

CHAPTER 17
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.

SECTION 17.02 - 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.

Sections 17.03 - 17.09 Reserved

Article 2

Interpretation of Language

SECTION 17.10 - INTERPRETATION OF LANGUAGE

(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.

Sections 17.11 - 17.19 Reserved

Article ~~32~~

Definitions SECTION 17.~~2040~~ - 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

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 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.

Commercial Kennel:

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

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 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, house complying with the following standards:~~

~~A place of residence including houses, apartments, and other forms of residential housing.~~

~~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, undercarriage, 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).~~
- ~~K. 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).~~
- ~~L. 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 household.

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.

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 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.

Telecommunication Facility/Communication Tower:

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice, guyed towers, and monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and also includes any supporting apparatus; provided that for purposes of the Zoning Ordinance this term shall not include any tower/antenna under 50' in height that is owned and operated by a federally licensed amateur radio station operator or that is used exclusively for receive-only antennas.

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 then 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.~~214~~ - 17.~~24~~9 Reserved

Article ~~43~~ General Provisions

SECTION 17.~~3020~~ - ESTABLISHMENT OF ZONING DISTRICTS.

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

SECTION 17.~~321~~ - 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.~~322~~ - 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.~~323~~ - 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.~~324~~ - 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 17.325 - CORNER LOTS.

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

SECTION 17.326 - 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 17.327 - 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 17.328 - 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.~~32~~9 - 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.~~43~~0 - 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.~~43~~1 - 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.~~43~~2 - 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.

D.E.

SECTION 17.433 - 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 17.434 - 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.

Sections 17.3~~6~~8 - 17.39 Reserved

Article ~~5~~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 17.42A - AGRICULTURAL DIMENSIONAL REQUIREMENTS

Table (1) 17.42 A. Agricultural District Site Development Standards

<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 17.43 - 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 17.46 - RESIDENTIAL DIMENSIONAL REQUIREMENTS

<u>Table (1) 17.46 A. 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</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>

SECTION 17.479 - 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 17.4850 - 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 17.4951 - 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](#)
- D. [On-site signs, only in accordance with the regulations as specified in Article 5.](#)

SECTION 17.50 - Site Development Standards

As required by Mobile Homes Commission Act or as otherwise specified elsewhere within the Ordinance.

SECTION 17.5~~12~~ - 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 17.5~~23~~ - 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 17.534 - CONDITIONAL USES REQUIRING TOWNSHIP BOARD AUTHORIZATION.

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

-SECTION 17.54. – COMMERCIAL DIMENSIONAL REQUIREMENTS

<u>Table (1) 17.574 A. 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</u> <u>Depth</u> <u>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.
- J. Auto repair, body shops, and equipment rental.

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.
- D. Distribution centers.
- ~~E.~~ Lumber yards, mining and quarries.

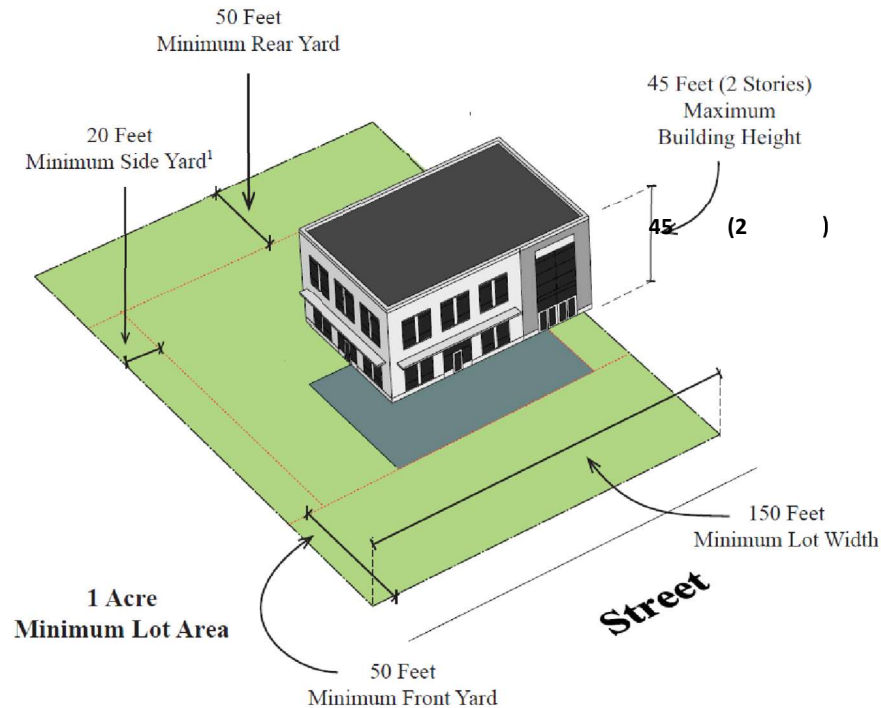
E. Similar uses as interpreted by the Planning Commission.
(Amended 6-15-21, Ord No 2021-1)

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



5

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 REQUIREMENTS			MINIMUM YARD
		Minimum Lot Area	Minimum Lot Width	Maximum Minimum Lot Coverage	
Agricultural	AG	2 Acres	200 ft. Depth 250 ft.	25%	50 ft.
Residential <i>(Without Sewer)</i>	R	2 Acres	200 ft. Depth 250 ft.	25%	50 ft.
Residential <i>(With Sewer)</i>	R	1.5 Acres	200 ft. Depth 250 ft.	25%	50 ft.
Mobile Home Residential	MHR	As required by Mobile Homes Commission Act or as otherwise specified			
Commercial	C	2 Acres	200 ft. Depth 160 ft.	30%	35 Ft.

Corner Lots – See Section 17.25**MHR Zoning requires Public Sanitary Waste Disposal and Public Water Supply****SECTION 17.58 – Property Maintenance.**

- A. 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
- B. Trees that threaten to damage structures on adjacent properties or fall onto streets shall be removed or trimmed to remove the hazard.

SECTION 17.59 – 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>

Page 24 of 57

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 50 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.

C. 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.

—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. Temporary accessory buildings shall be maintained in a good and safe condition at all times.

SECTION 17.60 – 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 17.61 – 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 17.62 – 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 17.63 – 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.

SECTION 17.64 – Sidewalks

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

Sections 17.65 - 17.69 Reserved

Article 65

~~Sign Regulations SECTION 17.60 – GENERAL SIGN~~

General Sign

SECTION 17.70 – Purpose.

- (A) Ensure that signs are located, designed, constructed, installed, and maintained in a manner that protects life, health, property, and the public welfare;
- (B) Reduce visual distractions and obstructions to motorists travelling along, entering, or leaving streets, thereby maintaining or improving public safety;
- (C) Preserve the existing and desired residential and rural character of the Township, as identified in the Township's Master Plan;
- (D) Prevent visual blight and protect the desired aesthetic qualities of the Township by preventing visual clutter, protecting views, and preventing intrusion of commercial messages into non-commercial areas;
- (E) Limit the amount of light emitted by signs to protect the Township's natural, existing, and desired dark skies; and
- (F) Keep signs within a reasonable scale with respect to the buildings they identify.

REGULATIONS.

- A. No sign shall be erected at any location, whereby reason of the position, size, shape, color, movement, or illumination, may interfere with or obstruct the view of traffic, nor shall any sign be confused with any authorized traffic sign, signal, or device.
- B. All signs shall be designed, constructed, and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity so as not to change the aesthetic character of such area.
- C. In all districts, signs may be illuminated only by non-flashing, reflected light. Any light used to illuminate such signs shall so be arranged as to reflect light away from adjoining premises and streets. All signs shall be placed no closer to street right-of-way line than one-half (½) the minimum authorized front yard depth.
- D. All signs shall be placed no closer to street or highway right-of-way line than three (3) feet minimum. Signs in Commercial and Industrial Districts shall be placed in accordance with applicable sign regulations for those zones.
- ~~D.~~ All signs in any location must be removed if allowed to become dilapidated, rundown, unsafe, and unkempt. This condition shall be determined by the Rives Township Zoning Inspector.

SECTION 17.~~7164~~ - PERMITTED ON-SITE SIGNS IN THE AGRICULTURAL DISTRICT.

The following on-site signs are permitted on any one (1) lot in the Agricultural District:

- A. One (1) on-site sign advertising the sale or lease of the lot, chattels, or building, not exceeding six (6) square feet in area.
- B. One (1) on-site sign announcing a home business not to exceed three (3) square feet in area.
- C. One (1) on-site sign identifying a park, school building, or other authorized use not to exceed eighteen (18) square feet in area.
- D. One (1) on-site sign advertising the type of farm products grown on the farmstead not to exceed twelve (12) square feet in area.
- E. One (1) on-site Temporary Sign not exceeding six (6) square feet in area.

SECTION 17.~~7262~~ - PERMITTED ON-SITE SIGNS IN RESIDENTIAL DISTRICTS.

The following on-site signs are permitted on any one (1) lot in the Residential District:

- A. One (1) on-site sign advertising the sale or lease of the lot, chattels, or building not exceeding six (6) square feet in area.
- B. One (1) on-site sign announcing a home business, not to exceed three (3) square feet in area and it shall be attached flat against the front wall of the building.
- C. One (1) on-site sign advertising a recorded subdivision or development not to exceed thirty-two (32) square feet in area. Such sign shall be removed within one (1) year after the sale of ninety percent (90%) of all lots or units within said subdivision or development. Such sign must be removed after 3 years, regardless of sales percentage achieved. One such sign shall be allowed at each main road entrance to such development.
- D. One (1) on-site sign identifying a multiple-family building or development or mobile home park, not to exceed eighteen (18) square feet in area. One such sign shall be allowed at each main road entrance to such development.
- E. One (1) on-site sign identifying a school, church, public building, or other authorized use, not to exceed eighteen (18) square feet in area.
- F. One (1) on-site Temporary Sign not exceeding six (6) square feet in area.

SECTION 17.~~7363~~ - PERMITTED ON-SITE SIGNS IN MOBILE HOME RESIDENTIAL DISTRICTS.

The following on-site signs are permitted on any one (1) lot in the Mobile Home Residential Districts:

- A. One (1) on-site sign advertising the sale or lease of the lot, chattels, or building not exceeding six (6) square feet in area.
- B. One (1) on-site sign advertising homes or lots in such development, not to exceed thirty-two (32) square feet in area. Such sign shall be removed within one (1)

year after the sale of ninety percent (90%) of all lots or units within said subdivision or development. Such sign must be removed after 3 years regardless of sales percentage achieved. One such sign shall be allowed at each main road entrance to such development.

- C. One (1) on-site sign identifying the mobile home park, not to exceed eighteen (18) square feet in area. Once such sign shall be allowed at each main road entrance to such development.
- D. One (1) on-site Temporary Sign not exceeding six (6) square feet in area.

SECTION 17.7464 - PERMITTED ON-SITE SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS.

The following on-site signs are permitted on any one (1) lot in the Commercial and Industrial Districts:

- A. One (1) on-site sign may be affixed flat against a wall of the building, or may project there from not more than forty-eight (48) inches. The total sign area shall not exceed one-half ($\frac{1}{2}$) square foot for each foot in length or height of the wall, whichever is greater.
- B. One (1) on-site free-standing identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area of said sign shall be based on one (1) square foot for each front foot of building, or buildings, for which it is established; however, it shall not exceed two hundred (200) square feet in area, nor be closer to the front, side, or rear property line, than one-half ($\frac{1}{2}$) the distance of the required building setback.
- C. One (1) on-site free-standing identification sign may be erected for each separate enterprise situated on an individual lot not located within a shopping center. Such sign shall not exceed eighty (80) square feet in area, nor be closer to the front, side, or rear property line, than one-half ($\frac{1}{2}$) the distance of the required building setback.

SECTION 17.7565 - OFF-SITE SIGNS.

Off-site signs, signs advertising a product for sale or a service to be rendered at a location other than the premises, shall be permitted in the Industrial Districts under the following conditions:

- A. Off-site signs are required to conform to yard and height requirements as other principal structures or buildings in the zone in which they are situated.
- B. Where two (2) or more off-site signs are along the frontage of a single street or highway they shall not be less than one thousand (1,000) feet apart. A double face (back to back) or a V-type structure shall be considered a single sign.
- C. The total surface area, facing in the same direction of any off-site sign, shall not exceed three hundred (300) square feet in area.

- D. No off-site sign shall be erected on the roof of any building, nor have one (1) sign above another sign.
- E. Off-site signs may be illuminated by reflecting light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of lighting arrangement or other devices shall be permitted.

SECTION 17.7666 - SIGNS FOR AUTOMOBILE SERVICE STATIONS.

Notwithstanding other provisions of this Ordinance, one (1) permanently installed sign shall be permitted on each street frontage. It shall not obstruct the view of street traffic by motorists or pedestrians. It shall have a maximum height of sixteen (16) feet, excluding necessary supports, and shall not exceed twenty-five (25) square feet in area. A sign or legend may also be placed flat on the main building or fuel pump canopies.

Sections 17.67—17.69 Reserved

Sections 17.76 - 17.79 Reserved

Article 6 Animal Guidelines:

SECTION 17.80 – Purpose.

This Article is enacted for the purpose of protecting public health, safety and general welfare of persons and property within Rives Township, pursuant to the authority granted to townships in the Township Ordinances Act, Public Act 246 of 1945 (MCL 41.181 et seq.), by regulating the control to be exercised by owners, custodians and keepers of domesticated animals within the limits of the township.

SECTION 17.81 –REGULATIONS.

- A. The keeping of animals is consistent with the rural lifestyle emphasized in low-density residential development districts and can enhance the rural charm of these districts and areas. It is also appropriate that hen chickens and bees be allowed within a more urban environment to the extent that they do not constitute a nuisance to neighboring properties. To permit the keeping of animals and ensure that their presence does not create an undue burden on neighboring residents, the following standards will apply, unless otherwise provided in the applicable zoning district.
- B. The keeping of animals must follow the guidelines set out by the ANIMAL CONTROL AND PROTECTION ORDINANCE COUNTY OF JACKSON, MICHIGAN ORDINANCE NO. 1

- C. Animals must be kept on the owner's property/parcel.
- D. The minimum site area of the parcel shall be as specified:
 - 1. Large animals: 5 acres.
 - 2. Small animals: 5 acres.
 - 3. Rabbits and Poultry: No site area limitations.
- E. All animal enclosures, including corrals, pens, feed areas, paddocks, uncovered stables and similar enclosures are subject to the following setback requirements: (1) enclosures shall not be within fifteen feet (15') of a side or rear property line (except when adjacent to an alley or within fifty feet (50') of a front property line, and (2) enclosures shall not be located closer to any residence on an adjoining property than the distance specified below:

Sections 17.82 - 17.89 Reserved

Article ~~6~~7 **Off-Street Parking Regulations**

SECTION 17.~~97~~0 - PURPOSE.

In all districts, there shall be provided at the time any building, structure, or use is established, enlarged, or increased in capacity, off-street parking spaces for motor vehicles with the requirements herein specified. Such off-street parking spaces shall be maintained, and shall not be encroached upon by structures or other uses so long as the principal building, structure, or use remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance. Access routes shall be limited and defined.

SECTION 17.~~97~~1 - PLANS.

Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the Zoning Inspector for review at the time of application for a zoning compliance permit for the erection or enlargement of buildings.

SECTION 17.~~97~~2 - LOCATION OF OFF-STREET PARKING AREA.

Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof except that the distance shall not exceed one hundred fifty (150) feet for any dwelling unit. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the building or use that such facility is required to serve.

SECTION 17.~~97~~3 - PARKING AREA DESIGN.

- A. Each off-street parking space for automobiles shall be not less than nine (9) feet in width and eighteen (18) feet in depth for all angular, perpendicular, or parallel type parking, exclusive of access drives or aisles, and shall be of usable shape and condition.
- B. There shall be provided a minimum access drive of twelve (12) feet in width for one-way traffic and twenty (20) feet for two-way traffic, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles.
- C. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking spaces.
- D. There shall be provided sufficient pedestrian walkways to assure pedestrian safety from parking space to use structures.
- E. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence, or compact planting strip exists as a parking barrier along the property line.
- F. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of materials which will have a dust-free surface resistant to erosion.
- G. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential or institutional premises, or public roadways.
- H. Any off-street parking area providing space for five (5) or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution, by a wall, fence, or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
- I. All off-street parking areas that make it necessary for vehicles to back out directly into public road are prohibited, provided that this prohibition shall not apply to off-street parking area for one or two family dwellings.

SECTION 17.974 - OFF-STREET PARKING SPACES REQUIRED.

~~A sufficient number of spaces shall be provided on the same site as the use.~~

(A) Residential Parking Requirements: Two parking spaces per dwelling.

(B) Commercial buildings are required to have five parking spaces per 1,000 SF of building

(C) Industrial buildings are required to have 2.5 spaces per 1,000 SF of building.

If a building's land use requires less parking spaces than the outlined amounts of parking spaces that developers can seek approval of reduced parking when getting zoning approval for the proposed development.

SECTION 17.XX – Shared Parking

A. Shared arrangements may be approved by the Zoning Administrator upon submission of a shared parking study demonstrating adequacy of the shared supply.

SECTION 17.975 - OFF-STREET LOADING AND UNLOADING REQUIREMENTS.

In Connection with every building, structure, or use hereafter erected, except single and two-family dwelling unit structures, which customarily receive or distribute material or merchandise by vehicle, there shall be provided on the same lot with such buildings, off-street loading and unloading space. Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Zoning Inspector for review at the time of application for a zoning compliance permit.

Sections 17.976 - 17.979 Reserved

Article 8 Solar Ordinance

SECTION 17.100 - PURPOSE.

A: Purpose and Intent: Rives Township determines that it is in the public interest to encourage the use and development of Solar Energy systems that enhance energy conservation efforts in a safe and efficient manner that is subject to reasonable conditions that will limit adverse impact on nearby properties, environment, and rural character of the region. The Township resolves that the following regulations and standards shall be adopted to ensure that solar energy systems can be constructed within Rives Township while protecting public health, safety, and natural resources. The purpose of this section is to establish guidelines for the appropriate placement and use of Solar Energy Systems, with the goals of:

1. Promoting the safe, effective, and efficient use of Solar Energy Systems, in order to contribute to the reduction in consumption of fossil fuels for generating electricity.
2. Preserving and protecting public health, safety, welfare and quality of life; along with maintaining the integrity, rural character, property values, and aesthetic quality of the township by minimizing the potential adverse impacts of Solar Energy Systems.
3. Establishing standards and procedures by which the design, engineering, installation, operation, and maintenance of a Solar Energy System shall be governed.

SECTION 17.101 – DEFINITIONS.

Terms and words in this Section are defined as follows, unless context would indicate otherwise:

Agrivoltaics:

Refers to agricultural production and electricity production from solar photovoltaic (PV) panels occurring together on the same piece of land, and is also known as “Dual Use”.

Array:

An interconnected system of Photovoltaic (PV) device modules that function as single electricity-producing unit. The modules are assembled as a discrete structure, with common support or mounting. In smaller systems, an array can consist of a single module.

Batteries:

In the context of Photovoltaic (PV) device systems, batteries are used for storing excess electricity generated by a PV system when the building is using less electricity than the system generates; batteries can store electricity for use when utility power is unavailable such as during a grid outage, or for off-grid systems.

dB(A):

Sound pressure level in decibels. It refers to the "A" weighted scale defined by the American National Standards Institute (ANSI).

Decibel:

Defined as the unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dB(A) weighted scale as defined by the American National Standards Institute.

Decommissioning:

The process of terminating operation and completely removing a solar energy system and all related buildings, structures, foundations, access roads, and associated equipment.

Dual Use Solar:

Refers to agricultural production and electricity production from solar photovoltaic (PV) panels occurring together on the same piece of land, and is also known as “Agrivoltaics”.

Greenbelt:

A greenbelt consists of shrubbery, trees, or other noninvasive plant species that provide a visual screen.

IEC – International Electro Technical Commission:

The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

Impervious surface:

A hard surface area that either prevents or retards the entry of water into the soil. Common impervious surfaces include but are not limited to rooftops, walkways,

patios, driveways, parking lots, storage areas, concrete or asphalt paving, and solar panels.

Interconnection:

Refers to the process of connecting renewable technologies to the larger electrical grid.

Inverter: Equipment that is used to change voltage level or waveform, or both, of electrical energy, such as converting direct current electricity (DC) produced by a solar system into the alternating current electricity (AC) that can be used in a home or building.

Landowner:

The individual or entity, including their respective successors and assigns that have equity interest or own the property on which the solar energy system is situated in accordance with this section.

Landscape and Visual Impact Assessment:

Identifies and assesses the significance of the effects of change caused by a development on the landscape as an environmental resource as well as views, aesthetics, and visual amenity.

National Electrical Code (NEC):

The National Electrical Code (NEC) is a regionally adoptable standard for the safe installation of electrical wiring and equipment in the United States.

Off-Grid:

Living autonomously without reliance on a utility for power by generating electricity from solar panels and storing or converting it so it can power the home or business.

On-site:

A solar energy system designed to help meet the electrical needs within the limits of the area encompassed by the tract area or parcel of record on which the activity is conducted.

Operator:

The individual or entity, including their respective successors and assigns that have equity interest in the solar energy system as a lessee of the real property parcel on which the solar energy system is located.

Photovoltaic (PV) device:

A solid-state electrical device that converts light directly into direct current electricity of voltage-current characteristics that are a function of the characteristics of the light source and the materials in and design of the device.

Pollinator: A pollinator is anything that helps carry pollen from the male part of the flower (stamen) to the female part of the same or another flower (stigma). Examples: Birds, bats, butterflies, moths, flies, beetles, wasps, small mammals, and bees.

Power transmission lines:

Sets of wires, called conductors, which carry electric power from generating plants to the substations that deliver power to customers.

Racking:

Also called photovoltaic mounting systems, a solar racking system is used to safely fix solar panels to various surfaces such as roofs, building facades, or the ground.

Solar Array:

Any number of Photovoltaic Devices connected together to provide a single output of electric energy.

Solar Energy System:

Any device or structural design feature used for the collection, storage, and distribution of solar energy. Solar Energy System, Building-Mounted: A solar energy system that is structurally mounted to the side or roof of another building or structure. Solar Energy System, Ground-Mounted: A solar energy system that is structurally mounted to the ground.

Solar Energy System – Small:

A single residential or small commercial business scale solar energy conversion system consisting of roof/building mounted panels, ground-mounted solar arrays, or other solar energy fixtures, and their associated control or conversion electronics, occupying an area of not more than one (1) acre of land, and that will be used only to produce utility power for on-site users, except for the incidental sale of surplus electrical energy back to the electrical grid.

Solar Energy System – Large:

A utility-scale commercial facility, occupying an area of more than one acre, with multiple ground-mounted solar arrays and their associated control or conversion electronics, that converts sunlight into electricity by photovoltaics and will be used for the purpose of wholesale or retail sales of generated electricity to off-site customers. Zoning Compliance Permit, Building Permit, Public Hearing, Special Approval and Site Plan, and Landscape and Visual Impact Assessment Review required. Solar Panel: A structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy.

Substation:

Any electrical facility containing power conversion equipment designed for interconnection with power lines. Part of the electrical transmission system converting high voltage to low voltage or converting low voltage to high voltage for incorporation into the electrical power grid.

UL or Underwriters Laboratories:

UL is a safety certification company participating in the safety analysis of technologies.

Viewshed:

The view of an area from a specific vantage point. Wildlife Friendly Fencing: A fencing system with openings that allow non-targeted wildlife species to transit through the fenced area.

SECTION 17.102 – APPLICABILITY.

1. This ordinance applies to solar energy systems installed or constructed on or after the effective date of the ordinance.
2. Solar energy systems constructed prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance.
3. Any upgrade, modification, or structural change that alters the size or placement of an existing solar energy system shall comply with the provisions of this ordinance.

SECTION 17.103 – SOLAR ENERGY SYSTEMS – GENERAL REQUIREMENTS.

All solar energy systems, whether building mounted or ground mounted, are subject to the following general requirements:

1. All Solar Energy Systems must conform to all applicable federal, state, county and township requirements, as well as any applicable industry standards.
2. A Solar Energy System shall not have a negative impact on the health and safety of humans or animals, nor diminish the value of neighboring properties.
3. No signage will be allowed except for public and employee safety, and that required by federal, state, county and township regulations.
4. No Solar Energy System shall be installed until evidence has been given to the Zoning Administrator that the electric utility company has approved the developer's intent to install an interconnected customer-owned generator to the grid. "Off Grid" systems shall be exempt from this requirement. Any on-site electrical storage, Battery Energy Storage Systems (BESS), must conform to industry standards and applicable federal, state and local regulations.
5. No Solar Energy System shall produce electromagnetic interference that adversely affects normal operation of radio, television, Internet, or cellular telephone service or exceeds any applicable standards established by federal or state regulations. Such interference is grounds for the Township to restrict the operation of the Solar Energy System until it is resolved.
6. All power transmission lines from a ground-mounted Solar Energy System to any building or other structure shall be located underground and comply with the National Electrical Code (NEC). The Planning Commission may modify this requirement if, in its

sole discretion, it determines that it would be impractical to install, place or maintain such transmission lines underground.

7. Any Solar Energy System and the surrounding premises must be always maintained in good repair and condition and must continuously conform to all applicable building and electrical codes. This shall include, but is not limited to, ensuring that any fencing is maintained to provide sufficient protection and screening, that the property is kept clear of trash and other debris, that all aspects of the Solar Energy System are maintained according to industry standards, and that no portion of the Solar Energy System, including Greenbelts, is in a blighted, unsafe, or substandard condition.

8. Drainage, including stormwater, soil erosion and sediment control, and snowmelt runoff shall be managed in a manner consistent with all applicable federal, state, county, and local regulations. All drainage infrastructures on-site, including drain tile and ditches, shall be maintained during the operation of the Solar Energy System, and shall not impact setback/buffer areas or neighboring properties.

9. No Solar Energy System shall produce glare that would constitute a nuisance to occupants of neighboring properties or to persons traveling neighboring roads. Upon written notice to the owners of the Solar Energy System from Township Supervisor, that glare from the Solar Energy System is causing a nuisance to neighboring residents, or to persons traveling neighboring roads, the owner of the Solar Energy System shall have a reasonable time (not to exceed six (6) months) from the date of such notice to remediate such glare.

10. Lighting must follow the Township Zoning Ordinance. Outdoor lighting shall be designed to direct light to the ground and not up into the sky. No flickering or flashing lights shall be permitted. No System or any of its components shall be illuminated, except to the degree necessary for public safety or maintenance. Lighting shall not extend beyond the Solar Energy System perimeter.

11. The applicant shall maintain a current general liability policy covering bodily injury and property damage with limits appropriate to the size of the solar facility. Large Solar Energy Systems shall carry a minimum of \$3,000,000 limit per occurrence, aggregate coverage, and deductible amounts, all of which shall be agreed upon by the owner/operator and Township Board. All applicants shall be required to provide proof that they meet the insurance requirements to the Zoning Administrator prior to approval.

12. Maintenance shall include plans for addressing weed control and the potential for herbicide run off that will impact local streams and adjoining neighbors. No restricted use pesticides (RUP) shall be used.

13. An applicant for a Solar Energy Facility Zoning or Special Approval Permit shall remit an application fee and must present all other requested documents and information to the township prior to approval.

14. The Photovoltaic Panels shall meet all UL (Underwriters Laboratories) standards in effect at the time of construction and pass IEC 61215-1 testing or successor standard. The applicant shall provide written specifications, material safety data sheets (MSDS), and countries of origin of the panels used, and include updated specifications as panels are replaced.

15. In the instance that an unavoidable Act of God inhibits, damages, or destroys part of, or the majority of the Solar Energy Facility, the owner or operator shall provide a Rehabilitation Plan to remedy the damage and said plan shall be submitted to, and approved by, the Township Board. Said plan will outline the necessary protocol and time schedule for returning the Solar Energy Facility to energy production and must be submitted to the Township within sixty (60) days of the date the damage was incurred or a time determined reasonable by the Township Board.

16. All construction materials and Solar System components used in the proposed project must be 50% United States content by US Dollar amount made in North America. Applicant must provide proof of country of manufacture prior to construction. Should the product not be available in North America, Applicant must show proof and provide documentation in this case. The component in question must be approved by Rives Township.

17. No operating Solar Energy System shall produce noise that exceeds Fifty-Five (55) dB(A), as measured at the property line of any neighboring lot with the facility at full capacity or production. Adequate setbacks shall be provided to comply with this requirement.

18. Any material damages to a public road located within the township resulting from the construction or maintenance of a solar Energy system shall be repaired at the applicant's expense. In addition, the applicant shall submit to the Jackson county road commission or Rives Township (as Approved), a description of the routes to be used by construction vehicles, delivery vehicles; any road improvements that will be necessary to accommodate construction vehicles, equipment or deliveries; and a performance guarantee acceptable to the appropriate agency in an amount necessary to insure repair of any damage to public roads caused by construction or maintenance of a solar Energy System or any of its elements.

19. Rives Township limits the total land in the township to be used for solar systems to not exceed a total of 750 acers for the total township.

SECTION 17.104 – LARGE SOLAR ENERGY SYSTEMS ON-SITE UTILITY USE; REQUIREMENTS:

An on-site use solar energy system is intended to first serve the needs of the private owner. Small systems may be approved in all zoning districts upon issuance of a zoning compliance permit, building permit, and an electrical

permit provided that the application meets the requirements and standards of this section.

1. Number of systems: Only one (1) solar energy system is permitted per lot or premises.

2. Setbacks: All Small Solar Energy Systems, including associated equipment, shall meet the side or rear yard setback requirements for the underlying zoning district.

3. Screening: PV panels and associated mechanical equipment shall be screened from residential districts and public rights of way by a greenbelt or six (6) foot-high privacy fence.

4. Submitted plans: A sketch plan, drawn to scale, shall show existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information requested by the Zoning Administrator that is necessary to determine compliance with this ordinance.

5. Building Mounted: Solar energy systems shall be such a weight to be safely supported by the building. Building inspector approval is required. Solar Energy Systems shall be considered part of the building and meet all the required building height and setback requirements. On a flat roof installation, the Solar Energy Systems shall not project more than three (3) feet above the highest point and shall be setback from the building edge at least a distance equal to its height. Solar energy systems on pitch roof installations shall not be located within three (3) feet of any peak, eave, or valley to maintain adequate accessibility, and shall not project more than two (2) feet above the roof surface.

6. Ground Mounted Solar Panels:

a. Shall not be installed on a parcel of less than one (1) acre.

b. Must meet Rives Township building, electrical, and other codes.

7. Height, Backyard Residential: A ground mounted Solar Energy System in a residential or Agricultural district shall be located in the side or rear yard and shall meet the rear yard setback requirements: 8-foot maximum height, measured at maximum tilt. Solar PV panels shall not be mounted in a manner that will obstruct the view or access to sunlight on any neighboring property. All ground arrays shall be set back a distance of 2.0 times their structure height from all property lines and building setbacks, whichever is greater.

8. Height, Backyard: A ground mounted Commercial Solar Energy System shall be located in the rear or side yard and shall meet the rear yard setback requirements. Maximum height shall be 16 feet measured at maximum tilt. All other buildings and accessory structures must meet the height requirements of the underlying zoning district. All ground mounted solar arrays shall be set back a distance of 1.5 times their structure height from all property lines and

buildings or the setbacks of the underlying zoning district, whichever is greater.

9. Decommissioning: If the solar energy system ceases to operate, is abandoned, or in disrepair for a period of six (6) months or is deemed by the Zoning Administrator or Building Inspector to be unsafe or not consistent with code, the current landowner shall repair and restore the system to good working order within a reasonable time set by the Zoning Administrator or Building Inspector or, if no longer operating or no longer in compliance with federal, state or local codes, the current landowner shall remove the system in its entirety. This shall include removing posts, equipment, panels, wiring, foundations, and other items so that the ground is restored to its preconstruction state.

SECTION 17.105 – LARGE SOLAR ENERGY SYSTEMS OFF-SITE UTILITY USE; REQUIREMENTS:

All Large Solar Energy Systems shall be subject to the following:

1. A large Solar Energy System shall employ and maintain one or more of the following dual use land management and conservation practices throughout the project site, including the setback/buffer areas:

a. Pollinator Habitat - Solar sites designed to meet the pollinator standard found in the Michigan Pollinator Habitat Planning Scorecard for Solar Sites.

b. Conservation Cover - Designed in consultation with the local National Resources Conservation Service (“NRCS”) field office and following the guidelines established by the NRCS (NRCS Conservation Cover (Ac.) (327) (11/15)).

c. Forage for Grazing - Solar sites that incorporate rotational livestock grazing and forage production shall be designed in consultation with the local NRCS field office and following the guidelines established by the NRCS (National Resources Conservation Service), Prescribed Grazing, Practice Code 528 (Ac) (528) (03/17).

d. Agrivoltaics - Solar sites that combine raising crops for food, fiber, or fuel and generating electricity within the project area to maximize land use.

2. Siting and Coverage: A Large Solar Energy System shall not be installed on a parcel less than ten (10) acres. The maximum ground area occupied by solar panels and associated paved and impervious surfaces shall be approved by the Planning Commission based on the circumstances of each particular Large Solar Energy System application.

3. Submitted plans: An architectural site plan drawn by a licensed engineer shall be drawn to scale and shall show existing and proposed structures, driveways, adjacent structures within 100 feet, and any other information requested by the Zoning Administrator or Planning Commission that is necessary to determine compliance with this ordinance.
4. Impervious Surfaces: If more than 1,000 square feet of impervious surface is proposed, including associated paved surfaces, a drainage plan shall be submitted.
5. Signage: A sign shall be posted and maintained at the entrance(s) which lists the name and phone number of the owner or operator, and public contact information for inquiries. The Solar Energy Facility owner or operator shall respond to the public's inquiries promptly. Complaints received shall be referred to the Complaint Resolution Committee.
6. Setback Requirements: The following setbacks as shown in Table 2 are required to be established for a Large Solar Energy System. Fencing, greenbelts, roads, landscaping and crop production may be developed within the setback area.

	Distance from Structure
Occupied community buildings and dwellings on nonparticipating properties	300 feet
Public road right-of-way	50 feet
Nonparticipating parties	50 feet

7. Installation Standards: A Professional Engineer registered in the State of Michigan shall certify that the construction and installation of a Large Solar Energy System meets or exceeds the manufacturer's safety, construction, and installation standards, including the National Electric Safety Code and any applicable Michigan construction codes. Such certification shall be provided to the Township Zoning Administrator prior to the issuance of a zoning compliance permit.
8. Screening Requirements: The Large Solar Energy System applicant is required to submit a Professional Engineer registered in the State of Michigan in Landscape who must sign off on the Visual Impact Assessment Plan. All costs associated with the assessment will be paid for by the applicant. Then the plan must be presented to the Planning Commission for review. The greenbelt/visual screening plan for the project shall be consistent with the Township Master Plan's intent to protect the rural character of the Township and include, at a minimum, 2-4 staggered rows of evergreen trees, 5-8 feet high, intermixed with intermediate sized shrubs, 25% of trees or shrubs must be natural to the area, within a total depth of approximately 25 feet. Alternative screening plans may be considered by the Planning Commission to mitigate the visual impact of the solar energy system to residents. The Planning

Commission may require more extensive visual screening in some areas to protect the rural character of the landscape. To encourage flexibility and creativity consistent with the “Rural Character” concept, the Planning Commission may allow specific departures from the requirements of the Zoning Ordinance as a part of the approval process.

9. Height: The maximum height for Solar PV panels and associated racking is limited to 15 feet when measured at maximum tilt. An increase of the maximum height for large solar energy systems may be allowed where the plans call for dual-use of the land. Example: cover crops, Agrivoltaics or grazing. All other buildings/accessory structures must meet the height requirements of the underlying zoning district.

10. Decommissioning-Recycling-Abandonment: Any ground-mounted solar photovoltaic installation which ceases to operate, has been abandoned, or is in disrepair, as determined by the Zoning Administrator or Building Inspector, shall be removed. Unless otherwise approved by the Township, decommissioning shall begin no later than six (6) months after the solar project has ceased to generate electricity. All panels and structures associated with the project shall be completely removed. All reasonable effort shall be made to reuse or recycle solar components following the regulations and guidelines established by the Federal Resource Conservation and Recovery Act (RCRA), and any other state or local rules that may be currently applicable. The property shall be returned to its condition prior to the installation of the project or to some other condition, as approved by the Township. The applicant shall notify the Township Zoning Administrator and the Township Building Inspector by certified mail of the proposed date of discontinued operations and plans for removal.

11. Decommissioning shall consist of:

A. Physical removal of all ground-mounted solar photovoltaic panels, structures, equipment, and transmission lines (both above and below ground) from the site.

B. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

C. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Township may allow the applicant to leave certain portions of the landscaping in place in order to minimize erosion and disruption to vegetation.

D. Restoration of any altered or damaged ditching or field drain tiles.

E. Roadway and parking area removal shall be at the discretion of the landowner.

F. Prior to construction, Rives Township requires a detailed decommissioning plan with documented decommissioning costs and salvage value projections. The township will not consider any salvage

value in the projected decommissioning plan. This plan shall be either produced by, or approved by, a licensed independent engineer.

G. This plan must include:

- i. The anticipated life of the project (Note: Rives Township expects the life of the Solar System to not exceed 20 years) from commissioning date.
- ii. The estimated present cost of decommissioning.
- iii. An explanation of the calculation of the cost of decommissioning.
- iv. The physical plan for decommissioning.
- v. Financial security to cover the cost of decommissioning. The financial security shall be in the form of a surety bond held by a local Michigan licensed, federally insured financial institution, and shall contain a reserve factor of the engineer's estimate to decommission as described in paragraph 11 above, being:
 1. At least 25% by the start of full commercial operation.
 2. At least 50% by the start of the fifth year of commercial operation.
 3. 110 % by the start of the tenth year of commercial operation.
- vi. An update of the decommissioning plan costs shall be performed every five (5) years and include a mechanism for updating the security bond.
- vii. Should the projected plan costs exceed the amount held in the security bond, the bond must be increased accordingly.
- viii. In the event of bankruptcy or similar financial default of the Solar Energy System owner, the property owner of the project site shall bear the decommissioning costs.

12. Safety/Security: The site must be secured by a fence along all exterior sides of the facility that is a minimum of eight (8) feet in height with a gate and locking mechanism that will allow for emergency access at all times. The fencing shall consist of wildlife-friendly, durable materials which shall be approved by the Planning Commission. The fencing must be located between the required landscape greenbelt and all photovoltaic solar devices and support structures associated with the facility, and shall comply with all federal, state, and local regulations, including MI-DNR Wildlife Conservation Order 2.11.

13. Emergency Services: The Solar Energy System applicant shall cooperate with local emergency services in developing an emergency response plan. Emergency responder training shall be offered to county first responders, as part of a full-day orientation of the project site. The orientation shall be offered within sixty (60) days of commercial operation of the solar generation facility. The Applicant shall provide copies of the manufacturer's safety manual for all proposed Solar Energy System equipment at the time of application for Special

Approval Permit to be kept at the Township Hall and Fire Department. Documentation shall include the type and quantity of all materials used in the operation of all equipment, including manufacturers' Material Safety Data Sheet(s) and any other documentation required by Rives Township County Emergency Management. In the case that any special safety equipment is needed to assist township fire or rescue emergency services, the solar applicant will bear all cost for required equipment. This includes annual special training or certifications needed on the project site.

14. Transportation Plan, Vehicular Access Drives and Parking Areas: Provide an access plan during both construction and operational phases. Show proposed project service road(s), primary ingress and egress routes, and a layout of the plant service road system. All parking and vehicular traffic surfaces shall be maintained in sound condition and free of weeds, dust, trash, and debris.

15. Complaint Resolution: The Solar Energy Facility owner/operator shall develop and submit a detailed Complaint Resolution Process to resolve complaints from the Township Board, Township property owners, or residents concerning the construction or operation of the Solar Energy Facility. The complaint resolution process must be approved by the Township Board prior to the approval of the Special Approval Permit application. The Township Board shall appoint a three-member Complaint Resolution Committee to oversee and participate in all complaint resolution discussions or meetings between the Township property owners or residents and the Solar Energy Facility owner/operator. The Complaint Resolution Committee shall consist of one (1) Planning Commission member, one (1) member that is a qualified Rives Township elector chosen from the community, and one (1) representative of the Solar Energy Facility operator with the process overseen by the Township Supervisor. The Solar Energy Facility owner/operator shall provide not less than 14 days' meeting notice to the Complaint Resolution Committee and shall provide the opportunity for the Committee to attend all complaint resolution discussions and meetings. The Township shall be kept apprised of all complaints and shall receive a report outlining the issue, the progress, and the resolution. Such reports shall be presented as necessary by the Complaint Resolution Committee. The establishment of a Complaint Resolution Committee and the referral of potential violations of this ordinance thereto does not in any way limit the Township's ability to enforce compliance of this section or any township ordinance by other lawful means, including court action.

16. Enforcement and Compliance Escrow Deposit: In addition to the application fee (as noted under general requirements), a Large Solar Energy System applicant shall fund a continuing escrow deposit in the form of a cash deposit or security bond to be collected by the Township and held in a local financial institution prior to the commencement of construction of any Large Solar Energy System. The funding of the escrow deposit shall be maintained by the Solar Energy System operator until the Solar Energy System has been permanently

decommissioned and removed. The monetary amount placed by the applicant in escrow with the Township shall be estimated by the Township to cover all reasonable costs and expenses associated with continuing enforcement of this Ordinance and the terms of the Special Approval Permit. Costs can include, but are not limited to, meeting expenses, publication and notification expenses, costs for any required reports or studies, attorney fees, and other costs as may be incurred by the Township during the application, review, and operational process. If the escrow amount paid by the applicant proves to be insufficient to cover the Township's enforcement costs, the Township may require the applicant to place additional funds into escrow with the Township. This will be reviewed yearly to ensure sufficient funds are available.

17. Continuing Obligations: Failure to keep the required decommissioning financial security bond and enforcement escrow deposit in full force and effect at all times while a Large Solar Energy System exists or is in place shall constitute a violation of the Special Approval Permit and this Ordinance, and will subject the Large Solar Energy System applicant, owner and operator to all remedies available to the Township, including enforcement action and revocation of the Special Approval Permit.

18. Transfer of Ownership/Operation: Prior to a change in the ownership or operation of a Large Solar Energy System, including, but not limited to, the sale or lease of that System or the underlying property, the current landowner, facility owner or operator shall provide written notice to the Township at least sixty (60) days prior to that change becoming effective. This notice shall inform the Township of the intended transfer of control of the Large Solar Energy System and shall include a copy of the instrument or agreement affecting that transfer. Such an instrument or agreement shall include an express statement that the new owner or operator of the Large Solar Energy System shall not be permitted to operate that System until compliance with the terms of this Ordinance, including requirements for continuing decommissioning funds, and any other required funding has been established. To assure compliance with this section, a deed restriction must be placed on the parcel that guarantees notification of the Township in the event of any change of ownership or operation.

19. Additional Special Approval Criteria: In addition to the requirements and standards regarding Special Approval in general, no Special Approval Permit request for a Large Solar Energy System will be approved unless the Planning Commission finds that the following criteria will also be provided to the Township:

A. Economic Impact Analysis prepared by a pre-qualified third-party that reports any expected change in the value of the subject property, expected employment during and after the construction of the facility, any expected impact on the township's tax revenues, the estimated costs to the township associated with the facility in the form of additional

services, and information on any other economic benefits or burdens from the facility.

B. On-Site Analysis: Estimated construction jobs, estimated permanent jobs associated with the development.

C. Proof of Lease Agreement: An affidavit or evidence of an agreement between the landowner and the solar facility's owner/operator confirming the owner/operator has permission for construction and operation of the Solar Energy Facility.

D. Environmental Impact Analysis: An assessment of the likely significant environmental effects arising from a proposed SES-L development. The analysis shall include:

1. The noise, vibration, and dust from project activities, both during construction and during operation, shall be evaluated.
2. Identify any adverse impact on the water quality and water supply in the area.
3. Identify any solid waste or hazardous waste generated by the project.
4. Review the potential impacts on wildlife on the project site.
5. Perform a study of the possible impact of PVHI (Photovoltaic Heat Island) effect on surrounding residential areas. The analysis must include plans to minimize any identified adverse impacts.

E. Visual Impact Assessment: To preserve the "Rural Character" of the township, a Landscape and Visual Impact Assessment (LVIA) is required. The LVIA shall be submitted to the Planning Commission for review prior to the Site Plan Review or the issuance of a Special Approval Permit. The assessment shall include, but not be limited to:

1. Identify, evaluate, and describe the existing landscape characteristics of the site and its surroundings.
2. Identify affected residents and consider their reaction to the type of changes proposed.
3. Identify and evaluate any impacts of the development and the extent they affect the viewshed.
4. Establish and describe mitigation measures appropriate for the proposed development, including zone of theoretical visibility maps and an accurate visual representation of the proposed development.

F. Public Infrastructure: The applicant will be required to complete a Road Use and Repair Agreement, that includes approval by the County Road Engineer.

SECTION 17.106 – SEVERABILITY:

The provisions of this Ordinance are declared severable. If any part of this Ordinance is declared invalid for any reason by a court of competent jurisdiction, that declaration does not affect or impair the validity of all other provisions that are not subject to that declaration.

SECTION 17.107 – REPEAL:

All parts of this Ordinance in conflict with this Amendment, are hereby repealed.

SECTION 17.108 – EFFECTIVE DATE:

Effective Date: This Ordinance shall take effect seven days after publication of a notice of adoption of this Ordinance, unless referendum procedures are initiated under MCL125.3402. If referendum procedures are initiated, this Ordinance will take effect in accordance with MCL 125.3402.

Sections 17.109 Reserved

Article ~~27~~ Conditional Uses

SECTION 17.~~11080~~ - PURPOSE.

In addition to the "permitted" uses in each of the zoning districts, there are certain other uses that are listed as "conditional." Another common terminology for this kind of use is a special land use. Because of their actual or potential impact on natural resources, public utilities, traffic patterns and/or adjacent land use, there is a need to carefully regulate these uses. In these cases, a zoning compliance permit will not be issued until a conditional use permit is approved by the Township Board. All conditional use permits are granted for a particular site and may not be transferred to a different location. A conditional use permit runs with the land, not with the applicant.

SECTION 17.~~11181~~ - AUTHORITY TO GRANT PERMITS.

The Planning Commission shall recommend action to the Township Board and the Township Board shall have the final authority to grant conditional use permits. The Township Board may grant conditional use permits, subject to such conditions of design, operation, and safeguards as the Township Board may determine for all conditional uses specified in the various district provisions of this ordinance.

SECTION 17.~~11282~~ - APPLICATION AND FEE.

Application for any conditional use permit shall be made to the Planning Commission through the Township Clerk by filing an official conditional use permit application form; submitting a site plan in accordance with Article 8 and depositing the required fee as established by resolution of the Township Board.

SECTION 17. 11383 - INFORMATION REQUIRED IN APPLICATION.

An application for a conditional use permit shall include the applicant's name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved, and a site plan as specified in, and in conformance with, Article 9 Site Plan Review, of this Ordinance.

SECTION 17. 11484 - PUBLIC HEARING AND NOTICE.

The Planning Commission shall hold a public hearing upon any application for a conditional use permit. The notice of the public hearing shall be published in a local newspaper not more than 15 nor less than 5 days before the date of the public hearing. Notice shall also be given to all owners of property and the occupants of same, within 500 feet of the proposed conditional use. The notice shall include the following:

- A. Description of the nature of the conditional use permit.
- B. Identify the location of the property.
- C. State when and where the conditional use request will be considered.
- D. Indicate when and where written comments will be received concerning the request.

SECTION 17. 11585 – REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS.

The Planning Commission and Township Board shall review the site plan in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence showing that the use on the proposed site, lot, or parcel meets or does not meet these standards:

- A. Development standards applying to all conditional uses:
 - 1. The use shall be harmonious with and in accordance with the general objectives, intent, and purpose of this Ordinance.
 - 2. The use shall be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity.

3. The use shall be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be responsible to provide adequately any such services.
 4. The use shall not be hazardous or disturbing to existing or future neighboring uses.
 5. The use shall not create excessive additional requirements at public costs for public facilities and services.
- B. Development standards applying to specific conditional uses. A conditional use permit shall not be issued for the uses specified in this subsection unless complying with the site development requirements as herein specified. The Planning Commission may recommend and the Township Board may impose additional conditions and safeguards when deemed necessary in accordance with this Ordinance. (Amended 6-15-21, Ord No. 2021-1).
1. Adult Foster Care Small or Large Group Home
 - a. The home shall be appropriately licensed by the Michigan Department of Social Services. A copy of the license shall be kept on file by the Township Clerk.
 - b. The home shall not be located within 1500 feet of another adult foster care home, substance abuse treatment center or any facility that houses an inmate population.
 - c. Signs are permitted as regulated in Article 5.
 - d. Off-street parking shall be provided for employees. Parking for the drop-off and pick-up of residents shall also be provided.
 - e. The home shall be inspected for compliance prior to the issuance of a certificate of occupancy.
 - f. The Planning Commission may establish additional conditions if necessary.
 2. ~~Commercial a~~Animal hospitals, animal shelters, and kennels:
 - a. The use must be compatible with the surrounding area.
 - b. The application for a ~~commercial~~ kennel shall state whether the kennel is for boarding, breeding or training.
 - c. Animals shall be kept in a soundproof, climate controlled building between 11:00 p.m. and 7:00 a.m. The runs shall be indoors only and separated by block walls. Each run shall be four (4) feet wide and ten (10) feet deep. No cages or crates shall be permitted.

- d. Dogs shall be exercised individually to control noise. The outdoor exercise area shall be a minimum of 300 feet from the property line of any adjacent lot.
 - e. The animal hospital, animal shelter or kennel must be staffed and personnel available twenty-four hours a day. Animals shall be kept inside when unattended.
 - f. The animal hospital, animal shelter or kennel shall be open for inspection at anytime.
 - g. There shall be proper sewer facilities on site, including a holding tank for waste materials with a minimum capacity of 1000 gallons.
 - h. All requirements of the Jackson County Animal Control Ordinance shall be met. A copy of the current, appropriate County license shall be on file with the Rives Township Clerk.
3. Cemeteries:
- a. The cemetery shall be designed so as to provide principal access directly onto a County Primary Road or a State or Federal Highway.
 - b. The perimeter of the site shall be fenced. Said fence shall measure from four to six feet in height.
 - c. No graves shall be located within the required front, side, and rear yards as specified with the zoning district in which the cemetery is located.
 - d. The cemetery shall have a minimum of 3 acres. All buildings shall comply with the applicable yard requirements.
4. Churches, and other buildings for religious worship:
- ~~a. The minimum lot area shall be three (3) acres.~~
 - b.a. The minimum lot width shall be one hundred fifty (150) feet.
 - e.b. All front, side, and rear yard widths shall be a minimum of fifty (50) feet.
5. Golf courses:
- a. The site shall be so planned as to provide all ingress and egress directly onto a County Primary Road or a State or Federal Highway.
 - b. Development features, including the principal and accessory buildings and structures, shall be located and related to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands.

- c. The course shall be adequately buffered from surrounding properties with no golf hole being able to extend within 300 feet of the lot line.
- 6. Golf driving ranges:
 - a. Front, side, and rear yard setbacks shall be 500 feet and no part of said driving range shall be located in said setback requirements.
 - b. Any floodlights used to illuminate the premises are so directed and shielded as not to be an annoyance to any developed residential property.
 - c. Depending upon location, such activity may be limited to daylight or early evening hours.
- 7. Group or organized camps, camping grounds, and general or specialized resorts:
 - a. Minimum lot size shall be ten (10) acres. The lot shall provide direct vehicular access to a public street or road.
 - b. Public stations, housed in all-weather structures, containing adequate water outlet, toilet, waste containers, shall be provided uniformly throughout the lot at a ratio of not less than one such station per each twenty (20) individual camp sites or not less than one such station per each one hundred (100) persons.
 - c. No commercial enterprises shall be permitted to operate on the lot.
 - d. Such use shall be located at least three hundred (300) feet from any abutting residentially-zoned lands.
 - e. The appropriate state licenses shall be maintained and be kept on file with the Township Clerk.
- 8. Group Day Care Home and Child Care Centers
 - a. The group day care home or child care center shall be appropriately licensed by the Michigan Department of Social Services. A copy of the license shall be kept on file by the Township Clerk.
 - b. A child care center shall not be located within 1500 feet of another licensed group day care home, adult foster care home, substance abuse treatment center or any facility that houses an inmate population.
 - c. All outdoor play areas shall be enclosed by a fence not less than four feet nor more than six feet in height and capable of containing the children within the play area.
 - d. Signs are permitted as regulated in Article 5.
 - e. Off-street parking shall be provided for employees. Parking for the drop-off and pick-up of children shall also be provided.

- f. The group day care home or child care center shall be inspected for compliance prior to the issuance of a certificate of occupancy.
 - g. A group day care home shall not require the modification of the exterior of the dwelling. Playground equipment shall not be located in the front yard.
- 9. Hospitals, nursing homes, sanitariums, and charitable institutions for human care:
 - a. All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area.
 - b. The proposed site shall have at least one property line abutting a County Primary Road or a State or Federal Highway. All ingress and egress to the off-street parking area, for guests, employees, staff as well as any other uses of the facilities, shall be directly onto said County Primary Road or State or Federal Highway.
 - c. All front, side, and rear yard setbacks shall be a minimum of one hundred (100) feet.
 - d. Ambulance areas shall be located not less than five hundred (500) feet from any residence.
- 10. Intensive Animal Feeding Operations:
 - a. All structures and confined lots designed to house or contain livestock or animal waste shall be set back at least two hundred fifty (250) feet from the property line that abuts any County road or State or Federal highway, and five hundred (500) feet from other abutting property lines.
 - b. All structures and confined lots designed to house or contain livestock or animal waste shall be set back seven hundred fifty (750) feet from any existing family residence, except that of the intensive animal feeding operator; fifteen hundred (1,500) feet from any existing church, business, school, recreational area (public or private) or any public building; and two thousand (2,000) feet from any recorded residential plat.
 - c. No construction shall proceed until a Zoning Compliance Permit is obtained from the Township Zoning Inspector.
 - d. The need for the preparation of an environmental impact statement (EIS) and/or a hydrological study shall be determined by the regulating State or Federal Agency. The Township Zoning Inspector shall be notified in writing should these requirements be waived by the regulating agencies and the reasons for the waiver. A copy of any EIS or hydrological study prepared shall be provided to the Township Zoning Inspector.

- e. The design and construction of all equipment, facilities and structures to be used for disposal of animal waste, including animal waste lagoons, shall be approved by, and meet the current requirements and standards defined by the Jackson County Soil Conservation Service, and the regulating State or Federal Agency. Evidence that these requirements have been met and the required approvals from these agencies obtained, shall be provided to the Township Zoning Inspector prior to the start of operation of the waste disposal equipment, facilities and structures.
- f. The design, installation and operation of all facilities and equipment required to monitor groundwater, soil and air contamination, including monitoring and test wells, shall meet the current requirement specified by the regulating State or Federal Agency.
- g. Proven methods shall be used to minimize odor, smoke, fumes, dust, insects or rodents generated as a result of the facility operation.
- h. A copy of all reports and results of groundwater, soils and/or air quality tests required by the regulating State or Federal Agency's monitoring program shall be provided to the Township Zoning Inspector. This requirement shall also apply to intensive animal feeding operations existing at the time of the enactment of this Ordinance.

11. Junk yards:

- a. All salvage operations and storage area shall be conducted wholly within an enclosed building or within an area enclosed on all sides with a solid wall or opaque fence not less than seven (7) feet in height. Such structures shall be kept in good condition.
- b. There shall be no burning of motor vehicles. Stacking of vehicles shall only be permitted if the site is determined to be physically conducive by the Township Board and to a maximum height of seven (7) feet.
- c. The fence required in (a) above shall be located on said lot not closer to the lot lines than the yard requirements for buildings permitted in this district.
- d. All traffic ingress or egress shall be on County Primary Roads or State or Federal Highways, and there shall be not more than one (1) entrance way to the lot on which a junk yard shall be operated from each public road on which said lot abuts.
- e. All roads, driveways, parking lots, and loading and unloading areas within any yard of a junk yard shall be paved, watered, or chemically treated so as to limit adjoining lots and public roads the nuisance caused by wind-borne dust.

f. No junk yard activities shall be permitted within the required setbacks.

12. Planned-unit development:

The purpose of this section is to permit flexibility for residential and commercial developments where large tracts of land are planned with integrated and harmonious design, and where the overall design of such units is so outstanding as to warrant modification by the Planning Commission of the regulations. Mobile home parks and site condominium projects shall be developed as planned unit developments. Any planned unit developments to be eligible under this provision must comply with the following requirements:

a. The tract of land to be developed shall have a minimum area of ten (10) acres.

b. The owner of the property shall submit to the Planning Commission a plan for the use development of the total tract of land as a planned unit development in accordance with the provisions of Article 8, Site Plan Review and Approval. In addition to the site plan data, the application shall contain such other pertinent information as may be necessary to make a determination that the contemplated arrangement or use may make it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance.

The plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of structures, accessory uses thereto, and public facilities as may be necessary for the welfare of the planned-unit development and not inconsistent with the best interests of the entire Township.

c. The average density of structures of the tract shall not be greater than the density requirements of this district.

d. The use of land shall be in conformance with the permitted uses of the district in which the proposed plan is to be located.

e. The proposed development shall be served by adequate public facilities and service, such as: highways, streets, police and fire protection, drainage, structures, and refuse disposal. These facilities may be provided by a governmental or private organization. A public sanitary waste disposal system may be required by the planning Commission if the specifics of the proposed development so warrant.

f. The proposed unit shall be of such size, composition, and arrangement that its construction, marketing, and operation is feasible as a complete unit, without dependence on any subsequent unit or development.

g. The common open space, common properties, individual properties, and all other elements of the planned unit development shall be so planned that they will achieve a unified environmental scheme, with

open spaces and all other elements in appropriate locations, suitably related to each other, the site, land surrounding land.

- h. The applicant may be required to dedicate land for street and park purposes by appropriate covenants, to restricting areas perpetually for the duration of the Planning Development as open space for common use. The development as authorized shall be subject to all conditions so imposed, and shall be exempt from other provisions of this ordinance only to the extent specified in the authorization.
- I. Site condominium projects shall be subject to the provisions, rules, regulations and procedures established in this Ordinance for planned unit developments. Site condominiums shall also comply with the Michigan Condominium Act, Act 59 of 1978, as amended.

13. Quarries and gravel pits:

- a. There shall be not more than one (1) entrance way from a public road to said lot for each five hundred (500) feet of front lot line. Each entrance way shall be at least thirty (30) feet wide.
- b. The removal, processing, transportation, and activities relating to storage such as stockpiling shall not take place before sunrise or after sunset.
- c. No digging or excavating shall take place closer than one hundred (100) feet to any lot line.
- d. All roads, driveways, parking lot, and loading and unloading areas shall be at least one hundred (100) feet from any lot line and shall be paved, watered, or treated in an environmentally acceptable manner so as to limit adjoining lots and public roads the nuisance caused by wind borne dust.
- e. Any odors, smoke, fumes, or dust generated by any digging, excavating, processing, stockpiling, or transportation operation and borne or able to be borne by the wind shall be confined within the lot lines of said lot as much as is possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
- f. The removal, processing or storage shall not be conducted as to cause the pollution by any material of any surface or subsurface, watercourse, or body outside the lines of the lot on which such use shall be located.
- g. Such removal, processing or storage shall not be conducted as to cause or threaten to cause the erosion by water of any land outside of the lot or of any land on the lot so that earth materials are carried outside of the lines, that such removal shall not be conducted as to alter the drainage pattern of surface or subsurface waters on adjacent property, and that in the event that such removal, processing, or storage shall

cease to be conducted it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.

- h. All fixed equipment and machinery shall be located at least one hundred (100) feet from any lot line and five hundred (500) feet from any residential zoning district, but that in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line.
- I. The Township Board may require that a fence not less than six (6) feet in height be erected around the periphery of the development. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50) feet to the top edge of any slope.
- j. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
- k. The Township Board may require the operator to file with the Planning Commission and the Zoning Inspector a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of not greater interval than five (5) feet, steps which shall be taken to conserve topsoil; proposed and final landscaping; and the location of future roads, drives, drainage courses, and/or other improvements contemplated. Said plans shall be subject to review and modification from time to time by the Planning Commission. The anticipated cost of carrying out the plans of restoration shall be included with said plans.
- l. The Township Board may require the operator to file with Rives Township a performance bond, payable to Rives Township and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond which will reflect the anticipated cost of restoration shall be fixed by the Rives Township Board. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.
- m. The permit or each renewal thereof shall be for a period of not more than five (5) years and shall be renewable only upon re- application, a redetermination by the Township Board and a filing of a performance

bond, said redetermination to be made in accordance with the requirements of this Ordinance for the issuance of a conditional use permit.

14. Riding academies and stables:

- a. All buildings housing animals and all corrals in which animals are kept or assembled in concentrated groups, shall be at least one hundred (100) feet from any property line.
- b. Stables and Riding Academies shall be located on lots having a minimum of ten (10) acres.
- c. All Boarding Stables and Horse Riding Areas shall be subject to Livestock limitations as specified in the Agricultural Zoning District.

15. Travel trailer parks:

- a. The minimum lot area for a travel trailer park shall be ten (10) acres.
- b. The site shall be well-drained and not exposed to objectionable noise or odors.
- c. Each travel trailer space shall contain at least 2,000 square feet and be at least 30 feet wide. Each space shall be clearly defined on the ground by stakes or markers.
- d. Travel Trailer spaces shall be so arranged that no trailer will be parked less than 15 feet from adjacent trailer.
- e. Access to travel trailer parks shall be directly from a County Primary Road or State or Federal Highway and such access shall be of a design that will minimize traffic congestion. The minimum street or roadway within such park shall be at least 30 feet in width. A dead-end street shall not exceed 175 feet in length and the turning circle shall be at least 80 feet in diameter.
- f. All entrances and exit lanes within such park shall be lighted to provide an intensity of at least five foot candles.
- g. A recreational area shall be provided in each travel trailer park at a ratio of at least 200 square feet per space, with a minimum of 5,000 square feet per park.
- h. All provisions for water, laundry, sanitary facilities, fire protection, and electrical services shall be installed and maintained in accordance to all applicable township, county and state laws and ordinances.
- I. No commercial enterprises shall be permitted to operate on the lot, except that a convenience goods shopping building may be provided on a lot containing more than eighty (80) sites.
- j. Public stations, housed in all-weather structures, containing adequate water outlet, toilet, waste containers, shall be provided uniformly

throughout the lot at a ratio of not less than one such station per each twenty (20) sites.

- k. Adequate parking shall be provided for vehicles visiting the campground.

16. Private Airstrips:

- a. There is sufficient distance between the end of each usable landing strip and the airport property boundary to satisfy the requirements of the Federal Aviation Administration or any other appropriate authority. In any case, neither end of the any runway shall be closer than three hundred (300) feet from any street or property boundary, nor shall any runway be closer in any direction that two hundred (200) feet from any street or property boundary.
- b. Any hangars, or other aircraft related structures shall be at least one hundred (100) feet from any street or property boundary.
- c. The site plan submitted for review and approval shall, in addition to the information required in Article 8, shall include the proposed layout of runways, landing strips or areas, taxiways, aprons, roads, parking areas, hangars, buildings, and other structures and facilities. Such plan shall also identify all buildings, structures, trees, overhead wires or other obstructions falling within an area within the airport approach zone.

17. Trucking and transit terminals shall comply with the following conditions:

- a. Terminals shall be set back a minimum of 200 feet from any residential district or use.
- b. A traffic impact study may be required by the Planning Commission.
- c. All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
- d. Screening shall be required on those side or rear lot lines abutting a residential district.

18. Contractors' yard or contractor's storage yard shall comply with the following conditions:

- a. Shall be on a parcel/lot not less than two (2) acres in area.
- b. A contractor's office building shall be of permanent construction. Temporary construction trailers shall not be permitted to be occupied as the office of the contractor. Outdoor storage shall be strictly and clearly accessory to the contractor's principal office use of the property.
- c. Open storage of building materials, sand, gravel, stone, lumber, open storage of construction contractor's equipment and supplies are

allowed. An obscuring wall or fence may be required by the Planning Commission.

- d. The location and size of areas for storage, nature of items to be stored therein, and details of the enclosure, including a description of materials, height, and typical elevation of the enclosure, shall be provided as part of the information submitted under Article 8, Site Plan Review and Approval.

19. Repair garages and paint shops for autos and other vehicles, construction and farm machinery and equipment sales and repairs shall comply with the following conditions:

- a. Shall be on a parcel/lot not less than two (2) acres in area.
- b. Driveways shall be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.
- c. Inoperative or unlicensed vehicles shall be stored within an obscuring wall or fence that is compatible with the surrounding area. Such storage shall not occur in front of the building front line.
- d. Where the site abuts any residential use, protective screening may be required. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall.
- e. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.
- f. Signs shall conform to the existing Code of Ordinance per Article 5.

20. Sales of construction or farm machinery and equipment shall be subject to the following requirements:

- a. Shall be on a parcel/lot not less than two (2) acres in area.
- b. Driveways shall be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.
- c. Signs shall conform to the existing Code of Ordinance per Article 5.

21. Telecommunications facility/ communication tower:

a. Application

An application shall, at a minimum, contain the following information, as well as any other information subsequently determined to be necessary by the Planning Commission.

- i A statement by the applicant describing engineering criteria which will permit co-location of additional antennas, if the communication tower is 75 feet or more in height.

- ii A site survey to scale, showing all structures within 1,000 feet, and including a legal description of the real estate.
- iii A detailed statement as to the intended buffering of the property to minimize its visibility to surrounding uses. Such buffering shall include but not be limited to the planting of evergreen or similar trees, which will provide year-round screening, a fence no less than six feet tall, and the material out of which said fence shall be erected.
- iv The proposed height of the communication tower.
- v The location and size of all accessory buildings.
- vi The type of construction of the communication tower.
- vii Each application shall be accompanied by a report prepared by a Michigan licensed professional engineer describing the communication tower height and design, including a cross-section of the structure. The report shall demonstrate the tower's compliance with applicable structural standards and describe the tower's load design. The report shall certify that the telecommunication facility/ communication tower will be in compliance with all applicable federal, state and local codes, regulations and ordinances. The report shall also include a certificate by the engineer that the structure, if built according to the plans submitted, will comply with the minimum standards set forth in Section 17.8S(B)(18)(c), below. two other potential host sites. Reasons for excluding a site include, but are not limited to:
 - 1 Unwillingness of a land owner to allow a telecommunication facility/ communication tower on his/her property.
 - 2 Topographical limitations of the site.
 - 3 Adjacent impediment s that would obstruct adequate telecommunication transmissions.
 - 4 Physical site constraints that would preclude the construction of a communication tower.
 - 5 Technical limitations of the telecommunication system.
 - 6 Lack of legal description of the property.
 - 7 Minimum spacing between self-supporting communication.
- viii Minimum spacing between self-supporting communication towers 75 feet and above in height shall be three miles in order to prevent a concentration of such structures in one area. The Planning Commission shall have authority to waive all or part of this requirement if it finds that, given the nature of the tower, the subject property and/or neighboring properties, such separation is unnecessary to satisfy the standards for the granting of a conditional use permit hereunder.

- ix The application shall contain information which will demonstrate that there is an existing need for the structure in question.

b. Removal agreement

The applicant shall submit a signed and notarized removal agreement for the future removal of the facility. The applicant shall submit an estimate for the cost of removal of the facility and restoration of the site, certified by a licensed professional engineer and verified by the Township. This agreement shall be binding on all owners, operators, successors, and assigns.

c. Minimum Standards

- i All communication towers shall be inspected annually by a competent and licensed inspector to ensure the structural integrity of the tower, appurtenances added to the tower, and fixtures added to the tower. A report of the results of the inspection shall be provided to the Township Clerk on or before August 1 of each year. Such report shall be at the expense of the structure owner. If the owner fails to provide such a report, the Township may obtain such from a qualified individual of its choice and recover its costs from the owner. If the owner fails to pay such amount within 30 days after written notification from the Township to pay such, the Township shall collect such using any lawful method.
- ii All telecommunication facilities/ communication towers shall be harmonious with and in accordance with the general objectives, intent and purposes of the Rives Township Zoning Ordinance and not be hazardous or disturbing to the existing or future neighboring uses.
- iii Telecommunication facilities/communication towers shall not be artificially lighted unless otherwise required by the FAA or other federal, state or local authority. If such lighting is required, it shall be oriented and designed so as to minimize disturbance to surrounding properties.
- iv There shall be vegetative screening through the use of evergreen shrubs or trees capable of forming a continuous hedge at least eight feet in height within two years of planting and a row of trees at least six feet in height at the time of placement with ten foot centers and a minimum mature height of 35 feet.
- v Minimum property line setbacks shall be SO feet plus the height of the self-supporting telecommunication facility, plus 10% of the height of the tower, or 120 feet, whichever is greater. No tower shall be located closer than 400 feet from the property line when the adjacent property is residential; providing, further that where a

proposed tower will be located on a parcel of land surrounded on all four sides by commercially, agriculturally, and/or industrially zoned property, the Planning Commission may, in its discretion, reduce the minimum sideline setback requirements of this Ordinance upon evidence that a satisfactory fall zone for the tower will be less than the required setback in this Ordinance, but in no event shall the setback be less than that required for structures erected in the zoning district in which the tower is located. The setback distance shall be measured from the base of the tower to the lot line.

- vi The telecommunication facility/communication tower shall conform to the ANSI standards for RF exposure. The telecommunication facility/communication tower shall be upgraded to meet any change in the ANSI standards. The owner or applicant shall immediately inform the Township of any ANSI standard changes and shall provide proof of compliance with the modified ANSI standards at its cost.
- vii The total square footage of accessory buildings shall not exceed 400 square feet per user of the telecommunication facility/communication tower. Accessory structures shall blend in with the surrounding area by considering color, texture and materials, topography, and scale of buildings.
- viii Fuel tanks shall be buried or screened with landscaping, fencing or berms. Trash areas must be screened. Alternative fuel supplies shall meet applicable state law.
- ix The noise impact s of cooling and other types of equipment shall be minimized through location and screening. Noise may not exceed state or local noise standards and shall conform to recommended standards adopted by the appropriate local, state or federal agency.
- x Metal towers shall be constructed of, or treated with, corrosive resistant material.
- xi Antenna and metal towers shall be grounded for protection against direct strike by lightning and shall comply as to the electrical wiring and connections with all applicable local statutes, regulations, standards and codes.
- xii There shall not be displayed any advertising or identification of any kind intended to be visible from the ground or other structure on any tower, except such identification as may be required for emergency purposes.

xiii All parking and drive areas must be paved. However, the Planning Commission in Its sole discretion, may allow an alternative type of finished surface for the parking and drive areas.

xiv All telecommunication devices added to existing facilities or towers must meet the requirements of this Ordinance.

d. Cessation of operation or abandonment

The owner or operator shall remove a telecommunication facility/communication tower that has been discontinued or ceases to operate for a period of 180 days. If there are two or more antennas on a single tower, this section shall not take effect until all users cease using the tower. The Township shall send written request for removal of a telecommunication facility/communication tower that ceases to operate for 180 days to the owner or operator. Failure by the owner or operator to remove such facilities in accordance with this section shall be grounds for the Township to remove the facility at the owner's expense, and to make use of any removal and restoration guarantee provided forth at purpose.

e. Federal, state and local regulations

The owner or applicant of commercial telecommunication antennas, satellite dishes, cellular towers, microwave dishes, paging and other wireless types of communication towers or antennas shall be required to adhere to all federal, state and local rules, regulations, statutes and ordinance. A violation of any of the foregoing shall constitute a violation of this Ordinance and reasonable grounds for the Planning Commission to revoke a conditional use permit granted hereunder.

f. Tower space and tower rights

24. The applicant shall provide to Rives Township, tower space and tower use rights for public safety, communication and other municipal communications at no cost to the municipality if space is requested prior to construction of the tower or space is available at the time of the request by the Township.

g. Site plan review and approval

Planning Commission approval of the site application documents for the proposed telecommunication facility/ communication tower shall be deemed to constitute site plan approval as provided for in the Michigan Zoning Enabling Act (PA110 of 2006, MCL 125.3501). Township Board approval is not required for a conditional use permit for a telecommunication facility/communication tower under this Ordinance. Upon filing of an application for a telecommunication facility/communication tower. In accordance with Section 17.85(B)(18)(a), the Township shall respond in writing to the applicant within 14 business days stating either that the application is administratively complete or listing the specific information needed to complete the application. If the Township fails to provide a written statement under this Section within 14 business days, the application shall be deemed administratively complete. The Planning Commission shall complete its review and take final action

granting, granting with conditions, or denying a conditional use permit within 90 days after the date the application is determined to be administratively complete. If the Planning Commission fails to approve or deny an application within 90 days after it is determined to be administratively complete, the application is deemed to be approved.

h. Application fee

An application fee deposit shall be filed with an application in the amount of \$1,000.00. The deposit shall be used to pay the actual and reasonable costs of the Township for review and processing the application. The fee shall not exceed the deposit . Upon completion of review and processing of the application any excess deposit amount which is not used to pay the actual and reasonable costs of the Township shall be refunded to the applicant.

i. Bonds

The owner of the telecommunication facility/communication tower shall post a bond with the Township in an amount to cover the reasonably estimated costs and expense of dismantling the telecommunication facility/ communication tower in the event t he same ceases to operate or is abandoned and the owner fails to dismantle and/or remove the same within 90 days after a written request for removal has been made by the Township. The amount of the bond shall be established by the Planning Commission based upon the estimate provided and verified in accordance with the applicant's removal agreement submitted with the application in accordance with Section 17.8S(B)(18)(b). The bond maybe adjusted by the Planning Commission on a five year basis to reflect increased costs of dismantling and removal due to inflation. The owner or operator of a facility shall provide the additional security required by this Section upon request.

j. Transfer of Ownership

These regulations and standards shall apply to successor owner(s) of the telecommunication facility/communication tower if titAle or ownership of telecommunication facility/communication tower is transferred to another person, partnership, corporation or other entity. The Rives Township Clerk shall be notified if ownership is transferred.

k. False statements in application

Any application containing a materially false statement shall be deemed null and void.

l. Stealth design requirements

The Planning Commission may require camouflage or innovative design for a telecommunication facility/communication tower. Such design requirements may include, but are not limited to, camouflaging

the facility/tower, requiring a specific paint color and/ or paint scheme, or requiring the facility/tower to be so designed as to blend into the existing environs and background of the facility/tower.

m. Co-Location Requirements

The proposal for a new telecommunication facility/communication tower shall not be approved unless the Planning Commission finds that the telecommunication equipment planned for the proposed tower cannot be accommodated on an existing tower or building within a one mile search radius of the proposed tower due to one or more of the following reasons:

I. The planned equipment would exceed the structural capacity of the existing or approved tower or building as documented by a qualified and licensed Michigan professional engineer, and the existing or approved tower or building cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

II. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented and certified by a qualified and licensed Michigan professional engineer and the interference cannot be prevented at a reasonable cost.

III. Existing or approved towers or building within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed Michigan professional engineer.

IV. Other unforeseen reasons that make it unfeasible to locate the planned telecommunications equipment upon an existing or approved tower or building. Any proposed Telecommunication Facility/ Communication Tower shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for a minimum of two users if the tower is over 100 feet in height, or for at least one additional user if the tower is over 75 feet in height.

Towers must be designed to allow for future rearrangement of antennas upon the tower to accept antennas mounted at varying heights.

V. No communication tower shall be constructed unless there is proof that co-location on an existing tower cannot meet the needs of the applicant.

VI. An applicant shall furnish a written agreement providing that the applicant shall not prevent or deny space on the communication tower for other users and shall make the tower available at a fair market rate as determined by customary industry standards.

22. Self-storage facilities are subject to the following requirements and conditions of this section:

a. Shall be on a parcel/lot not less than two (2) acres in area.

- b. No activity other than the rental of storage units and the rental of outside storage space for recreational vehicles, boats and watercraft shall be allowed. No commercial, wholesale, retail, industrial or other business use on, or operated from, the facility shall be allowed.
- c. Only the sale of incidental supplies and similar material related to the self-storage business shall be allowed from the facilities office.
- d. The storage of any toxic, explosive, corrosive, flammable or hazardous material is prohibited inside the storage units.
- e. Other than the storage of recreational vehicles, boats and watercraft, all storage shall be contained within a building. All recreational vehicle storage shall be screened from the view of neighboring properties and public roads with coniferous landscaping not less than six (6) feet in height at the time of planting or by a solid, maintenance free fencing.
- f. The exterior design of the storage units is subject to Planning Commission review and approval and must be compatible with adjacent properties and the rural character of Rives Township. When a building is adjacent to a zoning district that permits a residential use, or the adjacent property is currently in residential use, the Planning Commission may consider the use of a building material that is aesthetically compatible.

C. *Waiver.* Where the Planning Commission determines that compliance with all of the standards in Subsection B above are unreasonable, all of such standards shall be applied to the maximum extent possible. In such a situation, the Planning Commission may accept suitable alternatives that substantially achieve the purpose of this Section, provided that the applicant demonstrates that both of the following apply:

- a. That architectural or structural integrity and quality are not undermined.
- b. That any deviations from the above standards will still provide for a harmonious development and serve to minimize any possible impacts to adjacent properties and residences.

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

SECTION 17. ~~11686~~ - DETERMINATION AND IMPOSITION OF CONDITIONS:

A review of an application and site plan for a conditional use permit shall be made by the Planning Commission in accordance with the procedures and standards specified in this Ordinance. If a submitted application and site plan do not meet the requirements of the Ordinance, they shall not be recommended to the Township Board for approval. However, if the applicant agrees to make changes to the site plan and application in order to bring them into compliance with the Ordinance, such changes shall be allowed and

shall be either noted on the application or site plan itself, or attached to it, or these documents shall be resubmitted incorporating said changes.

If the facts in the case do not establish competent material and substantial evidence that the standards set forth in this Ordinance will apply to the proposed conditional use, the Planning Commission shall not recommend approval to the Township Board. The Planning Commission may recommend the imposition of conditions with the approval of a conditional use permit, application and site plan that are necessary to insure compliance with the standards contained in this or other applicable ordinances and regulations. Such conditions, if imposed by the Township Board, shall be considered an integral part of the conditional use permit and approved site plan and shall be enforced by the Zoning Inspector.

These conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.

SECTION 17. ~~11787~~ APPROVAL, GRANTING OF PERMIT.

Upon holding a public hearing and the finding that the requirements of this Ordinance have been met, the Planning Commission shall, within thirty (30) days, recommend approval, approval with conditions or denial to the Township Board.

The decision to approve or deny a request for a conditional use permit shall be retained as a part of the record of action on the request and shall incorporate a statement of conclusions which specify: the basis for the decision, any changes to the originally submitted application and site plan, any conditions imposed with approve. Once a conditional use permit is issued, all site development and use of land on the property affected shall be consistent with the approved conditional use permit, unless a change conforming to Ordinance requirements received the mutual agreement of the landowner and the Township Board upon recommendation of the Planning Commission and is documented as such.

SECTION 17. ~~11888~~ - VOIDING OF CONDITIONAL USE PERMIT.

Any conditional use permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use is commenced within two hundred ten (210) days and completed within five hundred and seventy-five (575) days from the date of issuance.

A violation of a requirement, conditions, or safeguard shall be considered a violation of this Ordinance and grounds for the conditional use permit to be revoked by the Planning Commission with final action by the Township Board. Further, once a use has been established, nonuse of a conditional use permitted activity for a period of more than six (5) months shall constitute abandonment of the conditional use permit. SECTION 17.89 - DENIAL OF A CONDITIONAL USE PERMIT.

Re-application of a Conditional Use Permit cannot be made for a period of 365 days after it has been denied by the Rives Township Board.

Sections 17.119 Reserved

Article 108

Site Plan Review and Approval

SECTION 17.12090 - PURPOSE.

It is recognized by this Ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the Planning Commission for certain buildings and structures

that can be expected to have a significant impact on natural resources, traffic patterns, and on adjacent land usage.

SECTION 17.~~12191~~ - BUILDINGS, STRUCTURES, AND USES REQUIRING SITE PLAN.

The Zoning Inspector shall not approve zoning compliance for construction of the buildings and structures identified in applicable sections unless a site plan has been reviewed and approved by the Planning Commission and Township Board and such approval is in effect.

- A. Any conditional use.
- B. A residential planned unit development, a platted subdivision development, or a site-condominium development.
- C. All Commercial or Industrial uses.
- D. An office in any Residential District.
- E. Mobile Home or Manufactured Home Park.
- F. An Open Space Preservation Development (Section 17.35).

SECTION 17.~~12292~~ - APPLICATION FOR SITE PLAN REVIEW.

Any person may file a request for a site plan review by the Planning Commission by filing an application with the Township Clerk. As an integral part of the application, the applicant shall file at least four (4) copies of a site plan.

SECTION 17.~~12393~~ - PLANNING COMMISSION REVIEW OF SITE PLAN.

Upon receipt of such application from the Clerk, the Planning Commission shall undertake a study of the same and shall, within sixty (60) days, approve or disapprove such site plan, with written notice of said approval or disapproval sent to applicant within ten (10) days. Such notice shall include any changes or modifications in the proposed site plan as needed to achieve conformity to the standards specified in this ordinance. Such written notice will be in the form of a Site Plan Approval Certificate, unless the site plan is being approved in connection with a Conditional Use Permit application, in which case a conditional Site Plan Approval Certificate will be issued, pending final approval of the Conditional Use Permit by the Township Board.

SECTION 17.~~12494~~ - REQUIRED DATA FOR SITE PLAN.

Every site plan submitted to the Planning Commission shall be in accordance with the following requirements:

- A. The site plan shall be of such accuracy that the Planning Commission can readily interpret the site plan, and shall include more than one drawing where required for clarity.
- B. The property shall be identified by lot lines and location, including dimensions, angles and size, and correlated with the legal description of said property. Such plan shall further include the name and address of the property owner, developer, and designer. The Planning Commission may require the following additional information if it is found to be necessary for a thorough review.
- C. The site plan shall show the proposed streets, driveways, sidewalks, and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking.

The Planning Commission may require the following additional information if it is found to be necessary for the review:

- D. The site plan shall show the scale; north point; boundary dimensions; topography (at least two foot contour intervals); and natural features, such as, woodlots, streams, rivers, lakes, drains, and similar features.
- E. The site plan shall show existing man-made features, such as buildings; structures; high tension towers; pipe lines; and existing utilities, such as, water and sewer lines, excavations, bridges, culverts, drains, and easements, and shall identify adjacent properties and their existing uses.
- F. The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structure on the site, the height of all buildings, and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit types.
- G. The site shall show the proposed location, use, and size of open spaces; and the location of any landscaping, fences, or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.
- G-H. Other potential documents may be asked upon request by the planning commission for the review of a development.

SECTION 17. 12595 - STANDARDS FOR SITE PLAN REVIEW.

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance and state and federal statutes. Decisions rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in the zoning ordinance. A

site plan shall be approved if it contains the information required in subsection 17.94 and is in compliance with the zoning ordinance, the conditions imposed pursuant to the ordinance, other applicable ordinances, and state and federal statutes.

In addition, each of the following standards shall apply:

- A. The use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
- B. The use shall not inappropriately change the essential character of the surrounding area.
- C. The use shall not interfere with the general enjoyment of adjacent property.
- D. The use shall represent an improvement to the use of character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site.
- E. The use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes, glare, or dust.
- F. The use shall adequately be served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed use shall be able to continually provide adequately for the services and facilities deemed essential to the use under consideration.
- G. The use shall not place demands on public services and facilities in excess of current capacity.
- H. The use shall be consistent with the intent and purpose of this Ordinance.

SECTION 17. ~~12696~~ - APPROVAL OF SITE PLAN.

After the Planning Commission approves the site plan, the site plan shall be forwarded to the Township Board for their information.

If the site plan is part of a conditional use permit application, the Township Board shall receive the site plan, a conditional Site Plan Approval Certificate, and the Planning Commission's recommendation regarding the conditional use permit application, and approve or deny the conditional use. If the Conditional Use Permit is approved, the Site Plan Approval Certificate will become effective and issued to the applicant immediately. If the Conditional Use Permit is denied, the conditional Site Plan Approval Certificate will become immediately void.

SECTION 17. ~~12797~~ - EXPIRATION OF SITE PLAN CERTIFICATE.

The site plan certificate shall expire, and be of no effect, three hundred sixty-five (365) days after the date of issuance thereof.

If a request for an extension is submitted to the township before the 365 days of issuance than the Township Board can approve of extensions of the deadline.

SECTION 17. 12898 - AMENDMENT, REVISION OF SITE PLAN.

A site plan and site plan certificate, issued thereon, may be amended by the Planning Commission upon request of the applicant. Such amendment shall be made upon application and in accordance with the procedure provided in this Ordinance.

SECTION 17. 12999 – PERFORMANCE GUARANTEES, ESCROWS, DECOMMISSIONING, AND RECLAMATION.

- A. To ensure compliance with the provisions of this Ordinance and any conditions imposed thereunder, the Planning Commission, Township Board or Zoning Administrator may require that a performance guarantee be deposited with the Township to ensure faithful completion of improvements or rehabilitation of a site, in accordance with Section 505 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
- B. Prior to review of an application for a site plan and prior to considering its merits, the Township may establish an amount to be deposited by the applicant with the Township Clerk as an escrow deposit to defray the actual costs incurred by the Township for review of the application by professionals that may assist the Township Board, Planning Commission or Zoning Board of Appeals in making an informed decision and may include such items as legal opinions, engineering, land use planning review, inspections, testing and other third party review that may be required based on the application. The Township shall not commence consideration of the merits of the application until the escrow deposit is received by the Township Clerk.
- C. An applicant may be required to prepare a decommissioning or reclamation plan and submit it to the Planning Commission for review and approval prior to approval of a site plan. Under this submitted plan, all structures, concrete, piping, facilities, and other project related materials above grade and any structures below-grade shall be removed offsite for disposal. In addition, the site shall be graded and planted to similar character prior to development.

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

Article 9
Administration of Ordinance

SECTION 17.1~~3000~~ - PURPOSE.

It is the purpose of this Article to provide the procedures for the administration of this Ordinance.

SECTION 17.1~~3101~~ - ADMINISTRATION.

This Ordinance shall be administered by the Zoning Inspector and/or such deputies appointed by the Township Board.

SECTION 17.1~~3202~~ - DUTIES OF ZONING INSPECTOR.

The Zoning Inspector shall have the power to grant zoning compliance permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. When no building permit is required, the Zoning Inspector shall also have the authority to grant certificates of Occupancy.

If the Zoning Inspector shall find that any of the provisions of this Ordinance are being violated, he shall notify, in writing, the person responsible for such violation, indicating the nature of the violation, ordering the action necessary to correct it. He shall order discontinuance of illegal use of any lot or structures; removal of illegal structures, or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

SECTION 17.1~~3303~~ - ENFORCEMENT OF CONDITIONAL USE PERMITS.

The Zoning Inspector shall be the Township official responsible for verifying that conditions placed on an activity that has been allowed under a Conditional Use permit have been followed and are in place. If the Zoning Inspector determines that a condition is not being followed, he shall provide the property owner with a Notice of Correction of Conditions providing 15 days to correct the problem, with a copy of such notice also sent to the Chairman of the Planning Commission. Failure to correct such conditions will be grounds for Revocation of such Permit.

SECTION 17.1~~3404~~ - ZONING COMPLIANCE PERMITS.

- A. Issuance of Zoning Compliance Permits: No building or structure, or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered, converted, or enlarged or moved; nor shall any change be made in the use of any building, structure, or land without a zoning compliance permit having been obtained from the Zoning Inspector for such building, structure, or land. A zoning compliance application shall be filled out and submitted to the Zoning Inspector.

- B. The Zoning Inspector shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications including a plot plan in duplicate, drawn to scale, showing the following information:
1. The actual dimensions and shape of the lot to be built upon; and, 2.
The exact size and location of existing structures on the lot, if any; and
 3. The location and dimensions of the proposed structure or alteration.

The Zoning Inspector shall act upon the submitted zoning compliance permit application and site plan within 10 days of receipt.

One (1) copy of the plans shall be returned to the applicant by the Zoning Inspector after such copy has been approved or disapproved, and attested to same by the Zoning Inspector's signature on such copy. If approved, the Zoning Inspector shall issue the applicant a zoning compliance permit immediately and will forward the other copy of the plot plan bearing his signature along with a duplicate copy of the zoning compliance permit to the Township Clerk for filing and/or the issuance of a Building Permit, as appropriate. Where action of the Board of Appeals or the Planning Commission is required as set forth in this Ordinance, the Zoning Inspector shall issue such permit promptly following such action.

- C. Voiding of Zoning Compliance Permit: Any zoning compliance permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use completed within three hundred sixty-five (365) days of the date of issuance. A zoning compliance permit shall be renewable upon re-application and upon payment of the fee, subject however, to the provisions of all ordinances in effect at the time of renewal.

SECTION 17.1 ~~3505~~ - CERTIFICATE OF OCCUPANCY, FINAL INSPECTION.

- A. Issuance of Certificate of Occupancy: No building or structure, or part thereof, shall be occupied by or for any use for which a zoning compliance permit is required by this Ordinance unless and until a certificate of occupancy shall have been issued for such use. The holder of a zoning compliance permit for the construction, erection, or moving of any building, structure or part thereof, for the establishment of a use, shall make application to the Building Inspector immediately upon the completion of the work authorized by the zoning compliance permit for a final inspection.

A certificate of occupancy shall be issued by the Building Inspector within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, is in accordance with the provisions of this Ordinance.

- B. Voiding of Certificate of Occupancy: Any certificate of occupancy granted under this Ordinance shall become null and void if such use, buildings, or structure for

which said certificate was issued are found by the Zoning Inspector or Building Inspector to be in violation of this Ordinance. The Zoning Inspector or Building Inspector, upon finding such violation shall immediately notify the Township Board of said violation and void the certificate of occupancy.

SECTION 17.1~~3606~~ - FEES, CHARGES, AND EXPENSES.

The Township Board shall establish a schedule of fees, charges and expenses, and a collection procedure for zoning compliance permits, certificates of occupancy, appeals and other matters pertaining to the Ordinance. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Township Board. No permit, certificate, or conditional use on approval, or variance shall be issued unless or until such costs, charges, fees, or expenses listed in this ordinance have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, unless or until preliminary charges and fees have been paid in full.

SECTION 17.1~~3707~~ - VIOLATIONS AND PENALTIES: NUISANCE PER SE-ABATEMENT.

Uses of land and dwellings, buildings, or structures including tents and trailer coaches used, erected, altered, razed, or converted in violation of any provision of this Ordinance are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, or land shall be adjudged guilty of maintaining a nuisance per se.

A person who violates any provision of this ordinance is responsible for a municipal civil infraction and subject to payment of a civil fine of not less than one hundred (\$100) dollars and not more than five hundred (\$500) dollars, plus costs, attorney fees and other sanctions as permitted under Chapter 87 of the Revised Judicature Act, P.A. 236 of 1961, being MCL 66.8701 et. Seq., as amended. The Zoning Administrator is hereby authorized to issue and process municipal civil infraction citations in accordance with the Rives Township Municipal Civil Infractions Ordinance and as otherwise permitted by law. If a person is found responsible for a municipal civil infraction under this ordinance, a civil fine shall be assessed as follows:

- A minimum of one hundred (\$100.00) dollars and maximum of five hundred (\$500.00) dollars for a first offense, plus costs and attorney fees, if any;
- A minimum of two hundred (\$200.00) dollars and maximum of five hundred (\$500.00) dollars for a first repeat offense, plus costs and attorney fees, if any; and
- A minimum of three hundred (\$300.00) dollars and maximum of five hundred (\$500.00) dollars for a second or subsequent repeat offense, plus costs and attorney fees, if any.

For the purpose of this section, a “repeat offense” means a second or subsequent violation of the same requirement or requirement of the Ordinance. Nothing in this subsection shall be interpreted as abrogating the Township’s right to proceed with an appropriate equitable action

in the Jackson County Circuit Court to enjoin and/or abate any violation of the terms of this Ordinance. Each day that a violation is permitted to continue shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

Sections 17.1~~30~~8 - 17.1~~30~~9 Reserved

DRAFT

Article 110
Zoning Board of Appeals

SECTION 17.1~~4010~~ - ZONING BOARD OF APPEALS ESTABLISHED.

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided in Act 184 of the Public Acts of 1943, as amended, in such a way that the objectives of this Ordinance shall be observed, the public health and safety secured, and substantial justice done.

The Zoning Board of Appeals shall be made up of three members appointed by the Township Board. Such members will serve terms of three years and at least one member must be a member of the Planning Commission.

SECTION 17.1~~4111~~ - DUTIES OF THE ZONING BOARD OF APPEALS.

The Zoning Board of Appeals shall hear and decide only such matters as the Zoning Board of Appeals is specifically authorized to pass on as provided in this Ordinance. The Board of Appeals shall not have the power to alter or change the zoning districts; classification of any property; nor to make any changes in the terms of this Ordinance; but does have the power to authorize a variance as defined in this Ordinance, to act on those matters where this Ordinance may require an interpretation, and to issue a temporary use permit when authorized by this Ordinance.

SECTION 17.1~~4212~~ - VARIANCE.

The Zoning Board of Appeals may authorize, upon an appeal, a variance from the strict applications of the provisions of this Ordinance, where by reason of exceptional narrowness, shallowness, shape, or contour of a specific tract of land at the time of enactment of this Ordinance or by reason of exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property. No variance shall be granted to permit the establishment within a district of any use which is excluded or for which a conditional use permit is required.

A variance from the terms of this Ordinance shall not be granted by the Zoning Board of Appeals unless and until:

- A. A written application for a variance is submitted, demonstrating the following:
 - 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - 3. That the special conditions and circumstances do not result from the actions of the applicant.

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 5. That no non-conforming use of neighboring lands, structures, or buildings, in the same district, and no permitted use of lands, structures, or building in other districts shall be considered grounds for the issuance of a variance.
- B. The Zoning Board of Appeals shall determine that the requirements of this Ordinance have been met by the applicant for a variance.
 - C. The Zoning Board of Appeals shall determine that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - D. The Zoning Board of Appeals shall determine that the granting of the variance will be in harmony with the general purpose intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
 - E. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
 - F. Each variance granted under the provisions of this Ordinance shall become null and void unless:
 1. The construction authorized by such variance or permit has been commenced within one hundred eighty (180) days after the granting of such variance and pursued diligently to completion; or
 2. The occupancy of land or buildings authorized by such variance has taken place within one hundred eighty (180) days after the granting of such variance.
 - G. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of three hundred sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Zoning Board of Appeals to be valid.

SECTION 17.1~~4313~~ - INTERPRETATION OF ZONING ORDINANCE.

The Zoning Board of Appeals shall hear and decide appeals where it is alleged by the applicant there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Inspector or any other administrative official in carrying out or enforcing any provisions of this Ordinance including interpretations of the Zoning Map.

SECTION 17.1~~4414~~ - APPEALS TO THE ZONING BOARD OF APPEALS.

- A. Appeal from the ruling of the Zoning Inspector or the Township Board concerning the enforcement of the provisions of this Ordinance may be made to the Zoning Board of Appeals within such time as shall be prescribed by the Zoning Board of Appeals by general rule, by filing with the officer from whom the appeal is taken. This officer shall forthwith transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed was taken.
- B. Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by any officer, department, board, agency, or bureau of the Township, Village, City, County or State.
- C. A fee shall accompany any application to the Zoning Board of Appeals. The fee shall be set by the Township Board as part of the schedule of fees for zoning-related applications.
- D. An appeal stays all proceedings in furtherance of the action appealed unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by the Circuit Court, on application, of notice to the officer from whom the appeal is taken and on due case shown.
- E. When a request for an appeal has been filed in proper form with the Township Clerk, the Chairman of the Zoning Board of Appeals shall place the said request for appeal upon the calendar for hearing, and cause notice, stating the time, place, and object of the hearing to be served personally or by registered return receipt mail at least ten (10) days prior to the date of such hearing, upon the party or parties making the request for appeal.
- F. Upon the hearing, any party or parties may appear in person or by agent or by attorney.
- G. The Zoning Board of Appeals shall decide upon all matters within a reasonable time and may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Inspector or Township Board from whom the appeal is taken. The Zoning Board of Appeal's decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Zoning Board of Appeals in each particular case. Any person having an interest affected by such resolution shall have the right to appeal to the Circuit Court or question of law and fact.

Article 1~~2~~
Procedure for Amendments

SECTION 17.1~~5020~~ - PROCEDURE AND HEARING.

Request or petition for amendment is submitted to the Township Board, through the Township Clerk. Request for amendment shall be written in proper form, clearly and fully describing the property proposed for rezoning. The request for amendment shall be signed by the owner(s) concerned, and filed with the Township Clerk. A fee shall be paid at this time. The Township Board refers request for amendment to the Township Planning Commission for study and recommendation. The request for amendment, including any changes thereto which the Planning Commission deems desirable, must be submitted by the Planning Commission to at least one (1) public hearing.

Notice of the public hearing shall be given by two (2) publications in a newspaper of general circulation in the Township, the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days before the date of such hearing. This notice must contain the times and places at which the tentative zoning text and maps may be examined.

SECTION 17.1~~521~~ - NOTICE OF UTILITY COMPANIES.

Not less than twenty (20) days notice of the time and place of the hearing of the Planning Commission shall also be given by certified mail to each electric, gas, pipeline and telephone public utility company that registers its name and mailing address with the Township Planning Commission for the purpose of receiving such notice and to each railroad within the district or zone affected.

SECTION 17.1~~522~~ - POSTING OF PROPERTY.

Whenever an individual property is proposed for rezoning, the property shall be conspicuously posted at least eight (8) days prior to the public hearing and shall state time, place, and date and purpose of the public hearing.

SECTION 17.1~~523~~ - COUNTY REVIEW OF ORDINANCE AMENDMENTS.

After the Planning Commission makes its recommendation, it shall submit the request to the Jackson County Resolution and Coordinating Committee for a recommendation.

SECTION 17.1~~524~~ - TOWNSHIP BOARD ADOPTION.

At any regular meeting or at any special meeting called for that purpose, the Township Board may adopt an amendment to this Zoning Ordinance, pursuant to the procedures set forth in Act 184, Public Acts of 1943, as amended, and applicable sections of Act 168, Public Acts of 1959, as amended.

If immediate effect is not given to the amendment, it will become effective thirty (30) days after publication. The Township Board is the authority on zoning matters. All other individuals and groups are advisory to it.

Article 1~~3~~2
Validity

SECTION 17.1~~63~~0 - SEVERABILITY.

Should any section, clause or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 17.1~~63~~1 - PERIOD OF EFFECTIVENESS.

This Ordinance shall remain in full force and effect henceforth unless repealed.

SECTION 17.1~~63~~2 - REPEAL OF ORDINANCE.

The "Zoning Ordinance of the Township of Rives, Michigan" adopted on October 4, 1994, and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

The adoption of this Ordinance however, shall not affect or prevent any pending or future prosecution of, or action to abate, any existing violation of the prior zoning ordinance if the use, so in violation, is in violation of the provisions of this Ordinance.

SECTION 17.1~~63~~3 - ADOPTION, PUBLICATION EFFECTIVE DATE.

This Ordinance shall take effect by order of the Township Board of the Township of Rives of Jackson County, Michigan.

Adopted: April 1, 2003

Notice of Adoption April 14, 2003 Published:

April 25, 2003 Effective: May 14,
2003

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