

## CHAPTER 2 GENERAL PROVISIONS

### 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 nonconforming 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

1. 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 (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 (70) feet 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 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 2.40, **(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) lots 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-de-sac may have less street frontage as follows:

- A. The minimum street frontage shall be forty (40) feet and the minimum distance between lot lines at the street right-of-way shall be forty (40) feet 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 (2) feet 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 (10) feet into a required front yard, no further than fifteen (15) feet 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 (5) feet 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 nonconforming 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 (5) feet 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 (30") inches and eight (8) feet 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 (20) feet from the intersection of the right-of-way lines.

### **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 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 (50) feet from every lot line.

#### **SECTION 2.110 ACCESSORY BUILDINGS**

- A. Accessory Buildings or Structures: General
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. Except as permitted in Section 2.110, B, 7, no accessory building or structure shall be erected in a front yard.
  4. The distance between detached accessory buildings or garages and the main building or buildings shall not be less than ten (10) feet. 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. No accessory building shall include residential or living quarters for human beings.
  6. As 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.
- B. Residential Accessory Buildings: Accessory buildings shall be permitted within any Residential District or with any residential use provided that the following restrictions are met:
1. No more than (2) detached accessory buildings shall be permitted on any residential lot, except for those used in bona fide farming operations which shall not be counted toward this total.
  2. 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.
  3. The total area of an accessory building shall not occupy more than twenty-five percent (25%) of the required rear yard.
  4. Accessory buildings in excess of eight hundred (800) square feet and set back less than two hundred (200) feet from the rear of the main building must be designed, constructed and finished such that the exterior appearance is similar to that of the main building, except for those used in farming operations.
  5. The drip edge of any detached accessory building shall not be located closer than

twenty-five (25) feet to any side and rear yard. On lots that are lawfully nonconforming for lot width, the Zoning Administrator may permit a lesser setback, provided that the setback shall not be less than five (5) feet to the side and rear lot lines, except if the lot line is a road right of way the 25 feet is required.

6. No accessory building shall exceed fourteen (14) feet in height in a Residential District except for those used in farming operations, which may be as high as reasonably necessary, except the lot line is a road, right-of-road, the twenty -five (25) feet is required.
  7. One (1) detached accessory building shall be permitted in the front yard of the AR District provided that the following conditions are met:
    - a. The lot on which the accessory building is placed shall have a minimum of three hundred (250) feet of depth;
    - b. The accessory building shall not be located closer to the front lot/right-of-way line than one-half (1/2) the distance between the front lot line and the main building .
    - c. The accessory building placed in the front yard under these provisions shall maintain a minimum side yard setback of fifty (50) feet and shall not be within the required front setback.
- C. Other District Accessory Buildings: Accessory buildings shall be permitted within a Nonresidential District provided that the following restrictions are met:
1. No more than two (2) detached accessory buildings shall be permitted on any lot.
  2. The total area of all accessory buildings shall not exceed twenty-five percent (25%) of the floor area of the main building(s).
  3. Detached accessory buildings shall meet all setback requirements for the District in which it is located.

4. No accessory building shall exceed the permitted height for main buildings in the District in which it is located.
- D 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 twenty-four (24) square feet and eight (8) feet in height, which shall be counted toward the total number and square footage allowed for all accessory buildings, In no event, however, shall any such accessory building or structure within thirty (30) feet of the high water mark of any river, lake, and all tributaries nor be closer to any side lot line than five (5) feet. Any other accessory buildings or structure shall otherwise comply with the requirements of the underlying District. All necessary Government permits shall be obtained.

#### **SECTION 2.120 FENCES**

- A. All fences shall require a zoning permit with the exception of agriculture fencing for the containment of live stock and/or protection of crops.
- B. All fences, artificial walls, or landscape plantings shall be so arranged that, in the opinion of the Zoning Administrator, they do not obstruct the clear vision of the traveling public on any public street or intersection of any street, alley, driveway, parking lot or other access.
- C. Fences shall not obscure vision at the right of way or property line of the lot or parcel on which it is placed and said fence shall not exceed three (3) feet as measured from ground surface to the uppermost part of the fence.
- D. Fences shall not be more than three (3) feet in height along any street right of way line or along any side lot within the required setback from any street right of way. In addition, fences in the Water Overlay Zone shall not exceed three (3) feet in height along the break of the bank.
- E. Except as noted in D, above, fences in the side and rear yard are permitted up to four (4) feet in height.
- F. Along any side lot line abutting another lot, the finished side of a fence shall face out.
- G. Fences shall be situated so as to ensure safe ingress and egress from any lot or property in cases of emergency.

- H. No fence shall be constructed so as to prevent normal maintenance on any existing building.
- I. No fence in the Water Overlay Zone or on a lot with frontage on a lake, river or tributaries shall be located:
1. Within fifty (50) feet of the high water mark of the lake, river, and tributaries.
  2. Between the lake or rivers, tributaries and the break in the bank.
- J. Except for agricultural fencing used for bona fide farming for the containment of livestock and/or protection of crops, no fence shall exceed four (4) feet in height from the natural grade. Agricultural fences for bona fide farming uses shall not exceed six (6) in height above natural grade. Notwithstanding the above height limitations, higher fences may be permitted for bona fide farming uses but only with a Special Land Use approval.

#### **SECTION 2.130 SWIMMING POOLS**

- A. Pools 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 (24) inches 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 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 shall not be constructed in the front yard or located closer than ten (10) feet to any rear or side property line.
- D. Each pool shall be enclosed by a fence or wall with a height of at least four (4) feet, including gates therein, sufficient to make such body of water inaccessible to small children. All gates must be self-latching with latches placed four (4) feet above the underlying ground or otherwise made in accessible from the outside to small children.
- E. All swimming pool installations shall comply with the State Construction Code and all standard codes referred to therein.
- F. No swimming pool 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 (300) feet 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**

Mechanical appurtenances, such as central air conditioning units and other similar devices, shall not be located nearer than ten (10) feet to any adjoining lot line or within thirty (30) feet 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 neighbor's properties.

#### **SECTION 2.160 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 (5) feet 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 manufacture's name.
  3. No dish antenna shall exceed a height of fifteen (15) feet, 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 Residential Districts or 78.74 inches or less 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, steam 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 (6) feet 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 NONCONFORMING USES, BUILDINGS OR STRUCTURES, AND LOTS**

- A. Continuance of Nonconforming 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 Nonconforming Structures, Buildings or Uses**

1. Nonconforming 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 nonconforming building or structure.
2. Any use of a building or structure which is nonconforming by reason of parking and loading provisions and which is thereafter made conforming or less nonconforming 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 nonconforming 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 nonconforming use and that all enlargements since the use became nonconforming are upon and limited to the same parcel on which the nonconforming 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 nonconforming 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 nonconforming 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 nonconforming 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 nonconforming building or structure prior to its damage or destruction.
4. In the event any nonconforming 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 nonconforming building.
  - b. If the destroyed nonconforming building is a residence and it is on a nonconforming 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 nonconforming use of a building, structure or of any land or premises shall not be:

- a. Changed to any other nonconforming 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 nonconforming 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 nonconforming use:
- a. Utilities such as water, gas and electricity to the property have been disconnected;
  - b. The property, buildings and grounds have fallen into disrepair;
  - c. Signs or other external indications of the existence of the nonconforming use have been removed;
  - d. Removal of equipment or fixtures which are necessary for the operation of the nonconforming 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 nonconforming use.
- E. Building or Structure Under Construction on Effective Date of Ordinance.
- Any building or structure shall be considered as an existing and lawful nonconforming 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 therefor, 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 thereunder or which violate the

applicable provisions of this Ordinance shall not be considered as nonconforming 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 (1/2) 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 a minimum of fifty (50) feet 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 (1/2) acre above the first five (5) acres. Provided that any pig pen or building or structure housing farm animals shall be a minimum of fifty (50) feet 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 (7 1/2) feet.
  - 2. The minimum width of any single family dwelling unit shall be twenty four (24) feet 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 (42) inches below grade. The foundation shall provide a maximum exposed foundation above grade of sixteen (16) inches and a minimum exposed foundation above grade of eight (8) inches.
  - 4. All dwellings without basements shall provide a crawl space below the entire floor of the dwelling four (4) feet in depth with a vapor barrier consisting of two (2) inches 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 (1) foot 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 (500) feet of the subject dwelling.
    - c. The pitch of the main roof of the dwelling unit shall not be less than three (3) feet of rise for each twelve (12) feet of horizontal run and shall have not less than a twelve (12) inch 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 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 (50) feet of lake, river, stream, or all tributaries frontage as measured along the normal high watermark of the lake, river, stream, or tributaries 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 (50) feet of lake, river, stream or tributaries frontage in such common lake, river, stream or tributaries front area, as measured along the normal high water mark line of the lake or stream.
- C. Any multi-unit residential development shall have not more than one (1) dock for each fifty (50) feet of lake or river frontage as measured along the normal high water mark of the lake or river 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 (50) feet, 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 ordinary high water mark of the lake or river; provided, however, that this subsection shall not apply to the following:
1. Any lawful dredging occurring on existing lake or river bottomlands that are lakeward or riverward of the ordinary high water mark of the lake or river.
  2. The lawful creation or enlargement of a pond which does not abut or connect into an existing lake. 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.
  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.
  4. The lawful dredging of an exiting canal or channel pursuant to applicable state laws and permit requirements, so long as such canal or channel is not enlarged or expanded.

## **SECTION 2.260 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 or road which provides or is intended to provide the primary means of ingress and egress to two (2) or more parcels or two (2) or more principal buildings, dwelling units or structures or combination thereof whether created by a private right-of-way agreement, license joint ownership, easement or prescription. Any and all extensions, additions or 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 permanent access easement: or
  - b. 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.
4. “Road Commission” means the Newaygo County Road Commission.

**C. Permits Required**

1. 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 Building Inspector, the permit fee established by the Township Board has been paid, a Special Land Use approval by the Planning Commission has occurred, and a permit has been issued by the Township Board. The application for such permit shall provide 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 Building Inspector 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 (20) feet 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, wetlands and drains within the proposed right-of- way or within one hundred (100) feet thereof.
  - f. The location of any other buildings and structures located or to be located within one hundred (100) feet of the private road right-of-way.
  - g. A proposed maintenance agreement as required in this Section.
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 private road permit has been issued by the Planning Commission and 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 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 Special Land Use approval has occurred and 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 for Private Roads: No private road construction permit shall be issued unless the plans, maintenance agreement and proposed construction comply with the standards 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 (66) feet. 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 (28) feet, which shall always be maintained.
  3. The traveled portion of the private road shall be at least twenty two (22) feet wide and shall have a minimum subbase of twelve (12") inches of sand and six (6") inches of finished compacted gravel (no. 22A) on the top thereof.
  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 (6") inches of compacted gravel shall be provided on each side of the private road surface with a minimum width of two (2) feet, 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 the Township Engineer, 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 vehicle turn around either by use of a cul-del-sac, with minimum radius of forty (40) feet, 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 (4,000) feet 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 determined by the Township Engineer. The minimum distance between intersections of public and/or private road rights-of-way shall not be less than three hundred (300) feet 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 requirements of the Township Engineer and any other agency having jurisdiction thereof.
11. The private road shall be given a name and street signs shall be installed in accordance with the standards and approval of the Newaygo County Road Commission. The private road addresses shall be posted in a conspicuous place at the entrance to the private road (at the intersection with the public road) in letters at least three (3") inches high. Private roads serving two (2) or more dwellings shall have a standard stop sign where the private road abuts the public road.
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 serving from three (3) up to five (5) parcels and/or principal buildings, shall meet the minimum standards set forth in Section 2.260D except for the following:
  - a. Adequate provision shall be made for drainage through a system satisfactory to the Township Engineer.
14. Private roads servicing or intended to service six (6) or more parcels or principal buildings, or combinations thereof shall meet the minimum standards set forth in Section 2.260D except for the following:

- a. The private road shall be paved with a minimum of one and three-quarters (1-3/4) inches 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 (26) feet.
  15. 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 from 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 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 2.260D 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 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 Engineer 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 by the Zoning Ordinance for the zoning district within which the 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 principal buildings, dwellings, parcels or structures, 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 principal buildings, dwellings, parcels or structures are created, built or erected 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 buildings are created or constructed 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 principal buildings, dwellings, parcels, or structures provided access thereby, were constructed or created 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.

#### **SECTION 2.270 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 (4") inches 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 (20) foot setback shall be maintained from the recreational vehicle to the edge of the street pavement or curb: or, if a sidewalk exists, the twenty (20) foot 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 2.280 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 2.270.

#### **SECTION 2.290 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) 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 equipments or machinery, unless parked thereon while in use in construction being conducted on such lot.

### **SECTION 2.300 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 2.310 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 2.320 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 (1) foot between finished grade level and flood level cannot be maintained. Filling to bring to grade level is not permitted.

### **SECTION 2.330 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 be 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 2.320, 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.

Services Provided	Lot/Area Requirements		Lot Requirements			Yard Requirements (Ft.)		
	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	20	
Either community or public sanitary sewer		8,000	70	30%	25	10	20	

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 2.330E4.
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 percent (60%) 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%

- (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

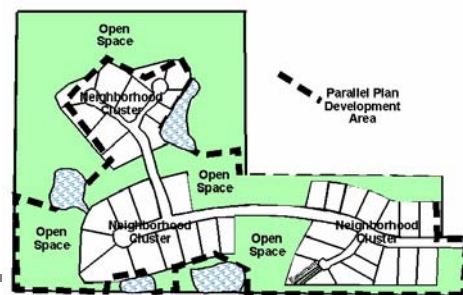
following considerations and requirements:

- 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 (150) feet 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 (200) feet 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 (200) foot 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 (100) feet 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 (100) feet without a screen. No native or natural vegetation shall be removed from the one hundred (100) foot 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.
- 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 2.340 LOT COVERAGE**

Except as expressly permitted otherwise in this Ordinance, no more than fifty (50%) percent 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 (30%) percent of any lot in any zoning district shall be covered by buildings.

**SECTION 2.350 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 2.360 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 2.370 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, “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 2.380 EXCAVATION AND CONSTRUCTION EQUIPMENT**

Except where permitted within the LI - Light Industrial, HC - Highway Commercial, 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 uses 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 2.390 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 stormwater runoff and drainage matters.

### **SECTION 2.400 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 2.410 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 2.420 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 2.430 ADDRESS NUMBERS**

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