

Zoning Ordinance of Rock River Township

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**ZONING ORDINANCE
ROCK RIVER TOWNSHIP**

THE TOWNSHIP OF ROCK RIVER HEREBY ORDAINS:

An Ordinance to establish zoning districts and regulations governing the development and use of land within Rock River Township, in accordance with the provisions of the Michigan Zoning Enabling Act (ZEA), Public Act 110 of 2006, MCL 125.3101, et. Seq.; to provide for regulations governing nonconforming uses and structures; to provide for a Zoning Board of Appeals and for its powers and duties; to provide for permits, fees, penalties and other administrative provisions to enforce this Ordinance; and to provide for regulations regarding conflicts with other ordinances or regulations.

ARTICLE I: ZONING

Section 101 Purpose

- A. Pursuant to the authority conferred by the Public Acts of the State of Michigan, this Ordinance has been established for the purpose of:
1. Promoting and protecting the public health, safety, and general welfare;
 2. Protecting and conserving the character and social and economic stability of residential, commercial, agricultural, industrial and other use areas;
 3. Securing the most appropriate use of land;
 4. Protecting the character and stability of the Township's valuable natural resources-agricultural lands and forests;
 5. Promoting the orderly and beneficial development of residential and nonresidential areas within Rock River Township;
 6. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, access and privacy to protect the public health;
 7. Lessening and avoiding congestion or other traffic related problems on the public highways and roads;
 8. Providing for the needs of forest resource production, housing, and commerce for future growth;
 9. Protecting the public and adjacent uses from fire, explosion, noxious fumes or odors, excessive heat, dust, smoke, glare, noise, vibration, radioactivity, and other health and safety hazards;

10. Preventing the overcrowding of land and undue concentration of buildings and structures so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
11. Enhancing social and economic stability in the Township;
12. Conserving the taxable value of land, buildings and structures in the Township;
13. Enhancing the aesthetic desirability of the environment throughout the Township;
14. Conserving the expenditure of funds for public improvements and services to conform with the most advantageous uses of land;
15. Facilitating adequate and economical provision of transportation, water, sewers, schools, recreation and other public requirements.

Section 102 Short Title

- A. This Ordinance shall be known and may be cited as the Rock River Township Zoning Ordinance of the Township of Rock River, County of Alger, Michigan.

Section 103 Designation

- A. The Rock River Township Planning Commission is hereby designated the Commission as specified in Public Act 110 of 2006, MCL 125.3101, et. *seq.* Under said Act, it shall be the duty of the Commission to advise the Township Board on matters of planning.

Section 104 Violations; Penalties and Nuisances

- A. The failure to comply with provisions of this ordinance shall constitute a violation of this ordinance. Every day on which a violation exists shall constitute a separate offense.
- B. Violations of the provisions of this Ordinance or failure to comply with its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans shall constitute a municipal civil infraction. Any person or entity who admits responsibility or is adjudged to be responsible for a violation of this Ordinance, or fails to comply with any of its requirements, shall, upon admission or judgement, pay a civil fine of not less than fifty dollars nor more than five hundred dollars, plus costs and other sanctions, for each infraction. A separate infraction shall be deemed committed each day during or on which a violation occurs or continues.

- C. Any building, structure or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.
- D. In addition to any other civil remedies provided for in this Ordinance, the Township Board may also institute proceedings for injunction, mandamus, abatement, or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The imposition and payment of any civil penalty shall not exempt the violator from compliance with provisions of this Ordinance.

Section 105 Effective Dates

- A. This Ordinance shall become effective 30 days after publication of the notice of adoption in the *Munising News* per MCL 41.184(2)(a).

ARTICLE II: DEFINITIONS

Section 201 Construction of Language

- A. The following rules of construction shall apply to the text of this Ordinance:
1. All words and phrases shall be construed and understood according to the common and approved usage of the language. Technical words and phrases that have a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.
 2. The particular shall control the general.
 3. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
 4. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
 5. The word "use" includes the words structures and buildings associated with such use.
 6. When not inconsistent with the context, words in the present tense shall include the future and words in the singular number shall include the plural.
 7. The word "building" includes the word "structure," and the word "dwelling" includes the word "residence." A "building" or "dwelling" includes any part thereof.
 8. The words "used" or "occupied" include the words "intended," "designed," or "arranged" to be used or occupied.
 9. The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.
 10. The word "lot" includes the words "plot" and "parcel."
 11. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "eitheror," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

- c. "Either . . . Or" indicates that the connected items, conditions, provisions, or events shall apply singular but not in combination.
- 12. Words in the singular number shall include the plural number and words in the plural number shall include the singular number. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
- 13. Whenever a reference is made to several sections and the section numbers are connected by the word "to," the reference includes both sections whose numbers are given and all intervening sections.

Section 202 Definitions

A. For the purpose of this Ordinance words pertaining to access, building, property, land use, building use, building measurement, and enforcement shall have the following meaning:

- 1. Accessory Building: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.
- 2. Accessory Housing: As defined in Article VIII, Section 804E.
- 3. Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.
- 4. Adult Foster Care Family Home: A private home with the approved capacity to receive six or fewer adults to be provided with foster care for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee must be a member of the household and an occupant of the residence. (Adult Foster Care Licensing Act, P.A. 218 of 1979).
- 5. Adult Foster Care Large Group Home: A licensed facility with approved capacity to receive at least 13 but not more than 20 adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation. (Adult Foster Care Licensing Act, P.A. 218 of 1979).
- 6. Adult Foster Care Small Group Home: A licensed facility with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation. (Adult Foster Care Licensing Act, P.A. 218 of 1979).

7. Agriculture: The art or science of cultivating the ground, including the harvesting of crops and by extension tree farming, the rearing, reproducing and managing of livestock as defined by the State of Michigan, and poultry or other animals upon the ground in fields or pastures or pens and including certain recreational activities including, but not limited to, horseback riding, corn mazes and game bird hunting.
8. Alley: A public or legally established thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.
9. Alterations: Any change, addition or modification to a structure or type of occupancy or use, any change in the structural members of a building, such as walls, or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."
10. Apartment: A dwelling unit within an apartment building.
11. Apartment Building: A residential structure containing three or more attached one family dwellings.
12. Animal Boarding Facility: Any building, structure or land, or any portion thereof, which is used, intended to be used or arranged for the boarding, or care of animals, but excluding a farm, riding stables, pet shop, or veterinarian's office.
13. Area, Sign: The entire area within a circle, triangle, parallelogram or other polygon enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background on which it is placed; excluding the necessary support or uprights on which the sign is placed. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel, or background, the area of such a sign shall be computed using the dimension of the rectangle which touches the outermost points of the sign. In the case of a two-sided identification sign where both sides are used, only one side shall be considered in calculating the total area.
14. Attached Wireless Facilities: Wireless communication facilities affixed to existing structures, including but not limited to existing buildings, towers, water tanks or utility poles.

15. Automotive Repair Facility: A premise where the following services may be carried out in a completely enclosed building: where general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles takes place.
16. Automotive Body Work Facility: A premise where the following services may be carried out in a completely enclosed building: collision services such as body, frame or fender straightening and repair; painting and undercoating of automobiles.
17. Basement: The portion of a building which is partly, or wholly below grade but so located that the vertical distance from an average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from an average grade to the ceiling is more than five feet, such basement shall be rated as a first story.
18. Bed and Breakfast Establishment: A single family residence structure that has six or fewer sleeping rooms, including rooms occupied by the inn keeper, one or more of which are available for rent to transient tenants by the day or week(s), but in no event longer than 28 days in a 90-day period. The structure is also the innkeeper's primary residence and the innkeeper shall be present at any time there is a tenant in the residential structure. The innkeeper shall provide breakfast or grocery supplies equivalent to breakfast at no extra cost to its transient tenants.
19. Berm: A man-made, formed, earth mound of definite height and width used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.
20. Billboard: Any structure or portion designated or intended to be used for posting, painting, or otherwise affixing any advertising sign, which advertising sign does not pertain to the premises or to the use of premises on which the billboard is located or to goods sold or services rendered or activities conducted on such premises. Such structure is referred to as an Off-Premises Sign in this ordinance.
21. Block: The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, stream, or other barrier to the continuity of development.
22. Bluff: An embankment rising sharply from the ground or water's edge.
23. Boat Launch: A facility designed to accommodate the launching of shallow draft watercraft via a ramp extending into a water body. A small courtesy pier for the loading and unloading of passengers, etc. may be located at the ramp. For the purposes of this definition, parking shall be a maximum of ten spaces.
24. Boat Livery: An establishment for the renting of boats, canoes and other similar vessels to the public and may include the sale of gasoline and oil.

25. Breezeway: A covered structure connecting an accessory building with the principal dwelling unit. For purposes of determining yard and area requirements, such buildings shall be considered as one integral unit.
26. Buffer: A strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.
27. Building: Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. (This shall include tents, awnings, or vehicles situated on private property and used for such purposes.)
28. Building Height for Principal Building: The vertical distance measured from the established grade of the center of the front of the building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof. Where a building is located on sloping terrain, the height shall be measured from the average ground level of the grade at the building wall.
29. Building Height for Accessory Structure: The vertical distance measured from the lowest ground elevation to the highest point of the structure.
30. Building Line: A line formed by the face of the building.
31. Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is located.
32. Bulletin Board: A sign whose primary purpose is to announce events or other occurrences related to the premise.
33. Business: The occupation or means of a livelihood that occupies the time, attention and labor of persons for the purpose of profit or improvement outside the home.
34. Business Services: Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply service.
35. Carport: A partially open structure, intended to shelter one or more vehicles.

Such structure shall comply with all yard requirements applicable to private garages.

36. Carwash: A lot on which motor vehicles are washed or waxed, either by the patron or by others, using machinery specifically designed for the purpose.
 37. Cemetery: A place for the internment of the dead.
 38. Church: A building whose primary purpose is the regular assembly for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.
 39. Clinic: A place where medical or dental care is furnished to persons on an outpatient basis by two or more licensed health care professionals.
 40. Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or similar activities, but not operated for profit and open only to members and not the general public.
 41. Co-Location: The location of two or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, to reduce the overall number of structures required to support wireless communication antennas within the township.
- Commercial Production: the act of producing an item to be marketed and sold at at a profit.
42. Commercial Vehicle: A motor vehicle registered as a commercial vehicle.
 43. Conditional Use Permit: A permit issued by the Planning Commission to a person or persons intending to undertake the operation of a use upon land or within a structure or building specifically identified in the affected Zoning District under Conditional Uses Authorized by Permit. These Conditional Uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the Township's inhabitants.
 44. Contiguous Property: Any portion of an individual's lot or property which can be identified as one parcel, including those properties in the same ownership which would otherwise be touching except for a public right- of-way or easement running through them. Property which is joined at a common point is not considered contiguous property.
 45. Contractor Yard: An area intended for the storage of materials and equipment

used for construction, road building, and forestry operations.

46. Convenience Store: A retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.
47. County Board: Alger County Board of Commissioners.
48. Day Care Facility, Commercial: A day care operation located in a structure whose principal use is that of a day care facility, and is not the residence of the operator or any other person. Such facility shall be licensed and regulated under P.A. 116 of 1973.
49. Day Care Facility, Family: A day care operation located in and subordinate to the residential use of the residence of the operator of the facility, which provides day care services for six or fewer children, and which is licensed or registered under P.A. 116 of 1973.
50. Day Care Facility, Group: A day care operation located in and subordinate to the residential use of the residence of the operator of the facility, which provides day care services for seven to 12 children, and which is licensed or registered under P.A. of 116 of 1973.
51. Directional Sign: A sign which gives a name, location, and general nature of a specific establishment or attraction and is intended to give directions to that place.
52. Double-faced Sign: An off-premise sign with two adjacent faces oriented in the same direction and not more than 10 feet apart at the nearest point between the two faces.
53. Drainfield: That part of the on-site sewage disposal system that distributes the overflow of effluent from a septic tank or other sewage treatment facility in an arrangement of absorption trenches, dry wells, or seepage beds below the ground surface, so as to allow the effluent to be absorbed by the surrounding soil.
54. Drive-In/ Drive-Thru Facility: A business establishment with driveways and approaches so developed and designed so as to serve customers or patrons while in the motor vehicle, or permit customers or patron self-service within a motor vehicle.
55. Dwelling, Two Family: A building designed exclusively for occupancy by two families, living independently of each other (also called “duplex”).
56. Dwelling Unit, Multi-Family: A single structure containing more than two

dwelling units each designed for residential occupancy by one family, including condominiums.

57. Dwelling Unit: A structure with one or more rooms including bathroom, bedroom, and kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes. A dwelling unit does not include recreational vehicles or tents.
58. Dwelling, One-Family: A building designed exclusively for and occupied exclusively by one family.
59. Dwelling, Multiple-Family: A building, or portion, designed exclusively for occupancy by three or more families living independently of each other.
60. Earth Sheltered Building: A building which is partially or entirely below grade and is designed and intended to be used as a single-family dwelling.
61. Erected: Any physical operations on the premises required for the construction or moving on and includes construction, reconstruction, alteration, building, excavation, fill, drainage, installation of utilities and the like.
62. Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including office buildings, substations, or structures which are enclosures or shelters for service equipment or maintenance depots.
63. Excavation: Any breaking of ground, except common household gardening, general farming and ground care.
64. Family: An individual, or two or more persons related by blood, marriage or adoption, or parents along with their direct lineal descendants, and adopted or foster children, or a group not to exceed three persons not related by blood or marriage, occupying a premises and living as a single cooking, sleeping, and bathroom housekeeping unit. Every additional group of three or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance. Said definition shall not apply in instances of group

care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.

65. Farm: Land including plants, animals, buildings, structures, ponds, machinery and equipment used in the commercial production of farm products.
66. Farm Market: A structure or area where the far products from an affiliated (under the same ownership or control) farm are marketed/offered for sale to customers. At least 50% of the farm market's products must be from the affiliated farm.
67. Farm Operation: Operation and management of a farm including preparation, maintenance, harvesting and storage of items necessary in the commercial production of farm products.
68. Farm Products: Plants, animals or other items produced by agriculture including certain recreational activities including, but not limited to, horseback riding, corn mazes and game bird hunting.
69. Feasibility of Co-Location: That the wireless communication provider or property owner where co-location is proposed will accept market rent or other market compensation for co-location and the wireless communication provider seeking the facility will pay such rates; the site on which co-location is being considered is able to provide structural support; and the co-location is considered technically reasonable.
70. Fence: An artificially constructed barrier of wood, metal, stone, or any manufactured materials erected for the separation of yard areas.
71. Fence, Obscuring: A structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.
72. Filling: The depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance.
73. Floor Area, Gross: The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure. Unenclosed porches, courtyards, or patios (whether covered or uncovered), basements, and breezeways shall not be considered as a part of the gross floor area unless used for commercial purposes, such as nursery beds or sales of outdoor equipment.
74. Floor Area, Usable: The ground and nonground floor area used, or intended to be used, for the sale of merchandise or services or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for

the storage or processing of merchandise, or for utilities, shall be excluded from this computation of "Usable Floor Area." For the purposes of computing parking for the sale of merchandise, display of merchandise, and/or area used to serve patrons or clients shall be measured to determine necessary parking spaces.

75. Floor Area Ratio: A ratio derived by dividing the gross floor area of a building(s) by the lot area.
76. Garage Apartment: As defined in Article VIII, Section 804G.
77. Garage, Residential: An accessory building, or portion of a principal building, designed or used solely for the noncommercial storage of motor vehicles, boats, and similar items.
78. Garage Sale: The sale of used household items, clothing, crafts and assorted secondhand objects held at a residence. The sale may take place in residential garage, yard, or residence. Also known as barn sale, rummage sale, or yard sale.
79. Gasoline Service Station: A structure used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, minor motor repair, or servicing, but not including bumping, painting, refinishing, or conveyor-type car wash operations.
80. Grade: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure. The average of all faces shall be used to determine the height of a structure.
81. Gravel Pit: An open land area where sand, gravel and rock fragments are mined or excavated for sale or off-tract use.
82. Greenbelt: A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.
83. Habitable Building: A structure designed and intended as a dwelling unit or a structure used as a commercial establishment for permanent retail sales and/or manufacturing operations.
84. Home Occupation: Home occupation means a use or occupation conducted

within an enclosed accessory building or within a residence which is clearly incidental and secondary to residential occupancy.

85. Hotel: A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms, entertainment and recreational facilities. The use also refers to the term “motel”.
86. Identification Sign: A sign which pertains to the use of a premise and contains any or all of the following information:
 - a. The occupant of the use.
 - b. The address of the use.
 - c. The kind of business and/or the principal commodity sold on the premise.
87. Industrial Park: A tract of land that is planned, developed and operated as an integrated facility for a number of individual industrial uses.
88. Industry: Those fields of economic activity including forestry; fishing; hunting; trapping; mining; construction; manufacturing; transportation; communication; electric, gas, and sanitary services; and wholesale trade.
89. Junk Yard: An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "Junkyard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.
90. Kennel: Any establishment, building, other structure or land or any portion thereof including a dwelling which is used, intended to be used, or arranged for the housing of three or more dogs, not counting puppies less than 4 months old, for the purpose of show, hunting, practice, tracking, competition, recreation, obedience trials, breeding or sale, excluding pet shop, dogs accessory to a farm, and dogs in the care of a veterinarian or housed in a veterinarian clinic.
91. Loading Space: An off-street space on the same lot with a building, or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
92. Lodge: A building or group of buildings under single management containing both rooms and dwelling units available for temporary rental to transient individuals or families.
91. Lot: A parcel of land, excluding any portion in a street or road right-of-way, of at least sufficient size to meet minimum requirements for use, coverage and lot area,

and to provide such setback area and other open space as required by this Ordinance. Such lot shall have access to a public street, and may consist of:

- a. A single lot of record;
 - b. A portion of a lot of record;
 - c. Any combination of complete and/or portions of lots of record; or
 - d. A parcel of land described by metes and bounds in a recorded deed or by number in a recorded plat, provided that in no case of division or combination shall the area of any lot or parcel created, including residuals, be less than that required by this Ordinance.
92. Lot Area: The area of land within the boundary of a lot which is bounded by any front lot lines, the right-of-way line of the highway on which it fronts, and the side lot lines intersecting the front lot line at its ends extended to the rear property (lot) lines, excluding any part beyond the ordinary high water mark.
93. Lot, Corner: A lot which has at least two contiguous sides abutting upon a street for their full length.
94. Lot Coverage: The part or percent of the lot occupied by buildings, including accessory buildings.
95. Lot, Depth of: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.
96. Lot, Double Frontage: Any interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.
97. Lot, Interior: Any lot other than a corner lot.
98. Lot Lines: The lines bounding a lot as defined herein:
- a.. Front Lot Line: In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot, the front lot line is that line separating said lot from that street which is designated as the front street in the plat and in the application for a building permit or zoning occupancy permit. In the case of a double frontage lot both lot lines abutting on streets shall be treated as front lot lines. In the case of waterfront properties, the front lot line is the ordinary high water mark (see Section 401).
 - b. Rear Lot Line: The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front

lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.

c. Side Lot Line: Any lot lines other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

99. Lot of Record: A lot on a map or a deed recorded with the County Register of Deeds, or described in a land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgment of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described.
100. Lot, Through: A double frontage lot, not a corner lot, having a street for both front and rear lot lines.
101. Lot, Width: The straight line horizontal distance between the side lot lines, measured at the front lot line.
102. Lumber Yard: An establishment where dimensional lumber is sold.
103. Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins or liquor.
104. Manufacturing, Light: Establishments where the finished product generally consists of small machine parts, small electronic equipment or similar items. Motors used in light manufacturing operations shall not be in excess of 10 horsepower. Light manufacturing operations shall be located within the principal building. Noise emanating from a light manufacturing building will be less than 90 decibels.
105. Marquee: A roof-like structure of a permanent nature projecting from the wall of a building.
106. Mineral: An organic or inorganic substance in the earth having a consistent and distinctive set of physical properties and composition that can be expressed by a chemical formula and includes, but not limited to, iron ore, copper, sand, gravel, stone, gypsum, peat, silver, gold, diamonds and other precious and semiprecious stones, and uranium.
107. Mining: The extraction of minerals including the actual removal, processing and transportation of minerals and attendant by-products.

108. Minimum Landscape Open Space: The percentage of a lot area which must be maintained in grass or other living vegetation.
109. Mobile Home: A structure, transportable in one or more sections, which is built on a 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, and electrical systems contained in the structure. A mobile home does not include a recreational vehicle. Minimum mobile home requirements are detailed in Article IV, Section 417.
110. Mobile Home Park: A parcel or tract of land under the control of a person upon which three or more mobile (manufactured) homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.
111. Modular (Pre-Manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modulares or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.
112. Multi-Use Recreation Area: A recreation facility where two or more separate recreational uses occupy or utilize the same parcel.
113. Multi-Family Dwelling Complex: Two or more structures on the same parcel, each containing more than two dwelling units. Each dwelling unit is designed for residential occupancy by one family.
114. Nonconforming Building (Nonconforming Structure): A building or structure (or portion) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located. (Refer to Article VIII Non-Conforming Uses and Structures)
115. Nonconforming Use: A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated. (Refer to Article VIII Non-Conforming Uses and Structures)

116. Nursing Home: An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.
117. Occupied: Includes the meaning of intent, design or arranged for occupancy.
118. Off-Street Parking Lot: A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering so as to provide access for entrance and exit for the parking of automobiles.
119. Off-Premise Outdoor Advertising Sign: A sign, including the supporting sign structure, which is visible from a street or highway and advertises goods or services not usually located on the premises and/or property upon which the sign is located; also called a “billboard.” The following shall not be considered an off-premise sign for the purposes of this ordinance:
- a. Directional or official signs authorized by law;
 - b. Real estate signs;
 - c. On-Premise signs.
120. On-Premise Outdoor Advertising Sign: A sign which advertises the primary goods or services sold or taking place upon the premises on which the sign is located.
121. On-Site Sewage Disposal System: The sanitary sewage treatment and/or disposal device installed to service an individual home, business, or industrial establishment in areas not served by municipal sanitary sewers.
122. Open Space Ratio: The ratio between open space on the lot, whether required or not, and the total lot area.
123. Open Space, Required: The yard space of a lot which is established by and between the street, or the lot lines and required setback line and which shall be open, unoccupied and unobstructed by any structure or any part , except as otherwise provided in this Ordinance.
124. Ordinary High Water Mark: The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is markedly distinct from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark.

125. Parking Lot: A use containing one or more parking spaces located at, above or below grade accessible for the storage or parking of permitted vehicles, including drives and entrance giving access thereto.
126. Parking Space: An area of definite length and width and shall be exclusive of drives, driveways, aisles or entrances giving access and shall be fully accessible for the storage or parking of permitted vehicles.
127. Pet: An animal kept for amusement or companionship.
128. Permitted Use: The use permitted by right in the zoning district.
129. Personal Services: A type of business providing services for personal atonement and exercise, such as health clubs, hair salon, spas, chiropractic services, etc.
130. Planning Commission: The Planning Commission of the Township of Rock River. (See Article X)
131. Premises: A lot as otherwise used in this Ordinance.
132. Principal Floor Area: The total of all floor areas of a structure, excluding stairwells, elevator shafts, unfinished basements, garages, porches, decks, breezeways, unfinished attics, that could be used for human occupation.
133. Principal Structure: The main structure or building to which the premises are devoted.
134. Principal Use: The main use to which the premises are devoted.
135. Private Club: A building and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational, or cultural enrichment of its members and not primarily for profit, and meet certain prescribed qualifications for membership.
136. Public Utility: Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, steam, electricity, sewage disposal, refuse removal, transportation, water or communications (including, radio, telephone, telegraph, television, cable, or fiber optics but excluding communication towers and facilities).
137. Reclamation Plan: A plan for reconditioning or rehabilitating of a mining area or portions for useful purposes, and the protection of natural resources, including,

but not limited to the control of erosion, visual blight and the prevention of land or rock slides and air and water pollution.

138. Recreation Facility: A place designed and equipped for the conduct of sports and leisure-time activities.
139. Recreational and Residential Storage Facility: A structure or group of structures for the storage of customers' residential goods and wares, recreational vehicles and related equipment.
140. Recreational Structure: A cabin, cottage, camp, hunting camp, mobile home or other similar structure used intermittently for recreational or vacation purposes and which is not a permanent place of domicile or residency of the owner, his or her agents, lessees, heirs or assigns.
141. Recreational Vehicle: A vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers, and motor homes.
142. Rental Home: As defined in Article VIII, Section 804F.
143. Resort: A facility for transient guests where there are a number of recreational features or activities including but not limited to such facilities as swimming pools, tennis courts, golf courses, restaurants, camping, hotel/motel accommodations, skiing, trails, horseback riding, boating.
144. Resource Professional: A person or agency having expertise in soil, forestry, or wildlife habitat and qualified to provide recommendations on plant materials suitable for use as a greenbelt.
145. Restaurant: An establishment where food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns, nightclubs, and any fast food establishments permitting consumption on the premises.
146. Retail Sales: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Retail sales establishments are: (1) the establishment is usually a place of business and is engaged in activity to attract the general public to buy; (2) the establishment buys and receives as well as sells merchandise; (3) it may process or manufacture some of the products, such as a jeweler or bakery, but such processing or manufacturing usually is incidental or

subordinate to the selling activities; and (4) retail establishments sell to customers for their own personal or household use.

147. Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.
148. RTFA (Right to Farm Act of 1981 including 1995 and 1999 amendments): Legislation enacted by the Michigan legislature to protect farms from nuisance lawsuits and to restrict the ability of local governments to regulate certain aspects of agriculture.
149. Sawmill: The machinery and appurtenant structures used for the manufacture of wood products, not limited to but including circular or band saws, planers, debarkers, chippers, and kilns.
150. Screen: A structure providing separation, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs or other living vegetation.
151. Seasonal Dwelling: A structure used intermittently during a calendar year as a dwelling.
152. Septic Tank: A watertight covered receptacle designed and constructed to receive the discharge of sewage, separate solids from the liquid, digest organic matter and store digested solids through a period of detention, and allow the clarified liquids to discharge for final disposal.
153. Setback: The minimum unoccupied distance between the front, side and rear lot line and the principal and accessory buildings, as required.
154. Setback, Front: The minimum unoccupied distance, extending the full lot width, between any building or structure and the front lot line. The front setback is measured from the edge of the road right of way or in the case of a lot along a river or lake, from the ordinary high water mark.
155. Setback, Rear: The minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.
156. Setback, Side: The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.

157. Shopping Center: A group of businesses providing a variety of merchandise and/or services located on the same lot.
158. Sign: A name, identification, image, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, structure, facility, service, event, attraction, person, institution, organization, or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and material without lettering placed behind a store window are not signs or parts of signs.
159. Sign, Free Standing: A sign having its own support mechanism placed in or upon the ground.
160. Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.
161. Stable, Riding or Boarding: A facility where horses are kept for hire, sale or boarding.
162. Story: That part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.
163. Street: A public dedicated right-of-way which affords traffic circulation and principal means of access to abutting property.
164. Structure: Any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not limited to buildings, porches, decks, mobile homes, sheds, free standing signs, storage bins, and satellite dishes, but not including sidewalks, driveways, patios, parking lots, utility poles and fences. Building areas separated by fire walls or bearing walls shall not be considered separate structures under this Ordinance.
165. Subdivision: The partitioning or dividing of a parcel or tract of land by the property owner for the purpose of sale, lease or building development.
166. Temporary Building or Use: Is a structure or use permitted to exist during a period of construction of the main building or use, or for special events.

167. Thoroughfares:

Major: Is an arterial street which is intended to serve as a large volume traffic way for both the immediate Township area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term.

Secondary: Is an arterial street which is intended to serve as a traffic way serving primarily the immediate Township area and serving to connect with major thoroughfares.

168. Township Board: The elected governing body of the Township of Rock River.

169. Tourist Cabin/Vacation Rental: A property that has separate, individual dwelling structures with at least one room, that has complete bathroom facilities and may or may not have kitchen facilities that are rented on a temporary basis by the day, week or season. This includes any short-term booking sites and /or rentals that do not meet the definition of a Bed and Breakfast.

170. Travel Trailer: A vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.

171. Use: Is the purpose for which land or a building is designed, arranged, or intended to be used, or for which land or a building is or may be occupied.

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172. Use, Accessory: Is a use subordinate to the main use of a lot and used for purposes clearly incidental to those of the main use.

173. V Type Sign: An off-premise sign structure which consists of multiple sign facings placed at angles to each other, oriented in different directions and not exceeding 10 feet apart at the nearest point to each other.

174. Variance: A modification of the literal provisions of the Zoning Ordinance granted in specific cases when strict enforcement of the Zoning Ordinance would cause practical difficulty or unnecessary hardship owing to circumstances unique to the individual property on which the variance is granted.

175. Vehicle: A self-propelled device used for transporting people and/or goods over land surfaces and is licensable as a motor vehicle by the Michigan Department of State.

176. Wind Turbine: Any of the various machines used to produce electricity by converting the kinetic energy of wind to rotational, mechanical, and electrical energy. Wind turbines consist of the turbine apparatus (motor, nacelle, tower)

and any other buildings, support structures, or other related improvements necessary for the generation of electrical power.

177. Wireless Communication Facilities: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio and television broadcasting or relay towers, wireless communication facility, wireless or cellular telephone communication receivers and transmitters, telephone devices, and exchanges, microwave relay facilities and towers, telephone transmission equipment buildings and public and private and commercial mobile radio service facilities. Not included in this definition are: citizen band radio facilities, short wave facilities, ham, amateur radio facilities, satellite dishes and government facilities which are subject to state or federal laws or regulations which preempt township regulatory authority.
178. Wireless Communication Support Structure: Structure erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to monopole, lattice towers, light poles, wood poles, and guyed towers or other structure which appear to be something other than a mere support structure.
179. Wood Products Industries: Establishments engaged in sawmills, lath mills, shingle mills, cooperage stock mills, planing mills, plywood mills and veneer mills engaged in producing lumber and wood basic materials; and establishments engaged in manufacturing finished articles made entirely or mainly of wood or related materials, except mobile homes.
180. Wood Yard: A parcel of land where pulp wood and other logs are gathered from various locations and stored for commercial sale.
181. Yards:
- a. Yard, Front: An open space extending the full width of the lot and lying between the front line of the lot and the nearest line of the main building.
 - b. Yard, Rear: An open space extending the full width of the lot and lying between the rear line of the lot and the nearest line of the main building.
 - c. Yard, Side: An open space between the side line of the lot and the nearest line of the main building and extending from the front yard to the rear yard.
182. Zoning Administrator: The Township Board's authorized representative charged with the responsibility of administering this Ordinance.

183. Zoning Board of Appeals: The Zoning Board of Appeals of the Township of Rock River. (See Article XII)
184. Zoning Compliance Permit: A certificate issued by the Zoning Administrator to a party intending to initiate any work or change any use of property or build or construct any buildings or structures in the Township.

ARTICLE III: ZONING DISTRICTS AND MAPS

Section 301 Establishment of Districts

- A. For the purpose of this Ordinance, Rock River Township is divided into the following zoning districts, which shall be known by the following respective symbols and names:

RR-1 Rural Residential One District
RR-5 Rural Residential Five District
TD Town Development District
RP-10 Resource Production District
LI Light Industrial District
HI Heavy Industrial District

Section 302 Zoning District Map

- A. The boundaries of the respective districts enumerated in Section 301 are depicted on the map entitled "Rock River Township Official Zoning Map," which is an integral part of this Ordinance. The map, along with all notations and explanatory matter thereon, shall become as much a part of this Ordinance as if fully described herein.
- B. The Rock River Township Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries, such changes shall be incorporated on the Rock River Township Official Zoning Map and approved by the Township Board together with an entry on the Rock River Township Official Zoning Map showing the date and official action taken.
- C. One copy of the Rock River Township Official Zoning Map is to be maintained and kept up-to-date by the Zoning Administrator, accessible to the public and shall be the final authority as to the current zoning status of properties in Rock River Township.

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Section 303 Interpretation of the Zoning Map

- A. Where due to the scale, lack of detail or illegibility of the zoning map, there is any uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon, the Zoning Board of Appeals shall make an interpretation of said map upon request of any person. The Zoning Board of Appeals shall apply the following standards in interpreting the zoning map:
1. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular to, or along the center lines of alleys, streets, rights-of-way or water courses, unless such boundary lines are fixed by dimensions shown on the zoning map.

2. Where zoning district boundary lines are indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.
 3. Where a zoning district boundary line divides a lot, the location of any such zoning district boundary lines, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.
- B. If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning ordinances and amendments in Rock River Township, as well as all other relevant facts.

Section 304 Replacement of Official Zoning Map

- A. In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made, the Township Board may adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The Official Zoning Map shall bear the current township officers' signatures and certification as required in Section 302. Unless the Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

Section 305 Application of District Regulations

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- A. The regulations established for each Zoning District shall be the minimum regulations for promoting and protecting the public health, safety and general welfare, and shall be uniform for each class of land or buildings and structures throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals, in accordance with Article XIII, to vary or modify regulations and provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured and substantial justice done.

Section 306 Scope of Provisions

- A. Except as may otherwise be provided in this Ordinance, every building and structure erected, 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 use, building, or structure shall be located.
- B. Uses are permitted by right only if specifically listed as uses permitted by right in the various Zoning Districts. Where not specifically permitted, either by right or

conditionally, uses are thereby prohibited unless construed to be similar to an expressly permitted use. The Zoning Board of Appeals shall determine if a use is similar to a use specifically permitted by right or by conditions.

- C. Accessory uses are permitted as indicated for the various Zoning Districts and if such uses are clearly incidental to the permitted principal uses.
- D. The uses permitted subject to special conditions are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, etc.) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.
- E. Any structure, use of a structure or land use and any lot, the size, width, or other characteristic of which fails to meet the requirements of the land use district in which it is located and which was lawfully established in accordance with state and local statutes ("of record") prior to the effective date of this amendment shall be considered a legal nonconforming use.

Section 307 Conflicting Regulations

- A. Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than those imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern unless preempted by the Michigan Right to Farm Act. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern. No vested right shall arise to the property owner for any parcel or use created in violation of any preceding Rock River Township Zoning Ordinance.

Section 308 Exemptions

- A. The location of pipes, wires, poles, and generating and transmission equipment of public utilities or railroad tracks regulated by the State of Michigan or by the United States are exempt from regulation under this Ordinance. Wireless communication facilities are not exempt from the provisions of this Ordinance.
- B. The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

Section 309 RR-1 Rural Residential One District

- A. Intent: The RR-1 Rural Residential One District is established to maintain a residential environment in accessible rural areas at moderately low densities. Locations in this district are considered to be suitable for predominately rural, scattered site development.
- B. Permitted Uses:
1. Agriculture
 2. Accessory building
 3. Mobile Home
 4. Single-family dwelling
 5. Two-family dwelling
- C. Conditional Uses: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article VII:
1. Accessory Housing
 2. Adult foster care- large group home
 3. Animal boarding facility
 4. Automobile, farm implement, and recreational vehicle sales and service
 5. Automobile repair facility
 6. Building contractor yard
 7. Business office
 8. Church
 9. Child care facility, group
 10. Convenience store
 11. Communication towers (attached wireless facility, wireless communication facility, and wireless communication support structure)
 12. Drive through/drive in facility connected with a permitted or conditional use
 13. Garage Apartment
 14. Gasoline service station
 15. Hospital, nursing home, convalescent home, assisted living facility
 16. Kennel
 17. Multi-family dwelling
 18. Motel, hotel
 19. Planned unit development
 20. Public building
 21. Rental Home
 22. Restaurant
 23. Sawmill or planing mill
 24. School, public or private

25. Theater, assembly hall
26. Tourist Cabin
27. Utility and public service
28. Wind turbine

Section 310 RR-5 Rural Residential Five District

A. Intent: The RR-5 Rural Residential Two District is established to maintain a residential environment in accessible rural areas at moderately low densities. Locations in this district are considered to be suitable for predominately rural, scattered site development.

B. Permitted Uses:

1. Agriculture
2. Mobile home
3. Accessory Building
4. Single-family dwelling
5. Two-family dwelling

C. Conditional Uses: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article VII:

1. Accessory Housing
2. Adult foster care, large group home
3. Animal boarding facility
4. Automobile, farm implement, and recreational vehicle sales and service
5. Automobile repair facility
6. Building contractor yard
7. Business office
8. Child day care facility, group
9. Church
10. Convenience store
11. Communication towers (attached wireless facility, wireless communication facility, and wireless communication support structure)
12. Drive through/drive in facility connected with a permitted or conditional use
13. Garage Apartment
14. Gasoline service station
15. Hospital, nursing home, convalescent home, assisted living facility
16. Kennel
17. Multi-family dwelling
18. Motel, hotel
19. Planned unit development

20. Public building
21. Rental Home
22. Restaurant
23. Sawmill or planing mill
24. School, public or private
25. Theater, assembly hall
26. Tourist cabin
27. Utility and public service
28. Wind turbine

Section 311 TD Town Development District

A. Intent: The TD Town Development District is designed to provide an area for both residential and compatible retail commercial uses. This district is designed for small unincorporated areas where a mix of residential and retail commercial is present.

B. Permitted Uses:

1. Agriculture
2. Accessory Building
3. Mobile Home
4. Single Family Dwelling
5. Two Family Dwelling

C. Conditional Uses: The following uses of land and structures may be permitted in this _____ District by application for and issuance of a Conditional Use Permit as provided in _____ Article VII:

1. Accessory Housing
2. Adult foster care, large group home
3. Animal boarding facility
4. Building contractor storage yard
5. Child day care facility
6. Church
7. Drive through/drive in facility connected with a permitted or conditional use
8. Garage apartment
9. Gasoline service station
10. Hospital, nursing home, convalescent home, assisted living facility
11. Kennel
12. Lodge Hall
13. Mini-storage facility
14. Planned unit development
15. Petroleum, natural gas and propane tank facility
16. Public building
17. Rental Home
18. Restaurant
19. School, public or private
20. Taverns

- 21. Utility and Public Service
- 22. Wind Turbine

Section 312 RP-10 Resource Production District

- A. Intent: The RP-10 Resource Production District is established and maintained for low density use, those areas which because of their location, accessibility and natural characteristics are suitable for a wide range of agricultural, forestry and recreational uses and residential use

- B. Permitted Uses:
 - 1. Automobile repair facilities
 - 2. Adult foster care, small group home
 - 3. Automobile farm implement, and recreational vehicle sales and service
 - 4. Agriculture
 - 5. Bed and breakfast establishment
 - 6. Building contractor yard
 - 7. Child day care home, family
 - 8. Mobile home
 - 9. Single family home
 - 10. Sawmill and planing mill
 - 11. Two family dwelling

C. Conditional Uses: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article VII:

1. Accessory Housing
2. Animal boarding facility
3. Church
4. Convenience store
5. Communication tower (attached wireless facility, wireless communication facility, and wireless communication support structure)
6. Drive through/drive in connected with a permitted or conditional use
7. Garage Apartment
8. Gasoline service station
9. Gravel pit
10. Kennel
11. Motel, hotel
12. Public building
13. Rental Home
14. School, public or private
15. Theater or assembly hall
16. Tourist cabin
17. Utility and public service
18. Wind turbine
19. Wholesale and storage facility

Section 313 LI Light Industrial District

A. Intent: The LI Light Industrial District is designed to accommodate establishments where the finished product generally consists of small machine parts, small electronic equipment or similar items. Such manufacturing operations will generally have less than 90 decibels emanating from the building. Due to the development patterns associated with the township, areas zoned as Light Industrial will be scattered throughout the township on individual parcels adjacent to areas zoned as RR-1, RR-2, TD or RP-10.

B. Permitted Uses:

1. Agriculture
2. Automobile repair facility
3. Automobile, farm implement, and recreational vehicle sales and service
4. Business office
5. Commercial printing facility
6. Light manufacturing
7. Medical and dental facility
8. Mini-storage facility
9. Car washing facility
10. Sawmill or planing mill

11. Trucking facility
12. Wholesale and storage facility

C. Conditional Uses: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article VII:

1. Gravel Pit
2. Junkyard
3. Kennel
4. Planned unit development
5. Petroleum, natural gas and propane storage tank facility
6. Public building
7. School, private or public
8. Utility and public service
9. Wind turbine

Section 314 HI Heavy Industrial District

A. Intent: The HI Heavy Industrial District is designed to accommodate wholesale activities, warehouses, major repair operations , manufacturing operations and other industrial uses whose external and physical effects are such that require them to be separated from residential uses. The location of the industrial uses may be located on individual lots or as part of an industrial park.

B. Permitted Uses:

1. Building contractor storage yard
2. Business office
3. Mini-storage facility
4. Heavy manufacturing
5. Sawmill and planing mill
6. Trucking facility
7. Wholesale and storage facility

C. Conditional Uses: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided in Article VII:

1. Communication tower
2. Drive through/drive in facility connected with a permitted or conditional use
3. Gasoline service station
4. Gravel Pit
5. Kennel
6. Planned unit development
7. Petroleum natural gas and propane storage tank facility
8. Utility or public service

9. Wind turbine_

Section 315 Recreational Uses

A. The following recreational uses are permitted by right or require a Conditional Use Permit in the districts indicated below.

| RECREATIONAL USES IN ZONING DISTRICTS | | | | | | |
|--|--------------------|------|----------------------|-------|----|----|
| Land Use\District | P-Permitted | | C-Conditional | | | |
| | RR-1 | RR-5 | TD | RP-10 | LI | HI |
| community playground | P | P | P | P | - | - |
| picnic area | P | P | P | P | P | P |
| passive park (nature areas, nonmotorized trails, walkways) | P | P | P | P | P | P |
| fields: soccer, ice hockey, field hockey, ballfields, ice rink | C | C | C | C | C | C |
| cross-country ski trail | C | C | C | C | C | C |
| horseback riding (equestrian) trail | P | P | P | P | P | P |
| indoor recreation: handball, badminton, basketball, tennis, archery, golf, bowling alley | C | C | P | C | C | C |
| golf- driving range | C | C | C | P | C | C |
| golf course (9 or 18 hole) | C | C | - | P | C | C |
| mini-golf course | - | - | P | - | - | - |
| non-motorized tracks: bicycle, BMX | C | C | C | C | C | C |
| motorized track: ORV, go-carts, snowmobile, car, midget racing motor cross, g, | - | - | - | - | C | C |
| archery range (outdoor) | C | C | C | P | C | C |
| rifle and shotgun range, skeet and trap, sporting clay field | - | - | - | C | C | C |
| campground | - | - | - | C | - | - |
| zoo | - | - | - | C | C | C |
| off-road vehicle and snowmobile trail | C | C | C | C | C | C |

ARTICLE IV: GENERAL REGULATIONS

Section 401 Height, Bulk and Placement Regulations

- A. Except as otherwise provided in this Ordinance, no lot or parcel shall be created and no structure shall be erected or maintained except in compliance with the Schedule of Regulations specified below. Any sale of land in violation of this section shall be voidable at the option of the purchaser and shall subject the seller to the forfeiture of any and all consideration received or pledged for the land. The purchaser may take additional action to recover any damages sustained. These remedies shall not preclude enforcement by the Zoning Administrator.

| Schedule of Regulations | | | | | | |
|-------------------------|---|--|--|---------|---------|---|
| District | Minimum Lot Size (Square Feet or Acreage) | Minimum Lot Width (Feet) ^A | Setback (Feet) for buildings on lot | | | Maximum Height of Buildings (Feet) |
| | | | ^c Front ^B | Side | Rear | |
| RR-1 | 1 acre | 50 feet | 30 feet | 10 feet | 15 feet | 30 feet |
| RR-5 | 5 acres | 100 feet | 30 feet | 15 feet | 30 feet | 30 feet |
| TD | 20,000 square feet | 50 feet | 30 feet | 15 feet | 10 feet | 30 feet |
| RP-10 | 10 acres | 200 feet | 30 feet | 20 feet | 30 feet | 30 feet |
| LI | 5 acres | 300 feet | 30 feet | 30 feet | 30 feet | 30 feet |
| HI | 10 acres | 300 feet | 30 feet | 30 feet | 30 feet | 30 feet |

Footnotes to the Table:

- A. Lot width shall be measured at front setback line and shall not include any encumbrances, such as easements or other such restrictions.
- B. Where a parcel abuts a water body, the structure must be set back 75 feet from the ordinary high-water mark.
- C. The front setback is measured from the road right-of-way. In the case of a parcel without direct road access, the front setback is measured from the point where the recorded easement abuts the parcel.
- B. The determination of lot size when adjoining a road shall be made as if the road was a part of the lot in question. For example, a 20-acre parcel fronting on a road will lose approximately one-half acre in the road right-of-way. This will then make the parcel size 19.5 acres, however, it will still conform to a 20-acre minimum lot size requirement.

Section 402 Accessory Buildings and Uses

- A. Where a lot is devoted to a permitted principal use, customary accessory uses and buildings are authorized, except as specifically prohibited or by necessary implication in this or any other ordinance. The following special rules are applicable:
1. An accessory building, including carports, attached to the principal building shall comply in all respects with the requirements of this Ordinance applicable to principal buildings. Breezeways, as an attachment between the garage or carport and the main building shall be considered a part of the main building but shall not be considered livable floor space.
 2. An accessory building greater than 200 square feet located in the RR-1 and TD Districts shall require a zoning compliance permit. An accessory building greater than square feet located in the RR-5 Districts shall require a zoning compliance permit.
 3. In no instance shall the square footage of the accessory building exceed the ground floor livable area of the principal structure in the RR-1 and TD Districts.
 4. No more than three accessory buildings shall be permitted on any lot in the RR-1 and TD Districts for parcels one (1) acre or less. For the purpose of this section, one detached residential garage shall not be included in the above limits.
 5. Accessory buildings shall not be occupied for dwelling purposes, nor used for any business, profession, trade or occupation, except for agricultural use, home occupation, or as otherwise permitted by this ordinance.
 6. An accessory building shall not be located within the minimum front yard setback.

Section 403 Waterfront Setback

- A. All structures on lots abutting any body of water, as defined in Part 301 Inland Lakes and Streams of the Natural Resources and Environmental Protection Act (Act 451 of 1994) , including, but not limited to, inland lakes, rivers, streams, and impoundments, shall maintain a minimum setback of 75 feet as measured from the ordinary high water mark.

Section 404 Right-of-Way

- A. Where the right-of-way is established under the McKnitt Act (P.A. 130 of 1931 as amended) and varies from the standard 66 feet of width, the setback shall be not less than 58 feet from the centerline of the roadway.

Section 405 Minimum Building Floor Area

- A. The minimum principal floor area, exclusive of unfinished basements, garages, porches and breezeways for residential structures, other than recreational structures, shall be 600 square feet.

Section 406 Placement of Decks

- A. Attached or unattached decks, terraces, patios and porches shall comply with required front, side and rear setbacks.

Section 407 Home Occupation

- A. Home occupations are allowed in all zoning districts subject to the following regulations:

The use of the building for home occupation shall be clearly incidental and subordinate to its use as residential purposes. Home occupations shall be permitted to operate within the principal dwelling provided not more than 25% of the dwelling is devoted to the home occupation.

1. The use of the building for home occupation shall be clearly incidental and subordinate to its use as residential purposes. Home occupations shall be permitted to operate within the principal dwelling provided not more than 25% of the dwelling is devoted to the home occupation.
2. Home occupations shall be permitted to employ no more than two persons who are not members of the household residing on the premises. Employment of three or more persons may be permitted by application for and issuance of a Conditional Use Permit.
3. Off-street parking shall be provided to avoid conflicts with adjoining and nearby property uses and to prevent congestion on the streets.
4. The outside display of home occupation related products in the RR-1 and TD Districts may be permitted by application for and issuance of a Conditional Use Permit. The outside display of products is permitted in the RR-5 and RP-10 Districts.
5. The use of an accessory building for the conduct of a home occupation will be permitted in the RR-5 and RP-10 Districts.
6. The following uses may be permitted as a home occupation by application for and issuance of a Conditional Use Permit: animal boarding establishments, commercial garages, bump and paint shops, light manufacturing and commercial production.

7. No equipment or processes shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
 8. Signs for a home occupation shall comply with Section 602A(4).
- A. Home occupation in a single-family residence for instruction in craft or fine arts is permitted.

Section 408 One Principal Structure or Use Per Lot

- A. No more than one principal structure or use may be permitted on a lot, unless specifically provided for elsewhere in this Ordinance.
- B. Single-family residential use is permitted when incidental to a permitted business use.

Section 409 Variance of the Size and Width of Lots of Record

- A. The minimum lot size and lot width regulations do not apply to any currently nonconforming parcel of land that is shown as a lot on a map or described in a deed, land contract, or lease agreement recorded with the County Register of Deeds, or described in a deed, land contract, or lease agreement which has been perpetual, executed together with an affidavit or acknowledgment of a notary public, prior to the effective date of this Ordinance provided that parcel lawfully existed and was in compliance with the zoning ordinance in effect at the time it was created. A parcel's creation date will be the date that parcel was recognized by the County and assigned a Parcel ID number. Uses and/or structures located on these parcels will be treated as conforming uses and/or structures. Structures on these parcels may be erected, reconstructed, modified and/or enlarged as long as they otherwise conform to the requirements of the ordinance.
- B. No vested right shall arise to a property owner for any parcel that was created in violation of any preceding Alger County Zoning Ordinance.

Section 410 Allocation and Reduction of Lot Area

- A. No portion of a lot shall be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.
- B. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the stated minimum requirements. Yards or lots created after

the effective date of this Ordinance shall meet at least the established minimum requirements.

Section 411 Height Requirement Exemptions and Restrictions

- A. The following are exempt from height limit requirements up to a maximum of 100 feet:
 - 1. Church steeples, belfries, domes, towers, flagpoles and monuments which are purely ornamental in purpose;
 - 2. Chimneys and smokestacks, water tanks, and cooling tower which are necessary appurtenances to mechanical or structural functions;
 - 3. Television antennas and satellite dishes, and amateur radio antennas associated with a residential dwelling;
 - 4. Barns, silos, elevators and similar agriculture related structures; and
 - 5. Wind turbines and solar panels.
- B. No portion of the exempted structure may be used for human occupancy.
- C. All structures shall be properly secured and not placed in locations where the collapse of such a structure will occur on adjoining property.
- D. All structures exceeding 100 feet in height shall be required to obtain a Conditional Use Permit.

Section 412 Off-Street Parking Requirements

- A. There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces.
 - 1. Off-street parking shall be either on the same lot or within 400 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown on of the required site plan of all lots or parcels intended for use as parking by the applicant.
 - 2. Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.

3. Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
4. In the instance of dual function of off-street parking spaces where operating hours of building do not overlap, the Zoning Board of Appeals may grant an exception by reducing the total number of spaces required.
5. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
6. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Zoning Board of Appeals considers as being similar in type.
7. For the purpose of computing the number of parking spaces required, the definition of Usable Floor Area shall govern.

B. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

| Use | Number of Minimum Parking Spaces Per Unit of Measure |
|---|---|
| Residential | |
| One-Family | One (1) for each dwelling unit. |
| Two-Family | One (1) for each dwelling unit. |
| Multiple-Family | One and one-quarter (1 1/4) for each dwelling unit. |
| Rooming Houses and convalescent and assisted living facility | .4 times the maximum lawful number of occupants |
| Hotels and motels | 1.2 per room in addition to spaces required for restaurant facilities |
| Churches, theaters, facilities for spectator sports, auditoriums, concert halls | .35 times the seating capacity |
| Golf course | 7 per hole |
| Barber shops and beauty parlors | 2 plus 1.5 per chair |
| Bowling alleys | 5 per lane in addition to spaces required for restaurant facilities |
| Child care facility | 2 per dwelling unit, plus .3 per child |

| Use | Number of Minimum Parking Spaces Per Unit of Measure |
|--|--|
| Fast food take-out establishment, drive-in restaurants | 1 per 100 square feet of floor area |
| Restaurants (except drive-ins), taverns | 1.2 per 100 square feet of floor area |
| Furniture and appliance stores | .3 per 100 square feet of floor area |
| Household equipment, carpet, and hardware stores, repair shops including shoe repair, contractor's showrooms | 1.2 per 100 square feet of floor area |
| Museums and galleries | 1.2 per 100 square feet of floor area |
| Funeral homes | 1 per 50 square feet of floor area |
| Gasoline stations | 1 per pump plus 2 per lift (in addition to stopping places adjacent to the pumps) |
| Automotive service center | 1 per employee plus 2 per service bay |
| Laundromat | .5 per washing machine |
| Doctor and dentist office | 1 per 100 square feet of waiting room area and 1 per doctor or dentist |
| Banks | 1 per 150 square feet of floor area |
| Warehouses | 1 per 500 square feet of floor area |
| Retail stores and service establishments | 1 per 150 square feet of floor area |
| Offices | 1 per 300 square feet of floor area |
| Other business and industrial uses | .75 times maximum number of employees on premise at any one time |

- C. Where the calculation in accordance with the foregoing lists results in requiring a fractional space, any fraction less than one-half shall be disregarded, and any fraction of one-half space shall require one space.

Section 413 Off-Street Parking Space Layout, Standards, Construction and Maintenance

- A. Wherever the off-street parking requirements in Section 413 require the building of an off-street parking facility, such off-street parking lots shall be laid out, constructed and maintained in accordance with the following standards and regulations:
 - 1. No parking lot shall be constructed until a compliance zoning permit is issued. Application for a permit shall be submitted with a site plans indicating compliance with the requirements of this section for the review and approval of the Zoning Administrator.

2. Adequate ingress and egress to the parking lot shall be provided and shall receive the review and approval of the Zoning Administrator in order to provide for the greatest possible public safety and welfare. Such necessary directional signs and controls as required shall be established and maintained by the owner or lessee of the parking lot.
3. The following minimum design standards shall be observed in laying out off-street spaces and providing access lanes to each space. Layouts requiring vehicles to back out into roads or streets or prohibited.

| PARKING ANGLE | STALL WIDTH | AISLE WIDTH | PARKING STALL LENGTH | CURB TO CURB |
|---------------|-------------|-------------|----------------------|--------------|
| 0-15° | 9 feet | 12 feet | 23 feet | 30 feet |
| 16-37° | 10 feet | 11 feet | 19 feet | 47 feet |
| 38-57° | 10 feet | 13 feet | 19 feet | 54 feet |
| 58-74° | 10 feet | 18 feet | 19 feet | 61 feet |
| 75-90° | 10 feet | 24 feet | 19 feet | 63 feet |

4. The plans shall indicate the location and number of handicapped parking spaces as established in the Uniform Federal Accessibility Standards.

Section 414 Plant Materials and Spacing Requirements

A. Whenever in this ordinance a greenbelt or planting is required, it shall be planted within eight months from the date of issuance of a certificate of occupancy or conditional use permit. The greenbelt or planting shall be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Any Zoning Compliance Permit may be revoked after 30 days written notice is sent to the person assessed for taxes on the affected lot or to the occupant whenever the plants are not maintained as required by this Ordinance.

1. The plant materials listed below may be used or a resource professional may be employed by the applicant to determine alternative plant materials based on soil and drainage conditions.
2. Plant materials shall be spaced according to the following requirements:

Plant materials shall not be closer than four feet from the fence line or property line.

Where planting materials are planted in two or more rows, the plant materials should be staggered in rows.

Evergreen trees should be planted at 8'-10' spacing.

Narrow evergreens should be planted not more than three feet on centers.

Deciduous trees shall be planted at 10'-12' spacing.

Tree like shrubs should be planted not more than 8'-10' on centers.

Large deciduous shrubs should be planted 6'-8' on centers.

A planting scheme provided by a resource professional may be used in the alternative. The planting scheme must provide for adequate soil erosion control and adequate screening.

B. If a resource professional is not used, the following plant materials may be used:

TREE LIKE SHRUBS:

Acer spicatum - Mountain maple
Cornus alternifolia - Alternate leaved dogwood
Sorbus americana - Mountain Ash
Sorbus decora - Mountain Ash
Prunus virginiana - Chokecherry
Prunus pensylvanica - Pincherry
Crataegus crusgalli - Cockspur torn
Crataegus chrysoarpa - Hawthorn
Coryllus cornuta - Beaked hazel
Alnus rugosa - Speckled alder
Amelanchier species - Juneberry

LARGE DECIDUOUS SHRUBS

Nemopanthus mucronata - Mountain holly
Dirca palustris - Leatherwood
Shepherdia canadensis - Buffalo berry
Cornus rugosa - round-leaved dogwood
Cornus stolonifera - Red osier
Sambucus canadensis - American elderberry
Sambucus pubeas - Red Elderberry
Viburnum cassinoides - Wild raisin
Viburnum lentago - Nannyberry
Viburnum trilobum - High-bush cranberry
Ilex verticillata - Winterberry
Rhus typhina - Staghorn sumach
Rhus glabra - Smooth sumach

Physocarpus opulifolius - Ninebark
Myrica gale - Sweet gale

EVERGREEN TREES

Thuja occidentalis - Northern white-cedar
Picea glauca - White spruce
Pinus strobus - Eastern white pine; northern white pine
Pinus resinosa - Red pine
Pinus banksiana - Jack pine
Larix laricina - Tamarack; Eastern larch

- C. It is the responsibility of the applicant to determine that the plant materials will survive in the soil and drainage conditions where planted.

Section 415 Required Planting Screens

- A. In any district where a non-residential parking lot, trash collection, outdoor storage, merchandising, or service area lies within 50 feet of any residential dwelling, a planting screen of sufficient length to interfere with the view from the adjoining property shall be required except where the view is blocked by a change in grade or other natural or man-made features. A six-foot-high fence whether it be an opaque wooden fence, a chain link fence with interwoven slats, or a masonry wall may be substituted.
- B. All planting screens required by this Ordinance shall consist of plants, at least 30 inches high when planted, maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of six feet.
- C. Off-street parking areas with the capacity of 50 or more vehicles shall include a minimum landscaped area equal to 18 square feet for each vehicle parking. Landscaped areas shall be kept continuously planted with living vegetation. The landscaped area may be located at the perimeter of the parking area, as separate areas within the parking area, or in combination at the discretion of the developer. If the design includes separate areas, each area must contain at least one tree to be maintained in a healthy condition and pruned to remove dead wood. All plant materials shall not create a hazard to drivers or pedestrians.

Section 416 Fence Regulations

- A. The height of fences or hedges is subject to the following provisions:
1. No fence or hedge shall obstruct the vision of motorists on adjacent streets or vision of motorists entering any street or other public way open to vehicular traffic from an adjacent driveway. The Road Commission shall

be consulted as to whether the placement of the fence will be located in a clear vision zone area.

2. All loading or unloading and outside storage areas at commercial, industrial and multi-family developments, including areas for storage of trash, which face or are visible from residential properties, abuts a residential zone or public thoroughfares, shall be screened by a vertical fence consisting of structural fence or plant materials not less than six feet in height.
- B. Any person erecting any fence or hedge shall be fully responsible for the care and maintenance of said fence or hedge and shall assume full responsibility for any damage arising during the construction /installation of the fence or hedge.
 - C. Normally required front, side and rear setbacks need not be met. The fence may be on the property line with approval of the adjoining property owner.

Section 417 Minimum Mobile Home Requirements

- A. Mobile homes placed on private lands in the Township shall have skirting installed that meets the following standards: Skirting shall have louvered or similar vents with a minimum of 600 square inches of open space per 1,000 square feet of living space. A minimum of one vent shall be placed at the front and rear of the mobile home and two at each exposed side. An access panel of sufficient size to allow full access to utility hookups located beneath the mobile home shall be installed. All skirting shall be manufactured of certified fire-resistant material.
- B. No crawl space or area under a mobile home shall be used for storage purposes.
- C. Mobile homes installed on private lands shall be installed at a minimum in compliance with rules established by the Mobile Home Commission.

Section 418 Farm Market

- A. An agricultural stand for the display and retail sale of farm products is permitted in all districts.

Section 419 Wireless Communication Facilities and Attached Wireless Communication Facilities

- A. Rock River Township has a clear and identifiable interest in accommodating the communication needs of residents and businesses and has an interest in regulating the location of such facilities to retain the integrity of neighborhoods and protect the public health, safety and welfare of the residents.

- B. Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is further the purpose and intent of this section to:
1. Facilitate adequate and efficient provisions for wireless communication facilities.
 2. Ensure that wireless communication facilities are situated in appropriate locations and relationship to other land uses, structures and buildings.
 3. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems and other public services and facility needs.
 4. Promote the public health, safety and welfare.
 5. Minimize the adverse impacts of abandonment by requiring the removal of such facilities when they are no longer being used.
- C. It is the policy of Rock River Township to minimize the overall number of newly established locations for Wireless Communication Facilities and Wireless Communication Support Structures within the Township and encourage the use of existing structures for Attached Wireless Communication Facilities. It is the Township's interest to the extent reasonable to encourage the cooperative use and co-location of such towers and their associated facilities and structures. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate co-location.
- D. The location of Wireless Communication Facilities and Attached Wireless Communication Facilities shall be subject to the following conditions and regulations:
1. A conditional use permit for a new wireless communication facility shall not be granted until the applicant demonstrates that feasible co-location is not available for the coverage area and capacity needs.
 2. Applicants shall demonstrate a justification for the proposed height of the structures and present an evaluation of alternative designs which might result in lower heights. No part of any wireless communication facility shall be constructed, located or maintained at any time on any required setback area for the district in which it is located.
 3. The site shall have legal documented access to a public road.
 4. All support structures must be set back from all property lines a distance equal to its height.

5. Where an attached wireless communication facility is proposed on the roof of a building or if the equipment enclosure is proposed as a roof appliance or penthouse on the building it shall be designed, constructed and maintained to be architecturally compatible with the principal building. Equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
6. One accessory building shall be permitted with a maximum of 600 square feet.
7. A wireless communication facility may be of design such as steeple, bell tower, or the form of which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Planning Commission.
8. All support structures must be certified by a professional engineer licensed in Michigan that the structural design will withstand wind speeds and icing conditions under the worst conditions experienced in the area. All metal support structures shall be constructed of or treated with corrosive resistant material. All support structures must meet the standards of the Federal Aviation Administration, Federal Communication Commission, and State of Michigan and must be certified by a registered, professional engineer under the laws of the State of Michigan to meet or exceed the Telecommunications Industry Association/Electronic Industry Association (TIA/EIA) standards in accordance with TIA/EIA-222-F.
9. Wireless communication facility shall not be artificially lighted, except as required by the Federal Aviation Administration.
10. There shall be no advertising displayed on the wireless communication facility. Identification on the facility is required for emergency purposes.
11. Fencing shall be provided for the protection of the support structure and security from children and unauthorized persons who may access the facilities. A six foot high fence shall surround the base of the support structure and all wire supports.
12. The base of the support structure shall not be greater than 500 square feet.
13. Landscaping shall provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.
14. The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions. The wireless communication facility shall be located and operated so that it does not interfere

with radio, television, audio, video, electronic, microwave or other reception in nearby areas.

15. As a condition of every approval of a wireless communication facility, adequate provisions shall be made for the removal of all wireless communication facilities within six months of being abandoned by all users. A facility shall be considered abandoned when it has not been used for one year or more. For the purpose of this section, the removal of antennas or other equipment from the facility or cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of non-use. Following complete demolition and removal of the building and structure, the premises shall be restored with six inches of topsoil and seeded and mulched. The applicant shall provide a performance bond, issued by an acceptable bonding company authorized to do business in the State of Michigan, for the removal of the wireless communication facilities and restoration of the site.
16. A maintenance plan and any applicable maintenance agreement shall be incorporated as part of the conditional use permit. The maintenance agreement shall indicate measures to ensure the site will be maintained in a neat and orderly fashion and the facility is preserved in a safe condition. The applicant is responsible for preparing the maintenance plan and agreement for review by the Planning Commission.
17. Applicable conditions and safeguards as identified in Section 805 will be applicable to Conditional Use Permits granted for Wireless Communication Facilities and Attached Wireless Communication Facilities.

ARTICLE V: PLANNED UNIT DEVELOPMENT

Section 501 Intent

- A. To permit greater flexibility in the use and design of structures and land in situations where modifications of specific provisions of this Ordinance will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood in which they occur. A Planned Unit Development (PUD) should result in development which maximizes the provision of open space, preserves natural features, and provides a harmonious arrangement of structures and uses. More than one principal use and/or structure per lot may be permitted.

Section 502 Eligibility

- A. In order to be approved by the Planning Commission, a proposed Planned Unit Development shall be on parcels of at least two acres in size and shall meet the following requirements:
1. Provide for open space and preservation of natural features; clustered development and similar design methods are encouraged.
 2. Minimize the amount of impervious surfaces created.
 3. Provide a harmonious and efficient arrangement of all structures and uses in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. Arrangements of buildings shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond the site.

Section 503 Application and Modification Powers

- A. The applicant shall submit an application to the Planning Commission in accordance with the requirements of Section 504 through Section 506.
- B. In acting upon the application, the Planning Commission may alter setback requirements, building size limits, off-street parking regulations, landscaping rules, and density and intensity limits. It may also authorize uses not permitted in the district where the lot is located, providing such uses are desirable or convenient for the users of the lot as developed or the immediate neighborhood and provided that such uses are planned so as to assure that they will not materially alter the existing character of the neighborhood. For developments on parcels of ten acres or less, uses not permitted in the district where the

lot is located shall not be permitted to occupy more than 10 percent of the lot area nor more than 10 percent of the building floor area.

- C. The provisions of this Section shall be applied to the existing zoning district, as defined on the zoning map, where the PUD is to be located.

Section 504 Preliminary Conference

- A. Prior to preparing a formal application, the applicant shall meet with the Planning Commission to discuss the proposed development and application procedures. No decision regarding any proposed PUD is to be reached at this conference.

Section 505 Preliminary Application

- A. Following the preliminary conference, the applicant shall prepare and submit 10 copies of a preliminary application which consists of the following written and graphic documents, together with any fee(s) which have been imposed by the Rock River Township Board:
 - 1. A written description of the proposed PUD, including:
 - a. How the proposed PUD is consistent with the intent of the article, and with the eligibility criteria in Section 502.
 - b. A statement identifying all intended uses, including future sales or leasing arrangements of all or portions of the proposed PUD.
 - c. A legal description of the proposed PUD parcel.
 - d. A listing of all owners, holders of easements, and other interested parties.
 - e. A projected assessment of the proposed PUD demands on public services and utilities, including, but not limited to, water, sewer, electrical service, streets and roads, sidewalks, refuse disposal, and emergency services.
 - 2. A preliminary site plan shall be provided on ten (10) identical copies on one or more sheets, at a scale adequate to illustrate the proposed activity, and shall include the following information.
 - a. The legal description and street address of the lot(s).
 - b. The name, address and telephone number of the owner, developer, and/or designer.
 - c. The date the site plan was prepared.
 - d. North arrow and scale
 - e. The actual dimensions of the lot(s) as shown by a licensed surveyor, engineer, architect, or registered landscape architect, with survey stakes visible. The requirement for a survey may be waived if building dimensions will not change as a result of the proposed activity.

- f. The relationship of the subject lot(s) to abutting properties.
 - g. Depiction of all existing structures, including signs, on the subject lot(s) shown to scale.
 - h. The dimensions of all proposed structures on the subject lot(s), including height of proposed buildings.
 - i. Distances between existing structures and proposed structures on the subject lot(s) and distance between lot lines and proposed structures.
 - j. Use of all existing or proposed structures on the subject lot(s).
 - k. The location of all proposed fences and planting screens or other buffers.
 - l. The location and right-of-way widths of all streets, alleys, private road easements and/or railroads located within or abutting the subject lot(s).
 - m. Named streets should be labeled.
 - n. The location of all existing and proposed ingress/egress points, sidewalks, driveways and parking areas on the subject lot(s).
 - o. The locations of existing ingress/egress points, driveways, streets, alleys and/or railroads within 300 feet of the boundaries of the subject lot(s).
 - p. The size and location of all existing and proposed public and private utilities.
 - q. The location of natural features affecting development, such as rock outcrops, water, wetlands, etc.
 - r. The location of existing and proposed surface water impoundments and surface water drainage pattern.
 - s. The location and extent of all planned earth movement. Indicate status of any necessary permits, such as sedimentation and soil erosion permit, wetlands permit, etc.
 - t. Any other information necessary, in the opinion of the Zoning Administrator, to establish compliance with this Ordinance or any other applicable ordinances.
3. A development schedule; a list of proposed covenants or deed restrictions; any proposed maintenance agreements on open space or common ownership areas; and a description of the type of financial guarantees to be utilized to insure PUD development.
 4. Any other information as the Planning Commission may reasonably require to show the applicant's intent for the development and viability of the proposal.
- B. The applicant may request that the requirement of Section 506 for a final application be waived, and include all of the information required for a final application with the preliminary application. If, upon submittal, the Zoning Administrator finds that all items required by Section 505 and Section 506 are included the requirement for a final application and final public hearing shall be waived. If the requirement for a final application is waived, the public hearing notice and all other notices shall clearly state that the final application requirement has been waived, and that no further public hearings on this application are anticipated. Should, upon review, the Planning Commission find

that all matters are not satisfactorily addressed, the Planning Commission shall order the applicant to resubmit the application as a final application. Payment of fees for a final application shall be required.

- C. All application materials must be received by the Zoning Administrator before a public hearing notice can be submitted for publication.
- D. The Planning Commission shall hold a public hearing in accordance with the requirements of Section 507, to review the preliminary application. In making its review of any portion of the PUD preliminary application, the Planning Commission shall find that the proposed PUD is consistent with the standards outlined in Section 508 and Section 904 and other relevant provisions of this Ordinance. Following the review, the Planning Commission shall approve, approve with conditions or subject to modifications, or deny the preliminary application. Action taken on the preliminary application shall be specified in writing, including the reasons for approval or denial of the application, and any conditions imposed as part of approval with conditions.
- E. Approval of the preliminary application does not constitute recording of the plan or plot nor authorize the issuance of building permits.
- F. Within a maximum of 12 months following preliminary approval, the applicant shall file for final application as outlined below. For good cause, the Planning Commission may extend this time period for six months. If the applicant fails to apply for the final application for any reason, approval or conditional approval shall be revoked.

Section 506 Final Application

- A. Following approval or approval with conditions of the preliminary application, the applicant shall prepare and submit 10 copies of a final application which shall include:
 - 1. All information as required by the Planning Commission for preliminary approval or conditional approval of the preliminary application, including modifications required to meet conditions imposed on the preliminary application, if any.
 - 2. Signed copies of any preliminary plats, in accordance with the Land Division Act (Act 288 of 1967, as amended).
 - 3. A detailed development time schedule.
 - 4. Deed restrictions or covenants of the parcel.
 - 5. Any other plans, documentation or specifications, as the Planning Commission may require to insure final engineering review and approval, which may include building plans, elevation and perspective drawings, drainage, road or other facility

designs, and letters of commitment or intent insuring adequate financing for public utilities and/or services.

- B. All the application materials must be received in the office of the Rock River Township Zoning Administrator before a public hearing notice can be submitted for publication.
- C. The Planning Commission shall hold a public hearing, and shall determine whether or not the final plans substantially conform to the approved preliminary development plan and are in proper form for final recording. Action taken on the final application shall be specified in writing, including the reasons for approval or denial of the application, and any conditions imposed as part of approval with conditions.

Section 507 Authorization and Issuance of Conditional Use Permit

- A. Where the Planning Commission determines that the final application is consistent with this article and other requirements, and is in proper form for recording, it shall authorize a PUD Conditional Use Permit for development and use in accordance with the final accepted development plan. Authorizing the PUD Conditional Use Permit shall not obligate the Planning Commission or the Rock River Township Board to enforce any deed restrictions or covenants of the development parcel.
- B. The PUD Conditional Use Permit shall be issued following evidence of recording of the PUD final development plan with the Alger County Register of Deeds.

Section 508 Planned Unit Development Standards

- A. All preliminary and final applications shall be evaluated with respect to the following standards:
 - 1. Yard, setback, lot size, type of dwelling unit, height, and frontage requirements and restrictions may be waived for the PUD, provided, however, that the spirit and intent of this article as defined in the intent statement, are incorporated within the total development plan. The Planning Commission may determine that certain setbacks be established within all or a portion of the perimeter of the site, and shall determine the suitability of the total development plan in accordance with the intent of this article.
 - 2. Every structure or dwelling unit shall have access to a public street, or to a private roadway built to County specifications and dedicated to common use. A maintenance agreement shall be required for private roadways.
 - 3. For areas of residential development and significant pedestrian use, all streets and roadways within the PUD shall have a sidewalk at least four feet in width on at

least one side of the street or roadway, unless otherwise excluded by the Planning Commission.

4. Structures and uses shown on the development plan shall be arranged so as not to be detrimental to existing or proposed structures within the development or surrounding neighborhood.
5. Each development shall provide reasonable visual and acoustical privacy or provide for reasonable spatial separation for dwelling units. Fences, walks, barriers, and landscaping or open space shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses and reduction of noise.
6. Parking convenient to all dwelling units and other uses shall be provided pursuant to the requirements of Sections 413, and 414 of this Ordinance. Common driveways, parking areas, walks, or steps may be required together with appropriate lighting, in order to insure the safety of the occupants and the general public. Screening of parking and service areas may be required through use of trees, shrubs, hedges or screening walls.
7. PUD's shall, where feasible, provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions . In no instance shall the PUD place demands in excess of the capabilities of the affected public facilities and services.
8. The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; additional new landscaping shall be added where feasible for privacy, shade, beauty of buildings and grounds, and to screen out objectionable features.
9. The PUD shall be consistent with the standards outlined in Section 804 and other relevant provisions of this Ordinance.

Section 509 Changes in Approved PUD

- A. Changes in the location site or character of the building and structures may be authorized by the Planning Commission, if required by engineering or other circumstances not foreseen at the time the final development plan was approved.
- B. Changes which cause a change in the use, character, or intent of the development, an increase in the intensity of use, changes in the overall coverage of the structures, or problems of traffic circulation, utility services, or similar services, or a reduction in the approved open space, off-street parking and loading space, or pavement width requirements may be authorized by the Planning Commission following a public hearing.

The public hearing notice shall be published not less than 5 days nor more than 15 days prior to the public hearing, in accordance with Section 1003.

- C. Changes which are approved must be made and recorded in accordance with the procedures established for the recording of the initial final development plan.

ARTICLE VI: SIGNS

Section 601 Intent

- A. It is determined that regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among businesses for attention, to prevent hazards of life and property, and to assure the continued attractiveness of the community and protect property values. It is further determined that signs which may lawfully be erected and maintained under the provisions of this Ordinance are consistent with customary usage, and that signs which may not lawfully be erected or maintained under the provisions are not consistent with customary usage, are an abuse and are unwarranted invasions of the rights of legitimate business interests and of the public.

Section 602 Regulations for Signs in Residential Areas

- A. Within all districts allowing residential uses as a permitted use, signs shall be permitted as follows:
1. Churches shall be permitted a sign with a face on both sides, with each side having a maximum sign area of 40 square feet. The total sign area may be divided into one or more signs.
 2. One sign, not exceeding 36 square feet and eight feet in height, shall be permitted at each vehicle entrance to a platted subdivision development or mobile home park.
 3. Multiple dwellings and nursing homes shall be permitted one identification sign not to exceed 36 square feet and eight feet in height.
 4. One sign, not to exceed 20 square feet, shall be permitted to advertise a home occupation. The sign shall not be illuminated or have working parts. The sign must be attractive and compatible with a neighborhood setting and designed so not to detract from the visual appearance of the neighborhood.

Section 603 On-Premises Sign Regulations

- A. Within all districts freestanding (ground) signs as an on-premises sign shall be permitted for non-residential land use as follows:
1. Free standing (ground) signs advertising an on-site business are permitted an area not to exceed six square feet for each 10 feet or fraction of frontage, or 60 square feet for each acre or fraction of acre developed on the premises, whichever is

larger. Where a premise has more than one occupant, the permitted sign area shall be divided among them in the same proportion as floor space and outdoor sales as occupied by them.

2. The on-premises sign shall be subject to the following setback requirements:
 - a. A minimum of five feet when the right-of-way width from the centerline of the road to the property is less than 50 feet or, located at the lot line when the right-of-way width from the centerline of the road to the property line is greater than 50 feet.
 - b. Setback measurement shall be from the right-of-way to the closest part of the sign, whether it be at or above grade.
3. The maximum height for on-premises signs shall be 30 feet.

Section 604 Off-Premises Sign Regulations

- A. Off-premises signs, not exceeding 50 square feet, are permitted in areas zoned RR, RP, LI and HI, and subject to the following regulations:
 1. The maximum sign area for any one face shall not exceed 50 square feet, excluding the base or apron, trim supports, and other structural elements. Temporary embellishments shall not be allowed.
 2. Signs may be back-to-back or V-type and shall be considered as one off-premises sign.
 3. The sign shall have a maximum height not to exceed 15 feet above road grade level.
 4. Setback requirements are:
 1. Front: A minimum setback of 10 feet from the road right of way.
 2. Side: A minimum setback of 10 feet from the road right of way.

Section 605 Cluster Sign Regulations

- A. A sign that lists and identifies a number or group of institutions, residences, organizations, churches and/or businesses and which contain the names, locations, hours, products sold, services offered, announcement of events or similar messages is permitted in all zoning districts. A cluster sign at one location shall have a maximum sign area of 60 square feet. The cluster sign must be maintained by the owner or owners of the sign.

- B. Signs permitted by this Section are exempt from the setback requirements of Section 401. Signs, however, shall not be located on the right-of-way and shall not interfere with traffic visibility.

Section 606 Signs for Conditional Use

- A. In granting a conditional use permit, the Planning Commission shall stipulate the maximum sign area, setback requirements, location, sign height and other requirements of a sign or signs on the parcel.

Section 607 Temporary Signs

- A. Signs which are intended to identify or advertise a nonprofit annual or one time event or occurrence, such as a fair or other event of general public interest, shall be permitted for a period not to exceed one month provided that the sign is not contrary to the spirit and purpose of this Ordinance and shall conform to all size limitations set forth by this Ordinance. The applicant is responsible for both the erection and removal of all signs. All signs must be removed no later than 10 days after the end of the event.

Section 608 Construction Signs

- A. One construction sign per contractor or subcontractor is permitted per project not exceeding 16 square feet in sign area for residential buildings and 32 square feet for non-residential buildings. Signs shall be erected no more than five days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed no later than 30 days following occupancy or completion of the project.

Section 609 Miscellaneous Signs

- A. The following signs shall not exceed nine square feet and are otherwise exempt from this Ordinance:
 - 1. Those signs which are intended to advertise a public election, individual actively participating in such an election, or other public ballot issue, are permitted on private property with the owner's permission. All political signs must be removed within 10 days after the election date and shall not be located on the public right-of-way.
 - 2. Signs which announce no hunting or no trespassing.
 - 3. Those signs which have an occupant's name and/or house number or emergency identification number.

4. Signs which indicate a garage sale or directions to a garage sale.
5. Announce the sale or rent of property.

Section 610 Lighting of Signs

- A. No strobe, blinking, oscillating, or other pulsating lights shall be permitted in any district. No sign shall be lighted so as to create a traffic hazard or to adversely affect neighboring land uses. No sign may be lighted to such an intensity or in such a manner that it creates a public nuisance or adversely affects the public health, safety, or general welfare.
- B. All outdoor illumination of signs shall be shielded, shaded, designed and/or directed away from adjacent residential districts and uses. It shall not glare upon or interfere with persons and vehicles using public streets.

Section 611 Placement of Signs

- A. No signs shall be located on any street corner which would obscure the vision of drivers using the streets or conflict with traffic control signals at the intersections of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress and egress to any premises.
- B. No sign shall be located or designed to materially block or obstruct a passing motorist's view of an existing sign or business.

Section 612 Nuisance Signs

- A. The following signs are declared to be a nuisance:
 1. A sign structure which is likely to cause injury.
 2. A sign which advertises a closed business, past event, or past political election.
 3. A sign which is no longer legible.
 4. A sign which is otherwise untimely or unsafe.
 5. A dilapidated sign structure with structural defects or supports with broken or rotten wood.
- B. The Planning Commission is authorized to have all dangerous or nuisance signs removed, the cost of which is to be borne by the sign owner and/or property owner. The owner of the sign and or property owner shall be notified and given two months to rectify the

situation. The Planning Commission may grant a reasonable extension of time following a meeting with the property owner or sign owner.

Section 613 Nonconforming Signs

- A. It is the intent and purpose of this section to eliminate nonconforming signs except as otherwise specifically set forth in this Section as rapidly as the police power of the Township permits.
- B. No nonconforming sign:
 - 1. Shall be structurally altered so as to prolong the life of the sign, nor shall the shape, size, type, or design of the sign structure be altered;
 - 2. Shall be continued after the activity, business, or usage to which it relates has been discontinued for one year; or
 - 3. Shall be reestablished after damage or destruction if the estimated expense of reconstruction exceeds 50% of the original structure size.
- C. A conforming sign shall not be changed to a nonconforming sign.
- D. Nonconforming signs may have their face or message updated but not structurally altered.

ARTICLE VII: SITE PLAN REVIEW

Section 701 Intent

- A. It is the purpose of this article to require site plan review approval for all buildings, structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. The regulations contained herein are intended to provide and promote the orderly development of the Township; safe and convenient traffic movement, both within a site and in relation to access streets; the stability of land values and investments by preventing the impairment or depreciation of land values and development, by the erection of structures or additions or alterations thereto, without proper attention to setting or to unsightly or undesirable appearances; harmonious relationship to buildings, other structures and uses, both within a site and/or adjacent sites; and the conservation of natural amenities and resources.

Section 702 Site Plan Required

- A. A site plan is required for and shall accompany the applications for:
1. Zoning Compliance Permit for:
 - a. Any proposed construction.
 - b. Any commencement of a new use.
 - c. Development of a parking lot.
 - d. Any proposed change in use.
 2. Conditional Use Permit
 3. Variance
 4. Any other request for zoning status where the Zoning Administrator determines a site plan is necessary for accurate review or documentation of the existing development.
- B. The site plan shall be drawn on a separate sheet of paper as appropriate to the scale and amount of information shown.

Section 703 Site Plan for Single and Two-Family Dwellings and Residential Accessory Uses and Structures

- A. The site plan for single and two-family dwellings, and residential accessory uses and structures shall show the following information. Two copies shall be provided to the Zoning Administrator.
1. A legal description of the site and the property tax identification number.
 2. All lot lines and dimensions of the lot.

3. All roads and easements.
4. All existing and proposed buildings, structures and uses shall be shown and labeled.
5. Proposed use of each building.
6. Distances between buildings, structures and uses and all lot lines.
7. Building dimensions.
8. Natural features affecting development (rock, water, etc.).
9. Well and septic locations.
10. A north arrow.

Section 704 Site Plan for Commercial, Industrial, and Multiple Family Development

A. A site plan meeting the following standards shall be required for the following: all commercial and industrial uses, multiple family developments, parking lots in excess of 50 parking spaces, and all non-residential Conditional Use Permits. Two copies of the site plan shall be provided to the Zoning Administrator.

1. A scale adequate to illustrate the proposed activity.
2. A legal description of the lot; the property tax identification number; the name, address and telephone number of the owner, developer and designer.
3. Date, north arrow, and scale.
4. The actual dimensions of the proposed developed area (as shown by a licensed surveyor, engineer, architect, or registered landscape architect, with the survey stakes visible) showing the relationship of the subject property to abutting properties.
5. The location of all existing and proposed structures, including signs, on the subject property and all existing structures on land immediately adjacent to the site within 10 feet of the site's parcel lines.
6. The location of all existing and proposed drives and parking areas.
7. The location and right-of-way widths of all abutting streets, alleys, and private easements.
8. The location of proposed planting and screening, fencing, signs and advertising features.
9. The height and floor area of all proposed structures.
10. The size and location of all existing and proposed public and private utilities and required landscaping.
11. Any other information necessary to establish compliance with this Ordinance or any other applicable ordinances.
12. Location of all existing and proposed surface water impoundments and surface water drainage pattern.
13. Adequate area for the piling of snow and the drainage pattern for melting snow.
14. Location of wetlands on the parcel and documentation the developer has contacted the MDEQ regarding the permit process.

15. The location and extent of all earth movement which is planned. Indicate if a sedimentation and erosion control permit has been applied for.
16. Soil characteristics.
17. Indicate whether local, state or federal permits have been applied for.

Section 705 Review Procedures

- A. Upon receipt of any site plan the Zoning Administrator shall conduct a preliminary review to determine whether the site plan is in proper form, contains all of the required information of Section 703 and 704.
- B. The Zoning Administrator is responsible for reviewing and approving the site plans for single and two-family dwellings and applications. Such review shall be accomplished within 10 business days.
- C. The Planning Commission is responsible for reviewing and approving site plans for commercial, industrial, open space preservation option and multiple family developments and applications for conditional uses, Class A nonconforming uses and planned unit developments. Such review shall be accomplished within 60 days.
- D. The Zoning Board of Appeals is responsible for reviewing site plans relative to variances.
- E. The Zoning Administrator, Planning Commission and Zoning Board of Appeals shall, use the standards in Section 706 in their review of site plans. Any denial of a site plan shall be in writing and specify inadequacies or deficiencies in the site plan, and may indicate changes which would result in approval.
- F. The proposer may appeal any denial to the Zoning Board of Appeals who shall use the standards contained in Section 706 in their review.

Section 706 Standards for Site Plan Approval

- A. The proposed use shall conform to the uses permitted in that district.
- B. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site will be developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- C. Special attention shall be given to proper site surface drainage so that removal of storm waters and melting snow will not adversely affect neighboring properties.

- D. The site plan shall provide reasonable visual and auditory privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- E. All buildings or group of buildings shall be arranged as to permit emergency vehicle access to each building.
- F. Every structure or dwelling shall have access to a public street, walkway or other area dedicated to common use.
- G. All loading or unloading and outside storage areas at commercial, industrial and multi-family developments, including areas for storage of trash, which face or are visible from residential properties, abut a residential zone or public thoroughfares, shall be screened by a vertical fence consisting of structural (fence) or plant materials no less than six feet in height.
- H. All outdoor lighting, whether for illuminating parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all adjacent residential districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets.
- I. The arrangement of public and common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets, sidewalks and non-motorized pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall be in compliance with the requirements of the Michigan Department of Transportation and Rock River Township. Driveways and ingress/egress points shall be planned and arranged so as to provide for the safe and efficient movement of traffic.
- J. Delineation of wetlands are clearly identified on the site plan and the preservation of wetland areas have been adequately addressed.
- K. Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned upon the applicant receiving necessary state and/or federal permits before final site plan approval or a zoning compliance permit is granted.

ARTICLE VIII: CONDITIONAL USE PERMITS

Section 801 Intent

- A. Certain types of land uses require a flexible and equitable procedure for properly accommodating these activities within the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied depending upon functional characteristics, competitive situations and the availability of land. The use of conditional use permits allows the township to provide controllable and reasonable flexibility in requirements for certain kinds of uses, but that will, at the same time, maintain adequate provision for the security of the health, safety, convenience, economic, and general welfare of the community's inhabitants.
- B. In order to accomplish such a dual objective, provisions are made in this Ordinance not only for flexibility in individual district regulations, but also for a more detailed consideration of certain specified activities as each may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as **Conditional Uses** and may be authorized by the issuance of a **Conditional Use Permit** with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.
- C. The following Sections (802 through 805), together with previous references to Sections 309 through 317, designate what uses require a Conditional Use Permit. The procedures for obtaining a permit shall apply to all conditional uses indicated, unless otherwise provided for in this Ordinance.

Section 802 Application Procedure

- A. Any person having an interest in a property may file an application for a Conditional Use Permit.
- B. Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be signed by the applicant and property owner(s) and accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.
- C. An application shall consist of:
 - 1. Conditional use form signed by the applicant.

2. Site plan drawn to a readable scale and containing that information specified in Article VI, Section 703 or 704.
 3. A statement with supporting evidence regarding the required findings specified in Section 804.
- D. A public hearing shall be scheduled within 45 days of receipt of the application with notification as required by Section 1003.

Section 803 Conditions and Approvals

- A. The Planning Commission shall approve, approve with conditions, or reject the application within 60 days of the public hearing. The Planning Commission's action shall be based upon materials received and testimony recorded at the public hearing. The Planning Commission shall set forth the reasons for approval, denial, or modification of the conditional use permit application. All conditions shall be clearly specified in writing and be consistent with Sections 804 and 1002.
- B. If development of a Conditional Use Permit has not commenced within one year from the date of issuance, the permit shall automatically expire. Upon request of the applicant, the Planning Commission may approve an extension for one additional year. Unless otherwise specified by the Planning Commission, compliance with the conditions shall occur prior to the issuance of a zoning compliance permit.
- C. The Conditional Use Permit shall be valid regardless of change of ownership provided that all terms and conditions of the permit are met by all subsequent owners.
- D. In instances where development authorized by a Conditional Use Permit has essentially changed in nature, extent or character, the Planning Commission shall review the permit in relation to the applicable standards and requirements of the Ordinance. Upon finding that there has been a violation in the conditions of the Conditional Use Permit granted under the provisions of this Ordinance, the Planning Commission may declare the permit null and void.

Section 804 General Standards

- A. The Planning Commission shall review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed use:
1. Will be harmonious with and in accordance with the general policies of Rock River township or with any specific objectives of any adopted development plans;

2. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;
3. Will not be hazardous or disturbing to existing or future neighboring uses;
4. Will not diminish the value of land, buildings, or structures in the District;
5. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, and schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
7. Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of noise, traffic, smoke, fumes, glare, odors, or electrical or communication interferences;
8. Will protect the public health, safety and general welfare of the community; and
9. Will be consistent with the intent and purpose of the specific zoning district in which it is located.

B. The Planning Commission shall also use the following standards when considering **Group Child Care Facilities:**

1. Is located not closer than 1,500 feet to any of the following:
 - a. Another licensed group day-care home.
 - b. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being Sections 400.701 to 400.737 of the Michigan Compiled Laws.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the public health code, Act No. 368 of the Public Acts of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
 - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

2. Has appropriate fencing for the safety of the children in the group day-care home as determined by the Planning Commission.
3. Maintains the property consistent with the visible characteristics of the neighborhood.
4. Does not exceed 16 hours of operation during a 24-hour period. The Planning Commission may limit but not prohibit the operation of a group day-care home between the hours of 10:00 p.m. and 6:00 a.m.
5. Meets regulations, if any, governing signs used by a group day-care home to identify itself.
6. Meets regulations, if any, requiring a group day-care home operator to provide off-street parking accommodations for his or her employees.
7. Other standards as amended by state statute.

C. The Planning Commission shall also use the following standards when considering a **Gravel Pit:**

1. The operations will utilize appropriate and reasonable steps to prevent erosion, including the construction of silt traps, mulching, temporary or permanent plantings of all areas exposed by the excavation, the construction of diversions, channel linings, grade stabilization structures, and bank protection structures.
2. The operations provide adequate site drainage so that surface runoff will not adversely affect neighboring properties;
3. The operations will limit, as much as practical, the area of land exposed to erosion resulting from excavation at any one time and the length of time that any area is exposed.
4. Upon completion of operations the applicant shall leave the area in a condition where further erosion will not take place and the land is at least as suitable for other uses permitted under this ordinance.

D. The Planning Commission shall also use the following standards when considering a **Junk Yard:**

1. The minimum land area for a salvage yard shall be not less than ten acres with a maximum of 40 acres.
2. The junk yard must be enclosed by a tight wall, not less than 8 feet in height. The wall shall be well-kept at all times. The wall shall be constructed of one of the following materials, wood, brick or metal.

3. All gates to the premise shall be closed when the premise is not open for business.
4. All acetylene torch cutting, burning and crushing of materials shall only take place within the confines of the wall.
5. The applicant must show evidence of compliance with appropriate state regulations.

E. The Planning Commission shall also use the following standards when considering **Accessory Housing:**

1. It is the intent of the Township of Rock River to allow for accessory housing, where because of advancing age, illness, or death of a significant other or family member, assistance or companionship is needed.
2. The individual requiring the assistance may reside in either a separate housing unit or a separate apartment within the principal dwelling unit.
3. One accessory housing unit is permitted on a lot; the housing unit shall have no more than two bedrooms.
4. No alteration, conversion, construction or placement of an accessory housing unit shall take place without the issuance of a building permit and applicable health department permit. The construction or placement of a separate structure, as an accessory housing unit, shall meet all applicable setback and height requirements for a principal building.
5. The accessory housing unit may continue as long as the medical or other reason for allowing the accessory housing exists. Upon cessation of the medical or other condition, a mobile home placed as an accessory housing unit shall be removed from the property within one year.

F. The Planning Commission shall also use the following standards when considering a **Rental House:**

1. No more than two rental houses are permitted per lot.

- a. One rental house is permitted on a lot that is at least two times the minimum lot area for applicable district.
 - b. Two rental houses are permitted on a lot that is at least three times the minimum lot area for the applicable district.
2. The minimum size of the rental house is 750 square feet and the maximum size is 75% of the principle structure.
 3. The rental house will comply with all setback requirements of a principal structure. A site plan will show the rental house as located on a minimum lot size parcel of that district meeting the required set back requirements.
 4. There is one ingress/egress point from the public road to the principal structure and rental houses. However the Zoning Board may authorize separate access points.
 5. The rental house is accessory to a principal single-family dwelling. However fees may be charged for the accommodation provided.
 6. The rental house shall be conventionally constructed on site and shall not be a mobile home unit.
- G. The Planning Commission shall also use the following standards when considering a **Garage Apartment**:
1. No more than one garage may house a garage apartment.
 2. The maximum area of the garage apartment cannot exceed 700 square feet.
 3. At least one parking space shall be provided.
 4. There is one ingress/egress point from the public road to the principal structure and the garage apartment.
 5. The garage apartment is accessory to the principal single-family dwelling; rent may be charged for the accommodation provided.
 6. The garage apartment may be used as a year-round dwelling.
- H. The Planning Commission shall review each application for a **Kennel** on a case-by-case basis. The following topics, along with a site plan, need to be addressed by the applicant as part of the application:

1. Noise abatement plan,
2. Water quality assessment plan,
3. Waste management plan,
4. Setbacks to avoid conflicts with adjoining neighbors,
5. Fencing for the protection of the dogs and for the general public, and
6. Requirements established by state law

Section 805 Conditions and Safeguards

- A. Prior to granting any Conditional Use Permit, the Planning Commission may impose conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the Conditional Use Permit as in its judgement may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will utilize the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole; and be consistent with the general standards listed in Section 804 of this Ordinance and therefore be necessary to meet the intent and purpose of the regulations contained therein.
- B. The Zoning Administrator shall make periodic investigations of developments authorized by a Conditional Use Permit to determine compliance with all requirements.
- C. Conditional Use Permit for a temporary use shall be renewed in the original manner.
- D. In authorizing a Conditional Use Permit, the Planning Commission may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the Township, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the Township Treasurer at the time of issuance of the permit authorizing the use or activity. As work progresses, the Planning Commission may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.
- E. Revocation of a Conditional Use Permit by the Planning Commission shall be made at a public hearing following the same procedures as originally approved to the effect that:
 1. Such conditions as may have been prescribed in conjunction with the issuance of the original permit included the requirement that the use be discontinued after a specified time period; or

2. Violations of conditions pertaining to the granting of the permit continue to exist more than 30 days after an order to correct has been issued. Violations of any conditions set by the Planning Commission are violations of this zoning ordinance.
- F. All plans, specifications and written statements submitted by the applicant as part of the Conditional Use Permit, and all changes made by the Planning Commission shall become part of the Conditional Use Permit issued by the Planning Commission.
- G. The standards in Section 804 are basic to all conditional uses as identified in Sections 309 through 317 and Section 421.

Section 806 Appeals

- A. Recourse for a person aggrieved by a decision of the Planning Commission in the granting or denial of a Conditional Use Permit shall be to the Zoning Board of Appeals.

ARTICLE IX: NONCONFORMING USES AND STRUCTURES

Section 901 Intent

- A. Nonconforming uses and structures are those which do not conform to a provision or requirement of this Ordinance but were lawfully established prior to the time of its applicability. It is recognized that those nonconformities which adversely affect the orderly development and the value of nearby property are not permitted to continue without restriction.
- B. The zoning regulations established by the Ordinance are designed to guide the future use of and in the Rock River Township by encouraging appropriate groupings of compatible and related uses to promote and protect the public health, safety and general welfare.
- C. The continued existence of nonconformities is frequently inconsistent with the purpose for which these regulations were established. It is the purpose of this Ordinance to eliminate nonconforming uses and structures as permitted by law without payment of compensation, but not to create an undue hardship to the property owner.
- D. Any use or structure created in violation of any preceding Alger County Zoning Ordinance remains a violation unless the use or structure is in compliance with the present zoning ordinance.
- E. Where, at the effective date of adoption of this Ordinance, a lawful use of land exists that is no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the provisions of this Article.

Section 902 Provisions for Continued Use of a Non-Conforming Structure or Use

- A. A nonconforming structure may not be enlarged more than 10% (may not occupy an area greater than 110% of its gross floor area at the effective date of adoption of this ordinance) without the approval of the Planning Commission.
- B. If a nonconforming structure is damaged, to an extent less than the State Equalized Value of such structure, by fire or other casualty, reconstruction or repair may proceed without the approval of the Planning Commission.
- C. A single-family dwelling damaged by fire other casualty shall be allowed to be built at original location without regard to minimum setback requirements.
- D. If damage caused by fire or other casualty to a nonconforming structure equals or exceeds the State Equalized Value of such structure, reconstruction or repair to the structure is

not permitted unless the Planning Commission authorizes the continuation of the nonconforming structure. A written application for such authorization must be filed with the Planning Commission within six months of the occurrence.

- E. Structural alterations to the interior of a nonconforming structure are permitted without the approval of the Planning Commission.
- F. Structural alterations to the exterior of a nonconforming structure as required by local, state or federal laws or regulations are permitted without the approval of the Planning Commission.
- G. A nonconforming use or structure may be moved in whole or in part to any other portion of the lot or parcel occupied by such use or structure subject to the specific approval of the Planning Commission.
- H. A nonconforming use or structure may be changed to another nonconforming use subject to specific approval of the Planning Commission. Before granting the approval, the Planning Commission shall determine that such change in use will have a less harmful effect on neighboring properties than the existing nonconforming use.
- I. No nonconforming use or structure shall be resumed if it has been discontinued for a continuous period of 12 months, unless caused by casualty or fire. Reconstruction or repair activities due to casualty or fire must be completed within a stipulated 18-month time period, unless extended by the Planning Commission.
- J. A nonconforming use or structure shall not be resumed if it has been changed to a conforming use or structure.
- K. In the situation where two or more nonconforming dwellings are located on the same lot and one dwelling sustains damage by fire or other casualty, to the extent that the cost of reconstruction or repair exceeds the State Equalized Value of the structure, the damaged structure shall be removed, unless the damaged dwelling is closer to the street or faces a street. In such case it may be rebuilt with the approval of the Planning Commission.

Section 903 Procedure for Approval by Planning Commission

- A. A written application shall be filed with the Planning Commission utilizing forms obtained from the Zoning Administrator which shall include:
 - 1. Name and address of property owner and applicant, if not same;
 - 2. A legal description of the property or lot;
 - 3. A site plan pursuant to Section 603 or 604;
 - 4. An explanation describing the present nonconforming use or structure;
 - 5. An explanation of any proposed addition or alteration to the uses or structures;
 - 6. Time frame for completion of the project; and,

7. Comparison of the proposed activity to the existing structure or use.
- B. The Planning Commission shall, upon receipt of the application, schedule a public hearing in accordance with the procedures of Section 1003. The applicant must demonstrate a necessity for the continuation or expansion of the nonconforming use or structure. Upon hearing the facts and information, the Planning Commission shall make its decision in writing and set forth the findings and reasons on which it is based, pursuant to the standards identified in Section 1004. Conditions may be attached, including any time limit, where necessary, to assure that the use or structure does not become contrary to the public health, safety, or welfare, or the spirit and purpose of this Ordinance.

Section 904 Standards for Review and Approval

- A. In granting its approval, the Planning Commission shall review the particular facts and circumstances of each request in terms of the following standards and shall find adequate evidence showing that:
1. The continuance of the use or structure would not be contrary to the public health, safety and welfare or the spirit of this Ordinance;
 2. The use or structure does not, and is not likely to significantly decrease the value of nearby properties;
 3. No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform;
 4. The use or structure will be harmonious with and in accordance with the general policies or specific objectives of development plans adopted by Rock River Township;
 5. The use or structure will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area;
 6. The use or structure will not be hazardous or disturbing to existing or foreseeable neighboring uses;
 7. The use or structure will not diminish the value of land, buildings, or structures in the district;
 8. The use or structure will be served adequately by essential public facilities and services; and,
 9. The use or structure will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

ARTICLE X: ADMINISTRATION AND ENFORCEMENT

Section 1001 Administration

- A. The administration and enforcement of this Ordinance shall be the responsibility of the Township Board. The Township Board shall have the right to delegate responsibility to appropriate township officers, employees or designees. The person or persons administering and enforcing this Ordinance shall be known as the Zoning Administrator.

Section 1002 Administrative Standards

- A. Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.
- B. Where a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals and/or the Planning Commission shall base their decision upon facts presented at the public hearing.
- C. Wherever a discretionary decision is authorized in this Ordinance, such as, but not limited to, the issuance of conditional use permits, conditions (including, but not limited to greater setbacks, parking, screening, drainage, access control and other similar requirements) may be imposed provided they are:
 - 1. Designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed use or activity, and the community as a whole;
 - 2. Related to the valid exercise of the police power, and the purposes which are affected by the proposed use or activity;
 - 3. Necessary to meet the intent and purpose of the zoning ordinance, are related to standards established in the Ordinance for the land use or activity under consideration and are necessary to insure compliance with those standards.

Section 1003 Hearings for Zoning Administration

- A. Interested parties at the hearing shall be permitted to present and rebut information either supporting or opposing the zoning action under consideration.
- B. The body conducting the hearing:

1. Shall prepare a comprehensive summary record of the hearing, including an exact record of motions, votes and other official action;
 2. Shall set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision;
 3. Shall file the record, written testimony, or documents submitted with regard to the hearing, and the decision with the Township Clerk, and maintain an affidavit of mailing for each mailing made under this Section;
 4. Shall comply with all other requirements under the law; and
 5. Shall have all administrative actions recorded in the Official Zoning Orders Book and Map.
- C. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. A record of changed condition shall also be maintained.

Section 1004 Review and Scheduling of a Public Hearing

- A. Unless contrary to other provisions in this Ordinance, the following shall be the procedure for review of materials submitted for review and action by the Planning Commission and Zoning Board of Appeals.
- B. The Zoning Administrator shall review, within 10 business days, materials submitted for review as specified in the Ordinance.
- C. If a public hearing is required, the Zoning Administrator shall schedule a public hearing within 45 days of receipt of materials.
- D. The Planning Commission and Zoning Board or Appeals shall make a decision within 30 days of the public hearing.

Section 1005 Zoning Administrator

- A. The Zoning Administrator shall be appointed by the Township Board and shall receive such compensation as the Township Board may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee, appointed or elected officer of the Township, but shall not be a member of the Planning Commission, Zoning Board of Appeals or Township Board.

Section 1006 Duties of Zoning Administrator

- A. The Zoning Administrator shall administer the provisions of this Ordinance and shall have all administrative powers which are not specifically assigned to some other officer or body.
- B. The Zoning Administrator shall not vary, change or grant exceptions to any terms of this Ordinance, or to any person making application under the requirements of this Ordinance.
- C. The Zoning Administrator shall make inspections of premises and collect such investigative data deemed necessary to carry out his/her duties in the enforcement of this Ordinance.
- D. The Zoning Administrator shall issue Zoning Compliance Permits and review Site Plans.
- E. If the Zoning Administrator shall find that any provision of this Ordinance is being violated, the Administrator shall order discontinuance of any illegal work being done; or shall take such action as authorized to correct or prevent violation of the provisions of this Ordinance.
- F. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, the Zoning Administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The notification shall be directed to each property owner of or a party in interest whose name the property appears on the current year's tax assessment records. All notices shall be in writing and may either be served in person or mailed by certified mail, addressed to such owner or party of interest at the address shown in the tax records. An affidavit of mailing shall be maintained. If the violations are not corrected within a reasonable specified period of time, he/she shall take action as authorized by this Ordinance to ensure compliance with or prevent violations of its provisions.

Section 1007 Zoning Compliance Permit

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or any part which has been created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a Zoning Compliance Permit has been issued by the Zoning Administrator. The Permit shall state that the building, structure, lot, and use conform to the requirements of this Ordinance.
- B. The Zoning Administrator shall maintain a record of all Zoning Compliance Permits and this record shall be open for public inspection. Failure to obtain a Zoning Compliance Permit shall be a violation of this Ordinance.

Section 1008 Special Zoning Orders Book and Map

- A. The Zoning Administrator shall keep a Special Zoning Orders Book, which shall contain all variances, conditional use permits, rezoning's, designations of nonconformance, and any terminations of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map, to be known as the Special Zoning Orders Map, on which shall be recorded the numbers in the Special Zoning Orders Book to indicate the locations affected by the items in the book. The Special Zoning Orders Book and Map shall be open to public inspection.

Section 1009 Administrative Guides and Rules

- A. All administrative guides or rules developed to assist the Planning Commission and the Zoning Board of Appeals in the administration of this Ordinance shall be filed with the Township Clerk and be open to public inspection.

Section 1010 Fees

- A. The Township Board shall periodically establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be posted at the township hall. No permit shall be issued unless such fees have been paid in full.

ARTICLE XI: AMENDMENT TO THE ZONING ORDINANCE

Section 1101 Changes and Amendments

- A. Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission or by an individual.

Section 1102 Required Amendment Information

- A. If the amendment is to change the text of the ordinance, the petitioner shall transmit proposed language for consideration by the Planning Commission. The petitioner shall explain the reasons for the change and any benefit or interest to be gained.
- B. When the request involves a change in the Zoning Map, the applicant shall submit the following information:
1. A legal description of the property;
 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 petitioner;
 4. The petitioner's interest in the property;
 5. Signatures of petitioner(s) and owner(s) certifying the accuracy of the required information;
 6. Signature of the property owner, if not the applicant, agreeing to and aware of the rezoning request, and,
 7. The desired change and reasons for such change.

Section 1103 Amendment Procedure

- A. Each application shall be submitted to the Zoning Administrator, accompanied by the proper fee, and then referred to the Planning Commission for their review at a public hearing, which is held in conformance with Section 1003 of this Ordinance.
- B. The Planning Commission shall transmit their recommendations and a summary of the comments received at the public hearing to the Township Board.

- C. The Township Board may hold additional public hearings if it considers it necessary. Notice of public hearing held by the Township Board shall be published in a newspaper which circulates in the Township. The notice shall be given not more than 15 days nor less than 5 days before the hearing. After receiving the recommended change or amendment, the Township Board, at a regular meeting or at a special meeting called for the purpose, shall consider the recommendations and vote upon the adoption of a zoning ordinance text or map change for the Township
- D. Any changes or amendments shall be approved by a majority vote of the members of the Township Board. The Township Board shall not make a change or departure from the plans, text, or maps as certified by the Planning Commission unless the proposed change or departure is first submitted to the Planning Commission for its advice or suggestions. The Planning Commission shall have 30 days from and after receipt of the proposed change or departure to send its report to the Township Board.
- E. No petition for text or map amendment changes, which has been disapproved by the Township Board, shall be resubmitted for a period of one year from the date of disapproval, except as may be permitted by the Township Board after learning of new and significant facts or conditions which might result in favorable action upon resubmittal. Resubmittal shall follow the same procedure as outlined in this Section.
- F. Notice of adoption of the text or map amendment change shall be published in accordance with Section 11 and 11a of Act 110 of 2006, as amended.

Section 1104 Review of Amendment by Planning Commission

- A. In viewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition. All findings of fact shall be made part of the Public Hearing.
- B. The general standards to be considered by the Planning Commission shall include, but not be limited to, the following:
 - 1. Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance;
 - 2. Whether the requested zoning change is consistent with local plans and policies;
 - 3. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition;
 - 4. The ability of the Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition is approved;

5. Whether there are any significant and negative environmental impacts which would potentially occur if the petitioned zoning change occurred and resulting permitted structures were built, including but not limited to, surface water drainage problems, wastewater disposal problems, or the loss of locally valuable natural resources;
6. Effect of approval of the petition on adopted development policies of the Township and other governmental units.

ARTICLE XII: ZONING BOARD OF APPEALS

Section 1201 Creation and Membership

- A. The Zoning Board of Appeals is established in accordance with Act 184 of 1943, as amended. The Board shall consist of three regular members: a member of the Planning Commission; and the remaining members appointed by the Township Board from the electors residing in the unincorporated area of the Township. One member may be a member of the Township Board. The term of office for the member of the Planning Commission shall not exceed the term of office on the Planning Commission; the term of office for a member of the Township Board shall not exceed the term of office on the Township Board.

- B. The Township Board may appoint two alternate members to the Zoning Board of Appeals for the same term as regular members of the Zoning Board of Appeals. The alternate may be called to serve if a regular member is absent or unable to attend. An alternate member will also be called to serve as a regular member for the purpose of reaching a decision on a case in which a regular member has abstained for reasons of conflict of interest; the alternate member shall serve in the case until a final decision is made. When called to serve on the Zoning Board of Appeals, the alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

Section 1202 Procedures

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- A. The Zoning Board of Appeals may adopt rules and regulations to govern its procedures. One of its members shall be appointed as the Chairperson.

- B. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such times its rules of procedure may specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts and other relevant factors, including the vote of each member upon any question or if absent or failing to vote indicating such fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Township Clerk.

- C. The Zoning Administrator shall transmit to the Zoning Board of Appeals copies of application and papers related to an appeal, variance, interpretation or other matter. The Zoning Board of Appeals shall decide upon all matters within 30 days of receipt of materials from the Zoning Administrator. The Board shall give due notice of the hearing in accordance with the provisions of Section 1103.

- D. A fee shall be paid to the Township at the time of filing the notice of appeal.

- E. Any party or parties may appear at the hearing in person or by agent or attorney.

- F. The decision of the Board shall be in the form of a resolution containing a full record of its findings and determinations in each case. The decision of the Zoning Board of Appeals shall be final.

Section 1203 Duties and Powers

- A. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in Act 184 of 1943, as amended, so that the objectives of this Ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done.
- B. The Zoning Board of Appeals shall hear and decide those matters which it is specifically provided for in this ordinance and as provided for in Act 184 of 1943, as amended.
- C. The Zoning Board of Appeals shall have the power to:
 - 1. Hear and decide appeals from and review any order, requirements, decision or determination of the Zoning Administrator;
 - 2. Vary or modify any of the rules or provisions of this Ordinance;
 - 3. Interpret, upon request, the provisions of the this Ordinance in such a way as to carry out the intent and purpose of this Ordinance;
 - 4. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator;
 - 5. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 412 or by an analysis of the specific needs;
 - 6. Determine if a use is similar to an expressly permitted (either by right or conditionally) use within a specific district.
- D. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to revise any order, requirements, decision or interpretation of the Zoning Administrator or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.
- E. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance.

Section 1204 Variances

- A. If there are practical difficulties due to the literal enforcement of the provisions of this Ordinance, the Board of Appeals may in specific cases grant a variance from the provisions of this Ordinance that will not be contrary to the public interest.
- B. Any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.
- C. The Zoning Board of Appeals shall make findings that the requirements of this Section have been met by the applicant.
- D. The Zoning Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- E. The Zoning Board of Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.
- F. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards consistent with Section 1002C of 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.
- G. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- H. The Zoning Board of Appeals may reverse, affirm or modify an order, requirement, decision or determination based on an appeal made by a public official. All actions taken by the Zoning Board of Appeals must be in conformance with the Ordinance.

Section 1205 Appeals

- A. Appeals concerning interpretation of the administration of this Ordinance or for the granting or denial of a Conditional Use Permit shall be made by filing a notice of appeal specifying the grounds with the Zoning Administrator within a period of 30 days from the occurrence of the contested matter.
- B. An appeal shall stay all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Board, that a stay would in his/her opinion, cause imminent peril to life or property, in which case the proceedings should not be stayed, other than by a restraining order granted by the courts.

Section 1206 Duties on Matters of Appeal

- A. All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Administrator. Such questions shall be presented to the Zoning Board of Appeals only on appeal from the decisions of the Zoning Administrator. Recourse from decisions of the Zoning Board of Appeals shall be to the Circuit Court of Alger County, as provided by law.

ARTICLE XIII: INTERPRETATION, SEVERABILITY, VESTED RIGHT

Section 1301 Interpretation and Conflict

- A. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by the Ordinance to repeal, abrogate, annul or in any way impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the courtyards or other open spaces that are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

Section 1302 Severability

- A. This Ordinance and the various parts, sections, subsections, and clauses are declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is provided that the remainder of the Ordinance shall not be affected. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional, or invalid as applied to a particular property, building, or structure, it is provided that the application of such portion of the Ordinance to other property, buildings, or structures shall not be affected. Whenever any condition or limitation is included in an order authorizing any conditional use permit, variance, zoning compliance permit, site plan approval, or designation of nonconformance, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this Ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

Section 1303 Vested Right

- A. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.