

ZONING ORDINANCE

VILLAGE OF RICHLAND

AS AMENDED 2010

ZONING ORDINANCE

Village of Richland

Kalamazoo County, Michigan

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Amended by:

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INDEX

<i>ARTICLE</i>		<i>PAGE</i>
1	TITLE	1
2	PURPOSE	2
3	ENABLING AUTHORITY	3
4	DEFINITIONS	4
5	ADMINISTRATION	19
	Administration	19
	Enforcement	19
	Violations	19
	Penalties	19
6	ZONING BOARD OF APPEALS	21
	Establishment of a Zoning Board of Appeals	21
	Procedures of the Zoning Board of Appeals	21
	Authority of the Zoning Board of Appeals	22
	Limitations of Authority of the Zoning Board of Appeals	23
7	GENERAL PROVISIONS	25
	Interpretation of Conflicting Provisions	25
	Limitations on All Land and Structures	25
	Limitations on Height	25
	Limitations on Area	26
	Building Permit to Erect or Alter Structures	26
	Prior Building Permits	26
	Certificate of Occupancy	26
	Validity or Severability Clause	27
	Conflict with Other Laws	27
	Boundaries of Zones	27

8	ZONING DISTRICTS AND ZONING MAP	29
	Zoning Districts	29
	R-1 Residential District, Single Family	30
	R-2 Residential District, Single & Two Family	32
	R-3 Residential District, Multiple Family	33
	R-4 Residential District, Mobile Home Park	35
	O-1 Office District, Restricted	38
	O-2 Office District, General	40
	C-1 Commercial District, Local	42
	C-2 Commercial District, General	44
	I-1 Industrial District, Restricted	46
	I-2 Industrial District, Manufacturing	48
	VC Village Core Overlay	49
9	SUPPLEMENTARY REGULATIONS	77
	Parking of Motor Vehicles	77
	Signs and Outdoor Advertising Signs	81
	Nonconforming Uses, Buildings/Structures, and Lots	84
	Accessory Uses or Buildings/Structures	86
	Home Occupations	87
	Screening	88
	Outdoor Lighting	89
	Refuse Disposal	92
	Special Land Uses	93
	Special Land Uses, Required Standards	96
	Site Plan Review	124
10	SCHEDULE OF LOT, YARD, AND AREA REQUIREMENTS	130
11	SITE CONDOMINIUM PROJECT	133
	Scope	133
	Plan Approval Process	133
	Project Plan Requirements	134
	Performance Bond	135
	Conformity to Approved Plan	135
	Amendment to Approved Plan	135
	Expandable or Convertible Site Condominium Projects	135
	Master Deed	135
	Suspension/Revocation	136

12	AMENDMENT PROCEDURES	137
	Amendment Procedures	137
	Conditional Rezonings	137
13	EFFECTIVE DATE OF THIS ORDINANCE	143
14	REPEAL OF PRIOR ORDINANCE	144

ARTICLE 1 – TITLE

This Ordinance shall be known as the Village of Richland Zoning Ordinance (Ordinance No. 28 as amended).

ARTICLE 2 – PURPOSE

In the interest of the public health, safety, and general welfare, the purpose of this zoning ordinance is to regulate the use of land and structures to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land, to ensure that use of the land is situated in appropriate locations and relationships, to limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities, to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements.

Therefore, this Ordinance is enacted as the Zoning Ordinance of the Village of Richland for the purpose of: the establishment of zoning districts within which districts the use of land for agriculture, recreation, residence, industry, trade, soil conservation, water supply conservation and additional uses of land may be encouraged, regulated, or prohibited, and for such purposes may divide portions of the Village of Richland into districts of such number, shape, and area as may be deemed best suited to carry out the provisions of the Act; and to adopt within each district provisions designating and limiting the location, height, bulk, number of stories, uses, and size of dwellings, buildings, and structures that may hereafter be erected or altered; and the sanitary, safety, and protective measures that shall be required for such dwellings, buildings, and structures; and for the designation of the maximum number of families which may be housed in buildings, dwellings, and structures hereafter erected or altered; and to provide for a method of amending said ordinance.

ARTICLE 3 – ENABLING AUTHORITY

This Ordinance is adopted pursuant to Act 207 of the Public Acts of 1921 of the State of Michigan, as amended, known as the “City and Village Zoning Act”, and Act 110 of the Public Acts of 2006 for the State of Michigan, as may be amended, known as the Michigan Zoning Enabling Act. Said Act, covering zoning for local units of government, is hereby made a part of this Ordinance just as if said Act were repeated verbatim herein. Where there is a difference between said Act and this Ordinance, the Act controls.

ARTICLE 4 – DEFINITIONS

Words used in the present tense include the future; words in the singular number include the plural number; the word ‘shall’ is mandatory. For the purpose of these regulations, certain terms and words are defined as follows:

ACCESSORY BUILDING

A building subordinate to, and located on, the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or common roof to the main building.

ACCESSORY USE

A use of a building, lot or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.

AGRICULTURAL PRODUCTION

The production for commercial purposes and sale for the purpose of obtaining a profit in money by the raising, harvesting, and selling of crops and forage; or any other agricultural, aqua cultural, horticultural, or floricultural use such as fruits, plants, ornamental trees, timer, shrubs, nursery stock, and vegetable, including in each instance the right to sell as wholesale or retail from the premises any goods or products produced thereon.

ALLEY

A passage or way open to public travel affording generally a secondary means of vehicular access to abutting lots and not intended for general traffic circulation.

BASEMENT

That portion of a building below the first-floor joists, at least half of whose clear ceiling height is above the level of the adjacent ground.

BED AND BREAKFAST INN

A use which is subordinate to the principal use of a residence as a single-family dwelling in which transient guests are provided a sleeping room and board in return for payment. Bed and breakfast inns are divided into two categories:

- (a) “Owner Occupied”: Where the titleholder resides with his/her family as their principal residence and which has no more than four (4) sleeping rooms for paying guests.

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- (b) “Resident Manager”: Where a manager resides with his/her family as their principal residence and which has no more than eight (8) sleeping rooms for paying guests. Resident-managed bed and breakfast inns, as defined herein, specifically exclude hotels and motels as defined in this Ordinance.

BOARDINGHOUSE

A dwelling in which lodging, with or without meals, is furnished to three (3) or more guests for compensation.

BUILDING

A structure having one (1) or more stories and a roof, designed primarily for the shelter, support, or enclosure of persons, animals, or property of any kind.

BUILDING ENVELOPE

The area of a condominium unit within which the principal building or structure may be constructed, together with any accessory buildings/structures, as described in the master deed for the site condominium project. In a single-family residential site condominium project, the building envelope refers to the area of each condominium unit within which the dwelling and any accessory building/structure may be built.

BUILDING HEIGHT

The vertical distance measured from the average finished lot grade at the front of the building to the highest point of the roof.

BUILDING LINE

Deleted

BUILDING SITE

The area within the site condominium unit by itself (i.e. exclusive of any appurtenant limited common element), including the area under the building envelope and the area around and contiguous to the building envelope; or

The area within the condominium unit taken together with any contiguous and appurtenant limited common element.

For purposes of determining compliance with the applicable requirements of the Ordinance (including, without limitation, height, area, yard, and density requirements) or with other applicable laws, ordinances, or regulations, a ‘building site’ shall be considered to be the equivalent of a ‘lot’.

CARE HOME

Includes rest and nursing homes, convalescent homes and boarding homes for the aged; established to render nursing care for chronic or convalescent patients but excludes facilities for care of active or violent patients such as mental patients, epileptics, alcoholics, senile psychotics or drug addicts.

CELLAR

That portion of a building below the first-floor joists at least half of whose clear ceiling height is below the level of the adjacent ground.

CHILD CARE FACILITY

A facility for the care of children under 18 years of age, as licensed and/or registered and regulated by the State under Act 116 of the Public Acts of 1973 and the associated standards and rules promulgated by the State Department of Social Services. Such organizations shall be further defined as follows:

- (a) “Child care center” or “day care center” means a facility, other than a private residence, receiving one (1) or more preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. A child care center or day care center includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center shall not, however, include any of the following:
 - 1 – A Sunday school, vacation Bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three (3) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four weeks during a 12 month period.
 - 2 – A facility operated by a religious organization where children are cared for not greater than three (3) hours while persons responsible for the children are attending religious services.
- (b) “Family Day Care Home” is a private home which is the bona fide private residence of the operator of the family day care home and in which one (1) or more, but less than seven (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. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

- (c) “Group Day Care Home” is a private home which is the bona fide private residence of the operator of the group day care home and in which more than six (6) but not more than 12 minor children are given 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. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

COMMON ELEMENTS

The portions of a condominium project other than the condominium units owned in common by the unit owners or by the Condominium Association.

COMMUNICATION TOWER

Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and also includes any supporting apparatus; provided that for purposes of these provisions of the Zoning Ordinance this term shall not include any tower/antenna under 50 feet in height that is owned and operated by a federally-licensed amateur radio station operator or that is used exclusively for receive-only antennas.

CONDOMINIUM ACT

Public Act 59 of 1978, as amended.

CONDOMINIUM PROJECT

A development plan or project consisting of not less than two (2) condominium units established in conformance with, and pursuant to, the Condominium Act (Act 59 of the Public Acts of 1978, as amended).

CONDOMINIUM UNIT

That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed of the project, regardless of whether it is intended for residential, office, industrial, business, recreational, or any other type of use approved by the Michigan Department of Commerce for such projects.

DISTRICT

An area within which certain uses of land and buildings are permitted and all others are prohibited; yards and other open spaces are required; lot areas, building height limits, and other requirements are established; and all of the foregoing being identical for the district in which they apply.

DWELLING

A building, mobile home, pre-manufactured or pre-cut dwelling structure, or portion thereof, arranged or designed to provide living facilities for a single family complying with the following standards:

- a) Minimum dimensional requirements as set forth in Article Thirteen;
- b) Permanently attached to a solid foundation constructed on the site in accordance with the Village Building Code not less in area than the area of the dwelling as measured around its perimeter, which attachment shall also meet all building codes or state regulations, and which foundation shall consist of a fully enclosed attached bearing wall around the perimeter of the dwelling extending from the footing to the ground floor;
- c) No exposed wheels, towing mechanism, undercarriage, or chassis;
- d) No additions of rooms or other areas which are not constructed with an appropriate foundation and permanent attachment to the principal structure;
- e) Connection to a public sewer and water supply or to such private facilities approved by the local health department;
- f) Aesthetic compatibility in design and appearance to conventionally on-site constructed homes, including, where appropriate, a roof overhang, a front and rear or front and side exterior door, permanently attached steps or porch areas where an elevation differential requires the same, and roof drainage systems concentrating roof drainage and avoiding drainage along the sides of the dwelling;
- g) Compliance with all pertinent building and fire codes, including among others those pertaining to newly manufactured homes or newly manufactured mobile homes;
- h) The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state law or otherwise specifically required in the ordinance of the Village of Richland pertaining to such parks.

DWELLING, SINGLE-FAMILY

A building as hereinabove defined as a dwelling, containing not more than one (1) dwelling unit.

DWELLING, TWO-FAMILY

A building as hereinabove defined as a dwelling, containing not more than two (2) dwelling units.

DWELLING, MULTIPLE FAMILY

A building containing three (3) or more dwelling units.

DWELLING UNIT

A building or portion thereof arranged or designed for permanent occupancy by not more than one (1) family for living purposes and having cooking and sanitary facilities.

EARTH REMOVAL

The digging of soil, sand, gravel, rock, minerals, clay or other earthen material from a land surface primarily for carrying on a business or manufacturing operation for the purpose of sale, exchange, processing, or manufacture. Does not mean grading or filling incidental to improvement of the land.

ESSENTIAL SERVICE

A public utility or municipal department utilizing underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal system, but not including buildings or communication towers.

FACILITIES AND SERVICES

Deleted

FAMILY

The term may include either of the following:

- (1) A traditional family consisting of one (1) or more persons related by the bonds of consanguinity, marriage, or adoption, and foster children and servants, and not more than one (1) additional unrelated person, occupying a dwelling unit and living as a single, nonprofit housekeeping unit; or

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- (2) A functional family consisting of a collective number of individuals occupying a dwelling unit as the functional equivalent of a traditional family with a demonstrable and recognizable relationship of a permanent and distinct domestic character, and cooking and otherwise housekeeping as a single housekeeping unit.

Notwithstanding the foregoing, certain types of living arrangements and occupancies shall not be considered to be within the scope of this term, including any society, club, fraternity, sorority, association, lodge, combine, federation, group, coterie, or other organization which is not a recognized religious order; and any group of students or other individual whose domestic association is likely or contemplated to exist for a limited or temporary duration, or whose association is otherwise of a transitory, temporary or resort-seasonal character or nature.

FARMING

Deleted; See "Agricultural Production"

FIXTURE

The assembly that houses the lamp(s) and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

FLOOR AREA

The total enclosed floor area of a structure used for residential purposes, excluding the floor area of uninhabitable basements, cellars, garages, accessory buildings, attics, breezeways, and porches. The floor area for manufacturing, business, or commercial activities shall include customer facilities, showcase facilities, and sales facilities.

FOOTCANDLE

The illuminance cast on a surface by a one (1) candela source one (1) foot away. One (1) footcandle is the equivalent of 10.76 Lux.

FRONTAGE

The length of the front property line of the lot, lots, or tract of land abutting a public street, road, or highway.

GARAGE, PRIVATE

An accessory building or an accessory portion of a principal building designed and used primarily for the storage of noncommercial motor vehicles owned and used by the occupants of the building to which it is accessory.

GASOLINE SERVICE STATION

Building or lot, or portions thereof, used and limited in function to retail sale of gasoline, oil, grease, anti-freeze, tires, batteries, and automobile accessories, and such services such as lubrication, washing, polishing, and other minor servicing to motor vehicles.

GLARE

Light emitting from a luminaire with intensity great enough to reduce a viewer's ability to see or that causes annoyance or discomfort.

HOME OCCUPATION

An occupation customarily engaged in by residents within their own dwelling or existing building. (See Section 9.5)

HOSPITAL

Any institution, including a sanitarium, which maintains and operates facilities for overnight care and treatment of two (2) or more non-related persons as patients suffering mental or physical ailments, but not including any dispensary or first aid treatment facilities maintained by a commercial or industrial plant, educational institution, convent, or a convalescent home, as previously defined.

HOTEL

A building occupied as a temporary lodging place for individuals who are lodged with or without meals, in which as a rule the rooms are rented singularly in which provision is not made for cooking in any individual room, except for the management.

ISOFOOTCANDLE PLAN

A site plan of a proposed development showing proposed outdoor illuminance with a series of isofootcandle lines that join points on a surface where the illuminance is the same or a computer-generated grid of footcandle values.

JUNK YARD

Any land or building used for commercial, storage and/or sale of paper, rags, scrap metals, other scrap or discarded materials, or for the dismantling, storage, or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof.

LIGHT SPILLOVER

The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

LIMITED COMMON ELEMENT

An area which is appurtenant to a site condominium unit and which is reserved in the master deed for the site condominium project for the exclusive use of the owner of the site condominium unit.

LOT

A parcel of land (including a “unit” within a site condominium development) with the frontage required by this Ordinance on a public street, or on a private street as specifically allowed by this Ordinance, and separated from other land by legal description, deed, or subdivision plot.

LOT AREA

The total horizontal area included within lot lines. Where the front lot line is the center of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.

LOT, CORNER

A lot located with frontage on two (2) intersecting streets or an intersecting street and an outlet.

LOT COVERAGE

The amount of a lot, stated in terms of percentage, which is covered by all the roofed buildings and other structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs and the like, whether open box type and/or lathe roofs or fully roofed, but shall not include fences, walls or hedges used as fences, or swimming pools.

LOT, DEPTH

The average distance between the front lot line and rear lot line, measured in the mean direction of the side lot lines.

LOT, FRONT OF

Deleted

LOT, FRONTAGE

That portion of a lot extending along the front lot line.

LOT, INTERIOR

A lot other than a corner lot.

LOT LINE, FRONT (front of lot)

That portion of a lot which abuts a street. In the case of a corner lot or through lot, either abutting street may be considered as the front lot line provided that the side selected as the front has the required minimum frontage.

LOT LINE, REAR

The lot boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

LOT LINE, SIDE

Any lot boundary line which is not a front lot line or a rear lot line.

LOT, WIDTH

The distance between the side lot lines as measured at right angles to the lot depth at the required front yard setback line.

LUMINAIRE

A complete lighting system, including a lamp or lamps and a fixture. This term shall be interpreted broadly as applying to all outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices (permanently installed or portable), used for illumination or advertisement.

MOBILE HOME

Any vehicle or similar portable structure which was constructed with wheels so as to permit its being used as a duly licensable conveyance upon the public street, whether or not its wheels have been removed, and constructed to permit occupancy as a dwelling.

MOTEL

A group of attached or detached dwellings not more than two (2) stories in height containing guest rooms which are provided for transient occupancy only, including auto courts, motor lodges, and are usually accessible from an outdoor parking area.

NONCONFORMING BUILDINGS OR STRUCTURES

Any building or structure which does not comply with the applicable bulk regulations for the district, either at the effective date of this Ordinance or as a result of a subsequent amendment thereto.

NONCONFORMING USES

The use of a building or of land which does not conform to the applicable use regulations for the district, either at the effective date of this Ordinance or as a result of a subsequent amendment thereto.

NURSING HOME

See "Care Home"

OUTDOOR LIGHTING

The nighttime illumination of an outside area or object by any manmade device located outdoors that produces light by any means.

PARKING SPACE

That area required for the parking or storage of one (1) automobile, including necessary aisle or driveway space providing access thereto.

PRIVATE ROAD

Deleted

PROFESSIONAL OFFICE

Rooms or buildings used for office purposes by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, etc., but not including medical or dental clinics.

PUBLIC UTILITY

Any person, firm, or corporation, municipal department, board, or commission duly authorized to furnish under federal, state, or municipal regulations to the public gas, steam, electricity, sewage disposal, communications, transportation, or water, excluding personal communication services (PCS) towers and communication towers.

RECREATIONAL VEHICLE

Any self-propelled vehicle or towed vehicle intended primarily for recreational purposes and shall be deemed to include, but not be limited to, travel trailers, unattached pickup covers and pickup coach campers, motorized homes, tent trailers, tent campers, boats, boat trailers, snowmobiles, snowmobile carriers, horse trailers, rafts, houseboats, float boats, dune buggies, off-road vehicles (ORV), and motorcycle carriers.

SCHOOL

A building used for the purpose of elementary or secondary education which meets all the requirements of the Compulsory Education laws of the State of Michigan, not providing residential accommodations, and not operating for a profit.

SHELTER, FALL-OUT

A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fall-out, air raids, storms, or other emergencies. Fall-out shelters constructed completely below the ground level, except for a vent and not exceeding 30 inches in height above ground level, may be contained within any yard area.

SETBACK

The minimum horizontal distance required to exist between a building or structure, or any portion thereof, and the front, side or rear lot line. The required setback or yard area is that area encompassed by the respective lot lines and the respective setback lines.

SHARP CUT-OFF FIXTURE

A down-type fixture mounted horizontally and angled perpendicular to the ground.

SHOPPING CENTER

A group of commercial establishments planned, developed and managed as a unit, with off-street parking provided on the same property and related in location, size and types of shops in the center.

SIGN

Any structure, part thereof, or device attached thereto, or painted or represented thereon, or any material or thing which displays numerals, letters, words, trademarks, or other representation used for direction or designation of any person, firm, organization, place, product, service, business, or industry which is located upon any land, on any building, in or upon a window, or indoors in such a manner as to attract attention from outside the building.

SIGN AREA

The surface of the structure used to convey the message exclusive of the necessary supports or any appurtenances required by the building code. The area of open sign structures, consisting of letters or symbols without a solid surface in between, shall be calculated on the basis of the total area within the perimeter of the group of letters and/or symbols. The area of a double face sign, which is constructed back to back as a single unit, shall be calculated according to the surface area of one (1) side only.

SIGN, OUTDOOR ADVERTISING

A sign which calls attention to a business, commodity, service, entertainment, or other activity, conducted, sold, or offered elsewhere than on the premises upon which the sign is located.

SITE CONDOMINIUM PROJECT

A plan or project consisting of not less than two (2) site condominium units established in compliance with the Condominium Act.

SITE CONDOMINIUM PROJECT PLAN

The plans, drawings, and information prepared for a site condominium project as required by Section 66 of the Condominium Act and as required by Article Fifteen for review of the project by the Planning Commission and Village Council.

SITE CONDOMINIUM UNIT

A condominium unit established in compliance with the Condominium Act which consists of an area of vacant land and a volume of vacant air space, designed and intended for separate ownership and use as described in the site condominium project master deed, and within which a building or other improvements may be constructed by the condominium unit owner.

SPECIAL EXCEPTION

Deleted; See "Special Land Use"

SPECIAL LAND USES

Uses of land or buildings recognized as possessing characteristics of such unique and special nature (relative to location, design, size, public utility needs, and other similar characteristics) as to be designated as special uses, and may be permitted to become established within those districts as specified in this ordinance. (Section 9.9)

STATE LICENSED RESIDENTIAL FACILITY (Small Group Home)

A structure constructed for residential purposes that is licensed by the State under the adult foster care facility licensing act, Act 218 of the Public Acts of 1979, as amended, or Act 116 of the Public Acts of 1973, as amended, and provides residential services for six (6) or fewer persons under 24-hour supervision or care.

STORY

That portion of a building included between the surface of any floor and the ceiling above it. A basement shall be counted as a story if its ceiling is over six (6) feet above the average level of the finished ground surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.

STREET

A public dedicated right-of-way other than an alley, which provides primary access to abutting properties, and over which the public has easement of vehicular access.

STRUCTURE

Anything constructed, assembled, or erected, the use of which requires location on or in the ground or attachment to something having location on or in the ground, and shall include fences which are more than 50% solid, tanks, towers, advertising devices, bins, tents, lunch wagons, trailers, dining cars, camp cars or similar structures on wheels or other supports used for business or living purposes. The word “structure” shall not apply to wires and their supporting poles or frames of electrical or telephone utilities, or to service utilities entirely below the ground.

USE

The principal purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is, or may be used, occupied, or maintained.

VARIANCE

The granting to a petitioner by the Zoning Board of Appeals permission to vary from the strict application of this ordinance as provided in Article Six.

YARD

Open space on a lot with a building or group of buildings, lying between the building or group of buildings and the nearest respective lot or street line facing each building, and which is unoccupied and unobstructed from the ground upward, except for plants, trees, shrubs, fences, or as otherwise provided herein.

YARD, FRONT

Open space extending across the full width of a lot between the front lot line or proposed street line and the nearest point of the building or projection thereof. The depth of such yard is the shortest horizontal distance between the front lot line or proposed street line and the nearest point of the building or any projection thereof.

YARD, REAR

Open space extending across the full width of a lot between the rear lot line and the nearest point of the building or projection thereof. The depth of such yard is the shortest horizontal distance between the rear lot line and the nearest point of the building or any projection thereof.

YARD, SIDE

An open space extending on each side of a lot from the front yard to the rear yard or, in the absence of either of such yards, to the front lot line or rear lot line. The width of a side yard shall be the shortest distance between the side lot line and the nearest point of the building or projection thereof.

ZONE

See "District"

ARTICLE 5 – ADMINISTRATION AND ENFORCEMENT

5.1 ADMINISTRATION

The provisions of this ordinance shall be administered by such person or persons who shall be designated by the Village Council, with recommendation and approval of the Planning Commission in accordance with the applicable State statute.

5.2 ENFORCEMENT

The provisions of this ordinance shall be enforced by the Zoning Enforcement Officer.

5.3 VIOLATIONS

- a) Buildings erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this ordinance are declared to be a nuisance per se. Any and all buildings or land use activities considered possible violations of the provisions of this ordinance observed by or communicated to Police and Fire Department employees or to any municipal official shall be reported to the Zoning Enforcement Officer.
- b) The Zoning Enforcement Officer shall inspect each alleged violation and shall order correction, in writing or by posting the premises, of all conditions found to be in violation of this ordinance.
- c) An appeal may be taken to the Zoning Board of Appeals by any person alleging error in any administrative order concerning the enforcement of this ordinance.
- d) All violations shall be promptly corrected after receipt of notification thereof by writing or by posting premises by the Zoning Enforcement Officer. A violation not so corrected shall be reported to the municipal attorney who shall initiate prosecution procedures.

5.4 PENALTIES

- a) Any person, corporation or firm who violates, disobeys, omits, neglects or refuses to comply with any provision of this ordinance, or any permit, license or exception granted hereunder, or any lawful order of the Zoning Enforcement Officer, Zoning Board of Appeals, or the municipal body issued in pursuance of this ordinance shall be deemed to be responsible for a violation of this ordinance. Any person, corporation or firm responsible for a violation of this ordinance, whether as an owner (by deed or land

contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal. Each day that a violation exists shall constitute a separate offense.

- b) Any violation of this ordinance shall constitute a basis for injunctive relief to compel compliance with the ordinance and/or to restrain and prohibit continuation of the violation, or other appropriate relief in any court of competent jurisdiction, in addition to any other relief or sanction herein set forth or allowed by law.
- c) A violation of this ordinance is a municipal infraction as defined by Michigan statute and shall be punishable by a civil fine in accordance with a schedule determined by resolution of the Village Council.

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the Village has incurred in connection with the municipal civil infraction.

ARTICLE 6 – ZONING BOARD OF APPEALS

6.1 ESTABLISHMENT OF A ZONING BOARD OF APPEALS

There shall be a Zoning Board of Appeals as provided under Act 110 of 2006, as may be amended, known as the Michigan Zoning Enabling Act, which shall have such powers and duties as prescribed by law. The Village Council shall appoint a Zoning Board of Appeals consisting of five (5) members each to be appointed for a term of one (1), two (2) or three (3) years. Terms shall be staggered so that at least one (1) member's term expires each year.

Two (2) alternate members may be appointed for staggered three (3) year terms. An alternate member may be called to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one or more meetings or for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision has been made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

6.2 PROCEDURES OF THE ZONING BOARD OF APPEALS

- a) The Zoning Board of Appeals shall adopt rules and regulations to govern its procedures and to ensure proper conduct of its meetings. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order or decision of the administrative official, to grant variances from the requirements of the ordinance, or to decide any matter upon which it may be required to pass.
- b) Requests for appeals or variances may be made by submitting a written application to the Village Clerk. The Village Council shall, by resolution, establish appropriate fees for applications to the Zoning Board of Appeals.
- c) A site plan, plot plan or other acceptable diagram showing the general development plan of the property which is the subject of a variance or appeal request shall be submitted with each such request. The plan shall show, at a minimum, the location of all abutting streets, the location of all existing and proposed buildings/structures, the types of buildings and their uses, and the existing or proposed setback of each building/structure.
- d) Before deciding any of the matters upon which it may be required to pass, the Zoning Board of Appeals shall hold a public hearing on same, which shall be noticed in accordance with statutory requirements.

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- e) At the hearing, a party may appear in person or by agent or attorney. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.
 - f) An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of the appeal shall have been filed that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, except upon a restraining order by the Circuit Court.
 - g) Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered together with the votes of the members and the final disposition of each case. The grounds of every such determination shall be stated and such determination from which the appeal is taken. Such minutes shall become a public record and as such be filed in the office of the Village Clerk.

6.3 AUTHORITY OF THE ZONING BOARD OF APPEALS

- a) Hear and decide appeals for interpretation of the provisions of this ordinance.
- b) Hear and decide appeals from and review any administrative order, requirement, decision or determination made by the zoning official.
- c) Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision on such subject made by the zoning official.
- d) Grant nonuse variances relating to the construction, structural changes, or alterations of buildings or structures related to dimensional requirements of the Zoning Ordinance or to any other nonuse-related standard in this Ordinance where there are practical difficulties in the way of carrying out the strict letter of this Ordinance so that the spirit of the Ordinance shall be observed, public health and safety secured, and substantial justice done.

Before granting a variance, the Zoning Board of Appeals shall find that the following standards are met:

1. That the variance will not permit the establishment within a zoning district of any use which is not permitted by right or as a special land use within the district.
2. That compliance with the strict letter of the Zoning Ordinance would unreasonably prevent the owner from using the property for a

permitted purpose, or would render conformity with the Zoning Ordinance unnecessarily burdensome.

3. That a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the surrounding area, or, in the alternative, that a lesser variance than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
 4. That the hardship asserted by the property owner by way of justification for a variance is due to unique circumstances of the property.
 5. That the hardship asserted by way of justification for the variance is not self-created.
 6. That, in granting the variance, the Zoning Board of Appeals is ensuring that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done.
- e) In addition to the foregoing conditions, the following rules shall be applied in the granting of variances:
1. In granting a variance, the Zoning Board of Appeals may specify, in writing, to the applicant such conditions in connection with the granting that will, in its judgment, secure substantially the objectives of the regulations or provisions to which the variance applies. The breach of any such conditions shall automatically invalidate the variance granted.
 2. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be submitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.
 3. Each variance granted shall be valid for a period of six (6) months during which time a building permit shall be secured and the authorized action begun or said variance shall be deemed abandoned and withdrawn and of no further force and effect.

6.4 LIMITATIONS OF AUTHORITY OF THE ZONING BOARD OF APPEALS

Except as authorized in this Section, the Zoning Board of Appeals may not, through any decision, interpretation or action, alter, vary or otherwise negate any provision of this ordinance, and where the Zoning Board of Appeals considers

that any specific provision is inappropriate it shall submit to the Village Planning Commission a request for review of said provision.

ARTICLE 7 – GENERAL PROVISIONS

7.1 INTERPRETATION OF CONFLICTING PROVISIONS

In this ordinance, words used in the present tense include the future; the singular number includes the plural number and plural, the singular; the word “shall” is mandatory and the word “may” is permissive. In interpreting and applying this ordinance, the requirements contained herein are declared to be the minimum requirements for the protection of health, morals, safety, or welfare. This ordinance shall not be deemed to interfere with or abrogate or annul or otherwise affect in any manner whatsoever any ordinances, rules, regulations or permits, or by easements, covenants, or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or larger open spaces than are imposed or required by other ordinances, rules, regulations, or permits, or by easements, covenants, or agreements between parties, the provisions of this ordinance shall prevail. Except as hereinafter provided, the following general regulations shall apply:

7.2 LIMITATIONS ON ALL LAND AND STRUCTURES

- a) No building shall be erected and no existing building shall be moved, altered, enlarged or rebuilt, nor shall any land or building be used, designed, or arranged to be used for any purpose or in any manner other than that included among the uses hereinafter allowed in the zone in which such building or land is located.
- b) Every building hereinafter erected or moved shall be located on a lot as herein defined; and, except as herein provided, there shall be not more than one (1) single-family dwelling or two-family dwelling on any one (1) lot.
- c) Every principal building shall be built upon a lot with frontage upon a public street, except that any one (1) lot of record created before the effective date of this ordinance without any frontage on a public street or private road but provided with an easement or other right-of-way of no less than 66 feet in width, may be granted a building permit providing all other requirements of this ordinance can be met.
- d) *Deleted; See Article 9*

7.3 LIMITATIONS ON HEIGHT

No building shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located, except the height limitations of this ordinance shall not apply to church spires, belfries, cupolas, communication towers/antennas (except as otherwise

specifically regulated in this ordinance), domes not used for human occupancy; nor to chimneys ventilators, skylights, water tanks, silos, bulkheads, and necessary mechanical appurtenances usually carried above the roof level, except where in the opinion of the building inspector such may be deemed to interfere with aerial navigation or constitute a fire hazard. Such features, however, shall not exceed in total coverage 20% of the total roof area and shall not exceed a reasonable height to be determined upon reference of all such cases to the Zoning Board of Appeals by the building inspector.

7.4 LIMITATIONS ON AREA

- a) No building shall be erected, nor shall any existing building be moved, altered, enlarged, or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot, area, and building location regulations hereinafter designated for the zone in which such buildings or open space is located, except as otherwise specifically provided.
- b) No yard or other open space provided about any building for the purpose of complying with the provisions of this article shall be considered as a yard or open space for any other building.
- c) Any lot as defined herein, which was legally recorded at the time of adoption of this ordinance, and which was a buildable lot under the ordinance in effect immediately prior to the adoption of this ordinance, shall be deemed a buildable lot even though it may have less than the minimum area requirements.

7.5 BUILDING PERMIT TO ERECT OR ALTER STRUCTURES

No structure shall be erected, altered, moved, or excavation started until a building permit for such erection or alteration shall have been issued.

7.6 PRIOR BUILDING PERMITS

Nothing in this ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this ordinance, PROVIDED that construction is commenced within 90 days after the date of issuance of the permit and that construction is carried on diligently and without interruption for a continuous period so that the entire building shall be completed according to the plans filed with the permit application within one (1) year after the issuance of the building permit.

7.7 CERTIFICATE OF OCCUPANCY

It shall be unlawful to use, change a use, or occupy any building or premises or part thereof hereinafter created, located, erected, changed, converted, or enlarged wholly or partly until a certificate of occupancy, as required in the building code

adopted by the Village, has been issued for premises certifying that the structure, premises, or use complies with the provisions of this ordinance. Such occupancy permits shall be granted or denied within 30 days from the date that a written application is filed with the building inspector or zoning enforcement officer. The issuance of a certificate of occupancy shall not be construed as permitting any violation of this ordinance.

7.8 VALIDITY OF SEVERABILITY CLAUSE

Should any section, sub-section, clause, or provision of this ordinance be declared by the courts to be invalid, such decision shall not affect the validity of the ordinance in its entirety or of any part thereof, other than that portion so declared to be invalid.

7.9 CONFLICT WITH OTHER LAWS

Whenever the requirements of this ordinance are at variance with the requirements of other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

7.10 BOUNDARIES OF ZONES

Where uncertainty exists as to the boundaries of any of the zones as shown on the zoning map, the following rules shall apply:

- a) Zone boundary lines are intended to be parallel or perpendicular to street, alley, or lot lines, unless such zone boundary lines are fixed by dimensions, as shown on said zoning map.
- b) Where zone boundaries are so indicated that they approximately follow street or alley lines or proposed street lines, such lines shall be construed to be such boundaries.
- c) Where zone boundaries are so indicated that they approximately follow lot lines and are not more than 25 feet distant there from, such lot lines shall be construed to be such boundaries.
- d) In unsubdivided property or where a zone boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on such maps, or described in the text of the ordinance, shall be determined by the use of the map scale shown thereon, and scaled to the nearest foot.
- e) If all or any portion of any public street, alley, right-of-way, easement, or land which is not included in any zone shall revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all of these regulations which apply within the zone immediately adjacent thereto, or within the most restricted

of the immediately adjacent zones, if there is more than one (1) adjacent zone.

7.11 SITE PLAN REVIEW

Deleted; See Article 9

7.12 PRIVATE ROAD REGULATIONS

Deleted

ARTICLE 8 – ZONING DISTRICTS AND ZONING MAP

8.1 ZONING DISTRICTS

- a) For the purpose of this ordinance, the Village of Richland is hereby divided into the following zoning districts:

- R-1 Residential, Single-Family
- R-2 Residential, Single- and Two-Family
- R-3 Residential, Multiple Family
- R-4 Residential, Mobile Home Park
- O-1 Office, Restricted
- O-2 Office, General
- C-1 Commercial, Local
- C-2 Commercial, General
- I-1 Industrial, Restricted
- I-2 Industrial, General

Designated lots and parcels shall also be subject to the standards and regulations of the Village Core Overlay District as set forth in this Ordinance.

[Amended 12/14/15; Ord. #015-4]

- b) The location and boundaries of the zones established in the municipality shall be shown on a map entitled Zoning Map of the Village of Richland and as same may be amended subsequent to the adoption thereof; and said map, section, or portion thereof, together with all notations, dimensions, and other data shown thereon, are hereby made a part of this ordinance to the same extent as if the information set forth on said map were fully described and incorporated herein.
- c) The official zoning map shall be located at the Village Hall and shall be the final authority as to the current zoning status in the Village.

8.2 R-1 RESIDENTIAL DISTRICT, SINGLE-FAMILY

8.21 DESCRIPTION OF DISTRICT

This district provides for the Village's need to accommodate the forecast for low density, single-family residential growth while recognizing existing agricultural lands. The regulations for this district are designed to protect and stabilize the essential characteristics of these areas and to promote a suitable environment for family life. Residential development should be clustered to retain the Village character and provide buffers to agricultural use, and planned consistent with limited municipal facilities and services.

8.22 PERMITTED USES

- a) Single-family dwellings.
- b) Agricultural production, as defined in Article 4.
- c) State licensed residential facilities as defined by Section 206 of Public Act 110 of 2006.
- d) Home occupations, when in accordance with the provisions of Section 9.5.
- e) Publicly owned and operated buildings and uses, including community buildings and public parks, playgrounds and other recreational areas.
- f) Signs, when in accordance with the provisions of Section 9.2.
- g) Accessory uses or buildings, when in accordance with the provisions of Section 9.4.

8.23 SPECIAL LAND USES

- a) Churches.
- b) Cemeteries.
- c) Public and parochial or private schools.
- d) Eleemosynary, charitable, and philanthropic institutions.
- e) Public utility buildings and structures necessary for the service of the community, except that:
 - 1. There are no zoning restrictions for utilities to be located in public streets or public rights-of-way.

2. Public utility activities of an industrial character, such as repair and maintenance yards, storage facilities, or activities which generate electronic interference are prohibited.

- f) Bed and breakfast inns – owner occupied only, provided the residence is not in a platted subdivision.
- g) Family and group day care homes.
- h) Planned unit developments.

8.24 LOT, YARD AND AREA REQUIREMENTS

Except as elsewhere specified herein, the lot, yard, and area requirements shall be as specified in Articles 9 and 10.

8.3 R-2 RESIDENTIAL DISTRICT, SINGLE- AND TWO-FAMILY

8.31 DESCRIPTION OF DISTRICT

This district is composed of residential areas in the Village where medium density single- family and two-family residential development has occurred, or appears desirable to occur. The regulations for this district are designed to protect and stabilize the essential characteristics of these areas and to promote a suitable and safe environment for family life. Higher density single- and two-family residential development will be directed to areas provided adequate public facilities and services.

8.32 PERMITTED USES

- a) Single-family dwellings.
- b) Two-family dwellings.
- c) State licensed residential facilities as defined by Section 206 of Public Act 110 of 2006.
- d) Home occupations, when in accordance with the provisions of Section 9.5.
- e) Publicly owned and operated buildings and uses, including community buildings and public parks, playgrounds and other recreational areas.
- f) Signs, when in accordance with the provisions of Section 9.2.
- g) Accessory uses or buildings, when in accordance with the provisions of Section 9.4.

8.33 SPECIAL LAND USES

- a) Any special land use allowed in the “R-1” Residential District.
- b) Child care centers.
- c) Care homes.

8.34 LOT, YARD AND AREA REQUIREMENTS

Except as elsewhere specified herein, the lot, yard, and area requirements shall be as specified in Articles 9 and 10.

8.4 R-3 RESIDENTIAL DISTRICT, MULTIPLE FAMILY

8.41 DESCRIPTION OF DISTRICT

This district is composed of high-density residential areas within the Village where multiple family residential development has occurred, or appears desirable to occur. The regulations for this district are designed to protect and stabilize the essential characteristics of these areas, and to promote and encourage a suitable and safe environment for family life. This district shall be limited to areas provided adequate public facilities and services.

8.42 PERMITTED USES

- a) Two-family dwellings.
- b) Multiple family dwellings, subject to the following conditions and limitations:
 1. All two-way interior drives within a multiple family development shall be paved with asphalt or a similar hard surface so as to have a paved driving surface with a minimum width of 21 feet exclusive of any area used for parking. All one-way interior drives within a multiple family development shall also be paved with asphalt or a similar hard surface so as to have a paved driving surface with a minimum width of 13 ft exclusive of any area used for parking.
 2. When an interior drive serves as a connecting link between different land ownerships or different public roads, either currently or within the foreseeable future, it shall regardless of whether it is a public road or private road, be constructed in accordance with the public road specifications of the Kalamazoo County Road Commission and be located upon a reserved right-of-way of not less than 66 feet in width.
 3. A multiple family development shall be furnished with a minimum of two (2) access street connecting the same to a public street unless the Zoning Board of Appeals grants a variance from such requirement where, in the opinion of said Board, the additional access or accesses would not improve traffic safety because of the peculiar characteristics of the proposed development.
 4. Public water, sanitary sewer, and storm drainage facilities shall be provided as part of the site development. All electric and telephone transmission wires shall be placed underground.

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5. No building located within a multiple family development shall be located within 40 feet of any other building within said development, except buildings accessory thereto.
 6. All multiple family developments shall be designed in such a manner that there is at least one (1) contiguous area of open space suitable for recreational purposes and equal to not less than five (5) % of the total area of the lot on which the multiple family development is located. The Zoning Board of Appeals shall have authority to grant variances from this requirement to accommodate alternative open space arrangements consistent with the purposes of this provision.
- c) Business offices within a multiple family development for conducting business incidental to the rental, operation, service and maintenance of the multiple family development.
 - d) State licensed residential facilities as defined by Section 206 of Public Act 110 of 2006.
 - e) Home occupations, when in accordance with the provisions of Section 9.5.
 - f) Publicly owned and operated buildings and uses, including community buildings and public parks, playgrounds and other recreational areas.
 - g) Signs, when in accordance with the provisions of Section 9.2.
 - h) Accessory uses or buildings, when in accordance with the provisions of Section 9.4.

8.43 SPECIAL LAND USES

- a) Any special land use allowed in the "R-2" Residential District

8.44 LOT, YARD AND AREA REQUIREMENTS

Except as elsewhere specified herein, the lot, yard, and area requirements shall be as specified in Articles 9 and 10.

8.5 R-4 RESIDENTIAL DISTRICT, MOBILE HOME PARK

8.51 DESCRIPTION OF DISTRICT

This district is designed solely for the development of mobile home parks and such accessory structures and uses normally associated therewith, in accordance with those regulations specified by Michigan Public Act 96 of 1987 and all amendments thereto, and consistent with the goals and objectives of the Village Land Use Plan and other requirements specified herein. The purpose of this district is to encourage a suitable environment for persons and families choosing to live in a mobile home development. In keeping with the occupancy characteristics of contemporary mobile homes, this Ordinance establishes density standards and permitted uses that reflect the needs of the residents in the district.

8.52 PERMITTED USES

- a) Mobile home parks, including a residence for the mobile home park owner or operator and his family, but excluding any retail sales of mobile homes, unless the same are located upon a developed mobile home site; subject, however, to the provisions of Section 8.54.
- b) State licensed residential facilities as defined and required by Section 206 of Public Act 110 of 2006.
- c) Home occupations, when in accordance with the provisions of Section 9.5.
- d) Signs, when in accordance with the provisions of Section 9.2.

8.53 LOT, YARD AND AREA REQUIREMENTS

Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Michigan Public Act 96 of 1987 and all amendments thereto, and in the regulations promulgated thereunder.

8.54 PARK DEVELOPMENT STANDARDS

- a) Mobile home parks shall comply with the requirements imposed by Michigan Public Act 96 of 1987 and all amendments thereto, and with all regulations promulgated thereunder, except as such provisions are modified herein.
- b) Mobile home parks shall be landscaped as follows:
 - 1. A mobile home park abutting an existing residential development shall provide screening along the boundary abutting the residential development.

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2. The mobile home park shall provide screening along any boundary abutting a public right-of-way.
 3. The landscaping required pursuant to sub-parts 1. and 2. above shall consist of evergreen trees or shrubs at least three feet in height which are spaced so they provide a continuous screen at maturity. Alternate screening devices may be utilized if they conceal the mobile home park development as effectively as the otherwise required landscaping.
 4. Exposed ground surfaces in all parts of the mobile home park shall be paved or covered with ornamental stone, or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface and all parts of the development shall be graded and equipped to drain all surface water in a safe and efficient manner.
- c) Common sidewalks shall be installed along one side of all internal collector streets within the mobile home park to the public right-of-way and to all service facilities, including central laundry, central parking, and recreation areas. In addition, an individual site sidewalk shall be constructed to connect at least one entrance to the home, patio, porch, or deck and the parking spaces serving the home or a common sidewalk. All common and individual site sidewalks shall meet the standards established in R125.1928 of the Michigan Administrative Code.
 - d) A mobile home park that contains 50 or more home sites shall dedicate the greater of two (2) % or 25,000 square feet of the development's gross acreage to open space. Required property boundary setbacks may not be used in the calculation of open space area. Recreational or athletic areas shall comply with applicable safety and setback standards specified in R125.1705 and R125.1941 of the Michigan Administrative Code.
 - e) Resident and visitor vehicle parking shall be provided as specified by R125.1925 and R125.1926 of the Michigan Administrative Code.
 - f) If recreational vehicle storage is provided for residents within the mobile home park, it shall include, but not be limited to: class A, B, and C motor homes; 5th wheel travel trailers; travel trailers; folding tent campers; trailered boats; trailered all-terrain vehicles; trailered personal watercraft; historical vehicles; and seasonal equipment. The storage area shall be adequately locked, fenced, and permanently screened, using the same standards of screening provided at the property's perimeter pursuant to subsection b) herein, and surfaced in accordance with R125.1922 of the Michigan Administrative Code.
 - g) Unique Character Design: It is the purpose of this Section to allow for a new concept of mobile home development. Under the provisions of this

Ordinance, mobile home parks may be so designed to allow for a cluster type of mobile home grouping with said clusters separated from each other by common open space, individual mobile home sites separated from each other by common open space, and the provision of related recreational space such as golf courses, swimming pools, private parks, community centers, and other recreational facilities.

It is also the intent of this Section to allow the developer to use a more creative and imaginative design for mobile home parks to preserve unusual natural features on the site and to utilize excess or generally unusable land to bypass unusual natural obstacles, thereby reducing overall development costs of the project.

Parks having a cluster design may reduce the size of each home site by up to 15% provided the amount of the area reduced is dedicated as common open space and located in close proximity to the cluster.

8.6 O-1 OFFICE DISTRICT, RESTRICTED

8.61 DESCRIPTION OF DISTRICT

This district is intended to permit the harmonious integration of offices and/or personal service type uses in certain residential settings along major thoroughfares where existing residential development is experiencing redevelopment pressures. This district may further serve as a transition or buffer between such thoroughfares, other nonresidential uses, and interior residential areas. In order to minimize impact on adjacent residential development, all buildings shall be designed so as to be compatible with the surrounding residential character.

8.62 PERMITTED USES

- a) Single- and two-family dwellings.
- b) State licensed residential facilities as defined and required by Section 206 of Public Act 110 of 2006.
- c) Home occupations, when in accordance with the provisions of Section 9.5.
- d) Business offices, such as: insurance, real estate, accounting, travel agencies and other similar business office uses, excluding any direct sale or exchange of goods or merchandise on the premises.
- e) Churches.
- f) Professional offices, such as: doctors, dentists, lawyers, architects, engineers, and other similar professional office uses.
- g) Publicly owned and operated buildings and uses, including community buildings and public parks, playgrounds and other recreational areas.
- h) Signs, when in accordance with the provisions of Section 9.2.
- i) Accessory uses or buildings, when in accordance with the provisions of Section 9.4.

8.63 SPECIAL LAND USES

- a) Personal service establishments, such as: barber and beauty shops.
- b) Care homes.
- c) Funeral homes.

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- d) Child care facilities.
 - e) Planned unit developments.
 - f) Public utility buildings and structures necessary for the service of the community, except that:
 - 1. There is no zoning restriction for utilities to be located in public streets or public rights-of-way.
 - 2. Public utility activities of an industrial character, such as repair and maintenance yards, storage facilities, or activities which generate electronic interference are prohibited.

8.64 SITE DEVELOPMENT STANDARDS

- a) All buildings and structures shall be compatible in external appearance to residential buildings in the area.

8.65 LOT, YARD AND AREA REQUIREMENTS

Except as elsewhere specified herein, the lot, yard, and area requirements shall be as specified in Articles 9 and 10.

8.7 O-2 OFFICE DISTRICT, GENERAL

8.71 DESCRIPTION OF DISTRICT

This district is intended to provide areas for the development of business and professional offices, including similar personal service uses in a low impact, nonresidential setting. Such areas are intended to be situated adjacent to major thoroughfares and more intense use districts in order to provide a transition for adjoining residential uses.

8.72 PERMITTED USES

- a) Any permitted use allowed within the “O-1” Office District, except single and two-family dwellings, state licensed residential facilities, and home occupations.
- b) Funeral homes.
- c) Financial institutions, including banks, credit unions, savings and loan institutions and similar uses.
- d) Personal service establishments, such as: barber and beauty shops.
- e) Religious, cultural and private educational institutions.
- f) Private clubs and lodges, excluding recreational facilities.
- g) Professional studios, such as: fine arts, photography, music, drama and dance.
- h) Medical or dental clinics.
- i) Signs, when in accordance with the provisions of Section 9.2.
- j) Accessory uses or buildings, when in accordance with the provisions of Section 9.4.

8.73 SPECIAL LAND USES

- a) Care homes.
- b) Veterinary clinics.
- c) Indoor noncommercial recreational facilities.
- d) Child care facilities.

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- e) Planned unit developments.
 - f) Public utility buildings and structures necessary for the service of the community, except that:
 - 1. There is no zoning restriction for utilities to be located in public streets or public rights-of-way.
 - 2. Public utility activities of an industrial character, such as repair and maintenance yards, storage facilities, or activities which generate electronic interference are prohibited.

8.74 LOT, YARD AND AREA REQUIREMENTS

Except as elsewhere specified herein, the lot, yard, and area requirements shall be as specified in Articles 9 and 10.

8.8 C-1 COMMERCIAL DISTRICT, LOCAL

8.81 DESCRIPTION OF DISTRICT

This district is established to accommodate the day-to-day retail needs of the local community. The regulations are designed to permit limited commercial development and protect the abutting properties and surrounding area.

8.82 PERMITTED USES

- a) Retail sales of goods and services.
- b) Financial institutions, including banks, credit unions, savings and loan institutions and similar uses.
- c) Funeral homes.
- d) Laundromat, including laundry and dry-cleaning pick-up station.
- e) Professional studios, such as: fine arts, photography, music, drama and dance.
- f) Business and professional offices.
- g) Restaurants or similar eating establishments.
- h) Publicly owned and operated buildings and uses, including community buildings and public parks, playgrounds and other recreational areas.
- i) Signs, when in accordance with the provisions of Section 9.2.
- j) Accessory uses or buildings, when in accordance with Section 9.4.

8.83 SPECIAL LAND USES

- a) Any retail use similar to those uses permitted in this Article.
- b) Bars, taverns, or night clubs.
- c) Gasoline service stations.
- d) Package liquor sales.
- e) Bed and breakfast inns, operated by a resident manager and provided the residence is not in a platted subdivision.

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- f) Planned unit developments.
 - g) Residential dwellings, not to exceed four (4) units, provided commercial remains the principal use.
 - h) Veterinary clinics and animal hospitals with kennels.
 - i) Public utility buildings and structures necessary for the service of the community, except that:
 - 1. There is no zoning restriction for utilities to be located in public streets or public rights-of-way.
 - 2. Public utility activities of an industrial character, such as repair and maintenance yards, storage facilities, or activities which generate electronic interference are prohibited.
 - j) Care home, as defined by Article Four (Definitions) of this Ordinance.

[Amended 2/25/16; Ord #016-3]

8.84 LOT, YARD AND AREA REQUIREMENTS

Except as elsewhere specified herein, the lot, yard, and area requirements shall be as specified in Articles 9 and 10.

8.9 C-2 COMMERCIAL DISTRICT, GENERAL

8.91 DESCRIPTION OF DISTRICT

This district is established to accommodate the general retail and service needs of the larger community, as well as to provide for integrated shopping facilities. The regulations are designed to permit coordinated commercial development in a manner that protects abutting properties and the surrounding area.

8.92 PERMITTED USES

- a) Any permitted use allowed within the “C-1” Commercial District.
- b) Automobile repair garages; oil change facilities; car washes.
- c) New and/or used automobile sales and adjoining outdoor sales area; providing that no dismantling of vehicles or storage of dismantled vehicles shall take place outdoors.
- d) Boat and equipment sales and adjoining outdoor sales area.
- e) Indoor recreational facilities.
- f) Greenhouses; nurseries.
- g) Hotels; motels.
- h) Signs, when in accordance with the provisions of Section 9.2.
- i) Accessory uses or buildings, when in accordance with the provisions of Section 9.4.

8.93 SPECIAL LAND USES

- a) Veterinary clinics and animal hospitals with kennels.
- b) Any retail use similar to those uses permitted in this Article.
- c) Bars, taverns, or night clubs.
- d) Outdoor recreational facilities.
- e) Gasoline service stations.
- f) Package liquor sales.

-
- g) Adult regulated uses.
 - h) Planned unit developments.
 - i) Public utility buildings and structures necessary for the service of the community, except that:
 - 1. There is no zoning restriction for utilities to be located in public streets or public rights-of-way.
 - 2. Public utility activities of an industrial character, such as repair and maintenance yards, storage facilities, or activities which generate electronic interference are prohibited.

8.94 LOT, YARD AND AREA REQUIREMENTS

Except as elsewhere specified herein, the lot, yard, and area requirements shall be as specified in Articles 9 and 10.

8.10 I-1 INDUSTRIAL DISTRICT, RESTRICTED

8.101 DESCRIPTION OF DISTRICT

This district is limited to areas located along State highways, major thoroughfares and railroad rights-of-way and adjoins both residential and commercial areas. These regulations are intended to provide standards of intensity of use and external effects compatible with the surrounding residential land use.

Development is limited to industrial activities which can be operated in a clean and quiet manner commensurate with the surrounding residential areas.

8.102 PERMITTED USES

- a) Agricultural production, as defined in Article 4.
- b) Assembly of merchandise, such as electrical appliances, electronic or precision instruments, and articles of similar nature.
- c) Packaging of previously prepared materials.
- d) Printing, lithographic, blueprinting, and similar uses.
- e) Processing or compounding commodities, such as drugs, cosmetics, pottery, plastics, and food products.
- f) Storage or warehousing of commodities, such as hardware, packaged or fresh foods, clothing, drugs (except live fowl or animals, commercial explosives, or above or below ground bulk storage of flammable liquids or gases, unless and only to the extent that such storage of liquids or gases is directly connected to energy or heating on the premises) in fully enclosed buildings.
- g) Publicly owned and operated buildings and uses, including community buildings and public parks, playgrounds, and other recreational areas.
- h) Signs, when in accordance with the provisions of Section 9.2.
- i) Accessory uses or buildings, when in accordance with the provisions of Section 9.4

8.103 SPECIAL LAND USES

- a) Offices and office buildings.
- b) Any industrial use which meets the intent and purpose of this district

where all work is carried on within an enclosed building, and which does not emanate noise, vibration, odor, smoke, liquid waste, or light to such an extent as to be objectionable to surrounding properties.

8.104 SITE DEVELOPMENT STANDARDS

- a) Each "I-1" Industrial District shall contain at least five (5) contiguous acres.

8.105 LOT, YARD AND AREA REQUIREMENTS

Except as elsewhere specified herein, the lot, yard, and area requirements shall be as specified in Articles 9 and 10.

8.11 I-2 INDUSTRIAL DISTRICT, MANUFACTURING

8.111 DESCRIPTION OF DISTRICT

This district is composed of certain lands located along State highways, major thoroughfares, and railroad rights-of-way. It is designed to provide land for industries of a manufacturing nature, producing little external effect of an objectionable nature to surrounding properties.

8.112 PERMITTED USES

- a) Offices and office buildings.
- b) Manufacturing, compounding, assembly, or treatment of articles or merchandise, where any outdoor storage is limited to not more than 10% of the lot area and is maintained within the rear yard area.
- c) Warehouses; fully enclosed.
- d) Public utility buildings and structures necessary for the service of the community.
- e) Publicly owned and operated buildings and uses, including community buildings and public parks, playgrounds, and other recreational areas.
- f) Signs, when in accordance with the provisions of Section 9.2.
- g) Accessory uses or buildings, when in accordance with the provisions of Section 9.4.

8.113 SPECIAL LAND USES

- a) Communication towers, when in accordance with the provisions of Section 9.96.
- b) Any industrial use which meets the intent and purpose of this district which does not emanate noise, vibration, odor, smoke, liquid waste, or light to such an extent as to be objectionable to surrounding properties

8.114 LOT, YARD AND AREA REQUIREMENTS

Except as elsewhere specified herein, the lot, yard, and area requirements shall be as specified in Articles 9 and 10.

8.12 VC VILLAGE CORE OVERLAY DISTRICT

8.121 DESCRIPTION OF DISTRICT

The purposes of this Overlay District are to:

- a) Develop a fully integrated, mixed-use, pedestrian-oriented environment with buildings containing commercial, residential, office, and civic uses to enhance the character of the Village Core.
- b) Create a synergy of uses within the Village Core to support economic development and redevelopment consistent with the recommendations of the Master Plan for the Village of Richland.
- c) Minimize traffic congestion, inefficient surface parking lots, infrastructure costs and environmental impacts by promoting a compact, mixed-use, pedestrian-friendly district.
- d) Regulate building height and form to achieve appropriate scale along streetscapes and ensure proper transition to areas surrounding the Village Core.
- e) Create a definable sense of place within the Village Core using a pedestrian-oriented, traditional urban form that emphasizes historic building design common to the area.
- f) Preserve the existing civic buildings/uses within the Village Core (e.g. Library, Post Office, Church, Community Hall) consistent with the desires of community members and the historic function of the Village.
- g) Preserve the historical form and character of existing single-family residential areas directly west and east of the Village Core.

8.122 APPLICABILITY

- a) The Village Core Overlay District shall be an overlay district that applies over the existing zoning districts. Use and development of land within the overlay district shall be regulated as follows:

-
1. Any existing use shall be permitted to continue and the use shall be subject to the requirements of the underlying zoning district and not the requirements of the Village Core Overlay District.
 2. Where a new use is established within an existing building, the use shall be subject to the requirements of the Village Core Overlay District.
 3. Any expansion or modification to an existing or approved use, building/structure, or site shall be made in compliance with the relevant and applicable provisions of the Village Core Overlay District.
 4. Any new development shall be subject to the requirements of the Village Core Overlay District.
- b) A site plan shall be submitted in accordance with Section 9.97 for all Permitted Uses. All Special Uses shall be subject to the Special Use Permit Requirements set forth in Section 9.9
 - c) The provisions of the Village Core Overlay District, when in conflict with other provisions of the Zoning Ordinance, shall take precedence.
 - d) A Village Core Overlay District Regulating Plan has been adopted that divides the District into three (3) zones. Each zone designated on the Regulating Plan prescribes requirements for building form, height, setback, and use as follows:

CMU: Core Mixed Use
FMU: Fringe Mixed Use
CR: Core Residential

8.123 PERMITTED USES, SPECIAL LAND USES

CMU: Core Mixed Use

a) Permitted Uses

1. All permitted uses in the C-1 Commercial District, Local.

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2. Mixed-use establishments (i.e. commercial and residential uses combined in a single building), provided that the ground floor is occupied solely by the commercial use.

b) Special Land Uses

1. All special land uses in the C-1 Commercial District, Local, except Section 8.83 g).

FMU: Fringe Mixed Use

a) Permitted Uses

1. All permitted uses in the C-1 Commercial District, Local.
2. Mixed-use establishments (ie. commercial and residential uses combined in a single building), provided that the ground floor is occupied solely by the commercial use.
3. Dwellings – attached single-family.

b) Special Land Uses

1. All special land uses in the C-1 Commercial District, Local, except Section 8.83 g).

CR: Core Residential

a) Permitted Uses

1. All permitted uses in the R-1 Residential District, Single-Family, except Section 8.22 a).
2. Dwellings – detached single-family.

b) Special Land Uses

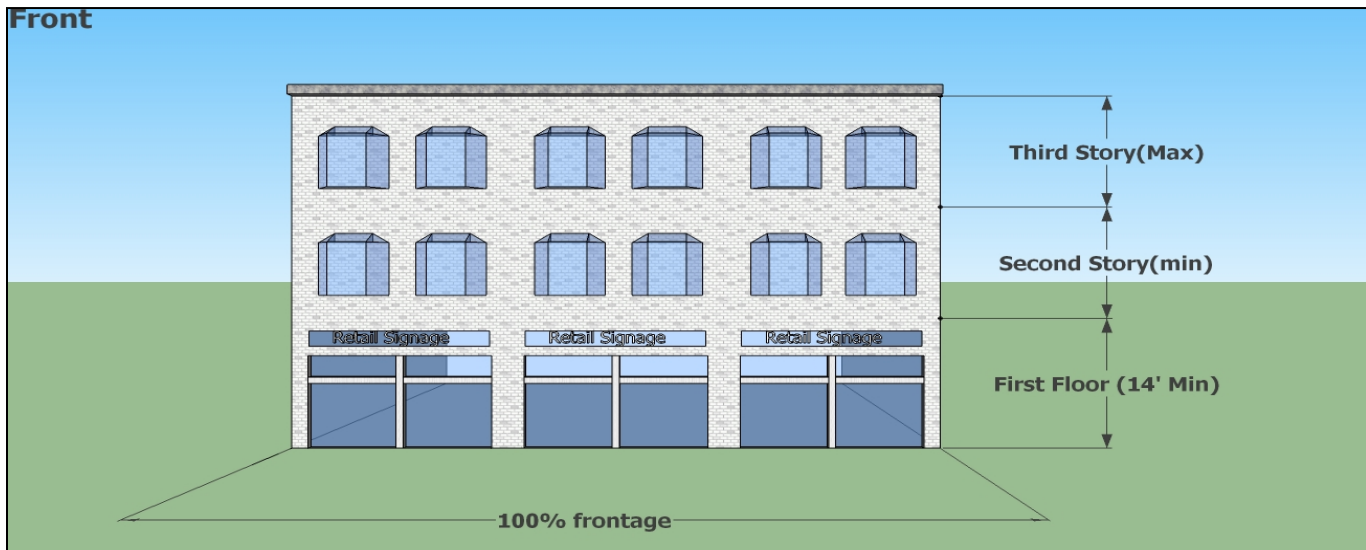
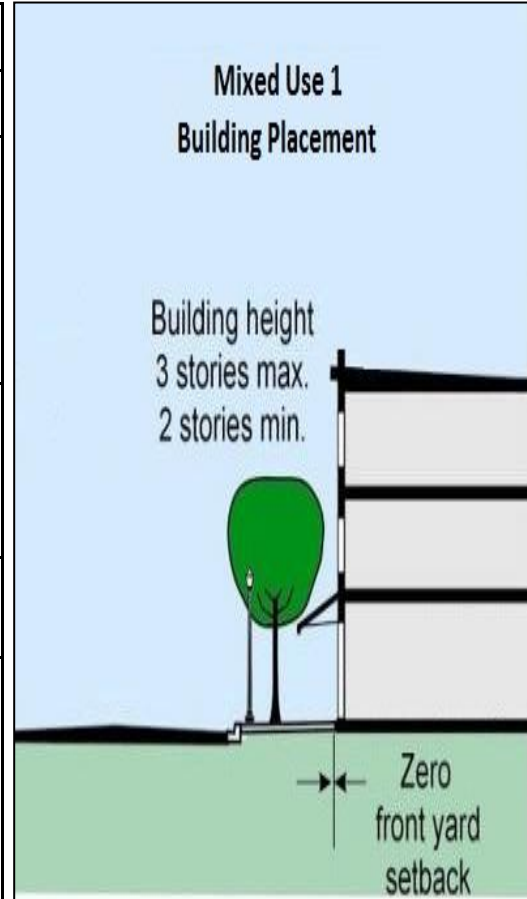
1. All special uses in the R-1 Residential District, Single-Family.

8.124 BUILDING HEIGHT AND PLACEMENT STANDARDS

The following tables set forth the building height, bulk and setback standards of the CMU, FMU and CR zones within the Village Core Overlay District.

a) CMU Zone Development Standards

Minimum Lot Area	<ul style="list-style-type: none"> N/A
Minimum Lot Width	<ul style="list-style-type: none"> N/A
Front Yard Setback and Building Frontage	<ul style="list-style-type: none"> 0 ft maximum front yard setback The building façade shall be built to within 0 ft of the front lot line for 100% of the street frontage length See Subsection B
Minimum Side Yard Setback	<ul style="list-style-type: none"> 0 ft side yard setback for walls without windows 10 ft side yard setback for walls that contain windows
Minimum Rear Yard Setback	<ul style="list-style-type: none"> 10 ft minimum rear yard setback
Building Height	<ul style="list-style-type: none"> 24 ft and 2 stories minimum building height 42 ft and 3 stories maximum building height The first story shall be a minimum of 14 ft in height, floor to floor



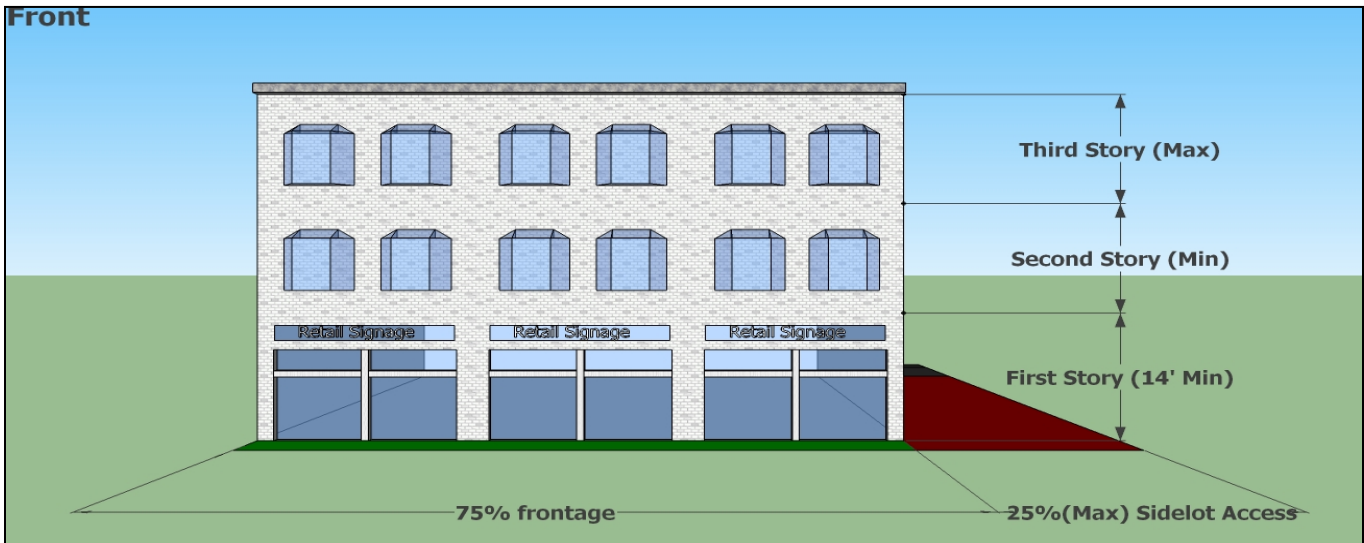
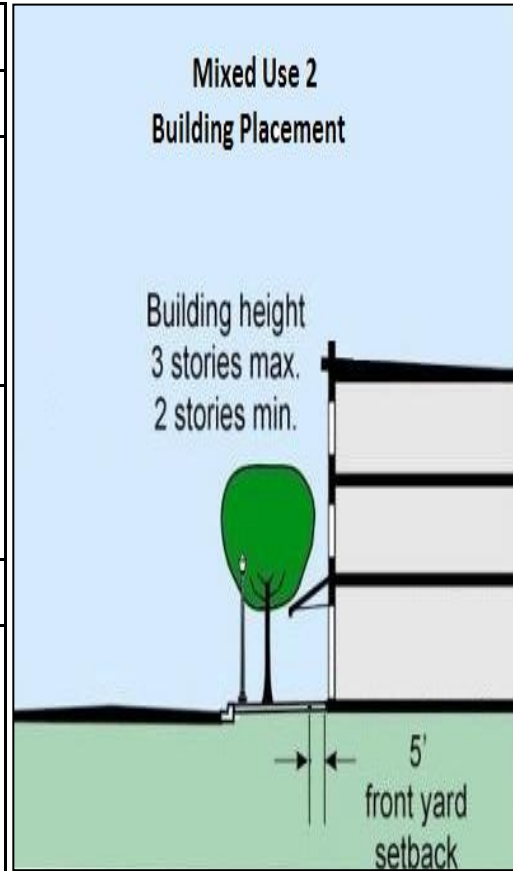
b) CMU Zone Exceptions. In the CMU zone, 100% of the length of the ground level street-facing façade of the building must be built to the front lot line. The Planning Commission may grant exceptions to allow a greater building setback and/or a lesser building frontage requirement(s) where the front yard and/or side yard area(s) is used for one or more of the following:

1. Widening the sidewalk along the frontage of the building.
2. Providing a public gathering area or plaza that offers seating, landscape enhancements, public displays, fountains, or other pedestrian amenities.
3. Providing outdoor seating for the proposed use.
4. Providing pedestrian access to off-street parking areas.

The Planning Commission may also grant exceptions to the minimum building height requirement where the front façade design is determined to be adequately similar in appearance to buildings with two (2) stories.

c) FMU Zone Development Standards

Minimum Lot Area	<ul style="list-style-type: none"> N/A
Minimum Lot Width	<ul style="list-style-type: none"> N/A
Front Yard Setback and Building Frontage	<ul style="list-style-type: none"> 0 ft minimum front yard setback 5 ft maximum front yard setback The building façade shall be built to within 5 ft of the front lot line for 75% of the street frontage length See Subsection D.
Minimum Side Yard Setback	<ul style="list-style-type: none"> 0 ft side yard setback for walls without windows 10 ft side yard setback for walls that contain windows
Minimum Rear Setback	<ul style="list-style-type: none"> 10 ft minimum rear yard setback
Building Height	<ul style="list-style-type: none"> 24 ft and 2 stories minimum building height 42 ft and 3 stories maximum building height The first story shall be a minimum of 14 ft in height, floor to floor

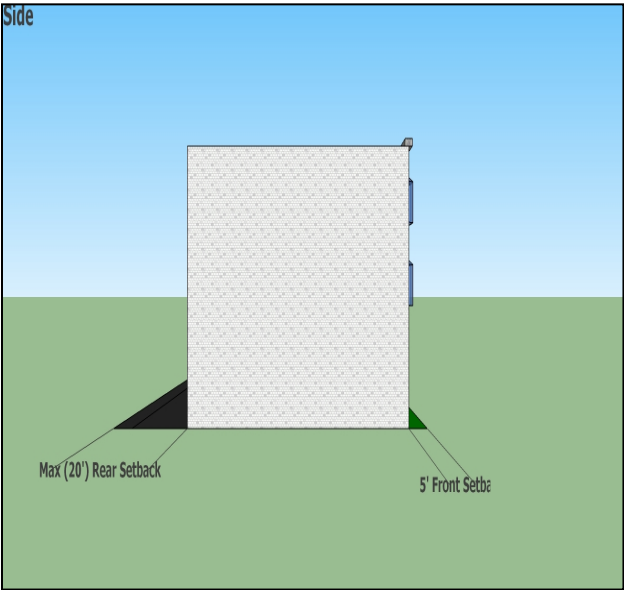


d) FMU Zone Exceptions. In the FMU zone, 75% of the length of the ground level street-facing façade of the building must be built within five (5) feet of the front lot line. The Planning Commission may grant exceptions to allow a greater building setback and/or a lesser building frontage requirement(s)

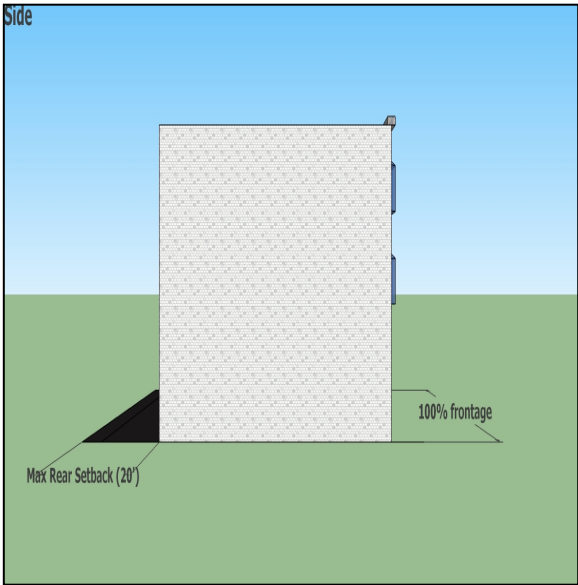
where the front yard and/or side yard area(s) is used for one (1) or more of the following:

1. Widening the sidewalk along the frontage of the building.
2. Providing a public gathering area or plaza that offers seating, landscape enhancements, public displays, fountains, or other pedestrian amenities.
3. Providing outdoor seating for the proposed use.
4. Providing pedestrian access to off-street parking areas.
5. Parking lot. (See Subsection F.)

The Planning Commission may also grant exceptions to the minimum building height requirement where the front façade design is determined to be adequately similar in appearance to buildings with two (2) stories.



CMU



FMU

e) CR Zone Development Standards

Minimum Lot Area	<ul style="list-style-type: none"> • N/A
Minimum Lot Width	<ul style="list-style-type: none"> • N/A
Front Yard Setback and Building Frontage	<ul style="list-style-type: none"> • 30 ft minimum front yard setback • 40 ft maximum front yard setback • On corner lots, all street frontages shall be treated as “front yards” and “front facades.”
Minimum Side Yard Setback	<ul style="list-style-type: none"> • 5 ft minimum side yard setback
Minimum Rear Setback	<ul style="list-style-type: none"> • 10 ft minimum rear yard setback
Building Height	<ul style="list-style-type: none"> • 24 ft and 2 stories minimum building height

f) Parking. Parking within the Village Core Overlay District shall be provided as follows:

1. Because this Overlay District is intended to encourage pedestrian/transit friendly design and compact mixed-use development that requires less reliance on automobiles, land uses within the Village Core Overlay District shall be exempt from the table of parking requirements set forth in Section 9.1.
2. On-street parking shall be allowed as set forth in the Village Core Subarea Plan of the Village of Richland Master Plan.
3. Off-street parking lots are permitted only in side and rear yards.
 - a. When parking is located within a side yard (behind the front building line) and has frontage on a public road right-of-way, no more than 25% of the total site frontage or 60 feet, whichever is less, shall be occupied by parking lot.
 - b. For a corner lot, no more than 25% of the cumulative site frontage or 60 feet, whichever is less, shall be occupied by a side yard parking lot.

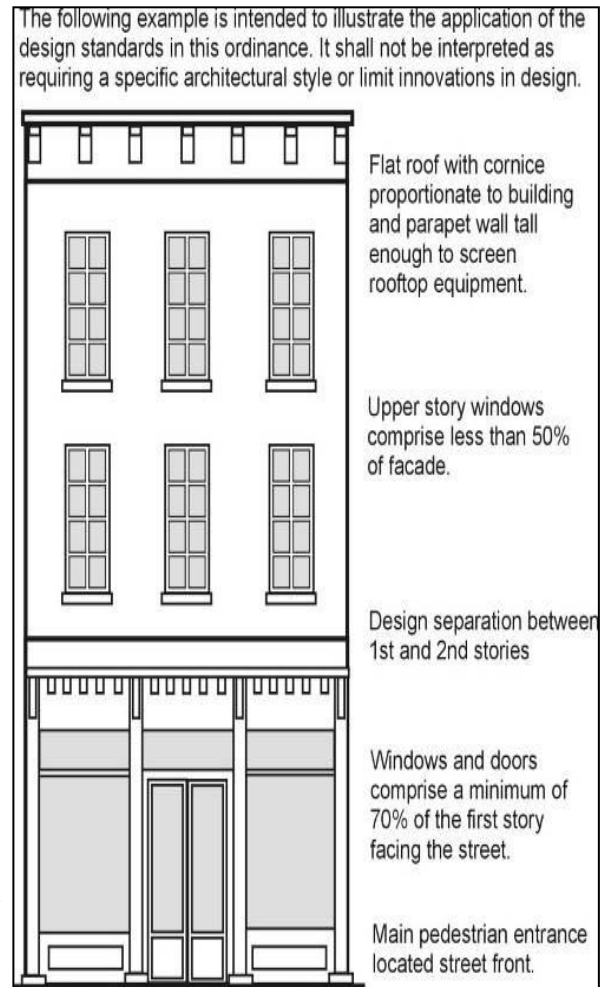
The building shall be located at the corner of the lot adjacent to the intersection.

- c. For a double frontage lot, no more than 35% of the cumulative site frontage or 60 feet, whichever is less, shall be occupied by a side yard parking lot.
 - d. Where an off-street parking lot is visible from a street, it shall be screened by a three (3)-foot tall screen wall located between the parking lot and the sidewalk.
4. Driveway access to off-street parking lots shall be located to provide safe separation from the street intersections and shall be aligned with driveways on the opposite side of the street.

8.125 COMMERCIAL/MIXED-USE ARCHITECTURAL REQUIREMENTS

A mixed-use building primarily refers to vertical mixed use where retail or commercial use is on the ground floor and residential use is in the upper story(s). Mixed-use buildings and all non-residential buildings shall meet the following architectural design requirements. It is not the intent of this section to regulate architectural style of buildings or limit creativity, but to ensure that the necessary functional and design elements to create and foster a mixed-use, pedestrian-oriented environment are incorporated into all building designs. Buildings should respect the existing architectural style of the area while advocating a more harmonious approach to contemporary design.

- a) **Front Façade Requirements.** Walls that face a public street, plaza, green, park or parking area shall include windows and architectural features customarily found on the front of a building, such as awnings, cornice work, edge detailing or decorative finish materials.



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1. Blank walls longer than 20 feet shall not face a public street.
 2. All buildings shall have a main entrance that is located on at least one (1) street front. Main entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas.
 3. For buildings with a front façade of more than 100 feet, there shall be a minimum of one (1) usable entrance every full 50 feet of frontage along the front public sidewalk and shall provide architectural variation to visually break up the building.
 4. Garage doors shall not be permitted on a front façade.

b) Windows and Doors

1. Front Facade/Ground Floor. Ground floors shall be designed with front facades that have windows, doorways and signage, which are integrally designed and painted. No less than 70% of the ground floor front façade shall be clear glass panels and doorway. Glass areas on front facades shall be clear, or lightly tinted. Mirrored glass is prohibited. Required window areas shall be either windows that allow views into retail space, working areas or lobbies, pedestrian entrances, or display windows set into the wall. Windows shall not be blocked with opaque materials or the back of shelving units. The bottom of the window must be no more than 3 feet above the adjacent exterior grade.



At-grade entrances with either inward opening doors or recessed outward opening doors are required for front facades.

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- Upper Stories. Openings above the first story shall be a maximum of 50% of the total façade area. Windows shall be vertical in proportion.



c) Roof Design

- Unless otherwise approved by the Planning Commission, buildings should have a flat roof appearance from the street with a decorative cornice that is designed proportionate to the size of the building and length of the wall.
- Flat roofs shall be enclosed by parapets.



- All rooftop mounted equipment shall be screened from view on street-facing sides of the building.
 - Parapets and other screening treatment shall blend with the design of the building in terms of color, materials, scale and height.
- d) Building Materials. The following exterior finish materials are required on the front façade and any façade facing a street, plaza, green, park or parking area. These requirements do not include areas devoted to windows and doors.

1. All walls exposed to public view from the street or parking area shall be constructed of not less than 60% brick or stone.
2. The remaining façade may include wood, fiber cement or vinyl siding. Exterior insulation finish systems (EFIS) may be used for architectural detailing above the first floor.

e) Awnings. The canvas awning has been an important design element in the traditional storefront. It provides shelter for pedestrians from sun and rain, adds color, and acts as a transition between the storefront and the upper façade. The awning can also be used as a location for building signage. Storefronts may be supplemented by awnings provided that the following conditions are met:



1. Awnings shall fit storefront openings or individual window openings.
2. The awning may overlap the sidewalk not extending past the curb line.
3. The awning shall be positioned immediately above the first-floor window area of the façade, attached below the storefront cornice or sign panel, and should not cover the piers on either side of the storefront.
4. The awning should be mounted such that its valance is provided a minimum of eight (8) foot clearance from the sidewalk. A retractable awning is permitted.
5. Fabric awnings are encouraged. The traditional commercial awning material is canvas and its profile is the watershed design. Other profiles tend to be too contemporary when placed on a traditional façade.
6. Awning color should be selected to insure compatibility with your building and with the color of adjacent buildings.
7. Historically incompatible canopies, awnings, and imitation mansard roofs made of metal, rough-sawn wood, plastic, shakes, or asphalt roofing are prohibited.



8. Internally-illuminated or plastic awnings are prohibited, with or without signs.
- f) **Corner Buildings.** Buildings situated at a corner shall possess a level of architectural design that incorporates accents and details that accentuate its prominent location. This can be accomplished through height projections incorporated into a design feature such as a building peak, tower, or similar accent with the highest point located at the intersecting corner, which may be up to an additional 10 feet above the height limit. The building architecture can be designed to focus on accentuating the geometry of the corner location. A main entrance may be on a street-facing wall and either at the corner or within 25 feet of the corner.



8.126 ATTACHED SINGLE FAMILY RESIDENTIAL ARCHITECTURAL REQUIREMENTS

Attached single family residential dwellings shall meet the following architectural design requirements:

- a) **Front Façade.**
1. All residential units shall provide a pedestrian door facing the front lot line.
 2. All dwellings shall include a front porch with steps. The porch shall have a minimum depth of four (4) feet and a minimum area of 24 square feet.



3. The front façade of all residential units shall be at least 25% windows or doors.
4. The requirement for a front porch and window/door requirements in 2 and 3 above shall not apply to live/work units where the first floor façade is designed as a storefront meeting the requirements of Section 8.125 B.

b) Building Materials. All buildings shall utilize building materials that are in keeping with traditional architectural styles. Permitted wall materials include, brick, stone, and wood. Fiber cement or vinyl siding may be used on the side and rear facades of buildings, excluding corner properties. Glass may be used on the rear and side facades, and for up to 50% of the total square footage of the front façade.



c) Garages. Garages shall be located in the rear yard and accessed by a rear alley or from a side street.

8.127 DETACHED SINGLE FAMILY RESIDENTIAL ARCHITECTURAL REQUIREMENTS

Detached single family residential dwellings shall meet the following architectural design requirements:

a) Exterior Building Materials.

1. All buildings shall provide a primary pedestrian door facing the front lot line.
2. The front façade of all residential units shall be at least 25% windows or doors.
3. All buildings shall utilize building materials that are in keeping with traditional architectural styles.



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4. Permitted building materials include, brick, stone, and wood, fiber cement, or vinyl siding. Glass may be used on the rear and side facades, and for up to 50% of the total square footage of the front façade.

b) Accessory Dwelling Units.

1. An accessory dwelling unit is a smaller, secondary home on the same lot as a primary dwelling. They are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation.
2. One (1) accessory dwelling unit is allowed per parcel.



3. An accessory dwelling unit may be created through new construction or conversion of an existing structure.
4. An accessory dwelling unit shall be subject to the following design standards:
 - a. An accessory dwelling unit may be no more than 800 square feet in area or the size of the primary dwelling, whichever is less.
 - b. An accessory dwelling unit may be no more than 24 feet in height or the height of the primary dwelling, whichever is less.
 - c. An accessory dwelling unit shall be located in the rear yard.
 - d. An accessory dwelling unit shall be constructed of the same facade materials permitted under 8.127 A. 4. and shall match the materials of the primary dwelling.
 - e. The roof pitch of the accessory dwelling unit shall be the same as the predominant roof pitch of the primary dwelling.

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- f. If the façade of the accessory dwelling unit is visible from the abutting street, its windows shall match, in proportion and orientation, the windows of the primary dwelling.

5. No additional parking is required for an accessory dwelling unit.

- c) Garages. Garages shall be located in the rear yard and may be attached or detached.

8.128 MODIFICATIONS TO ARCHITECTURAL REQUIREMENTS

The Planning Commission may approve deviations to the architectural requirements of Sections 8.125 – 8.127 in order to allow for creativity and flexibility in design. A front elevation drawing of the proposed building shall be provided superimposed on a color drawing or photograph of the entire block showing the relation of the proposed building design to other buildings along block, which shall be utilized to evaluate the proposed building design based upon all of the following criteria:

- a) It is demonstrated that the proposed building design forwards the purposes of the District as set forth in Section 8.121.
- b) The building is oriented towards the front sidewalk with a functioning entrance and enhances the continuity of the pedestrian-oriented environment. A modification shall not result in an increased dominance of vehicular parking or garage doors along the front of a building.
- c) The roof design shall not be out of character with other buildings along the block and shall be within the height requirements for the zone.
- d) The exterior finish materials shall be of equal or better quality and durability as those permitted herein, with the intent to allow for new technologies in building material while maintaining the desired character of the area.
- e) Ground floor windows shall be provided along the front sidewalk to maintain the pedestrian orientation of the streetscape and upper story windows shall not be incompatible with the rhythm and proportions of windows on other buildings along the block.

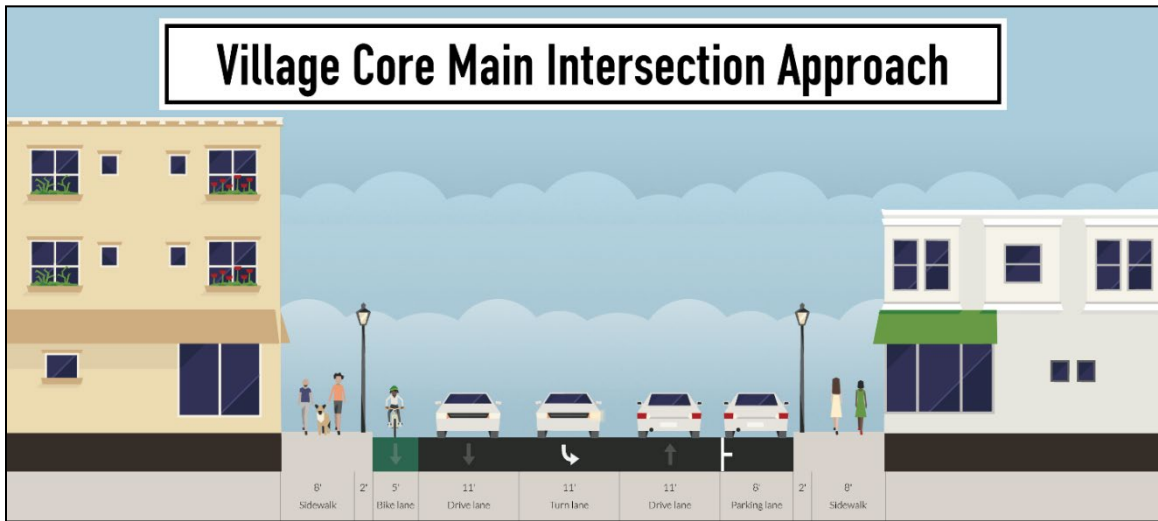
8.129 PUBLIC SPACE STANDARDS

- a) Street Standards

1. M 43/Gull Road - D Avenue
2. M-43/M-89
3. M-89
4. N 32nd Street

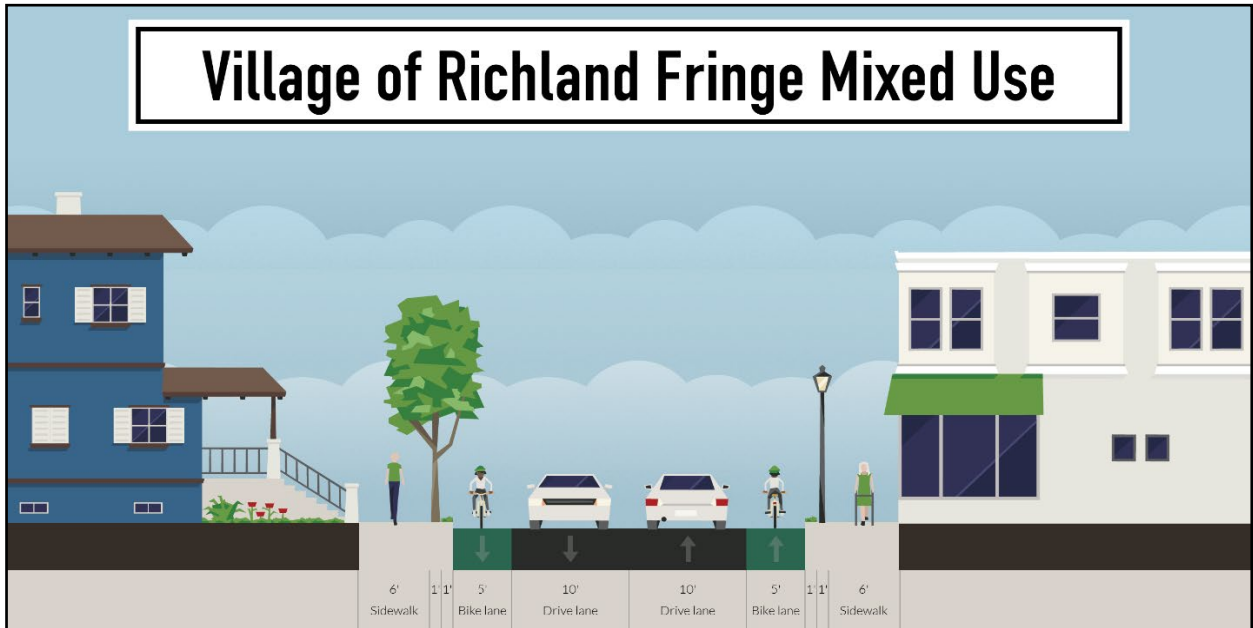
The intersection(s) of these roadway segments represents the Village’s core commercial area and contains an assortment of unique shopping venues. It has a mixed-use environment that can be enhanced by on-street parking and pedestrian and streetscape improvements.

Streetscape Standards	
Right-of-way width	66'
Pavement width	46'
Vehicular movement	Two-way, plus center turn lane
Number of traffic lanes	3, 11' wide
Number of parallel parking lanes	1, 8' wide
Curb radius	
Pedestrian provision type	Sidewalk, 6' wide minimum (including curb)
Bicycle provision type	Bike lane, 5' wide
Median	None
Landscape type	Street trees at 40 ft on center, 2' landscape buffer
Lighting	Street lights per Village specifications
Intersection improvements	Curb ramps, brick pavement and crosswalk at intersections; bump-outs recommended



- 5. D Avenue
- 6. New Residential Streets

Right-of-way width	46'
Pavement width	30'
Vehicular movement	Two-way
Number of traffic lanes	2
Number of parallel parking lanes	0
Curb radius	
Pedestrian provision type	Sidewalk, 6' wide minimum (including curb)
Bicycle provision type	Bike lane, 5' wide
Median	None
Landscape type	Street trees at 40' on center, 2' landscape buffer
Lighting	Street lights per Village specifications
Intersection improvements	Curb ramps, brick pavement and crosswalks at intersections



7. Non-Vehicular Ways

The “Non-Vehicular Ways” Classification is provided as a template for all non-vehicular pathways and midblock connections. The right-of-way width of these non-vehicular pathways shall be no less than 14 feet. The street profile for Non-Vehicular Ways shall generally consist of a two (2)- foot buffer for optional landscaping buffers and street furniture on both sides of the street; and pavement for shared pedestrian and bike travel.

Right-of-way width	14'
Pavement width	10'
Vehicular movement	Two bike/pedestrian lanes
Number of traffic lanes	2, 5' wide
Number of parallel parking lanes	n/a
Curb radius	
Pedestrian provision type	Shared pedestrian and bike travel
Bicycle provision type	Shared pedestrian and bike travel
Landscape type	2' landscaping strip with street trees and landscaping
Lighting	Pedestrian scaled light fixtures
Intersection improvements	Curb ramps, brick paved crosswalks

b) Alleys

Alleys shall be permitted in the Village Core Overlay District and shall be required where necessary to provide access to parking lots, loading areas and garages.

1. Alleys serving as access to residential garages shall be located within an easement with minimum pavement necessary for circulation and emergency vehicle access.
2. Alleys accessing commercial parking lots and loading areas in the rear of a site may be used as drive aisles in interior block parking lots with parking spaces along alleys.

c) Sidewalks

Sidewalks in the Village Core Overlay District shall be provided as set forth above.

d) Street Trees

One (1) canopy tree shall be provided for every 40 feet of frontage and planted within tree grates in the sidewalk.



e) Street Lights

Pedestrian level street lighting of a decorative nature shall be installed along all sidewalks and be designed to promote the historic character of the area. Light fixtures shall meet the specifications of the Village of Richland.

f) Street Furniture

Benches and trash receptacles shall be provided in park and plaza areas and along adjoining sidewalks where the Planning Commission determines pedestrian activity will benefit from the facilities.



g) Bicycle Facilities

All developments shall be designed to accommodate bicycle travel, including the provision of bike racks.



h) Street Cafes

Street cafes (dining platforms) are allowed within the Village Core Overlay District, subject to the Village of Richland Street Café Standards.



i) Signs

Because it is the purpose to catch people's eye, signage also has a major impact on the appearance of a façade and the streetscape. It is important that signage enhance, and not detract from, the building and streetscape. When locating signage, work with the building's character and architectural composition. Design signage so that it is compatible with your building and not dominate or detract from the historic character of the building and clutter the streetscape.

Sign Guidelines

Sign Types: In the past, streetscapes had a variety of sign types that not only identified the business, but also the name of the buildings, dates of construction, etc. The signs were simple, bold and well crafted. Lettering was in clear, no-nonsense styles, maximizing the contrast between the background and the lettering.

Varying sign types can be found in the historic streetscape including: (1) storefront (wall) signs, (2) projecting signs, (3) hanging signs, (4) awning signs, (5) window signs, and 6) architectural signs. Every building should select the most appropriate sign type for its architecture and location.

Sidewalk signs are temporary signs used to attract customers but can add vibrancy to a streetscape and expand the presence of a business if the design is creative and thoughtful.

Quantities and Locations: Storefronts should be limited to two permanent signs - one primary and one secondary. The primary sign should be located above storefront display windows but below the sills of second floor windows. On many examples of turn-of-the-century buildings a continuous brick ledge or corbelling is used to separate the second floor and above from the storefront below. This space is ideal for sign placement, as it was often created for this purpose.

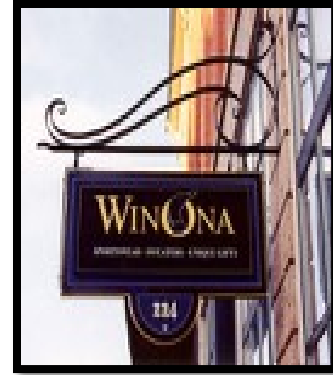
Types of secondary signage include hanging, window, awning, or any sign that is located below the primary sign. If a projected sign is planned, placement will be critical to avoid interferences with adjacent signs and architecture of the storefront itself. These signs should be located below second story window sills and be no less than eight feet above the sidewalk. Window signs should consist of a material and color that contrasts with the display, while being small enough to not interfere with the display area. The use of awning valances for signs is encouraged and is often an integral part of the awning pattern and style.

Size: Big does not necessarily mean powerful. Primary signs of proper size can combine with the entire storefront to become more meaningful than just the sign itself. The sign must be subordinate to the building, not the opposite. Actual size may vary, but signboards, if used, need not exceed two and a half feet high. This size is appropriate for



distances the sign will be read from in a downtown setting. Letters should not be less than eight inches nor more than eighteen inches high. Lettering should account for at least fifty and no more than sixty percent of a signboard.

Message: Messages should be kept simple in content. The major function of the sign is to introduce the storefront and its contents. Wording should be minimal and slogans avoided. Descriptive words should be used rather than providing listings of items to be sold. Simple wording is easily read by pedestrians and street traffic.



General:

- *The maintenance and restoration of any existing historic signs is encouraged in lieu of replacement.*
- *Signage for a business not located within the building is not acceptable.*
- *Signage should be located in such a way as to not obscure any architectural features of the building.*
- *Signs are important to the store owner for reasons of advertising, identity, and image. As they are an extremely visible element of the storefront, signs must be used carefully so as not to detract from facades. With a little forethought and careful planning, signage can embrace the store owner's needs as well as the community's image.*

Sign Standards

1. General

- a. Permitted Signs: Storefront (wall), projecting, hanging, awning, window, and architectural. Sidewalk signs are permitted and regulated as temporary signs.
- b. Prohibited Signs: Roof, freestanding, animated, revolving, flashing, or signs that obscure the unique or historically-significant architectural detail of a building facade.
- c. Color: Sign colors must relate to the paint scheme of the building. Bright white and intense background colors are discouraged. Fluorescent colors are prohibited.
- d. Lighting: Signs can be illuminated with directional spotlights or indirect lighting. Signs may not be internally-illuminated.
- e. Design: Sign construction and sign copy must be of professional quality. Primary signage should identify a business and not a

brand-name product. If more than 1 sign is used, the signs must be compatible in style.

- f. **Sign Installation:** All signs, except window signs, require a sign permit and building and electrical permits as required. All signs shall be installed avoiding visible guy wires or other stabling devices.
- g. Signs established within the Village Core Overlay District shall be subject to the sign provisions set forth in Section 9.2 e) through o).

2. *Sign Area and Number:*

- a. A maximum total sign area of one (1) square foot per lineal foot of width of the storefront is permitted.
- b. For establishments with frontage on more than one (1) street, additional sign area of ½ square foot per lineal foot of width of the establishment along the secondary frontage is permitted.
- c. No establishment shall be permitted more than 100 square feet of total sign area.
- d. Each storefront shall be entitled to a minimum of 30 square feet of sign area.
- e. A maximum of two (2) signs is permitted per storefront.
- f. A maximum of four (4) signs is permitted per establishment.
- g. Window and architectural signs are permitted in addition to these maximums.

3. *Storefront (Wall) Signs:* Storefront signs are those which are located on the horizontal band dividing the storefront windows from the upper façade of the building.

- a. Storefront (wall) signs shall be located above storefront display windows but below the sills of second floor windows

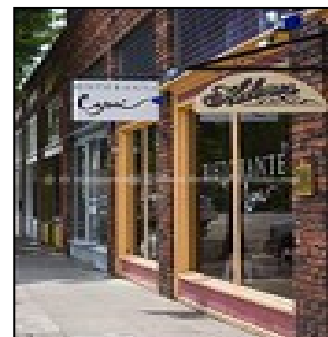


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- b. Signs shall be placed in traditional locations, such as above transoms; below storefront cornices; or within the sign panel area on the façade.
 - c. Signs may not extend over the side piers, or beyond the parapet or building face.

Guidelines:

- *The storefront sign should be used to display primarily the name of the business only. Use only one line of lettering if possible, leaving out secondary information.*
 - *Use simple, bold lettering with sufficient contrast between the lettering and the background.*
 - *Graphics in the sign are included in the maximum allowable area.*
4. *Projecting Signs:* Projecting signs are at right angles to the building face, either fixed to the wall or hanging from a bracket. The major advantage of projecting signs over storefront or window signs is their ability to be seen by pedestrians and motorists from a distance down the street. If they get too large, however, they can obscure each other, so it is important to keep them small and simple.

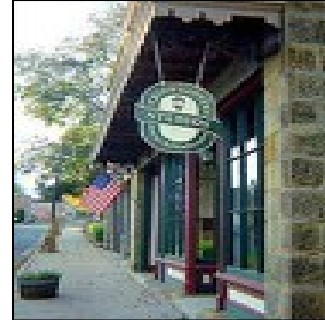
- a. Only one projecting sign per storefront is permitted.
- b. Projecting signs shall be located no higher than the cornice or parapet line, whichever is lower.
- c. Signs shall be located so as not to obscure any unique or historically-significant architectural detail of the façade.
- d. The sign shall not extend further than four (4) 1/2 feet from the face of the building and shall not exceed 20 square feet in area.
- e. Projecting signs shall not be less than eight (8) feet from the grade beneath and shall not extend above the second



story window sill or roof line, whichever is lower.

5. *Hanging Signs:*

- a. Small horizontal hanging signs suspended over the entry or from a canopy are encouraged.
- b. Hanging signs shall not exceed four (4) square feet in area.
- c. Hanging signs shall be provided a minimum of eight (8) foot clearance from the sidewalk.



6. *Awning Signs:* Another option for a primary sign location can be an awning, provided the awning is properly integrated with the building.

- a. The area of a ground floor awning sign shall not cover more than 30% of the total surface area of the awning.
- b. Signs on two (2) side panels of an awning shall be considered as one (1) sign for purposes of calculating total number of allowable signs.
- c. The use of awning valances for signs is encouraged. Six (6) to eight (8) inch letters are sufficient.



7. *Window Signs:* Window signs were historically applied on the inside of the glass, painted directly onto the storefront glass, upper floor windows and doorways. The main focus of this style of signage is to target and inform approaching pedestrians. Therefore, window lettering typically provides more detailed information about the business. Today, most window signs are made of vinyl and applied to the outside of the window.

- a. Permanent window signs may include graphics painted on glass, vinyl letters applied to glass, a clear acrylic panel behind the window, or small neon window signs.
- b. Permanent window signs may not occupy more than 1/3 of the total area of the window.
- c. Window signs shall not count toward total allowable sign area for the building.
- d. Lettering should be white or light in color since windows appear dark.



Guidelines:

- *It may often be desirable to keep the display space clear. In these cases, insert the sign at the base or the head of the window, or both.*
 - *Keep the lettering small remembering that the reader will be in close proximity to the sign. Use several lines where necessary and consider curving the top line at the head of the window.*
 - *Lettering formed with neon may be used in the inside of the window, provided the size, light intensity, color and style are consistent with the theme of the building.*
 - *Total sign area in the window should not exceed one-third of the window area.*
 - *Display street numbers on or directly above the door, and business hours on the inside of the door or in an adjacent window.*
8. *Architectural Signs:* Architectural signs are integrated into the building fabric and are constructed of permanent materials such as stone or metal. Names and the dates of construction were common signs included on the façade. They were typically located in the roof parapet detailing or in a cornerstone detail. These add a sense of history and place to the character and fabric of the Village.

Guidelines:

- *Preserve existing architectural signs.*
- *Promote the use of the original building names in new signage.*

9. *Sidewalk Signs:* Sidewalk signs are portable signs of A-frame or swinging style construction used during hours a business is open and stored inside when not in use. According to the National Main Street Center, temporary sidewalk signs can add vibrancy to a streetscape and expand the presence of a business if the design is creative and thoughtful.

- Only one (1) sidewalk sign per storefront is permitted.
- Sidewalk signs shall not occupy more than nine (9) square feet of sidewalk and shall not exceed four (4) feet in height.
- Sidewalk signs shall be of A-frame or swinging style construction and shall be sturdy and stable enough to withstand typical winds without flipping over or sliding.
- The surface of a sidewalk sign shall be durable and weatherproof.
- Sidewalk sign copy shall be painted or printed on the sign surface. Loose paper faces are not permitted.
- Sidewalk signs shall not be illuminated by any means except natural light and existing street lights.
- Sidewalk signs shall be subject to the following placement standards:
 - Must be placed in front of the storefront holding the permit for the sign.
 - Shall be located a minimum of two (2) feet from the curb and allow five (5) feet of unobstructed sidewalk.



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3. Shall not be located within 25 feet of an intersection (measured perpendicularly).
 4. Shall be spaced a minimum of 20 feet from each other.
 5. Placement is permitted during business hours but not before 8 AM or after 9 PM.

[Amended 12/14/15; Ord. #015-4]

10. *Existing Freestanding Signs*: A freestanding sign lawfully existing as of December 14, 2015 (Ordinance No. 015-4) shall be subject to the following:

- a. An existing freestanding sign may be altered or replaced, subject to the requirements for freestanding signs of the underlying district.
- b. An existing freestanding sign shall not be removed, in whole or in part, from its current location and then relocated, re-erected, or re-installed at another site within the Village Core Overlay District.
- c. An existing freestanding sign shall be included when determining the sign area and number of signs permitted for the site. (Section 8.129 I. 2.)

[Amended 1/24/16; Ord. #016-2]

ARTICLE 9 – SUPPLEMENTARY REGULATIONS

9.1 PARKING OF MOTOR VEHICLES

- a) Every property owner shall provide and maintain at all times an adequate number of off-street parking spaces, and the necessary loading and unloading facilities associated thereto, in each district for all the occupants, employees and patrons of said property.
- b) Parking spaces shall be provided in the manner and location herein specified:
 1. No parking area, parking space, or loading space which exists at the time this ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this ordinance, unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this ordinance within 300 feet of the proposed or existing uses for which such parking will be available.
 2. Parking of motor vehicles in residential zones, except those vehicles used for farming, shall be limited to passenger vehicles and recreational vehicles, and not more than one (1) commercial vehicle of the light delivery type, not to exceed one and one-half (1 ½) ton gross vehicle weight rating, or trailer, not to exceed five (5) ton gross vehicle weight rating. The parking of any other type of commercial vehicle, or buses, except for buses parked on school property, is prohibited in a residential zone.
 3. Parking of any motor vehicle or recreational vehicle in residential zones shall be prohibited in the front yard, except within an established and improved private driveway or portion thereof, and shall not be closer than 20 feet from the right-of-way of the abutting street or five (5) feet from the side or rear property line.

This section shall not apply to a building contractor's job site trailer or storage trailer or construction vehicles or equipment during construction.

- c) Requirements for all parking spaces and parking lots, except those for single and two-family residential uses, shall be as follows:
 1. Each automobile parking space shall not be less than 180 square feet and not less than nine (9) feet wide, exclusive of driveway and aisle space.
 2. All off-street parking facilities, including private drives thereto, shall be drained so as to prevent damage to abutting properties or public streets and

shall be constructed of materials which will have a paved surface resistant to erosion.

3. Any lighting used to illuminate off-street parking areas shall comply with Section 9.7.
4. In Residential Districts (R-1, R-2, R-3 and R-4), no parking space shall be closer than five (5) feet from the property line. In all other Zoning Districts, a parking space may be permitted without setback from the property line, provided that all other parking standards within this Ordinance are met.

[Amended 1/21/16; Ord. #016-1)

5. Off- street parking facilities in nonresidential zones shall be effectively screened on any side which adjoins or faces property in any residential zone, in accordance with the provisions of Section 9.6. Screening shall be maintained in good condition and not encroach on adjoining property. Screening shall not be so placed or maintained as to provide a traffic hazard or obstruction of visibility.
6. Off-street parking areas that require vehicles to back out directly into a public road are prohibited.
7. Space for all necessary loading and unloading operations for any commercial, industrial or other use must be provided in addition to the required off-street parking space. All loading and unloading operations must be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian or vehicular movement.
8. In the case of mixed uses in the same building or common parking facilities for several uses on the same lot, the total parking space requirement is the sum of the requirements for each individual use, computed in accordance with this section. Parking facilities for one use shall not be considered as providing the required parking for any other use.

d) Minimum Required Parking Spaces:

1. Single- and two-family dwellings – 2 parking spaces for each dwelling unit.
2. Multiple family dwellings – 2.5 parking spaces for each dwelling unit.
3. Office buildings – 1 parking space for each 150 square feet of floor space utilized for work space of employees.

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4. Retail stores, supermarkets, department stores, and personal service shops – 1 parking space for each 100 square feet of floor area in the basement and on the first floor used for retail sales; 1 space for each 150 square feet of floor area on the second floor used for retail sales; 1 space for each 300 square feet of floor area on the third floor used for retail sales; and 1 space for each 400 square feet of floor area on any additional floor used for retail sales.
 5. Shopping centers – 1 parking space for each 150 square feet of floor area used for retail sales.
 6. Furniture and other showrooms, including appliances, machinery, and motor vehicle sales – 1 parking space for each 400 square feet used for retail sales and/or for display.
 7. Industrial buildings – 1 parking space for each employee on the maximum shift or peak employment period.
 8. Libraries, museums, and post offices – 1 parking space for each 100 square feet of gross floor area.
 9. Bowling alleys – 3 parking spaces for each alley.
 10. Hotels and motels – 1 parking space for each separate unit.
 11. Theatres, auditoriums, stadiums, and churches – 1 parking space for each 4 seats.
 12. Dance halls, assembly halls, and convention halls without fixed seats – 1 parking space for each 100 square feet of floor area used for dancing or assembly.
 13. Restaurants and nightclubs – 1 parking space for each 100 square feet of gross floor area.
 14. Schools, private or public elementary and junior high schools – 1 parking space for each employee normally engaged in or about the building or grounds.

Senior high schools and institutions of higher learning – 1 parking space for each employee normally engaged in or about the building or grounds and 1 additional space for each 5 students enrolled in the institution.

15. Bed and breakfast inns –

Owner occupied: 2 parking spaces for the owner plus 1 parking space for each guest room. Parking shall be prohibited within the front yard.

Resident managed: 2 parking spaces for the manager plus 1 parking space for each guest room. Parking shall be prohibited within the front yard.

16. Other uses not specifically mentioned – In the case of buildings which are used for uses not specifically mentioned, those provisions for off-street parking facilities for a use which is so mentioned and to which said use is similar in terms of parking demand shall apply.

9.2 SIGNS AND OUTDOOR ADVERTISING SIGNS

- a) In any residential district, a nameplate not exceeding one (1) square foot in area may be established to advertise a home occupation; provided it is attached to the building.
- b) In any residential district, a sign is permitted only where it advertises lawful uses rendered or offered upon or from the premises where the same is situated (except for home occupation signs which shall be governed by the limitations set forth in Section 9.2 (a)) and subject to the following conditions and limitations:
 - 1. In the R-1, R-2, and R-3 Districts, one (1) sign per lot not exceeding 12 square feet in area and having a height no greater than six (6) feet above the grade of the abutting street may be established; provided it is located no closer to the front, side, or rear lot line than one half (1/2) the distance of the required building setback.
 - 2. In the O-1 District, one (1) sign per lot not exceeding 30 square feet in area and having a height no greater than six (6) feet above the grade of the abutting street may be established; provided it is located no closer to the front, side, or rear lot line than one half (1/2) the distance of the required building setback.
- c) In any residential district, one (1) sign may be located at each entrance of a subdivision, site condominium, or mobile home park solely to identify the residential development; provided it does not exceed 30 square feet in area within the O-1 District and 12 square feet in area within the R-1, R-2, R-3, and R-4 Districts, does not have a height greater than six (6) feet above the grade of the abutting street, and is located no closer to any lot line than one half (1/2) the distance of the required building setback.
- d) In the O-2 district and any commercial or industrial district, a sign is permitted only where it advertises a business occupying the same lot upon which the sign is erected (on-premises sign), and subject to the following:
 - 1. Signs may be affixed flat against the wall of the building, or may project therefrom. Signs projecting over public property shall be at least 11 feet above the finished grade or sidewalk. The total sign area shall not exceed one (1) square foot for each foot in length or height of the wall to which it is affixed. No such sign shall extend more than four (4) feet in height above the building wall to which it is affixed.
 - 2. One (1) sign not exceeding 50 square feet in area and having a height no greater than 14 feet above the grade of the abutting street may be erected for any group of three (3) or more commercial establishments or other integrated group of stores or commercial buildings; provided it is located

no closer to the front, side, or rear lot line than one half (1/2) the distance of the required building setback.

3. One (1) sign not exceeding 30 square feet in area and having a height no greater than 14 feet above the grade of the abutting street may be erected for each separate commercial or industrial enterprise situated on an individual lot and operated under separate ownership from any adjoining commercial or industrial enterprise; provided it is located no closer to the front, side, or rear lot line than one half (1/2) the distance of the required building setback.
4. In those instances in which property abuts a second public street or a public parking lot, a second sign not exceeding one half (1/2) the maximum area permitted may be constructed along the second public street or public parking lot provided:
 - a. each sign is located so as to serve traffic along a different street;
 - b. each sign is located no closer than ½ the required building setback from the public street it serves and no closer than 1 ½ times the required building setback from the other public street abutting the property;
 - c. each sign is located not less than 10 feet from any sideline of the property not abutting a public street;
- e) One (1) temporary real estate sign not exceeding six (6) square feet in area for each lot under 25,000 square feet in area is permitted. Such sign may be increased in size, or additional signs permitted, for each additional 25,000 square feet of property advertised. No single sign shall exceed 100 square feet in area, and in no event shall more than two (2) such 100 square foot signs be permitted on one (1) lot advertised regardless of property area.
- f) Building contractors and professional persons' temporary signs on property under construction shall be limited to a total area of not more than 24 square feet. Such sign(s) shall be removed within seven (7) days after completion of construction.
- g) One (1) temporary grand opening sign not exceeding 24 square feet in area is permitted. Such sign shall be permitted for not more than 30 days and require a sign permit from the Village.
- h) One (1) sandwich board or temporary portable (A-frame) sign, not to exceed eight (8) square feet in area per side or four (4) feet in height, shall be permitted per business. Said sign shall be utilized only during regular business hours and shall be removed during non-business hours. Every sandwich board or temporary portable (A-frame) sign shall be weighted to withstand wind gusts and constructed of durable, weather-resistant materials.

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- i) In any zone, temporary sign(s) related to a candidate for political office or an issue to be determined at a governmental election is permitted.
 - j) Temporary signs of a public or quasi-public nature noting off-site special events of general interest such as a county fair, horse show, etc. shall not exceed 80 square feet in area. Such sign(s) shall be removed within seven (7) days following the event.
 - k) Signs may be illuminated; however, such illumination shall be concentrated upon the surface of the sign and the sign shall be so located and arranged as to avoid glare or reflection onto any portion of any adjacent street, or into the path of oncoming vehicles, or onto any adjacent premises. Sign illumination shall also be subject to the light standards in Section 9.7.
 - l) No signs shall be erected at any location where, by reason of the position, size, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device so as to interfere with, mislead, or confuse traffic. No rotating beam, beacon, or flashing illumination resembling an emergency light shall be used in connection with any sign.
 - m) All signs shall be maintained in good condition and repair.
 - n) No permanent sign shall be erected or attached to a building prior to the issuance of a sign permit.
 - o) The following signs are exempt from the provisions of this Ordinance with respect to permits, height, area and location, unless otherwise specified herein:
 - 1. Highway signs erected by the State of Michigan, Kalamazoo County, or the Village of Richland;
 - 2. Governmental use signs erected by governmental agencies to designate hours of activity or conditions of use for parks, parking lots, recreational areas, other public space, or governmental buildings.
 - 3. Directional signs erected in conjunction with private off-street parking areas, provided any such sign does not exceed four (4) square feet in area and is limited to traffic control functions only.
 - 4. Historical signs designating sites recognized by the State Historical Commission.
 - 5. Memorial, commemorative or public service signs or tablets, subject to Village Council approval.
 - 6. Special decorative displays or signs used for holidays, public demonstrations, or promotion of civic welfare.

9.3 NONCONFORMING USES, BUILDINGS/STRUCTURES AND LOTS

The following regulations shall govern lawfully established nonconforming uses, buildings/structures, and lots in existence at the time of the passage of this ordinance.

9.31 GENERAL PROVISIONS

- a) Ordinary repairs and maintenance work as may be necessary to keep a nonconforming use or building/structure in sound condition or as may be required to conform with federal, state or local law, may be made provided that no such work shall include structural alterations which are likely to extend the reasonably anticipated useful life of the building/structure.
- b) If the cost of repair or replacement of a nonconforming use or building/structure, which has been destroyed by reason of windstorm, fire, explosion, or any act of God or the public enemy, exceeds 50% of the total replacement cost of the use or building/structure, such use or building/structure shall not be continued or rebuilt except in conformity with the provisions of this ordinance. Such reconstruction right shall be considered terminated by abandonment if reconstruction is not started within six months and completed within one year from the time of the damage or destruction. This time limitation may, upon written request, be extended by the Village Council if it is demonstrated to the Council's reasonable satisfaction that there is a strong likelihood that the reconstruction will commence within the period of extension and proceed diligently thereafter to completion.
- c) Nonconforming uses or buildings/structures in existence at the time of passage of this ordinance shall not be expanded, extended, added to, or altered unless such expansion, extension, addition, or alteration is in conformity with the provisions of this ordinance.
- d) If the nonconforming use of any land or building/structure terminates its activity for a continuous period of time exceeding 90 days, such use shall not be reestablished, and any future use of the land or building/structure shall be in conformity with this ordinance.
- e) A nonconforming use may be changed to a different nonconforming use, subject to the discretion and approval of the Zoning Board of Appeals and upon a finding that the proposed new use will substantially decrease the degree of nonconformity and be more compatible with adjacent uses than the prior nonconforming use. If a nonconforming use is changed to a use which is allowed in the district in which it is located or a more restrictive use, it shall not revert or be changed back to a nonconforming or less restrictive use.
- f) *Deleted*

9.32 SPECIFIC NONFORMING USES

- a) Class I – Physicians and Dentist Offices: Due to their character and significant impact on the health care needs of the Village of Richland, physician and dentist offices are considered Class I Nonconforming Uses and therefore subject to the following special conditions:
1. Such uses shall be exempt from the prescribed 50% destruction limitation in Section 9.31 (b), and shall furthermore be permitted to rebuild in the event of total (100%) destruction due to any of the causes enumerated in said section. Such reconstruction or continuation of said use shall be in conformity with all provisions of this ordinance.
 2. If said nonconforming use shall terminate its activity for a continuous period of time exceeding one (1) year, such use shall not be reestablished, and any future use of the land and/or building/structure shall be in conformity with this ordinance.
 3. One (1) identification sign, either freestanding or attached to the building, not exceeding 20 square feet in area is permitted per use.
 4. Such nonconforming use may be expanded, extended, added to or altered, provided that such expansion, extension, addition or alteration does not exceed 50% of the existing size (floor area) of the building/structure at the time of passage of this ordinance and is in conformance with all provisions of this ordinance regarding parking, height and setback requirements.
 5. Said nonconforming uses shall also be subject to the provisions of Section 9.31 (e) and (f).

9.33 NONCONFORMING LOTS OF RECORD

Any lot lawfully created (and in compliance with any Zoning Ordinance then in effect) and recorded with the Register of Deeds for Kalamazoo County prior to April 25, 2010, but which fails to comply with minimum lot dimensional requirements of this Ordinance, shall be considered a lawful nonconforming lot and ‘buildable’ for purposes of this Ordinance.

9.4 ACCESSORY USES OR BUILDINGS/STRUCTURES

Any use or building/structure which complies with the following conditions may be operated as an accessory use or building/structure:

- a) Is clearly incidental and customary to and commonly associated with the operation of the principal use or building/structure.
- b) Is operated and maintained under the same ownership and on the same lot as the principal use or building/structure.
- c) Does not include residential occupancy, except for living quarters for farm, domestic, or other employees having employment on the premises.
- d) Accessory buildings, other than attached private garages, shall be located only in the rear yard.
- e) If an accessory use is carried on within the building/structure containing the principal use, the floor area utilized by the accessory use (except garages and off-street loading facilities) shall not be greater than: 20% of the gross floor area of a building/structure containing a dwelling unit, not to exceed 300 square feet; 10% of the gross floor area of a building/structure containing any principal use other than a dwelling unit.
- f) Fall-out or storm shelters are permitted as accessory uses and building/structures in any district, subject to the yard and lot coverage regulations of the district. Such shelters may contain or be contained in other buildings/structures or may be constructed separately, and in addition to shelter use may be used for any accessory use permitted in the district, subject to the district regulations on such use. Fall-out **or storm** shelters constructed completely below the ground level, except for a vent not exceeding 30 inches in height above ground level, may be contained within any yard area.
- g) The total combined floor area of the accessory building(s) on a lot within the R-1 and R-2 Districts shall not exceed 900 square feet.

9.5 HOME OCCUPATIONS

Home occupations shall include professional business and personal service on a small scale, including, but not limited to: insurance agency, real estate office, photographic studio, music teaching, professional office, and consulting services. Other similar uses may be permitted as home occupations, subject to the provisions of this ordinance.

All home occupations shall be subject to the following requirements:

- a) The home occupation shall be operated in its entirety within the dwelling or garage/accessory building.
- b) The home occupation must be owned and conducted by a person or persons residing in the dwelling on the premises.
- c) The dwelling or garage/accessory building does not have any exterior evidence, other than a permitted sign, to indicate that they are being utilized for any other purpose other than residential.
- d) The home occupation is clearly incidental and secondary to the residential use of the dwelling or garage/accessory building on the premises.
- e) No goods or services are sold which are not produced by the person or persons residing in the dwelling on the premises or incidental to the home occupation.
- f) Does not occupy more than 20% of the gross floor area of the dwelling unit or 600 square feet of a garage/accessory building.
- g) Noise or other objectionable characteristic incident thereto shall not be discernable beyond the boundaries of the lot.

9.6 SCREENING

- a) Hereinafter, every office, commercial or industrial use occupying land immediately adjacent to a residential district/use shall have a screening area separating the office, commercial or industrial use from the adjoining residential districts/uses. Multiple family dwellings occupying land immediately adjacent to a lower density residential zoning district shall also maintain a screening area separating the multiple family dwellings from the adjoining residential district/use.
- b) Whenever screening is required, one (1) or more of the following may be determined to be necessary and adequate under the circumstances:
 1. A natural compact planting area of evergreens planted at 12 feet on center and 30 degrees alternate spacing; further, spacing shall be such that density and screening effects are maintained throughout the calendar year. The screen shall not be less than five (5) feet in height at the time of planting, except where the screen would interfere with traffic safety, in which case it may be reduced in height to, but not less than, three (3) feet. The planting area shall be maintained in a neat and attractive manner.
 2. An artificial wall or fence of sufficient density or compactness to screen the structures and activities required to be screened from the view of occupants of adjoining premises or public highways, not less than six (6) feet in height, and maintained in a neat and attractive manner commensurate with adjoining development.
 3. A berm of not less than 15 feet in width and four (4) feet six (6) inches in height constructed with a one (1) foot rise for each two and one-half (2.5) feet of horizontal rise (1 on 2.5 slope). Said berm shall be seeded with perennial rye and an appropriate grass seed, and shall be covered with organic mulch. Said berm shall be landscaped with shrubbery and trees to enhance the screening effect and aesthetic appearance of same, and shall be maintained in a neat and attractive manner.

9.7 OUTDOOR LIGHTING

- a) The purpose of this Section is to regulate the placement and arrangement of outdoor lighting within the Village. These regulations are intended to:
- protect the public health, safety, and general welfare;
 - enable the fair and consistent enforcement of these regulations;
 - control light spillover and glare;
 - encourage lighting systems which conserve energy and costs;
 - preserve community character;
 - provide for nighttime safety, utility, security, and productivity.;
 - minimize the detrimental effect of outdoor lighting on crops, trees, wildlife, and astronomical observations by the general public
- b) Outdoor lighting shall be arranged in the following manner:
1. To avoid any light spillover onto any adjacent premises and public streets;
 2. So that light from any illuminated source shall be so shaded, shielded or directed that the light intensity or brightness will not be reasonably objectionable to surrounding areas;
 3. To control illumination of vertical architectural surfaces;
 4. To control spillover of wasted light into the night sky.
- c) All outdoor lighting upon any premises, regardless of zoning classification, shall be subject to the following conditions and limitations:
1. *Site and area lighting.* Site and area lighting shall be designed such that light levels do not exceed 0.5 footcandles at grade level along the perimeter of the property where adjacent to residential zones or residential uses. Light levels shall not exceed 1.0 footcandles at grade level along the perimeter of the property where adjacent to commercial or industrial zones or uses, where the Village determines during site plan review that the higher light levels are consistent with the purpose and intent of this section.
 2. *Pole mounted lighting.* Pole mounted light fixtures used for site and area lighting shall be subject to the following requirements:
 - a. Pole mounted lighting with a pole height of 15 feet or less shall not exceed 175 watts per fixture regardless of lamp type. The light shall be so shaded, shielded or directed that the light intensity or brightness will not be reasonably objectionable to surrounding areas.

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- b. Pole mounted lighting with a pole height of greater than 15 feet and not exceeding 25 ft in height shall include only sharp cutoff fixtures. Such lighting shall not exceed 400 watts per fixture.
 - c. Pole mounted lighting with a pole height exceeding 25 feet shall include only sharp cutoff fixtures and shall be subject to site plan approval. Such lighting shall not exceed 400 watts per fixture.
 - d. Public and private street lighting shall be reviewed by the Zoning Administrator for compliance with the purpose of Section 9.3 and shall be consistent with the lighting permitted by Subsections a., b., and c. above.
3. *Building mounted lighting.* Building mounted lighting shall include only sharp cutoff fixtures and shall not exceed 175 watts per fixture regardless of lamp type. Said lighting shall not exceed a 20-foot mounting height, as measured from the average grade at the building foundation.

Typical residential light fixtures on residential buildings and associated accessory buildings, not to include flood lights or security lights, are exempt from the sharp cut off fixture requirement when mounted at a height of 8 feet or less.

4. *Building exterior lighting.* The illumination of building exteriors shall not exceed the recommended footcandle levels set forth by the Illuminating Engineering Society of North America (IES), not to exceed 20 footcandles. Light fixtures used for the sole purpose of illuminating a building façade may be up to 400 watts per fixture and shall not exceed a mounting height of 15 feet, as measured from the average grade at the building foundation. Light generated from said fixtures shall be appropriately shaded, shielded or directed so that no light is emitted beyond the building façade.
5. *Landscape lighting.* Landscape light fixtures, including ground lighting for signs, flag poles and statues, shall not exceed 175 watts per fixture and shall be appropriately shaded, shielded or directed to eliminate glare onto any portion of any adjacent highway or premises, and may not spillover into the night sky. National and State flag illumination is exempted but encouraged to use lighting designed consistent with the purpose of Section 9.7.
6. *Blinking, flashing, and temporary lighting.* There shall be no lighting of a blinking, flashing, rotating or fluttering nature, including changes in light intensity, brightness or color except for public safety purposes. Beacon and/or search lights shall not be permitted except for public safety

purposes. Temporary seasonal/holiday lighting is not prohibited by this Subsection.

7. *Site lighting plan.* A site lighting plan shall be submitted for uses requiring site plan review and shall provide the following information:
 - a. Proposed location on premises of all outdoor light fixtures;
 - b. Description of illumination devices, fixtures, lamps, supports, reflectors and other devices (e.g. fixture type, mounting height, wattage);
 - c. An isofotocandle plan;
 - d. Illumination level data for all building, vertical architectural and landscape lighting proposed.
 8. *Reduced lighting.* For uses requiring site plan review, lighting shall be significantly reduced during nonoperational building hours, allowing only lighting necessary for security purposes. The lighting plan submitted for review shall note where this distinction occurs.
- d) All outdoor lighting established prior to and existing on April 25, 2010 shall comply with, at minimum, the following: ‘any lighting fixture used to illuminate any off-street parking area shall be so arranged as to reflect the light away from residential lots.’ (pursuant to former Section 9.1)
Replacement fixtures shall comply with the conditions and limitations established in this Section.

9.8 REFUSE DISPOSAL

For nonresidential land uses and multiple family developments, outdoor trash containers or dumpsters may be required if it is determined that the provision of such will address a health, safety or aesthetic concern. When required, the outdoor trash container or dumpster shall rest on a concrete pad and shall be located so as to be provided adequate vehicular access. A solid ornamental screening wall or fence with an access gate and of such height to completely screen said containers shall be required.

9.9 SPECIAL LAND USES

9.91 SPECIAL LAND USES, EXPLANATION

- a) In order to make this ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the Village, the Village Council is authorized to approve the establishment of certain uses designated as Special Land Uses within the various zoning districts set forth in the Ordinance, upon review and recommendation by the Planning Commission.
- b) Such special land uses have been so designated because of the unique character of the use, which, in the particular zoning district involved, under certain physical circumstances, and without proper controls and limitations, could cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.
- c) With this in mind, such special land uses are not allowed to be engaged in within the particular zoning district in which they are listed unless and until it is determined, after a public hearing, that the particular property can be developed and used for the proposed use in accordance with the applicable standards and other criteria for special land use approval set forth in this ordinance.

9.92 SPECIAL LAND USE, APPLICATION AND NOTICE

- a) Application for a special land use permit shall be filed with the Village Clerk on a form provided therefore. The applicant shall submit plans and specifications or other data or explanatory material stating the methods by which the applicant will comply with the conditions specified for the special land use permit. At the time of filing a request for a special land use permit, the applicant shall pay the fee determined by the Village Council by resolution to help defray expenses in connection with the application.
- b) The Planning Commission shall receive the application, determine the date for a public hearing, and shall cause notice to be given in accordance with statutory requirements.
- c) Following the public hearing, the Planning Commission shall recommend approval, disapproval, or approval with conditions of the special land use permit to the Village Council.
- d) Approval, disapproval, or approval with conditions of the special land use permit shall be issued by the Village Council, upon review and recommendation by the Planning Commission.

9.93 SPECIAL LAND USE, CRITERIA FOR REVIEW

In hearing a request for a special land use permit, the Planning Commission and Village Council shall be governed by the following principles and procedure:

- a) The applicant for a special land use permit shall have the burden of proof, which shall include the burden of going forward with the evidence, and the burden of persuasion on all questions of fact which are to be determined by the Village.
- b) A special land use permit may be granted if it is determined from the evidence produced at the hearing that:
 1. That all special conditions and limitations set forth in the text of the ordinance accompanying the special land use designation within a zoning district can and will be complied with.
 2. That public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
 3. That the proposed land use or activity will not unreasonably interfere with protection of the natural environment and conserve natural resources and energy.
 4. That the proposed land use or activity will be compatible with the adjacent uses of land and promote the use of land in a socially and economically desirable manner.
 5. That the proposed land use or activity will not adversely affect the public health, safety, and general welfare of the community.

9.94 SPECIAL LAND USE PERMITS, CONDITIONS

The Planning Commission may recommend, and the Village Council is hereby empowered, to add to the specific conditions and limitations enumerated in the ordinance, others that it may deem necessary to protect adjacent properties, the general neighborhood, the residents and workers therein and to make the use comply with the intent and purpose of the special land use provisions of this ordinance, other Village ordinances and state and federal statutes. In addition, such special conditions shall meet the following requirements:

- a) Be designed to protect natural resources; the health, safety, and welfare of the community; and the social and economic well-being of those persons who will use the land use or activity under consideration, the residents and land owners

immediately adjacent to the proposed land use or activity, and the community as a whole.

- b) Be related to the valid exercise of the police power, and the purposes which are affected by the proposed land use or activity.
- c) Be necessary to meet the intent and purpose of the ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

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 Village Council and the landowner. The Village Council shall maintain a record of conditions which are changed.

9.95 SPECIAL LAND USE PERMITS, TERM OF APPROVAL

Any property which is the subject of a special land use permit which has not been used for a period of one (1) year for the purposes for which such permit was granted shall thereafter be required to be used for only permitted uses set forth in the particular zoning district and the special land use permit shall be deemed terminated by abandonment.

9.96 SPECIAL LAND USE, REQUIRED STANDARDS

Special Land Uses shall comply with all of the standards as specified herein. The Village Council may add to the standards as provided where it is necessary to protect adjacent properties, the general neighborhood and the residents and workers therein.

SPECIAL LAND USE	MINIMUM REQUIRED STANDARDS*
Adult regulated uses	8
Bars, taverns or night clubs	2, 4, 5e
Bed & breakfast inns	9
Care homes	3, 5a
Child care facilities	10
Cemeteries	2, 3, 5a
Churches	1, 5b
Communication towers	11
Earth removal	12
Funeral homes	1, 4, 5b
Gasoline service stations	2, 4, 5d, 7
Institutions, charitable, eleemosynary, philanthropic	1, 3, 5c
Liquor, package sales	5d
Offices & office buildings	2, 4, 5a
Personal service establishments	2, 4, 5a
Planned unit developments	13
Public utility buildings & structures	1, 4, 5a, 6
Recreation, noncommercial; indoors	2, 4, 5b
Recreation, commercial; outdoors	2, 4, 5e
Schools, parochial or private	1, 5b

Veterinary clinics and animal hospitals with kennels 2, 4, 5b

* The minimum required standards enumerated below are referred to by the numbers following each special land use.

1. The use shall have frontage on an existing or officially proposed road having a primary or greater classification.
2. The use shall have frontage on an existing or officially proposed road having a major or greater road classification.
3. The use shall have off-street parking facilities to satisfy average parking needs.
4. The use shall have off-street parking facilities to satisfy peak parking needs.
5. Buildings and activities shall not be closer than the specified number of feet to adjacent residentially-zoned or used properties.

a – 25 feet d – 200 feet

b – 50 feet e – 300 feet

c – 100 feet

6. Public utility buildings shall, whenever practicable, have an exterior appearance similar to those buildings in the immediate area. The public utility buildings and structures shall have suitable landscaping, screen planting and fencing whenever deemed necessary by the Village Council.
7. Gasoline pumps or other service appliances shall be setback at least 20 feet from the lot line.

8. Adult Regulated Uses

a) PURPOSE

1. In the development and execution of this Ordinance, it is recognized that there are some uses, commonly known as adult uses or sexually oriented businesses, which, because of their very nature, have serious objectionable operational characteristics. The impacts of these objectionable characteristics are exacerbated when several adult uses are concentrated under certain circumstances or when one (1) or more of them are located in close proximity to a residential use or zone, religious assembly, school, park, playground or public recreational area, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to prevent these adverse effects and to ensure that these adverse effects will not contribute to

the blighting or downgrading of the surrounding neighborhood. The controls contained within this Ordinance are for the purpose of preventing the negative secondary effects associated with adult uses and to prevent a concentration of these uses within any one (1) area, or to prevent deterioration or blighting of a nearby residential neighborhood.

2. It is the purpose of this Ordinance to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of this Village, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the Village. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Ordinance to condone or legitimize the distribution of obscene material.

b) APPLICABILITY

The following adult regulated uses are subject to these controls:

1. Adult arcade or mini-motion picture theaters;
2. Adult bookstores, adult novelty stores, or adult video stores;
3. Adult booths;
4. Adult motels;
5. Adult motion picture theaters;
6. Adult outdoor motion picture theatres;
7. Adult model studios;
8. Adult physical culture businesses;
9. Adult theaters; and
10. Adult personal service businesses.

c) CONDITIONS

All adult regulated uses shall comply with all of the following conditions:

1. No person or entity shall operate or maintain or cause to be operated or maintained an adult regulated use within 750 feet of:
 - a. A religious assembly;
 - b. A public or private educational facility, including but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate vocational schools, secondary schools, continuation schools, special education schools, junior colleges and universities. School shall include the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
 - c. Family day care homes or group day care homes;
 - d. An entertainment use that has as its principal use children or family entertainment as demonstrated by business activity that caters predominantly to on-site patronage by minors and is open for such business at least 25 hours per week;
 - e. A lot or parcel of land in any zone primarily devoted to a residential use;
 - f. Any other adult regulated use as defined by this Section;
 - g. A public park or recreational area that has been designated for park or recreational activities, including but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball, tennis court, wilderness area, or other similar public land within the Village that is under the control, operation, or management of the Village or other unit of government;
 - h. A zoning district boundary or a residential district.
2. For purposes of the uses listed in Sections c)1.a. through f. above, the distance limitations set forth above shall be measured in a straight line without regard to intervening structures or objects from the lot occupied by the adult regulated use to the nearest point of the lot occupied by any of the uses so listed in Sections c)1.a. through f.
3. For purposes of Sections c)1.g. and h. above, the distance limitations shall be measured in a straight line without regard to intervening structures or objects from the property line of the lot occupied by the

adult regulated use to the nearest point of the property line occupied by the public park or other recreational areas so listed in Section c)1.g. or the zoning district boundary of the residential district as provided in Section c)1.h.

4. No building, premises, structure, or other facility that contains any adult regulated use shall contain any other kind of adult regulated use. The Planning Commission may grant permission for more than one (1) adult regulated use to operate in a single building, provided that an equal or greater number of adult regulated uses are removed from elsewhere in the Village. The location where an adult regulated use is removed pursuant to this Section shall not be reused for any adult regulated use in the future. If the Planning Commission grants permission for more than one (1) adult regulated use to operate in a single building, it shall not be construed to be a violation of Section c)1.f.
5. Adult regulated uses shall comply with all sign requirements set forth in Section c)6. – Adult Regulated Uses, and Section 9.2 - Signs.
6. No advertisement, display of product or entertainment on the premises, signs or other exhibits that display ‘specified sexual activities’ and/or specified anatomical areas’ shall be displayed in window areas or other area where the same can be viewed by pedestrians and motorists on any street, sidewalk, or other public place.
7. No person shall reside in, or permit any person to reside in, the premises of an adult regulated use.
8. No person operating an adult regulated use shall knowingly permit any person under the age of 18 to be on the premises of said business, either as an employee or as a customer.
9. No person shall become the lessee or sub lessee of any property for the purpose of using said property for an adult regulated use without the express written permission of the owner of the property for such use and appropriate approvals from the Village.
10. The building and site, including building openings, entries, exits and windows, shall be designed, constructed, and maintained so that material, entertainment, and/or performances that display ‘specified sexual activities’ and/or ‘specified anatomical areas’ cannot be observed by pedestrians and motorists on any street, sidewalk, or public right-of-way, or from an adjacent land use.
11. The adult regulated use shall satisfy all requirements for a full site plan and shall include a diagram that shows all zoning districts and any of

the uses described in Section c)1. above, which are located within 750 feet of the proposed adult regulated use.

12. No adult regulated use shall operate until it has satisfied all provisions of this Section, all other applicable provisions of the Zoning Ordinance, and any other federal, state or local regulations.

d) CHANGE OF USE BY LESSEE OR SUB LESSEE

No lessees or sub lessees of any property shall convert that property from any other use to an adult regulated use unless the location of the property conforms to the standards in Section c) above.

e) CERTAIN USES EXEMPT

The following uses are exempt from the provisions, terms and conditions of this Section and are subject to the other provisions of this Ordinance, and the following uses shall not be construed to be included in any of the definitions of this Section:

1. Accredited hospitals, nursing homes, sanitariums or other licensed health care facilities, physicians, surgeons, chiropractors, osteopaths, physical therapists, registered nurses, and other establishments or professionals duly licensed under the laws of the state while engaged in the activities for which they are so licensed.
2. Barbers, beauticians, barber shops, and beauty parlors licensed under the laws of the state that also offer massages, provided that massages involved are limited to the head, shoulders, scalp, neck, hands, and feet. Such establishments that also provide activities that fall under the definition of 'adult personal service business' in this Section shall, however, be governed by the provisions, terms, and conditions of this Section.
3. Public and parochial school and college or professional athletic coaches and trainers while acting within the scope of their school employment.
4. Professional massage therapy enterprises, where each massage therapist has met the following criteria:
 - a. Proof of graduation from a school of massage licensed by the State of Michigan or another state with equivalent standards, consisting of a least 500 classroom hours of instruction and practical training, that include 300 hours of theory and practice of massage therapy, 100 hours of anatomy and physiology, and 100 hours of elective subjects; or proof of completion of a comprehensive course of study in a massage training program at an American community college or university that requires at a minimum the training and curriculum above; and

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- b. Proof of current professional membership in the American Massage Therapy Association, International Myomassethics Federation, Associated Bodywork and Massage Professionals, or other national massage therapy organization with comparable prerequisites for certification, including liability insurance and testing.
5. Nonprofit organizations operating a community center, swimming pool, tennis court, or other educational, cultural, recreational, or athletic facilities that are used primarily for the welfare of the residents of the area.

9. Bed & Breakfast Inns

Any private residence used for a bed and breakfast inn shall comply with the following:

- a) There shall be no separate kitchen facilities in the guest room or available to guests.
- b) Guests shall not stay more than 14 consecutive days nor more than 30 days in any one calendar year.
- c) In a residential zone, a single sign not to exceed six (6) square feet in area shall be permitted. In all other respects, a sign shall comply with Section 9.2 of this Ordinance. In a commercial zone, a sign shall comply with Section 9.2 of this Ordinance.
- d) There shall be kept a book containing the names, addresses, and phone number of each guest.

10. Child Care Facilities

- a) Each child care facility shall be duly licensed or registered by the State of Michigan Department of Social Services (DSS) continuously and for all times it is operating as a child care facility.

Any child care facility whose license or certificate of registration by the State of Michigan is no longer valid and/or which has been revoked or denied or refused by the DSS shall immediately lose its status and authorization to continue operating as a permitted or special land use.

- b) Buildings and lots used for child care facilities shall conform to all state, DSS, and local requirements, rules, and standards.
- c) Each child care facility shall provide, equip, and maintain on the premises the minimum square feet of indoor floor space and outdoor play area as required by the DSS. An applicant for a group day care home or child care center or day care center shall submit to the Planning Commission sufficient information and documentation regarding the maximum number

of children allowed and the amount of indoor floor space and outdoor play area required by the DSS for the proposed child care facility prior to obtaining special land use or site plan approval to operate within the Village.

- d) The zoning lot occupied by any child care facility shall have a fence which shall be not less than four (4) feet but not more than six (6) feet in height and which shall completely enclose the outdoor area where the minor children play or congregate, except that interior fences within a mobile home park shall not exceed 36 inches in height. This provision shall not apply to family day care homes.
- e) A group day care home licensed or registered under Act 116 of the Public Acts of 1973 shall be issued a special land use permit if the group day care home meets the following standards:
 - 1. A group day care home shall comply with all the requirements set forth in sections “a”, “b”, “c”, and “d” above.
 - 2. A group day care home shall be located not closer than 1500 feet to any of the following:
 - a. Another licensed group day care home; or
 - b. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Act 218 of the Public Acts of 1979, being Section 400.701 to 400.737 of the Michigan Compiled Laws, or
 - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the public health code, Act 698 of the Public Acts of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws, or
 - 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.
 - 3. The property containing a group day care home shall be maintained in a manner which is consistent with the visible characteristics of the neighborhood.
 - 4. The operation of a group day care home shall not exceed 16 hours of operation during a 24-hour period.
 - 5. One (1) non-illuminated name plate, not more than two (2) square feet in area may be attached to the building which shall contain only the name of the group day care home and/or the name of its owner.

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6. A group day care home operator shall provide one (1) off-street parking space for each employee. These parking spaces shall be in addition to the off-street parking facilities serving the residents of the home. These parking spaces shall be located on the zoning lot in such a manner as to provide unblocked vehicular access from the street and shall also comply with the provisions of Section 9.1.
 7. The subsequent establishment of any of the facilities listed in (e) 2. a. to d. of this section, within 1500 feet of the licensed or registered group day care home will not affect any subsequent special land use permit renewal pertaining to the group day care home.
 8. The distance specified in 2. and 7. of this Section shall be measured along a street or place maintained by this state or a political subdivision of this state and generally open to use by the public as a matter of right for the purpose of vehicular traffic, not including an alley.
 9. An applicant for a group day care home shall submit to the Planning Commission a to-scale rendering which shows the dimensions of the zoning lot, setbacks of all structures on the lot, the proposed location of the fencing, the proposed parking arrangement, and any other features relevant to the application for special land use approval.

11. Communication Towers

a) PURPOSE

The purpose of this section is to accommodate the need for communication while protecting the public health, safety, and welfare.

b) COMMUNICATION TOWER PROVISIONS

1. Co-location.

- a. In order to discourage the proliferation of communication towers, shared use of structure is both permitted and encouraged. New tower applications shall not be favorable considered unless the applicant substantially demonstrates that no existing or approved towers can accommodate the planned telecommunications equipment.
- b. The application shall include documentation regarding the availability of any existing or approved communications towers within the transmission area that may meet the needs of the applicant. The documentation shall be provided by a qualified and licensed engineer and shall evaluate the following factors:

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- 1) Structural capacity of the existing or approved tower and ability of existing or approved tower to be reinforced, modified, or replaced to accommodate planned equipment at a reasonable cost;
 - 2) Geographic service area requirements;
 - 3) Mechanical or electrical incompatibilities;
 - 4) Other limitations that precluded the location of the proposed telecommunications equipment upon an existing or approved tower.
- c. Any proposed tower shall be designed and constructed to accommodate future co-location by a minimum of two (2) additional users. A letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use shall be provided.
 - d. The placement of telecommunications equipment on roofs, walls, existing towers, and other structures may be approved by the reviewing body, provided the equipment meets the provisions of this Section, after submittal of a site plan and a report prepared by a qualified and licensed engineer indicating the existing structure or tower's suitability to accept the situation.
2. Tower spacing.

Minimum spacing between tower locations shall be one (1) mile in order to prevent a concentration of towers in a single area. This spacing requirement shall not be limited to the boundaries of the Village where the subject roadway extends beyond the Village boundaries.

3. Setbacks.
 - a. A tower shall be set back a minimum of 500 feet from any dwelling, 500 feet from any road right-of-way, and 300 feet from any shoreline of any lake, pond, or stream.
 - b. A tower shall be setback from all property lines a distance at least equal to its height. The height of the tower shall be determined by measuring the vertical distance from the tower's point of contact with the ground to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the height shall be considered with the combined height of the structure and tower.

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- c. A tower shall not be located between a principal structure and a public street, with the following exceptions:
 - 1) Towers may be placed within a side yard abutting an internal industrial street within an industrial district.
 - 2) Towers may be placed within a side yard abutting a local street on sides adjacent to public streets on all sides.
 - 3) A tower's setback may be reduced or its location to a public street varied by the reviewing body to allow the integration of a tower into an existing or proposed structure, such as a church steeple, utility pole, power line support device, or other similar structure. Any variation shall be approved through a finding by the reviewing body that the deviation meets the purpose of this section.
 - d. A tower shall be located on the site so as to minimize its visibility from the public right-of-way and residentially-zoned property.
4. Lighting. Towers shall not be illuminated by artificial means and shall not display strobe lights unless the FAA or other federal or state authority for a particular tower requires such lighting.
 5. Signs and Advertising. The use of any portion of a tower for signs other than warning or equipment information is prohibited.
 6. Accessory buildings.
 - a) All buildings and structures accessory to a tower shall be located on the site to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district.
 - b) Accessory buildings and structures shall not exceed 720 square feet of gross building area.
 7. Site access/parking.
 - a) All driveways serving as ingress and egress to the site shall comply with Fire Department accessibility standards.
 - b) A minimum of one (1) parking space shall be provided.
 8. Fencing/screening.

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- a) Security fencing of at least six (6) feet in height (unless required otherwise) shall be required to prevent access to the tower, accessory building/structure, or guyed wires.
 - b) All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
 - c) Ground mounted equipment and accessory buildings and structures may be required to be screened from view by suitable vegetation. Landscaping at the site shall be consistent with the character of the area.
9. Abandonment of unused towers (or portions of towers). All abandoned or unused towers or portions of towers and associated facilities shall be removed within three (3) months of being abandoned. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed within three (3) months of cessation of operations at the site, the tower and associated facilities may be removed by the Village of Richland and the costs of removal assessed against the property.
10. Additional application requirements. In addition to site plan review information required by Section, application for towers shall include the following:
- a) Tower plans and a report from a qualified and licensed engineer which:
 - 1) describes the tower height and design, including a cross section and elevation;
 - 2) documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distance between antennas;
 - 3) describes the tower's capacity, including the number and type of antennas/equipment that it can accommodate;
 - 4) includes an engineer's stamp and registration number;
 - 5) indicates that the proposed tower complies with regulations administered by the Federal Communications Commission and the Federal Aviation Administration; and

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- 6) includes information necessary to allow determination of compliance with Building Code, Electrical Code, and other applicable ordinances.

12. Earth Removal, Quarrying, Gravel Processing, Mining and Related Commercial Mineral Extraction Businesses

Earth removal, quarrying, gravel processing, mining and related commercial mineral extraction businesses shall be recognized as a special land use and controlled by the guidelines thereof and the standards established by law. Such operations shall be allowed as a special land use in all zoning districts. Before a special land use permit shall be granted, the Planning Commission shall be satisfied that the following conditions and limitations are, or shall be, strictly complied with, in addition to any other requirements contained within the Village of Richland Zoning Ordinance or in any other Village Ordinance controlling such operations.

a) Location

1. All such operations shall be located on a primary road, as defined by the Kalamazoo County Road Commission or Village of Richland, for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes.
2. Sufficient setbacks shall be provided from all property lines and public roads to assure adequate lateral support for adjacent public and private property. No such excavation operation shall be permitted closer than 150 feet to interior boundary lines of the property or such larger setback as may be required by the Planning Commission to adequately protect adjoining properties. However, if the adjoining property is also used for such excavation operation, then the Planning Commission may reduce or eliminate the required setback from that interior boundary line. In addition, such setback may be temporarily reduced to 50 feet if reclamation of the land is promptly affected to increase the setback to at least 150 feet in accordance with the reclamation plan approved by the Commission and adequate lateral support as set forth is at all times maintained.
3. No such excavation operation shall be permitted within 50 feet of adjoining public rights-of-way except for the lowering of land adjoining said rights-of-way to the grade level of said rights-of-way. Such excavation operations shall at no time be allowed where adequate lateral support for the maintenance of adjoining lands is not maintained.
4. The permanent processing plant and its accessory structures shall not be located closer than 100 feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower

level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to the digging or excavating apparatus and to the stockpiling or loading of materials and to the location of transportation equipment.

5. No such excavation operation shall be located within 100 feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, or such state commission having jurisdiction thereof. No such excavation operation shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.

b) Screening

1. Screening shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth.

c) Nuisance Abatement

1. Noise and vibration shall be minimized in their effect upon adjacent property by the use of modern equipment designed to accomplish such minimization and by proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment. The operation shall at all times comply with noise level limitations set forth by the Village of Richland.
2. Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.
3. The operation shall be restricted to the hours of 7:00 a.m. until 7:00 p.m. The Planning Commission may permit operations beyond these time periods if the nature of the operation requires longer hours and the effect upon adjacent properties is minimized to an acceptable level appropriate for such extended hours of operations.
4. All dangerous excavation, pit, or pond areas shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others, and shall be eliminated as expeditiously as possible.

d) Reclamation of Excavated Areas

1. Reclamation and rehabilitation of excavated areas shall be accomplished as soon as practicable following the excavation of an area. Reclamation and rehabilitation shall be commenced immediately upon the termination of the excavation operations in any area consisting of one (1) acre or more. Substantial completion of reclamation and rehabilitation shall be affected within one (1) year after termination of excavation activity. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of excavation activity.
2. The following standards shall control reclamation and rehabilitation:
 - a. All excavation shall be either to a water-producing depth of not less than five (5) feet below the average summer ground water table in the excavation, or shall be graded or back-filled with non-hazardous, non-flammable, and non-combustible solids to insure:
 - that the excavated area shall not collect stagnant water and not permit the same to remain therein; or,
 - that the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
 - b. The banks of all excavations shall be sloped to the water line in a water-producing excavation at a slope which shall not be steeper than one (1) foot vertical to four (4) feet horizontal, and to the pit floor in a dry operation at a slope which shall not be steeper than one (1) foot vertical and three (3) feet horizontal.
 - c. Topsoil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one (1) year period. Where used, topsoil shall be applied to a minimum depth of four (4) inches to support vegetation.
 - d. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetation cover on the land surface and to minimize erosion.
 - e. Upon cessation of excavation activity by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the

zoning district in which they will be located under such plan may be retained.

3. A performance bond, cash, or bank letter of credit shall be furnished to the Village Clerk insuring the proper reclamation and rehabilitation of the excavated areas prior to the commencement of any such excavating operations. The amount of the guarantee shall be not less than \$3000 per acre proposed to be excavated in the following 12 months' period and which has previously been excavated during any preceding period and not reclaimed and rehabilitated in accordance with this Ordinance and the applicant's filed plan. Excavated areas resulting in a water depth of five (5) feet or more shall be deemed to be reclaimed areas to within 15 feet of any vertical shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade of not more than one (1) foot vertical to four (4) feet horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed by the Village annually on or about the anniversary date of the excavation permit for adjustment and compliance with the foregoing requirements. In no event shall such financial guarantee be less than \$3000 in amount.

e) Submission of Operational and Reclamation Plans

1. No earth removal, quarrying, gravel processing, mining, or related commercial mineral extraction business shall be allowed or commenced until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions of this Ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:
 - a. A contour map of the tract of land involved in the operations, including dimensions of the same, access to abutting public streets, and whether or not the same are 'all weather' roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property.
 - b. The number of acres and the location of same proposed to be operated upon within the following 12-month period after commencement of operations.
 - c. The type of excavation and/or processing proposed to be conducted and the nature of the equipment to be used.
 - d. The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
 - e. In the event excavation or activities are to be conducted closer than 150 feet from the boundaries of the site, soil borings shall be made on the perimeter of the excavation site of sufficient number to disclose

whether conditions exist satisfactory for lateral support of adjacent premises as determined by the Village Engineer. The written consent of the Planning Commission shall be required if mining operations shall be closer than specified in this ordinance to the boundaries of the site. Such written consent shall only be granted if the Planning Commission determines in its absolute discretion that the requested operation will not have a material adverse impact upon adjacent properties. Such written consent may be made subject to such reasonable conditions and limitations as the Planning Commission deems appropriate.

- f. A map or plan disclosing the final grades and elevations to be established following the completion of the excavation activity, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed excavation activities.

f) Hearing

1. After receiving an application for a grant of a special land use permit for an earth removal, quarrying, gravel processing, mining, or related commercial mineral extraction business accompanied by the required plan and specifications and permit fees, the Planning Commission shall hold a public hearing upon such application in the same manner as set forth in Sections 9.92 and 9.93 of this Ordinance pertaining to special land uses. Following such hearing, the Planning Commission shall recommend approval, disapproval, or approval with conditions and set forth its reasons for its decision. Such decisions shall be based upon the general criteria set forth in Section 9.93 of this Ordinance, as well as consideration of the following:
 - a. The most advantageous use of the land, resources and property.
 - b. The character of the area in question and its peculiar suitability, if any, for particular uses.
 - c. Conservation of property values, as well as natural resources and the general and appropriate trend and character of development in the subject area.
 - d. The protection and preservation of the general health, safety, and welfare of the Village.
 - e. The scarcity or value of the resources sought to be processed as compared with the effect upon the adjacent community of the proposed operations.

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- f. Whether or not the operations were previously in existence prior to the adoption of the text provision concerning the same and the extent and character of such previous operations.
 - g. The extent and character of any existing permitted uses or nonconforming uses on the site.

In making any decision, the Planning Commission shall have the right and authority, as set forth in Section 9.94 of this Ordinance, to impose additional conditions and limitations with respect to the proposed special land use.

The special land use permit shall be subject to final approval by the Village Council.

g) **Liability Insurance**

All parties receiving a special land use permit hereunder shall be required to carry personal injury and property damage insurance while any un-reclaimed or un-rehabilitated area exists, in the amount of not less than five hundred thousand dollars for each person or property injured or damaged and not less than one million dollars for injury or damage to more than one person or one person's property arising out of an occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. The Planning Commission shall have the authority to increase this minimum liability insurance requirement at the time of considering the special land use permit if the Planning Commission determines that, because of unusual characteristics concerning the nature or location of the proposed operation, additional minimum liability insurance is necessary to adequately protect persons and property on or near the site of the operation. A copy of the insurance policy shall be filed with the Village Clerk prior to the issuance of a special land use permit hereunder. The deductible written into the insurance policy shall not exceed five (5) percent of the per incident limit of the liability of the policy. The coverage obtained by the owner/operator to fulfill the requirements of this Section shall include the provision that the insurer shall notify the Village Clerk in writing at least 30 days before lapse or cancellation of the insurance for any reason.

13. **Planned Unit Developments**

a) **PURPOSE**

To permit greater flexibility in the regulation of land and encourage creative and imaginative design in development through the use of planned unit development legislation, as authorized by the Michigan Zoning Act (Public Act 110 of 2006, as amended), in order to achieve the following:

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1. Innovation in land use and variety in design, layout, and type of structures constructed;
 2. Provision of a harmonious mixture of housing choices with the integration of commercial and community facilities and recreational opportunities;
 3. Efficient provision of public services, utilities, and transportation facilities;
 4. Safe and convenient vehicular and non-motorized access throughout the development;
 5. Greater protection and preservation of natural resources and natural features than associated with conventional development;
 6. Provision of useful and desirable open space as an integral part of the development;
 7. Compatibility of design and use between neighboring properties.
 8. Functional connectivity with the Village Center.

These planned unit development regulations are intended to result in land use development that is substantially consistent with the zoning requirements as generally applied to the proposed uses, yet allow for specific modifications to facilitate an improved quality of development. These regulations are not intended as a devise for circumventing the more specific standards and requirements of this Ordinance, nor the planning concepts upon which the Zoning Ordinance has been based.

b) SCOPE

A planned unit development shall be recognized as a special land use and controlled by the guidelines thereof. Such developments shall be allowed as a special land use within the “R-1”, “R-2”, “R-3”, “O-1”, “O-2”, “C-1”, and “C-2” zoning districts.

Under these provisions, the clustering of dwellings shall be permitted either through the platting procedures of the Land Division Act (Public Act 591 of 1996, as amended, and Public Act 288 of 1967, as amended) or through the Condominium Act (Public Act 59 of 1978, as amended.)

c) PLANNED UNIT DEVELOPMENT PROVISIONS

1. *Minimum Area:* The minimum size of a planned unit development shall be 20 acres of contiguous land.

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2. *Permitted Uses:* Planned unit developments are restricted to one (1) or more of the following uses regardless of the zoning classification in which the development is located:
 - a. Single-family, two-family, and multiple family dwellings, including uses and buildings accessory thereto.
 - b. Nonresidential uses of an educational, cultural, recreational, office or commercial character, including uses and buildings accessory thereto, which uses are an integral part of a residential development, logically oriented to and coordinated with the planned unit development.

 3. *Density Requirements:* Within any planned unit development approved under this Section, the requirements set forth below shall apply in determining the permitted density of development:
 - a. The overall density of the residential uses within a planned unit development shall be determined by dividing the planned unit development area (total parcel area less land area deemed unbuildable due to wetlands or natural features, less ten percent (10%) of the parcel total for roads/infrastructure) by the minimum residential lot area per dwelling unit required by the zoning district in which the development is located.
 - b. For purposes of this Section, the minimum residential lot area per dwelling unit for the “C-1” and “C-2” zoning district shall be deemed equal to the minimum residential lot area per dwelling unit for multiple family dwellings set forth in Article 10.
 - c. In the event the development lies in more than one (1) zoning district, the number of dwelling units shall be computed for each zoning district separately.
 - d. The total density of all phases developed prior to completion of the project shall not exceed five (5) dwelling units per acre.
 - e. Nonresidential uses permitted by Section 9.96 12.c), including related access roads and parking areas, shall not occupy more than 20 percent of the planned unit development area.
 - f. Nonresidential uses or a building devoted primarily to a nonresidential use shall not be established prior to the completion of construction of 40 percent of the dwelling units within the planned unit development.

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4. *Dimensional Requirements:* Except for minimum lot area, frontage, and width requirements, all Zoning Ordinance dimensional requirements for the underlying zoning district shall apply, unless specifically modified by the Planning Commission.

To encourage flexibility and creativity consistent with the purposes of the planned unit development concept, the Planning Commission may grant specific deviations from the dimensional requirements set forth in the Zoning Ordinance. Any dimensional deviation shall be approved through a finding by the Planning Commission that the deviation meets the purpose of the planned unit development set forth in Section 9.96 12.a). Such a dimensional deviation is not subject to variance approval by the Zoning Board of Appeals.

5. *Open Space Requirements:* Within any planned unit development there shall be designated an amount of open space not less than 15 percent of the total planned unit development parcel size, subject to the following standards:
- a. Designated open space shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, agricultural use, recreation, visual impact, and access.
 - b. Designated open space shall be located so as to be visible and accessible to all residents of the development, preserve natural features, buffer adjacent uses, and/or connect open spaces throughout the development.
 - c. All designated open space within a planned unit development shall be contiguous with the rest of the planned unit development.
 - d. Any significant and/or sensitive environmental resources shall be included within the designated open space; the following land areas shall not be included as designated open space for purposes of meeting minimum open space requirements:
 - 1) area proposed as a single-family lot;
 - 2) residential yards or required building setbacks areas for any use;
 - 3) the area of any road right-of-way or private road easement;
 - 4) parking and loading areas;
 - 5) storm water detention/retention basins, unless designed to appear as a natural wetland.
 - e. Structures or buildings which are accessory to the designated open space may be permitted and shall be erected only in accord with the approved site plan.

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- f. Designated open space shall be set aside through an irrevocable conveyance approved by the Planning Commission, such as recorded deed restrictions; covenants that run perpetually with the land; a conservation easement; or land trust.

Such conveyance shall assure that the open space is protected from development, except as approved by the Planning Commission. Such conveyance shall also:

- indicate the proposed allowable uses(s) of the designated open space;
 - require that the designated open space be maintained by parties who have an ownership interest in the open space;
 - provide standards for scheduled maintenance of the open space;
 - provide for maintenance to be undertaken by the Village in the event that the designated open space is inadequately maintained, or is determined by the Village to be a nuisance, with the assessment of the costs for maintenance upon the open space ownership.
- g. Designated open space shall be under common ownership or control, such that there is a single entity having proprietary responsibility. Sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions shall be provided.

6. *Design Requirements:*

- a. *Access:* A planned unit development shall have direct access onto a public road.

More than one (1) access point onto the public road network shall be considered if a traffic study is provided that demonstrates overall traffic operations and safety will be improved.

- b. *Interior Street System:* The planned unit development shall be serviced by an interior street system. No use within the planned unit development shall front or gain direct access from an off-site road network. Interior streets may be public and/or private subject to Planning Commission approval.

Public streets shall be constructed to the standards of and dedicated to the Village of Richland. Private streets shall be constructed to Village of Richland standards and subject to the pavement and easement widths as indicated below.

All private two-way interior streets within a planned unit development shall have a paved driving surface with a minimum width of 24 feet, exclusive of parking area, and a minimum easement width of 66 feet. All private one-way interior streets within a planned unit development shall have a paved driving surface with a minimum width of 15 feet, exclusive of parking area, and a minimum easement width of 66 feet. The paved driving surface shall be located in approximately the center of the required easement.

Where adjoining areas are not subdivided, the arrangement of streets within the planned unit development shall be required to be extended to the property line of the project to make provision for the future projection of streets into adjoining areas.

- c. *Parking:* To encourage a true integration of mixed uses and improved efficiency in land use, an overlap in the parking requirements may be permitted between uses that have alternating peak parking demands.
- d. *Sidewalks:* Sidewalks shall be required to make provision for improved pedestrian access and circulation within the planned unit development and with adjoining areas.
- e. *Utilities:* Public water and sanitary sewer facilities shall be provided as part of the planned unit development.

All utilities, including telephone, electric, and cable television, shall be placed underground.

- f. *Street Lighting:* Street lighting shall be designed so that light from the illuminated source is so shaded, shielded or directed that the light intensity or brightness will not be reasonably objectionable to surrounding areas and to avoid light spillover onto any adjacent premises.
- g. *Storm Water Management:* The design of storm water management systems within the planned unit development shall seek to protect the natural environment, retain the natural retention and storage capacity of any wetland or water body, and not increase flooding or pollute surface or groundwater, on-site or off-site.
- h. *Screening:* Screening shall be required along the planned unit development boundaries if determined to be necessary to minimize any adverse impacts upon or from properties which are not within the development.

Screening shall be accomplished through the siting of land uses, maximizing existing screens or land cover, and/or providing new natural screens and/or open space buffers where appropriate.

- i. *Natural Features*: The planned unit development shall be designed to promote the preservation of natural features.

d) PROCEDURAL GUIDELINES

1. *Application Requirements*: The application for approval of a planned unit development shall be made according to the procedures for Special Land Uses set forth in Section 9.92 and the planned unit development guidelines set forth in Section 9.96 12.
2. *Effect of Approval*: After a site plan has been approved and construction of any part thereof commenced, no other type of development will be allowed on the site without further approval by the Planning Commission after proceedings conducted as in the original application.
3. *Conformity to Approved Plan*: Property which is the subject of approval for a planned unit development must be developed in strict compliance with the approved special land use permit and site plan. If construction and development do not conform to same, the approval thereof shall be forthwith revoked by the Village. Upon revocation of such approval, all further construction activities shall cease upon the site other than for the purpose of correcting the violation.
4. *Amendment to Approved Plan*: A proposed amendment or modification to a previously approved site plan for a planned unit development shall be submitted for review in the same manner as the original application.
5. *Project Phasing*: When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and residents of the surrounding area.

Each phase of the development shall be commenced within one (1) year of the schedule set forth on the approved plan. If construction of any phase is not commenced within the approved time period, approval of the site plan shall become null and void.

6. *Performance Bond*: The Planning Commission may require that a performance bond, bank letter of credit, or cash bond in such amounts as may be determined be deposited with the Village to ensure completion of

the site in accordance with the approved plans. The bond shall be for the purpose of securing the health, safety, and welfare of Village residents and adjacent property owners.

Such bond or bank letter of credit, if required, shall be set at a minimum of 100% of the cost of the unfinished work for which the bond was required. The Village shall provide for the rebate of any cash bond filed in reasonable proportion to the ratio of the work completed, provided the amount remaining on deposit still provides reasonable security for the completion of the unfinished improvements related to the deposit.

7. *Development Agreement*: No building permit shall be issued for the development and no construction activity commenced within the planned unit development until an affidavit containing the legal description of the planned unit development; the date and terms of the final approval; and a declaration that all improvements will be carried out in accordance with the approved planned unit development is recorded with the Register of Deeds for Kalamazoo County.

All required public dedications for streets, utility easements or other public facilities, and deed restrictions shall be filed with the Village and recorded at the Register of Deeds.

8. *Revocation*: In any case where construction of the planned unit development has not commenced within one (1) year of the date of the final approval, all approvals shall be null and void.

e) PRELIMINARY APPROVAL PROCESS

1. *Pre-Application Meeting*: An applicant desiring to submit an application for a planned unit development is encouraged to attend a pre-application meeting with the Planning Commission. The purpose of the pre-application meeting is to determine general compliance with the planned unit development eligibility and design requirements, and to identify issues of significance regarding the proposed application.

The applicant shall present the following information on the proposed planned unit development for a pre-application meeting:

- a. Sketch plan of the proposed layout;
- b. Accurate legal description of the development site;
- c. Names and addresses of all current owners of the development site;
- d. Total project acreage;
- e. Number of acres to be developed by use;
- f. Number of acres of undeveloped land;
- g. Number of acres of designated open space;

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- h. Number and type of residential units;
 - i. Details of nonresidential use;
 - j. Details of vehicular and pedestrian circulation system;
 - k. Location and details of known natural features.

- 2. *Preliminary Plan Review:* A planned unit development shall undergo a mandatory preliminary plan review by the Planning Commission. The review is intended to provide an indication of the issues and concerns that must be resolved prior to site plan review.

Preliminary plan approval shall not constitute an approval of a detailed site plan but shall be deemed an expression of approval of the layout as a guide to the preparation of the site plan. A request for a modification to the approved preliminary plan shall be submitted for review in the same manner as the original preliminary plan was submitted and reviewed.

- 3. *Preliminary Plan Requirements:* Engineering details of a preliminary plan are not required to be developed beyond a level of detail required to determine the feasibility of the proposed layout. The preliminary plan, drawn to a reasonable scale, shall provide the following information:

- a. Boundaries of the planned unit development;
- b. General location map showing existing zoning, existing land use, and ownership of the planned unit development and all adjacent land;
- c. Topography of the site and its relationship to adjoining land;
- d. Location of existing streets adjacent to the planned unit development; proposed connection of existing streets with proposed planned unit development circulation system;
- e. Pedestrian and vehicular circulation system and related parking facilities proposed within the planned unit development;
- f. Delineation of proposed residential and nonresidential areas indicating for each area its size, number and composition of buildings, dwelling unit density, building envelopes, height and orientation of buildings;
- g. Designated open space system and recreation areas;
- h. Proposed landscaping, including greenbelts, berms, and/or screening;
- i. Storm water drainage system;
- j. Public facilities.

The following documentation shall accompany the preliminary plan:

- a. Name, address and telephone number of:
 - 1) All persons with an ownership interest in the land on which the planned unit development will be located together with a description of the nature of each entity's interest;

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- 2) All engineers, attorneys, architects or registered land surveyors associated with the planned unit development;
 - 3) The developer or proprietor of the planned unit development;
 - 4) Any person authorized to represent the owner in the review process.
- b. Accurate legal description of the planned unit development;
 - c. Total acreage of the planned unit development;
 - d. Number and type of units to be developed;
 - e. General statement as to how open space and recreation areas are to be owned and maintained;
 - f. General indication of the proposed sequence and approximate timeframes of development phases;
 - g. A narrative describing how the planned unit development is consistent with the Village Land Use Plan and the purposes of a planned unit development; the capacity and availability of necessary public facilities to the development; and the impact the development will have on adjoining properties.
4. *Additional Information:* During the preliminary plan review process, the Planning Commission may require additional information they determine is reasonably necessary to demonstrate compliance with the planned unit development review standards. Such information may include, but not be limited to, hydrological tests, traffic studies, or wetland determinations.

f) FINAL APPROVAL PROCESS

1. *Special Land Use Permit/Site Plan Review:* The Planning Commission shall hold a public hearing on a planned unit development application in accordance with the Special Land Use provisions of Public Act 110, as amended, and the Special Land Use provisions set forth in Section 9.9.

A planned unit development shall be subject to site plan review by the Planning Commission. The detailed site plan shall conform to the approved preliminary plan and incorporate any revisions or recommendations made by the Planning Commission at the preliminary plan review.

A planned unit development shall be subject to final approval by the Village Council.

If a detailed site plan is not submitted for review within six (6) months of preliminary plan approval, the Planning Commission may require resubmission of the preliminary plan for further review and possible revision.

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2. *Site Plan Requirements:* The following information shall be included on, or attached to, all site plans:
 - a. An update of the approved preliminary plan pursuant to the site plan informational requirements set forth in Section 9.974;
 - b. Engineering plans presented in sufficient detail to indicate compliance with Village standards regarding street design/construction, paved areas, storm water drainage;
 - c. Easements, deed restrictions, and other documents pertaining to the designated open space system and recreation areas;
 - d. If condominium ownership is proposed, all documentation required by the condominium regulations of the Village. (Article 11)

 3. *Review Criteria:* Approval of a planned unit development shall be determined on the basis of the Special Land Use criteria set forth in Section 9.93, the Site Plan Review criteria set forth in Section 9.976, as well as the following criteria:
 - a. The overall design and land uses proposed in connection with a planned unit development shall be consistent with the purpose of the planned unit development concept and the specific design standards set forth herein.
 - b. The proposed planned unit development shall be serviced by the necessary public facilities to ensure the public health, safety, and welfare of the residents and users of the development.
 - c. The proposed planned unit development shall be designed to minimize the impact of traffic generated by the development on the surrounding land uses and road network.
 - d. The proposed planned unit development shall be designed so as to be in character with surrounding conditions as they relate to bulk and location of structures, pedestrian and vehicular circulation, landscaping, and amenities.
 - e. The proposed planned unit development shall be designed and constructed so as to preserve the integrity of the existing on- and off-site sensitive and natural environments, including wetlands, woodlands, hillsides, water bodies, and groundwater resources.
 - f. The designated open space shall be of functional value as it relates to opportunities for wildlife habitat, woodland preservation, agricultural use, recreation, visual impact, and access.

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- g. The proposed planned unit development shall comply with all applicable Federal, State, and local regulations.

9.97 SITE PLAN REVIEW

9.971 PURPOSE

The intent of this ordinance is to provide for consultation and cooperation between the land developer and the Planning Commission in order that the developer may accomplish his objectives in the utilization of his land in accordance with the regulations of this zoning ordinance and with minimum adverse effects on the use of adjacent streets and on existing and future land uses in the immediate area and vicinity.

9.972 DEVELOPMENTS REQUIRING SITE PLAN REVIEW

The following uses shall not be conducted upon any land or in any building/structure, nor shall a building permit be issued for the construction or alteration of a building/structure associated with such uses, until a sealed site plan has been reviewed and approved by the Planning Commission in accordance with the provisions of this Ordinance pertaining to site plans:

- a) multiple-family dwellings;
- b) mobile home parks;
- c) office, commercial, and industrial buildings/developments;
- d) churches;
- e) public buildings;
- f) special land uses, excluding home occupations;
- g) planned unit developments, including site condominium projects.
- h) Exception: this site plan review requirement may be waived for projects involving remodeling of existing buildings which 1) comply with all Zoning Ordinance requirements; 2) involve no new or additional means of access from adjoining streets; 3) do not involve a change in the use of the property; and 4) do not involve a change in exterior dimensions of existing buildings, as determined by the Building Inspector and Zoning Official.

9.973 SKETCH PLAN REVIEW

Preliminary sketches of proposed site and development plans may be submitted for review to the Planning Commission without further consideration of approval. The purpose of such procedure is to allow discussion between the developer and the Planning Commission as to site, building and general requirements, to allow the developer to become acquainted with proper procedure, and to investigate the feasibility of the project prior to extensive engineering and/or design costs for final site plan approval.

All Sketch Plans shall include as a minimum:

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- a) The name and address of the applicant or developer, including the names and addresses of all officers of a corporation or members of a partnership.
 - b) A legal description of the property.
 - c) Sketch drawings showing tentative site and development plans.

The Planning Commission and Village of Richland shall not be bound by any tentative approval given to a Sketch Plan.

9.974 APPLICATION PROCEDURE

- a) Fee: A review fee, as determined by resolution of the Village Council, will be paid by the applicant to cover the cost of processing the site plan.
- b) Application: Three (3) copies of the application for site plan review shall be completed and filed with the Clerk's office.
- c) Site Plan: Twelve (12) copies of the site plan shall be submitted to the Clerk's office. Each copy shall contain the following information:
 - 1. An appropriate descriptive legend, date, north arrow, name and address of the individual or firm preparing the plan, date of preparation, and scale; the scale shall be no greater than one (1) inch equals 20 feet nor smaller than one (1) inch equals 200 feet and of such accuracy that the plan can be readily interpreted.
 - 2. A vicinity map showing the location of the site in relation to the surrounding street system.
 - 3. Identification of the subject property by lot lines and location, including dimensions, angles, and size, correlated with the legal description of the property.
 - 4. The topography at not less than two (2) foot contour intervals and all natural features, including wood lots, streams, rivers, lakes, drains, wetlands, soils, and similar features.
 - 5. Existing and proposed manmade features on, and within 100 feet of the site, such as buildings, structures, high tension towers, pipe lines, existing utilities such as water and sewer lines, private systems, location and type of drainage, etc., excavations, bridges, culverts, public and private rights-of-way and easements, and existing uses and zoning of adjacent property.

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6. The location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation to one another and to any existing structures on the site, the height of all buildings/structures, square footage of floor space, and building setback lines.
 7. Site plans for multiple family developments and planned unit developments shall include a density schedule showing the number of dwelling units per net acre and a dwelling schedule showing the type and number of each unit type. Site plans for site condominium projects shall show the location and dimensions of all site condominium units and site condominium common elements.
 8. Proposed streets, driveways, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size, and number of off-street parking spaces and the identification of service lanes, service parking, loading and unloading areas, and emergency vehicle accessibility.
 9. Proposed location, use, and size of open spaces and the location of any landscaping, screening, fences, walls, refuse disposal facilities, signs, and outdoor lighting. Any proposed alterations to the topography and other natural features shall be indicated.
 10. Any other information deemed necessary by the Planning Commission to consider the impact of the development upon adjacent properties, the general public, and the environment.
 11. The Planning Commission shall have the authority to waive some of the information requirements for the site plan set forth in Subsection c) above if they determine that the project is sufficiently minor in size or scope that the site plan information submitted is sufficient to determine compliance with the standards for site plan review set forth in Section 7.116 and the other requirements of this Ordinance.
 12. Twelve (12) copies of a fully completed State/County Environmental Permits Checklist. The purpose of the checklist shall be to assist applicants in identifying some possible state and county environmental permit requirements that may be applicable to the subject development.

9.975 ACTION ON SITE PLAN

The disposition of all site plans shall be the responsibility of the Planning Commission. The review procedure shall be as follows:

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- a) The Village Clerk shall transmit a copy of the completed application and site plan to the Chair of the Planning Commission who shall place in on the agenda.
 - b) The applicant will receive a written notice stating the date, time, and place that the application will be considered.
 - c) Approval or disapproval of the site plan shall be issued after review by the Planning Commission, however, within 60 days of receipt of the application and site plan.
 - d) All provisions of applicable ordinances must be met and any special conditions or requirements imposed by the Planning Commission must be incorporated into the plan before the issuance of a building permit.
 - e) Site plan approval shall be valid for one (1) year from the date of approval.

9.976 CRITERIA FOR SITE PLAN REVIEW

The site plan shall be approved by the Planning Commission upon a finding that:

- a) There is a proper relationship between existing streets within the vicinity and proposed service drives, driveways, and parking areas so as to ensure the safety and convenience of pedestrian and vehicular traffic.
- b) Any possible adverse effects resulting from the design or location of buildings and structures will be minimized to the occupants of adjacent properties and the neighborhood.
- c) That as many features of the landscape shall be retained as possible where they furnish a buffer for adjoining properties used for dissimilar purposes, assist in preserving the general appearance of the neighborhood, or help control erosion or the discharge of stormwater.
- d) The proposed use will be compatible with the surrounding neighborhood development. The provision for fencing, walls, and/or landscaping may be required as a screening device to minimize adverse effects upon surrounding development.
- e) The proper development of roads, easements, and public utilities has been provided to protect the general health, safety, and welfare to the community
- f) That all provisions of the ordinance have been complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.

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- g) That the plan as approved is consistent with the intent and purpose of zoning to protect the public health, safety, morals, and general welfare.

9.977 CONFORMITY TO APPROVED SITE PLAN

Property which is the subject of site plan approval must be developed in strict compliance with the approved plan and any amendments thereto which have received the approval of the Planning Commission. Approval of the site plan shall be valid for a period of one (1) year. No time extension to site plan approval will be granted. If a building permit has not been obtained and on-site development actually commenced within one (1) year of the date of approval, the site plan approval shall become void and a new application for approval required.

9.978 AMENDMENT TO SITE PLAN

A proposed amendment or modification to a previously approved site plan shall be submitted for review in accordance with the procedures of this section.

9.979 SITE PLAN REVIEW OF BUILDING/STRUCTURE EXPANSION, ENLARGEMENT, ETC.

For the expansion, enlargement, etc. of any use, building and/or any parking facility associated with such use and/or building, the following requirements shall apply:

- a) Where the applicant certifies that there will be no physical change in the contours of the parcel under construction other than that occasioned by such additions, data on existing and proposed contours shall not be required.
- b) Where the planned addition to an existing building/structure is both 1) less than 2000 square feet in area, and 2) has an area which is less than 20% of the principal area of the building to which the addition will be attached, the Planning Commission, may upon prior application and the submission of sufficient information, waive such requirements of the site plan as the Planning Commission in its discretion, deems appropriate.

9.980 PERFORMANCE BOND

- a) Ensure compliance with a zoning ordinance and conditions imposed at time of granting of the Site Plan Approval, the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Planning Commission, covering estimated costs of the improvements associated with a project for which the site plan approval is sought, be deposited with the clerk of the Village to ensure faithful completion of the improvements.



- b) The Planning Commission shall by resolution request the Village Clerk to rebate said cash deposit in reasonable proportion to the ratio of work completed on the required improvements as the work progresses. The amount of the rebate shall be determined from time to time at a regular or special meeting of the Planning Commission based upon evidence presented by the applicant and/or appropriate Village officials demonstrating the ratio of work completed on the required improvements.
- c) If any improvements are not constructed within the time limit established as part of the site plan approval or within any extension thereof, then the Planning Commission shall by resolution request the Village Council to take appropriate legal steps to insure completion using so much of the performance bond as is necessary for such purpose.
- d) As used herein, 'improvements' means those features and actions associated with a project which are considered necessary by the Planning Commission to protect natural resources, or the health, safety, and welfare of the residents of a village and future users or inhabitants of the proposed project or project areas, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project

ARTICLE 10 – SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS

<u>PRINCIPAL BUILDING/STRUCTURE</u>	R-1	R-2	R-3	R-4
Minimum Lot Frontage, Lot Width (Ft)				
Single-Family	110	100	----	----
Two-Family	----	110	110	----
Multiple-Family	----	----	100	----
Minimum Lot Area Per Dwelling Unit (Sq Ft)				
Single-Family	16,500	13,000	----	----
Two-Family	----	10,000	8,000	----
Multiple-Family	----	----	6 units/acre	----
Maximum Building/Structure Height (Ft)	35	35	35	----
Minimum Building/Structure Width (Ft)	24	24	24	----
Maximum Building Coverage of Lot (%)	15	20	30	----
Minimum Floor Area Per Dwelling Unit (Sq Ft)				
Single-Family	1,000	1,000	----	----
Two-Family	----	800	700	----
Multiple-Family	----	----	600	----
Minimum Front Yard Setback (Ft) 1/, 4/	35	35	35	----
Minimum Side Yard Setback (Ft) 2/, 4/	10	10	20	----
Minimum Rear Yard Setback (Ft) 4/	35	35	35	----

ACCESSORY BUILDINGS/STRUCTURES

	R-1	R-2	R-3	R-4
Maximum Building/Structure Height (Ft)	20	20	20	----
Maximum Building Coverage of Rear Yard (%)	25	25	25	----
Minimum Front Yard Setback (Ft) <i>See Sec. 9.4e</i>				
Minimum Side Yard Setback (Ft) 2/, 4/	10	10	10	----
Minimum Rear Yard Setback (Ft) 4/	5	5	5	----

PRINCIPAL BUILDINGS/STRUCTURES

	O-1	O-2	C-1	C-2	I-1	I-2
Minimum Lot Frontage, Lot Width (Ft)	100	100	None	None	150	150
Minimum Lot Area (Sq Ft)	10,000	10,000	None	None	50,000	50,000
Maximum Building/Structure Height (Ft)	35	35	35	35	35	35
Maximum Building Coverage of Lot (%)	30	60	80	80	30	30
Minimum Front Yard Setback (Ft) 1/, 4/	25	10	10	10	50	50
Minimum Side Yard Setback (Ft) 2/, 3/, 4/	10	5	5	5	25	25
Minimum Rear Yard Setback (Ft) 3/, 4/	25	20	20	20	25	25

ACCESSORY BUILDINGS/STRUCTURES

Maximum Building/Structure Height (Ft)	15	15	15	15	15	15
Maximum Building Coverage of Rear Yard (%)	5	5	10	10	10	10
Minimum Front Yard Setback (Ft) <i>See Sec. 9.4e</i>	----	----	----	----	----	----
Minimum Side Yard Setback (Ft) 2/, 3/, 4/	5	5	5	5	25	25
Minimum Rear Yard Setback (Ft) 3/, 4/	5	5	10	10	25	25

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- 1/ Where the majority of the frontage along one side of a street within 500 feet of a vacant lot has been built upon at the time of passage of this Ordinance, any building hereafter erected on said vacant lot shall not be setback less than the average setback of the improved frontage.
 - 2/ On corner lots, the minimum setback from the existing or proposed side street shall be equal to the front yard setback of the lot adjoining the rear of said corner lot. When the lot adjoining the rear of said corner lot does not front on the side street of the corner lot, the minimum setback from the side street shall not be less than 2/3 the front yard setback required for that district.
 - 3/ Any commercial or industrial use, or activity associated therewith, maintained upon land that is adjacent to a residential district shall be setback two (2) times that required within the district as specified above, or a minimum of 25 feet, whichever is greater, and be subject to the screening standards set forth in Section 9.6.
 - 4/ Where property abuts an existing or officially proposed major county street, state trunk line or expressway, the minimum front, side and/or rear yard setback(s) shall be increased so as to permit the following:
 - a) 100 ft right-of-way for a major county street
 - b) 120 ft right-of-way for state trunk lines
 - c) 300 ft right-of-way for expressways

ARTICLE 11 – SITE CONDOMINIUM PROJECT

11.1 SCOPE

This Section is intended to provide procedures and standards for the review and approval or disapproval of a proposed site condominium project, as defined by law and/or this Ordinance, within the Village of Richland. It is the intent of the Village that a proposed or existing site condominium project shall not be prohibited nor treated differently by any ordinance of this Village which would apply to that project or development under a different form of ownership. If there is a conflict between the provisions of this Section and any determined provision of the Condominium Act, Act 59 of the Public Acts of 1978, as amended, in which it is alleged or found that the provisions of this Section are more restrictive than the Condominium Act, the relevant provisions of the Condominium Act shall be substituted for and in the place and stead of the comparable provision of this Section as though fully set forth within this Section.

Except as otherwise provided by in this Section, the following words and phrases, as well as any words or phrases used in this Section which are specifically defined in the Condominium Act, shall conform to the means given to them in the Condominium Act: “common elements”; “condominium documents”; “condominium unit”; “contractible condominium”; “convertible area”; “expandable condominium”; “general common elements”; and “master deed”.

11.2 PLAN APPROVAL PROCESS

- a) *Project Plan Review:* A site condominium project shall undergo a plan review by the Planning Commission.
- b) *Application:* Application for project plan review shall be made by submitting to the Village Clerk the following:
 1. No less than ten (10) copies of a site condominium project plan which complies with the plan requirements set forth; and
 2. An application fee established and reviewed by resolution of the Village Council.
- c) *Additional Information:* In its review of the project plan, the Planning Commission may consult with or seek input of such Village officials, consultants, or other persons it desires. The Planning Commission may hold a public hearing to solicit public comment on the proposed project.
- d) *Criteria for Project Plan Review:* The site condominium project plan shall not receive approval unless each of the following requirements has been met:

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1. The site condominium project plan shall comply with the plan requirements set forth in Section 11.3 and the application fee paid to the Village Clerk.
 2. The site condominium project plan shall comply with all local ordinances, laws and regulations.
 3. The site condominium project shall be provided public streets developed in accordance with the minimum requirements for platted streets set forth by the Village of Richland.
 4. The site condominium project shall be connected to the water supply and sanitary sewer facilities provided by the Gull Lake Sewer and Water Authority. If public water and/or sanitary sewer service is not available, each site condominium unit shall either be served by a private central system, which provides connections to future public systems, or shall have a private water and/or sanitary sewer system located within each individual building site/condominium unit. Private water and sanitary sewer systems shall comply with the regulations of Kalamazoo County Health and Community Services.
 5. A four (4) foot wide concrete sidewalk located one (1) foot from the property line of the site condominium project and four (4) feet from the curb of the abutting public street shall be provided. Sidewalks shall be constructed in compliance with Village of Richland Sidewalk/Multi-Purpose Path Construction Standards. The location of the sidewalks within the site condominium project shall be subject to the review and approval of the Planning Commission.

11.3 PROJECT PLAN REQUIREMENTS

A site condominium project plan shall include the documents and information required by Section 66 of the Condominium Act and the site plan review requirements set forth in Section 9.97, as well any documents or information deemed necessary by the Planning Commission, and shall also include the following:

- a) A copy of the receipt for payment of application fees to the Village Clerk.
- b) A narrative describing the overall objectives of the proposed site condominium project.
- c) The proposed master deed for the proposed site condominium project.
- d) A storm drainage and storm management plan, including all lines, swales, drains, basins, and other facilities and easements granted to the appropriate

municipality for installation, repair and maintenance of all drainage facilities.

- e) A utility plan showing all water and sewer lines and easements granted to the appropriate municipality for installation, repair and maintenance of all utilities.
- f) A narrative describing the proposed method of providing potable water supply, waste disposal facilities, and public and private utilities.

11.4 PERFORMANCE BOND

As a condition of approval of the site condominium project plan, the Planning Commission may require a performance bond, bank letter of credit, or cash bond acceptable to the Village covering the estimated cost of improvement and to insure compliance with the conditions of approval and laws, ordinances and regulations.

11.5 CONFORMITY TO APPROVED PLAN

No buildings or structures shall be constructed nor shall any other improvements or changes be made on the property in connection with the site condominium project plan except as approved by the Planning Commission, including any conditions of approval.

11.6 AMENDMENT TO APPROVED PLAN

A proposed amendment or modification to a previously approved site condominium project plan shall be submitted for review in the same manner as the original application.

11.7 EXPANDABLE OR CONVERTIBLE SITE CONDOMINIUM PROJECTS

Approval of a final site condominium project plan shall not constitute approval of expandable or convertible portions of a site condominium project unless the expandable or convertible areas were specifically reviewed and approved by the Planning Commission in compliance with Section 9.97.

11.8 MASTER DEED

All provisions of a site condominium project plan which are approved by the Planning Commission as provided herein shall be incorporated, as approved, in the master deed and filed with the Kalamazoo County Register of Deeds for recording and shall be provided to the Village within ten (10) days after filing the plan with the County.

11.9 SUSPENSION/REVOCAATION

- a) In any case where construction of an approved site condominium project has not commenced within one (1) year from the date of the approval by the Planning Commission, all approvals shall be null and void.
- b) In the event of an emergency to the health, safety, or welfare of the residents of the Village of Richland, the Building Inspector or Zoning Administrator may suspend a permit granted and its operation for a period not to exceed five (5) days. Upon verbal or written notification of suspension, the developer, or his/her agents shall immediately cease and dismiss further activity in regard to the condominium project or take such remedial action as is directed by the Building Inspector or Zoning Official.
- c) Where a developer has not complied with any term or provision of the permit, the Village Council may revoke the permit after affording the developer the right to be heard. If the permit is revoked, the developer shall return the condominium project and real property upon which it is situated to the same condition, or, if permitted by the Village Council, a similar condition to when the condominium project was commenced. The bond referred to hereinbefore may be used in that regard. If the condominium project and real property upon which it is situated is not returned to the same or similar condition as before the condominium project was commenced, the Village Council may avail itself of any remedy permitted by law, including, but not limited to, instituting litigation, or returning the condominium project and real property to the same condition as before the condominium project was commenced and placing the costs thereof as a lien on the property to be collected in the same manner as real property taxes.
- d) A developer shall not transfer title to the condominium project in any form or manner without prior written approval of the Planning Commission. Transfer of title as set forth herein without prior written approval shall constitute a breach of the permit and shall be deemed automatically revoked.

ARTICLE 12 – AMENDMENT PROCEDURES

12.1 AMENDMENT PROCEDURES

- a) Such regulations, restrictions, and boundaries established by this Ordinance may from time to time be amended, supplemented, or repealed by the Village as provided by P.A. 110 of 2006.
- b) Requests for amendment of this Ordinance may be initiated by the Village Council on its own motion, by the Village Planning Commission on its own motion, or by petition of one or more persons. A petition by one or more persons for an amendment shall be submitted to the Village Clerk on a form provided therefore and shall be accompanied by a fee, to be determined by the Village Council, to cover administrative and publication costs.
- c) In reviewing an application for the rezoning of land, whether the application is made with or without an offer of conditions, factors that should be considered by the Planning Commission and Village Council include, but are not limited to, the following:
 - 1. Whether the rezoning is consistent with the policies and uses proposed for that area in the Village Master Plan;
 - 2. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;
 - 3. Whether any public services and facilities would be significantly adversely impacted by a development or use allowed under the requested rezoning; and
 - 4. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.

12.2 CONDITIONAL REZONING

- a) Intent

It is recognized that there are certain instances where it would be in the best interests of the Village, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405) by which an owner seeking a rezoning may voluntarily propose conditions

regarding the use and/or development of land as part of the rezoning request.

b) Application and Offer of Conditions

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions except as modified by the requirement of this Section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Village Council provided that, if such withdrawal occurs subsequent to the Planning Commission's

public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

c) Planning Commission Review

The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 12.1 of this Ordinance, may recommend approval, approval with recommended changes or disapproval of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

d) Village Council Review

After receipt of the Planning Commission's recommendation, the Village Council shall deliberate upon the requested rezoning and may approve or disapprove the conditional rezoning request. The Village Council's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 12.1 of this Ordinance. Should the Village Council consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Village Council may, in accordance with Section 401 of the Michigan Zoning Enabling Act (MCL 125.3401), refer such amendments to the Planning Commission for a report thereon within a time specified by the Village Council and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning, with or without amendments.

e) Approval

1. If the Village Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Village Council to accomplish the requested rezoning.
2. The Statement of Conditions shall:
 - a. Be in a form recordable with the Register of Deeds of Kalamazoo County or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Village Council.
 - b. Contain a legal description of the land to which it pertains.

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- c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit of Memorandum giving notice thereof may be recorded by the Village with the Register of Deeds with Kalamazoo County.
 - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning district along with a designation that the land was rezoned with a Statement of Conditions. The Village Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
 4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Village with the Register of Deeds of Kalamazoo County. The Village Council shall have the authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Village or to any subsequent owner of the land.
 5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.
- f) Compliance with Conditions
1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with

all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

g) Time Period for Establishing Development or Use

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Village Council if (1) it is demonstrated to the Village Council's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and (2) the Village Council finds that there has not been a change in circumstances that would render the current zoning with the Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

h) Reversion of Zoning

If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection g) above, then the land shall revert to its former zoning classification as set forth in MCL 125.286i. The reversion process shall be initiated by the Village Council requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

i) Subsequent Rezoning of Land

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection h) above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request,

the Village Clerk shall record with the Register of Deeds of Kalamazoo County a notice that the Statement of Conditions is no longer in effect.

j) Amendment of Conditions

1. During the time period for commencement of an approved development or use specified pursuant to Subsection g) above or during an extension thereof granted by the Village Council, the Village shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.
3. Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Village from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act.

k) Failure to Offer Conditions

The Village shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

ARTICLE 13 – EFFECTIVE DATE OF ORDINANCE

This Ordinance will become effective on April 25, 2010.

ARTICLE 14 – REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance adopted by the Richland Village Council and which became effective on December 3, 1979, and all amendments thereof, are hereby repealed effective coincident with the effective date of the adoption of this Ordinance.

