

CHAPTER 17
DRAFT ZONING ORDINANCE
ZONING ORDINANCE OF RIVES TOWNSHIP
JACKSON COUNTY, MICHIGAN

An Ordinance to establish zoning districts and provisions governing the use of the land, natural resources and structures in Rives Township, Jackson County, Michigan; to provide for the administration and enforcement in accordance with the provisions of Acts 184 of Public Acts of 1943 as amended and Act 168 of 1959 as amended.

Article 1
Enacting Clause, Title, Purpose

SECTION 17.00 - TITLE.

This Ordinance shall be known as the "Rives Township Zoning Ordinance."

SECTION 17.01 - PURPOSE.

Pursuant to the authority conferred by the Public Acts of the State of Michigan, this ordinance has been established for the purpose of:

~~The fundamental purpose of this Ordinance is to~~ To promote the public health, safety, and general welfare, to encourage the use of lands and natural resources in the Township in accordance with their character and adaptability, to provide for the orderly development of the Township, to reduce hazards to life and property, to establish the location of and the size and specific uses for which dwelling, buildings and structures may hereafter be erected, or altered, and the minimum open spaces, sanitary, safety and protective measures that shall be required for such land dwelling, buildings and structures, to lessen congestion on the public roads and streets, to facilitate the development of an adequate system of transportation, education, recreation, sewage disposal, safe and adequate water supply and other public requirements; to conserve life, property and other natural resources, and the expenditures of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, promote the healthful surroundings for family life in residential and rural areas, enhancing the aesthetic desirability of the environment, enhancing the social and economic stability of the township.

(Amended 6-15-21, Ord. No 2021-1)

Sections 17.02 - 17.09 Reserved

~~—The Township is divided into districts which include regulations designating land uses or activities that shall be permitted or subjected to special regulations.~~

It is also the purpose of this Ordinance to provide for the establishment of a Board of Appeals and its powers and duties; to provide for the administration and enforcement hereof and for penalties for its violation; and to provide for the repeal of any and all ordinances inconsistent herewith.

SCOPE: It is not intended by this ordinance to repeal, abrogate, annul or interfere with existing provisions of other laws or ordinances except those specifically or impliedly repealed by this ordinance, or with any private restrictions placed upon property by covenant, deed or other private agreement unless repugnant hereto. Where this ordinance imposes a greater restriction than is imposed or required by such rules, regulations or private restrictions, the provisions of this ordinance shall control.

Article 2

Interpretation of Language

2-1

ARTICLE 2

INTERPRETATION OF LANGUAGE

2.1 RULES OF INTERPRETATION OF ZONING ORDINANCE TEXT: The following rules of construction apply to the text of this ordinance:

- (A) The particular shall control the general.
- (B) In the case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
- (C) The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- (D) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (E) A “building” or “structure” includes any part thereof.
- (F) The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for”, or “occupied for”.
- (G) The word “person” includes an individual, corporation, partnership, incorporated association, trust, joint venture, or any other similar entity, or a combination thereof.
- (H) 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 “or”, the conjunction shall be interpreted as follows:
- (I) “and” indicates that all the connected items, conditions, provisions or events shall apply; and,
- (J) “or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

(K) Any word or term not herein specifically defined shall be considered to be defined in accordance with its customary or common meaning.

Article 32

Definitions SECTION 17.10 - DEFINITIONS.

Abandonment:

The relinquishment of land or cessation of a use of the land by the owner or lessee without any intention of transferring rights to the land to another owner or of resuming that use of the land or building.

Access:

The way by which one gains ingress or egress to a property.:

Accessory building or structure:

A second building or structure on the same premises as the main building or structure occupied by or devoted exclusively to an accessory use but such use shall not include dwelling or lodging purposes or sleeping quarters for human beings.

Accessory use:

~~A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the land or building.~~

Addition:

A physical enlargement or expansion of the building envelope of an existing building or structure.

Adjacent

or Adjoining: Touching, contiguous, sharing a common lot line, or located across a street or alley. See "Contiguous."

Adult Foster Care Facility:

An Adult Foster Care Facility is a licensed and regulated (by P.A. 218 of 1979, as amended), facility that provides foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.

- A. An Adult Foster Care Family Home is a private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence.

- B. An Adult Foster Care Small Group Home is a facility with approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.
- C. An Adult Foster Care Large Group Home is a facility with approved capacity to receive at least 13 but not more than 20 adults to be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks for compensation.

Adverse

Impact: A negative consequence for the physical, social, or economic environment resulting from an action, activity, use, or development

Agriculture:

The use of land for agricultural purposes, including, but not limited to: farming, dairying, pasturage, apiculture, aquaculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.

Agricultural Building or Structure:

A building or structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other farm products and that is clearly incidental and accessory to a commercial farm operation, excluding retail trade but including roadside stands.

Agricultural Land:

Land devoted to the commercial production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities

Airport:

Any airstrip which is shared by more than two operating aircraft, including, but not limited to, airparks or commercially operated airports. See also Private Airstrip.

Altered:

Any change in the location or use of a building or structure or any change in the structural members of a building or structure such as bearing walls, columns, posts, beams, girders, and similar components.

Appeal:

A petition to the Zoning Board of Appeals for a variance, appeal of a decision, or interpretation or any other petition to the Zoning Board of Appeals, as allowed in this Ordinance and state law.

Appendage:

Anything added on to, affixed to, or supplementing the original structure.

Assisted

Living Facility: A facility, other than a hospital, having as its primary function the rendering of care for extended periods of time to persons afflicted with illness, injury, or an infirmity, including accessory uses that provide services to the residents, staff, and visitors. Also known as nursing home.

Basement or cellar:

That portion of a building which is wholly or partly below the average grade of the ground level adjoining the building. This definition shall not apply to earth-beamed or earth-sheltered homes.

Blight:

Unightly or hazardous conditions, including, but not limited to:

- a) The accumulation of debris, litter, junk, or rubble;
- b) Structures characterized by holes, breaks, rot, crumbing, cracking, peeling, or rusting;
- c) Landscaping that is dead, characterized by uncontrolled growth or lack of typical maintenance, or damage;
- d) Outdoor storage of inoperable motor vehicles, recreational vehicles, trailers, and watercraft; and
- e) Any other similar conditions of disrepair and deterioration

Breezeway:

A covered structure connecting an accessory building with the principal building

Building:

A structure erected on-site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, supported or enclosed of persons, animals, or property of any kind.

Building Coverage:

The area of a lot, stated as a percentage of the lot area, that is covered by all buildings located on the lot. This includes all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but does not include fences, walls or hedges used as fences, unroofed decks or patios or swimming pools. Building coverage shall be measured from exterior facades, including roofed porches, patios, and breezeways. Building coverage shall exclude the roof overhang.

Building Height:

The average vertical distance measured from the finished grade along the building façade(s) facing front yard(s) and waterfront yard(s) to the highest point of the roof surface, except as follows: to the deck line of mansard roofs and to the average height

between lowest point and the highest point of the highest roof surface of gable, hip, and gambrel roofs. For buildings on a lot that has two (2) or more front yards or waterfront yards, the building height shall be the average height of all the facades facing a front yard or waterfront yard.

Building permit:

A building permit is a written authority issued by the Building Inspector permitting the construction, removal, moving, alteration or use of a building in conformity to the provisions of this Ordinance.

Building, Principal:

A building or group of buildings, where the context so indicates, in which the main or principal use of the site is located.

Canopy:

Any overhead protective structure that is constructed in such a manner as to allow pedestrians or vehicles to pass under.

Carport:

A partially open structure, intended to shelter at least one (1) vehicle.

Cemetery:

Land or a facility, including, but not limited to, mausoleums and/or columbariums, used for the perpetual interment of deceased human beings or customary household pets.

Certificate of Occupancy:

A document signed by the Building Official as a condition precedent to the commencement of the legal use of a building that acknowledges that the structure complies with the Building Code in force in the Township.

Certificate of Zoning Compliance:

A document signed by the Director of Planning and Zoning as a condition precedent to the commencement of the legal use of a structure or land acknowledging that the structure or other improvements or the use of the land is consistent with the standards of this Ordinance. Also known as final certificate of zoning compliance.

Change of Use:

The use of a building, structure, lot, or portion thereof that is different from the previous use in the way it is classified by this Ordinance or the Building Code.

Conditional Use:

A use permitted with certain zoning districts, that because of its actual or potential impact on natural resources, public utilities, traffic patterns or land use, requires approval by the Township Board. See Article 7.

Day Care Facility:

~~A facility for the care of children under 18 years of age, as licensed and regulated by the State under Public Act 116 of 1973 and the associated rules of the State Department of Social Services. Such organizations are further defined as follows:~~

A facility, other than a private residence, receiving one (1) or more preschool or school-age children or adults requiring care for care for periods of less than 24 hours a day and where the parents or guardians are not immediately available. Day Care Center includes a facility that provides care for at least two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, drop-in center, or adult day care center.

- A. Family day care home means a private home in which one but not more than 6 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian. It includes a home that gives care to an unrelated child for more than 4 weeks during a calendar year.
- B. Group day care home means a private home in which more than 6 but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian. It includes a home that gives care to an unrelated child for more than 4 weeks during a calendar year.
- C. Child care center means a facility, other than a private residence, receiving more than 6 children for group care for periods of less than 24 hours a day. Dwelling:
One (1) or more rooms with independent cooking facilities designed as a unit for residence by one (1) family. \

Deck:

A platform constructed of wood or similar materials, either freestanding or attached to a structure that is commonly used for outdoor leisure activities.

Dedicated Open Space:

Open land that is permanently set aside for protection in an undeveloped or very-limited developed state.

Demolition:

Any act or process, whether natural or human, that destroys or razes a building or structure or portion thereof.

Deed

Restriction: A restriction of use or development that is set forth in an instrument recorded with the Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant.

Detention Basin or Pond:

A man-made or natural water pond, pool, basin, or depression designed and used to collect surface water in order to impede its flow and to release the water gradually into natural

or man-made outlets. A detention basin may or may not have a permanent pool of water. See also “Stormwater Management System.”

Divide or Division:

The partitioning or splitting of a parcel of land for the purpose of sale or lease of more than one year, or for the building development that results in one or more parcels of less than 40 acres or the equivalent. It does not include a property transfer between two or more adjacent lots, if the property taken from one parcel is added to an adjacent parcel.

Dock:

A structure built over or floating upon a surface water body and used or intended for use as a landing place for watercraft, fishing, swimming, and other recreational uses and for access to a surface water body or adjacent watercraft.

Drainage:

The outflow of water or other fluid from a site or lot.

Drive-In or Drive-Through Establishment:

An establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway:

A means of access for vehicles from a street, alley, or approved access easement across a lot to

a parking or loading area, garage, dwelling, or other structure or area on the lot.

a) Commercial Driveway: A driveway that serves multiple-unit dwellings, commercial uses, and institutional uses.

b) Residential Driveway: A driveway that serves single-family, two-family, and accessory dwelling units.

c) Shared Driveway: A driveway described by a recorded easement that provides access to more than one (1) lot.

Dwelling, Single-Family:

A building or a mobile home, designed for and occupied by one (1) family, complying with the following standards:

~~A. — All single-family dwellings shall meet Rives Township regulations.~~

~~B. — The dwelling shall contain a minimum of seven hundred fifty (750) square feet of living area with one hundred fifty (150) square feet for each additional bedroom beyond two (2). All habitable rooms shall have a minimum height as required in the Rives Township Building Code. Where a dwelling is required to comply with any federal or state standards or regulations for construction, and~~

~~where such standards or regulations for construction are different than those imposed by the Rives Township Building Code, then, and in that event, such federal or state standards or regulations shall apply.~~

- ~~C. The dwelling shall have a minimum exterior width of any side elevation of 20 feet, excluding appendages.~~
- ~~D. The dwelling shall have a permanent foundation constructed on the site in accordance with the Township building code, and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall also be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.~~
- ~~E. Mobile homes shall not have exposed wheels, towing mechanisms, underearriage, or chassis.~~
- ~~F. Single family dwellings shall comply with all pertinent building, fire, plumbing, electrical, and other applicable codes. In the event the single family dwelling is a mobile home, or a manufactured home, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards," effective June 15, 1976, as amended, shall apply.~~
- ~~G. Mobile homes shall be aesthetically compatible in design and appearance to conventional, on-site constructed homes in the area and shall have a roof overhang, a front and rear or front and side exterior door, permanently attached steps or porch areas where an elevation differential requires the same and roof-drainage systems concentrating roof drainage and avoiding drainage along the sides of the dwelling.~~
- ~~H. There shall be no room or other area additions to the home unless constructed of similar materials and quality workmanship as in the principal structure, including an appropriate foundation and permanent attachment thereto. All such additions shall be constructed in compliance with the Rives Township building, fire, plumbing, electrical, and other applicable codes, or standards set forth for manufactured housing as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction of Safety Standards," effective June 15, 1976 as amended.~~
- ~~I. Single family dwellings shall be used only for one (1) family dwelling purposes and shall conform to the standards above unless located within a mobile home park or a mobile home plat zoned for such uses or unless for temporary purposes as provided in Section 3.16 (Temporary Mobile Homes and Offices).~~

- J. ~~Mobile homes moved into Rives Township henceforth and replacement mobile homes shall not be more than five (5) years old and must comply with HUD Mobile Home Construction and Safety Standards effective June 15, 1976 (24CFR 3280).~~
- K. ~~Before a mobile home can be brought on to a lot to replace an existing mobile home, the existing mobile home must be fully removed from said lot.~~
- A. Accessory Dwelling: An accessory dwelling is an area associated with a single-family dwelling that provides supplementary housing containing provisions for living, sleeping, sanitation purposes, and cooking. An accessory dwelling shall not be considered a separate dwelling unit. Also known as a guest apartment, accessory apartment, granny flat, or in-law apartment.
- B. Dwelling Unit: One or more rooms with a bathroom and kitchen facilities designed as a self-contained unit for occupancy for living, cooking, sleeping, and sanitation purposes.
- C. Multiple-Family Dwelling: A building containing three (3) or more dwelling units designed for residential use for three (3) or more families living independently of each other.
- D. Single-family Dwelling: A detached building, or portion thereof, designed and used exclusively as the home, residence, or sleeping place of one (1) family. In the case of a mixed occupancy, where a building is occupied in part as a dwelling, the part so occupied shall be considered a dwelling for purposes of this Ordinance.
- E. Two-family Dwelling: A building containing two (2) separate dwelling units designed for residential use. This shall not include a single-family dwelling with an accessory dwelling.

Dwelling, Two-Family:

~~A building designed for or occupied by two (2) families, with separate housekeeping facilities including cooking, bathroom, sanitation, sleeping and living rooms, and separate entrances. Each unit must contain a minimum of 750 square feet of living area with one hundred fifty (150) square feet for each additional bedroom beyond two (2). All habitable rooms shall have a minimum height as required in the Rives Township Building Code. All two-family dwellings shall comply with all pertinent building, fire, plumbing, electrical, and other applicable codes. Where a dwelling is required to comply with any federal or state standards or regulations for construction, and where such standards or regulations for construction are different than those imposed by the Rives Township Building Code, then, and in that event, such federal or state standard or regulations shall apply.~~

Easement:

A use granted for limited use of land for a public, quasi-public, or private purpose and within which the owner of the property shall not restrict the granted use.

Elevation:

A construction term meaning a flat scale drawing of the front, rear or side of a building.

Encroachment:

An intrusion upon the property of another, a right-of-way, or easement, without permission.

Environmental Impact:

A beneficial or detrimental effect on the environment, including, but not limited to: significant changes in an area's air, water, or land resources.

Erected:

The word "erected" means built, constructed, reconstructed, moved upon, or any physical activity upon a site required for a structure. Excavation, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.

Erosion or Soil Erosion.

The process by which the ground surface is worn away by action of wind, water, gravity, or a combination thereof.

Essential Services:

The erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions or boards, of underground or surface, or overhead, gas, electric, steam or water transmission or distribution systems; collection, communication, supply or disposal systems, including poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or signs, and fire hydrants, and other similar equipment and accessories.

Extraction Operation: The removal, extraction, or mining of sand, gravel, or similar material for off-site use.

Family:

~~One (1) or more persons living together in a room or rooms comprising a single housekeeping unit. A family is distinguished from a group occupying a rooming house, boarding house, lodging house, club, fraternity house, hotel, motel, or tourist home.~~

An individual or group of two (2) or more persons related by blood, marriage, or adoption, including foster children and domestic employees, together with not more than two (2) additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit;

or

b) A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single, nonprofit

Farm:

A farm is an unplatted contiguous, neighboring, or associated land, operated as a single unit, on which bona fide farming is carried on directly by the owner, operator, manager or tenant farmer by his own labor, or by the assistance of members of his household, or hired employees. The land to be considered a farm shall include a contiguous, unplatted parcel of land not less than 5 acres in area. Orchards, establishments keeping fur bearing animals, hatcheries, and similar specialized agricultural enterprises, may be considered a farm. The keeping of game, operation of fish hatcheries, dog kennels, stockyards, slaughter houses, gravel or sand pits, or the removal and sale of top dirt, fertilizer works, bone yards, or piggeries or for the reduction of animal matter, or for the disposal of garbage, sewage, rubbish, junk or offal, shall not constitute a farm hereunder.

Farm Operation (traditional):

Activities which occur on a farm in connection with the commercial production of farm products, and includes, but is not limited to: marketing farm products at roadside stands; farm noise, odors, dust, fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of organic and chemical fertilizers, conditioners, insecticides, pesticides and herbicides; and the employment and use of labor except for an intensive animal feeding operation.

Farm Products:

Any of those plants and animals useful to man, including, but not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, including feeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, aviaries, equine and other similar products, or any other product which incorporates the use of food, or fiber.

Food Cart:

A motor vehicle, cart, or trailer used for the preparation and/or sale of ready-to-consume foods and beverages.

Foster Care Facility:

An establishment which provides supervision, assistance, protection, or personal care, in addition to room and board, to persons. A foster care facility does not include a nursing home, licensed under MCL 333.1101 et seq (Public Act 368 of 1978), or a mental hospital for mental patients, licensed under MCL 330.1001 et seq (Public Act 258 of 1974).

a) Family Home: A foster care facility that provides foster care to six (6) or fewer persons.

b) Group Home: A foster care facility that provides foster care to seven (7) or more persons

Frontage: The total continuous length of the line separating a lot from the right-of-way or access easements and frequently identical to the front lot line. In the case of

waterfront lots, the term frontage shall also apply to the total continuous length of the ordinary high-water mark, excluding manmade alterations. See also “Lot Line, Front.”

Garage:

An accessory building or a portion of a principal building designed or used primarily for the storage of motor vehicles, watercraft, recreational vehicles, similar vehicles, and other property owned and used by the occupants of the building to which it is accessory.

Gated Community:

A development, whether consisting of single-family, two-family, or multiple-unit dwellings or accessory uses, that are enclosed within a geographical area by restrictive gates at all or some of the entrances.

Homeowners’ Association: A non-profit, community association that is organized in a development in which individual owners share common interests and responsibilities for open space, landscaping, or facilities.

Home Business:

An incidental and secondary use of a residential property for business purposes. It is a conditional use in the AG and R districts and, in addition to the requirements of Article 7, a home business must meet the following standards:

- A. A home business shall be permitted only in a single family dwelling unit or in an accessory structure.
- B. Home businesses shall be conducted solely by persons residing at the residence and/or with the assistance of one person who does not reside on the premises.
- C. There shall be no change in the exterior appearance of the structure or premises to accommodate the home business, or other outdoor visible evidence of conduct of the home business, and there shall be no external or internal alterations not customary in residential areas.
- D. No article shall be sold or displayed anywhere on the premises except that which is prepared or produced by the home business.
- E. No exterior storage associated with or resulting from a home business shall be permitted.
- F. No equipment or process shall be used in a home business which generates noise, vibration, glare, fumes, odor or electrical interferences that are nuisances to persons off the premises. Any electrical equipment processes that create visual or audible interference with radio or television receivers off the premises or that cause fluctuations in line voltages off the premises shall be prohibited.
- G. Hazard of fire, explosion, radioactivity, or chemical contamination shall not exist at any time as a result of a home business. Annual certification of compliance with this provision by the Township's Fire Chief may be required.

Home Occupation:

An incidental and secondary use of a dwelling unit for business purposes. It is a permitted use in the AG and R districts when it meets the following standards:

- A. A home occupation must be conducted in its entirety within a dwelling unit that is the bona fide residence of the practitioner of the occupation. (This prohibits use of attached and unattached garages and accessory buildings). Not more than 20 percent of the gross floor area of the dwelling unit, or 300 square feet, whichever is greater, can be used for a home occupation.
- B. Home occupations shall be conducted solely by persons residing at the residence.
- C. All business activity and storage must take place within the interior of the dwelling. (This prohibits use of attached and unattached garages and accessory buildings).
- D. No alteration to the exterior of the residential dwelling, accessory buildings or yard that alters the residential character of the premises is permissible.
- E. The home occupation shall not generate a volume or character of pedestrian or vehicular traffic beyond that normally generated by homes in the residential or agricultural neighborhood.
- F. Only a personal driveway may be used and there shall be no parking lots.
- G. No vehicles used in the conduct of the occupation may be parked, or otherwise kept at the premises, other than as are normal for use for domestic or household purposes.
- H. No sign or other identification is permitted on the premises.
- I. No article shall be sold or displayed anywhere on the premises except that which is prepared or produced by the home occupation.
- J. No equipment or process shall be used in a home occupation which generates noise, vibration, glare, fumes, odor or electrical interferences that are nuisances to persons off the premises. Any electrical equipment processes that create visual or audible interference with radio or television receivers off the premises or that cause fluctuations in line voltages off the premises shall be prohibited.
- K. Hazard of fire, explosion, radioactivity, or chemical contamination shall not exist at any time as a result of a home occupation. Annual certification of compliance with this provision by the Township's Fire Chief may be required.
- L. The conduct of the home occupation shall not violate any of the township's ordinances concerning nuisance, fire or health, or any other township, county, state or other applicable laws or regulations.

Examples of Home Occupations: This list is not intended to limit the kinds of home occupations that can comply with the conditions of this section.

- (1) Dressmaking.
- (2) Handicrafts.
- (3) Typing, secretarial services.

- (4) Tutoring, limited to six (6) students.
- (5) Office facility of a sales representative provided that no transactions are made in person on the premises.

Impervious Surface:

Any surface that cannot be effectively and easily penetrated by water, thereby resulting in runoff. Examples include, but are not limited to: “building coverage, roof overhangs, and any material (asphalt, concrete, stone, gravel, etcetera) used in roads, driveways, decks, terraces, patios, porches, sidewalks, or other structures that cannot be effectively and easily penetrated by water. The definition of an impervious surface shall exclude materials that are designed, installed, and maintained to allow for the infiltration of a majority of the water that falls on that surface and prevent runoff, such as wooden decks, permeable pavers, permeable pavement, or crushed stone or pea stone without binding. Swimming pools and ponds shall not be considered as an impervious surface. See also “Pervious Surface.”

Impervious Area:

The percentage of the lot area that is covered by impervious surfaces.

Intensive Animal Feeding Operation:

An operation that has all of the following characteristics:

- A. Animals or poultry are confined in such a concentration and using such methods that a potential environmental hazard is created.
- B. Animals will be stabled or confined and fed or maintained for a total of forty-five days or more in any twelve (12) month period.
- C. More than the number of animals specified in any of the following categories are confined as in (A) above.
 - 1. One thousand (1,000) slaughter or feeder cattle or veal.
 - 2. Seven hundred (700) mature dairy cattle, whether milked or dry cows.
 - 3. Two thousand five hundred (2,500) swine.
 - 4. Five hundred (500) horses.
 - 5. Ten thousand (10,000) sheep, lambs or goats.
 - 6. Fifty-five thousand (55,000) turkeys.
 - 7. One hundred thousand (100,000) laying hens or broilers, (if the facility has a continuous overflow watering system).
 - 8. Thirty thousand (30,000) laying hens or broilers (if the facility has a liquid manure handling system).
 - 9. Five thousand (5,000) ducks.

Junkyard:

A facility used for one (1) or more of the following:

a) The abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, or other scrap or discarded materials; or

b) The abandonment, demolition, dismantling, storage or salvaging of machinery, automobiles or other vehicles not in normal running conditions, or parts thereof

Kennel:

Any lot or premises on which three (3) or more dogs, four (4) months old or more are confined either permanently or temporarily.

Lake:

A permanent surface waterbody that is at least five (5) acres in size.

Land Division Act:

The Michigan Land Division Act, Public Act 288 of 1967, MCL 560.101 et seq).

lighting:

The following words, terms, and phrases related to lighting shall have the following meanings:

a) Cut-Off Angle: The maximum angle formed by a line drawn in the direction of emitted light rays at the light source and a line perpendicular to the ground from the light source.

b) Direct Light: Light emitted directly by a lamp, off a reflector, or through a refractor of a luminaire.

c) Fixture, Full Cutoff: A luminaire that allows no direct light emissions above a horizontal plane through the luminaire's lowest light-emitting part.

d) Flood or Spot Light: Any light fixture or lamp that incorporates a reflector or refractor to concentrate the light output into a directed beam in a particular direction.

e) Foot Candle: A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

f) Full Cutoff Shielding: A light fixture that cuts off all upward transmission of light and emits light projected below an imaginary plane passing through the fixture below the light source.

g) Glare: The brightness of a light source which causes eye discomfort.

h) Lamp: The component of a luminaire that produces the actual light, including luminous tube lighting.

i) Light Fixture: The assembly that holds a lamp and may include an assembly housing mounting bracket or pole socket, lamp holder, ballast, reflector or mirror, and a refractor or lens for outdoor use or illumination. A light fixture also includes the assembly for luminous tube and fluorescent lighting.

j) Lighting Plan: A plan showing the location of light fixtures and the intensity of the light within a site and at the lot lines.

k) Light Shield: Any attachment that interrupts and blocks the path of light emitted from a luminaire or fixture.

- l) Light Source: The primary source of a lighting fixture from which light is emitted, such as a light bulb or similar source.
- m) Lumen: A unit of measurement of luminous flux.
- n) Luminous Tube Lighting: Gas-filled tubing that, when subjected to high voltage, becomes luminescent in a color characteristic of the particular gas used.
- o) Non-parabolic Light: A bulb or fixture that is not designed to direct light in a specific direction.
- p) Outdoor Protection Lighting: A lighting fixture, generally installed by a utility company on a utility pole, that provides exterior illumination and is generally activated from dusk to dawn.
- q) Shielded Fixture: Outdoor light fixtures shielded or constructed so that light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted.
- r) Shielding: A permanently installed, non-translucent shade, baffle, or other construction, that limits, restricts, or directs light to meet the standards of this Ordinance.
- s) Street Lighting: Permanent outdoor light fixtures that are specifically intended to illuminate roadways for motor vehicles

Livestock:

Those species of animals used for human food and fiber or those species of animals used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, goats, bison, cervids, swine, equine, poultry, aquaculture, and rabbits. Livestock does not include household pets or wild animals.

Loading Space:

An off-street space for the temporary parking of a commercial motor vehicle while loading or unloading.

Lot:

A piece or parcel of land occupied or to be occupied by a building, structure, or use or by other activities permitted thereon and generally having its principal frontage upon a public highway. A lot may or may not be a lot of existing record.

Lot Area:

The total horizontal area within the legally defined lot lines, including any street right-of-way or road easement, shared driveway easement, other permanent access easements, and wetlands within the lot.

Lot, Corner:

A lot situated at the junction of two (2) or more streets or highways or at the junction of a street or highway and a place.

Lot, interior:

A lot other than a corner lot.

Lot, Double Frontage:

A double frontage lot is a parcel of land which extends from one (1) street to another.

Lot Length:

The average distance from the front-lot line of the lot to its opposite rear line measured, or the opposite front-lot line for through lots, in the general direction of the side lot lines.

Lot Line:

A lot line is a line separating a lot from the street, highway or adjoining parcels of land.

a) Lot Line, Front: The line(s) separating the lot from any street right-of-way, private road, or other access easement. Corner lots and through lots shall have two (2) front lot lines.

b) Lot Line, Rear: The lot line opposite and most distant from any front lot line, except in the case of a waterfront lot or through lot, which shall not have a rear lot line. This shall also apply to a lot line that is adjacent to a platted alley or walkway, as the context so indicates. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.

c) Lot Line, Side: Any lot line other than a front or rear lot line, including a lot line adjacent to a platted walkway, as the context so indicates.

d) Lot Line, Waterfront: The lot line separating a lot and a surface water body or the ordinary high-water mark for lots that extend into a surface water body.

e) Lot of Record: A lot that is part of a subdivision and is shown on a map thereof which has been recorded in the Register of Deeds, a lot described by metes and bounds, or a site condominium unit that was lawfully created in accordance with applicable statutes and ordinances.

Lot Width:

The horizontal distance between the side lot lines at a distance equal to the front- yard setback.

Manufactured Housing:

A dwelling unit which is designed for long-term residential use and is wholly or substantially constructed at an off-site location. Manufactured housing includes mobile homes and modular housing units.

Mining:

The commercial mining or extraction of minerals or other materials from the ground.

Mixed-Use Development: A development that integrates a variety of uses on the same site or within the same building.

Mobile Home:

A dwelling, transportable in one or more sections which is built on a permanent 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 system contained therein and is installed by a Michigan-licensed Mobile Home dealer or Michigan-licensed Mobile Home installer as required by Public Act 419 of 1976, as amended, being the Mobile Home Commission Act, MCL 125.1101 et. seq. and administrative rules promulgated thereunder.

Mobile Home Park:

A lot under the control of a single person upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether or not for remuneration, together with any building, structure, enclosure, street, equipment, or facility used or intended for use accessory to the occupancy of a mobile home.

Model Home:

A dwelling temporarily used as an office or show house for a residential development that is under construction for on-site sales.

Moratorium: A temporary halting or severe restriction on specified developmental activities or uses to allow the Township the necessary time to change policies and adopt or amend Ordinances to best protect and serve the health, safety, and welfare of the community.

Motel and Hotel:

Any building or structure of single units built in multiple of two (2) or more for temporary occupancy with sanitary facilities, with or without kitchenettes.

Natural Features:

Features of a site, including, but not limited to, soils, wetlands, floodplains, surface water bodies, topography, trees, woodlands, and other types of vegetative cover, wild animals, endangered species habitat, and geology and geologic formations.

Noise Disturbance:

Any sound that endangers or injures the safety, health, or welfare of a reasonable person with normal sensitivities.

Non-Conforming Use:

~~The use of a structure or land conflicting with the provisions of this Ordinance.~~

Nonconforming, Illegally:

A structure, lot, site, or use, or portion thereof, that did not meet the standards of a zoning ordinance in effect at the time it was created or begun and that does not meet the standards of the current Zoning Ordinance. Also known as illegal.

Nonconforming, Legally:

A structure, lot, site, or use, or portion thereof, lawfully existing at the time of adoption of a zoning ordinance or subsequent amendment thereto, that does not meet the standards of the current Zoning Ordinance.

Open Space:

Open space dedicated through permanent recorded deed restrictions or easement that is held for the private or collective use and enjoyment of the owners, tenants, or occupants of a single development.

Owner:

The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a structure or real property, or his or her duly authorized agent.

Parcel:

A lot described by metes and bounds or described in a recorded plat.

Parcel, Parent:

A lawfully existing parcel or contiguous parcels under common ownership as of March 31, 1997, as defined in the Land Division Act.

Park:

An area used for recreational purposes, including, but not limited to: playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure-time activities.

Patio:

An outdoor courtyard or platform extending horizontally out from a building or located within a yard for leisure activities.

Person:

Any individual, partnership, corporation, joint stock association, or any political entity, including any trustee, receiver, assignee, or personal representative.

Pervious Surface:

A surface that permits full or partial absorption of storm water. Also known as permeable surface. See also "Impervious Surface.

Planned Unit Development:

A zoning district established pursuant to Section 503 of the Michigan Zoning Enabling Act, MCL 125.3503. The phrase includes such terms as cluster zoning, planned development, community unit plan, planned residential development, and other terminology denoting zoning requirements designed to accomplish the objects of this Ordinance through a land development project review process based on the application of

site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

Plat:

A map of a subdivision of land recorded with the Register of Deeds pursuant to the Subdivision Control Act or a prior statute.

Plot Plan:

A plan, drawn to scale, showing the actual measurements, the size and location of existing and proposed structures, the dimensions of the lot, and other relevant information.

Pond:

A natural or manmade surface waterbody that is less than five (5) acres and that is used to provide water for livestock, fish and wildlife, recreation, fire control, crop and orchard spraying and irrigation, and other related uses for the personal use of the property owner and/or tenants.

Porch:

A structure providing a landing at the entrance of a building, which may include a roof.

Private Airstrip:

Any airstrip which is used by two (2) or less operating aircraft, with the same owner as the property on which the airstrip is located.

Private Sanitary Sewage Disposal System:

An individual, on-site sewage disposal system, as defined in the Environmental Health Department Sanitary Code.

Private Street:

Any street that is not publicly owned and maintained.

Private Water Supply:

A well or other water supply system approved by the Environmental Health Department pursuant to Part 127 of Public Act 368 of 1978.

Property Lines:

The boundary line between two properties or a property and a right-of-way. Property lines are not necessarily the same as lot lines.

Public Facility:

A facility that is operated or maintained by a governmental or similar public unit, agency, commission, board, or similar arm or branch of a governmental or public unit, including, but not limited to: cities, villages, townships, counties, school districts, sewer and water authorities, road commissions, fire departments, and police departments.

Public Sanitary Sewer:

A system of pipes, owned and maintained by a governmental unit, used to transport human, organic, and industrial waste from the point of origin to a point of treatment and discharge.

Public Street:

Any street that is publicly owned and maintained

Public Water System:

A system of pipes, owned and maintained by a governmental unit, used to transport potable water from the point of origin to lots.

Public Utility:

Any person, firm, or 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, communication, telephone, telegraph, transportation, or water.

Reclamation Plan:

A plan showing how a site will be restored following a particular use.

Recreational Facilities:

A public, commercial, or institutional facility used by or available for use by the general public for outdoor recreation activities, including, but not limited to: miniature golf, swimming pools, athletic fields, and athletic courts.

Recreational Vehicle:

A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle. See also MCL 257.49a (Public Act 300 of 1949).

Religious Institution:

A facility where persons regularly assemble for religious purposes and related social events that is maintained and controlled by a religious body to sustain religious ceremonies and purposes, together with its accessory buildings, structures, and uses.

Restaurant:

An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics: customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee at the same table or counter at which food and beverage are consumed or a cafeteria-type operation where food and beverage generally are consumed within the restaurant building or on the site.

Restoration:

The reconstruction or replication of an existing structure's original architectural features.

Retaining Wall:

A wall or similar structure at least 24 inches high designed to change grade, stabilize soil, retard erosion, or terrace land.

Retention Basin or Pond:

A natural or manmade pond, pool, basin, or depression designed used for the permanent storage of storm water that does not have an outlet. Water is removed through infiltration and/or evaporation processes. Retention basins may or may not have a permanent pool of water. See also "Stormwater Management System."

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.

Roof Line:

The top edge of a roof or building parapet, whichever is higher, excluding cupolas, pylons, chimneys, or similar minor projections.

Roadside Stand:

A structure used, or intended to be used solely by the owner or tenant of the farm on which it is located for the sale of only the seasonable farm products of the immediate locality in which such a roadside stand is located.

Runoff:

That part of stormwater that flows or discharges off-site.

School:

An educational facility, whether public or private, that provides education in pre-elementary, elementary, secondary, and/or post-secondary curriculums; special arts such as crafts, dance, music, and/or self-defense; occupational trades; and similar areas of education. This definition shall not apply to home occupations or home schooling.

Screen:

A structure providing enclosure or separation, such as a fence and/or visual barrier, maintained between the separated area and adjacent property or rights-of-way. A screen may also be non-structural, consisting of a berm or shrubs or other growing materials that maintain foliage year-round.

Setback:

The minimum horizontal distance between the front line of the building and the nearest highway or street right of way line or adjoining lot line.

The minimum required distance between a structure, improvement, or use and lot lines, access easements, other structures, natural features, and uses. This distance is measured horizontally from the nearest point of the structure, unless otherwise noted. The following words, terms, and phrases related to setbacks shall have the following meanings

a) Lot Line, Front: The line(s) separating the lot from any street right-of-way, private road, or other access easement. Corner lots and through lots shall have two (2) front lot lines.

b) Lot Line, Rear: The lot line opposite and most distant from any front lot line, except in the case of a waterfront lot or through lot, which shall not have a rear lot line. This shall also apply to a lot line that is adjacent to a platted alley or walkway, as the context so indicates. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten (10) feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line.

c) Lot Line, Side: Any lot line other than a front or rear lot line, including a lot line adjacent to a platted walkway, as the context so indicates.

d) Lot Line, Waterfront: The lot line separating a lot and a surface water body or the ordinary high-water mark for lots that extend into a surface water body.

e) Lot of Record: A lot that is part of a subdivision and is shown on a map thereof which has been recorded in the Register of Deeds, a lot described by metes and bounds, or a site condominium unit that was lawfully created in accordance with applicable statutes and ordinances.

Sewage Treatment Facility:

A facility designed and used for the collection, removal, treatment, and disposal of waterborne sewage.

Sidewalk:

An improved surface for pedestrian or other non-motorized transportation, generally consisting of a hard surface.

Shoreline:

The boundary line of a surface waterbody as defined by the ordinary high-water mark.

Sign:

Any visual device, identification, description, symbol, illustration, or structure that is intended to visually attract attention from off site or from a public or private right-of-

way to identify or direct attention to a person, place, product, service, activity, institution, organization, business, or opinion. The term shall not include official flags, official signs, the minimum signs required for compliance with MCL 324.101 (PA 451 of 1994), and public notice signs required by this Ordinance.

Site:

A contiguous area of land, including a lot, lots, parcel, parcels, or combination thereof, under single ownership and control, devoted to or intended for a use or occupied by a structure or a group of structures.

Site Plan:

A site plan is a graphic representation of all existing and proposed improvements to a site. Sometimes referred to as a plot plan, the site plan functions as a map for a development project, incorporating all aspects of landscaping, construction, paving, utilities, and terrain features in a single depiction.

Slope:

Slope: The degree of deviation of a surface from the horizontal, expressed as a ratio of vertical rise or fall to horizontal distance.

Special Land Use:

See “Use: Special Land Use.”

Street:

A public or private thoroughfare which affords a principal means of access of abutting property.

Stormwater:

The flow of water that results from precipitation.

Stormwater Management System:

A manmade or natural system that conveys, catches, holds, filters, and/or receives stormwater, surface water, or groundwater on a permanent or temporary basis.

Stormwater Plan:

A plan showing natural and man-made storm water system improvements and the associated calculations.

Structure:

Any construction which requires location of a more or less permanent attachment to the ground.

Structure, Accessory:

A structure that is located on the same lot as the principal structure that is clearly incidental and subordinate to the principal structure. Examples of accessory structures include, but are not limited to: accessory buildings, detached carports, fences, flagpoles, sidewalks, retaining walls, and satellite dishes.

Structure, Temporary:

A structure that is not permanently attached to the property and is permitted to exist for a specific reason for a specific, limited period of time.

Swimming Pool:

Any structure or container located either above or below grade designed to hold water to a depth of at least 30 inches and with an area of at least 250 square feet, intended for swimming or bathing.

Mobile Home Park:

~~Any area established for the use of two (2) or more mobile homes for dwelling purposes.~~

Temporary Sign:

Any sign that is for a strictly temporary purpose, such as: political candidates or parties; garage sales; selling private household articles; sale of farm or seasonal products. Such sign may not be used for more than 90 days in any 365 day period.

Temporary Use or Building:

Shall mean a use or building permitted to exist for a limited period of time under conditions and procedures as provided for in this Ordinance.

Topographical Map:

A map showing the existing physical characteristics of an area with contour lines of not more than two (2') feet intervals. Such a map should indicate the direction of water flow.

Trail:

An improved or unimproved path designed for use by pedestrians, cyclists, equestrians, and other non-motorized transportation.

Underground Storage Tank:

Any tank located underground, including subterranean pipes, but excluding septic tanks, that is used to contain regulated substances or hazardous materials.

Use:

The purpose for which land or a building is arranged, designed or intended, or for which land or a building is occupied. The following terms, words, and phrases associated with use shall have the following meanings:

a) 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.

b) Comparable or Similar Use: A use not specifically listed as a permitted, accessory, or special land use in a zoning district that is similar to a listed use and whose nature is likely to have a similar character

and impact.

c) Intensification of Use: To alter the character of a use to the extent that the use generates new or different impacts on the health, safety, or welfare of the surrounding neighborhood, including, but not limited to: the level or amount of traffic, noise, light, smoke, odor, vibration, outside storage, the amount of parking required, an increase in the number of days or hours of operation, or other similar conditions associated with the use.

d) Legally nonconforming Use: A use lawfully existing at the time of adoption of this Ordinance or an amendment to this Ordinance that is no longer a permitted use. See also “Nonconforming, Legally.”

e) Nonconforming Use: A use that was not legal at the time of adoption of this Ordinance or an amendment to this Ordinance and is not a permitted use in this Ordinance. See “Nonconforming.”

f) Permitted Use: A use that is permitted within a particular zoning district, excluding special land uses.

g) Principal or Primary Use: The main or primary use of a lot.

h) Prohibited Use: A use that is not permitted within a particular zoning district.

i) Reasonable Use: A use of property for a suitable and beneficial purpose that does not lead to unreasonable interference with another’s use of property or public health, safety, and welfare. Reasonable use shall not be construed as highest and best use.

j) Conditional Land Use: Uses and structures that have been generally accepted as reasonably compatible with the primary uses and structures within a zoning district but which could present unique impacts and/or potential injurious effects upon the primary uses and structures within the zoning district and, therefore, require special consideration in relation to the welfare of adjacent properties and to the community as a whole.

k) Temporary Use: A use that is of limited duration

Utilities:

All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewer, oil, gas, electricity, information, and telecommunication.

Utility Pole:

A pole used to support essential services, such as electricity, telephone, cable, or similar telecommunications or used to support street lights, typically located in rights-of-way.

Variance:

A variance is a modification of the literal standards of the Zoning Ordinance, where such variance will not be contrary to the public interest or permit a use in a District that is not identified as a permitted principal use in such District. See “Developmental-Standard Variance.”

Violation:

The failure of a structure, development, use, lot, or site to be fully compliant with this Ordinance.

Wetland:

Land characterized by the presence of water at a frequency and duration sufficient to support and that, under normal circumstances, supports wetland vegetation or aquatic life, and is commonly referred to as a bog, swamp, or marsh.

Yard:

~~That portion of a lot, tract, parcel or premise that is not covered by structure or roof.~~

An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance. The following words, terms, and phrases related to yards shall have the following meanings:

- a) Front Yard: The open space between the front lot line and the nearest point of the principal building, extending the full width of the lot. There shall be a front yard on each street side of a lot, including corner lots and through lots.
- b) Rear Yard: The open space between the rear lot line and the nearest point of the principal building, extending the full width of the lot.
- c) Side Yard: The open space between the side lot line and the nearest point of the principal building, extending from the front yard to the rear yard.
- d) Waterbody Yard: The open space between the shoreline and the nearest point of the principal building.
- e) Non-required Yard: The open space between the required setback and the principal building. It corresponds to the additional open space between the required yard and the principal building.

Zoning District:

A portion of the Township within which specific use and developmental standards are uniformly applied as outlined in this Ordinance. Also known as district or zone.

Zoning District, Overlay:

A zoning district that extends on top of one or more zoning districts for a specific purpose. Also known as overlay district.

Zoning Permit: A permit issued by the Zoning Administrator or agent signifying compliance with the provisions of this Ordinance, which may include and set forth conditions that must be met. Fence permits sign permits, etcetera, are all considered zoning permits. Includes major and minor zoning permits. May also be known as preliminary certificate of zoning compliance.

Zoning Map:

The map, adopted as part of this Ordinance that graphically depicts all of the zoning districts and their boundaries. Also known as Official Zoning Map.

Undefined Terms:

Any term not defined herein, shall have the meaning of common or standard use.

Sections 17.11 - 17.19 Reserved

Article 3 General Provisions

SECTION 17.20 - ESTABLISHMENT OF ZONING DISTRICTS.

- AG Agricultural District
- R Residential District
- MHR Mobile Home Residential District
- C Commercial District
- I Industrial District

SECTION 17.21 - OFFICIAL ZONING MAP

- A. Location of Districts and Boundaries - The boundaries of the zoning districts of Rives Township are hereby established as shown on official zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.
- B. Identification - The official zoning map shall be identified by the signature of the Township Clerk, and by the date of adoption of the zoning ordinance, under the following words:

"This is to certify that this map is the official zoning map of Rives Township, being Section 17.21 of the Rives Township zoning ordinance."
- C. Changes in the Official Zoning Map - If an amendment to this ordinance results in a change in a district boundary, such change shall be recorded on the official zoning map by the Township Clerk promptly after the amendatory ordinance is adopted. The Clerk shall initial and date each change on the map. Any change of municipal boundaries shall be recorded on the official zoning map by the Clerk. No other changes shall be made in the official zoning map. Any unauthorized change in the official zoning map shall be a violation of this ordinance and punishable as provided in Article 9, herein.
- D. Authority of Official Zoning Map - Regardless of the existence of copies of the official zoning map which might be made or published, the official zoning map shall be the final authority on the zoning status of any lot, use, or structure in Rives Township. The official zoning map shall be located in the office of the Township Clerk and shall be open to public inspection.
- E. Replacement of Official Zoning Map - If the official zoning map is lost or destroyed, or becomes damaged or difficult to interpret because of its physical condition, the Township Board may adopt a new official zoning map which shall replace the prior zoning map. The new official zoning map may correct drafting or other errors or omissions on the official zoning map but such corrections shall not have the effect of amending the zoning ordinance. The new official zoning map shall be identified as a replacement map by signature of the Township Clerk, with the date of replacement.

- F. Rules For Interpretation - Where, due to scale, lack of detail, or illegibility of the official zoning map, there is any uncertainty, contradiction, or conflict as to the intended location of any zoning district boundary as shown thereon, the Zoning Inspector shall interpret the map upon request of any person. Any person aggrieved by such interpretation may appeal it to the Zoning Board of Appeals.

SECTION 17.22 - COMPLIANCE WITH REGULATIONS.

- A. Every building and structure erected; every lot created; 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 building, structure, or lot is located.
- B. No part of a yard or other open space required for or in connection with, any structure for the purpose of complying with this Ordinance, shall be included as part of a yard or open space similarly required for any other structure.

SECTION 17.23 - USE REGULATIONS.

- A. No structure shall be constructed, erected, placed, or maintained, and no use shall be commenced or continued within Rives Township except as specifically, or by necessary implication, authorized by this Ordinance.
- B. A conditional use shall be considered only if listed as a conditional use in the zoning district in which the use is to be located, and only after a conditional use permit has been reviewed by the Planning Commission and approved by the Township Board. (Amended 6-15-21, Ord. No 2021-1)
- C. Where a lot is devoted to a principal use, either permitted by right or as a conditional use, customary accessory uses and structures are authorized except as specifically prohibited.

SECTION 17.24 - YARD REQUIREMENTS.

- A. All front, side, and rear yards shall be the minimum perpendicular distance measured from the principal structure, excluding all projections not exceeding three (3) feet in length from the structural wall.
- B. Where a lot or parcel adjoins a lot or parcel in a more restrictive zone, any adjoining front, side or rear yard of such lot shall have a minimum width equal to the required yard in the more restricted zone.

- C. One accessory building or structure of less than 865 (eight hundred sixty five) square feet may be built as close as ten (10) feet to the rear lot line in Residential and Agricultural zoning providing such building is no taller than ten (10) feet tall at its tallest point. If taller than ten (10) feet at its tallest point, the building must be located as far from the rear lot line as it is tall, IE: a building with a peak height of sixteen (16) feet must be located at least sixteen (16) feet from the rear lot line.
- ~~D. — Front yard setbacks in all zoning districts shall be measured from the edge of the applicable road easement or right-of-way.~~
- ~~— One accessory building or structure of less than 865 (eight hundred sixty five) square feet may be built as close as ten (10) feet to the rear lot line in Residential and Agricultural zoning providing such building is no taller than ten (10) feet tall at its tallest point. If taller than ten (10) feet at its tallest point, the building must be located as far from the rear lot line as it is tall, IE: a building with a peak height of sixteen (16) feet must be located at least sixteen (16) feet from the rear lot line. D. Front yard setbacks in all zoning districts shall be measured from the edge of the applicable road easement or right-of-way.~~

SECTION 17.25 - CORNER LOTS.

A corner lot shall maintain front yard requirements for each street frontage.

SECTION 17.26 - LOT WIDTH.

Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty (80) percent of the required lot width, except in the case of lots on the turning circle of cul-de-sacs, where eighty (80) percent requirements shall not apply.

SECTION 17.27 - ESSENTIAL SERVICES.

- A. Nothing in this Ordinance shall prohibit the provision of essential services, provided the installation of such services does not violate any other applicable provision of this Ordinance.
- B. Nothing in this Section shall be construed to permit the erection, construction, or enlargement of any building, tower, or maintenance depot for provision of an essential service except as otherwise permitted in this Ordinance.

SECTION 17.28 - ACCESS TO STREETS.

In any district, every lot, use, building, or structure established after the effective date of this Ordinance, shall be on a lot that adjoins, either a public street or a private street.

SECTION 17.29 - VISIBILITY AT INTERSECTIONS.

On any corner lot in any zoning district requiring front and side yards, no fence, wall, hedge, screen, sign, structure, vegetation, or planting shall be allowed to impede vision between a height of three (3) feet and eight (8) feet above the centerline grades within the triangular area formed by the intersecting street right-of-way lines and a straight line joining the two (2) street lines at points which are thirty (30) feet distant from the point of intersection, measured along the street right-of-way line.

SECTION 17.30 - CURB CUTS AND DRIVEWAYS.

Curb cuts and driveways may be located only upon approval by the Zoning Inspector and such other county and state authorities as required by law; provided however, such approval shall not be given where such curb cuts and driveways shall unnecessarily increase traffic hazards.

SECTION 17.31 - TEMPORARY USE.

Circuses, carnivals, or other transient enterprises may be permitted in any district, upon approval by the Township Board based upon the finding that the location of such an activity will not adversely affect adjoining properties, adversely affect public health, safety, and the general welfare.

SECTION 17.32 - TEMPORARY MOBILE HOMES AND OFFICES.

- A. No mobile home shall be used other than as a single family dwelling or a temporary field office provided it is certified as such by the Zoning Inspector.
- B. Temporary Mobile Homes.
 - 1. The Zoning Inspector shall have the authority to grant a permit for the temporary occupancy of mobile homes on any lot in a permitted district, subject to the following conditions:
 - a. All temporary mobile homes and trailers shall not be more than five (5) years old and shall comply with HUD Mobile Home Construction and Safety Standards (24CFR320 as amended.)
 - b. During the period of construction of a new permanent dwelling, but not to exceed a period of twelve (12) consecutive months, the owner of such permanent dwelling premises, and members of such owner's immediate family, shall be permitted to occupy as a temporary residence one (1) mobile home situated at such construction site provided that such owner intends to occupy as a residence such dwelling upon completion of its construction.

- c. Such mobile home shall not be located between the established setback line and the public right-of-way line of such premises.
 - d. The mobile home shall contain sleeping accommodations, a flush toilet, and a tub or shower bath adequate to serve the occupants thereof.
 - e. The sanitary facilities of the mobile home for the disposal of sewage and waste shall be properly connected to the central sewage system available, or properly connected to the existing septic tank sewerage disposal system which is approved by the Jackson County Health Department for the permanent dwelling to be constructed thereat.
 - f. No temporary mobile home permit shall be issued until a foundation and water for a permanent dwelling has been completed and ready for framing, inspected and approved.
- C. Mobile trailer offices may be permitted in any non-residential district on a temporary basis with extensions as necessary as granted by the Board of Appeals.
- D. No travel trailer or motor home shall be used as a permanent residence. Travel trailers and motor homes shall be used only in duly licensed travel trailer parks. A travel trailer or motor home may be permitted to be occupied as a temporary dwelling for a period not to exceed one week provided such travel trailer or motor home is situated on a parcel of land upon which is located a dwelling with water and sanitary facilities accessible to the travel trailer or mobile home occupants and certified by the Zoning Inspector.

SECTION 17.33 - NON-CONFORMITIES.

Where within the districts established by this Ordinance, or by amendments, there exists lots, structures, and uses of land and structures which were lawful before this Ordinance was adopted; can be continued subject to the following provisions:

- A. If the nonconforming use of any parcel of land, building or structure is discontinued for a period of one hundred eighty (180) days, or abandoned through vacancy, lack of operation or otherwise for such a period, then any further use of such land, building or structure shall conform to this Ordinance.
- B. No nonconforming use shall be changed to any other nonconforming use. If a nonconforming use is change to a conforming use, it shall not return to a nonconforming use.
- C. Reconstruction of damaged nonconforming buildings. Nothing in this Ordinance shall prevent the reconstruction, repair or restoration and the continued use of a nonconforming building or structure damaged by fire, collapse, explosion, acts of God or acts of the public enemy, subsequent to the effective date of this Ordinance, wherein the expense of such reconstruction does not exceed fifty percent (50%) of the fair valuation of the building or

structure at the time such damage occurred. Provided, however, that such valuation is approved by the Building Board of Appeals, and provided, further, that said use be identical with the nonconforming use permitted and in effect immediately preceding said damage.

- D. Nonconforming living quarters may be used temporarily during the construction of a permanent dwelling; provided, however, that a permit for such use must first be obtained from the Zoning Inspector and the Building Inspector; provided, further that such permit shall be limited to a period of not exceeding one (1) year. Such permits may be extended for periods of six (6) months each by action of the Zoning Inspector and Building Inspector upon a showing of necessity therefore.
- E. There may be a change of tenancy, ownership, or management of an existing nonconforming use, building or structure; provided there is no change in the nature or character of such nonconforming use, building or structure.

SECTION 17.34 - PERFORMANCE STANDARDS.

- A. Any use of a lot building, or structure in any district shall be such that it is not obnoxious, dangerous, or injurious by reason of heat, glare, fumes, odors, dust, erosion, sound or vibrations at standards currently used by the Michigan Department of Public Health beyond any boundary line of the lot or parcel of land on which the use is located.
- B. The application for a zoning compliance permit for a use subject to performance requirements shall be accompanied by a building plan and equipment layout with a description of the machinery, process, and projects; and specifications for the mechanisms and techniques to be used in meeting the performance standards.
- C. The Zoning Inspector may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the performance standards. The cost of such services shall be borne by the applicant, and a copy of any report shall be furnished to the applicant and the Township of Rives.

SECTION 17.35 - OPEN SPACE Preservation Developments

In accordance with Public Act 177 of 2001, Rives Township provides that land in either the Residential or Agricultural Zoning District may be developed, at the option of the land owner, with the same number of dwelling units, but in a smaller portion of the total development parcel than would otherwise be provided within the zoning district, as follows.

- A. The initial parcel must be at least 10 (ten) acres in area.

- B. An amount equal to 50% of the developable area must remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that run with the land. (Unbuildable areas, such as wetlands, may not count towards the 50% open space minimum.)
- C. The remaining 50% of the developable area may be developed with lot sizes of ½ (one-half) or 50% of the lot size provided in the applicable zoning district. Minimum lot width and depth requirements in each district would be reduced by 25% of those shown in 17.58.
- D. A Site Plan must be submitted to the Rives Township Planning Commission as specified in, and in accordance with, Article 8, Site Plan Review, of this ordinance.

Article 4
Schedule of Regulations

Sections 17.38 - 17.39 Reserved

Article 4
Zoning Districts

SECTION 17.40 - AGRICULTURAL DISTRICT - AG.

This district is composed of certain large open land areas. The regulations of this district are designed to retain the open character of this land, ~~and to that end, the uses are limited primarily to agricultural activities, undeveloped natural areas, farmlands, and wetlands. To that end, development is primarily focused on agricultural uses.~~

~~The following limitations on livestock and poultry shall apply:~~

~~Livestock: Five (5) livestock animals may be domiciled on five (5) or more acre parcel. Each additional useable acre shall allow two (2) additional livestock animals. Example: a fourteen (14) acre site may domicile twenty three (23) livestock animals.~~

~~Poultry: Twenty (20) poultry may be domiciled on a five (5) or more acre parcel. Each additional useable acre shall allow five (5) additional poultry. Example: a fourteen (14) acre site may domicile sixty five (65) poultry.~~

SECTION 17.41 - PERMITTED USES.

- A. Single-family and two-family dwellings.
- B. Family day care home.

C. General and specialized farming and agricultural activities, except intensive animal feeding operations, but including the raising or growing and storage or preservation of crops, sod, farm livestock, poultry, bee keeping, plant, trees, shrubs, and nursery stock. Any lot used to raise or keep livestock, including horses, must be a minimum of five (5) acres in size.

D. Home Occupations.

~~D.~~E. Personal Kennel

F. Sale of agricultural products raised or grown on the farm premises including roadside stand for said sales.

~~E.~~G. Roadside stand

SECTION 17.42 - CONDITIONAL USES REQUIRING TOWNSHIP BOARD AUTHORIZATION.

The following uses may be authorized by the Township Board if the standards in Article 7 are met:

- A. Commercial animal hospitals, shelters and kennels.
- B. Riding stables.
- C. Cellular Telephone, radio and television transmitting buildings and towers.
- D. Cemeteries
- E. Child care centers and group day care homes.
- F. Churches, and other buildings for religious worship.
- G. Golf courses.
- H. Golf Driving ranges.
- I. Group or organized camps, camping grounds, and general or specialized resorts.
- J. Home businesses.
- K. Intensive animal feeding operation.
- L. Municipal buildings including garages and storage yards.
- M. Parks, playgrounds, recreational and community center buildings, provided that all such activities be of non-commercial and not operated for profit.
- N. Private airstrips
- O. Quarries and gravel pits.
- P. Schools; elementary, secondary and college levels for academic instruction provided buildings and/or activity areas shall be located not less than fifty (50) feet from any lot in any Residential District.
- Q. Q. Travel trailer parks
- R. Similar uses as interpreted by the Planning Commission.

SECTION XX.XX - Site Development Standards

<u>Table (1) 17.57A. Agricultural District Site Development Standards</u>								
<u>Minimum Lot Area & Width</u>		<u>Maximum Lot Coverage</u>		<u>Minimum Yards Setbacks</u>			<u>Maximum Structure Height</u>	
<u>Area in Acres</u>	<u>Width (feet)</u>	<u>Gross</u>	<u>Impervious Surface Ratio</u>	<u>Front Yard (feet)</u>	<u>Each Side Yard (feet)</u>	<u>Rear Yard (feet)</u>	<u>Feet</u>	<u>Stories</u>
<u>2 Acres</u>	<u>200</u> <u>Depth</u> <u>250 ft</u>	<u>25%</u>	<u>60%</u>	<u>50</u>	<u>25</u>	<u>50</u>	<u>*45</u>	<u>2</u>

P.

SECTION 17.43 - RESIDENTIAL DISTRICT - R.

This District is designed principally for Residential use and is limited to dwellings and uses normally associated with residential neighborhoods in order to encourage a suitable and healthy environment for family life and to preserve a predominantly rural character.

SECTION 17.44 - PERMITTED USES.

- A. One and two family dwellings.
- B. Family day care home and adult foster care family home.
- C. Home Occupations.
- D. Accessory buildings, structures customarily incidental to the above permitted uses, provided that such structures are not constructed closer than 10 (ten) feet from any other building or structure.

SECTION 17.45 - CONDITIONAL USES REQUIRING TOWNSHIP BOARD AUTHORIZATION.

The following uses may be authorized by the Township Board if the standards in Article 7 are met:

- A. Convalescent and nursing homes, hospitals, sanitariums, and orphanages.
- B. Child care centers and group day care homes.
- C. Churches, and other buildings for religious worship.
- D. Government Buildings.
- E. Home business.

- F. Libraries.
- G. Parks, playgrounds, recreational and community center buildings, provided that all such activities be of non-commercial and not operated for profit.
- H. Residential planned unit development.
- I. -Schools; elementary, secondary and college levels, for academic instruction, provided buildings and activity areas shall be located not less than fifty (50) feet from any lot in any Residential District.
- J. Similar uses as interpreted by the Planning Commission.

Section 17.46 - 17.48 Reserved

SECTION XX.XX - Site Development Standards

<u>Table (1) 17.57A. Residential District Site Development Standards</u>								
<u>Minimum Lot Area & Width</u>		<u>Maximum Lot Coverage</u>		<u>Minimum Yards Setbacks</u>			<u>Maximum Structure Height</u>	
<u>Area in Acres</u>	<u>Width (feet)</u>	<u>Gross</u>	<u>Impervious Surface Ratio</u>	<u>Front Yard (feet)</u>	<u>Each Side Yard (feet)</u>	<u>Rear Yard (feet)</u>	<u>Feet</u>	<u>Stories</u>
<u>2 Acres</u>	<u>200 Depth 250 ft</u>	<u>25%</u>	<u>60%</u>	<u>50</u>	<u>25</u>	<u>50</u>	<u>*45</u>	<u>2</u>

SECTION 17.49 - MOBILE HOME RESIDENTIAL DISTRICT - MHR.

This district is designed to provide suitable space for mobile home dwellings. The regulations of this district are designed to permit a density of population and an intensity of land use in those areas which are served by a municipal water supply and municipal sewage disposal, and which abut or are adjacent to such other uses, buildings, or amenities which support, complement, or serve such a density and intensity.

A public sanitary waste disposal and public fresh water system must already be available before a parcel may be considered for rezoning to Mobile Home Residential District.

SECTION 17.50 - PERMITTED USES.

- A. Mobile home parks.
- B. Mobile home subdivisions.
- C. Signs in accordance with the regulations as specified in Article 5.
- D. Essential support services, but not including telecommunication facilities, maintenance depots or warehouses.

SECTION 17.51 - CONDITIONAL USES REQUIRING TOWNSHIP BOARD APPROVAL.

- A. Sales of mobile homes provided that the sales operation is clearly subordinate and incidental to the use of the area for dwellings.
- B. Uses not specifically authorized as permitted uses in this district may be authorized as conditional uses in this district so long as they are similar in nature as other uses in the district and consistent with the general intent of the district.
- C. [Public park or playground](#)
~~_____~~ [On-site signs, only in accordance with the regulations as specified in Article 5.](#)

[SECTION XX.XX - Site Development Standards](#)

[As required by Mobile Homes Commission Act or as otherwise specified elsewhere within the Ordinance.](#)

D.

SECTION 17.52 - COMMERCIAL DISTRICT - C.

The Commercial District is designated to encourage efficient traffic movement, parking, and utility service; advance public safety; and protect surrounding property. The commercial district is designed to regulate the location of these business uses according to a well considered plan which determines the types of such uses and the intensity of land, street and highway use in such district; potential nuisances and hazards which may cause unsafe conditions; and the relationship of commercial use to streets and highways.

SECTION 17.53 - PERMITTED USES.

- A. Agricultural uses, but not including the keeping or raising of livestock.
- B. Animal Hospitals.
- C. Automobile service stations and repair garages.
- D. Business services including banks, loan offices, real estate offices, and insurance offices.
- E. Churches and other buildings for religious worship.
- F. Clubs and lodges.
- G. Drive-through retail and service establishments.
- H. Eating and drinking establishments.
- I. Essential services and structures of non-industrial character.
- J. Funeral homes.

- K. Indoor and outdoor commercial amusements.
- L. Indoor retail sales establishments.
- M. Motels and hotels.
- N. Museums.
- O. Offices of an executive, administrative or professional nature.
- P. Personal services, including barber shops and beauty salons; medical and dental clinics; dry cleaners and self-service laundromats; and sale and repair shops for watches, shoes radios and televisions.
- Q. Sales, rental and service of motor vehicles, trailers and boats.
- R. Schools for non-academic instruction including dance schools, music schools and art schools.
- S. On-site signs, only in accordance with the regulations as specified in Article 5.
- T. Accessory uses and structures.

SECTION 17.54 - CONDITIONAL USES REQUIRING TOWNSHIP BOARD AUTHORIZATION.

- A. Commercial planned unit developments.
- B. Child care centers.
- B. Similar uses as interpreted by the Planning Commission.

SECTION XX.XX - Site Development Standards

<u>Table (1) 17.57A. Commercial District Site Development Standards</u>								
<u>Minimum Lot Area & Width</u>		<u>Maximum Lot Coverage</u>		<u>Minimum Yards Setbacks</u>			<u>Maximum Structure Height</u>	
<u>Area in Acres</u>	<u>Width (feet)</u>	<u>Gross</u>	<u>Impervious Surface Ratio</u>	<u>Front Yard (feet)</u>	<u>Each Side Yard (feet)</u>	<u>Rear Yard (feet)</u>	<u>Feet</u>	<u>Stories</u>
<u>2 Acres</u>	<u>200 Depth 160 ft</u>	<u>30%</u>	<u>60%</u>	<u>35</u>	<u>20</u>	<u>50</u>	<u>*45</u>	<u>2</u>

SECTION 17.55 – LIGHT INDUSTRIAL DISTRICT - I.

This District is designed to accommodate industrial, storage, and other uses that generate a minimum of noise, glare, odors, dust, vibration, air and water pollution, fire and safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation or any other nuisance characteristics. It is the purpose of these regulations to

permit development of the enumerated functions to protect surrounding agricultural and residential areas from incompatible industrial activities. The Township has no public water and sewer, or Class A roads suited for more intensive industrial uses. To these ends, certain intensive industrial uses are excluded which would conflict with and harm the rural character of the Township. (Amended 6-15-21, Ord No 2021-1)

SECTION 17.56 - PERMITTED USES.

- A. Printing, lithographic, blueprinting, commercial laundries, dry cleaning establishments, wholesale business, ice and cold storage plants, lumber, fuel and feed supply yards, and other similar uses.
- B. Light manufacturing, research, assembly, testing, and repair of components, devices, equipment, and systems of professional scientific and controlling instruments, photographic and optical goods, including the following:
 - (1) Communication, transmission, and reception equipment such as coils, tubes, semi-conductors, navigation control equipment, and systems guidance equipment.
 - (2) Data processing equipment and systems.
 - (3) Graphics and art equipment.
 - (4) Metering instruments.
 - (5) Optical devices, equipment, and systems.
 - (6) Stereo, audio units, radio equipment and systems.
 - (7) Photographic equipment.
 - (8) Radar, infrared, and ultraviolet equipment and systems.
 - (9) Scientific and mechanical instruments such as calipers and transits.
 - (10) Testing equipment.
- C. Light manufacturing, processing, or assembling of the following:
 - (1) Pharmaceutical preparation.
 - (2) Electrical machinery, equipment, and supplies, electronic equipment and accessories.
 - (3) Office, computing, and accounting machines.
- D. Research and design centers where the center intended for the development of pilot or experimental products, together with related office buildings for the research facilities where the offices are designed to accommodate executive, administrative, professional, accounting, engineering, architectural, and support personnel.
- E. Data processing and computer centers, including the servicing and maintenance of electronic data processing equipment.
- F. Warehousing, refrigerated and general storage, but not including self-storage facilities.

- G. Business service establishments such as printing and photocopying services, mail and packaging services, and typing and secretarial services.
 - H. Training and/or educational centers where the centers are designed and intended to provide training at the business, technical, and/or professional level. I. Metal fabrication, welding, and tool and die shops.
 - J. Skilled trade services including plumbing, electric, heating, welding, printing, and painting establishments.
 - K. Uses similar to the above.
- (Amended 6-15-21, Ord No 2021-1)

SECTION 17.57 - CONDITIONAL USES REQUIRING TOWNSHIP BOARD APPROVAL.

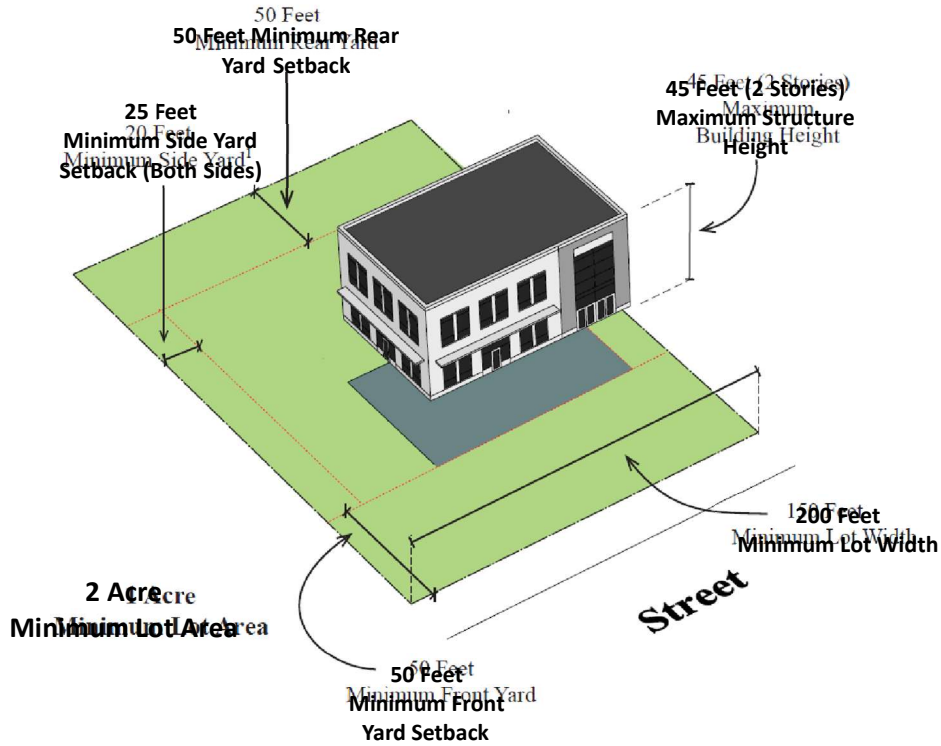
- A. Trucking and transit terminals.
 - B. Contractors' yard or contractor's storage yard.
 - C. Repair garages and paint shops for autos and other vehicles, construction and farm machinery and equipment sales and repairs. D. Self-storage facilities.
 - E. Similar uses as interpreted by the Planning Commission.
- (Amended 6-15-21, Ord No 2021-1)

SECTION 17.57A – INDUSTRIAL DIMENSIONAL REQUIREMENTS.
 (Added 6-15-21, Ord No 2021-1)

Table (1) 17.57A. Light Industrial District Dimensional Requirements								
Minimum Lot Area & Width		Maximum Lot Coverage		Minimum Yards & Setbacks			Maximum Structure Height	
Area in Acres	Width (feet)	Gross	Impervious Surface Ratio	Front Yard (feet)	Each Side Yard (feet)	Rear Yard (feet)	Feet	Stories
2 Acres	200	30%	60%	50	25	50	*45	2

* Communication equipment as part of a light industrial use may not exceed 100 feet.

Figure (1) 17.57A. I-1 Industrial District Dimensional Requirements



SECTION 17.57B SUPPLEMENTAL INDUSTRIAL DISTRICT STANDARDS.

- A. Site plan review shall be required for all new uses in in accordance with Article 8.
- B. Accessory buildings and structures shall be regulated in accordance with the requirements of Article 3.
- C. All goods or materials stored outside which are visible from a public road shall be screened by a fully-opaque fence or wall a minimum of six (6) feet in height.
- D. The proposed site for any use shall have direct access to a paved road. Parcels and/or lots shall have direct access to a paved road.

SECTION 17.58 – DISTRICT AREA, YARD, AND BULK REGULATIONS.

ZONING DISTRICT	ZONING SYMBOL	LOT REQUIEIMENTS			MINIMUM YARD REQUIEIMENTS		
		Minimum Lot Area	Minimum Lot Width Depth 250 ft.	Minimum Lot Coverage	Front	Side	Rear
Agricultural	AG	2 Acres	200 ft. Depth 250 ft.	25%	50 ft.	25 ft.	50 Ft.
Residential <i>(Without Sewer)</i>	R	2 Acres	200 ft. Depth 250 ft.	25%	50 ft.	25 ft.	50 Ft.
Residential <i>(With Sewer)</i>	R	1.5 Acres	200 ft. Depth 250 ft.	25%	50 ft.	25 ft.	50 Ft.
Mobile Home Residential	MHR	As required by Mobile Homes Commission Act or as otherwise specified elsewhere within the Ordinance.					
Commercial	C	2 Acres	200 ft. Depth 160 ft.	30%	35 Ft.	20 Ft. (35 ft. for corner lots)	50 Ft

Corner Lots – See Section 17.25

MHR Zoning requires Public Sanitary Waste Disposal and Public Water Supply

SECTION 17.XX – Property Maintenance.

- A. Possession or maintenance of junk shall be prohibited, except for approved junkyards
- B. Any building or structure with structural damage caused by fire, wind, or other cause or which has become dangerous, unsafe, or uninhabitable shall be repaired or completely removed within six (6) months of the damage
- C. A single, six (6) month extension may be granted if the property owner has been diligently pursuing remediation of the conditions and the delay is necessary due to government action related to permit issuance or insurance processing.
- D. Trees that threaten to damage structures on adjacent properties or fall onto streets shall be removed or trimmed to remove the hazard.

SECTION 17.XX – Accessory Buildings.

- A. Building-to-Building Setback: Accessory buildings shall be at least ten (10) feet from any other building or structure.
- B. Relation to Principal Building: Residential accessory buildings shall only be constructed and maintained on lots with or near a principal dwelling unit, as outlined below.
 - 1) Same Lot: Residential accessory building shall only be permitted on a lot on which a principal dwelling unit exists or is under construction
 - 2) Adjacent: Residential accessory buildings shall only be permitted on a lot contiguous or adjacent, and under the same ownership and control on which a principal dwelling unit exists or is under construction.
 - i) Separability: The lot with the principal building and the lot with the accessory building shall remain under single ownership and control.
 - ii) Recording: A declaration that the lots shall remain under single ownership and control, following approval by the Township, shall be recorded with the Register of Deeds at the property owner's expense, with a copy provided to the Township before a zoning permit shall be issued for the accessory building.
 - iii) Transfer: The lot with the accessory building may be transferred to another lot that meets the standards of this Section if that transfer does not create a nonconformity for the developmental

standards of this Ordinance.

Residential accessory buildings shall only be located as outlined in the table below

<u>Yard</u>	<u>Minimum Setbacks</u>
<u>Front Yard</u>	<u>50 ft</u>
<u>Side Yard</u>	<u>10 ft</u>
<u>Rear Yard</u>	<u>10 ft</u>

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C. Agricultural Accessory Buildings: Accessory buildings used exclusively for commercial agriculture, including silos, shall meet the following standards.

- 1) Location: Agricultural accessory buildings may be located in any yard.
- 2) Setbacks: The minimum setbacks for agricultural accessory buildings shall be the setbacks for the principal building or equal to the building height, whichever is greater. Agricultural accessory buildings housing animals shall be at least 50 feet from all lot lines.
- 3) Height: There shall be no height limit for agricultural accessory buildings. Agricultural accessory buildings that are taller than 30 feet shall have minimum setbacks equal to the height.
- 4) Building Coverage: Agricultural accessory buildings shall be included in the overall building coverage calculation for a lot.

D. Commercial or Institutional Accessory Buildings: Accessory buildings for commercial or institutional uses shall meet the developmental and use standards for the principal building for the zoning district in which they are located.

E. Location: Temporary accessory buildings shall be located within a side or rear yard. Temporary accessory buildings used exclusively for commercial agriculture may be located in any yard.

- 1) Temporary accessory buildings shall be at least ten (10) feet from every lot line.

- 2) Temporary accessory buildings shall have a maximum height of 18 feet.
- 3) Temporary accessory buildings shall be erected a maximum of six (6) months in any calendar year. This shall not apply to temporary accessory buildings used exclusively for commercial agriculture.
- 4) Temporary accessory buildings shall be maintained in a good and safe condition at all times.

SECTION 17.XX – Porches, Decks, Patios, and Steps.

Porches, decks, patios, and steps shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

(A) Detached: Porches, decks, patios, and steps that are not attached to a building shall meet the setbacks for the principal building for the district.

(B) Attached: Porches, decks, patios, and steps that are attached to a building or function as if they were attached, even if there is no physical connection, shall be considered a part of that building and shall meet the developmental standards for that building, unless otherwise permitted in this Ordinance.

SECTION 17.XX – Fences, Walls, and Gated Entrances

Fences, walls, and gated entrances shall meet the standards outlined below, in addition to other applicable standards of this Ordinance.

- A. Fences shall not be constructed within the front setback of the development.
- B. Setbacks: Fences shall be located completely within the property being fenced.
- C. Fences and walls located in the front yard shall be a maximum of 4 feet tall.
- D. Side and rear yard fences shall be a maximum height of 8 feet.

E. SECTION 17.XX – Setback Leniency

Accessory Setback Leniency: For certain accessory building setbacks an accessory structure can encroach on the setback by 25%. Structures that fall into this category are:

- 1) Porches
- 2) Poll Barns
- 3) Greenhouses
- 4) Sheds
- 5) Garages
- 6) Gazebos
- 7) Chicken Coops
- 8) Other structures the zoning administrator feels is appropriate.

SECTION 17.XX – Pools and Hot Tubs.

(A) Location: Swimming pools shall be located in a side or rear yard. Hot tubs shall be located in a side, rear, or waterfront yard.

(B) Setbacks: Swimming pools shall be at least ten (10) feet from side and rear lot lines. Hot tubs shall be at least ten (10) feet from side and rear lot lines and at least 35 feet from waterbodies.

(C) Access: Swimming pools and hot tubs shall have restricted access by at least one (1) of the methods below:

1) Fencing: Swimming pools and hot tubs shall be surrounded by fencing at least four (4) feet high.

All gates shall be self-closing and self-latching;

2) Elevated Pools: Elevated swimming pools and hot tubs that are at least four (4) feet above ground shall have restricted access by steps that are removed and secured when not in use or a self-closing, self-latching gate that is at least four (4) feet high;

SECTION 17.XX – Sidewalks

—Sidewalks, paths, and steps that are at-grade or even with slopes shall be permitted in every yard.