall be paved.

Y. The manufacture, compounding, processing, packaging, or treatment of products requiring stamping or punch press operations.

The principal and accessory buildings and structures or treatment of products requiring stamping or punch press operations shall be located at least one hundred feet (100') from any Residential District or use property line.

Z. Junk yards/salvage yards.

- 1. Requests for a special land 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 and/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 be provided with suitable access to a collector or arterial road to ensure safe, direct transport of salvage to and from the site.
3. No portion of the storage area shall be located within two hundred feet (200') of any Residential District or use, nor shall it be located within one thousand feet (1,000') of any body of water.
4. Any outdoor storage area shall be completely enclosed by a fence or wall at least six (6) 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 (2) non-transparent gates not exceeding forty-eight feet (48') in width providing access to the storage area for vehicles but shall not allow direct view of the storage area from adjacent properties or streets. The fence or wall shall be continuously maintained in good condition and shall contain only approved signs.
5. Stored materials shall not be stacked higher than ten feet (10') 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 the applicable setback requirements.
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. All portions of the storage area shall be accessible to emergency vehicles.
10. Vehicles or vehicle bodies shall be stored in rows with a minimum of twenty foot (20') continuous loop drives separating each row of vehicles.

11. All batteries shall be removed from any vehicle and all radiator 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.

12. Vehicle parts shall not be stored, loaded, unloaded or dismantled outside the fence enclosing the salvage yard. The area used for any dismantling or any other activity associated with removing body parts or components shall be paved with an asphalt or Portland cement binder and equipped with a drainage system that will allow the capture of any fluids or other materials. Any captured fluids shall be disposed of in a safe and sanitary manner.
13. The property shall include at least six (6) acres.
14. All fences shall be required to have a setback of at least fifty feet (50') from all property lines.
15. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours.
16. The Planning Commission may impose other conditions which have a reasonable relationship to the health, safety and general welfare of the Township. These conditions can include a provision for at least an annual inspection by the Zoning Administrator to ensure continuing compliance with the above standards.

AA. Public or private boat launches.

1. No building, structure, dock or parking area which is part of a boat launch site shall be located nearer than thirty-five feet (35') to any lot in the AR, R-1, or R-2 Districts.
2. Required parking facilities shall not be used for storage of boats or trailers for periods exceeding seventy-two (72) hours, from May 1st to September 15th.
3. Access driveways shall be located no less than fifty feet (50') from the centerline of the intersection of any street or driveway.
4. The lot area used for parking or other activity using motor vehicles shall be provided with a permanent, durable and dustless surface and shall be graded and drained so as to dispose of all surface water.

BB. Marinas.

1. Storage provisions for gasoline, fuel oil or other flammable liquids or gases shall be approved by the Building Inspector and Fire Department and the Michigan Department of Environmental Quality.

2. No building, structure, dock or parking area which is part of a marina shall be located nearer than thirty-five feet (35') to any lot in the AR, R-1, or R-2 Districts.
3. Required parking facilities shall not be used for storage of boats or trailers for periods exceeding seventy-two (72) hours, from May 1st to September 15th.
4. Access driveways shall be located no less than fifty feet (50') from the centerline of the intersection of any street or driveway.
5. The lot area used for parking or other activity using motor vehicles shall be provided with a permanent, durable and dustless surface and shall be graded and drained so as to dispose of all surface water.
6. A five foot (5') fence or wall shall be constructed along the rear and sides of the lot, capable of keeping trash, paper and other debris from blowing off the premises.

CC. Adult uses.

1. Intent: It is the intent of this subsection to provide regulations controlling those uses which are recognized as having serious, objectionable, operational characteristics inducing a deleterious impact on adjacent uses and areas. Special regulations of these uses are necessary to ensure that the anticipated adverse impacts will not contribute to the blighting or downgrading of the surrounding neighborhood.
2. All persons massaging any client or customer must be certified as a massage therapist by the American Massage Therapy Association or be a graduate of a School of Massage Therapy that is certified by the State of Michigan, or have such other similar qualifications which must be submitted to and approved by the Planning Commission.
  - a. All massage clinics are subject to inspection from time to time by the Building Inspector and shall be required to file reports as may be required by the Township, at least annually, as to the names and qualifications of each person who administers massages under the authority or supervision of the massage establishment.

- b. 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.

- c. 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.
3. Any sign or signs proposed for the adult use business must comply with the requirements of this Ordinance and shall not include photographs, silhouettes, drawings, or pictorial representations of any type, nor include any animated illumination or flashing illumination.
4. Signs must be posted on both the exterior and interior walls of the entrances, in a location which is clearly visible to those entering or exiting the business, and using lettering which is at least two inches (2") in height, that:
  - a. "Persons under the age of eighteen (18) years are not permitted to enter the premises."
  - b. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
5. No product for sale or gift, nor any picture or other representation of any product for sale or gift, shall be displayed so that it is visible by a person of normal visual acuity from the nearest adjoining roadway or adjoining property.
6. No adult use shall be open for business prior to ten o'clock (10:00) a.m., nor after ten o'clock (10:00) p.m. However, employees or other agents, or contractors of the business are permitted to be on the premises at other hours for legitimate business purposes such as maintenance, cleanup, preparation, record keeping, and similar purposes.
7. The lot or parcel on which the use is located shall not be closer than one thousand feet (1,000') from any Residential District or use, school, church or park as measured from the nearest part of the each lot line.
8. The use is not located within a one-thousand foot (1,000') radius of any other adult use, as measured from the nearest part of the each lot line.

**DD. Bed and breakfast establishments.**

1. The establishment shall be serviced by adequate water and sanitary sewer services, as approved by the Newaygo County Health Department.
2. The establishment shall be located on property with direct access to a public



street.

3. The use shall not be permitted on any property where there exists more than one (1) other bed-and-breakfast establishment within seven hundred fifty feet (750') measured between the closest property lines.
  4. The use shall only be established in a single-family dwelling which shall be the principal residence of the operator.
  5. Parking shall be located to minimize negative impacts on adjacent properties.
  6. The number of guest rooms in the establishment shall not exceed three (3) plus one (1) additional guest room for each ten thousand (10,000) square feet or fraction thereof by which the lot area of the use exceeds one (1) acre not to exceed seven (7) guest rooms in any case.
  7. Exterior refuse storage facilities beyond what might normally be expected for a single family dwelling shall be prohibited.
  8. Signs for bed and breakfast establishments shall be limited to one (1) ground sign or one (1) wall sign. A ground sign shall not exceed sixteen (16) square feet in size or six feet (6') in height and must set back at least five feet (5') from all property lines. A wall sign shall not exceed five percent (5%) of the wall area to which it is attached. Neither sign may be illuminated.
  9. 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.
  10. Meals shall be served only to the operator's family, employees and overnight guests.
- EE. Schools, churches, libraries, parks, playgrounds and community center buildings.
1. The uses shall require a minimum lot size of two (2) acres, except for parks and playgrounds, which shall meet the lot requirement of the District in which it is located.

2. Access driveways shall be located no less than fifty feet (50') from the centerline of the intersection of any street or delivery.
3. The principal and accessory buildings and structures shall not be located within fifty feet (50') of any Residential District or use property line.

4. Lighting for parking or outdoors activity areas shall be shielded to prevent light from spilling onto any Residential District or use property line.

FF. Intensive livestock operations.

1. Any intensive livestock operation (ILO) shall be located at least one (1) mile from any other ILO, as measured from the nearest lot lines of each use.
2. All building, structures, enclosed areas or storage areas for wastes, feed or other associated materials, associated with an ILO shall be located at least two hundred (200') from any lot line.
3. ILOs shall be established on a lot or lots totaling at least twenty (20) acres.
4. All buildings, structures, enclosed areas or storage areas for wastes, feed or other associated materials, associated with an ILO shall be located at least five hundred feet (500') from any body of water or floodplain.
5. The ILO shall comply at all times with any applicable federal or state regulation.

GG. Communication towers/antennas. (Amended 10/16/14)

1. A commercial communication tower/antenna One hundred feet (100') or higher is allowed after Special Land Use approval in the R-1, AR, NC, and HC Districts and after compliance with this subsection.
  - a. The applicant shall submit documented proof of need for the tower in this location, and provide further documentation as to why co-location on another tower within three (3) miles is not available or will not provide the required coverage.
  - b. The placement, operation, and location shall meet all Township, State and Federal requirements.
  - c. The location shall not exhibit any noise discernible from outside the property lines of the site.
  - d. A bond shall be submitted to the Croton Township Clerk equal to the cost of removal when use is discontinued. The bond will be returned to the

applicant provided the unused tower/antenna is removed within six (6) months of its discontinuance. After removal, the site shall be returned to its natural state within one (1) year after use is terminated, unless the site is otherwise developed for a use permitted by this Ordinance.

- e. The tower must be designed and constructed so as to allow a minimum of three (3) additional commercial antennas on the same structure.

- f. The tower will be located in a manner that in the event of a structure failure, it will not fall on any surrounding property.
  - g. Indigenous landscaping will be installed to screen the ground level structures on the site.
  - h. A safety and security fence shall be erected, with a minimum height of six feet (6') with barbed wire on the top around the site structure, including associated equipment.
2. Amateur radio antenna and support structures One hundred feet (100') or higher are allowed after Special Land Use approval in the R-1, AR, WO, NC, and HC Districts and after compliance with this subsection.
- a. No request for a special use permit will be processed without proof of an amateur radio operator's license issued by the Federal Communications Commission.
  - b. The required site plan will include the location of the proposed structure and its distance from all property lines. Details of the proposed antenna structure will also be included.
  - c. The proposed structure will meet all guidelines and recommendations as submitted by the manufacturer of the structure and those of the Federal Communication Commission, including but not limited to base structure, support systems, grounding and maintenance.
  - d. Upon the FCC-licensed operator's rescission of ownership or leasehold rights in the subject antenna support structures or upon the loss of his/her Federal amateur radio operator's license, the operator shall forthwith (but in no case later than thirty [30] days after the loss of either condition) safely remove all antenna support structures at no expense to the Township.
  - e. In the event said operator shall fail during said thirty (30) day period to remove the antenna support structures pursuant to subsection GG (2)(d) above, it shall be the duty, responsibility and obligation of the owner of

the subject property upon which any or all of the antenna support structures are located, to remove the structures forthwith at no expense to the Township.

3. Other private antennas and support structures One hundred feet (100') or higher are allowed after Special Land Use approval in the R-1, AR, WO, NC, and HC Districts and after compliance with this subsection.

- a. The required site plan will include the location of the proposed structure and its distance from all property lines. Details of the proposed antenna structure will also be included.
- b. The proposed structure will meet all guidelines and recommendations submitted by the manufacturer of the structure, including but not limited to base structure, systems, grounding and maintenance.
- c. The structure will be maintained at all times so as to be structurally safe.
- d. The tower will be located in a manner that in the event of a structure failure, it will not fall on any surrounding property.

HH. Dry cleaning

1. Plans shall be approved by the Health Department, the Michigan Department of Environmental Quality and the local Fire Department before construction may begin.
2. No on-site disposal of cleaning materials shall be permitted.
3. Proper odor control shall be maintained.

II. Multi-Use Recreation and Conference Center

1. The minimum lot size for a Multi-Use Recreation and Conference Center shall be eighty (80) acres.
2. Application and Approval.
  - a. The tract of land for which an application is received must be either in one (1) ownership or part of an application filed jointly by the owners of all properties included in the Multi-Use Recreation and Conference Center development. Current proof of ownership of the land to be utilized or evidence of a contractual ability to acquire the land, such as an option or purchase agreement, shall be submitted with the application.
  - b. The applicant shall submit a preliminary site plan showing the general

location and layout of all proposed uses within the Multi-Use Recreation and Conference Center. The Planning Commission shall consider the preliminary site plan in accordance with the requirements of Section 13.40. Final site plans, in accordance with the requirements of Section 13.50 shall then be required for each phase or part of the development prior to construction.

- c. Approval of the overall Special Land Use for the Multi-Use Recreation

and Conference Center and the overall preliminary plan and the uses approved thereon shall constitute approval of the Special Land Use for the Multi-Use Recreation and Conference Center, except for those uses listed in subparagraph (4) of this subsection II, which shall require individual Special Land Use approvals.

3. The following uses may be allowed as part of the overall Special Land Use approval for the Multi-Use Recreation and Conference Center, subject to the restrictions noted.
  - a. The following uses may be allowed as part of the Special Land Use approval for the Multi-Use Recreation and Conference Center and may be open to the use of the general public, subject to the requirements of this Section:
    - (1) Conference facilities, including kitchen and dining facilities (but excluding restaurants), meeting rooms, and other related accessory areas, such as outdoor seating areas, subject to the requirements of Section 15.70 (M).
    - (2) Indoor and outdoor recreational facilities, including parks, nature trails, golf courses, ball fields, playgrounds, tennis courts, and other similar facilities, subject to the applicable provisions of Section 15.70 (A).
    - (3) Assembly buildings and churches, subject to the requirements of Section 15.70 (M) and (EE).
    - (4) Accessory uses and buildings necessary for the above uses, as provided in Sections 2.100 and 2.110.
  - b. The following uses may be allowed as part of the Special Land Use approval for the Multi-Use Recreation and Conference Center, subject to the restrictions noted, but shall be operated and utilized solely by the applicant and shall not be open to the general public.
    - (1) Transient lodging facilities.

- (2) Campgrounds, subject to the requirements of Section 15.70 (A).
- (3) Day care centers, subject to the requirements of Section 15.70 (J).
- (4) State licensed residential family care facilities.
- (5) Single family dwellings, provided that all setbacks and building

requirements (minimum square footage and height) are met for the district in which the dwellings are located.

- (6) Private schools.
  - (7) Agricultural and gardening activities, except intensive livestock operations.
  - (8) Accessory uses and buildings necessary for the above uses, as provided in Sections 2.100 and 2.110
4. The following uses, operated and utilized solely by the applicant and not open to the general public, may be allowed within the Multi-Use Recreation and Conference Center only after receiving separate Special Land Use approvals for each use by the Planning Commission in accordance with Section 15.20 of this Ordinance.
- a. Adult foster care group home facilities, subject to the requirements of Section 15.70 (I).
  - b. Convalescent or nursing homes.
  - c. Two-family dwellings intended for year-around occupancy, provided that all setbacks and building requirements (minimum square footage and height) are met for the district in which the dwellings are located. The use shall be subject to the requirements of Section 15.70 (F).
  - d. Multiple family dwellings intended for year-around occupancy, provided that all setbacks and building requirements (minimum square footage and height) are met for the district in which the dwellings are located. The use shall be subject to the requirements of Section 15.70 (G).
  - e. Any uses directly related to the activities of the applicant owning or operating the facilities that are not listed in subsections (2) or (3), above.

- f. Accessory uses and buildings necessary for the above uses, as provided in Sections 2.100 and 2.110
5. Any building, parking or activity area shall be located at least two hundred feet (200') from any public street right-of-way not constructed as part of the development. No native or natural vegetation shall be removed from the two hundred foot (200') setback, nor any grading or changes in topography shall occur, except that necessary for entrance roads, required utilities, or drainage improvements.

6. All internal roadways leading from the entrance to the facility and serving individual use areas shall be paved, with a minimum of twenty four feet (24') of traveled surface and shall be properly maintained year round. No parking shall be permitted along these roadways.
7. Any outdoor activity areas shall be set back a minimum of one hundred fifty feet (150') from any Residential District or residential use property line not part of the facility.
8. All uses shall be integrated into the design of the project with similar architectural and site development elements, such as signs, landscaping, etc.
9. All uses established on the property will provide parking as required by this Ordinance. Parking areas for individual uses will be in close proximity to the use(s) they are intended to serve.
10. One (1) sign per major entrance to the facility is permitted. The sign shall be no greater than thirty-two (32) square feet, be located a minimum of twenty-five feet (25') from any property line, and no higher than six feet (6') from the average grade, including any berms or supporting structures. The sign may be illuminated.
11. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto any Residential District or residential use property line.
12. Any access drive to the facility from a public street shall be located no less than two hundred feet (200') from the centerline of the intersection of any street or any other driveway. The location of access drive(s) may be limited by the Planning Commission in consideration of the use of the street providing access, adjacent and nearby land uses, traffic conditions, sight distance, and other factors considered relevant by the Commission.

**JJ. Wind Electrical Generation Towers**

1. In addition to the requirement of Chapter 13, the following information will be included on any site plan submitted with an application for a Wind Electrical Generation Tower:
  - a. Location of the tower on the site along with dimensions of setbacks to property lines or any other structures on the site.

- b. Location of all structures, power lines or other utility lines within a radius equal to the proposed tower height.
  - c. Dimensions and sizes of the various structural components of the tower's construction.
  - d. Design data which shall indicate the basis of design and certification by a registered professional engineer or manufacturer's certification that the tower was designed to withstand load requirements for structures as set forth in the Township's adopted Building Code.
2. There shall be a limit of one (1) tower per parcel.
  3. Towers shall be located or placed in rear yards only. The tower shall be located on a parcel of land so as to have the least visual or other effect on adjoining properties, and any negative impacts of the tower shall be confined as much as possible to the property on which the tower is located.
  4. Guide wires and anchors for towers shall not be located closer than one-half (½) of the height of the tower to any property line.
  5. Towers shall be so placed that the base portion of the tower, if visible from any right-of-way, shall be suitably screened from view.
  6. All towers shall be subject to a setback from all property lines of a minimum of fifty feet (50'), plus the maximum height of the tower including any associated generation equipment.
  7. Towers shall not produce a level of noise at any lot line greater than the ambient nighttime level. Noise reduction technology shall be installed as a condition of approval if it is determined by the Planning Commission that the ambient nighttime noise levels are exceeded after installation occurs.
  8. Towers used solely for energy-producing purposes shall not exceed a total height of one hundred fifty feet (150') from the ground to the top of the tower.

KK. Billboard

1. Location will be a minimum of fifteen feet (15') from any rear or side property line and thirty feet (30') from any front lot line.
2. Maximum height will be no more than twenty-five feet (25'). The bottom of the sign will be a minimum of eight feet (8') from the ground.
3. The structure will be designed to provide strength to withstand normal weather conditions.



4. The structure will be designed in order that it cannot be climbed without ladders or other such devices.
5. The billboard does not adversely affect any allowable use of neighboring properties.
6. Lighting will not distract traffic, nor will it affect neighboring properties.
7. The structure shall be located so as to prevent light reflection into the roadway.
8. The content will not be offensive to a reasonable person.

**CHAPTER 16  
ZONING BOARD OF APPEALS**

**SECTION 16.10 CREATION AND MEMBERSHIP**

- A. There is hereby created a Zoning Board of Appeals which shall perform its duties and exercise its powers and jurisdiction as provided in the Zoning Act and by certain provisions of this Ordinance to the end that the objectives of this Ordinance are observed, public safety, morals and general welfare secured and substantial justice done.
  
- B. Membership
  - 1. The Zoning Board of Appeals shall consist of five (5) members and not more than seven (7) members, with the number set by the Township Board from time to time. The term of each member shall be three (3) years and until a successor has been appointed and qualified. The successor must be appointed not more than one (1) month after the expiration of the preceding term. One (1) member of the Board shall be a member of the Planning Commission. One (1) member of the Township Board may be a member of the Zoning Board of Appeals.
  - 2. Members on the Zoning Board of Appeals from the Township Board and from the Planning Commission shall have terms limited to their respective other official terms or to such less period determined by resolution of the Township Board at the time of appointment.
  - 3. No employee or contractor of or for the Township shall be a member of the Zoning Board of Appeals.
  - 4. Vacancies of the Board for unexpired terms shall be filled for the remainder of the term.
  - 5. Members of the Board may be removed by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing. A member must disqualify himself/herself from a vote if s/he has a conflict of interest. Failure to disclose a conflict of interest may constitute misconduct and/or malfeasance in office.
  
- C. Alternate Members
  - 1. The Township Board may appoint not more than two (2) alternate members to the Zoning Board of Appeals for the same term as regular members. If two (2) alternate members have been appointed, they may be called on a rotating basis, as

they are available.

2. The alternates may sit as regular members when regular members are unable to attend two (2) or more consecutive meetings for a period of more than thirty (30) consecutive days.
  3. An alternate member may also be called to serve in the place of a regular member when such 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.
  4. When serving on a case, 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 or upon the declaration of a conflict of interest of a regular member.
- D. The Zoning Board of Appeals shall fix rules and regulations to govern its procedures.
- E. The Zoning Board of Appeals shall not conduct business unless a majority of the membership of the Zoning Board of Appeals is present, including alternates when sitting as a regular member. No non-use/dimensional variance shall be granted except by the vote of approval of a majority of the entire membership of the Zoning Board of Appeals. No use variance shall be approved unless by a vote of approval of two-thirds (2/3) of the entire members of the Zoning Board of Appeals.

#### **SECTION 16.20 JURISDICTION**

- A. The Zoning Board of Appeals shall have the power to hear and decide, in accordance with the provisions of this Ordinance, applications for interpretations of this Ordinance and may make decisions on any other questions on which the Board is authorized by this Ordinance or the Zoning Act to pass. In exercising all of its powers, the Zoning Board of Appeals shall apply the standard of Section 16.40.
- B. When there is any question as to the location of any boundary line between Districts, upon a request for an interpretation of the zoning maps, the Zoning Board of Appeals shall establish the boundary based upon said maps and all available information relating thereto and shall establish such boundaries in such ways as to carry out the intent and purposes of this Ordinance and the Master Plan.
- C. Except as otherwise provided in this Ordinance, the Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision or determination made by any administrative official or body charged with the enforcement of any provisions of this Ordinance.

- D. Except as otherwise provided in this Ordinance, the Zoning Board of Appeals shall act upon all questions as may arise in the administration of this Ordinance, including the interpretation of language of this Ordinance.
- E. The Zoning Board of Appeals shall not be permitted to hear appeals from site plan decisions, Special Land Use decisions, Planned Unit Development decisions, or Open Space Preservation Development decisions.

**SECTION 16.30 PROCEDURE ON APPEAL**

- A. For an appeal from any order, requirements, decisions or determinations of any administrative official or body, the appeal shall be submitted in writing within thirty (30) days by the filing with the Township Clerk of a notice of appeal specifying the grounds thereof. The administrative official from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all the papers consisting of the record upon which the action being appealed was taken.
- B. An appeal automatically stays all proceedings or construction in furtherance of the action appealed from unless the officer or body from the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal which is filed, that by reason of facts stated which 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.
- C. After receiving the appeal, the Zoning Board of Appeals shall hold a public hearing on the matter not earlier than fifteen (15) days after the date of such filing and shall cause notice of the time and place of the hearing to be given to the applicant and similar notice, stating the purpose of the hearing. The Chairperson may permit up to one (1) adjournment of a hearing.
- D. The Zoning Board of Appeals shall give written notice of the hearing to all persons to whom real property is assessed within three hundred feet (300') of the property to be affected by said appeal at least five (5) days prior to said hearing. Additionally, the hearing notice shall also be published once in the newspaper at least seven (7) days prior to the hearing. The Zoning Board of Appeals shall maintain satisfactory evidence that said notices have been mailed and published.

**SECTION 16.40 STANDARDS OF REVIEW - VARIANCES**

- A. A nonuse variance may be allowed by the Zoning Board of Appeals only in cases where the applicant demonstrates that there is reasonable evidence of practical difficulty in the official record of the hearing and where 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 District. Exceptional or extraordinary circumstances may include narrowness, shallowness or shape of a specific property on the effective date of this Ordinance 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 Ordinance would involve practical difficulties.
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.
3. That the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by the other properties in the same 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 or predecessor.

7. That the variance requested is the minimum variance necessary to meet the purpose and intent of the Ordinance and to meet the other standards of review in this Section.
- B. A use variance may be allowed by the Zoning Board of Appeals only in cases where the applicant proves that there is reasonable evidence of undue hardship and where all of the following conditions are met:
1. In addition to undue hardship, all of the standards specified in Section A are also met.
  2. If the Zoning Board of Appeals is considering granting a use variance request, no final action by the Zoning Board of Appeals shall be taken on the variance request until the Zoning Board of Appeals has referred the matter to the Planning Commission for review and comment, and the Zoning Board of Appeals has received that report back from the Planning Commission and considered the same.

**SECTION 16.50 DECISIONS OF THE ZONING BOARD OF APPEALS**

- A. An application to the Zoning Board of Appeals for variances shall be submitted in accordance with the following procedures:
1. Applications shall be submitted to the Zoning Administrator who will review the application for validity, then transmit to the Zoning Board of Appeals. Applications not meeting the requirements shall be returned to the applicant for completion.
  2. A valid application for a variance to the Zoning Board of Appeals shall consist of the following:
    - a. Ten (10) copies of site plan drawn to scale which is sufficient to describe the nature of the request, if applicable.
    - b. A completed application form as provided by the Township.
    - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
    - d. A legal description and/or parcel number of the entire property which is the subject of the request.
    - e. A statement with regard to compliance with the Standards of Review of Section 16.40.
    - f. Other materials as may be required by the Zoning Board of Appeals.

- B. The Zoning Board of Appeals shall render its decision upon any appeal or application submitted to it within ninety (90) days after the hearing thereon. Upon failure to do so, such appeal or application shall thereupon be deemed to be decided adversely to the appellant or applicant in the same manner as though the Zoning Board of Appeals had rendered its decision to that effect.
- C. All decisions of the Zoning Board of Appeals shall become final five (5) days after the date of entry of an order, unless the Zoning Board of Appeals 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.
- D. For each decision of the Zoning Board of Appeals, a record shall be prepared. Such record shall include, at a minimum, the following items, a copy of which shall be sent to the applicant, the Zoning Administrator and Building Inspector:
1. Description of the applicant's request.
  2. The Zoning Board of Appeal's motion and vote.
  3. A summary or transcription of all competent material and evidence presented at hearing.
  4. Any conditions attached to an affirmative decision.
- E. The decision of the Zoning Board of Appeals shall be final. However, a person having an interest affected by the decision of the Zoning Board of Appeals may appeal to the Circuit Court within twenty-one (21) days of the decision. Upon appeal, the Circuit Court shall review the record in accordance with the requirements of the Zoning Act.
- F. 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. Conditions shall be imposed in a manner in accordance with the Zoning Act and be related to the Standards of Review by which the decision is reached.
- G. No variance granted by the Zoning Board of Appeals shall be valid for a period longer than nine (9) months from the date of its issuance if not used. If substantial construction has not commenced or if the use has not occurred within said nine (9) months, the variance shall be expired and shall be null and void. However, the applicant may request in writing, prior to the expiration of the variance, up to a nine (9) month extension of the variance from the Zoning Board of Appeals. The Zoning Board of Appeals may grant the extension, provided that the original circumstances authorizing the variance have not changed and that the circumstances creating the need for the extension were beyond the control of the applicant.

**SECTION 16.60 RESUBMISSION**

No request or substantially similar request, which has been decided by the Zoning Board of Appeals shall be submitted for reconsideration within a one (1) year period from the date of the original application unless the Zoning Board of Appeals finds that at least one (1) of the following conditions exist:

- A. That the conditions involving all of the reasons for the original denial have been significantly altered and such circumstances are beyond the control of the applicant.
- B. That new conditions or circumstances exist which change the nature of the original request and such circumstances are beyond the control of the applicant.



## **CHAPTER 17 ADMINISTRATION AND ENFORCEMENT**

### **SECTION 17.10 ZONING ADMINISTRATOR**

The provisions of this Ordinance shall be interpreted, administered, and enforced by the Zoning Administrator, Building Inspector or such other Township official(s) as may be appointed by the Township Board by resolution.

### **SECTION 17.20 DUTIES OF THE ZONING ADMINISTRATOR**

- A. The Zoning Administrator, Building Inspector or other Township official shall, in no case, issue any zoning compliance permit, building permit, or grant any occupancy permit where the proposed structure, alteration or use would be in violation of any provisions of this Ordinance or other applicable law or ordinance, except under written order of the Zoning Board of Appeals (where applicable) or a court of competent jurisdiction. Temporary occupancy may be issued at the discretion of the Building Inspector.
- B. Violations: The Zoning Administrator shall investigate any alleged violation of this Ordinance as may be discovered. If a violation is found to exist, the Zoning Administrator shall:
1. Identify, observe and describe the land use activity.
  2. Determine what Section (s) of the Zoning Ordinance is (are) being violated.
  3. Follow the procedures as outlined in the Croton Township Municipal Penalty, Civil Infractions, and Appearance Tickets Ordinance.
- C. Inspections: The Building Inspector shall inspect all new construction or alterations at the time footings are placed, when framing is underway and at the completion of the construction or alternation authorized. The Building Inspector (and/or Zoning Administrator) shall make such additional inspection deemed necessary to ensure compliance with the provisions of this Ordinance. The Zoning Administrator shall make periodic inspections of the Township to ascertain that all the requirements of this Ordinance are being complied with.
- D. Records: The Zoning Administrator and Building Inspector shall keep records of all inspections, applications, and permits issued, with a notation of all special conditions involved. They shall file with the Township and safely keep copies of all plans, other than for single family dwellings, and records of all fees submitted with applications. The

same shall form a part of the records of the Township and shall be available to the Township Board and all other officials of the Township.

**SECTION 17.30 ZONING COMPLIANCE AND BUILDING PERMITS**

- A. No structure or part thereof shall be constructed, reconstructed, commenced, erected, moved, enlarged or altered, nor shall any use on any property be commenced or changed to another use, until a Zoning Compliance permit has been granted by the Zoning Administrator. Application for a Zoning Compliance permit shall be filed by the owner or an agent of the owner and it shall state the intended use of the structure and of the land. The application shall be accompanied by building plans and specifications, a plot plan, or site plan where required, and such other information as may be necessary to provide for the enforcement of this Ordinance.
- B. Plans shall be drawn to scale and shall provide dimensions in figures. Plans shall be signed by the person preparing them and by the owner of the property or building involved. A fee as established by the Township Board from time to time to defray the costs of administration and inspections shall accompany any plans or application for a Zoning Compliance or Building Permit.
- C. A Zoning Compliance permit shall only be issued if the plans and intended use conform in all respects to the provisions of this Ordinance and all applicable Township ordinances. All Zoning Compliance permits shall expire eighteen (18) months from their date of issuance. All Building and Zoning permits may be renewed for one (1) additional six (6) month term at a fee set by the Township Board.
- D. A Zoning Compliance permit shall be issued prior to the issuance of any required Building Permit. A copy of all approved Building Permits shall be sent to the Assessor.
- E. A Zoning Compliance permit shall not be issued until the owner provides sufficient documentation that the lot involved has been created in conformance with this Ordinance and/or State and Township Land Division Regulations and all other applicable Township Ordinances.
- F. The Zoning Administrator shall review all complete plans and specifications within a reasonable period of time, prior to taking appropriate action thereon.
- G. The Zoning Compliance permit and Building Permits shall be displayed at all times on the property involved so as to be visible from a public street or private road at the site where authorized action is being undertaken.
- H. None of the following shall commence or occur until both a Zoning Compliance permit and a Building Permit have been issued for a building structure:
  - 1. Digging of a basement or foundation area.

2. The installation of a septic tank or septic system.
  3. The installation of a water well for a residential dwelling.
- I. An accessory building that does not exceed one hundred (100) square feet on the ground does not require a Building Permit but does require a Zoning Permit.

#### **SECTION 17.40 CERTIFICATE OF OCCUPANCY**

No land shall be used and no building hereafter erected or altered shall be occupied or used for any purpose until a Certificate of Occupancy has been issued by the Building Inspector stating that the premises or building complies with the provisions of approved plans and all Ordinances of the Township. Where any special land use or site plan review conditions are applicable, said conditions shall be stated on the Certificate of Occupancy. A record of all Certificates of Occupancy shall be kept on file in the Township. A fee as established by the Township Board from time to time shall be charged for each Occupancy Permit. A copy shall be sent to the Township Clerk and Assessor.

#### **SECTION 17.50 ZONING ORDINANCE AMENDMENTS**

##### **A. Initiation**

1. An amendment to the Zoning Map, which is part of this Ordinance, may be initiated by the Township Board or Planning Commission on a Motion by either body or by a verified application of one (1) or more of the owners or lessees of property within the area proposed to be changed or by a person authorized in writing by the property owner to submit such application.
2. An amendment to the text of the Zoning Ordinance may be initiated by the Township Board or Planning Commission on a Motion by either body or by a verified application of any person affected by the provision requested to be changed.

##### **B. Procedure for Changes**

1. Applications for Zoning Ordinance Map or text amendments shall be submitted to the Planning Commission upon forms supplied by the Township, along with the following information or materials:
  - a. A legal description of the property to be affected by a proposed change to the Zoning Map; or a typewritten copy of the proposed text amendment, including specific references to the portions of the existing Ordinance section and language.

- b. A drawing or map showing, at a suitable scale, the property to be changed by an amendment to the Zoning Map and the location of properties within three hundred feet (300') of the property affected by such amendment.
  - c. Payment of a fee, in accordance with a fee schedule, as determined by the Township Board from time to time.
  - d. Any other information which may be required by the Township.
2. Before submitting its recommendation to the Township Board, the Planning Commission shall hold at least one (1) public hearing, notice to be given in accordance with the requirements of the Zoning Act.
  3. The Planning Commission shall transmit a summary of comments received at the public hearing, along with the recommendation of the Planning Commission, to the Township Board. The Township Board may hold additional hearings if it considers it necessary. The notice for such hearing shall be as required by the Zoning Act.

**SECTION 17.60 SCHEDULE OF FEES AND PENALTIES****A. Application/Permit Fees**

1. For each zoning compliance permit issued, fees shall be paid to the Zoning Administrator, who shall remit the same to the Township Treasurer. All fees shall be paid in accordance with the fee schedule established by the Township Board.
2. The Township Board shall establish fees for the administration of this Ordinance, including all proceedings and matters that may arise hereunder. A listing of current fees shall be available for review by the public during Township office hours at the Township Hall. The fees may be changed from time to time by resolution of the Township Board.
3. The applicant shall pay all applicable fees upon the filing of any application, any proposed site plan or any other request or application under this Ordinance and as to which a fee is prescribed.

**B. Escrow Fees**

1. In addition to regularly established fees, the Township or the Zoning Administrator may also require an applicant to submit to the Township (prior to Township review of an application or proposed site plan) an amount of money determined by the Township to be a reasonable estimate of the fees and costs which may be incurred by the Township in reviewing and acting upon any such application or related matters.

2. This fee shall not include expenses by Township employees (except for hourly employees or when authorized under appropriate provisions of the Freedom of Information Act) or for incidental costs and expenses, but may be used to charge or assess the applicant for all other reasonable costs and expenses incurred by the Township during and in connection with the review process and other related proceedings, whether or not the application is granted either in whole or in part.
3. The costs and expenses to be charged or assessed to the applicant, for reimbursement of the Township's reasonable costs and expenses, may include but shall not be limited to Township attorney fees, Township engineering fees, costs and fees for services of outside consultants, fees and expenses of other professionals who may assist the Township, cost and fees for studies and reports pertaining to the matters in question, special meeting costs and other reasonable costs and expenses.
4. The fees shall be retained by the Township for reimbursement of covered costs and expenses. Any monies paid or deposited by an applicant which are not used or spent by the Township pursuant to an escrow shall be refunded.

C. Violations

1. Except as otherwise provided in subsection (C) (3) below, a violation of this Ordinance constitutes a municipal civil infraction. Any person, corporation or firm who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit or approval issued hereunder or to any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction.
  - a. The civil fine for a municipal civil infraction violation hereunder shall be not less than fifty dollars (\$50), in addition to all other costs, damages, expenses, and remedies provided by law.
  - b. Increased civil fines may be imposed for subsequent violations by a person of any requirement or provision of this Ordinance.
  - c. The fine for any offense which is a first repeat offense shall be not less than one hundred dollars (\$100) plus costs. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than two hundred dollars (\$200) plus costs.
  - d. For purposes of this Section, "subsequent offense" means a violation of the provisions of this Ordinance or similar provisions of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.

2. Any tenant, possessor or owner of land shall each be liable and responsible for any violations of this Zoning Ordinance occurring on such land, as well as any and all additional persons or entities who cause such land to be in violation of this Zoning Ordinance.
3. Any person who disregards or violates a Stop Work Order issued pursuant to Section 17.120 of this Ordinance shall be guilty (upon conviction) of a criminal misdemeanor and shall be punished by imposition of a fine not exceeding five hundred dollars (\$500), plus costs, by imprisonment in jail for a term not exceeding ninety-three (93) days, or by combination of such fine and jail in the discretion of the court.
4. Any violation of the Ordinance shall also be deemed to be a nuisance per se.

**SECTION 17.70 SURVEYS**

Prior to issuing a Zoning Compliance Permit, the Zoning Administrator shall have the discretion to require that the applicant for a building or other structure provide a copy of a survey by a registered surveyor or engineer for the lot involved, including showing existing buildings and structures on the survey, as well as specific distances between those structures and buildings and all lot lines. Furthermore, the Zoning Administrator can require that an applicant have a registered surveyor or engineer provide stakes on the property indicating where the proposed structure or building will be and verifying all setbacks from lot lines.

**SECTION 17.80 VERIFICATION OF OWNERSHIP**

The Zoning Administrator or other Township official shall have the authority to require that all applications for a Zoning Compliance Permit or other zoning approval be signed not only by the applicant, but also the owner(s), if different than the applicant. Furthermore, the Zoning Administrator or other Township official may require proof of ownership for the property involved from the applicant/purported owner(s), including but not limited to, the last deed of record as recorded with the County Register of Deeds or land contract for the same.

**SECTION 17.90 SAFETY RAILINGS**

The Zoning Administrator shall have discretion to require the installation and maintenance of a safety railing at least forty inches (40") tall along any retaining wall, retaining structure, drop off, or similar topographical item with a drop off associated with or nearby a residential dwelling if, in his/her opinion, such railing is reasonably necessary for safety purposes and to prevent children or others from accidentally falling.

**SECTION 17.100 PERFORMANCE GUARANTEES**

- A. The Planning Commission, Zoning Board of Appeals and Township Board are empowered to require a performance bond, irrevocable letter of credit, cashier's check or other suitable negotiable security acceptable to the Township in an amount equal to the estimated cost (plus twenty-five percent (25%) for miscellaneous costs, unforeseen expenses, and other related matters) of improvements associated with a project or any zoning approval.
- B. Such performance guarantee shall be deposited with the Clerk of the Township at the time of issuance of the permit authorizing the activity or project to ensure faithful completion of the improvements indicated with the approved site plan or other zoning approval. If such improvement(s) is/are not completed, said performance bond or cashier's check shall be forfeited.
- C. The Township shall rebate a proportional share of cash deposits only when requested by the depositor, based on the percent of improvements completed, as attested to by the depositor and verified by the Zoning Administrator.
- D. In cases where the improvements indicated with the approved site plan or otherwise have not been completed in accordance with the approval granted, the amount of the aforementioned performance guarantee may be used by the Township to complete the required improvements. The balance, if any, shall be returned to the applicant.

**SECTION 17.110 LAND DIVISIONS**

- A. No lot, parcel of land, or access easement shall be created that does not fully comply with the minimum area, width, frontage, and other minimum requirements of the Ordinance. All land divisions, lot splits, or property boundary reconfiguration of platted lots and unplatted parcels of land shall comply with all applicable requirements of this Ordinance and the Michigan Land Division Act.
- B. No land division, lot split, creation of an access easement, or reconfiguration of property boundary lines shall occur unless and until a Land Division Permit has been obtained from the Zoning Administrator or such other person as may be designated for such purpose by resolution of the Township Board. No permit for a land division shall be issued unless and until the Township determines that the land division, lot split, access easement, or boundary reconfiguration, as well as the resulting lots, parcel of land, or access easements, fully comply with the requirements of this Ordinance and all other applicable Township Ordinances. Fee for a Land Division Permit shall be established from time to time by resolution of the Township Board. No Land Division Permit shall be approved or issued unless the application for such permit is accompanied by a survey prepared by a registered land surveyor or engineer showing all resulting lots or parcels of land, easement (if any), and legal descriptions thereof. The Township may waive the requirement of a survey, for good cause shown by the applicant. No permit for division

of a platted lot or lots shall be issued unless and until such land division is approved by the Township Board. No platted lot shall be partitioned or divided into more than four parcels of land.

**SECTION 17.120 STOP WORK ORDERS**

- A. Notice to Owner. Upon notice from the Zoning Administrator or Building Inspector that any use is being conducted or that any work on any building or structure is being prosecuted contrary to the provisions of this Ordinance, such work or use shall be immediately stopped. The Stop Work Order shall be in writing and shall be given to the owner of the property involved, to owner's agent, or to the person doing the work, and shall state the conditions, if any, under which work or the use will be permitted to resume.
- B. Unlawful Continuance. Any person who shall continue to work in or about the structure, land or building or use it after having been served with a stop work order, except such work as that person is directed to perform to remove a violation, shall be in violation of this Ordinance.

**SECTION 17.130 CONSTRUCTION CLEANUP AND DEBRIS**

During construction, both the contractor for the project and the owner(s) of the lot involved are jointly and severally responsible for any damages to or debris on any public road or private road, litter, flooding, or other waste associated with, caused by, or attributable to such construction. Litter and any mud, sand, or debris tracked onto a public street or private road shall be cleaned up on a daily basis. Damage to roads shall be repaired within a reasonable time period. The Zoning Administrator can suspend or revoke a Zoning Compliance Permit if, in his/her opinion, issues regarding damage to roads, litter, flooding, and other waste attributable to construction on a particular project are not being reasonably and timely corrected. Furthermore, any such Zoning Compliance permit will not be reinstated or reinstated until the owner(s) of the lot have posted security with the Township in an amount reasonably determined by the Zoning Administrator to be sufficient to ensure cleanup or repairs which reasonably could occur thereafter. Construction and excavation equipment shall not block roads nor present a safety hazard.



**CHAPTER 18  
TITLE, PURPOSE, SCOPE, AND LEGAL BASIS**

**SECTION 18.10 TITLE**

This Ordinance shall be known and may be cited as the Croton Township Zoning Ordinance.

**SECTION 18.20 PURPOSE**

- A. This Ordinance is based upon the Croton Township Land Use Plan and is designed to promote the public health, safety and general welfare: to encourage the use of land and bodies of water in accordance with its character and adaptability and limit the improper use of land and bodies of water, to conserve natural resources and energy, to meet the needs of the State’s citizens for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; to ensure that uses of land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and aid, to lessen congestion on waterways and public roads and streets; to reduce hazards to life and property; to facilitate the adequate provision of a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services so as to obtain the most advantageous uses of land, resources and properties.
  
- B. This Ordinance is adopted with reasonable consideration, among other things, of the character of each Zoning District, its peculiar suitability for particular uses, the conservation of property values and natural resources and the general and appropriate trend and character of land, building, and population development.

**SECTION 18.30 SCOPE**

- A. This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, except those repealed herein by specific reference of with private restrictions placed upon property by covenant, deed or other private agreements or with restrictive covenants running with the land to which the Township is a party.
  
- B. Where this Ordinance imposes greater restrictions, limitations or requirements upon the use of buildings, structures or land; the height of buildings or structures; lot coverage; lot areas; yards or other open spaces; or any other use or utilization of land than are imposed or required by such existing laws, ordinance, regulations, private restrictions or restrictive covenants, the provisions of this Ordinance shall control.

- C. Except as herein specified, no building, structure, lot or premises shall be used, created, or occupied and no building or part thereof or other structure shall be erected, raised, moved, placed reconstructed, extended, enlarged or altered, except in conformity with the regulations herein specified for the District in which it is located.

**SECTION 18.40 LEGAL BASIS**

This Ordinance is enacted pursuant to the Zoning Act, as amended, which is hereby referenced and made a part of this Ordinance.

**SECTION 18.50 REPEAL**

Any Ordinance or any provisions of any Ordinance inconsistent with the terms hereof shall be and is hereby repealed. This Ordinance repeals the Croton Township Ordinances, adopted October 29, 1973, as amended.

**SECTION 18.60 SEVERABILITY**

If any provision of this Ordinance or the application thereof to any person or circumstance shall be found to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this Ordinance which shall remain in full force and effect.

**SECTION 18.70 EFFECTIVE DATE**

This Ordinance shall take effect seven (7) days after the date of publication as specified by law.