

MENOMINEE COUNTY PLANNING COMMISSION
S904 U.S. Highway 41, Stephenson, MI 49887
(906) 753-2209 (888) 678-3464 Ext. 63666 Fax (906) 753-2200

AGENDA
Regular Meeting
Thursday, April 8th, 2010
Menominee County Annex
6:00 p.m.

- A. Call to order
- B. Pledge of Allegiance
- C. Roll Call
- D. Public Comment *(statements, not debate, limited to five minutes per person on agenda items only)*
- E. Approval of the Agenda

Motion: _____ *Seconded:* _____

- F. Approval of Previous Minutes from March 19th, 2010:

Motion: _____ *Seconded:* _____

- G. Old Business:

- a. Cedarville Township Zoning Ordinance changes.
- b. Discussion of the 2003 Comprehensive Plan.
- c. Discussion of the 2008 Planning Commission Ordinance revisions.

- H. New Business:

- a. Next meeting date.

- I. Public Comment

- J. Motion to Adjourn:

Motion: _____ *Seconded:* _____

MENOMINEE COUNTY PLANNING COMMISSION
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Regular Meeting Minutes
March 19, 2010
6:00 P.M.

Chairperson Schultz called the meeting to order at 6:00 p.m. Pledge of Allegiance was recited. Roll call was as follows- **Present:** Mike Erdman, Lillian Schultz, Cheryl Hargrove, Jason Lauzer, County Commissioners Gary Eichhorn and James Furlong and County Administrator Brian Bousley. **Absent:** Rosalie Naser

There was no public comment.

In attendance: Kandace Curran, Tony Williams, and Dave Preston.

A motion was made by Commissioner Eichhorn to approve the agenda with additions, seconded by Hargrove. Motion approved unanimously.

A motion by was made by Hargrove to approve minutes of the February 18th, 2010 regular meeting, seconded by Lauzer. Motion approved unanimously.

Old Business: The 2003 Menominee County Comprehensive Plan revision options were discussed. The Planning Commission can request funds from the Menominee County Board to have CUPPAD complete the necessary revisions, or the Planning Commission can make the initial changes themselves and wait until the Completion of the 2010 Census for the correct figures and make the final changes when the Census numbers are available.

The 2008 Planning Commission Ordinance was reviewed and revisions were made to Section 102. Membership. Part A. #2 "The County of Menominee" replaced the wording of "local unit of government". #3 and #4 were completely removed from the draft.

A motion was made by Commissioner Eichhorn to allow Erdman to make those changes and send to Planning Commission members for approval without a formal meeting and to forward to the Menominee County Board for Committee of the Whole meeting in April, seconded by Lauzer. Motion approved unanimously.

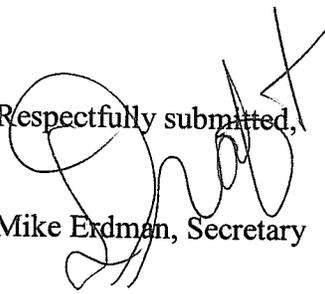
New Business: CUPPAD will be contacted again to have them send a workable disk. Erdman reviewed the county statistics for mortgage delinquencies and foreclosures. The Planning Commission budget was discussed.

Next meeting date will be Thursday, April 8th, 2010 at the Annex 6:00 p.m.

Public Comment: Tony Williams and Dave Preston were present representing the Cedarville Township Zoning Board. There was not enough information for the Board to complete the approval process. Dave will make sure he gives the information to the Planning Commission for the April meeting.

Commissioner Eichhorn made a motion to adjourn at 6:53 p.m., seconded by Lauzer. Motion approved unanimously.

Respectfully submitted,


Mike Erdman, Secretary

MENOMINEE COUNTY PLANNING COMMISSION
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(906) 753-2209 (888) 678-3464 Ext. 63666 Fax (906) 753-2200

March 30, 2010

I, Lillian Schultz, have read the recent changes to the Menominee County Planning Commission Ordinance and agree to the changes that have been made.

Please forward the Ordinance to the Menominee County Board of Commissioners for approval.

Thank you,



Lillian Schultz
Chairperson, Menominee County Planning Commission

Michael D. Erdman

From: Michael D. Erdman [erdmanm@msu.edu]
Sent: Wednesday, March 24, 2010 1:35 PM
To: erdmanm@msu.edu
Subject: Revised Planning Commission Ordinance

To: Menominee County Planning Commission

I have reviewed the Planning Commission ordinance and approve its contents to be forwarded to the Menominee County Board.

Michael D. Erdman Ph.D.
Menominee County Extension Director
Michigan State University
S904 US 41
Stephenson, MI 49887
Telephone: 906.753.2209/888.678.3464 Ext. 63666
FAX: 906.753.2200
Email: erdmanm@msu.edu

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Michael D. Erdman

From: The Nasers [rosalien@chartermi.net]
Sent: Wednesday, March 24, 2010 9:40 AM
To: erdmanm@msu.edu
Subject: Planning Commission Ordinance

March 24, 2010

TO WHOM IT MAY CONCERN:

I have reviewed the revised edition of the Menominee County Planning Commission Ordinance and approve of its contents. Therefore, I am voting in favor of the above ordinance in its entirety.
Thank you.

Respectfully submitted,
Rosalie Naser
Menominee County Planning Commission Board Member

Michael D. Erdman

From: Cheryl Hargrove [cherylhargroverealtor@yahoo.com]
Sent: Wednesday, March 24, 2010 10:35 AM
To: erdmanm@msu.edu
Subject: Ordinance

Mike,

I have received the corrected copy of the Menominee County Planning Commission Ordinance. I see no problems with it.

We were talking about the length of time we have, 3 months after adoption of this ordinance the current commission members terms will end and the board will have to appoint new members. It was discussed about whether the old board or the new board would appoint the members.

On page 4 of 6 Number 108 it states " Nothing herein shall prevent the County Board from appointing current members of the Commission if the individual was nominated pursuant to section 102.D of this ordinance." I take that to mean instead of going thru the long procedure of looking for new members that late in the year they could just appoint the same members we have now until Feb when Number 105 could be done. That's when the County Clerk could send out letters first to all the organizations to solicit nominations for each office and see what we get. Maybe I am reading it wrong but if it could be done it would be a quick way to continue on until Feb of the next year.

Cheryl Hargrove

MSUE Menominee County

From: James Furlong [ltjfurlong@hotmail.com]
Sent: Monday, March 22, 2010 6:30 PM
To: msue55@msu.edu
Subject: RE: Please respond to erdmanm@msu.edu in receipt and approval of this Ordinance to forward to County Board for Approval/Denial.

It looks good to me, send it on!

James

From: msue55@msu.edu
To: cherylHargroveRealtor@yahoo.com; geichhorn3@hotmail.com; jlauzer@gmail.com; LTJFurlong@hotmail.com; rosalien@charter.mi.net
Subject: Please respond to erdmanm@msu.edu in receipt and approval of this Ordinance to forward to County Board for Approval/Denial.
Date: Mon, 22 Mar 2010 11:00:22 -0500

The New Busy is not the old busy. Search, chat and e-mail from your inbox. [Get started.](#)

MSUE Menominee County

From: Gary Eichhorn [geichhorn3@hotmail.com]
Sent: Friday, March 26, 2010 9:43 PM
To: msue55@msu.edu
Subject: RE: Please respond to erdmanm@msu.edu in receipt and approval of this Ordinance to forward to County Board for Approval/Denial.

Mike its looks fine Gary Eichhorn

From: msue55@msu.edu
To: cherylHargroveRealtor@yahoo.com; geichhorn3@hotmail.com; jlauzer@gmail.com; LTJFurlong@hotmail.com; rosalien@charter.mi.net
Subject: Please respond to erdmanm@msu.edu in receipt and approval of this Ordinance to forward to County Board for Approval/Denial.
Date: Mon, 22 Mar 2010 11:00:22 -0500

Hotmail has tools for the New Busy. Search, chat and e-mail from your inbox. [Learn More.](#)

Kandace Curran

From: Jason Lauzer [jlauzer@gmail.com]
Sent: Wednesday, March 31, 2010 8:04 AM
To: MSUE Menominee County
Subject: Re:

I got this email!!!! Looks okay to me.

Thanks.

Jason

On 3/31/10, MSUE Menominee County <msue55@msu.edu> wrote:

>
>
>

Original language with proposed changes in Red

Section 401 Height, Bulk and Placement Regulations

Schedule of Regulations						
District	Minimum Lot Size	Minimum Lot Width (Feet) ^A	Setback (Feet)			Maximum Height (Feet)
			Front	Side	Rear	
FR	1 acres	100	30 ^B	20 ^B	35 ^C	30
RR	1 acres	100	30	20 ^B	30 ^C	30
LS/R	1/2 acre	100	30	10% ^B	50 ^D	30
TD/C	20,000/ None	10%/ None	30/ 10%	30/10% ^B	30/10% ^C	40
AF	1 acres	100	40	30	30	50
I	1 acres	150	40	E	30	F

Section 403 Right-of-Way

A. Where the right-of-way is established under the McKnitt Act (P.A. 130 of 1931 as amended) and varies from the standard 66 feet of width, the setback shall be not less than 63 feet from the centerline of the roadway.

Delete in entirety.

B. Principal buildings and structures located on property abutting the M-35 state trunk line right-of-way shall be located a minimum of 20 feet from said right-of-way.

Delete in entirety.

Replace with: Setbacks shall be calculated from the edge of the right-of-way or property line, whichever preserves the right-of-way.

Section 417 Off Street Parking Regulations

A. There shall be provided off_street parking for motor vehicles, and the minimum number of parking spaces to be provided is shown in the following list:

<u>Use</u>	<u>Spaces Required</u>
Single and two_family dwellings, recreational structures	2 per dwelling unit
Rooming houses, fraternities, sororities, dormitories, convalescent homes, and housing for the elderly	.4 times maximum lawful number of occupants
Hotels and motels	1.2 per room in addition to spaces required for restaurant facilities
Apartments and townhouses	2 per dwelling unit
Churches, theaters, facilities for spectator sports, auditoriums, concert halls	.35 times the seating capacity
Golf courses	7 per hole
Barber shops and beauty parlors	2 plus 1.5 per chair
Bowling Alleys	5 per lane in addition to spaces required for restaurant facilities
Child-Care Facility	2 per dwelling unit plus .3 per child
Fast food take_out establishments drive_in restaurants	.01 times floor area and square feet
Restaurants (except drive_ins), bars, and taverns	1.2 per 100 sq. ft. of floor space
Furniture and appliance stores	.3 per 100 sq. ft. of floor space
Household equipment, carpet and hardware stores, repair shops including shoe repair, contractor's showrooms and others, museums and galleries	1.2 per 100 sq. ft. of floor space
Funeral parlors	1 per 50 sq. ft. of floor space
Gas stations	1 per pump plus 2 per lift (in addition to stopping places adjacent to pumps)
Automotive Service Center	1 per employee plus 2 per service bay

<u>Use</u>	<u>Spaces Required</u>
Laundromats	.5 per washing machine
Doctor's and dentist's offices	1 per 100 sq. ft. of waiting room area and 1 per doctor or dentist
Banks	1 per 150 sq. ft. of floor space
Warehouses	1 per 500 sq. ft. of floor space
Retail stores and service establishments	1 per 150 sq. ft. of floor space and outdoor sales space
Offices	1 per 300 sq. ft. of floor space
Other business and industrial uses	.75 times maximum number of employees on premises at any one time

Changes: Delete in its entirety.

- B. In the case of multiple businesses located on the same parcel, the predominate or principal business will be used to calculate off-street parking requirements.**
Changes: Delete in its entirety.
- C. Where calculation in accordance with the foregoing lists results in requiring a fractional space, any fraction less than one half shall be disregarded and any fraction of one half or more shall require one space.**
Changes: Delete in its entirety.
- D. Required off street parking shall be provided on the lot to which it pertains. Access drives may be placed in the required front, side or rear yards so as to provide access to accessory or attached structures. Further, any walk or other pavement serving a like function shall not be considered a structure and shall be permitted in any required yard.**
Changes: Delete in its entirety.
- E. The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the parking of motor vehicles is prohibited. For recreational and residential storage facilities and warehousing, loading areas shall be provided adjacent to the openings of the buildings. In no case shall these loading areas including access lanes be less than 26 feet wide when loading occurs on one side of the lane nor less than 30 feet wide when loading would occur from both sides.**
Changes: Delete in its entirety.

F. The following minimum design standards shall be observed in laying out off-street spaces and providing access lanes to each space. Layouts requiring vehicles to back out onto roads or streets are prohibited. Changes: Delete in its entirety.

Parking Angle	Stall Width	Aisle Width	Parking Stall Length	Curb to Curb
0° to 15°	9 ft.	12 ft.	23 ft.	30 ft.
16° to 37°	9 ft.	11 ft.	18 ft.	47 ft.
38° to 57°	9 ft.	13 ft.	18 ft.	54 ft.
58° to 74°	9 ft.	18 ft.	18 ft.	61 ft.
75° to 90°	9 ft.	24 ft.	18 ft.	63 ft.

Changes: Delete in its entirety.

Section 418 Required Planting Screens

Changes: Required Planting and/or Fencing Screens

- A. In the Town Development/Commercial (TD/C) and Industrial (I) Districts, wherever any parking lot, trash collection, outdoor storage, merchandising, or service area lies within 50 feet of any Rural Residential, Lakeshore and River, or Forest and Recreation District or adjoins a residential dwelling within the TD/C, LS/R, or I Districts, a planting screen of sufficient length to interfere with the view thereof from the adjoining property shall be required except where the view is blocked by a change in grade or other natural or man-made features. Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, a six (6) foot high fence whether it be an opaque wooden fence, a chain link fence with interwoven slats, or a masonry wall may be substituted.**

Changes: Add at the end: Planting and/or fence screenings shall be in place within one year of occupancy.

- B. Planting Screen Specifications. All planting screens required by this Ordinance shall consist of plants, at least 30 inches high when planted, maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of five feet.**

Changes: Delete in its entirety.

- C. Plant materials shall be permitted only upon certification to the Zoning Administrator that the proposed plantings can be expected to thrive and provide screening and will create no nuisance or hazard.**

Changes: Delete in its entirety.

- D. Parking Lot Planting. Where the provision of off street parking for 50 or more vehicles is required, there shall be landscaped open space within the perimeter of the parking area, or areas, in the minimum amount of 18 sq. ft. for each parking space, which shall be so located that no parking space is more than 120 feet from a portion of the landscaped open space required by this Section. Landscaped open space required by this Section shall be kept continuously planted with living vegetation. The required landscaped open space need not be contiguous, but there shall be at least one tree in each separate area. Trees shall be maintained in a healthy condition, and shall not be pruned, except to remove dead wood, in such a manner as to prevent growth to a height of at least 15 feet or to reduce existing height below 15 feet. All plant materials shall be kept pruned to maximize visibility through them between the heights of three and eight feet except where located so as to create a hazard to drivers or pedestrians.**

Changes: Delete in its entirety.

- E. Time of Completion of Plantings. All plantings required by this Ordinance shall be installed prior to occupancy or commencement of use. Where compliance is not possible because of the season of the year, the Zoning Administrator shall grant an appropriate delay. Any Zoning Compliance Permit may be revoked, after 30 days written notice to the person assessed for taxes on the affected lot and to the occupant, whenever plantings are not maintained as required in this Ordinance.**

Changes: Delete in its entirety.

Section 502 Residential District Regulations for Signs

Within all districts allowing residential uses as a permitted principal use, signs shall be permitted as follows:

- A. One sign to announce the sale or rent of property whose area shall not exceed six (6) square feet.**
- Changes: Delete in its entirety.
- B. Churches shall be permitted a total sign area of 20 square feet. The total sign area may be divided into two signs: one identification sign and one bulletin board.**
- Changes: Delete in its entirety.
- C. One sign per vehicle entrance which identifies a platted subdivision development or mobile home park not exceeding 32 square feet and eight feet in height.**
- Changes: Delete in its entirety.
- D. Multiple dwellings and nursing homes shall be permitted one identification sign not to exceed 12 square feet and eight feet in height.**
- E. One sign shall be permitted to advertise a home occupation not to exceed six (6) square feet and shall not be illuminated or have working parts. The sign shall not exceed a height of five feet. It may be attached flush to the building or placed to the front of the lot or parcel and shall not detract from the visual appearance of the neighborhood. The sign shall not materially obstruct the vision of motorists on adjacent streets or vision of motorists entering any street or other public roadway or private driveway.**

Changes: Amend the first two sentences to read: One sign shall be permitted to advertise a home occupation not to exceed six (6) square feet and shall not be illuminated past 10:00 p.m. CST. The sign shall not to exceed a height of eight (8) feet...

- F. **Signs permitted by this Section are exempt from the setback requirements of Section 401. Signs, however, shall not be located on the right-of-way and shall not interfere with traffic visibility.**

Section 503 Town Development/Commercial District Sign Regulations

- A. **Signs are permitted in the Town Development/Commercial (TD/C) District on parcels that are already developed. Free-standing (ground) signs are permitted having an area not exceeding six (6) square feet for each ten (10) feet or fraction of frontage, or sixty (60) square feet for each acre or fraction of area of the developed premises, whichever is larger. Where a premise has more than one occupant, the permitted sign area shall be divided among them in the same proportion as floor space and outdoor sales as occupied by them.**

Changes: Delete in its entirety.

- B. **Signs shall be subject to the following setback requirements; minimum of five (5) feet setback when the right-of-way width from the centerline of the road to the property line is less than fifty (50) feet; and may be located at the lot line when the right-of-way width from the centerline of the road to the property line is greater than fifty (50) feet. Setback measurement shall be from the right-of-way to the closest part of the sign, whether it be at or above grade. The maximum height for signs in the Town Development/Commercial District shall be forty (40) feet.**

Changes: Amend to read: Signs shall be subject to the following setback requirement: one (1) foot. Setback measurements shall be from the right-of-way to the closest part of the sign., whether it be at or above grade. The maximum height for signs in the Township Development/Commercial District shall be forty (40) feet.

Section 504 Industrial District Sign Regulations

- A. **In the Industrial District, on-premise signs are permitted having a sign area not exceeding one hundred (100) square feet. Double faced or V-type signs shall have a maximum of one hundred (100) square feet for each side. All signs shall be at least three hundred (300) feet apart and shall maintain a forty (40) foot setback. The maximum height for signs in the Industrial District shall be fifteen (15) feet.**

Changes: Delete in its entirety.

Section 505 Agriculture and Forest District Sign Regulation

- A. **Where a farm or other agricultural operation is permitted within the Agriculture and Forest District, the total area shall not to exceed twenty (20)**

square feet to advertise agricultural goods or other items for sale at that location. Changes: Delete in its entirety.

Section 506 Cluster Sign Regulations

- A. A sign that lists and identifies a number of institutions, organizations, churches and/or businesses which contain the names, locations, hours, products sold, services offered, announcement of events or similar messages is permitted in all zoning districts. A cluster sign at one location shall have a maximum sign area of sixty (60) square feet. The cluster sign must be maintained by either the Township or recognized civic organization or churches.

Changes: Delete in its entirety.

Section 508 Temporary Signs

- A. Signs which are intended to identify or advertise a non-profit annual or one time event or occurrence, such as a fair or other event of general public interest, shall be permitted for a period not to exceed two months provided that the sign is not contrary to the spirit and purpose of this Ordinance and shall conform to all size limitations set forth by this Ordinance. The applicant is responsible for both the erection and removal of all signs. All signs must be removed no later than 10 days after the end of the event.

Changes: Replace the word "applicant" to "landowner/s and/or sign owner/s" in the 2nd to last sentence and insert the proper verb usage "is/are."

Section 511 Lighting of Signs

- A. No lighted signs shall be permitted within the Rural Residential Districts. No strobe blinking or other pulsating lights shall be permitted in any district. No sign shall be lighted so as to create a traffic hazard or to adversely affect neighboring land uses. No sign may be lighted to such an intensity or in such a manner that it creates a public nuisance or adversely affects the public health, safety, or general welfare.

Changes: Amend to read: No sign may be lighted to such intensity or in such a manner a manner that it creates a public nuisance or adversely affects the public health, safety, or general welfare.

Changes with new language inserted in Red

Section 401 Height, Bulk and Placement Regulations

Schedule of Regulations						
District	Minimum Lot Size	Minimum Lot Width (Feet) ^A	Setback (Feet)			Maximum Height (Feet)
			Front	Side	Rear	
FR	1 acres	100	30 ^B	20 ^B	35 ^C	30
RR	1 acres	100	30	20 ^B	30 ^C	30
LS/R	1/2 acre	100	30	10% ^B	50 ^D	30
TD/C	None	None	10%	10% ^B	10% ^C	40
AF	1 acres	100	40	30	30	50
I	1 acres	150	40	E	30	F

Section 403 Right-of-Way

Setbacks shall be calculated from the edge of the right-of-way or property line, whichever preserves the right-of-way.

Section 417 Required Planting and/or Fencing Screens

- A. In the Town Development/Commercial (TD/C) and Industrial (I) Districts, wherever any parking lot, trash collection, outdoor storage, merchandising, or service area lies within 50 feet of any Rural Residential, Lakeshore and River, or Forest and Recreation District or adjoins a residential dwelling within the TD/C, LS/R, or I Districts, a planting screen of sufficient length to interfere with the view thereof from the adjoining property shall be required except where the view is blocked by a change in grade or other natural or man-made features. Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, a six (6) foot high fence whether it be an opaque wooden fence, a chain link fence with interwoven slats, or a masonry wall may be substituted. Planting and/or fence screenings shall be in place within one year of occupancy.

Section 418 Fence Regulations

Section 419 Junkyards and Salvage Yards

Section 502 Residential District Regulations for Signs

Within all districts allowing residential uses as a permitted principal use, signs shall be permitted as follows:

- A. Multiple dwellings and nursing homes shall be permitted one identification sign not to exceed 12 square feet and eight feet in height.
- B. One sign shall be permitted to advertise a home occupation not to exceed six (6) square feet and shall not be illuminated past 10:00 p.m. CST. The sign shall not to exceed a height of eight (8) feet. It may be attached flush to the building or placed to the front of the lot or parcel and shall not detract from the visual appearance of the neighborhood. The sign shall not materially obstruct the vision of motorists on adjacent streets or vision of motorists entering any street or other public roadway or private driveway.
- C. Signs permitted by this Section are exempt from the setback requirements of Section 401. Signs, however, shall not be located on the right-of-way and shall not interfere with traffic visibility.

Section 503 Town Development/Commercial District Sign Regulations

- A. Signs shall be subject to the following setback requirement: one (1) foot. Setback measurements shall be from the right-of-way to the closest part of the sign, whether it be at or above grade. The maximum height for signs in the Township Development/Commercial District shall be forty (40) feet.

Section 504 Signs for Conditional Use

- A. In granting a conditional use permit, the zoning board shall stipulate the maximum sign area, setback requirements, location, sign height and other requirements of a sign or signs on the parcel.

Section 505 Temporary Signs

- A. Signs which are intended to identify or advertise a non-profit annual or one time event or occurrence, such as a fair or other event of general public interest, shall be permitted for a period not to exceed two months provided that the sign is not contrary to the spirit and purpose of this Ordinance and shall conform to all size limitations set forth by this Ordinance. The landowner/s and/or sign owner/s is/are responsible for both the erection and removal of all signs. All signs must be removed no later than 10 days after the end of the event.

Section 506 Construction Signs

Section 507 Exempt Signs

Section 508 Lighting of Signs

- A. No sign may be lighted to such intensity or in such a manner that it creates a public nuisance or adversely affects the public health, safety, or general welfare.

Section 509 Maintenance of Signs

Section 510 Nonconforming Signs

Change the word principal in the document to principle

Original Document
With 2008 changes
Document 1

Article IV: GENERAL REGULATIONS

Section 401 Height, Bulk and Placement Regulations

- A. Except as otherwise specifically provided in this Ordinance, no lot or parcel shall be created and no structure shall be erected or maintained except in compliance with the Schedule of Regulations specified below. Any sale of land in violation of this section shall be voidable at the option of the purchaser and shall subject the seller thereof to the forfeiture of any and all consideration received or pledged for the land. The purchaser may take additional action to recover any damages sustained. These remedies shall not preclude enforcement by the Zoning Administrator.

Schedule of Regulations						
District		Minimum Lot Width (Feet) ^A	Setback (Feet)			Maximum Height (Feet)
			Front	Side	Rear	
FR	1 acre	100	30 B	20 B	35 C	30
RR	1 acre	100	30	20 B	30 ^C	30
LS/R	1/2 acre	100	30	10%	50 ^B	30
TD/C	20,000 sq ft	100	30	30 B	30 ^C	30
AF	1 acre	100	40	30	30	30
I	1 acre	150	40	E	30	F

Footnotes to the Table:

- A. Lot width shall be measured at front setback line and shall not include any encumbrances, such as easements or other such restrictions.
- B. An accessory building or structure may be located 6 feet from a side lot line.
- C. An accessory building or structure in the FR, RR and TD/C Districts may be located twenty (20) feet from a rear lot line.
- D. The rear lot line setback shall be measured from the high water mark.
- E. All structures shall be provided with access to their rear yard, with a minimum of thirty (30) feet clear and unobstructed access way or easement. Setbacks from the existing residential parcels shall be: 50 feet for all buildings; 25 feet for driveways, entrances or exits; and 10 feet for parking areas.
- F. Height at any point on a structure shall not exceed the horizontal distance to any lot line.

- B. The determination of lot size when adjoining a road shall be made as if the road was a part of the lot in question. For example, a 20 acre parcel fronting on a road will lose approximately one-half acre in the road right-of-way. This will then make the parcel size 19.5 acres, however, it will still conform to the 20 acre minimum lot size requirement.

Section 402 Waterfront Development

- A. **Setbacks from Inland Waters and Rivers** - All structures on lots abutting any body of water, as defined in Act No. 346 of the Public Acts of 1972, including, but not limited to, inland lakes, rivers, streams, and impoundments, shall maintain a minimum setback of 30 feet as measured from the high water mark.
- B. **Setbacks from Lake Michigan Water** - Structures on lots located within the High Risk Erosion Area shall be subject to requirements in Section 404.
- C. **Shore and Bank Area Alterations** - The part of that setback which lies within 30 feet of the water edge shall be maintained in its natural condition. Trees and shrubs in a space 50 feet wide may be trimmed or pruned for a view of the fronting waters and for access thereto. No change shall be made in its natural grade. A lot shall be regarded in its natural condition when there is at least one tree or shrub having a height of at least 15 feet for each 75 square feet of area there of in wooded areas or sufficient natural ground cover in open areas.
- D. **Limitation of "Funnel Development"** - Any development in any zoning district which shares a common lake front or stream area may not permit more than one (1) single family home, cottage, condominium or apartment unit to the use of each one hundred (100) feet of lake or stream frontage in such common lake-front or stream area as measured along the water's edge of normal high water mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream frontage to preserve the quality of the waters, avoid congestion, and to preserve the quality of recreational use of all waters and recreational lands within the Township. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease. This restriction shall not apply to an official public access site.

Section 403 Right-of-Way

A. Where the right-of-way is established under the McKnitt Act (P.A. 130 of 1931 as amended) and varies from the standard 66 feet of width, the setback shall be not less than 63 feet from the centerline of the roadway.

B. Principal buildings and structures located on property abutting the M-35 state trunkline right-of-way shall be located a minimum of 20 feet from said right-of-way.

Section 404 High Risk Erosion Area Regulations

Within the designated High Risk Erosion Area of Lake Michigan, as determined by the Michigan Department of Environmental Quality, permanent buildings (such as residential, commercial, industrial, or institutional buildings), mobile homes, accessory and related buildings, septic systems, tile field, and other waste handling facilities shall be erected within the designated High Risk Erosion Area only after a permit is received under the high risk erosion area program. All land use shall be consistent with other regulations and sections of the zoning ordinance. Zoning permits shall be withheld until a State permit under the high risk erosion area program is issued.

Section 405 Minimum Building Floor Area

A. Every single/two-family dwelling, excluding recreational structures, shall have a floor area of not less than 720 square feet, exclusive of unfinished basements, garages, porches and breezeways. Every unit in a multiple family dwelling shall have a minimum floor area of at least 400 square feet. Every recreational structure shall have a floor area of not less than 400 square feet, exclusive of unfinished basements, garages, porches and breezeways. The maximum ground cover ratio for all structures in a multiple family development shall be 60 percent.

Section 406 Accessory Buildings and Uses

Where a lot is devoted to a permitted principal use, customary accessory uses and buildings are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:

A. An accessory building, including carports, attached to the principal building shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered livable floor space.

- B. All accessory buildings shall not be closer than ten (10) feet to any other structure on the lot.
- C. An accessory building shall not be located within a road right-of-way.
- D. An accessory building is permitted to be located within the front yard.

Section 407 Accessory (Echo) Housing

- A. It is the intent of the Township of Cedarville to allow for accessory housing units where because of advancing age, illness, or death of a spouse or other family member assistance or companionship is needed. The individual requiring the assistance may reside in either a separate housing units as permitted by this Ordinance, or separate apartment within the principal dwelling unit.
- B. Accessory housing units may be permitted in all districts, except Industrial, upon issuance of a Conditional Use Permit.
- C. No alteration, conversion, construction or placement of an accessory housing unit shall take place without the acquisition of a building permit. The construction or placement of a separate structure, as an accessory housing unit shall meet all applicable setback and height requirements for a principal building.
- D. The accessory housing unit may continue as long as medical or other reason for allowing the accessory housing exists.
- E. Upon cessation of the medical or other condition, a mobile home placed as an accessory housing unit shall be removed from the property within 12 weeks or be made part of the principal residence.
- F. Upon issuance of a Conditional Use Permit for an accessory housing unit, the Zoning Board shall stipulate the final disposition of a non-mobile home structure.

Section 408 Home Occupation

Home occupations shall be subject to the following regulations:

- A. A use and/or occupation conducted on the premises whether within the main residential dwelling or an accessory building, for income production, which is clearly incidental and secondary to the residential occupancy.
- B. Home occupations may employ onsite those members of the household residing on the premise and not more than a total of two individuals

whether they be employees, contractors, and/or sub-contractors not from the resident household involved in the operations of the home occupation or in an ongoing supporting operation of the home occupation. Offsite employees, contractors, and/or sub-contractors shall not negatively impact upon the neighboring properties of the home occupation..

C. There shall be no physical evidence detectable by the general public indication a business, other than the approved signage.

D. One approved sign advertising the home occupation shall not exceed six (6) square feet and shall not be illuminated nor have working parts. The sign shall not exceed a height of five feet. The sign may be located within the front yard setback but located not to materially obstruct the vision of motorists on adjacent streets or vision of motorists entering any street or other public way open to vehicular traffic from an adjacent driveway.

Section 409 One Principal Structure or Use Per Lot

A. No more than one principal structure or use may be permitted on a lot, unless specifically provided for elsewhere in this Ordinance.

Section 410 Garage Sales

A. Garage sales at residences are permitted on an intermittent basis in all zoning districts. Garage sales are not considered to be a Home Occupation.

Section 411 Temporary Farm Stand

A. A temporary farm stand for the display and retail sale of farm products is permitted in Districts FR, RR, LS/R, TD/C, AF and RR. Said farm stands are subject to the following requirements: only operated during daylight hours, maximum total floor area is 320 square feet, off-street parking for minimum of four vehicles, and are located a minimum of five feet from the road right-of-way.

Section 412 Variance of Requirements for Lots of Record

- A. Minimum lot size and lot width regulations do not apply to any nonconforming parcel of land shown as a lot in a map recorded with the County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgement of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described. No vested right shall arise to the property owner for any parcel created in violation of any preceding Cedarville Township Zoning Ordinance. When a nonconforming lot is held in common ownership with abutting parcel(s) of land, the two or more parcels shall be considered combined to reduce or eliminate the non-conformity.

Section 413 Allocation and Reduction of Lot Area

- A. No portion of a lot shall be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.
- B. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the stated minimum requirements. Yards or lots created after the effective date of this Ordinance shall meet at least the established minimum requirements.

Section 414 Height Requirement Exceptions

- A. The following are exempted from height limit requirements, provided that no portion of the excepted structure may be used for human occupancy:
1. Those purely ornamental in purpose such as church spires, belfries, domes, ornamental towers, flagpoles and monuments;
 2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, radio towers, television antennas and satellite dishes, wire transmission structures, and cooling towers. Any commercial communication tower shall be so located that the distance from the base of the tower to the nearest property line shall be either equal to the height of the structure plus the setback in that district or the radius of the collapse/failure zone as certified by a structural engineer plus the setback in that district.
 3. Public utility structures; and
 4. Agriculture related structures such as barns, silos, elevators and the like.

Section 415 Use of Yard or Open Space

- A. In Districts RR, LS/R and TD/C, it is prohibited to use the open space surrounding a dwelling for the open air parking, disposition, storage, wrecking, dismantling, accumulation or abandonment, either temporary or otherwise, of disused, discarded, worn out, wrecked, or dismantled vehicles, machinery, implements, apparatus, furniture, appliances, junk, or any other personal property.
- B. A maximum of two unlicensed and temporarily disabled vehicles may be stored in all districts on the premises provided they are screened from adjacent residences and the road.

Section 416 Recreational Vehicle Use and Storage

- A. Any recreational vehicle having a valid state license/ registration may be used as a principal structure for a period not exceeding consecutive 30 calendar days. Persons using a recreational vehicle for such use must register with the Zoning Administrator. Vehicles remaining unattended must have the owner's name, address and telephone number visibly placed on the vehicle.
- B. The parking and/or storage of recreational vehicles: snowmobiles, motorcycles, scooters, 3 and 4 wheelers and other similar vehicles (whether on trailers or not) and boats, are permitted in front, side and rear yards provided setbacks are met as they pertain to accessory buildings.

Section 417 Off-Street Parking Requirements

- A. There shall be provided off_street parking for motor vehicles, and the minimum number of parking spaces to be provided is shown in the following list:

<u>Use</u>	<u>Spaces Re- quired</u>
Single and two-family dwellings, recreational structures	2 per dwelling unit
Rooming houses, fraternities, sororities, dormitories,	.4 times maximum lawful number of occupants

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Furniture and appliance stores	.3 per 100 sq. ft. of floor space
Household equipment, carpet and hardware stores, repair shops including shoe repair, contractor's showrooms and others, museums and galleries	1.2 per 100 sq. ft. of floor space
Funeral parlors	1 per 50 sq. ft. of floor space
Gas stations	1 per pump plus 2 per lift (in addition to stopping places adjacent to pumps)
Automotive Service Center	1 per employee plus 2 per service bay
Laundromats	.5 per washing machine
Doctor's and dentist's offices	1 per 100 sq. ft. of waiting room area and 1 per doctor or dentist
Banks	1 per 150 sq. ft. of floor space
Warehouses	1 per 500 sq. ft. of floor space

Retail stores and service establishments	1 per 150 sq. ft. of floor space and outdoor sales space
Offices	1 per 300 sq. ft. of floor space
Other business and industrial uses	.75 times maximum number of employees on premises at any one time

- B. In the case of multiple businesses located on the same parcel, the predominate or principal business will be used to calculate off-street parking requirements.
- C. Where calculation in accordance with the foregoing lists results in requiring a fractional space, any fraction less than one_half shall be disregarded and any fraction of one_half or more shall require one space.
- D. Required off_street parking shall be provided on the lot to which it pertains. Access drives may be placed in the required front, side or rear yards so as to provide access to accessory or attached structures. Further, any walk or other pavement serving a like function shall not be considered a structure and shall be permitted in any required yard.
- E. The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the parking of motor vehicles is prohibited. For recreational and residential storage facilities and warehousing, loading areas shall be provided adjacent to the openings of the buildings. In no case shall these loading areas including access lanes be less than 26 feet wide when loading occurs on one side of the lane nor less than 30 feet wide when loading would occur from both sides.
- F. The following minimum design standards shall be observed in laying out off-street spaces and providing access lanes to each space. Layouts requiring vehicles to back out onto roads or streets are prohibited.

Parking Angle	Stall Width	Aisle Width	Parking Stall Length	Curb to Curb
0° to 15°	9 ft.	12 ft.	23 ft.	30 ft.
16° to 37°	9 ft.	11 ft.	18 ft.	47 ft.
38° to 57°	9 ft.	13 ft.	18 ft.	54 ft.
58° to 74°	9 ft.	18 ft.	18 ft.	61 ft.
75° to 90°	9 ft.	24 ft.	18 ft.	63 ft.

Section 418 Required Planting Screens

- A. In the Town Development/Commercial (TD/C) and Industrial (I) Districts, wherever any parking lot, trash collection, outdoor storage, merchandising, or service area lies within 50 feet of any Rural Residential, Lakeshore and River, or Forest and Recreation District or adjoins a residential dwelling within the TD/C, LS/R, or I Districts, a planting screen of sufficient length to interfere with the view thereof from the adjoining property shall be required except where the view is blocked by a change in grade or other natural or man-made features. Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, a six (6) foot high fence whether it be an opaque wooden fence, a chain link fence with interwoven slats, or a masonry wall may be substituted.
- B. Planting Screen Specifications. All planting screens required by this Ordinance shall consist of plants, at least 30 inches high when planted, maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of five feet.
- C. Plant materials shall be permitted only upon certification to the Zoning Administrator that the proposed plantings can be expected to thrive and provide screening and will create no nuisance or hazard.
- D. Parking Lot Planting. Where the provision of off-street parking for 50 or more vehicles is required, there shall be landscaped open space within the perimeter of the parking area, or areas, in the minimum amount of 18 sq. ft. for each parking space, which shall be so located that no parking space is more than 120 feet from a portion of the landscaped open space required by this Section. Landscaped open space required by this Section shall be kept continuously planted with living vegetation. The required landscaped open space need not be contiguous, but there shall be at least one tree in each separate area. Trees shall be maintained in a healthy condition, and shall not be pruned, except to remove dead wood, in such a manner as to prevent growth to a height of at least 15 feet or to reduce existing height below 15 feet. All plant materials shall be kept pruned to maximize visibility through them between the heights of three and eight

feet except where located so as to create a hazard to drivers or pedestrians.

- E. Time of Completion of Plantings. All plantings required by this Ordinance shall be installed prior to occupancy or commencement of use. Where compliance is not possible because of the season of the year, the Zoning Administrator shall grant an appropriate delay. Any Zoning Compliance Permit may be revoked, after 30 days written notice to the person assessed for taxes on the affected lot and to the occupant, whenever plantings are not maintained as required in this Ordinance.

Section 419 Fence Regulations

- A. The height of fences shall not exceed the following, except for junkyards:
1. Front yard: No fence or hedge shall exceed eight feet in height.
 2. Side yard: No fence or hedge shall exceed eight feet in height.
 3. Rear yard: No fence or hedge shall exceed eight feet in height, except in waterfront setback area where a fence or hedge shall not exceed four feet.
 4. Corner lot: No fence or hedge shall obstruct the vision of motorists on adjacent streets or vision of motorists entering any street or other public way open to vehicular traffic from an adjacent driveway.
- B. Any person erecting any fence or hedge shall be fully responsible for the care and maintenance of said fence or hedge and shall assume full responsibility for any damage arising due to the erection of such fence or hedge.
- C. Normally required front, side and rear setbacks need not be met so long as the fence is not trespassing. The fence shall be at least two feet from the property line.

Section 420 Junkyards and Salvage Yards

- A. All uses shall be established and maintained in accordance with all applicable state laws.
- B. A tight fence, at least eight (8) feet in height shall be provided around the periphery of the site to screen said site from the surrounding property. The fence shall be of sound construction, painted or otherwise finished neatly and inconspicuously.
- C. All activities shall be confined within the enclosed area. There shall be no stocking of material above the height of the fence, except that movable

equipment used on the site may exceed the fence height. No equipment or material shall be used or stored outside the enclosed area.

- D. All enclosed areas shall be set back at least 100 feet from any front street or property line. Such front yard setback shall be planted with trees, grass, and shrubs to minimize the appearance of the installation. The spacing and type of plant materials shall be approved by the Zoning Board.
- E. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
- F. Whenever the installation abuts a residential district, a transition strip at least 200 feet in width shall be provided between the enclosed area and the adjoining district. Such strip shall contain plants, grass and structural screens of a type approved by the Zoning Board.
- G. All junkyards and salvage yards shall be required to obtain a township junkyard license.

Section 421 Minimum Mobile Home Requirements

- A. Mobile homes placed in the Township shall have its wheels and axles removed, be securely anchored to the ground and have skirting installed around the mobile home. This provision does not apply to Accessory (Echo) Housing as permitted by Section 407.

Section 422 Wireless Communication Facilities and Attached Wireless Communication Facilities

- A. Cedarville Township has a clear and identifiable interest in accommodating the communication needs of residents and businesses, and has an interest in regulating the location and of such facilities to retain the integrity of neighborhoods and protect the public health, safety and welfare of the residents.
- B. Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is further the purpose and intent of this section to:
 - 1. Facilitate and adequate and efficient provisions for wireless communication facilities.
 - 2. Ensure that wireless communication facilities are situated in appropriate locations and relationship to other land uses, structures and buildings.
 - 3. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing

populations, transportation systems and other public services and facility needs.

4. Promote the public health, safety and welfare.

5. Minimize the adverse impacts of abandonment by requiring the removal of such facilities when they are no longer being used.

C. It is the policy of Cedarville Township to minimize the overall number of newly established locations for Wireless Communication Facilities and Wireless Communication Support Structures with the Township and encourage the use of existing structures for Attached Wireless Communication Facilities. It is the Township's interest, to the extent reasonable, to encourage the cooperative use and co-location of such towers and their associated facilities and structures. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate co-location.

D. The location of Wireless Communication Facilities and Attached Wireless Communication Facilities shall be subject to the following conditions and regulations:

1. A conditional use permit for a new wireless communication facility shall not be granted until the applicant demonstrates that feasible co-location is not available for the coverage area and capacity needs.

2. Applicants shall demonstrate a justification for the proposed height of the structures and present an evaluation of alternative designs which might result in lower heights. No part of any wireless communication facility shall be constructed, located or maintained at any time on, or upon, any required setback area for the district in which it is located.

3. The site shall have legal documented access to a public road.

4. Any commercial communication tower shall be so located that the distance from the base of the tower to the nearest property line shall be either equal to the height of the structure plus the setback in that district or the radius of the collapse/failure zone as certified by a structural engineer, plus the setback in that district.

5. Where an attached wireless communication facility is proposed on the roof of a building, if the equipment enclosure is proposed as a roof appliance or penthouse on the building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building. Equipment enclosure may be located

within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.

6. A wireless communication facility may be of design such as steeple, bell tower, or the form of which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the zoning board.

7. All support structures must be certified by a professional engineer that the structural design will withstand wind speeds and icing conditions under the worst conditions experienced in the area. All support structures must meet the standards of the Federal Aviation Administration, Federal Communication Commission, state of Michigan and must be certified by a registered, professional engineer under the laws of the State of Michigan to meet or exceed the Telecommunications Industry Association/Electronic Industry Association Standards in accordance with TIA/EIA-222-F.

8. Wireless communication facility shall not be artificially lighted, except as required by the Federal Aviation Administration.

9. There shall be no display on the wireless communication facility advertising or identification of any kind to be visible from the ground or other structures, except as required for emergency purposes.

10. Fencing shall be provided for the protection of the support structure and security from children and unauthorized persons who may access the facilities.

11. Landscaping shall provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.

12. The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions. The wireless communication facility shall be located and operated so that they do not interfere with radio, television, audio, video, electronic, microwave or other reception in nearby areas.

13. As a condition of every approval of a wireless communication facility, adequate provisions shall be made for the removal of all wireless communication facilities within six months of being abandoned by all users.

Following complete demolition and removal of the structure, the premises shall be restored to an acceptable condition as reasonably determined by the Zoning Administrator.

14. Conditions and safeguards as identified in Section 705 will be applicable to Conditional Use Permits granted for Wireless Communication Facilities and Attached Wireless Communication Facilities.

ARTICLE V: SIGNS

Section 501 Intent

- A. It is hereby determined that regulation of the locations, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among business for attention, to prevent hazards of life and property, and to assure the continued attractiveness of the community and protect property values. It is further determined that signs which may lawfully be erected and maintained under the provisions of this Ordinance are consistent with customary usage, and that signs which may not lawfully be erected or maintained under the provisions hereof are not consistent with customary usage, are an abuse thereof, and are unwarranted invasions of the rights of legitimate business interests and of the public.

Section 502 Residential District Regulations for Signs

Within all districts allowing residential uses as a permitted principal use, signs shall be permitted as follows:

- A. One sign to announce the sale or rent of property whose area shall not exceed six (6) square feet.
- B. Churches shall be permitted a total sign area of 20 square feet. The total sign area may be divided into two signs: one identification sign and one bulletin board.
- C. One sign per vehicle entrance which identifies a platted subdivision development or mobile home park not exceeding 32 square feet and eight feet in height.
- D. Multiple dwellings and nursing homes shall be permitted one identification sign not to exceed 12 square feet and eight feet in height.
- E. One sign shall be permitted to advertise a home occupation not to exceed six (6) square feet and shall not be illuminated or have working parts. The sign shall not exceed a height of five feet. It may be attached flush to the building or placed to the front of the lot or parcel and shall not detract from the visual appearance of the neighborhood. The sign shall not materially obstruct the vision of motorists on adjacent streets or vision of motorists entering any street or other public roadway or private driveway.
- F. Signs permitted by this Section are exempt from the setback requirements of Section 401. Signs, however, shall not be located on the right-of-way

and shall not interfere with traffic visibility.

Section 503 Town Development/Commercial District Sign Regulations

- A. Signs are permitted in the Town Development/Commercial (TD/C) District on parcels that are already developed. Free-standing (ground) signs are permitted having an area not exceeding six (6) square feet for each ten (10) feet or fraction of frontage, or sixty (60) square feet for each acre or fraction of area of the developed premises, whichever is larger. Where a premise has more than one occupant, the permitted sign area shall be divided among them in the same proportion as floor space and outdoor sales as occupied by them.
- B. Signs shall be subject to the following setback requirements; minimum of five (5) feet setback when the right-of-way width from the centerline of the road to the property line is less than fifty (50) feet; and may be located at the lot line when the right-of-way width from the centerline of the road to the property line is greater than fifty (50) feet. Setback measurement shall be from the right-of-way to the closest part of the sign, whether it be at or above grade. The maximum height for signs in the Town Development/Commercial District shall be forty (40) feet.

Section 504 Industrial District Sign Regulations

- A. In the Industrial District, on-premise signs are permitted having a sign area not exceeding one hundred (100) square feet. Double faced or V-type signs shall have a maximum of one hundred (100) square feet for each side. All signs shall be at least three hundred (300) feet apart and shall maintain a forty (40) foot setback. The maximum height for signs in the Industrial District shall be fifteen (15) feet.

Section 505 Agriculture and Forest District Sign Regulation

- A. Where a farm or other agricultural operation is permitted within the Agriculture and Forest District, the total area shall not to exceed twenty (20) square feet to advertise agricultural goods or other items for sale at that location.

Section 506 Cluster Sign Regulations

- A. A sign that lists and identifies a number of institutions, organizations, churches and/or businesses which contain the names, locations, hours, products sold, services offered, announcement of events or similar messages is permitted in all zoning districts. A cluster sign at one location shall have a maximum sign area of sixty (60) square feet. The cluster sign must be maintained by either the Township or recognized civic organization or churches.

Section 507 Signs for Conditional Use

- A. In granting a conditional use permit, the zoning board shall stipulate the maximum sign area, setback requirements, location, sign height and other requirements of a sign or signs on the parcel.

Section 508 Temporary Signs

- A. Signs which are intended to identify or advertise a non-profit annual or one time event or occurrence, such as a fair or other event of general public interest, shall be permitted for a period not to exceed two months provided that the sign is not contrary to the spirit and purpose of this Ordinance and shall conform to all size limitations set forth by this Ordinance. The applicant is responsible for both the erection and removal of all signs. All signs must be removed no later than 10 days after the end of the event.

Section 509 Construction Signs

- A. One construction sign is permitted per project not exceeding sixteen (16) feet in sign area for residential districts and thirty-two (32) square feet for TD/C or I Districts. Signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed no later than 30 days following occupancy or completion of the project.

Section 510 Exempt Signs

The following signs shall not exceed nine (9) square feet and are otherwise exempt from this Ordinance:

- A. Public Signs - Signs for a noncommercial nature and in the public interest, erected by, or on the order of a public officer in the performance of official duty.
- B. Political Signs - Those signs which are intended to advertise a public

election, individual actively participating in such an election, or other public ballot issue, are permitted on private property with the owner's permission. All political signs must be removed within 10 days after the election date and shall not be located on the public right-of-way.

- C. Signs which announce no hunting or no trespassing.
- D. Signs which identify the name of a farm or farming operation.
- E. Residential Identification Signs - Those signs which have an occupant's name and/or house number or emergency identification number.
- F. Signs which indicate a garage sale or directions to a garage sale.

Section 511 Lighting of Signs

- A. No lighted signs shall be permitted within the Rural Residential Districts. No strobe blinking or other pulsating lights shall be permitted in any district. No sign shall be lighted so as to create a traffic hazard or to adversely affect neighboring land uses. No sign may be lighted to such an intensity or in such a manner that it creates a public nuisance or adversely affects the public health, safety, or general welfare.

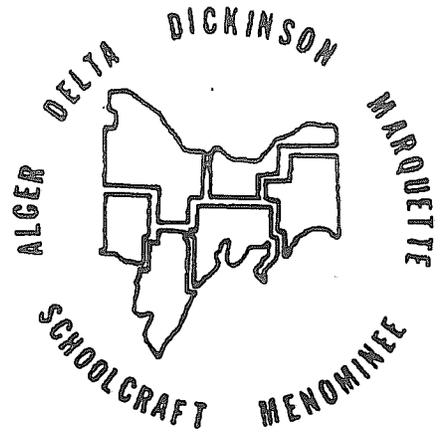
Section 512 Maintenance of Signs

- B. Dilapidated sign structures which are likely to cause injury or degrade the surrounding area, and signs which advertise a closed business, past event or political election, are no longer legible, or are otherwise untimely or unsafe, are a nuisance or danger to the public. The zoning board is authorized to remove, or to have removed, all dangerous or nuisance signs, the cost of which is to be borne by the sign owner and/or property owner.

Section 513 Nonconforming Signs

- A. It is the intent and purpose of this Section to eliminate nonconforming signs except as otherwise specifically set forth in this Section as rapidly as the police power of the Township permits. No sign shall be designated as Class A Nonconforming.
- B. No nonconforming sign:
 - 1. shall be structurally altered so as to prolong the life of the signs, nor shall the shape, size, type, or design of the sign structure be altered;
 - 2. shall be continued after the activity, business, or usage to which it relates has been discontinued for 30 days or longer; or

3. shall be reestablished after damage or destruction if the estimated expense of reconstruction exceeds 50% of the sign value.
- C. No conforming sign may be changed to another nonconforming use.
 - D. Nonconforming signs may have their face or message updated but not structurally altered.



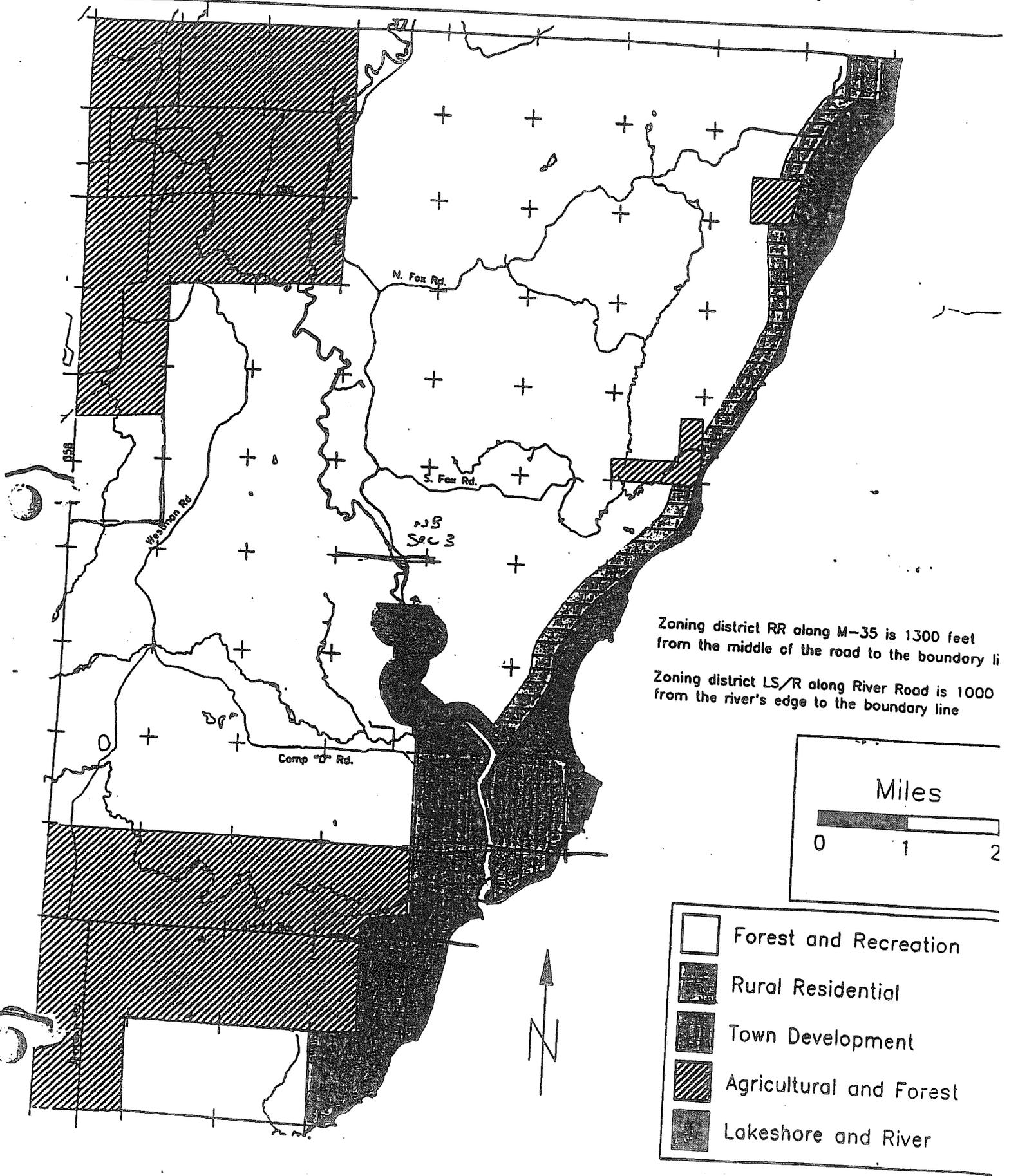
**CEDARVILLE TOWNSHIP
ZONING ORDINANCE**

**Adopted by the Township Board
August 21, 1996**



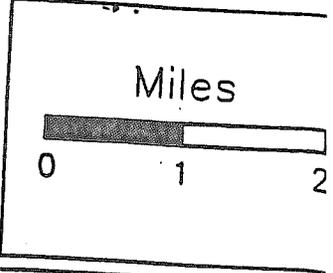
Cedarville Township

Proposed Zoning Map March 14, 1996



Zoning district RR along M-35 is 1300 feet from the middle of the road to the boundary li

Zoning district LS/R along River Road is 1000 from the river's edge to the boundary line



- Forest and Recreation
- Rural Residential
- Town Development
- Agricultural and Forest
- Lakeshore and River

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ARTICLE I: PURPOSE OF ZONING

THE TOWNSHIP OF CEDARVILLE HEREBY ORDAINS:

An Ordinance to establish zoning districts and regulations governing the development and use of land within Cedarville Township, in accordance with the provisions of Act 184 of 1943, as amended; to provide for regulations governing nonconforming uses and structures; to provide for a Board of Appeals and for its powers and duties; to provide for permits, fees, penalties and other administrative provisions to enforce this Ordinance; and to provide for regulations regarding conflicts with other ordinances or regulations.

Section 101 Purpose

- A. Pursuant to the authority conferred by the Public Acts of the State of Michigan, this Ordinance has been established for the purpose of:
1. Promoting and protecting the public health, safety, and general welfare;
 2. Protecting the character and stability of the Township's valuable natural resources--its Lake Michigan coastline and forests;
 3. Promoting the orderly and beneficial development of residential and non-residential areas within Cedarville Township;
 4. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, access and privacy to protect the public health;
 5. Lessening and avoiding congestion or other traffic related problems on the public highways and roads;
 6. Providing for the needs of forest resource production, housing, and commerce for future growth;
 7. Protecting the public and adjacent uses from fire, explosion, noxious fumes or odors, excessive heat, dust, smoke, glare, noise, vibration, radioactivity, and other health and safety hazards;
 8. Preventing the overcrowding of land and undue concentration of buildings and structures so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;

9. Enhancing social and economic stability in the Township;
10. Conserving the taxable value of land, buildings and structures in the Township;
11. Enhancing the aesthetic desirability of the environment throughout the Township;
12. Conserving the expenditure of funds for public improvements and services to conform with the most advantageous uses of land.

Section 102 Short Title

- A. This Ordinance shall be known and may be cited as the Cedarville Township Zoning Ordinance of the Township of Cedarville, County of Menominee, Michigan.

ARTICLE II: DEFINITIONS

Section 201 Construction of Language

- A. The following rules of construction shall apply to the text of this Ordinance:
1. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases that have a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.
 2. The particular shall control the general.
 3. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
 4. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
 5. The word "use" includes the words, structures and buildings associated with such use.
 6. When not inconsistent with the context, words in the present tense shall include the future and words in the singular number shall include the plural.
 7. The word "building" includes the word "structure," and the word "dwelling" includes the word "residence." A "building" or "dwelling" includes any part thereof.
 8. The words "used" or "occupied" include the words "intended," "designed," or "arranged" to be used or occupied.
 9. The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.
 10. The word "lot" includes the words "plot" and "parcel."
 11. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:

- a. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either...Or" indicates that the connected items, conditions, provisions, or events shall apply single but not in combination.
12. Words in the singular number shall include the plural number and words in the plural number shall include the singular number. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
13. Whenever a reference is made to several sections and the section numbers are connected by the word "to," the reference includes both sections whose numbers are given and all intervening sections.

Section 202 Definitions

A. For the purpose of this Ordinance words pertaining to access, building, property, land use, building use, building measurement, and enforcement shall have the following meaning:

- 1. **Accessory Building:** A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.
- 2. **Accessory (Echo) Housing Unit:** A complete, self-contained living unit created within an existing single-family home or a separate structure on the property. It has its own kitchen, bath, living area, sleeping area and usually separate entrance and is intended to provide accommodations for persons, related by either blood, marriage or adoption to a person, occupying the principal dwelling units.
- 3. **Accessory Use:** A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.
- 4. **Agriculture:** The art or science of cultivating the ground, including the harvesting of crops and by extension, the rearing, reproducing and managing of livestock and poultry or other animals upon the ground in fields or pastures or pens.
- 5. **Agricultural Produce Stand:** A structure used for the seasonal sale of items propagated in the Township.

6. **Alley**: A public or legally established private thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.
7. **Apartment**: A dwelling unit in a "multiple family dwelling."
8. **Area, Sign**: The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background on which it is placed; excluding the necessary support or uprights on which the sign is placed. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel, or background, the area of such a sign shall be computed using the dimension of the rectangle which touches the outermost points of the sign. In the case of a two-sided identification sign where both sides are used, only one side shall be considered in calculating the total area.
9. **Automotive Repair Garage**: A premise where the following services may be carried out in a completely enclosed building: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; painting and undercoating of automobiles.
10. **Basement**: That portion of a building which is partially or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.
11. **Berm**: A man-made, formed, earth mound of definite height and width used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.
12. **Block**: The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, stream, or other barrier to the continuity of development.
13. **Bluff**: The top of a steep bank rising sharply from the water's edge.
14. **Breezeway**: A covered structure connecting an accessory building with the principal dwelling unit. For purposes of determining yard and area requirements, such buildings shall be considered as one integral unit.

15. **Buffer:** A strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.
16. **Building:** Any structure having a roof supported by columns or walls for the shelter, support, enclosure of persons, animals or property.
17. **Building Height:** The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building walls.
18. **Building, Principal:** A building in which is conducted the main or principal use of the lot on which said building is located.
19. **Bulletin Board:** A sign whose primary purpose is to announce events or other occurrences related to the premise.
20. **Carport:** A partially open structure, intended to shelter one or more vehicles. Such structure shall comply with all yard requirements applicable to private garages.
21. **Cemetery:** A place for the interment of the dead.
22. **Cemetery, municipal:** A place for the interment of the dead, owned and managed by a local unit of government.
23. **Child Care Facility:** A group home, family home or center licensed by the State to provide child care services. A family day-care home with six or less children is considered an accessory use.
24. **Church:** A building whose primary purpose is the regular assembly for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.
25. **Clinic:** A place where medical or dental care is furnished to persons on an out-patient basis by two or more licensed health care professionals.
26. **Club:** An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or similar activities, but

not operated for profit and open only to members and not the general public.

27. **Commercial Vehicle:** A vehicle licensed as a commercial vehicle registered to do business in the State of Michigan.
28. **Conditional Use Permit:** A permit issued by the zoning board to a person or persons intending to undertake the operation of a use upon land or within a structure or building specifically identified in the affected Zoning District under Conditional Uses Authorized by Permit. These Conditional Uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the Township's inhabitants.
29. **Contiguous Property:** Any portion of an individual's lot or property which can be identified as one parcel, including those properties in the same ownership which would otherwise be touching except for a public right-of-way or easement running through them. Property which is joined at a common point is not considered contiguous property.
30. **Contractor Yard:** An area intended for the storage of materials and equipment used for construction, road building, and forestry operations.
31. **County Board:** Menominee County Board of Commissioners.
32. **Directional Sign:** A sign which gives a name, location, and general nature of a specific establishment or attraction and is intended to give directions to that place.
33. **District:** One zoning district.
34. **Dwelling, Single-Family:** A structure designed or used for residential occupancy by one family.
35. **Dwelling, Two-Family:** A structure containing two dwelling units each designed for residential occupancy by one family.
36. **Dwelling, Multiple Family:** A structure containing more than two dwelling units each designed for residential occupancy by one family, including condominiums.
37. **Dwelling Unit:** One or more rooms with bathroom, bedroom, and kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes.

38. **Earth Sheltered Home:** A building which is partially or entirely below grade and is designed and intended to be used as a single-family dwelling.
39. **Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including office buildings, substations, or structures which are enclosures or shelters for service equipment or maintenance depots.
40. **Excavation:** Any breaking of ground, except common household gardening, general farming and ground care.
41. **Family:** An individual, or two or more persons related by blood, marriage or adoption, or parents along with their direct lineal descendants, and adopted or foster children, or a group not related by blood or marriage, occupying a premises and living as a single cooking, sleeping, and bathroom housekeeping unit. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.
42. **Farm:** A tract of land devoted to agriculture for the purpose of raising crops or animals as a source of income.
43. **Farm Stand:** A structure for the display and retail sale of farm products.
44. **Feed Lot:** The place of confined or concentrated feeding of farm animals which are being fattened for market.
45. **Fence:** An artificially constructed barrier of wood, metal, stone, or any manufactured materials erected for the separation of yard areas.
46. **Filling:** The depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance.
47. **Fish Market:** A commercial establishment engaged in retail and/or wholesale trade of fish.

the several floors of living areas of the building, measured from the interior faces of the exterior walls, including private garages.

52. Fur Farm: The place of confined keeping, raising, or breeding of animals for the purpose of producing fur or pelts.
53. Garage, Residential: An accessory building, or portion of a principal building, designed or used solely for the non-commercial storage of motor vehicles, boats, and similar items.
54. Garage Sale: The sale of used household items, clothing, crafts and assorted secondhand objects held at a residence. The Sale may take place in residential garage, yard, or residence.
55. Gasoline Service Stations: A structure used for the retail sale or supply of fuels, lubricants, air water and other operating commodities for motor vehicle, and including the customary space and facilities for the installation of such commodities on or in such vehicle, and including space for storage, minor motor repair, or servicing, but not including (?bumping?), painting, refinishing, or conveyor-type car wash operations.
56. Grade: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure. The average of all faces shall be used to determine the height of a structure.
57. Gravel Pit: An open land area where sand, gravel and rock fragment are mined or excavated for sale or off-tract use.
58. Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.
59. High Risk Erosion Area: An area of shoreline which is determined by the Department of Environmental Quality on the basis of studies and surveys to be subject to erosion and which is designated as such pursuant to part 323, the Shorelands Protection and Management of the Natural Resource and Environmental Protection Act 1994 PA 451.
60. Home Occupation: Home occupation means a use or occupation conducted within the main residential dwelling which is clearly incidental and secondary to residential occupancy.

61. **Hotel:** A structure designed, used, or offered for temporary residential occupancy including tourist homes, resorts, lodges, motels and youth camps, but does not include hospitals and nursing homes.
62. **Identification Sign:** A sign which pertains to the use of a (*?premises?*) and contains any or all of the following information:
 - a. The occupant of the use.
 - b. The address of the use.
 - c. The kind of business and/or the principle commodity sold on the (*?premises?*).
63. **Junkyard:** Any land or building used for abandonment, storage, keeping, collecting, or bailing of paper, rages, scrap metals, other scrap or discarded materials or for abandonment, demolition dismantling, storage or salvaging of automobiles or other vehicles no in normal running conditions, machinery or parts thereof.
64. **Kennel:** The permanent or temporary keeping, as a commercial or business enterprise, of more than three dogs that are more than six months of age. This specifically excludes dogs kept and raised for a person's personal enjoyment or hobby or recreational purposes.
65. **Livestock:** Domestic animals, such as cattle or horses, raised for home use or profit, excluding dogs, cats, other household pets, poultry and rabbits.
66. **Loading Space:** An off-street space on the same lot with a building, or group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
67. **Lodge:** A building or group of buildings under single management containing both rooms and dwelling units available for temporary rental to transient individuals or families.
68. **Lot:** A parcel of land, excluding any portion in a street or road right-of-way, of at least sufficient size to meet minimum requirements for use, coverage and lot are, and to provide such setback area and other open space as required by this Ordinance. Such lot shall have access to a public street, and may consist of:
 - a. A single lot of record;
 - b. A portion of a lot of record;
 - c. Any combination of complete and/or portions of lots of record; or
 - d. A parcel of land described by metes and bounds in a recorded deed or by number in a recorded plat, provided that in no case of division or

combination shall the area of any lot or parcel created, including residuals, be less than that required by this Ordinance.

69. Lot Area: The area of land within the boundary of a lot excluding any apart under water, and in addition, it is the area of land bounded by any front lot lines, the right-of-way line of the highway on which it fronts, and the side lot lines intersecting the front log line at its ends extended to the rear property (lot) lines.
70. Lot, Corner: A lot which has at least two contiguous sides abutting upon a street for their full length.
71. Lot, Depth of: The average distance form the front lot line of the lot to its opposite rear line measured in the general direction of the side line of the lot.
72. Lot, Interior: A lot other than a corner lot.
73. Lot Line(s): any of the lines bounding lot as defined herein.
 - a. Front Lot Line: In the case of an interior lot, it is that line separating said lot from the street. In the case of a through lot, it is each line separating said lot from each street. In the case of a corner lot, both sides abutting the street are considered front yards and consequently both have front lot line.
 - b. Rear Lot Line: That log line opposite and most distant from the front lot line. In the case of an irregularly shaped lot, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot. Where the lot has a discontinuous lot line, all lot lines approximately parallel to the front lot line shall be rear lot lines.
 - c. Side Lot Line: any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
74. Lot of Record: A lot in a map recorded with the County Register or deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgement of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described.
75. Lot, Through: A double frontage lot not a corner lot, having a street for both front and rear lot lines.
76. Lot, Width: The straight line horizontal distance between the side lot lines, measured at the front lot line.

77. Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of components parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins or liquor.
78. Manufacturing, Light: Establishments where the finished product generally consists of small machine parts, small electronic equipment or similar items. Motors used in light manufacturing operation shall not be in excess of ten horsepower. Light manufacturing operations shall be located within the principal building. Noise emanating from a light manufacturing building will be less than 90 decibels.
79. Marquee: A roof-like structure of a permanent nature projecting from the wall of a building.
80. Mineral: An organic or inorganic substance in the earth having a consistent and distinctive set of physical properties and composition that can be expressed by a chemical formula and includes, but is not limited to, iron ore, copper, sand gravel, stone, gypsum, peat, silver, gold, diamonds and other precious and semi-precious stones, and uranium.
81. Mining: The extraction of minerals including the actual removal, processing and transportation of minerals and attendant by-products.
82. Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. A mobile home does not include a recreational vehicle.
83. Mobile Home Park: Any lot, parcel or tract of land under the control or management of any person, occupied or designated for occupancy by more than two (2) mobile homes and including any accessory building, structures or enclosures comprising facilities used by park residents.
84. Modular (Pre-Manufactured) Housing Unit: A dwelling unit constructed solely within a factory as a single unit, or in various sized (*?modular?*) or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation fo form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.
85. Moveable Structure, Readily: A small permanent structure (greater than two hundred twenty-five square fee and less than three thousand five hundred square feet) which is designed, sited, and constructed to accomplish relocation at a reasonable cost relative to other structures of the same size and construction.

Access to and from the site shall be of sufficient width an acceptable grade to permit the structure to be relocated. New construction and installations shall meet the following criteria to be considered readily moveable structures:

- a. The building shall be on pilings, a basement, or crawl space. Except as noted below, a slab-on-grade foundation does not meet this criterion.
 - b. Above grade walls shall be stud wall construction. Above-grade walls that are constructed of masonry, including stone walls, concrete poured or concrete block walls, and brick veneer walls do not meet this criterion.
 - c. Existing permanent structures shall be considered readily moveable structures if the cost of relocation landward of the required setback distance is not more than 25% of the replacement cost of the structure (including any added cost of land) or if the existing structure meets the criteria for new construction in this subdivision. A 1- or 2-car garage which is bolted to a slab foundation, which does not have interior walls, shall be considered a readily moveable structure if it meets the remainder of the requirements specified in this subdivision. Septic system, tile fields, or other waste-handling facilities are not readily moveable structures.
86. **Nonconforming Building (Nonconforming Structure):** A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of the ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located. (Refer to Article VIII Non-conforming Uses and Structures.)
87. **Nonconforming Use:** A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated. (Refer to Article VIII Non-conforming Uses and Structures).
88. **Nursery:** Land or greenhouses used to raise flowers, shrubs, and plants for sale.
89. **Nursing Home:** An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury or an infirmity.
90. **Off-Premise Sign:** A sign which advertises goods, services, events, and facilities available at a location other than the premises on which the sign has been placed.
91. **On-Premise Sign:** A sign which advertises only goods, services, facilities, events, or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises. All other signs are off-premise signs.

92. Open Space Ratio: The ratio between open space on the lot, whether required or not, and the total lot area.
93. Open Space, Required: The yard space of a lot which is established by and between the street, or the lot lines and required setback line and which shall be open, unoccupied and unobstructed by any structure or any part thereof, except as otherwise provided in this Ordinance.
94. Ordinary High Water Mark: The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is markedly distinct from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where water returns to its natural level as the result of the permanent removal or abandonment of a dame, it means the natural ordinary high water mark.
95. Ordinary High Water Mark (Lake Michigan): For structures located within the immediate Lake Michigan coastline, the ordinary high water mark for Lake Michigan shall be deemed to be at 580.5 feet above sea level, International Great Lakes Datum of 1985.
96. Parking Lot: A use containing one or more parking spaces located at or above or below grade accessible for the storage or parking of permitted vehicles, including drives and entrance giving access thereto.
97. Parking Space: An accessible area including drives, aisles or entrance giving access thereto, utilized for the parking or temporary storage of permitted vehicle.
98. Pet: An animal kept for amusement or companionship.
99. Personal Services: A type of business providing services for personal atonement and exercise, such as health clubs, spas, chiropractic services etc.
100. Poultry Farm: The place of confined keeping, raising, or breeding fowl on a commercial scale for the production of eggs or meat.
101. Premises: A lot as otherwise used in this Ordinance.
102. Principal Structure: The main structure or building to which the premises are devoted.
103. Principal Use: The main use to which the premises are devoted.
104. Private Club: A building and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational, or cultural enrichment of its members and not primarily for profit and

whose members pay dues and meet certain prescribed qualifications for membership.

105. **Public Utility:** Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public; gas steam, electricity, sewage disposal, refuse removal, transportation, water or communications (including radio, telephone, telegraph, television, cable or fiber optics).
106. **Reclamation Plan:** A plan for reconditioning or rehabilitating of a mining area or portions thereof for useful purposes, and the protection of natural resources, including, but not limited to the control of erosion, visual blight and the prevention of land or rock slides and air and water pollution.
107. **Recreation Facility:** A place designed ad equipped for the conduct of sports and leisure-time activities.
108. **Recreation Facility Commercial:** A recreation facility operated as a business ad open to the public for a fee.
109. **Recreation Facility, Private:** A recreation facility operated by a nonprofit organization and open only to bona fide members and guests of such nonprofit organization.
110. **Recreation Facility, Public:** A recreation facility open to general public use. The facility does not have to be owned or operated by a government agency, the facility may be owned by a private company or individual but is open to general public use.
111. **Recreational and Residential Storage Facility:** A structure or group of structures for the dead storage of customer's residential goods and wares, recreational vehicle and related equipment.
112. **Recreational Structure:** A cabin, cottage, camp, hunting camp, mobile home or other similar structure used intermittently for recreational or vacation purposes and which is not a permanent place of domicile or residency of the owner, his or her agents, lessees, heirs or assigns.
113. **Recreational Vehicle:** A vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers, and motor homes.
114. **Resort:** A facility for transient guests where there are a number of recreational features or activities including but not limited to such facilities as swimming pools, tennis courts, golf course, restaurant, camping, hotel/motel accommodations, skiing, trails, horseback riding and boating.

115. Restaurant: An establishment where food or beverages are cooked or prepared and offered for sale and where consumption of permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as bars, grilles, cafes, taverns, nightclubs, drive-ins, and any fast food establishments permitting consumption of the premises.
116. Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.
117. Sanitary Landfill: A method of disposing of refuse on land without creating nuisances or hazards to public health or safety.
118. Sawmill: The machinery and appurtenant structures used for the manufacture of wood products. Included but not limited to are circular or band saws, planers, debarkers, chippers, and kilns.
119. Screen: A structure providing separation, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs and other living vegetation.
120. Setback: The minimum unoccupied distance between the logt line and the principal and accessory buildings, as requ9ired herein.
121. Setback, Front: The minimum unoccupied distance, extending the full lot width, between any building or structure and the front lot line.
122. Setback, Rear: The minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.
123. Setback, Side: The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.
124. Shoreland: The land, water and land beneath the water which is close proximity to the shoreline of Lake Michigan.
125. Shoreline: That area of the Shorelands where land and water meet.
126. Shopping Center: Is a group of businesses providing a variety of merchandise and/or services located on the same lot.
127. Sign: A name, identification, image, description, display, or illustration which is affixed to, pointed, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity,

structure, facility, service, event, attraction, person, institution, organization, or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and material without letting placed behind a store window are not signs or parts of signs.

128. Sign, Free Standing: A sign having its own support mechanism placed in or upon the ground.
129. Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.
130. Stable, Riding or Boarding: A facility where horses are kept for hire, sale or boarding.
131. Story: That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A story this defined, shall not be counted as a story when more than fifty (50) percent by cubic content, is below the height level of the adjoining ground.
132. Street: A public dedicated right-of-way which afford traffic circulation and principal means of access to abutting property.
133. Structure: Any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not limited to buildings, porches, decks, mobile homes, sheds, free standing signs, storage bins, and satellite dishes, but not including sidewalks, driveways, patios, parking lots, utility poles and fences. Building areas separated by fire walls or hearing walls shall not be considered separated structures under this Ordinance.
134. Township Board: The elected governing body of the Township of Cedarville.
135. Transfer Station: A tract of land, a building and any appurtenances, or a container, or any combination of land, buildings, or containers that is used to intended for use in the rehandling or storage of solid waste incidental to the transportation of the solid waste, but is not located at the site of generation or the site of disposal of the solid waste.
136. Variance: A modification of the literal provisions of the Zoning Ordinance granted in specific cases when strict enforcement of the Zoning Ordinance would cause practical difficulty or unnecessary hardship owing to circumstance unique to the individual property on which the variance is granted.
137. Wood Yard: A parcel of land where pulp wood and other logs are gathered from various locations and stored for commercial sale.

138. Yards:

- a. Yard, Front: An open space extending the full width of the lot and lying between the front line of the lot and the nearest line of any building or structure.
- b. Yard, Rear: An open space extending the full width of the lot and lying between the rear line of the lot and the nearest line of any building or structure.
- c. Yard, Side: An open space between the side line of the lot and the nearest line of any building or structure and extending from the front yard to the rear yard.

139. Zoning Administrator: The Township Board's authorized representative charged with the responsibility of administering this Ordinance.

140. Zoning Board: The Zoning Board of the Township of Cedarville.

141. Zoning Board of Appeals: The Zoning Board of Appeals of the Township of Cedarville.

142. Zoning Compliance Permit: A certificate issued by the Zoning Administrator to a party intending to initiate any work or change any use of property or building or construct any buildings or structures in the township.

ARTICLE III: ZONING DISTRICTS AND MAPS

Section 301 Establishment of Districts

- A. For the purpose of this Ordinance, Cedarville Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names:

FR: Forest and Recreation District
RR: Rural Residential District
LS/R: Lakeshore and River
TD/C: Town Development/Commercial District
AF: Agriculture and Forest District
I: Industrial

Section 302 Zoning District Maps

- A. The boundaries of the respective districts enumerated in Section 301 are defined and established as depicted on the maps entitled "Cedarville Township Official Zoning Map," which is an integral part of this Ordinance. These maps, along with all notations and explanatory matter thereon, shall become as much a part of this Ordinance as if fully described herein.
- B. The Cedarville Township Official Zoning Map shall be identified by the signature of the Township Board Supervisor, attested by the Township Clerk. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries, such changes shall be incorporated on the Cedarville Township Official Zoning Map and approved by the Township Board together with an entry on the Cedarville Township Official Zoning Map showing the date and official action taken.
- C. One copy of the Cedarville Township Official Zoning Maps is to be maintained and kept up-to-date by the Township Clerk, accessible to the public and shall be the final authority as to the current zoning status of properties in Cedarville Township.

Section 303 Interpretation of the Zoning Map

Where due to the scale, lack of detail or illegibility of the zoning maps, there is any uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon, the Zoning Board of Appeals shall make an interpretation of said map upon request of any person. The Zoning Board of Appeals shall apply the following standards in interpreting the zoning map:

- A. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the center lines of alleys, streets, rights-of-way or water courses, unless such boundary lines are fixed by dimensions shown on the zoning map.
- B: Where zoning district boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.
- C. Where a zoning district boundary line divides a lot, the location of any such zoning district boundary lines, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.
- D. If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning ordinances and amendments in Cedarville Township, as well as all other relevant facts.

Section 304 Replacement of Official Zoning Maps

- A. In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The Official Zoning Map shall bear the same signatures and certification as required in Section 302. Unless the Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

Section 305 Application of District Regulations

- A. The regulations herein established within each Zoning District shall be the minimum regulations for promoting and protecting the public health, safety and general welfare, and shall be uniform for each class of land or buildings and structures throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals, in accordance with Article X herein, to vary or modify regulations and provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured and substantial justice done.

Section 306 Scope of Provisions

- A. Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring,

and every enlargement of or addition to an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located.

- B. Uses are permitted by right only if specifically listed as uses permitted by right in the various Zoning Districts. Where not specifically permitted, either by right or conditionally, uses are thereby prohibited unless construed to be similar to an expressly permitted use. The Zoning Board of Appeals shall determine if a use is similar to a use specifically permitted by right or by conditions.
- C. Accessory uses are permitted as indicated for the various Zoning Districts and if such uses are clearly incidental to the permitted principal uses.
- D. The uses permitted subject to special conditions are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, etc.) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.
- E. Any structure, use of a structure or land use and any lot, the size, width, or other characteristic of which fails to meet the requirements of the land use district in which it is located and which was lawfully established in accordance with state and local statutes ("of record") prior to the effective date of this amendment shall be considered a legal nonconforming use.

Section 307 Conflicting Regulations

- A. Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than those imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. When-ever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern. No vested right shall arise to the property owner for any parcel or use created in violation of any preceding Cedarville Township Zoning Ordinance.

Section 308 Exemptions

- A. The location of pipes, wires, poles, and generating and transmission equipment of public utilities or railroad tracks regulated by the State of Michigan or by the United States are exempt from regulation under this Ordinance.

Section 309 District FR: Forest and Recreation

- A. **Intent:** The FR, Forest and Recreation, District is composed of certain lands in a rural area where forestry and recreational activities are likely to occur. The uses

established within this district are designed to protect the character of the district without unduly restricting its forestry or recreational potential. The district provides for residential and commercial development suitable in a rural setting.

B. Permitted Principal Uses:

1. Single-family dwellings
2. Two-family dwellings.
3. Public recreational facilities, campgrounds and public parks.
4. Mobile homes.
5. Sawmills and wood yards.
6. Tourist cabins, motels, resorts, and lodges, and bed and breakfast facilities.
7. Boat liveries.
8. Lumber yards.
9. Stabling of horses and raising of two livestock per two acres.
10. Public or private airfield or airport.
11. Commercial nursery, greenhouse facility or orchards.
12. Growing and harvesting of timber and Christmas trees.

C. Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed, and sauna.
2. Accessory uses and structures normally associated with the permitted use.

D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article VII.

1. Service stations.
2. Motor vehicles sales.
3. Contractor yards.
4. Light manufacturing.
5. Community service buildings.
6. Cemeteries.
7. Commercial dog kennels.
8. Family day care.
9. Home occupations.
10. Gravel pits.

Section 310 District RR: Rural Residential

- A. **Intent:** The RR District, Rural Residential, is intended for the establishment and preservation of residential areas. The regulations of this district are designed to protect and stabilize the characteristics of these areas and to promote and encourage a suitable and safe environment for family life. To these ends, development is restricted to low and medium density residential use, consistent with rural type facilities and services.
- B. **Permitted Principal Uses:**
1. Single-family dwellings.
 2. Two-family dwellings.
 3. Churches.
 4. Public recreational facilities.
 5. Mobile homes.
 6. Community service buildings.
- C. **Permitted Accessory Uses:** The following are permitted accessory uses:
1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed, and sauna.
 2. Accessory uses and structures normally associated with permitted uses.
- D. **Conditional Uses Authorized by Permit:** The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article VII.
1. Offices.
 2. Wholesale and storage facilities.
 3. Contractor yards.
 4. Tourist cabins, motels, resorts and lodges.
 5. Boat liveries.
 6. Bed and breakfast facilities.
 7. Family day care.
 8. Stabling of one horse per two acres.
 9. Home occupation.
 10. Livestock, limited to two animals per two acres.

Section 311 District LS/R: Lakeshore and River

- A. **Intent:** To establish and maintain for residential and recreational use those areas with frontage on inland lakes and rivers and the Lake Michigan shoreline which because of their natural characteristics and accessibility, are suitable for development and to prepare the visual appearance and accessibility of the water area but still permit development along the shoreline. The lot requirements are intended, among other things, to provide adequate conditions for safety in water

among other things, to provide adequate conditions for safety in water supplies and in sewage disposal, and to reduce spread of fire in the event of conflagration.

B. Principal Permitted Uses:

1. Single-family dwellings.
2. Mobile homes.
3. Growing and harvesting timber and Christmas trees.

C. Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory structures normally associated with single-family dwelling such as private garage, boat house, shed for yard tools, playhouse, woodshed and sauna.
2. Pens for household pets.
3. Swimming pools and accessory bath/changing house.

D. Conditional Uses Permitted by Conditional Use Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as required for in Article VII.

1. Marinas, boat liveries, and fishing piers.
2. Resorts, lodges, and associated facilities.
3. Private and public parks, campgrounds, and similar recreational facilities.
4. Home occupation.
5. Municipal cemetery.
6. Storage of equipment.

Section 312 District TD/C: Town Development/Commercial

A. Intent: The TD/C District, Town Development/Commercial, is established for residential, retail and service establishments and certain governmental uses that are compatible with a small town setting serving residents and tourists. This district is designed for small unincorporated areas where a mix of residential and commercial use is in accord with land use patterns and the needs of nearby residents and tourists to the area.

B. Permitted Principal Uses:

1. Single-family dwellings.
2. Two-family dwellings.
3. Churches.
4. Mobile homes and mobile home parks.
5. Multiple-family dwellings.
6. General retail sales to the consumer. Production may occur provided it is ancillary to retail sales.

8. Motor vehicle, construction and farm equipment sales and service.
9. Wholesale and storage facilities.
10. Tourist cabins, motels and lodges.
11. Fish markets, fish docks and breakwater.
12. Public recreational facilities.
13. Community service buildings.
14. Boat liveries and marina.
15. Lumber yards.
16. Bed and breakfast establishments.
17. Home occupations.
18. Laundromats.
19. Nursing homes.
20. Government buildings
21. Adult foster care.
22. Medical and dental offices and clinics.
23. Taverns.

C. Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed, and sauna.
2. Accessory uses and structures normally associated with permitted uses.

D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article VII.

1. Contractor yards.
2. Resorts.
3. Campgrounds.
4. Light manufacturing facilities.
5. Junkyards.
6. Cemetery.
7. Commercial dog kennels.
8. Family day care.

Section 313 District AF: Agriculture and Forest

A. Intent: The AF District, Agriculture and Forest, is established to maintain low density rural areas which because of their rural character and location, accessibility, natural characteristics and the potentially high cost of providing public services for intensive uses are more suitable for a wide range of forestry, agriculture, natural resources and recreational uses.

B. Permitted Principal Uses:

1. Single-family dwellings.
2. Two-family dwelling.
3. Mobile homes.
4. Public recreational facilities.
5. Construction and farm equipment sales and services.
6. Wood harvesting equipment sales and service.
7. Contractor yards.
8. Sawmills, wood yards, lumber yards.
9. Tourist cabins, lodges, resorts, campgrounds.
10. Public parks.
11. Commercial nursery and greenhouse facility, orchards.
12. Agricultural production, including the growing or raising of forage and sod crops, grains and feed crops, dairy and dairy products, livestock, kennels, fruits, plants, trees, shrubs, and nursery stock, vegetables and similar activities.
13. Home occupation.
14. Growing and harvesting timber and Christmas trees.
15. Governmental building.
16. Private and public airfields and airports.
17. Stabling of horses.

C. Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory structure normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed, and sauna.
2. Agricultural accessory uses and structures.
3. Agricultural produce stands.
4. Accessory uses and structures normally associated with permitted uses.

D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided in Article VII.

1. Light manufacturing facilities.
2. Gravel pits.
3. Boat liveries.
4. Cemeteries.
5. Commercial dog kennels.

Section 314 District I: Industrial

- A. Intent: The I District, Industrial, is designed and intended for manufacturing, assembling, fabricating, and processing businesses, storage, mineral extraction, and other commercial activities which may require larger sites and isolation from**

many kinds of other land uses and to make provisions for commercial uses necessary to service the immediate needs of an industrial area.

B. Permitted Principal Uses:

1. Manufacturing.
2. Processing, assembling and fabrication operations.
3. Contractor yards and shops.
4. Warehousing.
5. Auto repair garage.
6. Lumber yards.
7. Sawmills and wood yards.
8. Concrete and asphalt plants.
9. Junkyards and salvage yards.
10. Research laboratories.
11. Solid waste transfer stations.
12. Gravel pits.
13. Laundromats.

C. Permitted Accessory Uses: The following are permitted accessory uses:

1. Any structural or mechanical building or use customarily incidental to the permitted principal use.
2. Signs, as required and subject to the regulations established in Article V.

D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article VII.

1. Township halls, community centers, governmental buildings or other public buildings.
2. Sanitary landfills.
3. Other industrial or heavy commercial uses not specifically mentioned in Section 314(B).

ARTICLE IV: GENERAL REGULATIONS

Section 401 Height, Bulk and Placement Regulations

A. Except as otherwise specifically provided in this Ordinance, no lot or parcel shall be created and no structure shall be erected or maintained except in compliance with the Schedule of Regulations specified below. Any sale of land in violation of this section shall be voidable at the option of the purchaser and shall subject the seller thereof to the forfeiture of any and all consideration received or pledged for the land. The purchaser may take additional action to recover any damages sustained. These remedies shall not preclude enforcement by the Zoning Administrator.

Schedule of Regulations						
District	Minimum Lot Size	Minimum Lot Width (Feet) ^A	Setback (Feet)			Maximum Height (Feet)
			Front	Side	Rear	
FR	2 acres	100	30 ^B	10 ^B	35 ^C	30
RR	2 acres	100	30	30 ^B	30 ^C	30
LS/R	1 acre	100	30	30 ^B	75 ^D	30
TD/C	20,000 sq. ft.	100	30	30 ^B	30 ^C	40
AF	2 acres	100	40	30	30	30
I	2 acres	150	40	E	30	F

Footnotes to the Table:

- A. Lot width shall be measured at front setback line and shall not include any encumbrances, such as easements or other such restrictions.
- B. An accessory building or structure may be located 6 feet from a side lot line.
- C. An accessory building or structure in the FR, RR and TD/C Districts may be located twenty (20) feet from a rear lot line.
- D. The rear lot line setback shall be measured from the high water mark.
- E. All structures shall be provided with access to their rear yard, with a minimum of thirty (30) feet clear and unobstructed access way or easement. Setbacks from the existing residential parcels shall be: 50 feet for all buildings; 25 feet for driveways, entrances or exits; and 10 feet for parking areas.
- F. Height at any point on a structure shall not exceed the horizontal distance to any lot line.

- B. The determination of lot size when adjoining a road shall be made as if the road was a part of the lot in question. For example, a 20 acre parcel fronting on a road will lose approximately one-half acre in the road right-of-way. This will then make the parcel size 19.5 acres, however, it will still conform to the 20 acre minimum lot size requirement.

Section 402 Waterfront Development

- A. **Setbacks from Inland Waters and Rivers** - All structures on lots abutting any body of water, as defined in Act No. 346 of the Public Acts of 1972, including, but not limited to, inland lakes, rivers, streams, and impoundments, shall maintain a minimum setback of 30 feet as measured from the high water mark.
- B. **Setbacks from Lake Michigan Water** - Structures on lots located within the High Risk Erosion Area shall be subject to requirements in Section 404.
- C. **Shore and Bank Area Alterations** - The part of that setback which lies within 30 feet of the water edge shall be maintained in its natural condition. Trees and shrubs in a space 50 feet wide may be trimmed or pruned for a view of the fronting waters and for access thereto. No change shall be made in its natural grade. A lot shall be regarded in its natural condition when there is at least one tree or shrub having a height of at least 15 feet for each 75 square feet of area there of in wooded areas or sufficient natural ground cover in open areas.
- D. **Limitation of "Funnel Development"** - Any development in any zoning district which shares a common lake front or stream area may not permit more than one (1) single family home, cottage, condominium or apartment unit to the use of each one hundred (100) feet of lake or stream frontage in such common lake-front or stream area as measured along the water's edge of normal high water mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream frontage to preserve the quality of the waters, avoid congestion, and to preserve the quality of recreational use of all waters and recreational lands within the Township. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease. This restriction shall not apply to an official public access site.

Section 403 Right-of-Way

- A. Where the right-of-way is established under the McKnitt Act (P.A. 130 of 1931 as amended) and varies from the standard 66 feet of width, the setback shall be not less than 63 feet from the centerline of the roadway.

The McKnitt Act ^{IV.2} called for all dedicated public way to be turned over to County & sup.

- B. Principal buildings and structures located on property abutting the M-35 state trunkline right-of-way shall be located a minimum of 20 feet from said right-of-way.

Section 404 High Risk Erosion Area Regulations

Within the designated High Risk Erosion Area of Lake Michigan, as determined by the Michigan Department of Environmental Quality, permanent buildings (such as residential, commercial, industrial, or institutional buildings), mobile homes, accessory and related buildings, septic systems, tile field, and other waste handling facilities shall be erected within the designated High Risk Erosion Area only after a permit is received under the high risk erosion area program. All land use shall be consistent with other regulations and sections of the zoning ordinance. Zoning permits shall be withheld until a State permit under the high risk erosion area program is issued.

Section 405 Minimum Building Floor Area

- A. Every single/two-family dwelling, excluding recreational structures, shall have a floor area of not less than 720 square feet, exclusive of unfinished basements, garages, porches and breezeways. Every unit in a multiple family dwelling shall have a minimum floor area of at least 400 square feet. Every recreational structure shall have a floor area of not less than 400 square feet, exclusive of unfinished basements, garages, porches and breezeways. The maximum ground cover ratio for all structures in a multiple family development shall be 60 percent.

Section 406 Accessory Buildings and Uses

Where a lot is devoted to a permitted principal use, customary accessory uses and buildings are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:

- A. An accessory building, including carports, attached to the principal building shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered livable floor space.
- B. All accessory buildings shall not be closer than ten (10) feet to any other structure on the lot.
- C. An accessory building shall not be located within a road right-of-way.
- D. An accessory building is permitted to be located within the front yard.

Section 407 Accessory (Echo) Housing

- A. It is the intent of the Township of Cedarville to allow for accessory housing units where because of advancing age, illness, or death of a spouse or other family member assistance or companionship is needed. The individual requiring the assistance may reside in either a separate housing units as permitted by this Ordinance, or separate apartment within the principal dwelling unit.
- B. Accessory housing units may be permitted in all districts, except Industrial, upon issuance of a Conditional Use Permit.
- C. No alteration, conversion, construction or placement of an accessory housing unit shall take place without the acquisition of a building permit. The construction or placement of a separate structure, as an accessory housing unit shall meet all applicable setback and height requirements for a principal building.
- D. The accessory housing unit may continue as long as medical or other reason for allowing the accessory housing exists.
- E. Upon cessation of the medical or other condition, a mobile home placed as an accessory housing unit shall be removed from the property within 12 weeks or be made part of the principal residence.
- F. Upon issuance of a Conditional Use Permit for an accessory housing unit, the Zoning Board shall stipulate the final disposition of a non-mobile home structure.

Section 408 Home Occupation

Home occupations shall be subject to the following regulations:

- A. Home occupations shall only be operated within the principal dwelling. No home occupations are permitted to be operated within a detached garage or accessory building.
- B. Home occupations shall employ only those members of the household residing on the premise and not more than two outside employees.
- C. There shall be no outdoor storage or exterior evidence of the home occupation, other than an approved sign.
- D. The use of the building for home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

- E. There shall be no sale of merchandise that is not directly related to the home occupation.
- F. No equipment or processes shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- G. One sign advertising the home occupation shall not exceed six (6) square feet and shall not be illuminated nor have working parts. The sign shall not exceed a height of five feet. The sign may be located within the front yard setback but located not to materially obstruct the vision of motorists on adjacent streets or vision of motorists entering any street or other public way open to vehicular traffic from an adjacent driveway.

Section 409 One Principal Structure or Use Per Lot

- A. No more than one principal structure or use may be permitted on a lot, unless specifically provided for elsewhere in this Ordinance.

Section 410 Garage Sales

- A. Garage sales at residences are permitted on an intermittent basis in all zoning districts. Garage sales are not considered to be a Home Occupation.

Section 411 Temporary Farm Stand

- A. A temporary farm stand for the display and retail sale of farm products is permitted in Districts FR, RR, LS/R, TD/C, AF and RR. Said farm stands are subject to the following requirements: only operated during daylight hours, maximum total floor area is 320 square feet, off-street parking for minimum of four vehicles, and are located a minimum of five feet from the road right-of-way.

Section 412 Variance of Requirements for Lots of Record

- A. Minimum lot size and lot width regulations do not apply to any nonconforming parcel of land shown as a lot in a map recorded with the County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgement of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described. No vested right shall arise to the property owner for any parcel created in violation of any preceding Cedarville Township Zoning Ordinance.

nance. When a nonconforming lot is held in common ownership with abutting parcel(s) of land, the two or more parcels shall be considered combined to reduce or eliminate the non-conformity.

Section 413 Allocation and Reduction of Lot Area

- A. No portion of a lot shall be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.
- B. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the stated minimum requirements. Yards or lots created after the effective date of this Ordinance shall meet at least the established minimum requirements.

Section 414 Height Requirement Exceptions

- A. The following are exempted from height limit requirements, provided that no portion of the excepted structure may be used for human occupancy:
 - 1. Those purely ornamental in purpose such as church spires, belfries, domes, ornamental towers, flagpoles and monuments;
 - 2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, radio towers, television antennas and satellite dishes, wire transmission structures, and cooling towers. Any commercial communication tower shall be so located that the distance from the base of the tower to the nearest property line shall be either equal to the height of the structure plus the setback in that district or the radius of the collapse/failure zone as certified by a structural engineer plus the setback in that district.
 - 3. Public utility structures; and
 - 4. Agriculture related structures such as barns, silos, elevators and the like.

Section 415 Use of Yard or Open Space

- A. In Districts RR, LS/R and TD/C, it is prohibited to use the open space surrounding a dwelling for the open air parking, disposition, storage, wrecking, dismantling, accumulation or abandonment, either temporary or otherwise, of disused, discarded, worn out, wrecked, or dismantled vehicles, machinery, implements, apparatus, furniture, appliances, junk, or any other personal property.
- B. A maximum of two unlicensed and temporarily disabled vehicles may be stored in all districts on the premises provided they are screened from adjacent residences and the road.

Section 416 Recreational Vehicle Use and Storage

- A. Any recreational vehicle having a valid state license/ registration may be used as a principal structure for a period not exceeding consecutive 30 calendar days. Persons using a recreational vehicle for such use must register with the Zoning Administrator. Vehicles remaining unattended must have the owner's name, address and telephone number visibly placed on the vehicle.
- B. The parking and/or storage of recreational vehicles: snowmobiles, motorcycles, scooters, 3 and 4 wheelers and other similar vehicles (whether on trailers or not) and boats, are permitted in front, side and rear yards provided setbacks are met as they pertain to accessory buildings.

Section 417 Off-Street Parking Requirements

- A. There shall be provided off-street parking for motor vehicles, and the minimum number of parking spaces to be provided is shown in the following list:

<u>Use</u>	<u>Spaces Required</u>
Single and two-family dwellings, recreational structures	2 per dwelling unit
Rooming houses, fraternities, sororities, dormitories, convalescent homes, and housing for the elderly	.4 times maximum lawful number of occupants
Hotels and motels	1.2 per room in addition to spaces required for restaurant facilities
Apartments and townhouses	2 per dwelling unit
Churches, theaters, facilities for spectator sports, auditoriums, concert halls	.35 times the seating capacity
Golf courses	7 per hole
Barber shops and beauty parlors	2 plus 1.5 per chair
Bowling Alleys	5 per lane in addition to spaces required for restaurant facilities
Child-Care Facility	2 per dwelling unit plus .3 per child
Fast food take-out establishments drive-in restaurants	.01 times floor area and square feet
Restaurants (except drive-ins), bars, and taverns	1.2 per 100 sq. ft. of floor space

<u>Use</u>	<u>Spaces Required</u>
Furniture and appliance stores	.3 per 100 sq. ft. of floor space
Household equipment, carpet and hardware stores, repair shops including shoe repair, contractor's showrooms and others, museums and galleries	1.2 per 100 sq. ft. of floor space
Funeral parlors	1 per 50 sq. ft. of floor space
Gas stations	1 per pump plus 2 per lift (in addition to stopping places adjacent to pumps)
Automotive Service Center	1 per employee plus 2 per service bay
Laundromats	.5 per washing machine
Doctor's and dentist's offices	1 per 100 sq. ft. of waiting room area and 1 per doctor or dentist
Banks	1 per 150 sq. ft. of floor space
Warehouses	1 per 500 sq. ft. of floor space
Retail stores and service establishments	1 per 150 sq. ft. of floor space and outdoor sales space
Offices	1 per 300 sq. ft. of floor space
Other business and industrial uses	.75 times maximum number of employees on premises at any one time
B.	In the case of multiple businesses located on the same parcel, the predominate or principal business will be used to calculate off-street parking requirements.
C.	Where calculation in accordance with the foregoing lists results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.
D.	Required off-street parking shall be provided on the lot to which it pertains. Access drives may be placed in the required front, side or rear yards so as to provide access to accessory or attached structures. Further, any walk or other pavement serving a like function shall not be considered a structure and shall be permitted in any required yard.
E.	The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the parking of motor vehicles is prohibited. For recreational and residential storage facilities and warehousing, loading areas shall be provided adjacent to the openings of the buildings. In no case shall these loading areas including access lanes be less than 26 feet wide when

loading occurs on one side of the lane nor less than 30 feet wide when loading would occur from both sides.

- F. The following minimum design standards shall be observed in laying out off-street spaces and providing access lanes to each space. Layouts requiring vehicles to back out onto roads or streets are prohibited.

<u>Parking Angle</u>	<u>Stall Width</u>	<u>Aisle Width</u>	<u>Parking Stall Length</u>	<u>Curb to Curb</u>
0° to 15°	9 ft.	12 ft.	23 ft.	30 ft.
16° to 37°	9 ft.	11 ft.	18 ft.	47 ft.
38° to 57°	9 ft.	13 ft.	18 ft.	54 ft.
58° to 74°	9 ft.	18 ft.	18 ft.	61 ft.
75° to 90°	9 ft.	24 ft.	18 ft.	63 ft.

Section 418 Required Planting Screens

- A. In the Town Development/Commercial (TD/C) and Industrial (I) Districts, wherever any parking lot, trash collection, outdoor storage, merchandising, or service area lies within 50 feet of any Rural Residential, Lakeshore and River, or Forest and Recreation District or adjoins a residential dwelling within the TD/C, LS/R, or I Districts, a planting screen of sufficient length to interfere with the view thereof from the adjoining property shall be required except where the view is blocked by a change in grade or other natural or man-made features. Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, a six (6) foot high fence whether it be an opaque wooden fence, a chain link fence with interwoven slats, or a masonry wall may be substituted.
- B. Planting Screen Specifications. All planting screens required by this Ordinance shall consist of plants, at least 30 inches high when planted, maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of five feet.
- C. Plant materials shall be permitted only upon certification to the Zoning Administrator that the proposed plantings can be expected to thrive and provide screening and will create no nuisance or hazard.
- D. Parking Lot Planting. Where the provision of off-street parking for 50 or more vehicles is required, there shall be landscaped open space within the perimeter of the parking area, or areas, in the minimum amount of 18 sq. ft. for each parking space, which shall be so located that no parking space is more than 120 feet from a portion of the landscaped open space required by this Section. Landscaped open space required by this Section shall be kept continuously planted with living vegetation. The required landscaped open space need not be contiguous, but

there shall be at least one tree in each separate area. Trees shall be maintained in a healthy condition, and shall not be pruned, except to remove dead wood, in such a manner as to prevent growth to a height of at least 15 feet or to reduce existing height below 15 feet. All plant materials shall be kept pruned to maximize visibility through them between the heights of three and eight feet except where located so as to create a hazard to drivers or pedestrians.

- E. **Time of Completion of Plantings.** All plantings required by this Ordinance shall be installed prior to occupancy or commencement of use. Where compliance is not possible because of the season of the year, the Zoning Administrator shall grant an appropriate delay. Any Zoning Compliance Permit may be revoked, after 30 days written notice to the person assessed for taxes on the affected lot and to the occupant, whenever plantings are not maintained as required in this Ordinance.

Section 419 Fence Regulations

- A. The height of fences shall not exceed the following, except for junkyards:
1. **Front yard:** No fence or hedge shall exceed eight feet in height.
 2. **Side yard:** No fence or hedge shall exceed eight feet in height.
 3. **Rear yard:** No fence or hedge shall exceed eight feet in height, except in waterfront setback area where a fence or hedge shall not exceed four feet.
 4. **Corner lot:** No fence or hedge shall obstruct the vision of motorists on adjacent streets or vision of motorists entering any street or other public way open to vehicular traffic from an adjacent driveway.
- B. Any person erecting any fence or hedge shall be fully responsible for the care and maintenance of said fence or hedge and shall assume full responsibility for any damage arising due to the erection of such fence or hedge.
- C. Normally required front, side and rear setbacks need not be met so long as the fence is not trespassing. The fence shall be at least two feet from the property line.

Section 420 Junkyards and Salvage Yards

- A. All uses shall be established and maintained in accordance with all applicable state laws.
- B. A tight fence, at least eight (8) feet in height shall be provided around the periphery of the site to screen said site from the surrounding property. The fence shall be of sound construction, painted or otherwise finished neatly and inconspicuously.

- C. All activities shall be confined within the enclosed area. There shall be no stocking of material above the height of the fence, except that movable equipment used on the site may exceed the fence height. No equipment or material shall be used or stored outside the enclosed area.
- D. All enclosed areas shall be set back at least 100 feet from any front street or property line. Such front yard setback shall be planted with trees, grass, and shrubs to minimize the appearance of the installation. The spacing and type of plant materials shall be approved by the Zoning Board.
- E. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
- F. Whenever the installation abuts a residential district, a transition strip at least 200 feet in width shall be provided between the enclosed area and the adjoining district. Such strip shall contain plants, grass and structural screens of a type approved by the Zoning Board.
- G. All junkyards and salvage yards shall be required to obtain a township junkyard license.

Section 421 Minimum Mobile Home Requirements

- A. Mobile homes placed in the Township shall have its wheels and axles removed, be securely anchored to the ground and have skirting installed around the mobile home. This provision does not apply to Accessory (Echo) Housing as permitted by Section 407.

ARTICLE V: SIGNS

Section 501 Intent

- A. It is hereby determined that regulation of the locations, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among business for attention, to prevent hazards of life and property, and to assure the continued attractiveness of the community and protect property values. It is further determined that signs which may lawfully be erected and maintained under the provisions of this Ordinance are consistent with customary usage, and that signs which may not lawfully be erected or maintained under the provisions hereof are not consistent with customary usage, are an abuse thereof, and are unwarranted invasions of the rights of legitimate business interests and of the public.

Section 502 Residential District Regulations for Signs

Within all districts allowing residential uses as a permitted principal use, signs shall be permitted as follows:

- A. One sign to announce the sale or rent of property whose area shall not exceed six (6) square feet.
- B. Churches shall be permitted a total sign area of 20 square feet. The total sign area may be divided into two signs: one identification sign and one bulletin board.
- C. One sign per vehicle entrance which identifies a platted subdivision development or mobile home park not exceeding 32 square feet and eight feet in height.
- D. Multiple dwellings and nursing homes shall be permitted one identification sign not to exceed 12 square feet and eight feet in height.
- E. One sign shall be permitted to advertise a home occupation not to exceed six (6) square feet and shall not be illuminated or have working parts. The sign shall not exceed a height of five feet. It may be attached flush to the building or placed to the front of the lot or parcel and shall not detract from the visual appearance of the neighborhood. The sign shall not materially obstruct the vision of motorists on adjacent streets or vision of motorists entering any street or other public roadway or private driveway.
- F. Signs permitted by this Section are exempt from the setback requirements of Section 401. Signs, however, shall not be located on the right-of-way and shall not interfere with traffic visibility.

Section 503 Town Development/Commercial District Sign Regulations

- A. Signs are permitted in the Town Development/Commercial (TD/C) District on parcels that are already developed. Free-standing (ground) signs are permitted having an area not exceeding six (6) square feet for each ten (10) feet or fraction of frontage, or sixty (60) square feet for each acre or fraction of area of the developed premises, whichever is larger. Where a premise has more than one occupant, the permitted sign area shall be divided among them in the same proportion as floor space and outdoor sales as occupied by them.
- B. Signs shall be subject to the following setback requirements; minimum of five (5) feet setback when the right-of-way width from the centerline of the road to the property line is less than fifty (50) feet; and may be located at the lot line when the right-of-way width from the centerline of the road to the property line is greater than fifty (50) feet. Setback measurement shall be from the right-of-way to the closest part of the sign, whether it be at or above grade. The maximum height for signs in the Town Development/Commercial District shall be forty (40) feet.

Section 504 Industrial District Sign Regulations

- A. In the Industrial District, on-premise signs are permitted having a sign area not exceeding one hundred (100) square feet. Double faced or V-type signs shall have a maximum of one hundred (100) square feet for each side. All signs shall be at least three hundred (300) feet apart and shall maintain a forty (40) foot setback. The maximum height for signs in the Industrial District shall be fifteen (15) feet.

Section 505 Agriculture and Forest District Sign Regulation

- A. Where a farm or other agricultural operation is permitted within the Agriculture and Forest District, the total area shall not to exceed twenty (20) square feet to advertise agricultural goods or other items for sale at that location.

Section 506 Cluster Sign Regulations

- A. A sign that lists and identifies a number of institutions, organizations, churches and/or businesses which contain the names, locations, hours, products sold, services offered, announcement of events or similar messages is permitted in all zoning districts. A cluster sign at one location shall have a maximum sign area of sixty (60) square feet. The cluster sign must be maintained by either the Township or recognized civic organization or churches.

Section 507 Signs for Conditional Use

- A. In granting a conditional use permit, the zoning board shall stipulate the maximum sign area, setback requirements, location, sign height and other requirements of a sign or signs on the parcel.

Section 508 Temporary Signs

- A. Signs which are intended to identify or advertise a non-profit annual or one time event or occurrence, such as a fair or other event of general public interest, shall be permitted for a period not to exceed two months provided that the sign is not contrary to the spirit and purpose of this Ordinance and shall conform to all size limitations set forth by this Ordinance. The applicant is responsible for both the erection and removal of all signs. All signs must be removed no later than 10 days after the end of the event.

Section 509 Construction Signs

- A. One construction sign is permitted per project not exceeding sixteen (16) feet in sign area for residential districts and thirty-two (32) square feet for TD/C or I Districts. Signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed no later than 30 days following occupancy or completion of the project.

Section 510 Exempt Signs

The following signs shall not exceed nine (9) square feet and are otherwise exempt from this Ordinance:

- A. Public Signs - Signs for a noncommercial nature and in the public interest, erected by, or on the order of a public officer in the performance of official duty.
- B. Political Signs - Those signs which are intended to advertise a public election, individual actively participating in such an election, or other public ballot issue, are permitted on private property with the owner's permission. All political signs must be removed within 10 days after the election date and shall not be located on the public right-of-way.
- C. Signs which announce no hunting or no trespassing.
- D. Signs which identify the name of a farm or farming operation.
- E. Residential Identification Signs - Those signs which have an occupant's name and/or house number or emergency identification number.

- F. Signs which indicate a garage sale or directions to a garage sale.

Section 511 Lighting of Signs

- A. No lighted signs shall be permitted within the Rural Residential Districts. No strobe blinking or other pulsating lights shall be permitted in any district. No sign shall be lighted so as to create a traffic hazard or to adversely affect neighboring land uses. No sign may be lighted to such an intensity or in such a manner that it creates a public nuisance or adversely affects the public health, safety, or general welfare.

Section 512 Maintenance of Signs

- B. Dilapidated sign structures which are likely to cause injury or degrade the surrounding area, and signs which advertise a closed business, past event or political election, are no longer legible, or are otherwise untimely or unsafe, are a nuisance or danger to the public. The zoning board is authorized to remove, or to have removed, all dangerous or nuisance signs, the cost of which is to be borne by the sign owner and/or property owner.

Section 513 Nonconforming Signs

- A. It is the intent and purpose of this Section to eliminate nonconforming signs except as otherwise specifically set forth in this Section as rapidly as the police power of the Township permits. No sign shall be designated as Class A Nonconforming.
- B. No nonconforming sign:
1. shall be structurally altered so as to prolong the life of the signs, nor shall the shape, size, type, or design of the sign structure be altered;
 2. shall be continued after the activity, business, or usage to which it relates has been discontinued for 30 days or longer; or
 3. shall be reestablished after damage or destruction if the estimated expense of reconstruction exceeds 50% of the sign value.
- C. No conforming sign may be changed to another nonconforming use.
- D. Nonconforming signs may have their face or message updated but not structurally altered.

ARTICLE VI: SITE PLAN REVIEW

Section 601 Intent

- A. It is the purpose of this Section to require site plan review approval for all buildings, structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. The regulations contained herein are intended to provide and promote the orderly development of the Township; safe and convenient traffic movement, both within a site and in relation to access streets; the stability of land values and investments by preventing the impairment or depreciation of land values and development, by the erection of structures or additions or alterations thereto, without proper attention to setting or to unsightly or undesirable appearances; harmonious relationship to buildings, other structures and uses, both within a site and/or adjacent sites; and the conservation of natural amenities and resources.

Section 602 Site Plan Required

- A. A site plan is required for and shall accompany the applications for:
1. Zoning Compliance Permits for:
 - a. Any proposed construction
 - b. Any commencement of a new use
 - c. Any proposed change in use
 2. Conditional Use Permit
 3. Variances
 4. Class A Non-Conforming use designations
 5. Any other request for zoning status where the Zoning Administrator determines a site plan is necessary for accurate review or documentation of the existing development.
- B. The site plan may be drawn on the application form or on a separate sheet of paper as appropriate to the scale and amount of information shown.

Section 603 Site Plans for Single and Two-Family Dwellings, and Residential Accessory Uses and Structures and for Recreational Structures

- A. The site plan for single and two-family dwellings, residential accessory uses and structures and recreational structures shall show the following information:

1. A legal description of the site.
2. All lot lines and dimensions of the lot.
3. All roads and easements.
4. All existing and proposed buildings shall be shown and labeled.
5. Proposed use of each building.
6. Distances between buildings and all lot lines.
7. Building dimensions.
8. Natural features affecting development (rock, water, etc.).
9. Well and septic locations.
10. A north arrow.

Section 604 Site Plans for Commercial, Industrial and Multiple Family Development (all other development)

A. Site plans meeting the following standards shall be required for the following: all commercial and industrial uses and developments; all non-residential Conditional Use Permits. This information shall be provided on two (2) identical copies.

1. A scale adequate to illustrate the proposed activity.
2. A legal description of the lot; the name, address and telephone number of the owner, developer and designer.
3. Date, north arrow, and scale.
4. The actual dimensions of the proposed developed area (as shown by a licensed surveyor, engineer, architect, or registered landscape architect, with the survey stakes visible) showing the relationship of the subject property to abutting properties.
5. The location of all existing and proposed structures, including signs, on the subject property and all existing structures on land immediately adjacent to the site within 10 feet of the sites parcel lines.
6. The location of all existing and proposed drives and parking areas.
7. The location and right-of-way widths of all abutting streets, alleys, and private easements.
8. The location of proposed planting and screening, fencing, signs and advertising features.
9. The height and floor area of all proposed structures.
10. The size and location of all existing and proposed public and private utilities and required landscaping.
11. Any other information necessary to establish compliance with this Ordinance or any other applicable ordinances.
12. Location of all existing and proposed surface water impoundments and surface water drainage pattern. Indicate whether local, state or federal permits have been applied for.
13. The location and extent of all earth movement which is planned. Indicate if a sedimentation and erosion control permit has been applied for.

Section 605 Review Procedures

- A. Upon receipt of any site plan, the Zoning Administrator shall review it to determine whether it is in proper form, contains all of the required information, shows compliance with this Ordinance and all other Ordinances of Cedarville Township, and demonstrates the adequacy of utility service. Upon demand by the proposer of the site plan, the Zoning Administrator shall, within ten (10) working days, approve or deny in writing, setting forth in detail the reasons which shall be limited to any defect in form or required information, any violation of any provision of this or any other Ordinance and any changes which would make the plan acceptable. The proposer may appeal any denial to the Township Zoning Board of Appeals. The Zoning Administrator and Zoning Board of Appeals shall use the following standards in their review.

Section 606 Standards for Site Plan Approval

- A. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site will be so developed as not to impede the normal and orderly development or improvement or surrounding property for uses permitted in this Ordinance.
- B. The landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
- C. Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.
- D. The site plan shall provide reasonable visual and auditory privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- E. All buildings or group of buildings shall be so arranged as to permit emergency vehicle access to all sides.
- F. Every structure or dwelling shall have access to a public street, walkway or other area dedicated to common use.
- G. All loading or unloading and outside storage areas, including areas for storage of trash, which face or are visible from residential properties, abut a residential zone or public thoroughfares, shall be screened by a vertical fence consisting of structural (fence) or plant materials no less than six (6) feet in height.

H. Exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

ARTICLE VII: CONDITIONAL USE PERMITS

Section 701 Intent

- A. Until recent years, the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more districts. However, the functions and characteristics of an increasing number of new kinds of land uses combined with some of the older, more familiar kinds of uses call for more flexibility and equitable procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied depending upon functional characteristics, competitive situations and the availability of land. Rather than assign all uses to special, individual, and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses, but that will, at the same time, maintain adequate provision for the security of the health, safety, convenience and general welfare of the community's inhabitants.
- B. In order to accomplish such a dual objective, provision is made in this Ordinance not only for flexibility in individual district regulations, but also for a more detailed consideration of certain specified activities as each may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as Conditional Uses and may be authorized by the issuance of a Conditional Use Permit with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.
- C. The following sections (702 through 705), together with previous references to Sections 309 through 314, designate what uses require a Conditional Use Permit. With any exception noted, the procedures for obtaining such a permit apply to all conditional uses indicated.

Section 702 Application Procedure

- A. Any person having an interest in a property may file an application for a Conditional Use Permit for the zoning district in which the land is situated.
- B. Applications shall be submitted through the Zoning Administrator to the Zoning Board. Each application shall be signed by the property owner and accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.

- C. Data Required in Application: Every application shall be accompanied by one copy of the following information and data:
1. Conditional use form supplied by the Zoning Administrator filled out by the applicant.
 2. Site plan drawn to a readable scale and containing that information specified in Article VI, Section 603 or 604.
 3. A statement with supporting evidence regarding the required findings specified in Section 704.
- D. Approval of a Conditional Use Permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by all subsequent owners.
- E. In instances where development authorized by a Conditional Use Permit has essentially changed in nature, extent or character, the Zoning Board shall review the permit in relation to the applicable standards and requirements of the Ordinance. Upon finding that there has been a violation in the conditions of the Conditional Use Permit granted under the provisions of this Ordinance, the Zoning Board may declare the permit null and void.
- F. If development of a Conditional Use Permit has not commenced within one year from the date of issuance, said permit shall expire automatically. The Zoning Board can approve an extension for one additional year upon request by the applicant.

Section 703 Review and Findings

- A. The Zoning Board shall approve, approve with conditions, or reject the application within sixty (60) days of the hearing based upon materials received and testimony recorded at the public hearing. The Zoning Board shall set forth the reasons for approval, denial, or modification of the conditional use permit application. All conditions shall be clearly specified in writing and be consistent with Sections 704 and 902(C). The petitioner has one year from date of hearing to comply with all specified conditions. Compliance shall occur prior to issuance of a zoning compliance permit by the Zoning Administrator pursuant to Section 905 and the commencement of the use, unless a specified time is set or implied in the motion granting the Conditional Use Permit.

Section 704 General Standards

The Zoning Board shall review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed use:

- A. Will be harmonious with and in accordance with the general policies of Cedarville Township or with any specific objectives of any adopted development plans;
- B. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;
- C. Will not be hazardous or disturbing to existing or future neighboring uses;
- D. Will not diminish the value of land, buildings, or structures in the District;
- E. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- G. Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of noise, traffic, smoke, fumes, glare, or odors;
- H. Will protect the public health, safety and general welfare of the community; and
- I. Will be consistent with the intent and purpose of the specific zoning district in which it is located.
- J. The following standards shall be used by the Zoning Board when considering child care facilities:
 - 1. Is located not closer than 1,500 feet to any of the following:
 - a. Another licensed group day-care home.
 - b. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being Sections 400.701 to 400.737 of the Michigan Compiled Laws.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the public health code, Act No. 368 of the Public Acts of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.

- d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
2. Has appropriate fencing for the safety of the children in the group day-care home as determined by the Zoning Board.
3. Maintains the property consistent with the visible characteristics of the neighborhood.
4. Does not exceed 16 hours of operation during a 24-hour period. The Zoning Board may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
5. Meets regulations, if any, governing signs used by a group day-care home to identify itself.
6. Meets regulations, if any, requiring a group day-care home operator to provide off-street parking accommodations for his or her employees.

Section 705 Conditions and Safeguards

- A. Prior to granting any Conditional Use Permit, the Zoning Board may impose conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the Conditional Use Permit as in its judgement may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will utilize the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole; and be consistent with the general standards listed in Section 704 of this Ordinance and therefore be necessary to meet the intent and purpose of the regulations contained therein.
- B. Conditions and requirements stated as part of Conditional Use Permit authorization shall be a continuing obligation of land holders. The Zoning Administrator shall make periodic investigations of developments authorized by Conditional Use Permit to determine compliance with all requirements.
- C. Conditional Use Permits may be issued for time periods as determined by the Zoning Board. Conditional Use Permits may be renewed in the same manner as originally applied for.
- D. In authorizing a Conditional Use Permit, the Zoning Board may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the Township, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the Township Treasurer at the time of issuance of the permit authorizing the use or activity. As work progresses, the Zoning Board may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.

- E. Revocation of a Conditional Use Permit by the Zoning Board shall be made at a public hearing following the same procedures as original approval to the effect that:
1. Such conditions as may have been prescribed in conjunction with the issuance of the original permit included the requirement that the use be discontinued after a specified time period; or
 2. Violations of conditions pertaining to the granting of the permit continue to exist more than thirty (30) days after an order to correct has been issued. Violations of any conditions set by the Zoning Board are violations of this zoning ordinance.
- F. All plans, specifications and statements submitted with the application for a Conditional Use Permit shall become, along with any changes ordered by the Zoning Board, a part of the conditions of any Conditional Use Permit issued thereto.
- G. The standards in Section 704 are basic to all conditional uses as identified in Sections 309 through 314.

Section 706 Appeals

- A. Recourse for a person aggrieved by a decision of the Zoning Board in the granting or denial of a Conditional Use Permit shall be to the Zoning Board of Appeals.

ARTICLE VIII: NONCONFORMING USES AND STRUCTURES

Section 801 Intent

- A. Nonconforming uses and structures are those which do not conform to a provision or requirement of this Ordinance but were lawfully established prior to the time of its applicability. Any previous Class A designation authorized by formal action shall remain in effect. It is recognized that those nonconformities which adversely affect orderly development and the value of nearby property are not permitted to continue without restriction.
- B. The zoning regulations established by this Ordinance are designed to guide the future use of land in Cedarville Township by encouraging appropriate groupings of compatible and related uses and thus to promote and protect the public health, safety and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes for which such regulations are established.
- C. This Ordinance distinguishes by class the various nonconforming uses and structures. In general, Class A nonconforming uses and structures have been found by the Zoning Board not to be contrary to the public health, safety, and general welfare, or the spirit of this Ordinance or other standard in this ordinance and as such should either be encouraged or at a minimum not be discouraged to continue. In contrast, the Class B nonconforming uses and structures are not consistent with the aforementioned, and as such, should be not encouraged to exist by the Township. Different regulations are established for each class. The degree of restriction over each class is a function of the degree to which that class of nonconformity is a nuisance or incompatible with the purposes and regulations of this Ordinance.
- D. Any use or structure created in violation of any preceding Cedarville Township Zoning Ordinance remains a violation.

Section 802 Class A Nonconforming Uses and Structures

- A. Class A nonconforming uses and structures are those which have been so designated by the Zoning Board, after application by any interested person or the Zoning Administrator. The Zoning Board shall find that the continuance thereof would not be contrary to the public health, safety, and general welfare, or to the spirit of this Ordinance; that the use or structure does not and is not likely to significantly depress the value of nearby properties; that the use or structure was lawful at the time of its inception; that it meets the standards set out in Section

704 of this Ordinance; and that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.

Section 803 Procedure For Obtaining Class A Designation

- A. A written application shall be filed with the Zoning Board utilizing forms obtained from the Zoning Administrator which shall include:
1. Name and address of property owner and applicant if not same;
 2. A legal description of the property or lot;
 3. A site plan pursuant to Section 603 or 604.
 4. An explanation describing the present nonconforming use or structure.
 5. An explanation of any proposed addition or alteration to the uses or structures.
- B. The Zoning Board shall, upon receipt of said application, schedule a public hearing in accordance with the procedures set out in Section 902 of this Ordinance. Upon hearing the facts and information, the Zoning Board shall make its decision in writing and set forth the findings and reasons on which it is based, pursuant to the standards identified in Section 704. Conditions may be attached, including any time limit, where necessary to assure that the use or structure does not become contrary to the public health, safety, or welfare, or the spirit and purpose of this Ordinance.

Section 804 Provisions for Class A Nonconforming Uses and Structures

- A. Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
1. No such Class A Nonconforming Use or Structure shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except with specific approval of the Zoning Board.
 2. No such Class A Nonconforming Use or Structure shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance, except with specific approval of the Zoning Board.
 3. No Class A Nonconforming Use or Structure shall be extended to displace a permitted (conforming) use.
 4. Class A Nonconforming Use or Structure shall not be changed to another nonconforming use, except with specific approval of the Zoning Board. Before granting such approval, the Zoning Board shall determine

- that such change in use will have a less deleterious effect on neighboring properties than the existing nonconforming use.
5. No Class A Nonconforming Use shall be expanded to add another nonconforming use, except with specific approval by the Zoning Board. The proposed nonconforming use shall satisfy the standards as set out in Section 704.
 6. Structural alterations to the interior of the building may be permitted without the prior approval of the Zoning Board.

Section 805 Regulations Pertaining to Class A Nonconforming Uses and Structures

- A. No Class A Nonconforming Use or Structure shall be resumed if it has been discontinued for a continuous period of at least eighteen months or if it has been changed to a conforming use for any period. No Class A Structure shall be used, altered, or enlarged in violation of any condition imposed in its designation.

Section 806 Class B Nonconforming Uses and Structures

- A. All nonconforming uses and structures not designated as Class A are considered as Class B. It is the purpose of this Ordinance to eliminate Class B Nonconforming Uses and Structures as rapidly as is permitted by law without payment of compensation. No Class B Nonconforming Use shall be resumed if it has been discontinued for a continuous period of at least eighteen (18) months or if it has been changed to a conforming use for any period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds fifty (50) percent of the reproduction cost of such structure.
- B. No Class B Nonconforming Structure shall be enlarged or structurally altered. No Class B Nonconforming Use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than was used at the time of becoming nonconforming. No Class B Nonconforming Use or Structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

Section 807 General Standards

- A. The Zoning Board shall review the particular facts and circumstances of each Class A proposal in terms of the intent of this Article and the general standards as set out in Section 704 of this Ordinance. Each individual proposal shall follow the procedure identified in Section 902 of this Ordinance.

Section 808 Revocation of Class A Nonconforming Uses and Structures

- A. Any Class A nonconforming use or structure maintained or used in violation of this Ordinance is a nuisance per se. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, the Zoning Administrator shall issue a notice of violation. Such notice shall be directed to each property owner of or a party in interest in whose name the property appears on the last local tax assessment records. All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by regular mail, addressed to such owner or party in interest at the address shown on the tax records. An affidavit of mailing shall be maintained.
- B. All violations of Class A nonconforming uses and structures shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period shall be reported to the Zoning Board. The Zoning Board shall, upon receipt of said violation, schedule a public hearing in accordance with the procedures set out in Section 902 of this Ordinance. Upon hearing the facts and information, the Zoning Board shall make its decision to consider revocation of the Class A designation in writing and set forth the findings and reasons on which it is based.

ARTICLE IX: ADMINISTRATION AND ENFORCEMENT

Section 901 Administration

- A. The administration and enforcement of this Ordinance shall be the responsibility of the Township Board. The Township Board shall have the right to delegate said responsibility to appropriate township officers, employees or designees. The person or persons administering and enforcing this Ordinance shall be known as the Zoning Administrator(s).

Section 902 Administrative Standards and Procedures

- A. Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.
- B. Where a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals and the Zoning Board:
1. Shall base their decision upon facts presented at a public hearing. Applications which require hearings before the Cedarville Township Zoning Board or the Zoning Board of Appeals shall be submitted thirty days prior to the regular meeting date of that body. Late applications may be scheduled for hearings upon authorization by the Chairperson after review of the upcoming agenda, and the work load and ability of the staff to meet legal notice deadlines and to prepare reports and recommendations. Under no circumstances may a late application be accepted less than five days prior to a legal notice deadline;
 2. For Class A Nonconforming Uses or Structures and Zoning Board of Appeals hearings, shall publish notice of the public hearing in a newspaper of general distribution, such notice to be given not less than five (5) nor more than fifteen (15) days prior to the public hearing.
 3. For Conditional Use Permits, notice shall be given not less than five (5) nor more than fifteen (15) days.
 4. Required notices shall be given by mail or personal service to all property owners to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to all occupants of structures within three hundred (300) feet. The current year's assessment role shall be used as prima facie evidence of record ownership. If a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other

- distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure;
5. For amendments, shall publish two notices in a newspaper of general circulation in the Township, one at least twenty (20) but not more than thirty (30) days before the hearing and the second not more than eight (8) days before the hearing. Said notice shall also go to utilities registered to receive the notice, to railroads within the zone affected and, if the amendment is a rezoning, by mail or personal service to all property owners to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to all occupants of structures within three hundred (300) feet. The current year's assessment role shall be used as prima facie evidence of record ownership. This rezoning notice shall be given at least twenty (20) days before the hearing;
 6. All hearing notices shall include the time, place and nature of the request, the geographic area included in the zoning proposal, where and when written comments will be received, and where and when the zoning ordinance and proposals or applications may be examined;
 7. Shall permit interested parties at the hearing to present and rebut information either supporting or opposing the zoning action under consideration;
 8. Shall prepare a comprehensive summary record of the hearing, including an exact record of motions, votes and other official action;
 9. Shall set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision;
 10. Shall file the record, written testimony, or documents submitted with regard to the hearing, and the decision with the Township Clerk, and maintain an affidavit of mailing for each mailing made under this section;
 11. Shall comply with all other requirements under the law; and
 12. Shall have all administrative actions recorded in the Official Zoning Orders Book and Map.

C. Wherever a discretionary decision is authorized in this Ordinance, such as, but not limited to, the issuance of special use permits, conditions (including, but not limited to greater setbacks, parking, screening, drainage, access control and other similar requirements) may be imposed provided they are:

1. Designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed use or activity, and the community as a whole;
2. Related to the valid exercise of the police power, and the purposes which are affected by the proposed use or activity;
3. Necessary to meet the intent and purpose of the zoning ordinance, are related to standards established in the Ordinance for the land use or

activity under consideration, and are necessary to insure compliance with those standards; and

4. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. A record of changed condition shall also be maintained.

- D. All administrative guides or rules developed to assist the Zoning Board of Appeals or the Zoning Board in the administration of this Ordinance shall be filed with the Township Clerk and be open to public inspection.

Section 903 Zoning Administrator

- A. The Zoning Administrator shall be appointed by the Township Board and shall receive such compensation as the Township Board may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed officer of this Township. The Zoning Administrator, or their designated employee, shall administer the provisions of this Ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body. They shall have no power to vary or waive Ordinance requirements.

Section 904 Duties of Zoning Administrator

- A. The Zoning Administrator shall have the power to issue a Zoning Compliance Permit and to review Site Plans to determine whether they are in proper form, contains all of the required information and is in accordance with the provisions of this Ordinance. The Zoning Administrator shall make inspections of premises and collect such investigative data deemed necessary to carry out his duties in the enforcement of this Ordinance.
- B. If the Zoning Administrator shall find that any provision of this Ordinance is being violated, the Administrator shall order discontinuance of any illegal work being done; or shall take such action as authorized to insure or prevent violation of the provisions of this Ordinance.
- C. The Zoning Administrator shall not vary, change or grant exceptions to any terms of this Ordinance, or to any person making application under the requirements of this Ordinance.
- D. It shall be unlawful for the Zoning Administrator to issue a Zoning Compliance Permit or other such permits, for any construction or use until he has inspected such plans and found them to conform with this Ordinance.

Section 905 Zoning Compliance Permit

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a Zoning Compliance Permit shall have been issued therefore by the Zoning Administrator. The Permit shall state that the building, structure, and lot, and use thereof, conform to the requirements of this Ordinance.
- B. The Zoning Administrator shall maintain a record of all Zoning Compliance Permits and said record shall be open for public inspection. Failure to obtain a Zoning Compliance Permit shall be a violation of this Ordinance.

Section 906 Enforcement and Violation

Notice of Violation:

- A. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, said Zoning Administrator shall issue a notice of violation.
- B. Such notice shall be directed to each owner of or a party in interest in whose name the property appears on the last local tax assessment records.
- C. All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by regular mail, addressed to such owner or party in interest at the address shown on the tax records. An affidavit of mailing shall be maintained.
- D. All violations shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period shall be reported to the Township Board who shall initiate prosecution procedures.

Section 907 Special Zoning Orders Book and Map

- A. The Zoning Administrator shall keep a Special Zoning Orders Book, which shall list, with a brief description, all variances, conditional use permits, rezonings, designations of Class A nonconformance, and any terminations of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map, to be known as the Special Zoning Orders Map, on which shall be recorded the numbers in the Special Zoning Orders Book to indicate the locations affected by the items in the book. The Special Zoning Orders Book and Map shall be open to public inspection.

Section 908 Fees

- A. The Township Board shall periodically establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be made available in the office of the Zoning Administrator and may be changed only by the Township Board. No permit shall be issued unless such fees have been paid in full.

ARTICLE X: ZONING BOARD OF APPEALS

Section 1001 Creation and Membership

- A. The Zoning Board of Appeals is hereby established in accordance with Act 184 of 1943, as amended. The Board shall consist of three (3) members: a member of the Zoning Board; and the remaining members appointed by the Township Board from the electors residing in the unincorporated area of the Township. One member may be a member of the Township Board. The term of office for the member of the Zoning Board shall not exceed the term of office on the Zoning Board; the term of office for a member of the Township Board shall not exceed the term of office on the Township Board.

Section 1002 Procedures

- A. The Zoning Board of Appeals may adopt rules and regulations to govern its procedures. The Zoning Board of Appeals shall appoint one of its members as Chairman. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to revise any order, requirements, decision or interpretation of the Zoning Administrator or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.
- B. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times in its rules of procedure may specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts and other relevant factors, including the vote of each member upon any question or if absent or failing to vote indicating such fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Township Clerk.
- C. The Zoning Board of Appeals shall fix a reasonable time and date for a hearing. The Board shall give due notice of the hearing by regular mail to the parties of interest and to owners of adjacent property in accordance with the provisions of Section 902.

Section 1003 Duties and Powers

- A. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in Act 184 of 1943, as amended, so that the objectives of this Ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done. The Zoning Board of Appeals shall hear and decide only those matters which it is specifically authorized to hear and decide as provided therein,

Including administrative review; interpretation of the Zoning Ordinance, including the zoning map; and consideration of requests for variances and appeals of the granting or denial of Conditional Use Permits.

- B. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have power to act on those matters specifically provided for in this Ordinance.

Section 1004 Administrative Review

- A. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision or determination of the Zoning Administrator.
- B. The Zoning Board of Appeals shall have the power to:
1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance;
 2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator; and
 3. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 411 or by an analysis of the specific needs.
 4. Determine if a use is similar to an expressly permitted (either by right or conditionally) use within specific district.

Section 1005 Variances

- A. The Zoning Board of Appeals shall have the power and duty to authorize upon appeal, in specific cases such variance from the provisions of this Ordinance as will not be contrary to the public interest. Such variance shall be granted where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship or practical difficulty.
- B. Any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.
- C. The Zoning Board of Appeals shall make findings that the requirements of this Section have been met by the applicant.
- D. The Zoning Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building, or structure.

- E. The Zoning Board of Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.
- F. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards consistent with Section 902(C) of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance.
- G. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- H. In exercising the above mentioned powers, the Zoning Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have the powers of the public official from whom the appeal was taken.

Section 1006 Appeals

- A. Appeals concerning interpretation of the administration of this Ordinance or for the granting or denial of a Conditional Use Permit shall be made by filing a notice of appeal specifying the grounds thereof with the Zoning Administrator within a period of thirty (30) days from the occurrence of the contested action. The Zoning Administrator shall transmit to the Board copies of all papers constituting the record upon which the action appealed was taken from.
- B. A fee shall be paid to the Township at the time of filing the notice of appeal. The appeal fee shall be established by the Township Board.
- C. Any party or parties may appear at the hearing in person or by agent or attorney.
- D. The Zoning Board of Appeals shall decide upon all matters within a reasonable time. The decision of the Board shall be in the form of a resolution containing a full record of its findings and determinations in each case.
- E. An appeal shall stay all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Board, that a stay would in his opinion, cause imminent peril to life or property, in which case the proceedings should not be stayed, other than by a restraining order granted by the courts.

Section 1007 Duties on Matters of Appeal

- A. All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Administrator. Such questions shall be presented to the Zoning Board of Appeals only on appeal from the decisions of the Zoning Administrator. Recourse from decisions of the Zoning Board of Appeals shall be to the Circuit Court of Menominee County, as provided by law.

ARTICLE XI: TOWNSHIP ZONING BOARD: ZONING AUTHORITY

Section 1101 Designation

- A. The Cedarville Township Zoning Board has been created and shall assume the duties as prescribed in accordance with the provisions of Act 184 of 1943.

Section 1102 Changes and Amendments

- A. Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Zoning Board or by an individual.

Section 1103 Required Amendment Information

- A. If the amendment is to change the text of the ordinance, the petitioner shall transmit proposed language for consideration by the Zoning Board. The petitioner shall explain the reasons for the change and any benefit or interest to be gained.
- B. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:
1. A legal description of the property;
 2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location;
 3. The name and address of the petitioner;
 4. The petitioner's interest in the property;
 5. Date of filing with the Zoning Administrator;
 6. Signatures of petitioner(s) and owner(s) certifying the accuracy of the required information; and
 7. The desired change and reasons for such change.

Section 1104 Review of Amendment by Zoning Board

- A. In viewing any petition for a zoning amendment, the Zoning Board shall identify and evaluate all factors relevant to the petition. All findings of fact shall be made part of the Public Hearing.
- B. The general standards to be considered by the Zoning Board shall include, but not be limited to, the following:

1. Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance;
 2. Whether the requested zoning change is consistent with local plans and policies;
 3. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition;
 4. The ability of the Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition is approved;
 5. Whether there are any significant and negative environmental impacts which would potentially occur if the petitioned zoning change occurred and resulting permitted structures were built, including but not limited to, surface water drainage problems, wastewater disposal problems, or the loss of locally valuable natural resources;
 6. Effect of approval of the petition on adopted development policies of the Township and other governmental units.
- C. The Zoning Board shall transmit the findings of fact and its recommendation to the Township Board within 30 days following review by the County Planning Commission, as required by Section 1105(C).

Section 1105 Amendment Procedure

- A. Each petition shall be submitted to the Zoning Administrator, accompanied by the proper fee, and then referred to the Zoning Board for their review at a public hearing, which is held in conformance with Section 902 of this Ordinance.
- B. Following the public hearing, the Zoning Board shall submit the proposed zoning ordinance and any applicable maps to the Menominee County Planning Commission for their review and recommendation. The County has 30 days in which to respond with any comments.
- C. Following receipt of comments from the County Planning Commission, the Zoning Board shall transmit their recommendation and a summary of the comments received at the public hearing to the Township Board.
- D. The Township Board may hold additional public hearings if it considers it necessary. Notice of public hearing held by the Township Board shall be published in a newspaper which circulates in the Township. The notice shall be given not more than 15 days nor less than 5 days before the hearing. After receiving the recommended change or amendment, the Township Board, at a regular meeting or at a special meeting called for the purpose, shall consider the recommendations and vote upon the adoption of a zoning ordinance for the Township. Any changes or amendments shall be approved by a majority vote of the members of the Township Board. The Township Board shall not make a

change or departure from the plans, text, or maps as certified by the Zoning Board unless the proposed change or departure is first submitted to the Zoning Board for its advice or suggestions. The Zoning Board shall have 30 days from and after receipt of the proposed change or departure to send its report to the Township Board.

- E. No petition for amendment, which has been disapproved by the Township Board, shall be resubmitted for a period of one year from the date of disapproval, except as may be permitted by the Township Board after learning of new and significant facts or conditions which might result in favorable action upon resubmittal. Resubmittal shall follow the same procedure as outlined in this Section.
- F. Notice of adoption of the amendment shall be published in accordance with Section 11 and 11a of the Township Rural Zoning Act.

Section 1106

Adopt zoning enabling acts

ARTICLE XII: INTERPRETATION, SEVERABILITY, VESTED RIGHT, PENALTIES,
AND EFFECTIVE DATE

Section 1201 Interpretation and Conflict

- A. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by the Ordinance to repeal, abrogate, annul or in any way impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the courtyards or other open spaces that are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

Section 1202 Severability

- A. This Ordinance and the various parts, sections, subsections, and clauses, thereof, are declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is provided that the remainder of the Ordinance shall not be affected. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional, or invalid as applied to a particular property, building, or structure, it is provided that the application of such portion of the Ordinance to other property, buildings, or structures shall not be affected. Whenever any condition or limitation is included in an order authorizing any conditional use permit, variance, zoning compliance permit, site plan approval, or designation of Class A nonconformance, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this Ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

Section 1203 Vested Right

- A. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 1204 Penalties and Remedies

- A. **Civil Law:** Any building, structure, or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.
- B. **Criminal Law:** Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred (\$500) dollars and imprisoned for not more than ninety (90) days, or both, and in addition, shall pay costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- C. **Remedies:** The Township Board may also institute proceedings for injunction, mandamus, abatement or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, or jail sentence of both shall not exempt the violator from compliance with the provisions of this Ordinance.

Section 1205 Repealing Clause

All prior and preceding zoning ordinances and zoning ordinance amendments of the Township of Cedarville are hereby repealed upon the effective date of this Ordinance.

Section 1206 Effective Dates

This Ordinance shall become effective upon seven days after publication of the notice of adoption in a locally circulated newspaper.