



Rives Township

Jackson County, Michigan

ZONING MAP

- Agricultural District
- Residential District
- Commercial District
- Industrial District

This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of _____ adopted on _____

signature _____ Supervisor date ____/____/____
signature _____ Clerk date ____/____/____

Date of Last Zoning Revision: August 5, 2008
Date of Map Revision: July 19, 2015

**RIVES TOWNSHIP
JACKSON COUNTY, MICHIGAN**

Ordinance No. _____

ZONING ORDINANCE OF RIVES TOWNSHIP

An Ordinance to establish zoning districts and provisions governing the use of the land, natural resources and structures in Rives Township, Jackson County, Michigan. This Ordinance was previously adopted under the authority of the Township Rural Zoning Act (PA 184 of 1943) and is hereby revised and readopted in full as an initial adoption of the Rives Township Zoning Ordinance to be incorporated as Chapter 17 of the Rives Township Code of Ordinance as by authority of and in accordance with the Michigan Zoning Enabling Act (PA 110 of 2006, (MCL 1253101 et seq.).

The Township of Rives, Jackson County, Michigan Hereby Ordains:

**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.

The fundamental purpose of this Ordinance is 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. If the specific use of land, natural resources and structures are not listed as a permitted use in this ordinance, conditional use permits are required and can only be granted by the Rives Township Board.

Sections 17.02 - 17.09 Reserved

Article 2 Definitions

SECTION 17.10 - DEFINITIONS.

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.

Adult Foster Care Home:

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. According to Section 3 of the Adult Foster Care Facility Licensing Act (PA 218 of 1979, MCL 400.703(5)), the adult foster care family home licensee must be a member of the household and an occupant of the residence.

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.

Appendage:

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

Basement or cellar:

That portion of a building which is wholly or partly below the average grade of the ground level adjoining the building.

Building:

A structure having a roof and designed for the shelter, support or enclosure of persons, animals, or property.

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.

Conditional Use:

A use permitted within 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.

Child Care Facility:

A facility for the care of children under 18 years of age, as licensed and regulated under Child-care Organizations (PA 116 of 1973, MCL 722.111 *et seq.*). Such organizations are further defined as follows:

- A. Family child 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 child 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:

Any building, or part thereof, containing sleeping, kitchen, and bathroom facilities designed as a self-contained unit for occupancy by one (1) family for living, cooking, and sleeping purposes. In no case shall a travel trailer, motor home, automobile, tent, or other portable building defined as a recreational vehicle be considered a dwelling. Dwelling may include, but is not limited to, site built homes, manufactured homes, multi-unit complexes, condominiums, motels, hotels, cooperatives or other similar use. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance.

Dwelling, Single-Family:

A building designed for and occupied by one (1) family. Every type of single family dwelling constructed or placed on property in the Township shall at a minimum comply with the following standards:

- A. All single-family dwellings shall be placed on lots or parcels in compliance with all Rives Township regulations.
- B. Every dwelling shall contain a minimum of seven hundred fifty (750) square feet of living area with one hundred fifty (150) additional square feet for each additional bedroom beyond two (2). All habitable rooms shall have a minimum height as required in the State Construction Code, MCL §125.1500, *et. seq.* 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 State Construction Code, MCL §125.1500, *et. seq.*, then, and in that event, such federal or state standards or regulations shall apply.
- C. The dwelling shall have a minimum exterior width of 24 feet, excluding appendages.
- D. Every dwelling shall have a permanent foundation constructed on the site in accordance with the State Construction 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.

- E. Every single-family dwelling shall comply with all pertinent building, fire, plumbing, electrical, and other applicable construction codes. F. There shall be no room or other area additions to a dwelling 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 State Construction Code, MCL §125.1500, *et. seq.*, 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 and Safety Standards," effective June 15, 1976 as amended.
- G. 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 17.32 (Temporary Mobile Homes and Offices).
- H. Every dwelling unit constructed or placed on property after the adoption of this Ordinance shall be aesthetically compatible in design and appearance with conventional on-site constructed homes in the general vicinity.

Dwelling, Two-Family:

A site-built building or manufactured two-family home 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 State Construction Code, MCL §125.1500, *et. seq.* 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 State Construction Code, MCL §125.1500, *et. seq.*, then, and in that event, such federal or state standard or regulations shall apply.

Elevation:

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

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.

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.

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; the employment and use of labor except for an intensive animal feeding operation; and as otherwise provided for under Section 2 of the Right to Farm Act, MCL §286.472.

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, and as otherwise provided under Section 2 of the Right to Farm Act, MCL §286.472.

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. Business conduct and operations of a home business shall be conducted solely by persons residing at the residence and not more than one other person who does not reside on the premises. Upon application by the home business owner for a special event or for special circumstances, the Planning Commission may consider and make a recommendation to the Board that more than one non-resident assistant may be employed for a special event or under special circumstances so long as the additional assistants and activities are not objectionable to neighboring properties and the special event and circumstances otherwise complies with the standards for approval of a conditional use permit as provided under Sections 17.85 and 17.95 of this Ordinance. Any consideration for additional assistants shall include conditions that define the duration of the allowance for additional assistants under this provision and that assures compliance with the standards set forth in Sections 17.85 and 17.95.
- 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.
- (6) Home instruction of the arts (e.g., piano lessons, etc.)

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.

Kennel, Commercial:

Any building and/or land used, designed, or arranged for the boarding, breeding, or care of more than three (3) dogs, cats, or other domestic animals for remuneration, but not including

those animals raised for agriculture purposes. Commercial kennels may be permitted as a conditional use in zoned agricultural and industrial districts.

Kennel, Private:

Any building and/or land used, designed or arranged for the boarding, breeding, or care of dogs, cats, or other domestic animals belonging to the owner thereof and kept for purposes of show, hunting, or as pets (but not including riding stables, or animals raised for agricultural purposes), provided that no more than three (3) such animals six (6) months old or older are kept on the premises either permanently or temporarily. The keeping of such animals shall be strictly incidental to the principal use of the premises and shall not be for the purposes of remunerations or sale. Private kennels are permitted accessory uses in zoned agricultural districts.

Lot:

A parcel of land with sufficient size to meet the minimum requirements for use, coverage, and lot area to provide required yards and open space areas as are herein required, provided that in no case of division or combination shall any lot or parcel created, including residual, be less than that required by this Ordinance.

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 Line:

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

Manufactured Home:

A single family dwelling, which is primarily manufactured elsewhere and installed on a permanent foundation, but which does not have its own integral frame, axles or wheels. Such building must meet all applicable State Construction Code requirements.

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 The Mobile Home Commission Act (PA 96 of 1987, MCL 125.2301, *et seq.*), as amended, and administrative rules promulgated there under. The standards and requirements for single family dwellings shall apply to mobile homes in addition to the following:

A. Mobile homes dwellings 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 eleva-

tion differential requires the same and roof-drainage systems concentrating roof drainage and avoiding drainage along the sides of the dwelling.

B. 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.

C. No mobile home dwelling shall be replaced or newly installed in the Township unless it is less than five (5) years old and in compliance with HUD Mobile Home Construction and Safety Standards effective June 15, 1976 (24CFR 3280).

D. Any mobile homes constructed and/or installed to replace an existing mobile home shall comply with all requirements and standards for single family dwellings and, except as provided in Section 17.32, may not be constructed or installed until the existing mobile home has been removed from the property.

Mobile Home Park:

A parcel or tract of land under the control of a person or legal entity upon which three (3) or more mobile homes are located on a continual, non-recreational basis together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

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.

Non-Conforming Use or Structure:

The use of a structure or land that is contrary to or in conflict with the provisions of this Ordinance, but which lawfully existed prior to adoption of the Rives Township Zoning Ordinance or amendments thereto.

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.

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.

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.

Street:

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

Structure:

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

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 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.

Yard:

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

Undefined Terms:

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

Sections 17.11 - 17.19 Reserved

Article 3
General Provisions

SECTION 17.20 - ESTABLISHMENT OF ZONING DISTRICTS.

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

SECTION 17.21 - OFFICIAL ZONING MAP

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

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

SECTION 17.22 - COMPLIANCE WITH REGULATIONS.

- A. Every building and structure erected; every lot created; every use of any lot, building, or structure established; every structural alteration or relocation of an existing building or structure occurring; and every enlargement of or addition to an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance, which are applicable in the zoning district in which such building, structure, or lot is located.
- B. No part of a yard or other open space required for or in connection with, any structure for the purpose of complying with this Ordinance, shall be included as part of a yard or open space similarly required for any other structure.

SECTION 17.23 - USE REGULATIONS.

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

SECTION 17.24 - YARD REQUIREMENTS.

- A. All front, side, and rear yards shall be the minimum perpendicular distance measured from the principal structure, excluding all projections not exceeding three (3) feet in length from the structural wall.
- B. Where a lot or parcel adjoins a lot or parcel in a more restrictive zone, any adjoining front, side or rear yard of such lot shall have a minimum width equal to the required yard in the more restricted zone.
- C. One accessory building or structure of less than 865 (eight hundred sixty five) square feet may be built as close as ten (10) feet to the rear lot line in Residential and Agricultural zoning providing such building is no taller than ten (10) feet tall at its tallest point. If taller than ten (10) feet at its tallest point, the building must be located as far from the rear lot line as it is tall, IE: a building with a peak height of sixteen (16) feet must be located at least sixteen (16) feet from the rear lot line.
- D. Front yard setbacks in all zoning districts shall be measured from the edge of the applicable road easement or right-of-way.

SECTION 17.25 - CORNER LOTS.

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

SECTION 17.26 - LOT WIDTH.

Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided however, that width between side lot lines at their foremost points (where they intersect

with the street line) shall not be less than eighty (80) percent of the required lot width, except in the case of lots on the turning circle of cul-de-sacs, where eighty (80) percent requirements shall not apply.

SECTION 17.27 - ESSENTIAL SERVICES.

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

SECTION 17.28 - ACCESS TO STREETS.

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

SECTION 17.29 - VISIBILITY AT INTERSECTIONS.

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

SECTION 17.30 - CURB CUTS AND DRIVEWAYS.

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

SECTION 17.31 - TEMPORARY USE.

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

SECTION 17.32 - TEMPORARY MOBILE HOMES AND OFFICES.

- A. Temporary housing and office use during construction projects are not permitted except as approved by the Zoning Inspector in accordance with this Section. No temporary structure or use shall be placed or allowed to remain on any lot unless a temporary structure and use permit has been approved and is in effect.
- B. Application for Permit. Application for a temporary structure and use permit shall be made to the Township Clerk and shall include the following:
 - 1. Name and address of the applicant and the property owner.
 - 2. A certificate of zoning compliance or approval from the Zoning Inspector for the new, repaired or replacement principle buildings and uses on the parcel where the temporary structure and uses will be located.

3. A detailed sketch of the property showing the locations, dimensions, descriptions, and setbacks from the parcel boundaries and for all proposed temporary and permanent improvements.
 4. Copies of all required county and state permits, including copies of the approval by the Jackson County Environmental Health Department for necessary water supply and sewage disposal.
 5. A performance guarantee as provided for in this section.
 6. The signature of the owner, and the applicant if different than the owner, which includes an acknowledgement of receipt of the terms and conditions of this Ordinance related to the issuance the permit and conditions related thereto.
- C. Performance Guarantee. For the purpose of assuring compliance with Subsection "G" of this Section and other conditions of approval, a performance guarantee shall be required for all temporary structures and uses in accordance with the following:
1. The guarantee shall be in the form of a cash bond, irrevocable letter of credit, or other security deemed acceptable by the Township Board in the amount of \$2,500.00.
 2. The security shall be deposited with the Township Treasurer prior to issuance of a permit under this Section.
 3. Expiration of the security shall be set at two years from the date the application for permit is filed with the Clerk.
 4. The bank upon which the security is drawn shall honor drafts by the Township when accompanied by a resolution of the Township Board authorizing the Township Treasurer to make such drafts.
 5. The security may be cancelled and returned prior to the expiration date upon surrender of the original bank letter of credit to the bank along with a certified copy of a Board resolution authorizing such cancellation.
- D. Expiration of Permit. Permits for temporary structures and uses under this Section shall remain in effect for a period of 365 days. The time limit may be extended by a written application made at least 20 days prior to the expiration date. The application shall show cause why an extension should be granted which includes facts showing due diligence in the progress and construction of the permanent structure. The extension may be granted for an additional period not exceeding 180 calendar days to complete the permanent construction.
- E. Temporary Housing during Construction. The Zoning Inspector shall have the authority to grant a permit for the temporary occupancy of a mobile home as temporary housing on any lot where a residential use is permitted as provided for in this Section, subject to the following conditions:
1. All temporary mobile homes shall not be more than ten (10) years old and shall comply with HUD Mobile Home Construction and Safety Standards (24CFR320, as amended.)
 2. The temporary housing shall not be located between the established setback line and the public right-of-way line of such premises.

3. The temporary housing shall contain sleeping accommodations, a flush toilet, and a tub or shower bath adequate to serve the occupants thereof.
 4. The sanitary facilities of the temporary housing 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.
 5. A waste collection company shall be hired to remove all garbage and waste products at the construction site and waste shall not be permitted to accumulate on the project site.
 6. Within fourteen (14) days after completion of the construction project or the permit approval period, whichever is sooner, the temporary housing shall be disconnected from all systems, vacated, and removed from the property.
- F. Mobile trailer offices may be permitted in non-residential districts during construction and/or sale periods on a temporary basis upon issuance of a permit under this Section. Extensions of the temporary period may be granted by the Zoning Inspector in accordance with Subsection "D" above, and thereafter as necessary upon approval by the Zoning Board of Appeals.
- G. Removal of Temporary Structures. A temporary structure and all site improvements related thereto shall be removed from the premises and the site shall be restored to a stable, safe, and nuisance-free condition within 14 calendar days following the expiration date of the permit thereto, its extension, or within 14 calendar days following the date of the occupancy approval for the permanent structure, whichever first occurs. Failure to cause the removals and the site restoration as required under this provision shall authorize the Township Board to have said removals and site restoration completed, with all costs thereof chargeable against the performance guarantee.
- H. No travel trailer or motor home shall be used as a permanent residence. Travel trailers and motor homes shall be used only in duly licensed travel trailer parks. A travel trailer or motor home may be permitted to be occupied as a temporary dwelling for a period not to exceed one week provided such travel trailer or motor home is situated on a parcel of land upon which is located a dwelling with water and sanitary facilities accessible to the travel trailer or mobile home occupants and certified by the Zoning Inspector.

SECTION 17.33 - NON-CONFORMITIES.

Where within the districts established by the Rives Township Zoning Ordinance, or by amendments, there exists lots, structures, and uses of land and structures which were lawful before the Ordinance was adopted, the use or structures may be continued subject to the following provisions:

- A. If the nonconforming use of any parcel of land, building or structure is discontinued for a period of one hundred eighty (180) days, or abandoned through vacancy, lack of operation or otherwise for such a period, then any further use of such land, building or structure shall conform to this Ordinance.

- B. No nonconforming use shall be changed to any other nonconforming use. If a nonconforming use is change to a conforming use, it shall not return to a nonconforming use.
- C. Reconstruction of damaged nonconforming buildings. Nothing in this Ordinance shall prevent the reconstruction, repair or restoration and the continued use of a nonconforming building or structure damaged by fire, collapse, explosion, acts of God or acts of the public enemy, subsequent to the effective date of this Ordinance, wherein the expense of such reconstruction does not exceed fifty percent (50%) of the fair valuation of the building or structure at the time such damage occurred. Provided, however, that such valuation is approved by the Building Board of Appeals, and provided, further, that said use be identical with the nonconforming use permitted and in effect immediately preceding said damage.
- D. Nonconforming living quarters may be used temporarily during the construction of a permanent dwelling; provided, however, that a permit for such use must first be obtained from the Zoning Inspector and the Building Inspector; provided, further that such permit shall be limited to a period of not exceeding one (1) year. Such permits may be extended for periods of six (6) months each by action of the Zoning Inspector and Building Inspector upon a showing of necessity therefore.
- E. There may be a change of tenancy, ownership, or management of an existing nonconforming use, building or structure; provided there is no change in the nature or character of such nonconforming use, building or structure.

SECTION 17.34 - PERFORMANCE STANDARDS.

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

SECTION 17.35 - OPEN SPACE PRESERVATION DEVELOPMENTS.

In accordance with Section 506 of the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3506), 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 cove-

nant, 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.

SECTION 17.36 – BIOFUEL PRODUCTION FACILITIES

A biofuel production facility on a farm shall be permitted in accordance with and subject to the requirements of Section 513 of the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3513) and as otherwise permitted under the terms of this Ordinance.

SECTION 17.37 – FENCE REGULATIONS

A. Permit Requirements – It shall be unlawful for any person, firm, or corporation to construct, or cause to be constructed, any fence on any property within Rives Township, except in accordance with these regulations. Any person, firm, or corporation desiring to construct and fence that is subject to these regulation shall first obtain a fence permit from the Building Administrator. The application for a fence permit shall contain any and all information, including drawings, that is required and necessary to determine compliance with this Ordinance and applicable construction requirements. A permit shall not be required for a fence that is to be constructed for the purpose of enclosing farmland in an agriculture district.

B. Fee – The fee for a fence permit shall be according to the Building Department fee schedule, and may be amended, by resolution of the Township Board. The fee shall be paid to the Township Treasurer at the time of application for the permit.

C. Location of Fences – All fences shall be located entirely on the property of the owner of the fence and shall not encroach into any right-of-way. A fence may be constructed on the common property line subject to a written agreement between adjoining property owners that the fence shall be maintained by the adjoining owners unless they agree, in writing, to some other arrangement.

1. Fences not under joint maintenance, as described above, shall be set back from the owner's lot line, as needed, to allow the owner adequate room or space to maintain and repair the fence from his or her property without intruding on the property of another.

2. Fences on lots abutting a body of water shall be set back 50 feet from the high water line.

D. Height Regulations

1. Fences located on residential lots shall comply with the following regulations:

a. Only ornamental-type fences shall be located in a required front yard or in a required side yard adjoining a public or private street and shall not exceed four (4) feet in height. Any ornamental or decorative fence shall be constructed so that the ornamental or decorative features of the fence face out-ward from the owner's property.

b. Fences located in any required side yard or required rear yard shall not exceed

six (6) feet in height.

2. Fences on any commercial lot shall not exceed eight (8) feet in height. Fences in a front yard shall not be permitted in a commercial district except where required by the Planning Commission.
3. Fences on any industrial lot shall not exceed twelve (12) feet in height and when located in the front or street yard, shall require a minimum of 50 percent (50%) see-through opacity.
4. In determining the maximum height of a fence that separates two adjoining lots that is located within two (2) feet of the common lot line, the maximum height at any point shall be measured from the highest grade at that point within two (2) feet on either side of the common lot line.

E. Vision Clearance – A fence that is located in the intersection of a driveway and a public sidewalk or a sidewalk along a private street shall not impede vision between the driveway and sidewalk.

F. Safety of Fences

1. No spikes, nails, barbed wire, or other pointed objects or sharp protrusions shall be placed on, attached to, or permitted to remain on any fence below the height of seven (7) feet, except in the case of fences that enclose farmland in which case barbed wire may be permitted at any height of the fence.
2. Fences shall not contain any electric charge or current, except fences that enclose farmland, in which case electrically charged fence wires shall be permitted, provided that such wires shall be attached to the inside face of the fence posts. All electrically charged fences shall be of a type and make approved by Underwriters Laboratories.

G. Maintenance – Fences shall be maintained so as to not endanger life or property. Any fence which, through lack of repair, type of construction, or otherwise endangers life or property, is hereby deemed a nuisance. If an unsafe condition exists in regard to a fence, the Zoning administrator or other authorized person shall serve written notice to the owner, agent, or person in control of the property on which such fence is located. The notice shall describe the unsafe conditions, shall specify the repairs or modifications required to make the fence safe, or shall require an unsafe fence or any portion thereof to be removed. The notice shall provide a time limit for such repairs, modifications, or removal to be made.

H. Exemptions – Fences on residential lots larger than 2.5 acres and not located in a recorded subdivision are not required to obtain a permit under this Section, but are subject to all other regulations in this Section. Fences enclosing farmland shall be exempt from the regulations and requirements of this Section except Sub-Subsections "E" and "F" above.

I. Standards – The standards set forth in this Ordinance are minimum standards and shall not be construed to limit the authority of the Planning Commission or Rives Township Board to impose stricter standards where a fence is constructed pursuant to a conditional use or planned residential development or an open space community. The provisions of this Ordinance shall not supersede or vitiate any recorded deed or subdivision restriction, and such restrictions shall take precedence where they impose more rigid standards than the provisions of this Ordinance.

SECTION 17.38 – PRIVATE SWIMMING POOLS

Private swimming pools shall be subject to the following:

- A. No portion of a pool or associated structure shall be permitted to encroach upon any easement or right-of-way granted for public drains or utility use.
- B. The placement of a pool shall comply with all setback requirements for the zoning district in which the pool is located.
- C. All swimming pools shall be enclosed in accordance with applicable State Construction codes.

Section 17.39 Reserved

Article 4
Zoning Districts

SECTION 17.40 - AGRICULTURAL DISTRICT - AG.

This district is composed of certain large open land areas. The regulations of this district are designed to retain the open character of this land, and to that end, the uses are limited primarily to agricultural activities.

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. One single-family or one two-family dwelling.
- B. Family child care home and adult foster care family home (see Sec. 17.10).
- 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.
- E. Sale of agricultural products raised or grown on the farm premises including roadside stand for said sales.

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. Animal hospitals, shelters and commercial kennels.
- B. Riding stables.
- C. Telecommunication facility/communication tower.
- D. Cemeteries
- E. Group child care homes and child care centers.
- 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. Travel trailer parks.

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 single-family or one two family dwelling.
- B. Family child 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. Group child care homes and child care centers.
- 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.

Section 17.46 - 17.48 Reserved

SECTION 17.49 - MOBILE HOME RESIDENTIAL DISTRICT - MHR.

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

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

SECTION 17.50 - PERMITTED USES.

- A. Mobile home parks.
- B. Mobile home subdivisions.
- C. Family child care home and adult foster care family home.
- D. Signs in accordance with the regulations as specified in Article 5.
- E. Essential support services, but not including telecommunication facilities, maintenance depots and warehouses.

SECTION 17.51 - CONDITIONAL USES REQUIRING TOWNSHIP BOARD APPROVAL.

- A. Sales of mobile homes provided that the sales operations are clearly subordinate and incidental to the use of the area for dwellings.
- B. Group child care homes and child care centers.
- C. 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.

SECTION 17.52 - COMMERCIAL DISTRICT - C.

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

SECTION 17.53 - PERMITTED USES.

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

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

SECTION 17.54 - CONDITIONAL USES REQUIRING TOWNSHIP BOARD AUTHORIZATION.

- A. Commercial planned unit developments.
- B. Child care centers.
- C. Telecommunication facility/communication tower.

SECTION 17.55 - INDUSTRIAL DISTRICT - I.

This district is designed to provide suitable space for industrial uses which operate in a safe, non-objectionable and efficient manner, and which are compatible in appearance with and require a minimum of buffering measures from adjoining non-industrial zoning district. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter.

SECTION 17.56 - PERMITTED USES.

- A. Assembly and manufacture, from prefabricated parts, of household appliances, electronic products, machinery and hardware products, and similar products; or the processing or assembling of parts for production of finished equipment.
- B. Contractor's yard.
- C. Essential services and structures.
- D. Farm machinery and equipment sales and repair.
- E. General service and repair establishments including dyeing, cleaning, or laundry works and upholstery or appliance repair.
- F. Industrial office buildings.
- G. Lumber yards.
- H. Research and testing laboratories.
- I. Signs in accordance with the regulations as specified in Article 5.

- J. Skilled trade services including plumbing, electric, heating, printing, and painting establishments.
- K. Trucking terminals.
- L. Vehicle repair garages, but not including auto junkyards.
- M. Wholesale merchandising or storage warehouses.

SECTION 17.57 - CONDITIONAL USES REQUIRING TOWNSHIP BOARD APPROVAL.

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

- A. Industrial planned-unit developments.
- B. Junk yards.
- C. Airport.
- D. Quarries and gravel pits.
- E. Telecommunication facility/communication tower.
- F. Commercial Kennels.

Article 5
Sign Regulations

SECTION 17.60 - GENERAL SIGN 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.
- E. 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 17.61 - 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 17.62 - 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

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

ZONING DISTRICT	ZONING SYMBOL	LOT REQUIREMENTS			MINIMUM YARD REQUIREMENTS		
		Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Front	Side	Rear
Agricultural	AG	2 Acres	200 ft. depth 250 ft.	25%	50 ft.	25 ft.	50 ft.
Residential (Without Sewer)	R	2 Acres	200 ft. depth 250 ft.	25%	50 ft.	25 ft.	50 ft.
Residential (With Sewer)	R	1.5 Acres	200 ft. depth 250 ft.	25%	50 ft.	25 ft.	50 ft.
Mobile Home Residential	MHR	As required by the Mobile Home Commission Act (PA 96 of 1987, MCL 125.2301, et seq.) or as otherwise specified elsewhere within this Ordinance.					
Commercial	C	2 Acres	200 ft. depth 160 ft.	30%	35 ft.	20 ft. (35ft. for corner lots)	50 ft.
Industrial	I	2 Acres	200 ft. depth 160 ft.	30%	35 ft.	20 ft.	50 ft.

Corner Lots - see section 17.25

MHR Zoning requires Public Sanitary Waste Disposal and Public Water Supply.

Section 17.59 Reserved

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 17.63 - PERMITTED ON-SITE SIGNS IN MOBILE HOME RESIDENTIAL DISTRICTS.

The following on-site signs are permitted on any one (1) lot in the Mobil 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. One 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 17.64 - 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 17.65 - 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 17.66 - 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

Article 6
Off-Street Parking Regulations

SECTION 17.70 - 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 17.71 - 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 17.72 - 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 17.73 - 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 17.74 - OFF-STREET PARKING SPACES REQUIRED.

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

SECTION 17.75 - 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 17.76 - 17.79 Reserved

Article 7 Conditional Uses

SECTION 17.80 - PURPOSE.

In addition to the "permitted" uses in each of the zoning districts, there are certain other uses that are listed as "conditional." 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 17.81 - 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. Revisions and expansions of existing conditional use permits require additional review and approval under this Article to assure that such changes are in accordance with required standards for the use.

SECTION 17.82 - 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 17.83 - 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 17.84 - 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 once in a local newspaper of general circulation in the Township. The notice shall also be given to the applicant and property owner by personal delivery or mail. The notice shall also be sent to all persons assessed and occupants of structures within 300 feet of the property subject to the conditional use permit request. Notice to occupants shall be in accordance with Section 17.108 of this Ordinance.

The notice required by this Section shall be made not less than 15 days prior to the public hearing date. In addition to compliance with requirements in the Open Meetings Act, PA 267 of 1976, as amended, the notice shall include all of the following information:

- A. A description of the character and nature of the conditional use permit.
- B. Identify the location of the property including a listing of all existing street addresses within the property that are the subject of the conditional use permit. Street addresses

do not need to be created and listed if no such addresses currently exist within the property. If there are not street addresses, other means of identification may be used.

- 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 17.85 - 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.
 - 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. Airports:

- a. The area proposed shall be sufficient to meet the FAA requirements for the class of airport.
- b. There are no existing flight obstructions such as towers, chimneys or other tall structures, or natural obstructions outside the proposed airport which would fall within the approach zone to any of the proposed runways or landing strips of the airport in accordance with any applicable FAA Airport Guidelines, Michigan Department of Transportation Guidelines and/or the Jackson County Air Safety Zoning Ordinance.
- c. There is sufficient distance between the end of each usable landing strip and the airport 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 one thousand (1,000) feet from any street or the airport property boundary, nor shall any runway be closer in any direction than five hundred (500) feet from any street or the airport property boundary.
- d. Any building, hangars, or other structures shall be at least one hundred (100) feet from any street or airport property boundary.
- e. 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.
- f. Any area of the airport that is accessible to aircraft shall be continuously fenced from other traffic, pedestrian or vehicular, by a chain link fence at least four (4) feet tall, with appropriate gates as required.
- g. No existing houses may be within an area extending two thousand (2,000) feet from either end of any proposed runway, or within one thousand (1,000) feet to either side of such runway (including the two thousand (2,000) foot extension on either end). If a residence exists in this area, this requirement may be waived by written agreement of homeowner.

3. Animal hospitals, animal shelters, and commercial kennels:

- a. The use must be compatible with the surrounding area.
- b. The application for a 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 indoor 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.

4. 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. 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.
- c. The cemetery shall have a minimum of 3 acres. All buildings shall comply with the applicable yard requirements.

5. Churches, and other buildings for religious worship:

- a. The minimum lot area shall be three (3) acres.
- b. The minimum lot width shall be determined by the applicable zoning district.
- c. All front, side, and rear yard widths shall be a minimum of fifty (50) feet, unless a larger size is specified by the applicable zoning district.

6. 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.
- 7. 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.
- 8. 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.
- 9. Group child Care Home and Child Care Centers
 - a. The group child 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 child 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 child care home or child care center shall be inspected for compliance prior to the issuance of a certificate of occupancy.

- g. A group child care home shall not require the modification of the exterior of the dwelling. Playground equipment shall not be located in the front yard.
- 10. 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.
- 11. 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 regu-

lating 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.

12. 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.

13. Planned-unit development.

The purpose of this section is to permit flexibility for residential, commercial and industrial development 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 Condominium Act (PA 59 of 1978, MCL 559.101 *et seq.*), as amended.

14. 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.

15. 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.

16. 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.

17. 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 (200) feet from any street or property boundary, nor shall any runway be closer in any direction that two hundred (100) 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.

18. Telecommunication 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.

- (1) 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.
- (2) A site survey to scale, showing all structures within 1,000 feet, and including a legal description of the real estate.
- (3) 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.
- (4) The proposed height of the communication tower.
- (5) The location and size of all accessory buildings.
- (6) The type of construction of the communication tower.
- (7) 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 17.85(B)(18)(c), below.
- (8) The applicant in the application must demonstrate that the proposed site is the most appropriate site within the immediate area for the location of the communication tower. Such demonstration shall be evidenced by a study comparing at least

two other potential host sites. Reasons for excluding a site include, but are not limited to:

- (a) Unwillingness of a land owner to allow a telecommunication facility/communication tower on his/her property.
 - (b) Topographical limitations of the site.
 - (c) Adjacent impediments that would obstruct adequate telecommunication transmissions.
 - (d) Physical site constraints that would preclude the construction of a communication tower.
 - (e) Technical limitations of the telecommunication system.
 - (f) Lack of legal description of the property.
- (9) 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.
- (10) 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

- (1) 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.

- (2) 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.
- (3) 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.
- (4) There shall be vegetative screening through the use of ever-green 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.
- (5) Minimum property line setbacks shall be 50 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.
- (6) 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.
- (7) 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.

- (8) 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.
- (9) The noise impacts 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.
- (10) Metal towers shall be constructed of, or treated with, corrosive resistant material.
- (11) 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.
- (12) 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.
- (13) 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.
- (14) 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 for that 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

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 (PA 110 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 the 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 17.85(B)(18)(b). The bond may be 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 title 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:

- (1) 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.
- (2) 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.
- (3) Existing or approved towers or building within the search radius cannot accommodate the planned equipment at a height nec-

essary to function reasonably as documented by a qualified and licensed Michigan professional engineer.

- (4) 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.
- (5) No communication tower shall be constructed unless there is proof that co-location on an existing tower cannot meet the needs of the applicant.
- (6) 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.

SECTION 17.86 - 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 17.87 - 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 written statement of findings/conclusions which specify: the basis for the decision, any changes to the originally submitted application and site plan, and any conditions imposed with approval. 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, including the site plan, 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 17.88 - 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 (6) months shall constitute abandonment of the conditional use permit. A conditional use permit may be revoked for the following reasons: (1) False statements or misrepresentation of facts upon which a conditional use permit was granted; (2) Failure to correct violations of the Zoning Ordinance or other regulations or ordinances of the Township; (3) lack of compliance with the approved site plan, the conditional use permit, or any conditions attached to the conditional use permit; or (4) lack of compliance with required standards under which the conditional use permit was approved. Before a conditional use permit may be revoked under this Section, a public hearing shall be held in conformance with the requirements for granting the conditional use permit. The Planning Commission shall receive and review evidence and make findings of fact after the public hearing consistent with this Section, and make a report and recommendation to the Board who shall have final decision making authority to revoke the permit or provide for other actions as it deems necessary or appropriate to secure proper compliance with requirements of this Ordinance and to protect the general health, safety and welfare of the Township.

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.

Article 8
Site Plan Review and Approval

SECTION 17.90 - 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 17.91 - 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 17.92 - 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 and the required site plan application review fee as determined by the Board. As an integral part of the application, the applicant shall file at least four (4) copies of a site plan.

SECTION 17.93 - PLANNING COMMISSION REVIEW OF SITE PLAN.

Upon receipt of such application from the Clerk, the Planning Commission shall undertake a study of same and shall, within one hundred eighty (180) days from the date of the first Planning Commission meeting at which the application is received, give its approval, approval with conditions, or disapproval of the site plan in writing to the applicant. If the site plan is not approved, the Planning Commission may advise the Applicant in writing of recommended changes or suggested modifications to the site plan that may be necessary or appropriate to achieve conformity with the standards and requirements specified in the Township ordinances for approval of the site plan. Written notice of approval 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 17.94 - 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.

SECTION 17.95 - 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 17.96 - 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 17.97 - 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.

SECTION 17.98 - 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 17.99 Reserved

Article 9
Administration of Ordinance

SECTION 17.100 - PURPOSE.

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

SECTION 17.101 - ADMINISTRATION.

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

SECTION 17.102 - 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 17.103 - 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 is a violation of this Ordinance and grounds for Revocation of such Permit.

SECTION 17.104 - 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 action by the Board of Appeals or Planning Commission as provided in this Ordinance.

- 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 17.105 - 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 final inspection if it is found that the building or structure, or part thereof, is in accordance with the provisions of this Ordinance and the State Construction Code, MCL §125.1500, *et. seq.*

- 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 or the State Construction Code, MCL §125.1500, *et. seq.* 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. Continued use or occupancy of the land, buildings or structures upon voiding of a certificate of occupancy is a violation of this Ordinance.

SECTION 17.106 - FEES, CHARGES, AND EXPENSES.

The Township Board shall establish a schedule of fees, charges and expenses, and a collection procedure for site plans, conditional use permits, construction permits, zoning compliance permits, certificates of occupancy, appeals and for other matters pertaining to this 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, conditional use, site plan approval, or variance shall be issued unless or until such costs, charges, fees, or expenses required under this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, Planning Commission, Building and Zoning Officials, or the Township Board unless or until preliminary charges and fees have been paid in full.

SECTION 17.107 - 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 (PA 236 of 1961, MCL 600.8701 *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.

SECTION 17.108 – PUBLIC HEARING PROCEEDINGS.

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act (PA 116 of 2006, MCL 125.3101, *et seq.*) and the provisions of this Ordinance with regard to public notification. The body charged with conducting a public hearing shall, upon receipt of a complete and accurate application and any required fee, select a reasonable date and time for the hearing.

- A. Rules for Conducting Public Hearings – The body charged with conducting a public hearing under this Ordinance shall adopt rules and regulations for the conduct of such hearing consistent with law and the requirements of this Ordinance.

- B. Responsibility for Providing Notice – When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published and otherwise provided, the Township Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Rives Township and mailed or delivered to the appropriate persons or occupants as required under this Ordinance.
- C. Time for Notice – Whenever notice is required by publication, by mail, or otherwise under this Ordinance, notice shall be provided and complete not less than fifteen (15) days prior to the scheduled hearing. Mail notice shall be deemed complete by its deposit in the United States mail, first class, properly addressed with postage paid. The Township Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered. Publication notice is complete on the date the notice appears in the publication. The Clerk shall attach a copy of the Affidavit of Publication to the list of notices sent by mail.
- D. Notice to Occupants – Whenever this Ordinance requires that notice be sent to the occupants of structures, it may be provided as stated herein. If the name of occupants in a structure is not known, the term occupant may be used to satisfy notice to occupants under this Ordinance. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spacial area owned or leased by different persons, one (1) occupant of each unit or spacial area shall be given notice. If a single structure contains more than four (4) units or spacial areas, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
- E. Handicap Accessibility – Every notice for public hearing shall include information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.
- F. Registering to receive Notice – Any neighborhood organization, public utility company, railroad or any other person may register with the Township Clerk to receive written notice of all applications for development approval pursuant to this section. Personal and, mailed notice, or written notice of all applications for development approval within the zoning district in which they are located. The Township Clerk shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the Township Board. The requesting party must provide the Township Clerk information on an official form to ensure notification can be made. All registered persons must re-register bi-annually to continue to receive notification pursuant to this section.
- G. Failure to Provide Notice – Failure to provide notice of a public hearing as required under this Ordinance shall not be grounds to invalidate any proceedings in connection with the application for conditional use, variance request, appeal from an administrative interpretation of this Ordinance, or any proposed amendment, supplement or change, to this Ordinance, but shall require adjourning and rescheduling the public hearing to assure that proper notice is provided as required in this Ordinance.

Article 10
Zoning Board of Appeals

SECTION 17.110 - 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 PA 110 of 2006, the Michigan Zoning Enabling Act, being MCL 125.3101 *et. seq.*, 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. The first member shall be a member of the Planning Commission. One member may be a member of the Township Board but shall not serve as chairperson. The remaining members shall be selected from electors in the unincorporated areas of the Township, and shall be representative of the population distribution of the various interests present in the Township. An employee or contractor of the Township may not service as a Zoning Board of Appeals member. The term of office shall be for 3 years, except for members serving because of their membership on the Planning Commission and Board respectively, whose terms shall be limited to the time they are members of those bodies. Not more than two (2) alternates may be appointed by the Board to service in the absence of a regular member or when a member disqualifies due to a conflict of interest. A vacancy of the Zoning Board of Appeals must be filled within one month of the expiration of a member's term.

The Township Board may remove a member of the Zoning Board of Appeals for misfeasance, malfeasance, or nonfeasance upon written charges and after a public hearing.

SECTION 17.111 - 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 17.112 - VARIANCE.

The Zoning Board of Appeals may authorize nonuse and dimensional variances from the strict application of provisions in 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 practical difficulties to 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 17.113 - 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 In-

spector or any other administrative official in carrying out or enforcing any provisions of this Ordinance including interpretations of the Zoning Map.

SECTION 17.114 - 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.
- 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 this case proceedings shall not be stayed other than by a restraining order which may be granted on application and due cause shown to the Zoning Board of Appeals or the Circuit Court and upon notice to the officer from whom the appeal was taken.

SECTION 17.115 – HEARINGS ON APPEALS AND VARIANCES.

A. When a request for variance or 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 upon the calendar for public hearing. For a variance request notice shall be published once in a local newspaper with general circulation in the Township. Notice shall also be given by first class mail or delivery to the applicant, all persons assessed for real property within 300 feet of the variance property, and the occupants of all structures within 300 feet of the variance property. Notice to occupants shall be in accordance with Section 17.108 of this Ordinance.

Notice under this Section shall be provided not less than fifteen (15) prior to the date for hearing. In addition to compliance with requirements in the Open Meetings Act, PA 267 of 1976, as amended, the notice shall include all of the following:

- 1. A description of the nature of the request and whether for variance of an appeal.
- 2. Identify the location of the property that is the subject of a request for variance or appeal. The identification of property shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are not street addresses, other means of identification may be used.
- 3. State when and where hearing on the request will be considered.
- 4. Indicate when and where written comments will be received concerning the request.

For an appeal of an administrative interpretation made in relation to a provision of this Ordinance that does not involve use or construction on any specific property in the Township, notice of the hearing shall be provided as above, except that notice to persons assessed for real property and occupants within 300 feet need not be provided.

- B. Upon the hearing, any party of parties may appear in person or by agent or by attorney.
- C. 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 on 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 aggrieved party shall have the right to appeal to the Circuit Court any question of law and fact within thirty (30) days from the date the determination and decision was mailed to the applicant.

Sections 17.115 - 17.119 Reserved

Article 11
Procedure for Amendments

SECTION 17.120 - INITIATION OF AMENDMENTS.

The Township Board may from time to time, amend, modify, supplement, or revise the district boundaries or the provisions and regulations of this Ordinance. Amendments may be initiated by the Township Board, the Planning Commission, or by application of one or more property owners of Rives Township, or by one or more persons acting on behalf of a property owner(s) of Rives Township. All proposed amendments shall be referred to the Township Planning Commission for review and recommendation before final action on the amendment may be taken by the Township Board.

SECTION 17.121 - FEES.

The Township Board shall establish, by resolution, fees for reviewing applications for zoning amendment. The fee shall be paid in full to the Township Clerk at the time of filing the application, and no part of the fee shall be returnable to the applicant. Fees shall not be required for amendments initiated by any government agency or body.

SECTION 17.122 - AMENDMENT PROCEDURE.

The procedure for amending this Ordinance shall be the same whether an amendment is initiated by the Township Board, Planning Commission or by application made. Except for amendments which are made to correct non-substantive and minor scrivener errors, all amendments shall be in accordance with the requirements set forth below and as otherwise provided under the Michigan Zoning Enabling Act.

A. Applications – There are two types of zoning amendments that can be made to this Ordinance. The first is a request for change to the written text or regulatory provisions of this Ordinance. This is a zoning text amendment. This type of amendment is typically initiated by the Township Board or Planning Commission, but may also be initiated by a citizen or group of citizens in the Township. The second type of amendment a change from one zoning classification to another zoning classification of a particular lot or parcel of land. This type of amendment is a zoning map or district boundary amendment.

Except for zoning amendments initiated by the Township Board or Planning Commission, every request for a zoning text amendment and a zoning map or district boundary amendment shall be made by application filed with the Township Clerk on forms prescribed for such purpose, and shall be accompanied by the required fee and sufficient information so as to assure the fullest presentation of facts for the permanent record.

A request for a text amendment to this Ordinance shall identify the specific section number(s) and regulatory provisions proposed for change, clearly state reasons for the proposed change in language, clearly state how text of this Ordinance should be revised, and provide such other information as determined by the Township to be important or relevant for the Township Board to make a decision on the requested amendment.

A request for zoning map or district boundary amendments shall include at a minimum all of the following.

1. A legal description of the property which includes a metes and bounds description, all existing street addresses, and the tax code numbers of all lots and parcels proposed for amendment;
2. A scaled map of the property correlated with the legal description, and clearly showing the property's location;
3. The name and address of the applicant;
4. The applicant's interest in the property, and if the applicant is not the owner, the name and address of the record owner(s), and the owner(s) signed consent to the application;
5. The signature of applicant(s) and owner(s) certifying the accuracy of the information provided in the application;
6. A vicinity map showing the location of the property and adjacent land uses and zoning districts;
7. A scaled map or drawing showing the general description of natural resources and features, including but not limited to, wetlands, streams, other water bodies, slopes over fifteen percent (15%), woodlands, floodplains, and other features;
8. A statement of reasons for the requested amendment.
9. A. statement describing the current zoning classification of the property and the proposed new zoning classification being requested.
B. Public Hearing – The Clerk shall transmit the application and all information filed with the application to the Planning Commission for review and report to the Township Board. The Planning Commission shall establish a date for and hold a public hearing on the proposed zoning amendment and the Township Clerk shall give notice thereof in accordance with this Section and as otherwise provided under the Michigan Zoning Enabling Act.
C. Notice of Public Hearing – The notice of public hearing shall be published once in a local newspaper with general circulation in the Township. Notice shall also be given by first class mail or delivery to the applicant and owners of the subject property. If the property subject to the request for rezoning includes ten (10) or less adjacent lots or parcels, then notice must also be sent to all persons assessed for real property within 300 feet of the property and to the occupants of all structures within 300 feet of the property.

Notice under this Section shall also be mailed to each of the following that registers its name and mailing address with the Rives Township Clerk for the purpose of receiving notice of public hearing for proposed zoning amendments: to each electric, gas, and pipeline public utility company; each telecommunication service provider; each railroad operating within the district or zone affected; and the airport manager of each airport in the Township.

Notice under this Section shall be provided not less than fifteen (15) days prior to the date for hearing. In addition to compliance with requirements in the Open Meetings Act, PA 267 of 1976, as amended, the notice shall include all of the following:

1. A description of the nature of the proposed zoning amendment request.
2. Identify the location of the property that is the subject of the zoning amendment request including a list of all currently existing street addresses for lots and parcels located within the property that is included for rezoning in the application, except that a

list of addresses is not required if eleven (11) or more adjacent lots or parcels are proposed for rezoning and/or if the rezoning is a text amendment rather than a request to rezone specific properties.

3 State when and where hearing on the request will be considered.

4. Indicate when and where written comments will be received concerning the request.

D. Review by Jackson County Planning Commission – After the public hearing on a proposed amendment, supplement or change to the Zoning Ordinance, the Planning Commission shall forward the proposed zoning amendment, supplement or change to the Jackson County Planning Commission for its review and recommendation prior to submission to the Township Board, per the requirements of the Michigan Zoning Enabling Act (PA 116 of 2006, MCL 125.3101, et seq.). The county will have waived its right for review and recommendation of any proposed zoning ordinance amendment or change if a report or recommendation from the Jackson County Planning Commission is not received by the Township within thirty (30) days from the date the proposed ordinance amendment or change was received by the County.

E. Planning Commission Recommendation – Subsequent to the Jackson County Planning Commission review of any proposed zoning amendment, the Planning Commission shall review the proposed zoning amendment together with any reports and recommendations of officials, consultants, other reviewing governments and agencies, and the public comments. The Planning Commission shall identify and evaluate all relevant factors for the proposed zoning amendment, and shall report its findings of fact, conclusions, and recommendations for disposition to the Township Board within one hundred eighty (180) days of the filing date of the proposed zoning amendment. The report and recommendation shall include a summary of comments received at the public hearing. This time limit may be extended by agreement between the applicant and the Planning Commission, or by approval of the Township Board if the zoning amendment was initiated by the Board, or on the Planning Commission's own initiative if the proposed amendment was a Planning Commission initiated amendment.

F. Action by Township Board – The proposed amendment, supplement, or change to the Zoning Ordinance shall be presented to the Township Board accompanied by the report and recommendation of the Planning Commission and other required information. Prior to the Township Board's decision on a proposed zoning amendment, the Board may refer the proposed amendment back to the Planning Commission for further consideration or revision within a specified time period. Upon the written request of a property owner sent by certified mail to the Township Clerk, the Township Board shall hold an additional public hearing on a proposed zoning amendment prior to the decision to approve or deny a zoning amendment or change. The Board may, in its discretion, schedule an additional public hearing on its own initiative. Further public hearings under this provision shall be in accordance with the publication and notice requirements prescribed in this Section.

E. Majority Vote – A proposed zoning amendment, supplement or change may only be approved and adopted in an ordinance to amend this Ordinance by the affirmative vote of not less than a majority of the Township Board.

SECTION 17.123 – REFERENDUM.

Within seven (7) calendar days after publication of a notice of adoption for amendment to the Zoning Ordinance or official zoning map, a registered elector residing in the unincorporated area of the Township may file with the Township Clerk a notice of intent to file a petition for referendum under this Section. If a notice of intent is filed, the petitioner shall have thirty (30) days following publication of the notice of adoption for amendment to the Zoning Ordinance to file with the Clerk a petition signed by a number of registered electors residing in the Township not less than 15% of the total vote cast within the Township for all candidates for governor at the last general election at which a governor was elected. The petition shall be a request for submission of a zoning ordinance or part of a zoning ordinance to the electors for their approval of the proposed amendment or change to the Zoning Ordinance.

Upon the filing of a notice of intent under this Section, the Zoning Ordinance amendment or change adopted by the Board shall not become effective until one of the following occurs:

- A. Expiration of thirty (30) days after publication of the notice of adoption of a zoning ordinance or amendment, if a petition is not filed within that time.
- B. A petition is filed within thirty (30) days after publication of the notice of adoption of a zoning ordinance or amendment, and the Township Clerk determines that the petition is inadequate.
- C. If a petition is filed within thirty (30) days after publication of the notice of adoption of a zoning ordinance amendment, the Township Clerk determines that the petition is adequate, and the proposed zoning ordinance or amendment, or part of the ordinance or amendment, is approved by a majority of the registered electors residing in the Township voting on the petition at the next regular election or at any special election called for that purpose. The Township shall provide the manner of submitting the proposed zoning ordinance or amendment to the electors for their approval or rejection and determining the result of the election.

SECTION 17.124 – RE-APPLICATION.

Whenever a proposed amendment, supplement or change has not been approved by the Planning Commission and the Township Board concurs by not adopting it, such amendment, supplement or change shall not be resubmitted to the Township Board for at least one (1) year from the date of the Township Board denial, excepting when it is established to the satisfaction of the Township Board that there has been a material change in circumstances justifying reconsideration.

Sections 17.121 - 17.129 Reserved

Article 12
Validity

SECTION 17.130 - SEVERABILITY.

If any section, subsection, subparagraph, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof, or of any other provisions in the Rives Township Zoning Ordinance.

SECTION 17.131 - PERIOD OF EFFECTIVENESS.

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

SECTION 17.132 - REPEAL.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 17.133 – SAVINGS CLAUSE.

The repeal and amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation or prosecution of any right established, occurring prior to the effective date hereof.

SECTION 17.134 - ADOPTION, PUBLICATION EFFECTIVE DATE.

The Township Clerk shall cause this Ordinance to be published in the manner required by law. Except as otherwise provided under MCL §125.3402, this Ordinance shall be effective 30 day after publication of this Ordinance.

This Ordinance was duly adopted by the Rives Township Board at its regular meeting called and held on the __ day of _____, 2015, and was ordered given publication in the manner required by law.

Stacy Stoner, Clerk
Rives Township

Jerry Adams, Supervisor
Rives Township

Dated: _____, 2015

Dated: _____, 2015

Adopted: _____
Notice of Adoption _____
Published: _____
Effective: _____