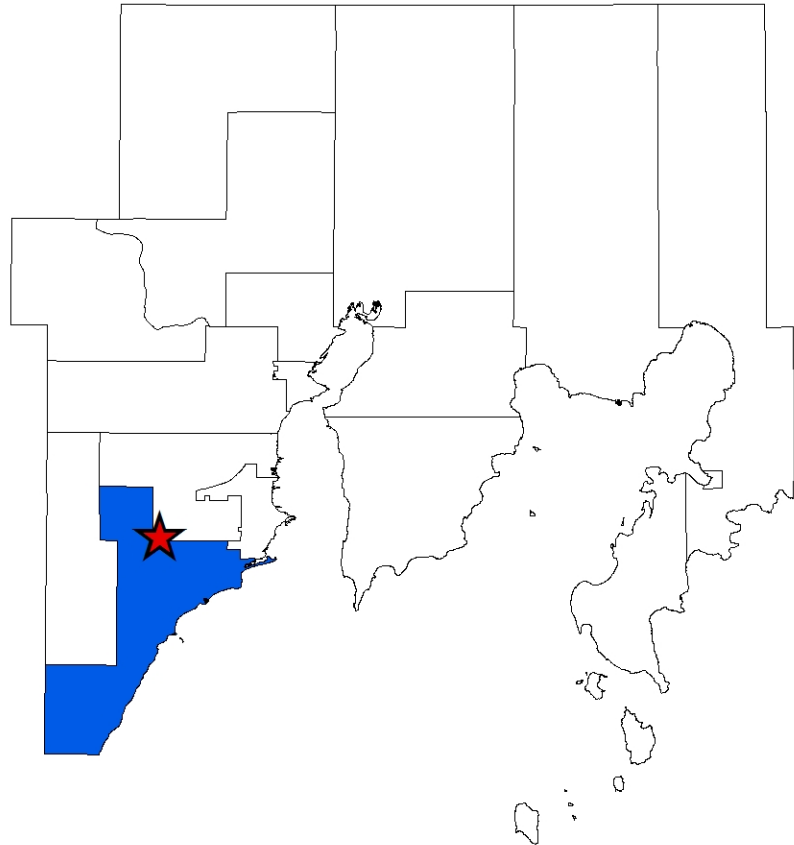


Ford River Township

Zoning Ordinance



Zoning Ordinance

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Effective: January 24, 2008

Map

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Prepared by:
Ford River Township Board
Township Planning Commission
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ARTICLE I
PURPOSE OF ZONING

Section 101 Purpose

An Ordinance to establish zoning districts and regulations governing the development and use of land within Ford River Township, in accordance with the provisions of Act 110, Public Acts of 2006, as amended; to provide for regulations governing nonconforming uses and structures; to provide for a 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.

Pursuant to the authority conferred by the Public Acts of the State of Michigan, this Ordinance has been established for the purpose of:

- A. Promoting and protecting the public health, safety, and general welfare;
- B. Protecting the character and the stability of the agricultural, residential, and non-residential areas within the Township of Ford River and promoting the orderly and beneficial development of such areas;
- C. Providing adequate light, air, privacy and convenience of access to property;
- D. 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 and air to protect the public health;
- E. Lessening and avoiding congestion on the public highways and streets;
- F. Providing for the needs of agriculture, housing, and commerce in future growth;
- G. Protecting the public and adjacent uses from fire, explosion, noxious fumes or orders, excessive heat, dust, smoke, glare, noise, vibration, radioactivity, and other health and safety hazards;
- H. 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;
- I. Enhancing social and economic stability in the Township;
- J. Enhancing the aesthetic desirability of the environment throughout the Township;
and
- K. Conserving the expenditure of funds for public improvements and services to conform to the most advantageous uses of land.

Section 102 Short Title

This Ordinance shall be known and may be cited as the Zoning Ordinance of Ford River Township, Delta County, Michigan.

ARTICLE II DEFINITIONS

Section 201 Construction of Language

The following rules of construction shall apply to the text of this Ordinance:

- A. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases that have a peculiar and appropriate meaning in the Ordinance, shall be construed and understood according to such peculiar and appropriate meaning.
- B. The particular shall control the general.
- C. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- D. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- E. 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.
- F. The word "building" includes the word "structure", and the word "dwelling" includes the word "residence". A "building" or "dwelling" includes any part thereof.
- G. The words "used" or "occupied" include the words "intended", "designed", or "arranged" to be used or occupied.
- H. The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.
- I. The word "lot" includes the words "plot" and "parcel".
- J. 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", "either...or", the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - 3. "Either...Or" indicates that the connected items, conditions, provisions, or events shall apply single but not in combination.

- K. 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.
- L. 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.
- M. In computing a period of days, the first day is excluded and the last day is excluded. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

Section 202 Definitions

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 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.
3. Adult Foster Care Facility: A governmental or nongovernmental establishment that provides foster care to adults. Includes facilities and foster care family home for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care. This definition includes other provisions and limiting appearing in MCL 400.703.
4. Agriculture: Any land or building use for pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry.
5. Alley: A public or legally established private thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.
6. Alterations: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams, or girders; or any change which may be referred to herein as "altered" or "reconstructed".
7. Apartment: A dwelling unit in a "multiple family dwelling" as defined herein.
8. Attached Garage: An attached accessory structure for zoning purposes must comply with the requirements described below to be considered attached to, and

therefore a part of the main or principal building on a lot (requires both 1 & 2) (Amended 7.10.17).

- A. The attached accessory structure and the main or principal building must have the same type of permanent foundation, which meets the requirements of the Michigan 2009 Residential Code, as amended; or the Michigan 2012 Building Code, as amended. Structures that do not have a permanent foundation as required by the Michigan 2012 Building Code, cannot be attached to the main or principal building and be considered an attached garage for the purposes of this section. Such structures would be in violation of the Township Zoning Ordinance.

- B. The accessory structure may be attached by;
 - 1. Use of a common wall, wherein the principal building and the accessory structure must overlap at least 40% in the use of a common wall, six (6) foot minimum, or
 - 2. Use of an enclosed connecting room at least six (6) feet in width extending between the principal building and the accessory structure, the exterior of which is of permanent construction and matches that of the principal building in quality and character, or
 - 3. Use of a connecting roof structure between the principal building and the accessory structure, wherein the connecting roof is structurally integrated with both the roof structures of the principal and accessory structures.
 - 4. Any connecting structure, whether a., b., or c. above, must meet the requirements of the Michigan 2012 Building Code, as amended.

- 9. Attached Wireless Communication Facilities: Any wireless communication facilities affixed to existing structures, including but not limited to existing buildings, towers, water tanks, or utility poles.

- 10. Automotive Repair Garage: A premise where the following services may be carried out in a completely enclosed building: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; painting and undercoating of automobiles.

- 11. Basement: That portion of a building which is partially or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

12. Base Site Area: Means the total property area of the property in question, minus portions of the property which are dedicated for other use(s) or purposes (e.g. road right-of-way, county drain right-of-way, utility easements, open space dedications or easements). The remaining portion of the property in question then is that portion which is potentially available to be built upon or otherwise used for permitted uses or conditions. (Amended 7.10.17)
13. 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.
14. Billboard: An outdoor sign advertising services or products, activities, persons or events which were not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located.
15. 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, un-subdivided acreage, lake, river, stream, or other barrier to the continuity of development.
16. Bluff line: The edge or crest of the elevated segment of the shoreline above the beach or beach terrace which may be subjected to wave attack, and normally presents a precipitous front and inclines steeply on the water side (Dunal terraces which accrete and erode depending on water levels are not considered bluff lines).
17. Board: The Board of Zoning Appeals of Ford River Township.
18. 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.
19. Buffer Yard: 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.
20. Building: Any structure having a roof supported by columns or walls for the shelter, support, enclosure of persons, animals or property. When such a structure is divided into separate parts by one or more unpierced (fire) wall(s) extending from the ground up, each part is deemed a separate building, except for minimum side yard requirements as hereinafter provided.
21. Building Area: The area (square footage) included within surrounding exterior walls (or fire walls) exclusive of vents, elevator or other shafts, courts, or courtyards. Areas of the building not provided with surrounding walls shall be

included in the building area if included within the horizontal projection of the floor above.

22. Building Height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.
23. Building Line: A line parallel to the front lot line, which for purposes of this Ordinance, a minimum building line is the same as the minimum required front setback line.
24. Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is located.
25. Carport: A partially open structure, intended to shelter one or more vehicles. Such structure shall comply with all yard requirements applicable to private garages.
26. Certificate of Zoning Compliance: A certificate issued by the Zoning Administrator or Planning Commission Member to a party intending to initiate any work or change any use of property in the Township.
27. Church: A building wherein persons regularly assemble 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.
28. Clinic: A location where medical or dental care is furnished to persons or animals on an outpatient basis by licensed doctors, dentists, or veterinarians.
29. 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.
30. Co-location: Means 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.
31. Commercial Vehicle: Any vehicle so registered or required by the State to be registered as a vehicle used for commercial purposes.

32. Comprehensive Development Plan: The statement of policy by the Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written materials representing in summary form, the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating the very best community living conditions.
33. Conditional Use Permit: Pursuant to the zoning ordinance, a conditional use permit (CUP) may authorize uses not routinely allowed on a particular site. CUPs require a public hearing and if approval is granted, are usually subject to the fulfillment of certain conditions by the developer. Approval of a CUP is not a change in zoning.
34. Condominium: A building or group of buildings in which the dwelling units, offices, or floor area are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.
35. 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 private right-of-way or easement running through them. A parcel in the same ownership, which would otherwise be touching except for a public right-of-way or easement running through it, shall not be considered contiguous property.
36. Deck: An open platform with or without railings, constructed of wood or other material which is not screened or enclosed which is either: attached, part of, or adjacent to and with direct access to or from a building.
37. Density: The number of dwelling units situated on or to be developed on a net acre of land.
38. Directional Sign: An on-site sign that is designed and erected solely for the purposes of directing vehicular and/or pedestrian traffic within a project.
39. District: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements and height regulations.
40. Driveway: A passage providing access to an individual's property along which normal vehicles may be driven twelve months out of the year, comprised of suitable base as determined by the Zoning Administrator or his designated agency or person. If these driveways cross an existing roadside ditch, the property owner shall obtain a permit from the Delta County Road Commission to install a culvert (minimum length is 24 feet) of sufficient size to carry, unimpeded, the flow of water in the ditch.

41. Dwelling, Single-Family: A building containing not more than one dwelling unit designed for residential use complying with the following standards:
- a. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
 - b. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code, as amended, and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings.
 - c. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
 - d. The dwelling contains a storage crawl space, capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.
 - e. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang or not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has no less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design and appearance of one or more residential dwellings within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

- f. The dwelling contains no additions or rooms or other areas that are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

- g. The dwelling complies with all pertinent building and fire codes.
- h. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code, as amended.
- i. The dwelling shall not be rented for a period of time less than 30 days.

42. Dwelling, Two-Family: A building containing two separate dwelling units designed for residential use complying with the following standards:

- a. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- b. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code, as amended, and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings.
- c. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
- d. The dwelling contains a storage crawl space, capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.
- e. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang or not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has no less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design and appearance of one or more residential dwellings within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings throughout the township. The foregoing shall not be construed

to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

- f. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- g. The dwelling complies with all pertinent building and fire codes.
- h. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code, as amended.
- i. The dwelling shall not be rented for a period of time less than 30 days.

43. Dwelling, Multiple Family: A building containing three or more dwelling units designed for residential use complying with the following standards:

- a. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- b. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code, as amended, and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings.
- c. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
- d. The dwelling contains a storage crawl space, capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.
- e. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang or not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has no less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this definition

of "dwelling" as well as the character, design and appearance of one or more residential dwellings within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

- f. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
 - g. The dwelling complies with all pertinent building and fire codes.
 - h. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code, as amended.
 - i. The dwelling shall not be rented for a period of time less than 30 days.
44. Dwelling Unit: One or more rooms with bathroom and principal kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes.
45. Easement: The legal right to use property owned by another for specific purposes or to gain access to another property. The easement may be for a portion or all of the property and can be deemed as under, on, or above said property.
46. Earth Sheltered Home: A building which is partially or entirely below grade and is designed and intended to be used as a single-family dwelling.
47. Efficiency Apartment: A dwelling unit with a bathroom and principal kitchen facilities designed as a self-contained unit for living, cooking and sleeping purposes and having no separate designed bedroom.
48. Erected: The word "erected" includes built, constructed, reconstructed, move upon, or any physical operations on the premises required for a building. Excavations, fill, drainage, and the like, shall be considered part of erection.
49. 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.

50. Excavation: Any breaking of ground, except common household gardening, general farming and ground care.
51. 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 housekeeping unit with single cooking facilities. 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.
52. Family Day-Care Home: A private home in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.
53. Farm: Any parcel of land containing at least (5) acres, which is used for agricultural purposes.
54. Feasibility of Co-location: Means 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 rate; the site on which co-location is being considered is able to provide structural support; and the co-location is considered technically reasonable.
55. Feedlot: A fenced area where livestock are confined solely for the purpose of growing or finishing, and are sustained by means other than grazing
56. Fence: An artificially constructed barrier of wood, metal, stone or any manufactured materials erected for the enclosure of yard areas.
57. Filling: The depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance.

58. Flag Lot: A lot which has minimum frontage on a public or private street, which is reached via a private drive or lane and whose width some distance back from the street right-of-way, meets all ordinance requirements. (See Diagram – A)
59. 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 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.
60. Floor Area Ratio: Intensity measured as a ratio, derived by dividing the total floor area of a building by the base site area.
61. Floor Area, Usable: For purposes of computing parking requirements, is that area to be used for the sale of merchandise or services, or for use to serve patron, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, for hallways, stairways and elevator shafts or for utilities or sanitary facilities shall be excluded from this computation of "usable floor area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the heated, living area of the building, measured from the interior faces of the exterior walls, excluding private garages.
62. Free Standing Solar Array/Panel: Solar panel built on its own frame in the ground, not attached to a building. (Amended 7.10.17)
63. Free-Standing Tower: A trussed (microwave tower) or single pole (cell phone tower) constructed of lattice steel or aluminum which is supported by concrete base and/or guy wires extending at angles from the structure to ground anchors.
64. Garage, Private: An accessory building, or portion of a principal building, designed or used solely for the storage of motor vehicles, boats, and similar items or equipment.
65. Gasoline Service Stations: 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.
66. 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.

67. Group Day-Care Home: A private home licensed or registered under Public Act 116 of 1973, in which more than six (6) but not more than twelve (12) adults or minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during the year. A group day care home does not include facilities offering nursing services, congregate care facilities, drug treatment facilities nor facilities for the care and treatment of persons released from or assigned to correctional facilities.
68. Hedge: A row of closely planted shrubs, bushes, or any kind of plant forming a boundary or barrier that protects, shields, or separates one area from another.
69. Home Occupation One: Home occupation one means a use or occupation conducted on the premises within the main residential dwelling which is clearly incidental and secondary to residential occupancy and does not change the character thereof and meets the terms as identified in this definition.
- a. Home occupations shall employ only those members of the family residing on the premises. No other persons shall be employed in the conduct of home occupations;
 - b. There shall be no exterior evidence of the conduct of home occupations, other than an approved sign.
 - c. Parking requirements shall be limited per Section 415.
 - d. The use of the dwelling unit for home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the useable floor area of the dwelling unit shall be used in the conduct of home occupations;
 - e. No equipment or processes shall be used in such 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;
 - f. A sign advertising the home occupation shall not exceed the size of three hundred square inches and shall not be illuminated or have working parts. The sign shall be mounted flush with the building, except if it is not visible from the road, upon determination by the Planning Commission, it can be placed to the front of the lot or parcel. The sign must be located on the contiguous parcel in which the home occupation is located;
70. Home Occupation Two: Home occupation two means a use or occupation conducted on the premises either within the main residential dwelling or an accessory dwelling which is clearly incidental and secondary to residential occupancy and does not change the character thereof and meets the terms as

identified in this definition. Home occupation two is permissible by Special Use Permit in those districts specified in Article III.

- a. Home occupations shall employ only those members of the family residing on the premises and not more than one outside employee;
 - b. There shall be no exterior evidence of the conduct of home occupations, other than an approved sign;
 - c. Any traffic generated or parking requirements shall be limited by the conditions and restrictions imposed in the Special Use Permit.
 - d. The use of the dwelling unit for home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and if such home occupation is conducted in the principal dwelling, not more than twenty-five (25) percent of the usable floor area of the dwelling shall be used in the conduct of home occupation;
 - e. No equipment or processes shall be used in such 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;
 - f. A sign advertising the home occupation shall not exceed nine (9) square feet and shall not be illuminated or have working parts. It may be attached flush to the building or placed to the front of the lot and shall not detract from the visual appearance of the neighborhood;
 - g. Accessory buildings used in the conduct of home occupations shall conform to the setback requirements of the principal building;
 - h. If the home occupation is conducted in an accessory building, it shall not have a square footage greater than those areas allowed in Section 404 of this Ordinance, unless an approved Special Use Permit is obtained from the Planning Commission.
71. Improved Road Surface: A road that has been graded and leveled so as to make a firm, level surface with the addition of off-premise materials such as sand, gravel, or aggregate.
72. Inoperable or Abandoned Motor Vehicle: Any wheeled vehicle which is self-propelled and/or intended to be self-propelled, and which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power. This definition shall not be deemed to include farm machinery other than automobiles or trucks.
73. Junk: For the purpose of this Ordinance, the term "junk" shall mean any inoperable motor vehicles, machinery, appliances, produces, or merchandise with parts missing or scrap metals or other scrap materials that are damaged or deteriorated.

74. Junk Yard: Any land or building used for abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in normal running conditions, machinery or parts thereof.
75. Kennel, Household: The permanent or temporary keeping of more than three dogs, cats or other similar domesticated animals that are more than six months of age for personal enjoyment, hobby or recreational purposes.
76. Kennel, Commercial: Any lot or premises used for the commercial sale, boarding, or treatment of dogs, cats, or other domestic pets.
77. Landing Strip, Private: A personal use landing field is required for any aircraft which has landing or takeoff gear or ground support structure(s) (including struts, wheels, pontoons, skids or skis) inherent in its design. (Amended 7.10.17)
78. Loading Space: An off-street space on the same lot with a building, or group of buildings for one temporary parking or a commercial vehicle while loading or unloading merchandise or materials.
79. Lodge: A single building or facility that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of guests with or without sleeping facilities.
80. Lot: Land occupied or to be occupied by a building, structure, land use or group of buildings together with such open spaces of yards as are required under this Ordinance and having its principal frontage upon a street. (See Diagram – A)

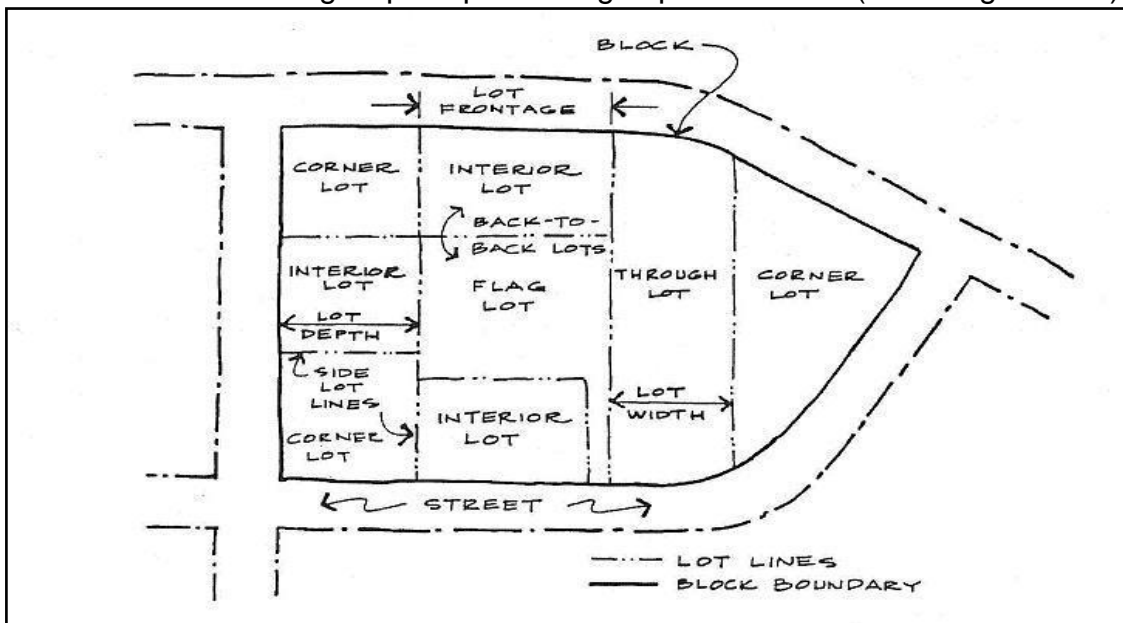


Diagram A – Lot Types

81. Lot Area: The total horizontal area within the lot lines of a lot.
82. Lot, Corner: A lot which has at least two contiguous sides abutting upon a street for their full length. (See Diagram – A)
83. 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.
84. Lot, Interior: A lot other than a corner lot. (See Diagram – A)
85. Lot Line(s): Any of the lines bounding a lot as defined herein. (See Diagram – A)
 - a. Front Lot Line: In the case of an interior lot, it is that line separating said lot from the street. In the case of a through lot, it is that line separating said lot from either street. In the case of a corner lot, the shorter street line shall be considered the front lot line, except in the case of both street lines being equal; the choice may be made at the discretion of the property owner. Once declared and so indicated on the building permit application, the designated front lot line shall remain as such.
 - b. Rear Lot Line: That lot line opposite and most distant from the front lot line. In the case of an irregularly shaped lot, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot.
 - c. Side Lot Line: Any lot line 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.
86. Lot of Record: A lot which is part of a subdivision, the map of which has been recorded in the Office of the Register of Deeds, Delta County, Michigan, or a parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the Register of Deeds, Delta County, Michigan, prior to the adoption of this Ordinance.
87. Lot, Through: A double frontage lot, not a corner lot, having a street for both front and rear lot lines. (See Diagram – A)
88. Lot, Width: The straight line horizontal distance between the side lot lines, measured at the two points where the building line, or setback line intersects the side lot lines. (See Diagram – A)
89. Major Thoroughfare: An arterial street, which is intended to serve as a large volume traffic-way for both the immediate area and the region beyond.

90. Marquee: A roof-like structure of a permanent nature projecting from the wall of a building.
91. Mobile Home: A structure designed or used for residential occupancy built upon or having a frame or chases to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has, at any given time, such wheels attached, or is jacked up or skirted.
92. Mobile Home Park: Any lot, parcel or tract of land under the control or management of any person, occupied or designated for occupancy by more than two (2) mobile home and including any accessory buildings, structures or enclosures comprising facilities used by park residents.
93. Modular (Pre-Manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules 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.
94. Motel: A series of attached or detached rental unit containing bedroom, bathroom and closet space. Units shall provide for overnight lodging, are offered to the public for compensation, and shall cater primarily to the traveling public.
95. Nonconforming Building (Nonconforming Structure): A building or structure (or portion thereof) 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.
96. 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.
97. Nuisance: Is an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to:
- a. noise;
 - b. dust;
 - c. smoke;
 - d. odor;
 - e. glare;

- f. fumes;
 - g. flashes;
 - h. vibration;
 - i. objectionable effluent;
 - j. noise of a congregation of people, particularly at night;
 - k. invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.
98. Nuisance, Attractive: A use, practice, structure or condition that meets the criteria as contained in the "classic statement of the doctrine of attractive nuisance" (2 Restatement of Torts, 2d 339, p. 157; 76 Rich. App. 137 - June, 1977).
99. Nursery School (Child-Care Center): A public or private school, kindergarten or child care facility wherein day-care, or day-care and education is provided for five (5) or more minors.
100. 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.
101. Open Space Ratio: The proportion of a site consisting of required open space as defined and specified in Section 401, and which shall be calculated using the base site area.
102. 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 thereof, except as otherwise provided in this Ordinance.
103. Parking Space: An area of not less than one hundred eighty (180) square feet in area, exclusive of drives, aisles or entrance giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.
104. Planned Unit Development: A tract of land developed under single ownership or management as a separate neighborhood or community unit. The development shall be based on an approved site plan, which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, common open space and other land uses.
105. Planning Commission: The Township Planning Commission of the Township of Ford River.
106. Porch: A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building.

107. Principal Building: Any building or structure that adheres to the principal use for which that lot or parcel is zoned.
108. Principal Use: The main use to which the premises are devoted and the principal use for which the premises exist.
109. Public Utility: Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, electricity, sewage disposal, communication, telephone, transportation or water.
110. Quarry: Any excavation or demolition or combination thereof for the purpose of removing sand, gravel, rock, pit-run, or other sub-surface material.
111. Recreational Structure: A cabin, cottage, hunting camp, mobile home or other similar structure used for not more than 90 consecutive days and on an intermittent basis for recreational or vacation purposes and which is not permitted to be a permanent place of domicile or residency of the owner or lessee.
112. Resort: A building or series of buildings under common ownership that provides interrelated visitor and vacation services and are intended to serve the community and the travel needs through the area. Typical uses include but are not limited to: overnight, weekly, or monthly accommodations, meeting rooms, convention and banquet facilities, administrative facilities, maintenance facilities, resort recreation facilities, and restaurant and retail uses which are customarily appurtenant to such uses.
113. Restaurant, Fast Food: An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state, for consumption that may be provided through a drive-thru:
- a. Within the restaurant building;
 - b. Within a motor vehicle parked on the premises; or
 - c. Off the premises as carry-out orders, and whose principal method of operation includes the following characteristics; food and/or beverages are usually served in edible containers or in paper, plastic or other disposable containers.
114. Restaurant, Standard: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics:

- a. Customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed;
 - b. a cafeteria-type operation where food and beverage generally are consumed within the restaurant building.
115. 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.
116. Road: A public thoroughfare, including street, drive, highway, lane, avenue, place, boulevard, and any other thoroughfare that affords the principal means of access to abutting property.
117. Roadbed: The foundation and surface of a road suitable for use by an emergency vehicle. (Amended 2.10.14)
118. Road, Private: Any right-of-way or area set aside to provide vehicular access within a development that is not dedicated or intended to be dedicated to the public and is not maintained by the public; services (3) or more houses. (Amended 7.10.17)
119. Roadside Stand: A structure which is used seasonally for display and sale of agricultural produce. The operation of a roadside stand shall not constitute a commercial use.
120. Sanitary Landfill: A method of disposing of refuse on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of suitable cover at the conclusion of each day's operation or at more frequent intervals, as necessary and maintained in accordance with the provisions of Act 641 of 1978, as amended.
121. Screen: A structure providing enclosure, 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 growing materials.
122. Seasonal Dwelling: A residential building, whether temporary or permanent. Where "seasonal dwelling" is provided as a principal permitted or conditional use in this Ordinance, it is intended that governmental services including snow plowing, road construction or maintenance, utilities, school bus service, and other like services may not be provided to such dwelling or use. Any one building being a residential building in a zone designated for "seasonal dwellings" shall be informed in writing by the building inspector or Zoning Administrator that the above governmental services may not be provided to that building or use.

123. Setback: The minimum unoccupied distance between the lot line and the principal and accessory buildings, as required herein.
124. Setback, Front: The minimum unoccupied distance, extending the full lot width, between the principal building and the front lot line. On lots or properties abutting a public road or highway the front setback line is established from the road Right of Way.
125. 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.
126. 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.
127. Shared Driveway: A driveway that is shared by (2 or less) adjacent property owners that is privately owned and maintained. (Amended 7.10.17)
128. Shopping Center: Is a business or group of businesses which provides a variety of merchandise and/or services which requires a location on a major road and a large parking area to accommodate vehicular traffic. Such a center may be a small neighborhood center, a discount store, or a mall, though this does not limit such use to be one or any of these.
129. Sign: Any device including words, numerals, figures, designs, pictures or trademarks painted upon or otherwise affixed to a building, wall, board, or any structure, so as to inform or attract attention.
130. 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.
131. Special Use Permit: A permit issued by the Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure and for those uses not specifically mentioned in this Ordinance which possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the Township's inhabitants. Special Use Permits require a public hearing by the Planning Commission.
132. Stable, Riding or Boarding: A facility where more than three (3) horses for hire, sale or boarding are kept.
133. State Licensed Residential Facility: A structure constructed for residential purposes that are licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL

722.111 to 722.128, and provides residential services for 6 or fewer persons under 24-hour supervision or care.

134. Story: That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A story thus defined, shall not be counted as a story when more than fifty (50) percent by cubic content, is below the height level of the adjoining ground.
135. Story, Half: That part of building between a pitched roof and the uppermost full story, said part having a finished floor area which does not exceed one-half (2) of the floor area of a full story.
136. Street: A public dedicated right-of-way which affords traffic circulation and principal means of access to abutting property.
137. Structure: Anything constructed or erected which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, free-standing signs and satellite dishes, and not including sidewalks, drives, patios, and utility poles.
138. Structural Alterations: Any change in the supporting members of a building such as the bearing walls, beams or girders, or any change in the dimension or configuration of the roof or exterior walls.
139. Subdivision: The division of a lot, tract, or parcel of land into five (5) or more lots, tracts, or parcels of land for the purpose, whether immediate or future, of sale or of building development. The meaning of the term "sub-division" shall not, however, apply to the partitioning or dividing of land into tracts or parcels of land or more than ten (10) acres.
140. Township Board: The Township Board of Ford River Township.
141. Variance: A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.
142. Wind Turbine: A wind energy conversion device that produces electricity; typically three blades rotating about a horizontal axis and positioned up-wind of the supporting.
143. Wireless Communication Facilities: Means 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.

144. 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 principal 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 principal building.
- c. Yard, Side: An open space between the side line of the lot and the nearest line of the principal building and extending from the front yard to the rear yard.

145. Zoning Administrator: The Township Supervisor or his authorized representative charged with the responsibility of administering this Ordinance.

146. Zoning Board of Appeals: The Zoning Board of Appeals of Ford River Township.

ARTICLE III
ZONING DISTRICTS AND MAP

Section 301 Establishment of Districts

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

- R-1: Residential One
- R-2: Residential Two
- RR: Rural Residential
- AP: Agriculture Production
- RP: Resource Production
- PL: Public Land
- C: Commercial
- I: Industrial (Reserve for Future Use)

Section 302 Zoning Districts Map

The boundaries of the respective districts enumerated in Sec. 301 are defined and established as depicted on the map entitled "Official Zoning Map of Ford River Township, Delta County, Michigan" which is an integral part of this Ordinance. This map, along with all notations and explanatory matter thereon, shall become as much a part of this Ordinance as if fully described herein.

This Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following: "This is to certify that this is the Official Zoning Map of Ford River Township Zoning Ordinance adopted on the ____ day of _____, 20--." If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map, such changes approved by the Township Board together with an entry on the Official Zoning Map showing the date and official action taken.

One copy of the Official Zoning Map is to be maintained and kept up-to-date by the Township Clerk, accessible to the public and shall be the final authority as to the current zoning status of properties in the Township.

Section 303 Replacement of Official Zoning Map

In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, 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 same signatures and certification as required in Sec. 302. Unless the Official Zoning Map has been lost, or has been

totally destroyed, the prior map or any significant parts thereof remaining shall be preserved together with all available records pertaining to its adoption or amendment.

Section 304 Application of District Regulations

The regulations herein established within 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 or hardships in the way of carrying out the strict letter of this Ordinance, the Board of Zoning Appeals shall have power in passing upon appeals, in accordance with Article X herein, 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 305 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 principal permitted uses in the various Zoning Districts. Where not specifically permitted, uses are thereby prohibited unless construed to be similar to an expressly permitted use by the Zoning Board of Appeals of Ford River Township.
- 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.

Section 306 Conflicting Regulations

Wherever any provision of this Ordinance imposes more strident 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. 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.

Section 307 District R-I: Residential One

- A. Intent: The R-I, Residential One, District is intended for the establishment and preservation of single-family home neighborhoods as desired by large numbers of people, free from other uses except those which are both comparable with and convenient to the residents of such a district. The R-I District is designed to accommodate residential opportunities for those who desire exurban residential living and are willing to assume the costs of providing many of their own services. For the individual lot split type of residential development, it is reasonable to require spacious lots, insuring a safe, potable water supply and treatment of wastewater on the same lot, considering the excessive cost of extending public water to virtually any area of the District. For the larger, unified developments, such facilities will be necessary and this District includes properties to which such services are provided or could be readily provided.
- B. Principal Permitted Uses: Detached single-family dwellings. The keeping of household pets in a kennel, household, or otherwise, not constituting a commercial kennel. Farm animals such as horses, cows, or fowl are not permitted. Family Day-Care Home, State Licensed Residential Facility, except for care of persons released from or assigned to adult correctional institutions. (Home Occupation One Amended 7.10.17).
- C. Permitted Accessory Uses: The following are permitted accessory uses.
1. Accessory structures normally associated with single-family dwellings such as a private garage, shed, playhouse, boathouse, woodshed, sauna, swimming pool and the like.
 2. Pens and private kennels for household pets.
- D. Conditional Uses Permitted by Special Use Permit: The following uses of land and structures may be permitted in this District, by application for and the issuance of a Special Use Permit as provided for in Article VI.
1. Churches
 2. Schools
 3. Private and public parks and similar recreational facilities
 4. Accessory buildings larger than 1,500 square feet.
 5. Group Day-Care home, shall be granted if consistent with standards in Section 422.
 6. Adult Foster Care Facility.
 7. Wind Turbines.
 8. Free Standing Solar Arrays. (Amended 7.10.17)

E. Special Regulations: Single-family dwellings shall conform to the following standards:

1. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
2. It has a minimum width across any front, side or rear elevations of 20 continuous feet of exterior wall and complies in all respects with the Michigan State Construction Code Act, Act 230, 1972, as amended, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Michigan State Construction Code, as amended, then and in that event such federal or state standard or regulation shall apply.
3. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code, as amended, and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.
4. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
5. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
6. The dwelling contains a storage crawl space, capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.
7. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang or not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling" as well as the character, design and appearance of one or more residential dwellings located outside of mobile home parks within 2,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

8. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
9. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
10. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the Township pertaining to such parks.
11. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code, as amended, provisions and requirements.

Section 308 District R-2: Residential Two

- A. Intent: The R-2, Residential Two, District is intended for the establishment and preservation of quiet neighborhoods for single-family dwellings, two-family dwellings, and mobile homes, free from other uses except those which are both comparable with and convenient to the residents in this District. For the individual lot split type of residential development, it is reasonable to require spacious lots, insuring a safe, potable water supply and treatment of wastewater

on the same lot - considering the excessive cost of extending public water to virtually any area of the District.

- B. Principal Permitted Uses: Detached single-family dwellings, two-family dwellings, seasonal dwellings, and mobile homes. The keeping of household pets in a household kennel, or otherwise, not constituting a commercial kennel. Farm animals such as horses, cows, or fowl are not permitted. Family Day-Care Home, State Licensed Residential Facility, except for care of persons released from or assigned to adult correctional institutions. Private garages for non-commercial use: subject to accessory structure regulations (Amended 5.9.11). (Home Occupation One Amended 7.10.17).
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with single-family dwellings, two-family dwellings and mobile homes such as a private garage, shed for yard tools, playhouse, bath house, woodshed, sauna, swimming pools, and the like.
 2. Pens and private kennels for household pets.
- D. Conditional Uses Permitted by Special Use Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Special Use Permit as required for in Article VI.
1. Churches.
 2. Schools.
 3. Private and public parks, golf courses and similar recreational facilities.
 4. Multiple Family Dwellings.
 5. Mobile Home Parks.
 6. Nursing Homes.
 7. Motels and Resorts.
 8. Accessory buildings larger than 1,500 square feet.
 9. Recreational Structure.
 10. Home Occupation Two (Amended 7.10.17)
 11. Group Day-Care home, shall be granted if consistent with standards in Section 422.
 12. Adult Foster Care Facility.
 13. Accessory vehicle storage of rated capacity greater than one ton or one truck trailer. (Amended 1.12.09)
 14. Wind Turbines.
 15. Free Standing Solar Arrays. (Amended 7.10.17)

Section 309 District RR: Rural Residential

- A. Intent: The RR, Rural Residential, District is established to protect and generally preserve the existing character and use of those areas of Ford River Township which are presently rural or agricultural. Soil and natural conditions vary throughout this District, including substantial wood lots and some active farms.

These areas are considered to be suitable for both rural (predominantly scattered-site) residential development and the perpetuation of existing farming or other low intensity uses.

- B. Principal Permitted Uses: Detached single-family dwellings, mobile homes and seasonal dwellings. Agricultural production activities, including the growing and harvesting of crops, grains, fruits, plants, trees, shrubs, and similar activities. Public and private recreational facilities of a non-commercial nature, including parks, playgrounds, camps, parkways, and similar recreational facilities. Fowl, rabbits, animals including horses, cows, pigs and other livestock are permitted; provided they are at all times contained within a structure or fenced area. Family Day-Care Home, State Licensed Residential Facility, except for care of persons released from or assigned to adult correctional institutions. Private garages for non-commercial use: subject to accessory structure regulations (Amended: 5.9.11). (Home Occupation One Amended: 7.10.17).
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, boathouse, woodshed, sauna, swimming pools and the like.
 2. Automobile parking.
 3. Accessory uses or structures clearly incidental to the operation of an existing farm, including barns, silos, sheds, equipment, storage and similar structures customarily incidental to the permitted principal use and structures.
 4. One roadside stand for the sale of farm produce, specialty crops such as tree fruits, nuts, berries and the like, or foodstuffs made from such products, providing it is raised on the property.
- D. Conditional Uses Permitted by Special Use Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Special Use Permit as required for in Article VI.
1. Churches
 2. Schools
 3. Feedlots, poultry farms, and fur farms provided that no such operation shall be established within one-quarter mile of any existing residence not on the premises.
 4. Gun clubs, rifle, trap and pistol ranges
 5. Commercial freestanding towers
 6. Commercial recreational facilities including golf courses, commercial stables, racetracks, motorcycle hill-climbing sites, go-cart tracks and/or similar facilities.
 7. Private airports and landing fields.
 8. Storage yards, transformer stations, substations, microwave relay towers and similar facilities associated with public service uses and facilities.
 9. Veterinarian's offices and animal clinics.

10. Auction sale barns.
11. Facilities for bulk feed, seed or fertilizer sales, storage or mixing.
12. Farm equipment sales, service, or repair.
13. Automotive Repair Garage.
14. Retail establishments such as, but not limited to, those selling gifts, hardware, groceries, greenhouses, antiques, baked goods, arts and crafts, beauty and barber shops, restaurants, supper clubs, drinking establishments, laundromats, resorts, lodges, nurseries, and gas stations.
15. Sawmills, planing mills, and lumberyards.
16. Recreational Structure
17. Quarries (see section 420)
18. Adult Foster Care Facility
19. Wireless Communication Facilities and Attached Wireless Communication Facilities (see section 421)
20. Home Occupation Two.
21. Group Day-Care home, shall be granted if consistent with standards in Section 422.
22. Commercial kennels. (Amended 1.12.09)
23. Commercial storage buildings. (Amended 1.12.09)
24. Wind Turbines.
25. Free Standing Solar Arrays. (Amended 7.10.17)

Section 310 District AP: Agricultural Production

- A. Intent: The AP, Agricultural Production, District is intended to maintain for agricultural purposes those lands which because of their soil characteristics, drainage and other factors, are especially well suited for farming, dairying, forestry operations and other similar agricultural operations and to ensure that uses within this District are retained for agricultural purposes.
- B. Principal Permitted Uses: Agricultural production, including the growing or raising of forage and sod crops, grains and feed crops, dairy and dairy products, livestock, fruits, plants, trees, shrubs, and nursery stock, vegetables and similar activities. Single-family dwellings and mobile homes. Private garages for non-commercial use: subject to accessory structure regulations (Amended 5.9.11). (Home Occupation One Amended 7.10.17).
- C. Permitted Accessory Uses: The following are permitted accessory uses:
 1. Accessory uses or structures, clearly incidental to the operation of an existing farm, including barns, silos, sheds, equipment storage and similar structures customarily incidental to the principal permitted use and structures.
 2. One roadside stand for the sale of farm produce, specialty crops such as tree fruits, nuts, berries and the like, or food stuffs made from such products, providing it is raised on the property.
 3. Automobile parking.

4. Accessory structures normally associated with single-family dwellings, such as a private garage, shed for yard tools, playhouse, boathouse, woodshed, sauna, and the like.
5. Pens and private kennels for household pets.

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

1. Feedlots, poultry farms and fur farms provided that no such operation shall be established within 1/4 mile of any existing residence not on the premises.
2. Commercial riding or boarding stables.
3. Gun clubs, rifle, trap and pistol ranges.
4. Private airport or landing fields.
5. Commercial freestanding towers.
6. Storage yards, transformer stations, substations, microwave relay towers and similar facilities associated with public service uses or facilities.
7. Veterinarian's offices, commercial kennels and animal clinics.
8. Facilities for bulk feed, seed or fertilizer sales, storage or mixing.
9. Auction sale barns.
10. Farm equipment sales, service, or repair.
11. Single-family homes and mobile homes will be permitted on lots of one acre or more if the Planning Commission determines that they meet all of the following standards:
 - a. Are located on a parcel of land that is not suitable for farming as determined by the Planning Commission with consultation from the Soil Conservation District.
 - b. Have soils suitable and capable of supporting year-round residential occupancy; and
 - c. The proposed lot is adjacent to an improved public road.
12. Recreational Structure.
13. Quarries (see section 420).
14. Wireless Communication Facilities and Attached Wireless Communication Facilities (see section 421).
15. Home Occupation Two.
16. Wind Turbines.
17. Free Standing Solar Arrays. (Amended 7.10.17)

Section 311 District RP: Resource Production

A. Intent: The RP, Resource Production, District, is established to maintain low density rural areas which because of their rural character and location, accessibility, natural characteristics and the potentially high cost of providing public services for intensive uses are suitable for a wide range of forestry, agricultural, natural resource and recreational uses.

B. Principal Permitted Uses: Detached single-family dwellings, mobile homes and seasonal dwellings. Agricultural production activities, including the growing and harvesting of crops, grains, fruits, plants, trees, shrubs, and similar activities. Public and private recreational facilities of a non-commercial nature, including parks, playgrounds, camps, parkways, and similar recreational facilities. Commercial kennels, fowl, rabbits, animals including horses, cows, pigs and other livestock are permitted, provided they are at all times contained within a structure or fenced area. Family Day-Care Home, State Licensed Residential Facility, except for care of persons released from or assigned to adult correctional institutions. Private garages for non-commercial use: subject to accessory structure regulations (Amended 5.9.11). (Home Occupation One Amended 7.10.17).

C. Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory structures normally associated with residential dwellings such as a private garage, shed for yard tools, playhouse, boathouse, woodshed, sauna, swimming pool and the like.
2. Pens and private kennels for household pets.
3. Automobile parking.
4. Commercial kennels.
5. Accessory uses or structures clearly incidental to the operation of an existing farm including barns, silos, sheds, equipment storage and similar structures customarily incidental to the permitted principal use and structures.
6. One roadside stand for the sale of farm produce, specialty crops such as tree fruits, nuts, berries and the like, providing it is raised on the property.

D. Conditional Uses Permitted by Special Use Permit: The following uses of land and structures may be permitted in this District, by application for and issuance of a Special Use Permit as provided for in Article VI.

1. Feedlots, poultry farms, and fur farms provided that no such operation shall be established within one-quarter mile of any existing residence not on the premises.
2. Gun clubs, rifle, trap and pistol ranges.
3. Commercial free standing towers.
4. Commercial recreational facilities including golf courses, race tracks, motorcycle hill-climbing sites, go-cart tracks and similar facilities.
5. Private airports or landing fields.
6. Public or private sanitary landfills.
7. Junk yards.
8. Auction sale barns.
9. Storage yards, transformer stations, substations, microwave relay towers and similar facilities associated with public service uses or facilities.
10. Farm equipment sales and service.
11. Facilities for bulk feed, seed or fertilizer sales, storage or mixing.
12. Veterinarian's offices and animal clinics.

13. Sawmills, planing mills, and lumberyards.
14. Quarries (see section 420).
15. Wireless Communication Facilities and Attached Wireless Communication Facilities (see section 421).
16. Home Occupation Two.
17. Group Day-Care home, shall be granted if consistent with standards in Section 422.
18. Wind Turbines.
19. Free Standing Solar Arrays. (Amended 7.10.17)

Section 312 District PL: Public Land

- A. Intent: The PL, Public Lands, District is intended to acknowledge the publicly owned properties that presently exist within the Township. This District applies to only those properties that are used or authorized for public and quasi-public use, in tax-exempt status or public recreation.
- B. Principal Permitted Uses: Any governmental or proprietary function conducted by any governmental agency or publicly owned corporation which is authorized to conduct such function, including, but not limited to educational institutions, public recreational facilities of a non-commercial nature public cemeteries, public buildings and public service installations.
- C. Permitted Accessory Uses: The following are permitted accessory uses:
 1. Accessory uses or structures clearly incidental to any of the above permitted uses.
- D. Conditional Uses Permitted by Special Use Permit: The following uses of land and structures may be permitted in this District, by the application for and issuance of a Special Use Permit as provided for in Article VI.
 1. Other uses not specifically mentioned in Sec. 313 (B) of a public or open space nature.

Section 313 District C: Commercial

- A. Intent: The C. Commercial, District is established to preserve general commercial areas consisting of shopping centers and commercial areas where customers reach individual business establishments primarily by motor vehicle.
- B. Principal Permitted Uses: Retail establishments such as, but not limited to, those selling gifts, hardware, drugs, groceries, sporting goods, clothing, greenhouses, antiques, baked goods, arts and crafts, beauty and barber shops, banks, restaurants, supper clubs, drinking establishments, laundromats, resorts, lodges, golf courses (Amended 5.9.11), motels, nurseries, office and professional service establishments, and gas stations.

C. Permitted Accessory Uses: The following are permitted accessory uses:

1. Off-street parking, as required and subject to the regulations established in Sec. 415.
2. Any structural or mechanical use customarily incidental to the permitted principal use.
3. Signs.

D. Conditional Uses Permitted by Special Use Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Special Use Permit as required for in Article VI.

1. Churches
2. Private and public parks and similar recreational facilities
3. Single-family dwellings and duplexes
4. Multiple family dwellings
5. Nursing homes and day care centers
6. Mobile home parks
7. Motor vehicle and mobile home sales and service
8. Construction and farm equipment sales and service
9. Auto body shops
10. Sawmills, planing mills, and lumberyards.
11. Other establishments similar to and comparable with the above permitted establishments.
12. Wind Turbines.
13. Free Standing Solar Arrays. (Amended 7.10.17)

Section 314 District I: Industrial (Reserved for Future Use)

ARTICLE IV
GENERAL REGULATIONS

Section 401 Height, Bulk and Placement Regulations

Except as otherwise specifically provided in this Ordinance, no structure shall be erected or maintained between any lot line and the pertinent setback distance listed below in the Schedule of Regulations and no structure shall be erected or maintained which exceeds the height limit specified below. Where there is no rear lot line as otherwise defined herein, the required rear setback distance shall be measured from a line through the point on the lot most distant from any front lot line of the same lot, which line shall be perpendicular to a line from said point to the closest point of any front lot line.

SCHEDULE OF REGULATIONS						
DISTRICT	MINIMUM LOT SIZE (SQ FT)	MINIMUM LOT WIDTH (FEET) ^A	SETBACK			MAXIMUM HEIGHT (FEET)
			FRONT	SIDE (FEET)	REAR (FEET) ^E	
R-1	33,000	165	30	10 ^B	35 ^C	30
R-2	33,000	165	30	10 ^B	35 ^C	30
RR	1 Acre	165	30	10	30	30
AP	20 Acres	200	30	30	30	^D
RP	1 Acre	165	30	30	30	^D
PL	None	None	None	None	None	None
C	1 Acre	165	30	5	20	30

^A Lot width shall be measured at front setback line.

^B A detached garage or accessory building may be located 5 feet from a side lot line and if there are restrictions or easements along the sides of lots, the setback shall be measured from those encumbrances.

^C A detached garage or accessory building may be located 10 feet from a rear lot line.

^D Height at any point on a structure shall not exceed the horizontal distance to any lot line.

- E The rear lot line shall be used in cases where water borders a lot. Setback distances shall be measured from the normal high water mark or bluff line. Certain water front properties are classified as High Risk Erosion Areas by the Department of Environmental Quality. DEQ requires additional setback distances on these affected properties.

Section 402 Minimum Building Floor Area

Every year-round dwelling unit in District R-1 shall have a building area of not less than 750 square feet, exclusive of basements, garages, porches and breezeways. Every dwelling unit in all other districts shall have a minimum building area of at least 600 square feet.

Recreational structures where permitted and if located on a parcel of 20 acres or more have no minimum building area. Recreational structures located on a parcel of less than 20 acres must have a minimum building area of at least 600 square feet.

Section 403 Erosion Control District Regulations

Within the designated Erosion Control District of Lake Michigan as determined by the Michigan Department of Natural Resources, no structure except an erosion control structure shall be erected within the required setbacks from the bluff line of Lake Michigan in accordance with the said regulations in force at the time of construction. Applicants for zoning permits must have a state permit issued by the Michigan Department of Natural Resources prior to making application for said zoning permit.

Section 404 Accessory Buildings and Uses

Where a lot is devoted to a permitted principal use, customary accessory uses and buildings are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:

- A. An accessory building, including carports, attached to the principal building shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Ordinance applicable to the principal building. 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.
- B. An accessory building unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to any other structure on the lot.
- C. No accessory building shall be located less than thirty (30) feet from the front lot line on a lot in any residential district or on a lot in any other district having a common side lot line with a lot in any residential district. Uniform setbacks in both directions must be maintained when front of lot is optional.

- D. Accessory uses on corner lots must maintain uniform setbacks with adjoining side lots.
- E. No accessory building shall be closer than five (5) feet to a side lot line and ten (10) feet to a rear lot line.
- F. Customary home occupations are permitted as an accessory use to residential use or occupancy but only to the extent authorized by the definitions of these terms in this Ordinance. Accessory buildings used for the conduct of home occupations shall conform to the setback requirements of the principal building.
- G. Accessory buildings shall not exceed the following building areas unless an approved Special Use Permit is obtained from the Planning Commission:

R-1 & R-2: 1500 square feet

Section 405 One Principal Building Per Lot Size

No more than one principal building shall be permitted on a lot.

Section 406 Variance of Requirements for Lots of Record

Any residential lot created and recorded prior to the effective date of this Ordinance may be used for residential purposes even though the lot area and/or dimensions are less than those required for the District in which the lot is located, provided that yard dimensions and other requirements of the District, not involving lot area or width are met.

A. Allocation and Reduction of Lot Area

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.

No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.

B. Front Setback Reductions

Any front setback area in any District may be reduced below the minimum requirements when the average front setback of existing principal buildings within two hundred (200) feet of a proposed principal building location are less than the minimum required, in which case the required minimum front setback shall be based on the established average.

C. Corner Lots

Front and side yards on street side of corner lots must maintain uniform setbacks with adjoining lots.

D. Through Lots

In the case of double frontage lots (interior lots fronting two more or less parallel streets), all sides of said lots adjacent to streets shall be considered frontage and front yards shall be provided as required.

E. Height Requirement Exceptions

The following are exempted from height limit requirements, provided that no portion of the excepted structure may be used for human occupancy:

1. Those purely ornamental in purpose such as church spires, belfries, domes, ornamental towers, flagpoles and monuments;
2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, radio towers, television antennas, wire transmission structures, and cooling towers. Any commercial tower shall be so located that the distance from the base of the tower to the nearest property line shall be fifty (50) feet greater than the height of the tower;
3. Those structural extensions deemed necessary for appropriate building design such as cornices may extend a maximum of five (5) feet above height limitations and shall have no window openings;
4. Public utility structures; and
5. Agriculture related structures such as barns, silos, elevators and the like.

Section 407 Temporary Uses and Structures

A. A temporary structure which is less than the minimum building size or a non-conforming mobile home may be authorized by the Zoning Administrator for temporary residence for the applicant during the period when a structure conforming to the provisions of this Ordinance is in the process of erection, renovation, repair, and completion on the same lot, subject to the following provisions:

1. The location of the temporary structure shall conform to all yard and setback limitations of the zoning district;
2. The use of the structure and premises shall not adversely affect surrounding property;
3. The use of such structure shall be limited to twelve (12) months, beginning with the date of issuance of the permit therefore. The permit may be subject for renewal provided significant progress is made on the construction of the permanent structure;

4. The use shall comply with all applicable sanitary codes and building restrictions; and
 5. Provide evidence of continuing construction of the permitted structure.
- B. Temporary Dwellings (including travel trailers, tents and similar recreational vehicles) may be permitted in any residential district (Amended 7.10.17) subject to the following provisions:
1. No temporary dwelling shall be occupied for more than ninety (90) days in any one calendar year. Beyond ninety (90) days the temporary dwelling would have to meet all the requirements of a year-round resident. The Planning Commission may grant extensions of up to thirty (30) days.
 2. All sites for temporary dwellings shall be kept in a safe, sanitary and aesthetically acceptable manner. All material, equipment and other similar personal items shall be stored either in the unit or in an enclosed shed or building, excepting picnic tables, permanently mounted fire pits or barbecues and other similar fixed items;
 3. The site shall not detract or diminish the value of the land, building or structures in the District or surrounding properties. Nor shall the use of the temporary dwelling change the essential character of the surrounding properties; and
 4. The placement of a temporary dwelling shall conform to all general rules and regulations of this Ordinance, including in particular setback, lot size, road frontage requirements, and sanitation requirements.

Section 408 Use of Yard or Open Space

In any residential district no open space encompassing a dwelling shall hereafter be used for the open air parking, disposition, storage, wrecking, dismantling, accumulation or abandonment, either temporary or otherwise, of Misused, discarded, worn-out, wrecked, or dismantle vehicles, machinery, implements, apparatus, furniture, appliances, junk, or other personal property where such materials are visible from public roads, or visible or offensive to neighbors.

Section 409 Accessory Vehicle Storage

Regular storage or parking of trucks, trailers, automobiles, buses, or commercial vehicles of rated capacity greater than one ton or one truck trailer shall not be permitted as an accessory use in District R-1. It shall be permitted in District R-2 with a Special Use Permit. This shall not prohibit the storage of one recreational vehicle that is the property of the occupants. (Amended 1.12.09)

Section 410 Unsafe Buildings

Nothing in this Ordinance shall prevent compliance with any order by the Zoning Administrator or other appropriate authority to correct, improve, or strengthen, or restore to a safe condition any building or any part of a building declared to be unsafe.

Section 411 Lights

Yard lights, including dusk to dawn lights, shall be so erected and so shielded that the light is directed onto the property on which it is erected so that it shall not be offensive to neighbors or the traveling public.

Section 412 Access to A Street (New Lot) (Amended 7.10.17)

Any new lot created without any frontage on a street shall not be occupied without access to a street provided by a 24' roadbed and a 66' right-of-way. (Amended 2.10.14)

Section 413 Existing Nonconforming Private Roads (Amended 7.10.17)

- A. The Township recognizes that there exist private roads, which were lawful prior to adoption of this Section, which are inconsistent with the standards herein. Such roads are declared by the Section to be legal nonconforming roads. The intent of this Section is to permit legal nonconforming roads to continue and undergo routine maintenance for safety purposes, as determined by the Zoning Administrator. This Section is also intended to allow new construction to occur on lots which front along such a road on the adoption date of this Section, if the roads are found by the Township to be reasonably capable of providing sufficient access for the uses permitted in the zoning district and for provision of emergency service vehicles.
- B. However, this Section is also intended to discourage the extension of nonconforming roads or increase the number of lots or building sites served by such a road, except in platted subdivisions or divisions of land or site condominium projects existing on the adoption date of this Section. If provisions are not made to upgrade such road or maintenance provisions to provide, at a minimum, adequate access for emergency vehicles, the Township may require improvements in proportion to the extent of the new uses. "Approval of any extension of a non-conforming private road requires a Public Hearing."

Section 414 Screening

In District C. whenever any parking lot, trash collection, outdoor storage, merchandising, or service area lies within fifty (50) feet of any R-1, R-2, or RR District, a planting screen of sufficient length to interfere with the view thereof from the adjoining district shall be required except where the view is blocked by change in grade or other natural or manmade features. Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, an opaque wooden fence, a chain link fence with interwoven redwood or cedar slats, or a masonry wall may be substituted.

Where the zoning districts are separated by a state trunk line or paved county primary road, the screening requirement shall not be required. When the zoning districts are separated by any other road, the Planning Commission shall determine what type of screening shall be used. In making this determination, the Planning Commission shall consider existing screening, comparability of adjoining uses, level of traffic and noise to be generated from the proposed use, and other similar characteristics.

All plantings required by this Ordinance shall be installed prior to occupancy or commencement of use. Where compliance with the above is not possible because of the season of the year, the Zoning Administrator shall grant an appropriate delay but no permanent certificate of occupancy shall be issued until completion of all required plantings. Any certificate of occupancy may be revoked after thirty (30) days written notice to the person assessed taxes on the affected property and to the occupant, wherever plantings are not maintained as required in this Ordinance.

Section 415 Off-Street Parking Requirements

There shall be provided off-street parking for motor vehicles, and the minimum number of parking spaces to be provided shall be shown in the following list:

USE	SPACES REQUIRED
Single and two-family dwelling	2 per dwelling unit
Rooming houses, fraternities, sororities, dormitories, convalescent homes, and housing for the elderly	.4 times maximum lawful number of occupants
Hotels and motels	1.2 per room in addition to spaces required for restaurant facilities
Apartments and townhouses	2 per dwelling unit or floor area in square feet divided by 440, whichever is greater
Mobile home subdivisions and parks	2 per mobile home
Churches, theaters, facilities for spectator sports, auditoriums, concert halls	.35 times the seating capacity
Golf courses	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
Fast food take-out establishments and	.10 times floor area in square feet

USE	SPACES REQUIRED
drive-in restaurants	
Restaurants (except drive-ins)	1.2 per 100 square feet of floor space
Furniture, appliance, household equipment, carpet and hardware stores, repair shops including shoe repair, contractor's showrooms and others, museums and galleries	1.2 per 100 square feet of floor space
Funeral parlors	1 per 50 square feet of floor space
Gas stations	1 per pump plus 2 per lift (in addition to stopping places adjacent to pumps)
Laundromats	.5 per machine
Doctor's and dentist's offices	1 per 100 square feet of waiting room area and 1 per doctor or dentist
Banks	1 per 150 square feet of floor space
Warehouses	1 per 500 square feet of floor space

FOR USES NOT SPECIFICALLY LISTED ABOVE, THE REQUIREMENTS LISTED BELOW ARE APPLICABLE:	
USE	SPACES REQUIRED
Retail stores and service establishments	1 per 150 square feet of floor space and outdoor sales space
Offices	1 per 300 square feet of floor space
Other business and industrial uses	.75 times maximum number of employees on premises at any one time

Where 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 or more shall require one space.

Required off-street parking shall be provided on the lot to which it pertains.

The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the parking of motor vehicles is prohibited.

The following minimum design standards shall be observed in laying out off-street parking facilities:

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

Section 416 Required Off-Street Loading Spaces

Loading spaces required under this Section shall be at least 50 feet long and 12 feet wide. Every lot used for business or industrial purposes and having a building or buildings with a total floor area of at least 10,000 square feet and every lot used for office or research purposes on which there is a building or buildings having a total floor area of at least 20,000 square feet shall be provided with off-street loading space. An additional off-street loading space shall be required for lots used for business or industrial purposes where the floor area of all buildings exceeds 100,000 square feet.

Section 417 Minimum Area for Farm Animals

Districts where horses, cows, pigs and other farm animals are permitted shall have a minimum size of three acres for the first such animal and one additional acre for each subsequent animal.

Section 418 Advertising Signs and Billboards

- A. No advertising signs or billboards of any kind or nature shall be erected or applied in any residential, agricultural production, resource production, or public land districts except as follows:
 - 1. As indicated under the home occupation rule.
 - 2. A nameplate not exceeding 2 square feet in area for the purpose of placing the owners name or lot name in a residential district or use.
 - 3. A temporary sign pertaining to the construction, lease, hire, or sale of a building or premises not exceeding eight square feet in area.
 - 4. Signs for Approved Special Use Permits excluding home occupation one and two are based off the frontage roads of the property using the

following chart. A sign shall not be illuminated or have working parts, unless approved by a Special Use Permit.

ALLOWED SIGN SIZE RANGE	
Roadway Speed of Travel	Rural Driving Environment
25 mph	12.5 Square Feet
40 mph	32 Square Feet
55 mph	60.5 Square Feet
<small>All measurements in square feet. Table adapted from Andrew Bertucci, On-Premise Signs United States Sign Council Best Practices Standards; A Research-Based Approach to Sign Size, Sign Legibility, Sign Height, available at http://usscfoundation.org/USSCGuidelineSignStandards.pdf.</small>	

- B. Billboards may be erected in Commercial Districts provided that they meet the following conditions:
1. Not more than two billboards may be located per lineal mile of street or highway regardless of the fact that such billboards may be located on different sides of the street or highway or adjoining roads, streets or highways.
 2. Double faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard.
 3. Billboard structures having tandem billboard faces (i.e. two parallel billboard faces side by side), or stacked billboard faces (i.e. two parallel billboard faces one above the other) SHALL NOT BE ALLOWED.
 4. No billboard shall be located within 1000 feet of another billboard.
 5. No billboard will be located within 200 feet of a residential district on the same side of the highway or street.
 6. Billboards will not be illuminated unless located more than 300 feet from any residence or residential district, and the illumination is concentrated on the surface of the billboard and is so located as to avoid glare or reflection on streets, highways, or residential areas. No flashing, revolving, or otherwise intermittent lighting or illumination shall be permitted.

7. Billboards shall adhere to the setbacks found in Section 401 of this ordinance.
 8. The surface display area of a billboard shall not exceed 300 square feet (600 square feet for double-faced back to back, and V-type billboard structures).
 9. Height of a billboard shall not exceed 30 feet above the grade of the ground (unmodified level) upon which the billboard is constructed or applied.
 10. No billboards shall be on top of, cantilevered or otherwise suspended above the roof of any building.
 11. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity where it is constructed and applied.
 12. All billboards will be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of the message.
 13. A billboard established within a business, commercial or industrial area, as defined in the "Highway Advertising Act of 1972" (Public Act 106 of 1972 as amended) bordering interstate highways, freeways, or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.
- C. No billboards may be erected without first having obtained a permit for such billboard from the Zoning Administrator.

Section 419 Fences and Hedges

Fences and Hedges may be erected in any district provided that they meet the requirements and restrictions below:

A. Height Restrictions:

1. Maximum Heights: (in feet)

District	Front yard	side yard*	rear yard**
R-1	8	8	8
R-2	8	8	8
RR***	8	8	8
AP***	8	8	8
RP***	8	8	8
C	8	8	8

* On corner lots the maximum height will be determined by the ability of motorists to see clearly while approaching an intersection.

** If the rear yard borders on an alley or other public thoroughfare the maximum height will be determined by the ability of motorists to see clearly while entering or driving upon said thoroughfare.

*** In districts RR, AP, and RP the maximum heights may be extended to 10 feet as determined by the Zoning Administrator. Extensions of maximum height will be determined based on fence design and purpose and the distance to neighboring properties and structures from which the fence would be located.

2. Minimum Heights: There shall be no minimum height restrictions

B. Care and Maintenance: Any person erecting a 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 due to the erection or maintenance of such fence or hedge. All fences and hedges shall be constructed and maintained in a manner that preserves the aesthetics of the surrounding urban and/or natural form.

C. Setbacks:

1. *Front*: On lots or properties abutting a public road or highway the Right of Way Line shall be the front setback line. Fence setbacks along highway shall be consistent with MDOT setback and sighting requirements. On properties without road frontage the setback shall be the property line.

2. *Side*: On corner lots abutting streets or highways the setback shall be the Right of Way line. On all other properties the side setback will be the property line.

3. *Rear*: The rear property line or the Right of Way line if abutting an alley, street, or highway.

- D. Construction Requirements:
1. Fences constructed of wood or other material must be constructed so that the finished side of each fence will face outward or away from the property upon which it is constructed.
 2. Use of barbed wire, razor wire, electrified materials or a single strand of material as fencing materials is prohibited except that barbed wire or electric fencing may be used in agricultural areas to enclose or prevent intrusion by animals.
 3. No portion of any fence or hedge may protrude onto or break the vertical plane of the boundary line of an adjacent property or public right of way.
 4. No fence or hedge shall be erected prior to the boundary lines of the property having been established and marked by a registered surveyor.
 5. Prior to construction of any fence or hedge the owner of the property to be fenced or enclosed shall obtain a permit from the Zoning Administrator. Prior to issuance of said permit the Zoning Administrator will require the applicant to submit a complete plan for the construction of the fence or hedge. Said plan will conform to the requirements and restrictions of this ordinance prior to the issuance of the permit.
 6. Fences constructed within 500 feet of an intersection exceeding four (4) feet in height shall require a special use permit.
- E. Properties involved in Agricultural production are exempt from the requirements and restrictions of this section.

Section 420 Quarries

Quarries, where permitted, will adhere to the following provisions:

- A. No portion of any quarry where blasting activity occurs will be located nearer than 1000 feet of any existing dwelling.
- B. Prior to any blasting or demolitions activity a joint inspection (by the owner or his/her representative and a representative of the contractor or company excavating the quarry) of any dwelling within 2000 feet of the proposed quarry will be conducted so as to determine if any pre-existing damage is present to the structure, its' appurtenances or other buildings on the premises.
- C. After all demolition or blasting activities are completed the owner of dwellings within 2000 feet of said quarry will re-inspect those premises to determine if any damages were caused by the demolitions activities. If such damages are present - and after investigation by the company or contractor or their representative - said company or contractor will pay for all repairs necessary to restore said dwelling, appurtenance or outbuilding to its original condition prior to the demolitions activity.

- D. All testing procedures and governing regulations of the State of Michigan and the Federal Government pertaining to quarry operations are to be followed meticulously by the company or contractor excavating the quarry.
- E. Upon cessation of quarrying activities slopes of quarry walls shall be reworked to ensure that slope does not exceed 45 degrees. No excavating activity will take place within 50 feet of adjoining properties.
- F. Michigan's Part 91 law covers erosion control permits for earthwork. Removal of topsoil, sand, gravel, peat, clay, rock or marl require a SESC permits from the County enforcing agency before the earth-change can begin. (Amended 7.10.17)
- G. No excavating activity will take place within 50 feet of adjoining properties and side-slopes will be at least 3:1 beginning at the 50' setback and proceeding into the quarry. (Amended 7.10.17)

Section 421 Wireless Communication Facilities and Attached Wireless Communication Facilities

- A. Ford 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 Ford 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 that 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 plus 50 feet (Amended 11.7.19).
 5. Where an attached wireless communication facility is proposed on the roof of a building, 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 to all district requirements for principal buildings, including yard setbacks. The accessory building shall not exceed 600 square feet.
 6. 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.
 7. All support structures must be certified by a professional engineer who is 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.
 8. Wireless communication facility shall not be artificially lighted, except as required by the Federal Aviation Administration.

9. There shall be no advertising display on the wireless communication facility or identification of any kind to be visible from the ground or other structures, except as required for emergency purposes.
10. Fencing shall be provided for the protection of the support structure and security from children and unauthorized persons who may access the facilities. The fence shall be a minimum height of eight feet.
11. Landscaping shall provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. Each accessory building shall not exceed 600 square feet.
12. 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.
13. 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 purposes 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 premise shall be restored with six inches of topsoil, seeded and mulched. The applicant shall provide a performance bond or a surety bond issued by an acceptable bonding company authorized to do business in the State of Michigan for the removal of the wireless and communication facilities and restoration of the site.
14. 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.
15. Conditions and safeguards as identified in Section 605 will be applicable to Conditional Use Permits granted for Wireless Communication Facilities and Attached Wireless Communication Facilities.

Section 422 Group Day Care Homes

The following standards shall be used by the Planning Commission when considering Group Day Care Homes:

1. Is located not closer than 1,500 feet to any of the following:

- a. Another licensed group day-care home.
 - b. Another 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 Township.
 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 Township may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 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/her employees. (Amended 7.10.17)

ARTICLE V SITE PLAN REVIEW

Section 501 Intent

It is the purpose of this Section to require site plan review approval for those structures that require a Special Use Permit and 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 502 Site Plan Approval Requirements

A site plan shall be submitted to the Zoning Administrator for approval all commercial uses, structures, properties, and those uses requiring Special Use Permit review and a fee shall be submitted in accordance with the fee schedule approved by the Township Board:

Section 503 Data Required in Application

Every application shall be accompanied by the following information and data:

- A. A scale of not less than (40) forty-feet to the inch.
- B. A legal description of the lot; the name, address and telephone number of the owner, developer and designer.
- C. Date, north point, and scale.
- D. The actual dimensions of all lot and property lines (as shown by a licensed surveyor, with the survey stakes visible) showing the relationship of the subject property to abutting properties.
- E. The location of all existing and proposed structures on the subject property and all existing structures on land immediately adjacent to the site within 100 feet of the site's parcel lines.
- F. The location of all existing and proposed drives and parking areas.

- G. The location and right-of-way widths of all abutting streets, alleys, and private easements.
- H. The location of proposed planting and screening, fencing, signs and advertising features.
- I. The height and floor area of all proposed structures.
- J. Two (2) identical copies on one or more sheets illustrating the above information and data.
- K. Any other information necessary to establish compliance with this Ordinance or any other applicable ordinances.
- L. Date and year property was purchased.
- M. Property purchased from _____.

Section 504 Review Procedures

Upon receipt of any site plan, the Zoning Administrator shall review it to determine whether it is in proper form, contains all of the required information, shows compliance with this Ordinance and all other ordinances of Ford River Township, and demonstrates the adequacy of utility service. Upon demand by the proposer of the site plan, the Zoning Administrator shall, within ten (10) working days, approve or deny approval in writing, setting forth in detail his reasons which shall be limited to any defect in form or required information, any violation of any provision of this or any other Ordinance, or the inadequacy of any utility, and any changes which would make the plan acceptable. The proposer may appeal any denial to the Township Zoning Board of Appeals. The Zoning Administrator shall use the following standards in his review.

Section 505 Standards for Site Plan Approval

- A. 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 so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- B. The landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications that result in maximum harmony with adjacent areas.
- C. Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.

- D. The site plan shall provide reasonable, visual and sound 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 so arranged as to permit emergency vehicle access by some practical means to all sides.
- F. Every structure or dwelling shall have access to a public street, walkway or other area dedicated to common use.
- G. All loading and unloading and outside storage areas, including areas for storage of trash, which face or are visible from residential properties or public thoroughfares, shall be screened by a vertical fence consisting of structural fenced or plant materials no less than six (6) feet in height.
- H. Exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.
- I. The building permit may be revoked by the Zoning Administrator in any case where the conditions of the site plan as approved by same have not been complied with.

ARTICLE VI SPECIAL USE PERMITS

Section 601 Intent

Until recent years, the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more use districts. However, the functions and characteristics of an increasing number of new kinds of land uses combined with exclusive experience regarding some of the older, more familiar kinds of uses call for more flexibility and equitable procedure for properly accommodating these activities in 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 vary depending upon functional characteristics, competitive situations and the availability of land. Rather than assign all uses to special, individual, and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses that will allow practicable latitude for the investor, but that will, at the same time, maintain adequate provision for the security of the health, safety, convenience and general welfare of the community.

In order to accomplish such a dual objective, provision is 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 Special Uses and may be authorized by the issuance of Special Use Permit with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

The following sections, together with previous references in other sections, designate what uses require a Special Use Permit. With any exception noted, the procedures for obtaining such a permit apply to all special uses indicated.

Section 602 Application Procedure

- A. Any person owning or having an interest in the subject property may file an application for one or more special use permits provided for in this Ordinance in the zoning district in which the land is situated.
- B. Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be signed by the property owner 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. Data Required in Application: Every application shall be accompanied by sufficient copies of the appropriate information and data:
1. Special form supplied by the Zoning Administrator filled out in full by the applicant.
 2. Site plan, plot plan, or development plan drawn to a readable scale, and containing that information specified in Article V.
 3. Preliminary plans and outline specifications of the proposed development, if applicable.
 4. A statement with supporting evidence regarding the required findings specified in Section 604.
- D. Upon receipt of such materials by the Zoning Administrator, the Township shall transmit one copy to agencies considered to be impacted or affected by the land use request for their review and comment. These agencies could be the road commission, drain commissioner, health department, school district, fire department, etc. The Zoning Administrator shall transmit the remaining copies of the preliminary site plan to the Planning Commission for their review. The Planning Commission, upon receiving the comments of the above affected agencies, shall proceed with a public hearing on the request.
- E. Approval of a Special Use Permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by any subsequent owners.
- F. In instances where development authorized by a Special Use Permit has essentially changed in nature, extent or character or has not commenced, within one year from the date of issuance, 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 Special Use Permit granted under the provisions of this Ordinance, the Planning Commission may declare the permit null and void.

Section 603 Review and Findings

- A. Planning Commission Public Hearing: The Planning Commission shall review the application at its next regular meeting following filing and shall set a date for public hearing within forty-five (45) days thereafter. The Zoning Administrator shall cause to be published one (1) notice of public hearing, in accordance with the provisions of Section 902.

- B. Planning Commission Action: The Planning Commission shall accept, accept with conditions, or reject the application based upon materials received and testimony recorded at the public hearing. The Planning Commission shall set forth the reasons for acceptance, denial, or modification of the Special Use Permit application. Following favorable action by the Planning Commission, the Zoning Administrator shall issue a Special Use Permit, subject to site plan review and/or conditions as have been placed on such permit by the Planning Commission. All conditions shall be clearly specified in writing.

Section 604 General Standards

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:

- A. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Comprehensive Development Plan;
- B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;
- C. Will not be hazardous or disturbing to existing or future neighboring uses;
- D. Will not diminish the value of land, buildings, or structures in the District and shall represent an improvement to the property under consideration and to the community as a whole;
- E. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- F. 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;
- G. 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, or odors;
- H. Will the location, nature and height of the proposed use be appropriate to the size, type and kind of buildings, uses and structures in the vicinity and adjacent properties, including the safety and convenience of people there from.

- I. Will be consistent with the intent and purpose of this Ordinance and shall be compatible with the natural environment, and shall protect the public health, safety and general welfare.

Section 605 Conditions and Safeguards

- A. Prior to granting any Special Use Permit, the Planning Commission may impose any additional conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the Special Use Permit as in its judgment 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 as established in this Ordinance and therefore be necessary to meet the intent and purpose of the regulations contained therein.
- B. Conditions and requirements stated as part of Special Use Permit authorization shall be a continuing obligation of Special Use Permit holders. The Zoning Administrator shall make periodic investigations of developments authorized by Special Use Permit to determine compliance with all requirements.
- C. Special Use Permits may be issued for time periods as determined by the Planning Commission. Special Use Permits may be renewed in the same manner as originally applied for.
- D. In authorizing a Special 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 Clerk 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. Continuance of a Special Use Permit by the Planning Commission shall be withheld only upon a determination by the Zoning Administrator to the effect that:
 - a) 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.
 - b) Violations of conditions pertaining to the granting of the permit continue to exist more than thirty (30) days after an order to correct has been issued.

- F. All plans, specifications and statements submitted with the application for a Special Use Permit shall become, along with any changes ordered by the Planning Commission, a part of the conditions of any Special Use Permit issued thereto.
- G. No application for a Special Use Permit which had been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify consideration by the Planning Commission.
- H. The foregoing general standards are basic to all special uses; and the specific requirements accompanying the following sections relating to particular uses are in addition to and shall be required in all applicable situations.
- I. Special Use Permits will not be issued to properties whose sole access is a non-public right of way under private ownership, unless all owners of the private roadway or those with legal easement approve in writing of the Special Use Permit, and the roadway in question has an improved surface of 22' or more in width.

Section 606 Appeals

Recourse for a person considering himself aggrieved by a decision of the Planning Commission in the granting or denial of a Special Use Permit shall be to the Zoning Board of Appeals (Amended 7.10.17).

Section 607 Requirements for Private Roads

- A. All lots in all zoning districts shall be located and have frontage on a public road or on a Township approved private road. Any lot of record created before the effective date of this ordinance without any frontage on a public road or an approved private road shall not be occupied on a year-round basis without access to a street provided by an easement or other right-of-way not less than sixty-six (66') feet wide and twenty-four (24') foot roadbeds. (Amended 2.10.14)
- B. Any road or driveway that requires an easement must meet requirements of a private road under this Ordinance. (Amended 2.10.14)
- C. All private roads shall meet the standards of a public road as required by the Delta County Road Commission. Property owners with lots on existing approved private roads shall be encouraged to improve their roads to meet the Delta County Road Commission standards, in order that the road be accepted as a public road and become part of the Delta County public road system. A

performance bond, in an amount established in the Township Schedule of Fees, will be required to cover the cost of certification by a licensed professional engineer that the private road meets required County Road Commission standards.

- D. Applications for private road approval must be received at least 45 days prior to the meeting date at which said road shall be considered for approval.
- E. Camps and seasonal housing units may be located on private roads and easements created for such use, however, these housing units may not be occupied more than on a seasonal basis. Future access easements should be 66' in width to provide for the development of a public road in the future. For the purposes of this covenant seasonal road, private road, right-of-way, easements, and/or any unapproved access of 300' or more are considered one in the same.
- F. No private road shall be constructed within the Township unless it is compliant with this Ordinance. Private roads shall not be dedicated to the Township unless it is compliant with this Ordinance. Private roads shall not be maintained by the Township.
- G. Plans for private roads shall be submitted to the Township Planning Commission along with the Site Plan for review. Materials submitted with the Site Plan shall include:
 - 1. A legal description and survey of all properties to be served by the private road.
 - 2. A legal description and survey of the proposed private road easement.
 - 3. Drawings showing the existing and proposed structures, roads, drives, drains, and other significant physical features on the property.
 - 4. Engineering plans for the proposed private road shall comply with Section 607 of this Ordinance. (Amended 2.10.14)
 - 5. The construction plans shall include the following drawings: Typical cross section and drainage layout.
 - 6. A proposed maintenance agreement.
 - 7. It is strongly recommended that a homeowner association be formed on any private road for maintenance and upkeep. (Amended 2.10.14)
- H. Minimum Design Standards for Private Roads (Amended 2.10.14)
 - 1. Preliminary plans, final plans, construction plans, and construction methods for a private road shall be designed by a professional engineer and bear the seal of a professional engineer.
 - 2. All private roads must be completed within one year of approval or the private road will have to be resubmitted for Site Plan review and approval.

I. Naming of Public Road (Amended 2.10.14)

1. Names of any new public roads must follow and conform to the County road grid system and numbering.
2. All new public road names within the Township shall be approved by the Delta County Planning Commission.
3. The cost for signage on new public roads is at the expense of the developer.

Section 608 Personal use landing field: (Amended 7.10.17)

Landing fields for personal use of the property owner may be permitted in RR, AP, and RP subject to the following provisions:

- A. Said landing field is subject to all rules and regulations of the Federal Aviation Administration and the Michigan Aeronautics Commission which agencies shall approve the preliminary plans submitted to the Township.
- B. No landing field for personal use shall be established within five (5) miles of a public use facility certified by the Michigan Aeronautics Commission without approval of said commission. No landing field for personal use shall be established within a two (2) mile radius of another landing field.
- C. All landing fields shall have a minimum runway with a 1,800 foot landing length in each direction from a clear approach slope of 20:1 and a 100 foot usable width with an additional 50 foot minimum width on each side which is free of obstructions. The approach slope with a width of not less than 200 feet shall be based on a clearance of all objects within the approach area, including a roadway clearance of 15 feet or 17 feet over an interstate highway, a railway clearance of 23 feet, and a clearance at the property line of 25 feet. The landing field shall be marked in accordance with the Michigan Aeronautical Commission standards.
- D. No landing field shall be approved that would interfere with the right of nearby and adjacent owners and occupants of property or to peaceful enjoyment of their property. Adjacent property owners shall not be required under any circumstances to accommodate a proposed personal use landing field (e.g. trim or remove trees, limit or remove construction, curtail occupancy, limit or reduce height of structures) beyond those limits and regulations which might normally apply to their property(ies) under this ordinance.
- E. Hazards to navigation. No obstruction of whatever character, object of natural growth, or use of land, upon the premises of the landing field which prevents the safe use of such facilities for the take-off or landing of aircraft shall be permitted.
- F. Yard and placement regulations.
 1. The site shall not abut directly or across a street an R-1 or R-2.
 2. Landing fields shall be located on contiguous parcel of land not less than 25 acres in area. The parcel shall have a width of not less than 450 feet.

The parcel shall have a depth of not less than 2,400 feet. It is not required that the necessary clear zones be contained within the site, however, if future development intrudes upon the required clear zones, use of landing field shall immediately cease, unless adequate and appropriate easements are first obtained and recorded with the Delta County Register of Deeds by the person use landing field owner.

- G. All lights used for landing fields and other lighting facilities shall be arranged so as not to reflect towards adjoining non-landing field uses.
- H. Prohibited uses.
 - 1. The open storage of junked or wrecked motor vehicles or aircraft shall not be permitted.
 - 2. Use of a personal use landing field is limited solely to the single owner. No commercial activity or operations (such as the sales of gasoline or oil, the soliciting or engaging in charter flying or student instruction, the provision of shelter or the tie-down of an aircraft (except owner's), the overhaul or repair of an aircraft or of engines, or otherwise offering aeronautic facilities or services to the public) shall be permitted on the premises.
- I. Personal use helicopter landing fields shall conform to all of the above regulations, except for those regulations intended to clearly apply only to landing fields for airplanes. Placement and operation of helicopter landing facilities shall otherwise comply with all regulations of the Michigan Aeronautics Commission and the Federal Aeronautics Administration (FAA).

ARTICLE VII
PLANNED UNIT DEVELOPMENT

Section 701 Intent

The intent of the Planned Unit Development (PUD) Section of this Ordinance is to permit greater flexibility in the use and design of structures and land in situations where modification of specific provisions of this Ordinance will be consistent with its intent and purpose and with the public health, safety, and welfare and result in development and use which is comparable with adjacent land use, the natural environment, and the capabilities of affected public services and facilities.

Section 702 Modification Powers

The provisions of this Section may be applied, upon application of the owner, to any lot exceeding two (2) acres in size and 200 feet road frontage. In acting upon the application, the Township Planning Commission may alter setback requirements, height limits, building size limits, off-street parking regulations, landscaping rules, and density and intensity limits. Except where the lot is located in District R-I, 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. The development of the PUD shall not create demands on other existing public services in excess of current capacity nor shall uses be detrimental to the health, safety or welfare of persons or property through excessive production of traffic, noise, smoke, odor, fumes, or glare.

Section 703 Application Procedure

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. The application procedure for a PUD is as follows:

A. Preliminary Conference

Prior to preparing a formal application, the applicant shall meet with the Planning Commission to discuss the proposed development.

B. Preliminary Application

The applicant shall prepare and submit ten (10) copies of a preliminary development plan that includes the following written and graphic documents:

1. A written description of the PUD, including a discussion on how the PUD meets the intent provisions of this Article; a statement identifying the intended uses including future sale or leasing arrangements of all or

portions of the PUD; a legal description of the PUD parcel, listing all owners, holders of easements, etc., or other interested parties; and a projected assessment of the PUD demands on public services and utilities.

2. A preliminary development plan that is in accordance with the Site Plan requirements of Article V.
3. A development schedule; a list of covenants or deed restrictions; any 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 applicants intent for the development and viability of the proposal.

The Planning Commission shall hold a public hearing in accordance with the provisions of Section 902.

The approval of the preliminary application does not constitute recording of the plan or Flat nor authorize the issuance of building permits.

Within a maximum of twelve (12) months following preliminary approval, the applicant shall file for final application as outlined in Section 703. For good cause the Planning Commission may extend this time period for six (6) months. If the applicant fails to apply for final application for any reason, approval or conditional approval shall be revoked.

C. Final Application

The applicant shall prepare and submit ten (10) copies of a final development plan which shall include in final form all information as required for preliminary approval or conditional approval of the preliminary development plan; signed copies of any preliminary plats, in accordance with Act 288 of 1967, Sections 111-119; a detailed development timing schedule, deed restrictions or covenants, and 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.

Upon receipt of the final development plan, the Planning Commission shall hold a second public hearing and shall determine whether or not the final plans substantially conform to the approved preliminary development plan and is in proper form for final recording. Where the Planning Commission determines that this application is consistent with this Section and other requirements thereof, and is in proper form for recording, it shall authorize a PUD Special Use Permit for development and use in accordance with the final accepted development

plan. The PUD Special Use Permit shall be issued, following evidence of recording of the PUD final development plan with the Delta County Register of Deeds. A denial of the PUD shall be in writing, setting forth the reasons for denial, and any changes that would make the PUD acceptable.

Section 704 PUD Design Standards and Objectives

- A. 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 Section 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.
- B. Access: Every structure or dwelling unit shall have access to a public street, walkway or other areas dedicated to common use.
- C. Land Usage: The approximate location of structures shown on the conceptual development plan shall be so arranged as not to be detrimental to existing or proposed structures within the development or surrounding neighborhood.
- D. Privacy: Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, walks, barriers, and landscaping 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.
- E. Off-Street Parking: Parking convenient to all dwelling units and other uses, shall be provided pursuant to the minimum requirement of Section 415 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.
- F. Development Concept: All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. Arrangement of buildings shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond the site.
- G. Utilities: PUD's shall, where feasible, provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. In no instance shall the PUD place demands in excess of the capabilities of the affected public facilities and services.

- H. Planting: 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 for privacy, shade, beauty of buildings and grounds, and to screen out objectionable features.
- I. The PUD shall be consistent with the standards outlined in Section 604 and other relevant provisions of this Ordinance.
- J. Changes in Approved PUD: Minor 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 required circumstances not foreseen at the time the final development plan was approved. No changes so authorized may 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. Any changes that are approved must be made and recorded in accordance with the procedures established for the recording of the initial final development plan.

ARTICLE VIII
NONCONFORMING USES AND STRUCTURES

Section 801 Intent

Nonconforming uses and structures are those that 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 effect orderly development and the value of nearby property are not permitted to continue without restriction.

The zoning regulations established by this Ordinance are designed to guide the future use of land in Ford River Township by encouraging appropriate groupings of comparable and related uses and thus to promote and protect the public health, safety and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes for which such regulations are established.

This Ordinance distinguishes by class the various nonconforming uses and structures. Different regulations are established for each class. The degree of restriction over each class is a function of the degree to which that class of nonconformity is a nuisance or incomputable with the purposes and regulations of this Ordinance.

Section 802 Class A Nonconforming Uses and Structures

Class A nonconforming uses and structures are those which have been so designated by the Planning Commission, after application by any interested person or the Zoning Administrator. The Planning Commission shall find that the continuance thereof would not be contrary to the public health, safety, and general welfare, or to the spirit of this Ordinance; that the use or structure does not and is not likely to significantly depress the value of nearby properties; that the use or structure was lawful at the time of its inception; and that 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.

Section 803 Procedure for Obtaining Class A Designation

A written application shall be filed setting forth the name and address of the applicant, giving a legal description of the property to which the application pertains, and including such other information as may be necessary to enable the Planning Commission to make a determination of the matter. The notice and hearing procedure before the Planning Commission shall be pursuant to Section 902 of this Ordinance. The decision shall be in writing and set forth the findings and reasons on which it is based. Conditions shall 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 804 Provisions for Class A Nonconforming Uses and Structures

Where, at the effective date of adoption or amendment 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 following provisions:

- A. No such nonconforming use shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except after approval of the Planning Commission.
- B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance, except after approval of the Planning Commission.
- C. No nonconforming use shall be extended to displace a permitted (conforming) use.
- D. Nonconforming uses shall not be changed to another nonconforming use, except after approval of the Planning Commission. Before granting such approval, the Planning Commission shall determine that such change in use will have a less deleterious effect on neighboring properties than the existing nonconforming use.
- E. No nonconforming use shall be expanded to add another nonconforming use, except after approval by the Planning Commission. The proposed nonconforming use shall satisfy the standards as set out in Section 604.
- F. Nonconforming structures shall not be altered or expanded without the prior approval of the Planning Commission, except that the following structural alterations may be permitted without prior approval of the Planning Commission:
 1. Structural alterations or extensions adding to the bulk of a structure which is nonconforming only by reason of lot size or lot width shall be permitted without prior approval of the Planning Commission provided that such structure alteration or extension shall not increase the extent of nonconformity and shall satisfy all other site development regulations which are applicable.
 2. Structural alterations that do not add to the bulk of structure or increase the intensity of use of the structure shall not require prior approval of the Planning Commission.

Section 805 Regulations Pertaining to Class A Nonconforming Uses and Structures

No Class A nonconforming use or structure shall be resumed if it has been discontinued for a continuous period of at least eighteen months or if it has been changed to a conforming use for any period. No Class A structure shall be used, altered, or enlarged in violation of any condition imposed in its designation.

Section 806 Class B Nonconforming Uses and Structures

All nonconforming uses and structures not designated as Class A are considered as Class B. It is the purpose of this Ordinance to eliminate Class B nonconforming uses and structures as rapidly as is permitted by law without payment of compensation. No Class B nonconforming use shall be resumed if it has been discontinued for a continuous period of at least eighteen (18) months or if it has been changed to a conforming use for any period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds fifty (50) percent of the reproduction cost of such structure.

No Class B nonconforming structure shall be enlarged or structurally altered. No Class B nonconforming use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than was used at the time of becoming nonconforming. No Class B nonconforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

Section 807 Nonconforming Lots

Any residential lot created and recorded prior to the effective date of this Ordinance may be used for permitted residential uses even though the lot area and/or dimensions are less than those required for the District in which the lot is located, provided that yard dimensions and other requirements of the District, not involving lot area or width, are met. If a parcel contains more than one nonconforming lot, which is contiguous and would make one or more conforming lots, then only one structure would be permitted per conforming parcel. The spirit of this provision is to limit density in areas of historically small lots to provide for proper isolation for wells, septic system, drainage and similar public health considerations.

Section 808 General Standards

The Planning Commission shall review the particular facts and circumstances of each proposal in terms of the intent of this Article and the general standards as set out in Section 604 of this Ordinance. Each individual proposal shall follow the procedure identified in Section 902 of this Ordinance.

Section 809 Appeals

Recourse for a person considering himself aggrieved by a decision of the Planning Commission in the granting, conditional approval or denial of a particular nonconforming use application shall be to the Board of Appeals.

ARTICLE IX
ADMINISTRATION AND ENFORCEMENT

Section 901 Administration

The administration and enforcement of this Ordinance shall be the responsibility of the Township Supervisor. The Supervisor and Township Board shall have the right to delegate said responsibility to appropriate Township officers or employees. The person or persons administering and enforcing this Ordinance shall be known as the Zoning Administrator(s). Said Zoning Administrator shall have the power of a public officer in the enforcement of this Ordinance.

Section 902 Administrative Standards and Procedures

- 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 the Planning Commission shall comply with the following in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006:

When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Ford River Township and mailed or delivered as provided in this Section.

- 1. All mail, personal and newspaper notices for public hearings shall:
 - a. Describe nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
 - b. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.

- c. When and where the request will be considered: Indicate the date, time and place of the public hearings(s).
 - d. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
 - e. Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.
2. Personal and Mailed Notice - When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
- a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
 - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Ford River Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
 - c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to this Section shall receive notice by mail.
 - d. Other governmental units within one mile of the property involved in the application.
3. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, property addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

4. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:
 - a. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.
 5. Registration to Receive Notice by Mail:
 - a. General: Any neighborhood organization, Public Utility Company, railroad or any other person may register with the Zoning Administrator to receive written notice of all applications for development approval pursuant this Section. Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.
 - b. Requirements: The requesting party must provide the Zoning Administrator information on an official form to ensure notification can be made. All registered persons must re-register bi-annually to continue to receive notification pursuant to this Section.
- C. When the Planning Commission or Zoning Board of Appeals holds a Public Hearing, it:
1. Shall permit interested parties at the hearing to present and rebut information either supporting or opposing the zoning action under consideration;
 2. Shall prepare a comprehensive summary record of the hearing, including an exact record of motions, votes and other official action;
 3. Shall set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision;
 4. 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;
 5. Shall comply with all other requirements under the law; and
 6. Shall have all administrative actions recorded in the Official Zoning Orders Book and Map.
- D. Wherever a discretionary decision is authorized in this Ordinance, such as, but not limited to, the issuance of special 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; and
 4. 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 any changed condition shall also be maintained.
- E. All administrative guides or rules developed to assist the Zoning Board of Appeals or the Planning Commission in the administration of this Ordinance shall be filed with the Township Clerk and be open to public inspection.

Section 903 Zoning Administrator

The Zoning Administrator 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 or appointed officer of this Township. He shall administer the provisions of this Ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body. He shall have no power to vary or waive Ordinance requirements.

Section 904 Duties of Zoning Administrator

- A. The zoning administrator shall have the power to issue Certificates of Zoning Compliance and to review Site Plans to determine whether it is in proper form, contains all of the required information and is in accordance with the provisions of this Ordinance. The Zoning Administrator shall make inspections of premises and collect such investigative data deemed necessary to carry out his duties in the enforcement of this Ordinance. No person shall refuse to permit the Zoning Administrator to inspect any premises at reasonable times nor shall any person molest or resist the Zoning Administrator in the discharge of his duties.
- B. If the Zoning Administrator shall find that any provision of this Ordinance is being violated, he shall order discontinuance of any illegal work being done; or shall take such action as authorized to insure or prevent violation of the provisions of this Ordinance.

- C. 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.
- D. It shall be unlawful for the Zoning Administrator to issue Certificate of Zoning Compliance or other such permits, for any construction or use until he has inspected such plans and found them to conform to this Ordinance.
- E. If the Planning Commission recommends and the Township Board adopts a zoning change that would change a conforming lot or use to a nonconforming lot or use, the Zoning Administrator shall notify the affected property owner of such change within sixty (60) days. The Zoning Administrator shall explain to the affected property owner what this change means and the options (Class A/B) the property owner has.

Section 905 Certificate of Zoning Compliance

- A. A building permit for erection, alteration, moving or repair of any building shall not be issued until a preliminary Certificate of Zoning Compliance has been issued therefore Issuance of such certificate shall indicate that the plans for which the building permit is requested complies with the Zoning Ordinance.
- B. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a final Certificate of Zoning Compliance shall have been issued therefor by the Zoning Administrator. The Certificate shall state that the building, structure, and lot, and use thereof, conform to the requirements of this Ordinance. If the erection, alteration, moving or repair has not commenced within one year of the preliminary certificate, then the applicant shall apply again for a preliminary Certificate of Zoning Compliance.
- C. The Zoning Administrator shall maintain a record of all Certificates of Zoning Compliance and said record shall be open for public inspection. Failure to obtain a Certificate of Zoning Compliance shall be a violation of this Ordinance.
- D. It shall not be necessary for a legal nonconformity existing on the effective date of this Ordinance to obtain Certificates of Zoning Compliance in order to maintain its legal nonconforming status. However, no nonconforming building, structure, or use shall be renewed, changed, or extended until a preliminary Certificate of Zoning Compliance shall have been issued by the Zoning Administrator. The certificate shall state specifically wherein the nonconforming building, structure or use differs from the provisions of this Ordinance.

- E. The applicant for a final Certificate of Zoning Compliance shall notify the Zoning Administrator when final inspection is desired. The final Certificate of Zoning Compliance shall be issued upon final inspection or written notice shall be given to the applicant stating the reasons why said Certificate cannot be issued. Such notice shall be sent to the applicant not later than fifteen (15) days after the Zoning Administrator is notified that the building, structure or premises is ready for inspection.

Section 906 Building Permit

- A. No building permit for erection, alteration, addition, or moving of any building shall be issued until a Certificate of Zoning Compliance has been issued.
- B. No building or other structure shall be erected, moved, added to or structurally altered without a building permit issued by the Building Inspector.
- C. No building permit shall be issued by the Building Inspector except in conformity with this Ordinance, unless he receives a written order from the Board of Appeals or Zoning Administrator in the form of an administrative review or a variance, as provided by this Ordinance.
- D. Plans submitted in application for a building permit shall contain information necessary for determining conformity with this Ordinance, including a copy of the Certificate of Zoning Compliance.

Section 907 Enforcement and Violation

- A. Notice of Violation:
 - 1. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, said Zoning Administrator shall issue a notice of violation.
 - 2. Such notice shall be directed to each owner of or a party in interest in whose name the property appears on the last local tax assessment records.
 - 3. All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by regular mail, addressed to such owner or party in interest at the address shown on the tax records. An affidavit of mailing shall be maintained.
 - 4. All violations shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period shall be reported to the Township Attorney who shall initiate prosecution procedures.

Section 908 Special Zoning Orders Book and Map

The Zoning Administrator shall keep in his office a book, to be known as the Special Zoning Orders Book, in which he shall list, with a brief description, all variances, conditional use permits, authorizations for planned unit developments, designations of Class A 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 he shall record the numbers in the Special Zoning Orders Book to indicate the locations effected by the items in the book. The Special Zoning Orders Book and Map shall be open to public inspection.

Section 909 Fees

The Township Board shall periodically establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be posted on public display in the office of the Zoning Administrator and may be changed only by the Township Board. No certificate shall be issued unless such fees have been paid in full, except that such fees should not be required where the Township or any official body is petitioning for a zoning action.

ARTICLE X
ZONING BOARD OF APPEALS

Section 1001 Creation and Membership

The Zoning Board of Appeals is hereby established in accordance with Act 110 of the Public Acts of 2006, as amended. The Board shall consist of three (3) 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. A Township Board member may serve on the Zoning Board of Appeals. The term of office of the member of the Planning Commission and also the Township Board member, if appointed, shall not exceed his term of office on the Commission and Township Board, respectively.

Members may be reappointed. An elected officer of the Township shall not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township shall not serve as a member of the Board. A member of the Board shall disqualify himself from a vote in which the member has a conflict of interest.

Section 1002 Procedures

- A. The Zoning Board of Appeals may adopt rules and regulations to govern its procedures. The Zoning Board of Appeals shall appoint one of its members as Chairman. 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 affect any variation in this Ordinance.
- B. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times in 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 meetings shall be filed in the office of the Township Clerk.
- C. The Zoning Board of Appeals shall fix a reasonable time and date for a hearing. The Board shall give due notice of the hearing by regular mail to the parties of interest and to owners of adjacent property in accordance with the provisions of Section 902.

Section 1003 Duties and Powers

- A. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in Act 110 of the Public Acts of 2006, as amended, so that the

objectives of this Ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done. The Zoning Board of Appeals shall hear and decide only those matters that it is specifically authorized to hear and decide as provided therein; administrative review, interpretation of the Zoning Ordinance, including the zoning map, and variances.

- B. 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, but does have power to act on those matters specifically provided for in this Ordinance.

Section 1004 Administrative Review

- A. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision or determination of the Zoning Administrator, with the exception of site plan appeals.
- B. The Zoning Board of Appeals shall have the power to:
 - 1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance;
 - 2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator;
 - 3. Classify a use which is not specifically mentioned as a part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district; and
 - 4. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 415 or by an analysis of the specific needs.

Section 1005 Variances

- A. The Zoning Board of Appeals shall have the power and duty to authorize upon appeal in specific cases such variance from the provisions of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in practical difficulty.
- B. A variance shall not be granted by the Zoning Board of Appeals unless and until the following conditions are met. A written application for a variance shall be submitted, demonstrating:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
 3. That the special conditions and circumstances necessitating the variance did not result from the actions of the applicant; and
 4. That granting the variance requested would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- C. Any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.
- D. The Zoning Board of Appeals shall make findings that the requirements of this Section have been met by the applicant.
- E. 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.
- F. 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.
- G. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
- H. 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.
- I. In exercising the above mentioned powers, the Zoning Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have the powers of the public official from whom the appeal was taken.

- J. Each variance granted under the provisions of this Ordinance shall become null and void unless the occupancy of land or buildings, or the construction authorized by such variance has commenced within one hundred eighty (180) days after the granting of such variance.

Section 1006 Appeals

- A. Appeals concerning interpretation and administration of this Ordinance shall be made by filing a notice of appeal specifying the grounds thereof with the Zoning Administrator within a period of thirty (30) days from the occurrence of the contested action. The Zoning Administrator shall transmit to the Board copies of all papers constituting the record upon which the action appealed was taken from.
- B. A fee shall be paid to the Township at the time of filing the notice of appeal and shall be deposited in the Township's general fund. The appeal fee shall be established by the Township Board.
- C. Any party or parties may appear at the hearing in person or by agent or attorney.
- D. The Zoning Board of Appeals shall decide upon all matters within a reasonable time. 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.
- E. An appeal shall stay all proceedings in furtherance of the action appealed, unless the Building Inspector or Zoning Administrator certifies to the Board that a stay would in his 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 1007 Duties on Matters of Appeal

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 Delta County, as provided by law.

ARTICLE XI
TOWNSHIP PLANNING COMMISSION: PLANNING AND ZONING AUTHORITY

Section 1101 Designation

The Ford River Township Planning Commission is hereby designated the Commission as specified in Section 1, of Act 168 of the Public Acts of 1959, as amended. Under said act, it shall be the duty of the Commission to advise the Township Board on matters of planning. Further, the Commission shall assume the duties of the Zoning Board prescribed in Section 4, of Act 110 of the Public Acts of 2006, as amended.

Section 1102 Changes and Amendments

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 petition of one (1) or more property owners to be affected by the proposed amendment.

- A. Each petition 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 902 of this Ordinance.
- B. Following the public hearing, the Planning Commission shall transmit their recommendation and a summary of the comments received at the public hearing to the Township Board.
- C. The Township Board either enacts or rejects proposed changes as an Ordinance amendment or, if the Township Board considers amendments, changes, additions, or departures advisable to the proposed Ordinance provision, its shall refer the same to the Planning Commission for a report thereon within a time specified by the Township Board. After receiving the report, the Township Board shall grant a hearing on a proposed Ordinance provision to a property owner who has filed a written request for the same prior to the regular meeting at which the proposed amendment is to be considered. The Township Board may then adopt, by a majority vote of its membership, pursuant to the Michigan Zoning Enabling Act 110 of 2006, as amended, a zoning ordinance or amendments to the zoning ordinance with or without amendments that have been previously considered by the Planning Commission or at a hearing, and shall thereafter cause the Ordinance or amendment thereto to be published as required by law.
- D. No petition for amendment, 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.

E. The petitioner shall transmit a detailed description of the petition to the Zoning Administrator. When the petition involves a change in the Zoning Map, the petitioner 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. Date of filing with the Zoning Administrator;
6. Signatures of petitioner(s) and owner(s) certifying the accuracy of the required information; and
7. The desired change and reasons for such change.

F. In viewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board within sixty (60) days of the filing date of the petition. The facts to be considered by the Planning Commission shall include, but not 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. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition;
3. 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;
4. Are there any significant and negative environmental impacts that would reasonably occur if the petitioned zoning change 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;
5. Effect of approval of the petition on adopted development policies of the Township and other governmental units; and
6. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and the Township Board. An amendment shall not be approved unless these and other identified facts are affirmatively resolved in terms of the general health, safety, welfare, comfort and convenience of the citizens of Ford River Township, or other civil divisions where applicable.

ARTICLE XII
INTERPRETATION, SEVERABILITY, VESTED RIGHT,
PENALTIES, REPEAL, AND EFFECTIVE DATE

Section 1201 Interpretation and Conflict

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 this 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 use of buildings or structures or land or 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 1202 Severability

This Ordinance and the various parts, sections, subsections, and clauses, thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby. 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 hereby provided that the application of such portion of the Ordinance to other property, buildings, or structures shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing a planned unit development or any conditional use permit, variance, zoning compliance permit, certificate of occupancy, site plan approval, or designation of Class A 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 1203 Vested Right

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.

Section 1204 Penalties and Remedies

- A. Civil Law: 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.
- B. Criminal Law: Violations of the provisions of this Ordinance or failure to comply with any of 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 misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred (\$100) dollars or imprisoned for not more than ninety (90) days, or both, and in addition, shall pay costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- C. Remedies: 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 rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, or jail sentence or both shall not exempt the violator from compliance with the provisions of this Ordinance.

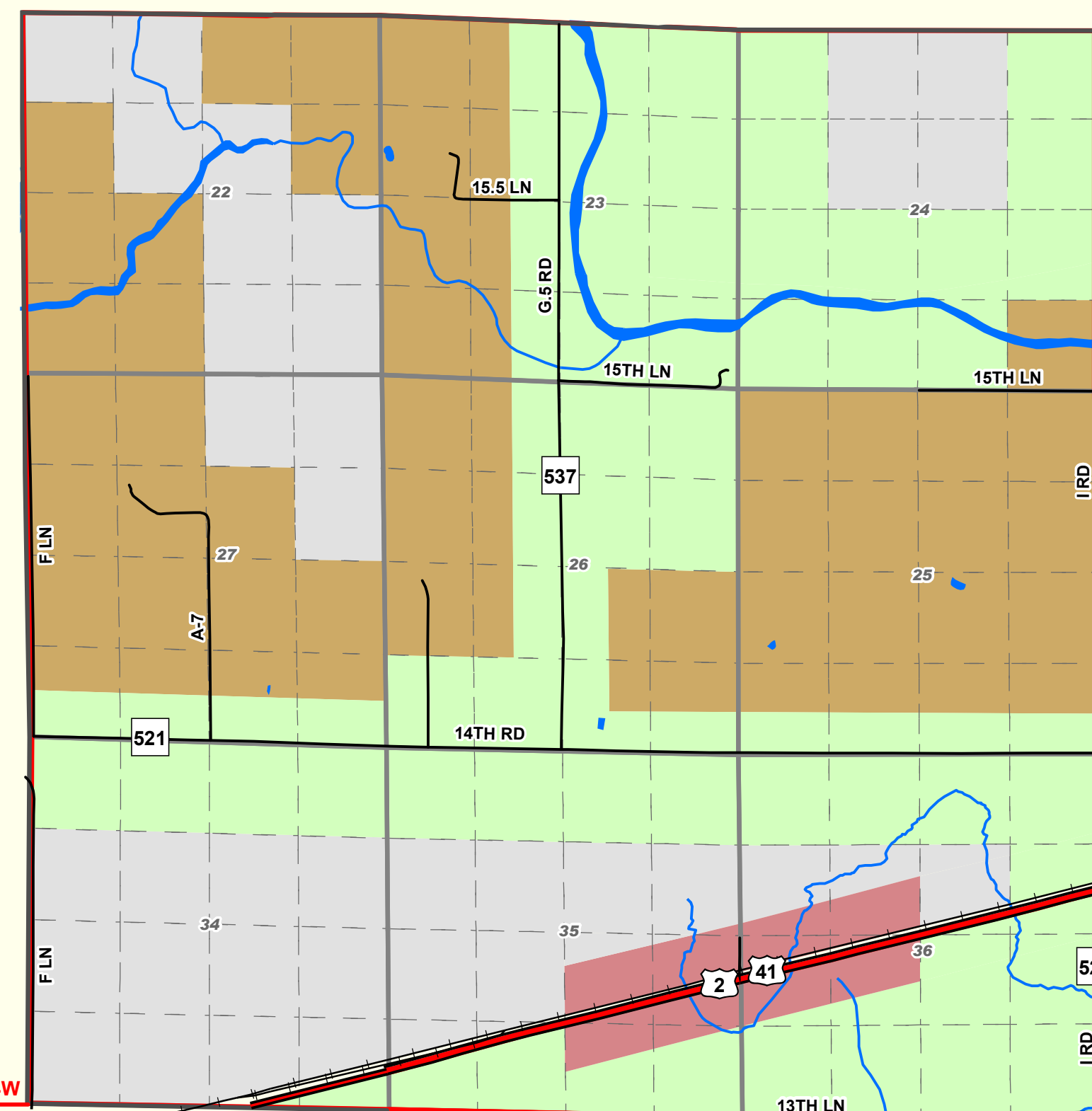
Section 1205 Repeal

All ordinances and amendments thereto enacted and/or adopted by the Township of Ford River by virtue of Act 110 of the Public Acts of 2006, as amended, and all ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. The repeal of existing ordinances or parts of ordinances and their amendments does not effect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or imprisonment incurred prior to the time it was enforced, prosecuted or inflicted.

Section 1206 Effective Date

This Ordinance shall take effect following adoption by the Township Board of Ford River and upon publication in accordance with provisions and procedures of Act 110 of the Public Acts of 2006, as amended.

Ford River Township Zoning Map



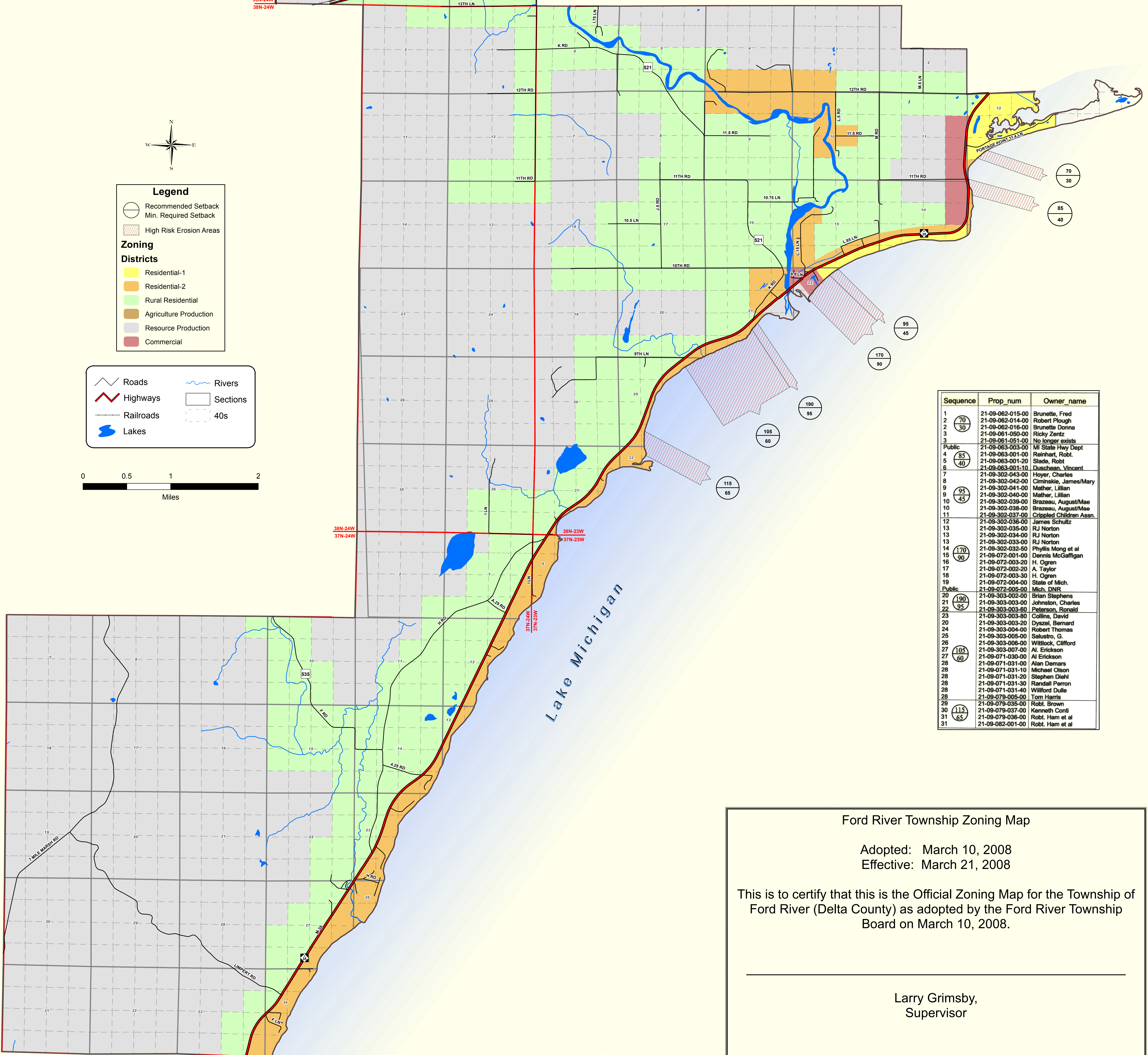
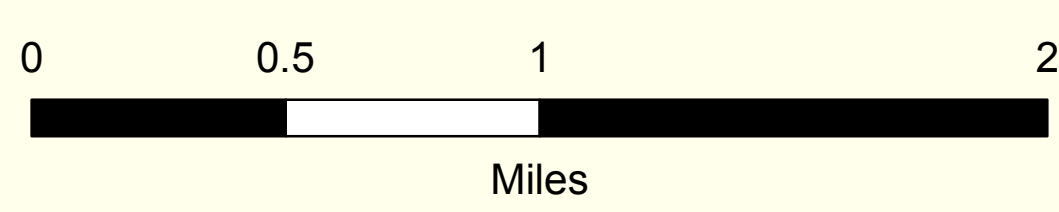
Legend

- Recommended Setback
- Min. Required Setback
- ▨ High Risk Erosion Areas

Zoning Districts

- Residential-1
- Residential-2
- Rural Residential
- Agriculture Production
- Resource Production
- Commercial

- Roads
- Highways
- Railroads
- Lakes
- Rivers
- Sections
- 40s



Sequence	Prop_num	Owner_name
1	21-09-062-015-00	Brunette, Fred
2	21-09-062-014-00	Robert Plough
3	21-09-062-016-00	Brunette Donna
3	21-09-061-050-00	Ricky Zantz
3	21-09-061-051-00	No longer exists
Public	21-09-063-003-00	MI State Hwy Dept
4	21-09-063-001-00	Reinhart, Robt.
5	21-09-063-001-20	Slade, Robt
6	21-09-063-001-10	Duschean, Vincent
7	21-09-302-043-00	Hoyer, Charles
8	21-09-302-042-00	Ciminski, James/Mary
9	21-09-302-041-00	Mather, Lillian
9	21-09-302-040-00	Mather, Lillian
10	21-09-302-039-00	Brazeau, August/Mae
10	21-09-302-038-00	Brazeau, August/Mae
11	21-09-302-037-00	Crippled Children Assn.
12	21-09-302-036-00	James Schultz
13	21-09-302-035-00	RJ Norton
13	21-09-302-034-00	RJ Norton
14	21-09-302-033-00	RJ Norton
14	21-09-302-032-50	Phyllis Mong et al
15	21-09-072-001-00	Dennis McGaffigan
16	21-09-072-003-20	H. Ogren
17	21-09-072-002-20	A. Taylor
18	21-09-072-003-30	H. Ogren
19	21-09-072-004-00	State of Mich.
Public	21-09-072-005-00	Mich. DNR
20	21-09-303-002-00	Brian Stephens
21	21-09-303-003-00	Johnson, Charles
22	21-09-303-003-60	Peterson, Ronald
23	21-09-303-003-80	Collins, David
20	21-09-303-003-20	Dyzel, Bernard
24	21-09-303-004-00	Robel, Thomas
25	21-09-303-005-00	Salustro, G.
26	21-09-303-006-00	Wittlock, Clifford
27	21-09-303-007-00	Al Erickson
27	21-09-071-030-00	Al Erickson
28	21-09-071-031-00	Alan Demars
28	21-09-071-031-10	Michael Olson
28	21-09-071-031-20	Stephen Diehl
28	21-09-071-031-30	Randall Perron
28	21-09-071-031-40	Willford Dulle
28	21-09-079-005-00	Tom Harris
29	21-09-079-035-00	Robt. Brown
30	21-09-079-037-00	Kenneth Conli
31	21-09-079-036-00	Robt. Ham et al
31	21-09-062-001-00	Robt. Ham et al

Ford River Township Zoning Map

Adopted: March 10, 2008
Effective: March 21, 2008

This is to certify that this is the Official Zoning Map for the Township of Ford River (Delta County) as adopted by the Ford River Township Board on March 10, 2008.

Larry Grimsby,
Supervisor

Beth Charles,
Clerk

