

## **AMEND**

### **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.

## **AMEND**

### **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~~ 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. 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

**ARTICLE 8 SITE PLAN REVIEW Add**

**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.

**Delete the entirety of Section 17.55 replace with the following:**

**SECTION 17.55 LIGHT INDUSTRIAL DISTRICT - I**

- A. **Intent.** 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 and harm the rural character of the Township.
- B. **Use Regulations.**
  - Permitted uses.*
    - 1. 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.

2. 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:
  - a. Communication, transmission, and reception equipment such as coils, tubes, semi-conductors, navigation control equipment, and systems guidance equipment.
  - b. Data processing equipment and systems.
  - c. Graphics and art equipment.
  - d. Metering instruments.
  - e. Optical devices, equipment, and systems.
  - f. Stereo, audio units, radio equipment and systems.
  - g. Photographic equipment.
  - h. Radar, infrared, and ultraviolet equipment and systems.
  - i. Scientific and mechanical instruments such as calipers and transits.
  - j. Testing equipment.
3. Light manufacturing, processing, or assembling of the following:
  - a. Pharmaceutical preparation.
  - b. Electrical machinery, equipment, and supplies, electronic equipment and accessories.
  - c. Office, computing, and accounting machines.
4. 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.
5. Data processing and computer centers, including the servicing and maintenance of electronic data processing equipment.
6. Warehousing, refrigerated and general storage, but not including self-storage facilities.
7. Business service establishments such as printing and photocopying services, mail and packaging services, and typing and secretarial services.
8. Training and/or educational centers where the centers are designed and intended to provide training at the business, technical, and/or professional level.
9. Metal fabrication, welding, and tool and die shops.
10. Skilled trade services including plumbing, electric, heating, welding, printing, and painting establishments.
11. Uses similar to the above.

*Conditional uses.*

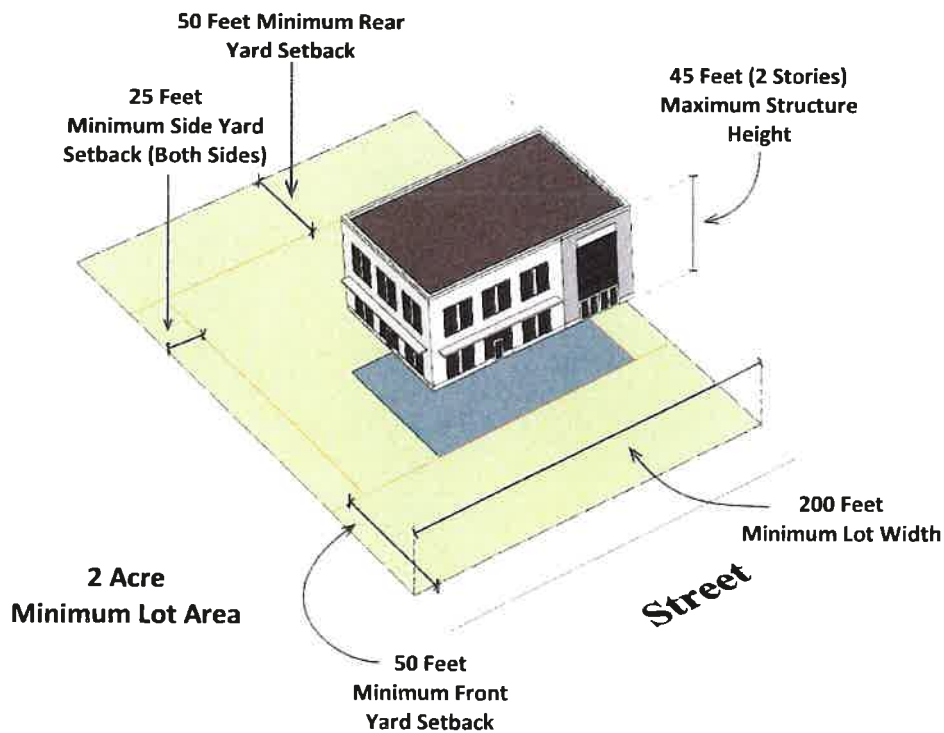
1. Trucking and transit terminals.
2. Contractors' yard or contractor's storage yard.
3. Repair garages and ~~prints-paint~~ shops for autos and other vehicles, construction and farm machinery and equipment sales and repairs.
4. Self-storage facilities.
5. Similar uses as interpreted by the Planning Commission.

C. **Dimensional Requirements.** The following dimensional requirements shall apply to development within the Light Industrial District:

Table (1) 17.55. 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) 17.55. I-1 Industrial District Dimensional Requirements**



D. **Supplemental District Standards.**

1. Site plan review shall be required for all new uses in this Section in accordance with Article 8.
2. Accessory buildings and structures shall be regulated in accordance with the requirements of Article 3.
3. 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.
4. The proposed site for any such use shall have direct access to a paved road. Parcels and/or lots shall have direct access to a paved road.

## ARTICLE 7 Conditional Uses

### Add the following to SECTION 17.85 B.

18. 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.
  
19. Contractors' yard or contractor's storage yard shall comply with the following conditions:
  - a. Shall be on a parcel/lot not less than ~~five~~ 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. ~~Only products, materials and equipment owned and operated by the principal use shall be permitted for storage. Storage of all motorized equipment shall be on a paved surface.~~
  - ~~e. Storage shall not be located within the required front yard. Stored materials shall not be located in any required parking or loading space(s). Storage of any kind shall not interfere with ingress and egress of fire and emergency vehicles and apparatus.~~
  - ~~e-c.~~ e-c. Open storage of building materials, sand, gravel, stone, lumber, open storage ~~or of~~ construction contractor's equipment and supplies, ~~provided such are enclosed within an~~ are allowed. An obscuring wall on those sides abutting any residential district and on any front yard abutting a public thoroughfare or fence may be required by the Planning Commission. Storage shall be screened from the view of a public street and adjacent properties.
  - ~~e-d.~~ e-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.
  - ~~f. The loading and unloading of equipment shall be conducted entirely within the site and shall not be permitted within a public right of way.~~
  
20. 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 ~~five (5)~~ two (2) acres in area.

- ~~b. — Entrances shall be not less than thirty (30) feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts. No more than one (1) curb opening shall be permitted for each fifty (50) feet of frontage or major fraction thereof along any street. No driveway or curb opening shall be located nearer than ten (10) feet to any corner or exterior lot line. No driveway shall be located nearer than thirty (30) feet to any other driveway serving the site.~~
- ~~c. — All service, repair, modification, and other activity shall be entirely enclosed within a building.~~
- ~~d. — The installation of new booths shall be in compliance with Michigan's building, electrical, and mechanical codes and will be enforced by the Rives Township Building Department. The subsequent operation and maintenance of the booths shall comply with either a national fire prevention code or the State Rules for Fire Prevention promulgated under the authority of the Michigan Fire.~~
- e-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.
- ~~f.c. — Inoperative or unlicensed vehicles shall be stored within an obscuring wall or fence that is compatible with the surrounding area. Inoperative or unlicensed vehicles shall not be stored outside for more than seven (7) days. Such storage shall not occur in front of the building front line.~~
- ~~g-d. — Where the site abuts any residential use, protective screening may be required. Where the site abuts any residentially zoned district, the requirements for protective screening shall be provided. All masonry walls shall be protected by a fixed curb or barrier to prevent vehicles from contacting the wall.~~
- h-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.
- ~~i. — All combustible waste and rubbish, including crankcase draining's, shall be kept in metal receptacles fitted with a tight cover until removed from the premises. Sawdust shall not be kept in any gasoline service station or place of storage therein, and sawdust or other combustible material shall not be used to absorb oil, grease or gasoline.~~
- ~~f.f. — Signs shall conform to the existing Code of Ordinance per Article 5. No advertising signs may be placed on site other than the permitted maximum wall and/or ground sign area per Article 5. The prohibited signs include banners and flags.~~

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

~~a-~~ No person shall offer, show, or display for sale a construction or farm machinery and equipment unless such use is permitted within the zoning district and the person is in possession of a valid dealer license for said property, subject to the following requirements:

~~1-a.~~ 1.a. Shall be on a parcel/lot not less than ~~five~~ two (25) acres in area.

~~2. — Separation shall be made between the pedestrian sidewalk and vehicular parking and maneuvering areas with the use of curbs, wheel stops, greenbelts or traffic islands.~~

- ~~3. All activities related to vehicle washing, service and repair equipment shall be entirely enclosed within a building.~~
- 4.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.
- ~~5. Inoperative vehicles or discarded or salvaged materials shall not be stored outside.~~
- ~~6. Signs shall conform to the existing Code of Ordinance per Article 5. No banners or flags are permitted except as permitted in Article 5.~~
- ~~7. A landscaped greenbelt measuring a minimum of twenty (20) feet in width shall be provided along all perimeters. No sales of any type shall be displayed within the required greenbelt.~~
- ~~8. Where outdoor sales area abuts any residentially zoned or used property, a protective landscape buffer not less than twenty five (25) feet wide shall be provided.~~
- ~~9. There shall be no broadcast of continuous music and/or announcements over any loudspeaker or public address system.~~

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

- a. Shall be on a parcel/lot not less than five (5) acres in area.
- b. No activity other than the rental of storage units and the rental of outside storage space for ~~operable and licensed~~ 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. ~~Fuel stored in motor vehicle tanks of cars, boats or other motorized devices may be subject to separate regulation by the proprietor.~~
- ~~e. All batteries shall be disconnected from motor vehicles, boats, lawn mowers or similar property to be stored inside a storage unit.~~
- f.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.
- g.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 ~~P~~planning ~~C~~ommission may consider the use of a building material that is aesthetically compatible.
- ~~h. All storage units must be accessible by safe circular drives clearly marked to distinguish direction (if one way) and separate from parking lanes. Parking lanes a minimum of ten~~



~~(10) feet wide shall be provided for loading and unloading adjacent to all storage units. A combination parking lane driveways must meet the following minimum standards:~~

- ~~1.g.~~ When storage units open onto one (1) side only, twenty-six (26) feet wide for one-way traffic, and thirty (30) feet for two-way traffic.
- ~~2.h.~~ When storage units open onto both sides thirty-six (36) feet wide for one-way traffic and forty (40) feet for two-way traffic.
- ~~i.~~ A residence for a caretaker or watchman is permissible and is subject to reasonable conditions that may be imposed by the planning commission as well as the following:
  - ~~1.i.~~ The caretaker or watchman's residence must have at least the minimum square footage of living space to meet the zoning ordinance's requirements for a single-family residence, not including the office space for the self-storage facility.
  - ~~2.j.~~ Exterior design of the caretaker or watchman's residence is subject to the review and approval of the planning commission.
  - ~~3.k.~~ The caretaker or watchman's residence is subject to all area and setback requirements of the district that it is located in.
  - ~~4.l.~~ The maximum height of the caretaker or watchman's residence shall be thirty-five (35) feet or 2.5 stories.
- ~~j.~~ *Parking requirements.* One (1) space for every one hundred fifty (150) self-storage units with a minimum of three (3) spaces to be provided adjacent to the office.
- ~~k.~~ Direct ingress and egress shall be from a paved public road.
- ~~l.~~ *Waiver.* Where the planning commission determines that compliance with all of the above standards are unreasonable, the 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:
  - ~~1.~~ That architectural or structural integrity and quality are not undermined.
  - ~~2.~~ 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.

# MEETING OF THE RIVES TOWNSHIP PLANNING COMMISSION (PC)

## REGULAR MEETING

### HELD – AT LANSING AVENUE FIRE STATION, 8682 Lansing Avenue

February 24, 2020

Meeting called to order at 6:30 pm

Members present: Roger DeCamp – chairman, Dwight Carmer – vice-chairman, Adam Williams- member, Debbie Miller- ex-officio member from the Township Board (TB), and Jim Lindstrom- secretary.

Adam Williams added item #3 to agenda – consideration of public comment guideline #7. Motion by Mr. Carmer, 2nd by Mr. Williams to approve agenda as amended. All ayes.

Mr. Williams made motion to approve minutes of 1-27-2020 regular PC meeting, 2<sup>nd</sup> by Mr. Carmer. All ayes.

Chairman asked for reports. Mr. Carmer reported that no ZBA meeting had been necessary. Mrs. Miller reported that no regular TB meeting had occurred since last PC meeting. Mrs. Miller reported that Kelly Wood appreciated the research and report that had been conducted on the Wolverine Boiler zoning history. No other reports from members.

#### BUSINESS:

1. Zoning ordinance review – Mr. Carmer lead an ordinance review of private road or street and whether it conflicted with the Section 17.58 matrix. Language and definitions from varies pages of the Code of Ordinances (p. 29, 30, 31, 65 and 74) were reviewed. It was concluded that Mr. Carmer would conduct this discussion as part of the joint TB/PC meeting if it is held. It was also concluded that a footnote could be added to the Matrix page to clarify that road frontage of a private road or easement is not the same as lot frontage as explained in Chapter 10. Members were challenged to develop language for the footnote. Approval of this could be part of a future public hearing.
2. Industrial District – The members discussed and reviewed Draft # 5 updated by CWA from instructions given after the previous review by the members. The following changes will be given to CWA to update for Draft #6; (these are referenced from the red letter addition) a) on page 7 21 a delete the 3 lines that begin with “no person shall offer, .....”, b) page 8 22a change 5 acres to 2 acres, c) page 9 delete 1g and 2h completely, d) page 9 delete 1i, 2j, 3k, and 4l completely, therefore #22 includes only items a-f, e) page 9 language for “waiver “ including point 1 and 2 will be retained as printed and labeled #23, f) all previously deleted items are confirmed for deletion as shown on the red letter copy. Chairman will provide these to CWA and draft #6 will be provided for review at next PC meeting.
3. Public comment #7 consideration – Mr. Williams lead discussion of Open Meetings Act (OMA) regulations and understanding of citizens’ rights to make comment during the time allowed for public comments. After member discussion Mr. Williams made a motion to remove guideline #7,

2nd by Mr. Lindstrom, motion passed 3 yes 2 no. Remainder of public comment guidelines in place were discussed. The following was concluded: 1. to ensure that everyone that would like to speak gets an opportunity to be heard, comment and floor time is 3 minutes per speaker. 2. The chairman will recognize you by the sign-up sheet for comments. 3. Please state your name and where you are from for the record. 4. Please refrain from profanity and personal attacks. Motion by Mr. Decamp 2<sup>nd</sup> by Mrs. Miller. All ayes. The purpose of the guidelines is to provide an opportunity for an orderly and efficient meeting.

Public comment was taken from the sign in sheet at 7:45 pm.

1. John Brennan (resident) expressed concern about language in proposed industrial ordinance that would negatively affect his property.
2. Linda DeBruller (non-resident) said it would help citizens follow discussion if written information could be projected on the wall screen, thanked Mr. Williams for his OMA comments, and she had concerns as to what #23 "waiver" language covers.
3. Vercilla Hart (resident) thanked Mr. Williams for OMA comments, had concern about "waiver" language, thinks "masonry wall" should be required to protect buildings, and suggested that CWA be tasked with evaluating Industrial District language to accomplish "ruralness".
4. Lisa Manwell (resident) made reference to section 17.23 and had concern about "waiver" language.
5. Magen Short (non-resident) stated that PC was keeping the citizens from getting copies of drafts of Industrial district , stated concern about "waiver" language
6. Joseph Yang (resident) said that removing guideline #7 was a good action by the PC and referred to his 1-28-2020 email to the Clerk (supplied to the PC) discussing the OMA issues.
7. Donna Domm (resident) thanked Mr. Williams for his OMA comments.
8. Stacy Stoner (resident) commented that for industrial district 2 acre minimum is too small, thanked Mr. Williams for his OMA comments, stated that PC shouldn't use profanity.

Chairman asked if anyone else wanted to make public comment. None did.

Public comment closed at 8:02 pm

Motion by Mr. Carmer 2<sup>nd</sup> by Mr. Williams to adjourn meeting at 8:03 pm.

**Next regular PC meeting will be held Monday March 23, 2020 at 6:30 pm at the Lansing Avenue Fire Station, 8682 Lansing Avenue.**