

CEDAR CREEK TOWNSHIP
COUNTY OF MUSKEGON, MICHIGAN

At a regular meeting of the Township Board of the Township of Cedar Creek, held in the Township Hall, 6556 Sweeter Rd, Twin Lake, Michigan, on the 11th day of May, 2021 at 6:30 p.m.

PRESENT: Aerts, Kuziak, Jarvis, Wright, Foster

ABSENT: None

The following ordinance was offered by Member Wright and supported by Member Foster.

ORDINANCE NO. 2021-02

**AN ORDINANCE TO AMEND THE TOWNSHIP ZONING ORDINANCE
(Private Roads, Accessory Buildings, Single Family Dwellings,
Waterfront Setbacks, Zoning Map)**

CEDAR CREEK TOWNSHIP ORDAINS:

Section 1. **Private Roads.** Chapter 3 of the Cedar Creek Zoning Ordinance is hereby amended to add new section 3.28 to incorporate Ordinance No. 127-1999 into the Zoning Ordinance to read in its entirety as follows:

Section 3.28. Private Roads

A. Purpose.

The Township determined that it is in the best interest of the public health, emergency response, safety and welfare of the Township and its citizens to regulate the construction, improvement, extension, relocation and use provision for private property access.

The provisions have been enacted to assure that private roads:

1. Will not be detrimental to the public health, safety or general welfare;
2. Will not adversely affect the development policies of the Township;

3. Will be designed and constructed such that the materials, base width, surface and grade shall assure safe passage and maneuverability of private vehicles, police, fire, ambulance and other safety vehicles, over its entire length and throughout the seasons of the year;
4. Will be constructed so as to protect against or minimize soil erosion and prevent damage and/or adverse affects to the lakes, streams, ponds, wetlands and the drainage thereof, including natural environment of the Township and in response to all applicable federal, state, county or township statutes, regulations and/or ordinances, including, but not limited to the following State of Michigan Acts and all amendments: Act No. 203 of 1979, Act No. 245 of 1970, Act No. 346 of 1972 and Act No. 347 of 1972.

B. Definitions.

1. “Frontage” means the continuous linear distance of that portion of a lot or parcel abutting upon a public or private street right-of-way. Frontage is to be measured at the minimum required front yard setback of the district in which the lot or parcel is located.
2. “Parcel” means a tract of land which can be legally described with certainty and is capable of being located by survey.
3. “Private Road” means a privately controlled dedicated or undedicated, and improved or unimproved, maintained right-of-way or other interest in land that provides the means of access from a public road right-of-way for ingress and egress to two or more lots or parcels. The terms “road” shall be synonymous with the terms street, avenue, place, way, drive, lane, boulevard, highway or other thoroughfare.
4. “Public Road” means an improved right-of-way under certification of the Road Commission. The terms “road” shall be synonymous with the terms street, avenue, place, way, drive, lane, boulevard, highway or other thoroughfare.
5. “Road Commission” means the Muskegon County Road Commission.

C. Private Roads.

Private roads shall be subject to the following regulations:

1. No building or structure shall be built upon any lot which does not abutt a public street except in compliance with the requirements of this Ordinance.
2. Except as set forth below, all private roads and the lots to be served by them shall comply with the requirements of the Cedar Creek Township Zoning Ordinance (“Zoning Ordinance”) and the Land Division Act of 1967 (MCLA 560.101, et seq.), as both may be amended from time to time. A private road which existed and was used for access prior to the effective date of this Ordinance need not meet the requirements of the ordinance until such time as it is used to access new or existing lots that require the issuance of a building permit.

3. Each private road shall extend from a public right-of-way to the lot served by it. A document legally describing the private road which includes provisions for maintenance shall be recorded with the Muskegon County Register of Deeds and also provided to lot purchasers. The maintenance provisions shall apportion the maintenance responsibilities among the appropriate property owners. Individual property deeds, at a minimum, shall include reference to the maintenance provisions recorded with the Muskegon County Register of Deeds.
4. If more than 24 single family residential lots have access by the same private road, then the private road shall have not less than two separate access points to a public right-of-way where feasible. If this is not feasible, see Sec.C5(c). The access points shall be at least 300 feet from each other, measured from the nearest points of the right-of-way.
 - a. A private road is a right-of-way which serves more than one single family or one duplex residential lot.
 - b. All private roads shall be a minimum of 33 feet wide, with 20 feet cleared, and have 14 feet of hard surface.
 - c. A private road shall intersect and connect to a public road. A private road shall not access a public road by way of another private road.
 - d. All roads which service more than one single family or duplex residential lots shall be designed and built to meet or exceed the specifications and requirements of the Muskegon County Road Commission, as contained in the document entitled “Muskegon County Road Commission Standards and Specification for Plat Development and Street Construction”, adopted by the Muskegon County Board of Road Commissioners, as amended from time to time, excluding the requirements thereof for curb, gutter and storm sewer installation. All plans and specifications shall be inspected and approved by a licensed civil engineer acceptable to the Township, and the cost of such inspection and approval of the plans and specifications shall be paid by the developer. A planning committee may approve a private road as a special exception use if it does not meet the above specification requirements for the grade of the road, but only if topographical conditions make compliance an unreasonable hardship. In such event the planning committee shall review the specifications which the owner proposes to modify or revise due to topographical conditions, and specify the required grade for the private road.
5. All proposed private roads which serve two or more single family or two duplex residential lots shall be reviewed under the provisions of Chapter 14, Site Development Requirements, of the Cedar Creek Township Zoning Ordinance prior to being constructed. The purpose of the review is to assure that the private road will comply with the requirements of this Ordinance and that the development of the private road will not adversely impose or impact on the public interest. The review shall consider all relevant matters, including the following:
 - a. The number of single family or duplex residential lots served by the private road and how they are affected by the private road.

- b. The number of additional single family or duplex residential lots that may be served by the private road.
- c. The length of the road and whether it meets the requirements of this Ordinance.
- d. The impact if the road on wetlands, dunes or other environmentally sensitive areas.
- e. When computing any required setbacks under the provisions of this Ordinance, any land which is devoted to a private road shall not be considered in the computation of whether the structure is setback the required number of feet. In other words, setbacks shall be computed from the nearest edge of the private road right-of-way, not from the center of the roadway. (Rev. 11/09/04.)

D. Appeals.

Any dispute involving interpretation of this Ordinance or any appeal from a decision of the planning committee pursuant to this Ordinance shall be decided by the Township Board if the aggrieved party requests an interpretation or an appeal within 30 days after the Township action that prompted the dispute or appeal.

Section 2. **Accessory Buildings.** Section 3.2A(5) of the Cedar Creek Township Zoning Ordinance is hereby amended thereto as follows:

5. Permanent accessory buildings shall be stick-built or the equivalent new building construction. No mobile home, tank, junk object, **shipping container**, or salvage materials, trailer, vehicle or similar item shall be utilized as an accessory building.

Section 3. **Regulations Applicable to Single-Family Dwellings Outside Manufactured Home Parks.** Section 3.10 of the Cedar Creek Township Zoning Ordinance is hereby amended to add a new section H. and re-letter accordingly:

- H. **Shipping containers and yurts shall be prohibited from use as a dwelling unit.**

Section 4. **Waterfront Dwellings Setback.** Section 3.25A of the Cedar Creek Zoning Ordinance is hereby amended as follows:

- A. In the LDR and HDR Districts, all single-family dwellings, two-family dwellings, and multiple-family dwellings shall be set back at least **60** feet from the ordinary high water mark of any lake, river, creek or stream that is adjacent to the lot on which the dwelling is located. The eave of the dwelling and any attached porch, terrace, deck or balcony shall not project in front of the eave line of the principal building or the immediately adjacent properties.
 1. Where an average setback line is less than that required by this ordinance has been established by existing buildings located within two hundred (200)

feet of the proposed building on the same side of the street, such average setback shall apply.

2. Those residential lots or parcels having water frontage shall maintain the yard on the water.

Section 5. Zoning Map. Section 4.2A of the Cedar Creek Township Zoning Ordinance is hereby amended thereto as follows:

The Cedar Creek Township Zoning Map is hereby amended and changed to rezone the rear portion of parcels 61-08-023-300-0001-00, 61-08-023-300-0002-00, 61-08-023-300-0003-00, 61-08-023-300-0004-00, 61-08-023-300-0005-00, 61-08-023-300-0006-00, 61-08-023-300-0007-00, 61-08-023-300-0011-00, 61-08-023-300-0012-00, 61-08-023-400-0003-00 that are currently zoned FR to R-2, Low Density Residential.

Section 6. Publication; Effective Date. This ordinance shall be effective seven days after publication of a summary of its provisions in a local newspaper of general circulation in the Township.

AYES: Aerts, Kuziak, Jarvis, Wright, Foster

NAYS: None

ORDINANCE DECLARED ADOPTED.

Stephanie Kuziak, Township Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Cedar Creek Township Board at a regular meeting held on May 11, 2021 and I further certify that public notice of such meeting was given as provided by law.

Stephanie Kuziak, Township Clerk

Adopted: May 11, 2021

Published: May 23, 2021

Effective: May 30, 2021