

**RIVES TOWNSHIP
JACKSON COUNTY, MICHIGAN**

**AMENDMENT TO CHAPTER 17, RIVES TOWNSHIP CODE OF
ORDINANCES,
THE RIVES TOWNSHIP ZONING ORDINANCE**

ORDINANCE NO. 2021-1

[An ordinance to amend the Rives Township Zoning Ordinance as incorporated in Chapter 17 of the Rives Township Code of Ordinances, pursuant to authority granted under the Michigan Zoning Enabling Act (PA 110 of 2006, MCL 125.3101 et seq.)]

THE TOWNSHIP OF RIVES, JACKSON COUNTY, MICHIGAN HEREBY ORDAINS:

**SECTION I AMENDMENTS, ADDITIONS AND DELETIONS TO CHAPTER 17 OF
THE RIVES TOWNSHIP CODE OF ORDINANCES, THE RIVES
TOWNSHIP ZONING ORDINANCE**

Chapter 17 of the Rives Township Code of Ordinances, being the Rives Township Zoning Ordinance, is hereby amended as follows:

A. Article 1, Enabling Clause, Title, Purpose is amended by deleting the last sentence of Section 17.01. The new Section 17.01, as amended, is as follows:

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.

B. Article 3, General Provisions, Section 17.23, Use Regulations, is amended by deleting Section 17.23(B) and replacing it with the following new Section 17.23(B):

SECTION 17.23 - USE REGULATIONS.

B. A conditional use shall be considered only if listed as a conditional use in the zoning district in which the use is to be located, and only after a conditional use permit has been reviewed by the Planning Commission and approved by the Township Board.

C. **Article 4, Zoning Districts**, is amended by deleting the following: Section 17.55, Industrial District – I; Section 17.56, Permitted Uses; Section 17.57, Conditional Uses Requiring Township Board Approval; and Section 17.58, District Area, Yard and Bulk Regulations. The following new Sections are being added to replace the deleted Sections: Section 17.55, Light Industrial District – I; Section 17.56, Permitted Uses; Section 17.57, Conditional Uses; Section 17.57A, Industrial Dimensional Requirements; Figure 1, Section 17.57A, I-1 Industrial District Dimensional Requirements; Section 17.57B, Supplemental Industrial District Standards; and Section 17.58, District Area, Yard, and Bulk Regulations.

SECTION 17.55 LIGHT INDUSTRIAL DISTRICT – I

This District is designed to accommodate industrial, storage, and other uses that generate a minimum of noise, glare, odors, dust, vibration, air and water pollution, fire and safety hazards, or the emission of any potentially harmful or obnoxious matter or radiation or any other nuisance characteristics. It is the purpose of these regulations to permit development of the enumerated functions to protect surrounding agricultural and residential areas from incompatible industrial activities. The Township has no public water and sewer, or Class A roads suited for more intensive industrial uses. To these ends, certain intensive industrial uses are excluded which would conflict with and harm the rural character of the Township.

SECTION 17.56 PERMITTED USES.

- A. Printing, lithographic, blueprinting, commercial laundries, dry cleaning establishments, wholesale business, ice and cold storage plants, lumber, fuel and feed supply yards, and other similar uses.
- B. Light manufacturing, research, assembly, testing, and repair of components, devices, equipment, and systems of professional scientific and controlling instruments, photographic and optical goods, including the following:
 - (1) Communication, transmission, and reception equipment such as coils, tubes, semi-conductors, navigation control equipment, and systems guidance equipment.
 - (2) Data processing equipment and systems.
 - (3) Graphics and art equipment.
 - (4) Metering instruments.
 - (5) Optical devices, equipment, and systems.
 - (6) Stereo, audio units, radio equipment and systems.
 - (7) Photographic equipment.
 - (8) Radar, infrared, and ultraviolet equipment and systems.
 - (9) Scientific and mechanical instruments such as calipers and transits.
 - (10) Testing equipment.

- C. Light manufacturing, processing, or assembling of the following:
 - (1) Pharmaceutical preparation.
 - (2) Electrical machinery, equipment, and supplies, electronic equipment and accessories.
 - (3) Office, computing, and accounting machines.
- D. Research and design centers where the center intended for the development of pilot or experimental products, together with related office buildings for the research facilities where the offices are designed to accommodate executive, administrative, professional, accounting, engineering, architectural, and support personnel.
- E. Data processing and computer centers, including the servicing and maintenance of electronic data processing equipment.
- F. Warehousing, refrigerated and general storage, but not including self-storage facilities.
- G. Business service establishments such as printing and photocopying services, mail and packaging services, and typing and secretarial services.
- H. Training and/or educational centers where the centers are designed and intended to provide training at the business, technical, and/or professional level.
- I. Metal fabrication, welding, and tool and die shops.
- J. Skilled trade services including plumbing, electric, heating, welding, printing, and painting establishments.
- K. Uses similar to the above.

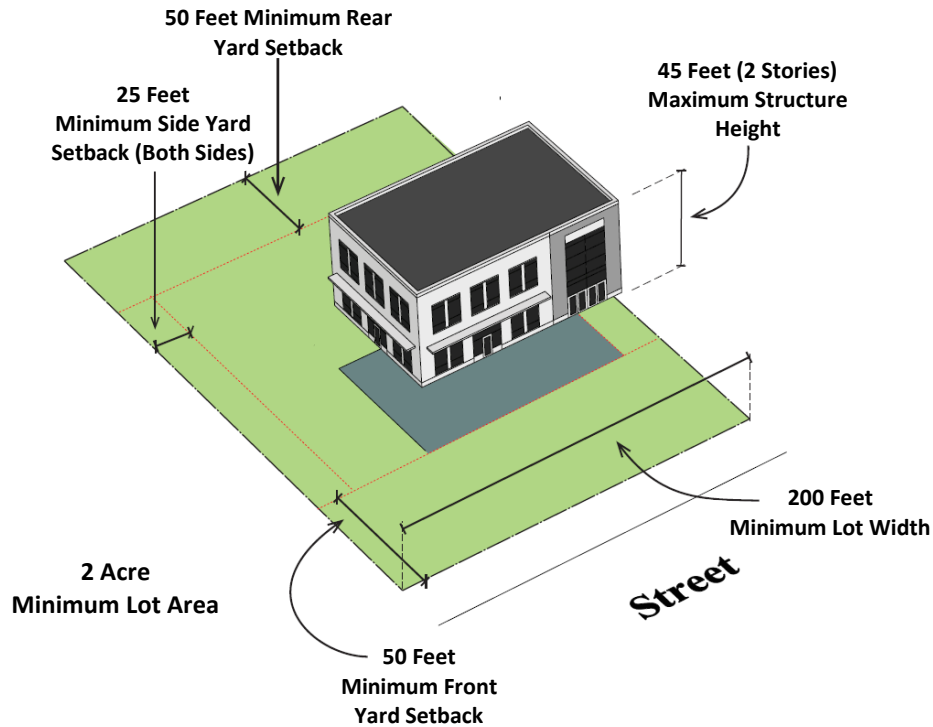
SECTION 17.57 CONDITIONAL USES.

- A. Trucking and transit terminals.
- B. Contractors' yard or contractor's storage yard.
- C. Repair garages and paint shops for autos and other vehicles, construction and farm machinery and equipment sales and repairs.
- D. Self-storage facilities.
- E. Similar uses as interpreted by the Planning Commission.

SECTION 17.57A INDUSTRIAL DIMENSIONAL REQUIREMENTS. The following dimensional requirements shall apply to development within the Light Industrial District:

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

* Communication equipment as part of a light industrial use may not exceed 100 feet.
Figure (1) 17.57A. I-1 Industrial District Dimensional Requirements



SECTION 17.57B SUPPLEMENTAL INDUSTRIAL DISTRICT STANDARDS.

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

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

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

Corner Lots – See Section 17.25

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

D. Article 7, Conditional Uses, is amended as follows:

1. Section 17.85(B)(2), Airports, is deleted;
2. Revise the numbers for the list of uses to correct and maintain a sequential numbering system for the list in Section 17.85(B) that is being disrupted by the deletion of Section 17.85(B)(2) provided for in Section I(D)(1) of this Ordinance;
3. Delete the first sentence of Section 17.85(B)(13), Planned-unit development and replace it with the following sentence:

The purpose of this section is to permit flexibility for residential and commercial developments where large tracts of land are planned with integrated and harmonious design, and where the overall design of such units is so outstanding as to warrant modification by the Planning Commission of the regulations.

4. By adding new standards and requirements for certain types of conditional uses as listed in Section 17.85(B) of the Zoning Ordinance. In addition to the current required standards and findings for specific conditional uses stated in the amended list provided for in Section 17.85(B)(1) thru (16) inclusive, the following new Section 17.85(B), subsections 17 thru 22 inclusive are added as follows:

SECTION 17.85 - REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS.

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 in addition to the standards in Section 17.85(A) above. The Planning Commission may recommend and the Township Board may impose additional conditions and safeguards when deemed necessary in accordance with this Ordinance.

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

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

conditions:

- a. Shall be on a parcel/lot not less than two (2) acres in area.
 - b. A contractor's office building shall be of permanent construction. Temporary construction trailers shall not be permitted to be occupied as the office of the contractor. Outdoor storage shall be strictly and clearly accessory to the contractor's principal office use of the property.
 - c. Open storage of building materials, sand, gravel, stone, lumber, open storage of construction contractor's equipment and supplies are allowed. An obscuring wall or fence may be required by the Planning Commission.
 - d. The location and size of areas for storage, nature of items to be stored therein, and details of the enclosure, including a description of materials, height, and typical elevation of the enclosure, shall be provided as part of the information submitted under Article 8, Site Plan Review and Approval.
19. Repair garages and paint shops for autos and other vehicles, construction and farm machinery and equipment sales and repairs shall comply with the following conditions:
- a. Shall be on a parcel/lot not less than two (2) acres in area.
 - b. Driveways shall be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.
 - c. Inoperative or unlicensed vehicles shall be stored within an obscuring wall or fence that is compatible with the surrounding area. Such storage shall not occur in front of the building front line.
 - d. Where the site abuts any residential use, protective screening may be required. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall.
 - e. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent and neighboring property.
 - f. Signs shall conform to the existing Code of Ordinance per Article 5.
20. Sales of construction or farm machinery and equipment shall be subject to the following requirements:
- a. Shall be on a parcel/lot not less than two (2) acres in area.
 - b. Driveways shall be designed to accommodate the type and volume of vehicular traffic using the site and located in a manner which is compatible with uses located adjacent to and across from the site.
 - c. Signs shall conform to the existing Code of Ordinance per Article 5.
21. Self-storage facilities are subject to the following requirements and conditions of this section:

- a. Shall be on a parcel/lot not less than two (2) acres in area.
- b. No activity other than the rental of storage units and the rental of outside storage space for recreational vehicles, boats and watercraft shall be allowed. No commercial, wholesale, retail, industrial or other business use on, or operated from, the facility shall be allowed.
- c. Only the sale of incidental supplies and similar material related to the self-storage business shall be allowed from the facilities office.
- d. The storage of any toxic, explosive, corrosive, flammable or hazardous material is prohibited inside the storage units.
- e. Other than the storage of recreational vehicles, boats and watercraft, all storage shall be contained within a building. All recreational vehicle storage shall be screened from the view of neighboring properties and public roads with coniferous landscaping not less than six (6) feet in height at the time of planting or by a solid, maintenance free fencing.
- f. The exterior design of the storage units is subject to Planning Commission review and approval and must be compatible with adjacent properties and the rural character of Rives Township. When a building is adjacent to a zoning district that permits a residential use, or the adjacent property is currently in residential use, the Planning Commission may consider the use of a building material that is aesthetically compatible.

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

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

E. **Article 8, Site Plan Review**, is amended by adding the following new Section 17.99.

SECTION 17.99 PERFORMANCE GUARANTEES, ESCROWS, DECOMMISSIONING AND RECLAMATION

- A. To ensure compliance with the provisions of this Ordinance and any conditions imposed thereunder, the Planning Commission, Township Board or Zoning Administrator may require that a performance guarantee be deposited with the Township to ensure faithful completion of improvements or rehabilitation of a site, in accordance with Section 505 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
- B. Prior to review of an application for a site plan and prior to considering its merits,

the Township may establish an amount to be deposited by the applicant with the Township Clerk as an escrow deposit to defray the actual costs incurred by the Township for review of the application by professionals that may assist the Township Board, Planning Commission or Zoning Board of Appeals in making an informed decision and may include such items as legal opinions, engineering, land use planning review, inspections, testing and other third party review that may be required based on the application. The Township shall not commence consideration of the merits of the application until the escrow deposit is received by the Township Clerk.

- C. An applicant may be required to prepare a decommissioning or reclamation plan and submit it to the Planning Commission for review and approval prior to approval of a site plan. Under this submitted plan, all structures, concrete, piping, facilities, and other project related materials above grade and any structures below-grade shall be removed offsite for disposal. In addition, the site shall be graded and planted to similar character prior to development.

SECTION II - 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 as incorporated in Chapter 17 of the Rives Township Code of Ordinances.

SECTION III - SAVINGS CLAUSE

The balance of the Rives Township Zoning Ordinance and Chapter 17 of the Rives Township Code of Ordinances, except as herein or heretofore amended, shall remain in full force and effect. The amendment 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 IV - PUBLICATION AND EFFECTIVE DATE

The Township Clerk shall cause this Ordinance to be published in the manner required by law. This Ordinance shall be effective on the day after final publication of the Ordinance, or as otherwise provided by law.

This Ordinance was duly adopted by the Rives Township Board at its regular meeting called and held on the ____ day of _____, 2021, and was ordered given publication in the manner required by law.

Judi McCord, Clerk
Rives Township

CERTIFICATION

I, Judi McCord, Clerk of Rives Township, Jackson County, Michigan, hereby certify that

the foregoing Rives Township Ordinance No. _____ was duly approved and adopted by the Township Board of Trustees of the Township of Rives in a regular meeting of said Township Board held on ____ day of _____, 2021.

I further certify that Member _____ moved for adoption of said Ordinance, and that Member _____ seconded said motion.

I further certify that the following members voted for adoption of said Ordinance: _____, _____, _____, _____, _____, and that the following members voted against adoption of said Ordinance: _____. The following members were absent: _____; and the following members abstained from voting on the adoption of said Ordinance: _____.

I further certify that after its passage the Ordinance was published in the manner provided by law on _____, in the _____.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and a copy along with this Certificate filed with the Jackson County Clerk.

Dated: _____

Judi McCord, Clerk
Rives Township