

300.000 - ZONING Ord. Eff. 1-1-2002 Effective: January 1, 2002

SECTION 1

300.100 - TITLE, PURPOSE, CONSTRUCTION OF LANGUAGE

300.101 - Title.

A. The Township of Richland, Kalamazoo County, Michigan, Ordains: That this ordinance shall be known as the "Richland Township Zoning Ordinance".

300.102 - Purpose.

B. This Ordinance has been established, pursuant to Act 110 of the Public Acts of 2006 of the State of Michigan, as it may from time to time be amended for the purpose of:

1. Protecting the health, safety and general welfare of the township and its residents; and
2. Protecting the character and stability of the Township through establishment of zoning districts which regulates the use and intensity of building through the creation of site development requirements; and
3. Establishing standards and conditions for non-conforming uses, special uses, and accessory uses; and
4. Providing for the means in which to administer and enforce the ordinance while promoting the Implementation of the Township Master Land Use Plan.

(Ord. No. 218, adopt. 7-11-2006)

300.103 - Definitions.

C. For the purpose of this ordinance, certain terms and words are herewith defined as follows: Words used in the present tense include the future; words used in the singular number include the plural, and words in the plural number include the singular; the word "subordinate building" includes the word "structure"; the word "shall" is mandatory and not directory. Any words not herein defined shall be construed as defined in the Housing Code of Michigan, Act 167, Public Acts of 1917, and the Amendments thereto.

Access Lot Beneficiary: The owner/occupant of a waterfront lot and any other person with a right of access to a waterway and/or use of a waterway through a waterfront lot, in whole or in part, by fee ownership, easement, lease, license, gift, business invitation, or any other written form of conveyance, dedication, permission or access/use rights. Members of the same family as defined under this Ordinance shall be collectively considered as one access lot beneficiary.

Access Management: A technique to improve or preserve traffic operations along a major roadway, and minimize potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from one another; and the promotion of alternatives to direct road access. Methods used include construction of frontage roads, service drives, shared driveways, and medians or islands to direct traffic flow and control ingress and/or egress.

Accessory Building: A subordinate building or portion of main building, the use of which is incidental to that of the main building. Such buildings do not include structures that are, or were originally, intended for other purposes, such as trailers or containers for transportation or/and storage purposes.

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.

Adult Day Care and Foster Care Facilities:

- A. *Adult Day Care Family Home:* A private home in which 1 but fewer than 7 adults are received for care and supervision for

compensation for periods of less than 24 hours a day, except adults related to an adult member of the family by blood, marriage, or adoption.

- B. *Adult Day Care Group Home*: A private home in which more than 6 but not more than 12 adults are given care and supervision for periods of less than 24 hours a day, except adults related to an adult member of the family by blood, marriage, or adoption.
- C. *Adult Foster Care Family Home*: A private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days per week and for 2 or more consecutive weeks. Such use is considered a permitted use in any district that permits single family dwellings, subject to state licensing requirements. This use shall also include the definition for a State Licensed Residential Facility; defined as a structure constructed for residential purposes that is licensed by the state under the adult foster care licensing act and provides residential services for 6 or fewer individuals under 24-hour supervision or care.
- D. *Adult Foster Care Small Group Home*: An adult foster care facility with the approved capacity to receive between 7 and 12 adults to be provided with foster care. Such use shall be established as a special exception use, subject to those same conditions and meet State licensing requirements.
- E. *Limited Residential Care Facilities*: Includes adult day care or foster care, including adult foster care large group homes between 13 to 20 adults, subject to statutory restrictions and State licensing requirements. Those may include nursing homes, assisted living facilities and senior housing for up to 20 people. It is anticipated that these facilities would operate 24 hours per day.
- F. *Full Residential Care Facilities*: Includes nursing homes, assisted living facilities and other congregate care and/or senior housing facilities for more than 20 adults. Such use shall include access to medical staff on a full-time or part-time basis. This definition shall include unlicensed residential facilities and those licensed by the State of Michigan. It does not include facilities providing treatment, such as substance abuse, or rehabilitation, such as halfway houses, or other uses regulated by the Department of Corrections.

Alternative Mounting Structure: A building or structure, other than a telecommunication tower, that may support the attachment of antennas for commercial telecommunication services. Such structures may include utility transmission poles, light poles, steeples, water towers or similar structures or buildings.

Animal: An organism, other than a human or plant that is characterized into one of the following three categories: 1) Domestic: This category includes those animals that have adapted well to human interaction, primarily excluding those utilized for production of food products. These would include those animals residing within the dwelling as pets, such as dogs, house cats, and certain types of other small domesticated animals (such as birds and reptiles), but generally excluding those listed in either the livestock or exotic categories. Such animals are deemed not to be a threat to humans, are nonpoisonous or not carriers of disease, are not likely to bite without provocation (or appropriately caged), and are in good health. 2) Livestock: This category includes those other domesticated animals that are primarily utilized for the production of food or are in the large animal category. These would include, but are not limited to, those animals that are presently listed under the classification of animal units associated with livestock operations. This includes cattle, swine, horses, sheep, goats, turkeys, chickens and ducks. 3) Exotic: This category includes all other animals but can be further differentiated as either being native or non-native. In Michigan, native animals may include those found in the wild throughout the State or within some small areas. Some of these animals may be endangered or on a protected list (cannot be hunted), while others may be subject to game laws with duration of the hunting season limited by the State of Michigan Department of Natural Resources. Non-native would include those not found in Michigan. This category of animal may be regulated through a general ordinance of the Township (NOTE: The State of Michigan has specific regulation for the importation of animals and may require an official interstate health certificate or a certificate of veterinary inspection issued by an accredited veterinarian from the state of origin).

Apartment House: See "Multiple Dwelling".

Automobile Trailer: A vehicle or structure adapted to or intended to be adapted to being attached to a motor vehicle for hauling on the highways, including self-propelled and non-self propelled vehicles or structures, and whether it has or has not wheels attached, or is or is not resting on a foundation.

Banquet Facility or Event Center: A commercial operation devoted to accommodations for the gathering of individuals or groups within an open setting, such as weddings, reunions, seminars or similar events.

Basement: That portion of a building that is below the first story, the ceiling of which is less than five feet above the surrounding ground elevation or where more than one-half of the height of the story is below the average ground line.

Bed and Breakfast Inn: A dwelling in which overnight lodging is provided to transient guests for compensation, including the provision that breakfast is included and served to only such overnight guests. A transient guest shall be one whose stay is no greater than one week (seven days) in duration during any 30-day period. The dwelling shall be the primary residence of the owner/operator of the Inn and no attached or detached accessory buildings shall be utilized for such operation unless specifically approved by the Planning Commission.

Billboard: (See Section 19.D)

Boarding House: A building, other than a hotel or motel, where lodging and/or meals for three or more, but less than ten persons are provided for compensation.

Boundaries of Districts: Where uncertainty exists with respect to the boundaries of the various districts herein described and shown on the maps accompanying and made a part of this ordinance, the following rules shall apply:

- A. The district boundaries are either streets or alleys unless otherwise described or shown, and where any designation on the maps accompanying and made a part of this ordinance indicating the various districts are not otherwise described and are approximately bounded by street or alley line, said street or alley line shall be construed to be the boundary of such district.
- B. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the designations on the maps accompanying and made a part of this ordinance indicating the various districts are approximately bounded by lot lines, said lot lines shall be construed to be the boundary of such district unless said boundaries are otherwise indicated by the ordinance.
- C. For property not platted, the district boundary lines on the maps accompanying and made a part of this ordinance shall be determined by use of the scale contained on such maps.
- D. In all other instances, when the district boundary cannot be determined by the Zoning Administrator based upon these rules, the Zoning Board of Appeals shall determine the boundary of the district.

Brewer, Micro-Brewer: Licensed in the State of Michigan to manufacture and/or sell beer, subject to restrictions on the on-premise and off-premise sale of product from approved locations. (Note: Definitions related to brewery, micro-brewery and brewpub subject to Michigan Department of Licensing and Regulatory Affairs, Liquor Control Commission.)

Building: A structure erected on site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

Building Height: The vertical distance measured from the established grade or average elevation of the building site to the highest point of the roof surface for a flat roof, to the deck line for a mansard roof and to the average height between eaves and ridge for a gable, hip or gambrel roof. No topographic alterations shall be made to increase this average elevation for purposes of such height calculation.

Child Day Care Facility:

- A. *Child Care Center:* A facility, other than a private residence, receiving one or more preschool or school-aged children for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child.

Child care Center or Day Care Center includes a facility that provides care for not less than 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, playground, or drop-in center. Such use shall be designated as a "child care center - limited" if it involves 20 minor children or less and a "child care center - full" if it involves more than 20 minor children.

- B. *Family Child Care Home*: A private home in which 1 but fewer than 7 minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.
- C. *Group Child Care Home*: A private home in which more than 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. Group child care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

Child Foster Care Facility:

- A. *Foster Family Home*: A private home in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian. Such use is considered a permitted use in any district that permits single family dwellings, subject to state licensing requirements.
- B. *Foster Family Group Home*: A private home in which more than 4 but not more than 7 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, are provided care for 24 hours per day, for more than 4 days per week, for 2 or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian.

Church, Outdoor: A place where services are held in the open and the audience is not confined within a building or similar closed structure.

Common Element: An unoccupied area within a site condominium or planned unit development which is reserved for the enjoyment of all residents (general) or by some residents (limited) and maintained by those residents through associations.

Comparison Plan: A detailed plan based upon the site development regulations within the underlying zoning district in which the project is located. Such plan shall adhere to the requirements for development within the Township's Subdivision/Site Condominium Ordinance, Land Division Ordinance and/or Zoning Ordinance, as applicable. Such plan shall include a wetland delineation, where applicable, and accurately calculate and define where stormwater facilities are to be located. The Planning Commission shall use this comparison plan for purposes of calculating allowable residential density for either a Planned Unit Development [excluding a PUD in the "B-1" or "B-2" zoning districts - See Section 18.03(4)e.iv(a)] or an Open Space Preservation project, within those listed zoning districts.

Condominium Unit: That portion of a condominium project or site condominium subdivision which is designed and intended for separate ownership and use, as described in a master deed, regardless of intended use. The owner of a condominium also owns a share of the common elements. The term "condominium unit" shall be considered the equivalent to the term "dwelling unit". Condominium units shall be designed and recorded under provisions of Public Act 59 of 1978, being the Condominium Act as amended.

Corridor Preservation: A means of coordinating transportation planning with land use planning and development. Its goal is to prohibit, or at least reduce, development in areas which are likely to be required to meet transportation needs in the future. Some of the areas are lands next to existing roadways which may be used for highway expansion; areas which might be needed to construct entirely new routes for urban bypasses or to serve new neighborhoods or commercial developments; and land needed for bicycle, transit and pedestrian facilities.

Development Area: The area of the lot(s)/parcels(s) on which a development project is proposed, excluding that area devoted to existing wetlands or bodies of water.

Driveway: An access serving a single parcel from a public or private road. When a driveway extends more than 200 feet from the public or private road it accesses, it shall be deemed an "extended length driveway". (See Extended Length Driveway)

Dwelling Unit: A building or self-contained portion thereof (i.e., separated internally from the remainder of the building by a wall, a door equipped with a lock, or other barrier) providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling, Single Family: A building containing not more than one dwelling unit (other than a Parent/Grandparent Accessory Apartment) designed for residential use, complying with the following standards:

- A. It complies with the minimum square footage requirements of this ordinance for the zone in which it is located.
- B. It has a core area at some place within the structure of at least 24 feet by 24 feet in size. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Township Building Code, then and in that event such federal or state standards or regulations shall apply.
- C. It is firmly attached to a permanent foundation constructed on the site in accordance with the Township Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall, in addition thereto, be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
- D. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
- E. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
- F. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10 percent of the square footage of the dwelling or 100 square feet, whichever shall be less. Furthermore, in the event that no garage or carport is built for any dwelling, an exterior storage building built of comparable materials to the dwelling shall be constructed at least 10 feet by 10 feet in size; such exterior storage building can be used in determining whether the above requirements for storage are met.
- G. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

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

located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard designed home.

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

Dwelling, Two Family: A building containing not more than two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth for the definition of Dwelling, Single Family.

Dwelling, Multiple Family: A building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set forth for the definition of Dwelling, Single Family.

Earth Sheltered Home: A dwelling in which at least 50 percent of the exterior vertical wall area is covered by earth and designed and intended to provide permanent finished living areas affording climatic, noise or life safety protection, which structure meets applicable building codes.

Essential Services: The term "essential services" means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of underground or overhead, gas, electrical, steam or water transmission or distribution system, collection, communication, supply or disposal system, including towers, structures, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, electric substations, gas regulator stations, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare of the people of Richland Township, Kalamazoo County, Michigan. This definition does not include towers or other buildings or structures intended specifically to service commercial wireless telecommunications such as cellular, personal communication services, specialized or enhanced mobile radio, paging and similar services.

Extended Length Driveway: An access serving a single parcel from a public or private road and extending more than 200 feet from the public or private road it accesses.

Family:

- A. *Traditional:* An individual or group of two or more persons related by blood, marriage or adoption, together with foster children and domestic household employees of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, non-profit housekeeping unit in a dwelling.
- B. *Functional:* A collective number of individuals domiciled together in one dwelling unit whose relationship is of a permanent and distinct domestic character, with a recognizable bond characteristic of a cohesive unit, and who are in fact cooking and living as a single non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, or other organization, which is not a recognized religious order. This

definition shall also not include any group of individuals whose domestic relationship is transitory, temporary or resort/seasonal in nature or character or whose association is essentially for convenience and economics, or for the limited duration of their education, training or similar determinate period of time.

Grade, Established: The pre-development grade of the property as measured at the established setback lines. Such grade may be used for establishing average elevation. (See Building, Height).

Ground Floor Area: That area of a residence, excluding any attached accessory building, that has more than one half (50%) of the area above the established grade.

High Water Line: The line between upland and bottomland that persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On an inland lake that has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high-water mark.

Hotel/Motel: A "hotel" or "motel" is a building containing ten or more rooming units used only for the accommodation of transients, with the exception of one dwelling unit for housing of management staff.

Joint Driveway: An access serving two parcels from a public or private road.

Kennel: Any lot or premises used for the boarding of four or more dogs, including those of the owner of the property.

Landscape: Use of natural materials or plantings to improve or alter the ground. May include "hardscape" improvements provided there is no ground alteration within the setback areas for outdoor living space.

Limited Oil Storage Tanks: Limited capacity, including oil, gasoline, naphtha and allied products, storage tanks shall be herein defined as storage tanks having a combined capacity of 20,000 gallons or less.

Lot: A parcel of land occupied or intended for occupancy for a use permitted in this ordinance. A lot shall meet the site development regulations for the district in which it is located unless it was a "Lot of Record" prior to the adoption of this ordinance and/or was approved through a variance granted by the Zoning Board of Appeals. A "site condominium unit" shall be considered the equivalent of a lot for purposes of meeting the site development regulations of this ordinance.

Lot, Corner: A lot with frontage on two streets or roads.

Lot Coverage: The maximum area, calculated as a percentage, of the total lot area that can be covered by buildings and structures. This coverage shall not include any other impervious surfaces, such as paved parking or driveways, unless specifically indicated for that district or for that specific use.

Lot Width: The horizontal distance between the side lot lines, measured at the two points where the minimum required roadside front yard setback line intersects the side lot lines.

Master Deed: The condominium document recording the condominium project as approved by the township which is attached as exhibits and incorporated by reference in the approved bylaws for the project and the approved condominium subdivision for the project.

Mixed Occupancy: In cases of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed for the purposes of this act and shall comply with the provisions thereof relative to dwellings.

Mobile Home: A mobile home is a structure designed for occupancy, for sleeping, eating and living therein, and so designed that it complies with the definition of "Dwelling, Single Family" or is located within an approved mobile home park.

Non-Conforming Structure: A building or structure lawfully existing on the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions of the Ordinance nor to the use regulations of the district which it is located.

Non-Conforming Use: A building or premises occupied by a use that does not conform to the regulations of the use district in which it is situated.

Off-Street Parking Space: A parking area not on any public street or right-of-way, having an all-weather surface, of at least ten feet in width and 20 feet in

length, exclusive of necessary driveways, aisles or maneuvering areas suitable for parking one motor vehicle adjacent or in close proximity to the use for which the parking is provided and having direct access to a public street.

Parent/Grandparent Accessory Apartment (PGAA): A portion of a single family dwelling ("principal dwelling") consisting of a separate dwelling unit occupied by a parent or grandparent of an occupant of the principal dwelling and/or a spouse or widow/widower of such parent or grandparent.

Patio: A solid surface outdoor living space built at ground level, or no more than 30" above the established grade, so that no safety railings are required.

Planned Unit Development (PUD): A PUD is a special exception use whereby the site meets the density requirements for the zoning district in which it is located, yet allows for flexibility in meeting either dimensional or use characteristics for that district.

Residential Care Facility: (See Adult or Child Care Facility.)

Private Road: An access serving three or more parcels from a public or another private road.

Riparian Access Lot: A type of waterfront lot providing for private or common (semi-private) access to a waterway for one or more access lot beneficiaries.

Roadside Stand: A permanent structure established for the sale of agricultural products and regulated as a special exception use. Tables or structures without permanent foundations used for the sale of products for less than 30 days shall not be deemed a roadside stand.

Rooming House: A "rooming house" under this ordinance shall be construed to mean any dwelling occupied in such a manner that certain rooms, in excess of those used by members of a traditional family, as defined in this ordinance, are leased or rented (for-profit) to persons outside of the family without accommodations for meals. In the case of single and two family dwellings the number of such rooms leased or rented to roomers shall not exceed two, unless such dwelling be made to comply in all respects with the provisions of this ordinance relating to Boarding Houses and located in a district permitting multiple family dwellings.

School, Public: A public institution providing for an accredited education and whose facilities are extended for use to the general public.

School, Private: A private institution providing parochial or cultural education and whose facilities are not available for use to the general public.

Setback: The required distance from the road right-of-way line or from the side lot line or rear lot line. The measurement shall be from the outermost permanent portion of the structure, including eavetroughs, porches, chimneys, protruding windows, overhangs and cantilevers and similar projections from the exterior wall of the structure, but excluding steps and planters.

Sign: (See Section 19.D)

Site Condominium Project: A plan or project consisting of not less than two single-family units or other development established in conformance with the Michigan Condominium Act (P.A. 59 of 1978, as amended).

Solar Energy System: Any part of a system that collects or stores solar energy for the purpose of transforming it into any other type of usable energy, including but not limited to the collection and transfer of heat created by solar energy to any other medium by any other means. The following categories of solar energy systems are as follows:

Building Integrated Photovoltaics (BIPV's): A Private or Commercial solar energy system that is integrated into the structure of a building, including materials such as solar roof tiles or shingles.

Commercial: A solar energy system where the principal design, purpose or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

Ground Mounted: A Private or Commercial solar energy system that is not attached to or mounted on any roof or exterior wall of any principal or accessory building.

Private: A solar energy system used exclusively for private purposes and not used for any commercial resale of energy, except for the sale of any surplus energy back to the electric grid.

Roof or Building Mounted: A Private or Commercial solar energy system attached to or mounted on any roof or exterior wall of any principal or accessory building, excluding Building Integrated Photovoltaics (BIPV's).

Stable: The keeping of horses for board or for hire.

Story: Ten feet of side-wall construction as measured from the average natural grade or from the ceiling of any lower floor, which is above the natural grade, but excluding the eaves and roof of any building. A "story" as defined herein, as it applies to an "earth sheltered home", need not be at or above the average natural grade.

Street: A public thoroughfare or road right-of-way.

Structure: Anything constructed, assembled or erected the use of which requires location on the ground or attachment to something having location on or in the ground, and shall include tanks, towers, advertising devices, bins, tents, lunch wagons, trailers, dining cars, camp cars, antennas, TV "dishes" 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.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, excepting such alterations as may be required for the safety of the building.

Subdivision Control Ordinance: An ordinance approved by the Township Board that establishes the process for layout, design and approval of plats within the Township. Where that ordinance does not specifically address standards, the Zoning Ordinance regulations shall be adhered to.

Swimming Pool: Any structure that contains water over 24 inches in depth and which is used, or intended to be used, for swimming or recreational bathing.

(Commercial) Telecommunications Services: Licensed commercial (wireless) telecommunications services including cellular, personal communications services, specialized or enhanced mobile radio, paging and similar services that are marketed to the general public.

Tents: Any structure primarily of canvas, paper, cardboard, building board, cloth, rubber or like type of materials which is being used or intended to be used for either temporary or permanent living quarters.

Theater, Indoor: Any building the use of which is for the express purpose of exhibiting motion pictures or presentation of entertainment for an audience contained within said building.

Theater, Outdoor: A place where the showing or exhibiting of motion pictures and other entertainment is conducted whereby the audience is located out of doors.

Tower: Any ground or roof mounted pole, spire, structure or combination thereof exceeding a height of 15 feet, including support lines, cables, wires, braces and masts intended primarily for the purpose of mounting an antenna, meteorological device, or similar device above grade.

Veterinary Hospital: Hospital operated for the care of animals under the supervision of a Doctor of Veterinary Medicine, which hospital may also include the boarding of dogs, cats and small animals.

Waterfront Lot: Any lot or parcel of land, whether or not improved, and whether or not platted, any portion of which:

- (1) Abuts the shoreline of any waterway; or
- (2) Abuts a promenade, walkway, or other property which itself abuts the shoreline of any waterway and which provides access and/or use rights to the waterway.

Waterway: A natural or man-made lake, river, stream, channel, pond equal or greater than two acres, or other natural or artificial watercourse.

Wine Maker, Brandy Manufacturer, Manufacturer of Spirits and Distilleries: Licensed in the State of Michigan to manufacture and/or sell wine or spirits, subject to restrictions on the on-premise and off-premise sale of product from approved locations. (Note: Definitions related to wine maker, small wine maker and manufacturer of brandy or spirits subject to Department of Licensing and Affairs, Liquor Control Commission.)

Yard: An open space area on the same lot as the principal building and further described as follows:

Front Yard: A yard extending the full width of the lot or parcel, the depth of which is the minimum horizontal distance between the front lot line and the line established by the principal building.

Side Yard: A yard extending between the principal building and the side lot line and between the front yard and the rear yard. For corner lots, a front side yard shall be established that extends from the front yard to the lot line.

Rear Yard: A yard extending the full width of the lot or parcel, the depth of which is the minimum horizontal distance from the rear lot line and the line established by the principal building.

Waterfront: Considered a front yard, establishing two front yards for the lot. All accessory buildings or structures to be located in these front yards shall be subject to special exception use approval by the Planning Commission.

(Ord. No. 178, adopt. 6-4-2002; Ord. No. 179, adopt. 7-2-2002; Ord. No. 185, adopt. 11-12-2002; Ord. No. 188, adopt. 2-12-2003; Ord. No. 192, adopt. 6-3-2003; Ord. No. 206, adopt. 2-1-2005; Ord. No. 216, adopt. 4-11-2006; Ord. No. 220, adopt. 1-2-2007; Ord. No. 233, adopt. 7-7-2008; Ord. No. 238, §§ I, II, 5-18-2010; Ord. No. 246, § I, 1-17-2012; Ord. No. 252, adopt. 11-20-2012; Ord. No. 263, § 2, 3-15-2016; Ord. No. 264, § 1, 8-16-2016; Ord. No. 266, adopt. 6-20-2017; Ord. No. 270, adopt. 9-18-2018; Ord. No. 276, § 1, adopt. 7-16-2019; Ord. No. 279, § 1, adopt. 1-21-2020)

SECTION 2

300.200 - USE DISTRICT REGULATIONS AND BOUNDARIES

300.201 - Districts.

A. In order to regulate and restrict the locations of uses and the location of buildings or structures erected or altered to provide for such uses, the Township of Richland shall be divided into the following "Use Districts":

"R/OS" Recreation/Open Space District (Section 3)

"AB" Agricultural Business District (Section 3A)

"A-1" Agricultural/Residential District (Section 4)

"A" Single Family Residential District (Section 5)

"A-2" Single and Two Family Residential District (Section 6)

"B-1" Multiple Family/Office District (Section 7)

"B-2" Mobile Home Park District (Section 8)

"C" Office/Retail District (Section 9)

"C-1" Local Business District (Section 10)

"C-2" Highway Business District (Section 11)

"D" Regional Commercial District (Section 12)

"D-1" Commercial/Industrial District (Section 13)

"E" Industrial District (Section 14)

"CP" Corridor Preservation Overlay District (Section 14A)

"OSP" Open Space Preservation Overlay District (Section 14B)

"RP" Research Park District (Section 15)

Except as herein provided no building shall be erected or altered, nor shall any building or premises be used for any purpose other than as permitted in the Use District in which such building or premises is located.

(Ord. No. 185, adopt. 11-12-2002)

300.202 - Boundaries.

B. The boundaries of such districts shall be determined by calculation (scale) as presented on the "Official Zoning Map of Richland Township. The Zoning Administrator shall determine the boundary, with any dispute related to the map or district boundary resolved by the Zoning Board of Appeals.

SECTION 3

300.300 - "R/OS" RECREATION/OPEN SPACE DISTRICT

300.301 - Statement of purpose.

A. The Recreation/Open Space District is composed of lands within the Township which possess unique, natural or man-made resources which should be preserved or protected for the benefit of existing and future residents. Such land is zoned for open space use in order to retain areas in the Township for such uses as parks, recreational or educational pursuits, and historical or natural resource preservation. Residential development shall be considered secondary or incidental to the primary intent of recreation or open space preservation, with such use limited to residential development within a planned unit development.

300.302 - Permissible uses.

- B.
1. Public parks, schools, playgrounds or other recreational or educational facilities which preserve open space and/or provide recreational opportunities for the public benefit.
 2. Historic or natural resource areas that should be preserved due to their historic significance or need for environmental protection.
 3. Libraries, cemeteries, auditoriums and other public facilities that support community needs, provide informational resources, or enhance civic and cultural opportunities.

300.303 - Special exception uses.

C. (See Section 18 [300.1800]/General Standards and Specific Conditions).

1. Churches, parochial and private schools and other semi-public or educational facilities which preserve open space and/or provide recreational or cultural opportunities for area residents.
2. Private recreational facilities, including game preserves, golf courses, campgrounds or other uses which provide recreational opportunities while preserving natural and open space areas.
3. Single family dwellings only within a planned unit development, where flexible site design is needed in order to preserve natural resources and protect natural watershed and drainage areas. The intent is to allow single family development as incidental to the primary recreation or open space use, with less than 50 percent of the total land area devoted for residential purposes and not more than ten percent of the total land area occupied by structures.
4. Parent/Grandparent Accessory Apartment (see definition).

(Ord. No. 216, adopt. 4-11-2006)

300.304 - Site development regulations.

D. (See Table - Section 16 [300.1600]) The following regulations shall only apply to parcels that are utilized for building development. Open space areas preserved for trails (walkways, bikepaths, etc.), as greenbelts between zoning districts or as buffers adjoining bodies of water shall not be required to meet these dimensional standards.

1. *Lot area*: The minimum lot area shall be five acres.
2. *Lot width*: The minimum lot width shall be 300 feet.
3. *Lot coverage*: The maximum lot coverage shall be ten percent.
4. *Minimum floor area*: The minimum floor area shall be 1,000 square feet for single family dwellings, churches or other buildings excluding those individual buildings within a park setting.
5. *Yard requirements*: The minimum front, side and rear yard setbacks shall be 50 feet. (See Section 16 [300.1600] (Footnote ***) as to Waterway Setback Requirements for Dwellings and Other Principal Buildings.)
6. *Height*: The maximum height of any building or structure shall be 25 feet.

(Ord. No. 198, adopt. 12-2-2003)

SECTION 3A

300.300A - "AB" AGRICULTURAL BUSINESS DISTRICT

300.301A - Statement of purpose.

A. The purpose of this district is to provide for limited areas within the Township where more intensive, business related agricultural activities may occur. As traditional agricultural areas have been impacted by the encroachment of residential uses, more intensive agricultural uses have become incompatible. In addition, many of the existing agricultural uses have expanded or diversified in a manner that increases this incompatibility, resulting in the need to separate these uses. This can be accomplished through this unique district with increased site development standards, such as lot area and setbacks from other residential development areas.

300.302A - Permissible uses.

B.

1. General farming and agricultural activities, including, but not limited to, the raising and growing of crops, livestock, poultry and other farm animals, products and foodstuffs, subject to meeting the State of Michigan's Department of

Agriculture's Generally Accepted Agricultural Management Practices (GAAMP's).

2. Single family dwelling, provided the parcel meets the site development requirements for the district and the owner or resident has a relationship (relative or employee) with the agricultural operation or other permitted use.
3. Family child care home.
4. Foster family home.
5. Adult day care family home.
6. Adult foster care family home.
7. An accessory building or structure.

(Ord. No. 246, § II, 1-17-2012; Ord. No. 270, adopt. 9-18-2018)

300.303A - Special exception uses.

C. (See Section 18 [300.1800]/General Standards and Specific Conditions)

1. Kennel (for the boarding of domesticated animals).
2. Earth removal, quarrying, gravel processing, mining and related mineral extraction commercial operations.
3. Private airport or landing strip.
4. Home occupation.
5. Reserved for future use.
6. Reserved for future use.
6. High density animal feeding (intensive livestock) operations, in accordance with and subject to the waste management requirements and the Generally Accepted Agricultural Management Practices (GAAMPs) of the State of Michigan.
7. Veterinary clinic, animal hospital or similar facilities for the care of animals.
8. Greenhouses and nurseries including the retail sale of plants, shrubs or trees.
9. Farm machinery, sales and service provided no non-farm machinery or vehicles are sold or serviced on premises.
10. Feed or seed dealership provided the use is secondary to the primary agricultural operation.
11. Agri-tainment or similar uses linking agricultural or horticultural products (produced on the land) with educational or entertainment pursuits.
12. Riding academies or stables for the raising or keeping of horses.
13. Parent/Grandparent Accessory Apartment (see definition).
14. Group child care home.
15. Foster family group home.
16. Adult day care group home.
17. Adult foster care small group home.

(Ord. No. 216, adopt. 4-11-2006; Ord. No. 227, adopt. 2-5-2008; Ord. No. 246, § III, 1-17-2012; Ord. No. 264, § 2, 8-16-2016; Ord. No. 270, adopt. 9-18-2018)

300.304A - Site development regulations.

D.

1. *Lot Area*: No building or structure shall be established on any lot less than 40 acres.
2. *Lot Width*: The minimum lot width, measured at the road frontage, shall be not less than 660 feet.
3. *Lot Coverage*: The maximum lot coverage shall not exceed ten percent.

4. *Yard Setbacks:*

- a) *Front Yard:* Not less than 75 feet from the right-of-way line. (See Section 16 [300.1600] (Footnote ***) as to Waterway Setback Requirements for Dwellings and Other Principal Buildings.)
 - b) *Side Yard:* Least width of any side yard shall be 50 feet.
 - c) *Rear Yard:* Not less than 50 feet.
 - d) No building or structure shall be located within 100 feet of any existing residence on an adjacent parcel.
 - e) The above requirements shall apply to all buildings and structures, but shall allow for the fencing of pasture or cropland along the parcel boundary.
5. *Height:* The maximum height for structures not otherwise regulated or exempt shall be 40 feet.
6. *Minimum Floor Area:* The minimum floor area for a single family dwelling shall be 1,000 square feet. For two story dwellings, the minimum floor area of the first floor shall be at least 600 square feet.

(Ord. No. 198, adopt. 12-2-2003)

SECTION 4

300.400 - "A-1" AGRICULTURAL/RESIDENTIAL DISTRICT

300.401 - Statement of purpose.

A. The Agricultural/Residential District is composed of lands within the township that support continued agricultural production on large parcels of land. In addition, some transition to larger lot single family development is anticipated, with such development typically served by private water (well) and wastewater (septic) systems.

300.402 - Permissible uses.

- B.
1. Single Family Dwelling.
 2. Farming and related agricultural activities, excluding agricultural uses specifically identified as special exception uses within the "AB" Agricultural Business District. Any agricultural use shall be subject to meeting the State of Michigan Department of Agriculture's Generally Accepted Agricultural Management Practices (GAAMPS).
 3. Essential Services.
 4. Family child care home.
 5. Foster family home.
 6. Adult day care family home.
 7. Adult foster care family home.
 8. Accessory buildings and uses.

(Ord. No. 188, adopt. 2-12-2003; Ord. No. 246, § IV, 1-17-2012; Ord. No. 264, § 3A, 8-16-2016)

300.403 - Special exception uses.

C. (See Section 18 [300.1800]/General Standards and Specific Conditions)

1. Earth removal, quarrying, gravel processing, mining and related mineral extraction commercial operations.
2. Home occupations.
3. Telecommunication Towers, provided the site is located within 1,000 feet of any commercial or industrial zoning district.

4. Reserved.
5. Planned Unit Development.
6. Reserved.
7. Parent/Grandparent Accessory Apartment (see definition).
8. Bed and Breakfast Inn.
9. Churches or non-profit facilities, providing for retreats for group or individual educational or counseling services or similar activities, subject to the following conditions:
 1. The minimum parcel size shall be forty (40) acres.
 2. No buildings shall be located within 200 feet of the boundary line of the facility, unless such building is a single family dwelling, in which case a 50-foot building setback shall be imposed.
 3. The development of residential facilities shall be subject to traditional review and approval as a plat, site condominium or similar layout, with any zoning deviations as part of an "OSP" Open Space Preservation or "PUD" Planned Unit Development project approval.
10. Group child care home.
11. Foster family group home.
12. Adult day care group home.
13. Adult foster care small group home.

(Ord. No. 216, adopt. 4-11-2006; Ord. No. 227, adopt. 2-5-2008; Ord. No. 238, § VIII, adopt. 5-18-2010; Ord. No. 241, § I, adopt. 3-15-2011; Ord. No. 246, § V, 1-17-2012; Ord. No. 264, § 3B, C, 8-16-2016)

300.404 - Site development regulations.

D.

1. *Lot Area*: The minimum lot area shall be one acre.
2. *Lot Width*: The minimum lot width shall be 165 feet.
3. *Height*: The maximum height for structures not otherwise regulated shall be 35 feet.
4. *Yard Setbacks*:
 - a) *Front Yard*: The front yard setback, as measured from the road right-of-way, shall be at least 50 feet. (See Section 16 [300.1600] (Footnote ***) as to Waterway Setback Requirements for Dwellings and Other Principal Buildings.)
 - b) *Side Yard*: Each side yard setback shall be at least 20 feet.
 - c) *Rear Yard*: The rear yard setback shall be at least 30 feet.
5. *Lot Coverage* : The maximum lot coverage shall not exceed 15 percent.
6. *Minimum Floor Area*: The minimum floor area for a single family dwelling shall be 1,000 square feet. For two story dwellings, the minimum floor area of the first floor shall be at least 600 square feet.

(Ord. No. 192, adopt. 6-3-2003; Ord. No. 198, adopt. 12-2-2003; Ord. No. 252, adopt. 11-20-2012; Ord. No. 264, § 3D, E, 8-16-2016; Ord. No. 265, § 1A, B, 11-15-2016)

SECTION 5

300.500 - "A" SINGLE FAMILY RESIDENTIAL DISTRICT

300.501 - Statement of purpose.

A. The Single Family Residential District is composed of lands within the Township which are devoted to single family development of a low density nature. Such development would include traditional plats or divisions of land with the density of development from one to two units per acre, depending upon connection to a public wastewater collection system.

300.502 - Permissible uses.

- B.
1. Single Family Dwelling.
 2. Municipally owned and operated buildings and facilities; schools, libraries, auditoriums or similar facilities of a public or quasi-public nature.
 3. Essential Services.
 4. Family child care home.
 5. Foster family home.
 6. Adult day care family home.
 7. Adult foster care family home.
 8. Accessory buildings and uses incidental to any of the above uses.

(Ord. No. 188, adopt. 2-12-2003; Ord. No. 246, § VI, 1-17-2012)

300.503 - Special exception uses.

C. (See Section 18 [300.1800]/General Standards and Specific Conditions)

1. Home occupations.
2. Planned Unit Development.
3. Parent/Grandparent Accessory Apartment (see definition).
4. Group child care home.
5. Foster family group home.
6. Adult day care group home.
7. Adult foster care small group home.

(Ord. No. 216, adopt. 4-11-2006; Ord. No. 246, § VII, 1-17-2012)

300.504 - Site development regulations.

- D.
1. *Lot Area*: The minimum lot area shall be 20,000 square feet where connected to a public wastewater system; 30,000 square feet for platted or site condominium developments not served by a public wastewater system; and one acre for unplatted lots not served by a public wastewater system.
 2. *Lot Width*: The minimum lot width shall be 100 feet where connected to a public wastewater system; 132 feet for platted or site condominium developments not served by a public wastewater system; 165 feet for unplatted lots not served by a public wastewater system.
 3. *Height*: The maximum height for structures not otherwise regulated shall be 35 feet.
 4. *Yard Setbacks*:
 - a) *Front Yard*: The front yard setback, as measured from the road right-of-way, shall be at least 50 feet. (See Section 16 [300.1600] (Footnote ***) as to Waterway Setback Requirements for Dwellings and Other Principal Buildings.)
 - b) *Side Yard*: Each side yard shall be at least ten feet.

- c) *Rear Yard*: The rear yard setback shall be at least 30 feet.
- 5. *Lot Coverage*: The maximum lot coverage shall not exceed 25 percent.
- 6. *Minimum Floor Area*: The minimum floor area shall be 1,000 square feet. For two story dwellings, the minimum floor area of the first floor shall be at least 600 square feet.

(Ord. No. 198, adopt. 12-2-2003)

SECTION 6

300.600 - "A-2" SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT

300.601 - Statement of purpose.

A. The Single and Two-Family Residential District is composed of lands within the Township which are devoted to single-family and two-family residential development of a low density nature. Permitted development would include traditional single family dwellings on smaller lots, with two-family "duplex" type development permitted as a special exception use. The overall density would be in the 2-3 units per acre range. Connection to a public wastewater collection system shall be required for new residential development within this district.

(Ord. No. 185, adopt. 11-12-2002)

300.602 - Permissible uses.

B.

1. Single family dwellings.
2. Municipally owned and operated buildings and facilities.
3. Essential services.
4. Family child care home.
5. Foster family home.
6. Adult day care family home.
7. Adult foster care family home.
8. Accessory buildings and uses.

(Ord. No. 185, adopt. 11-12-2002; Ord. No. 246, § VIII, 1-17-201)

300.603 - Special exception uses.

C.

(See Section 18 [300.1800]/General Standards and Specific Conditions)

1. Home Occupations.
2. Planned Unit Development.
3. Group Child Care Home.
4. Two Family Dwellings. (Subject to General Standards and Site Development Regulations).
5. Parent/Grandparent Accessory Apartment (see definition).
6. Foster Family Group Home.
7. Adult Day Care Group Home.

8. Adult Foster Care Small Group Home.

(Ord. No. 185, adopt. 11-12-2002; Ord. No. 216, adopt. 4-11-2006; Ord. No. 246, § IX, 1-17-2012)

300.604 - Site development regulations.

D.

1. *Lot Area.* The minimum lot area for single family dwellings shall be 13,200 square feet and for two family dwellings shall be 30,000 square feet.
2. *Lot Width.* The minimum lot width for single family dwellings shall be 100 feet and for two family dwellings shall be 150 feet.
3. *Height.* The maximum height for structures not otherwise regulated shall be 35 feet.
4. *Yard Setbacks.*
 - (a) *Front Yard.* The front yard setback, as measured from the road right-of-way, shall be at least 50 feet. (See Section 16 [300.1600] (Footnote ***) as to Waterway Setback Requirements for Dwellings and Other Principal Buildings.)
 - (b) *Side Yard:* Each side yard shall be at least ten feet.
 - (c) *Rear Yard.* The rear yard setback shall be at least 30 feet.
5. *Lot Coverage.* The maximum lot coverage shall not exceed 30 percent.
6. *Minimum Floor Area.* The minimum floor area shall be 800 square feet. For two story dwellings, the minimum floor area of the first floor shall be 600 square feet.

(Ord. No. 185, adopt. 11-12-2002; Ord. No. 198, adopt. 12-2-2003)

SECTION 7

300.700 - "B-1" MULTIPLE FAMILY/OFFICE DISTRICT

300.701 - Statement of purpose.

A. The Multiple Family/Office District is intended to provide a transition between medium density residential housing and less intensive commercial uses directed at a local or neighborhood markets. Areas planned for medium to high density residential, with supporting local commercial uses, would support uses within this zoning district, including apartments and office development.

300.702 - Permissible uses.

B.

1. Two Family Dwellings.
2. Multiple Family Dwellings.
3. Private clubs, fraternities, and lodges, where the use of the facilities is based upon membership and housing is of an accessory nature.
4. Accessory buildings and uses.
5. Essential services.
6. Offices, excluding retail businesses and stores.
7. Family child care home.
8. Group child care home, subject to the conditions for such use in Section 18.
9. Rooming Houses.

10. Boarding Houses.
11. Foster family home.
12. Foster family group home, subject to the conditions for such use in Section 18.
13. Adult day care family home.
14. Adult day care group home, subject to the conditions for such use in Section 18.
15. Adult foster care family home.
16. Adult foster care small group home, subject to the conditions for such use in Section 18.

(Ord. No. 246, § X, 1-17-2012)

300.703 - Special exception uses.

C. (See Section 18 [300.1800]/General Standards and Specific Conditions)

1. Home occupations.
2. Planned Unit Development.
3. Hospitals, medical clinics and other facilities providing human health services.
4. Limited Residential Care Facilities.
5. Mini-storage warehouse facilities, provided such use is contiguous to an existing multiple family development.

300.704 - Site development regulations.

D.

1. *Lot Area*: The minimum lot area shall be one acre, with this providing for no more than eight dwelling units.
2. *Lot Width*: The minimum lot width shall be 200 feet.
3. *Height*: The maximum height for structures not otherwise regulated shall be 35 feet.
4. *Yard Setbacks*:
 - a) *Front Yard*: The front yard setback, as measured from the road right-of-way, shall be at least 50 feet. (See Section 16 [300.1600] (Footnote ***) as to Waterway Setback Requirements for Dwellings and Other Principal Buildings.)
 - b) *Side Yard*: Each side yard shall be at least 20 feet.
 - c) *Rear Yard*: The rear yard setback shall be at least 30 feet.
5. *Lot Coverage*: The maximum lot coverage shall not exceed 30 percent.
6. *Minimum Floor Area*: The minimum floor area shall be 600 square feet per unit.

(Ord. No. 198, adopt. 12-2-2003)

SECTION 8

300.800 - "B-2" MOBILE HOME PARK DISTRICT

300.801 - Statement of purpose.

A. The primary intent of the "B-2" Mobile Home Park District is to provide for the development of mobile home parks consistent with the guidelines established below. As the only principal permissible use, mobile home parks shall be considered consistent with the Medium Density Residential designation within the Richland Township Land Use Plan. In addition to such mobile home parks, planned

unit development (PUD) is provided for as a special exception use, subject to conditions imposed within Section 18 of this Ordinance. Such provisions are intended to provide for alternative development of land within this zoning classification consistent with the intent of the Medium Density Residential designation within the Land Use Plan.

(Ord. No. 220, adopt. 1-2-2007)

300.802 - Permissible uses.

B. In the "B-2" Mobile Home Park District no building or premises shall be used and no building shall be hereafter erected or altered unless otherwise provided in this Ordinance, except for one or more of the following uses:

1. Mobile Home Parks subject to the following conditions and limitations:
 - a. All mobile homes shall comply with the requirements imposed by Michigan Public Act 96 of 1987 and any and all amendments thereto and with any and all regulations promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health, except as said Act and regulations may be modified by the provisions contained within this Ordinance.
 - b. Mobile home park developments shall not be less than 15 acres in size. This requirement shall not apply to expansions to lawfully existing mobile home parks.
 - c. Mobile home parks shall be landscaped as follows:
 1. If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development.
 2. If the park abuts a non-residential development, the park need not provide screening.
 3. In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.

The landscaping shall consist of evergreen trees or shrubs of minimum three feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the mobile home park as effectively as the required landscaping described above.

- d. All interior streets within a mobile home park shall be hard-surfaced in compliance with the standards of the American Association of State Highway and Transportation Officials (AASHTO), 1986 edition, adopted herein by reference. Two-way interior streets shall have a minimum width of 24 feet where no parallel parking is permitted; if parking is to be allowed on one side of the street, the minimum width shall be 31 feet; and if parking is to be allowed on two sides of the street, the minimum width shall be 41 feet.
- e. Two parking spaces shall be required for each mobile home site. Additionally, one visitor parking space shall be required for every three mobile home sites.
- f. Sidewalks, which meet the standards established in Rule 928 of the Michigan Mobile Home Commission Rules, and AASHTO standards shall be established along one side of all internal collector roads within the mobile home park and to the public right-of-way and to all service facilities including, but not limited to, central laundry, central parking and central recreation/park areas. Sidewalks shall also be required along that portion of a site fronting along public thoroughfares. Walks connecting the entrance of each mobile home to the balance of the park walk system shall be designed per Mobile Home Commission rules.
- g. The mobile home park shall be developed with sites of not less than 5,500 square feet per mobile home unit. This 5,500 square feet for any one site may be reduced by 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R125.1946, Rule 946 and R125.1941 and R125.1944, Rules 941 and 944 of the Michigan Administrative Code.
- h. All utilities, including cable television, installed in the mobile home park must be installed underground.

- i. The minimum distance allowed between those portions of adjoining mobile home units used for living purposes shall be
- j. Only one single family mobile home dwelling unit shall be allowed per mobile home site.
- k. Each mobile home established within the mobile home park shall be skirted. Skirting shall comply with the applicable specifications promulgated by the Michigan Mobile Home Commission and shall be installed within 90 days of the date the mobile home is sited.
- l. All mobile homes shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
- m. A mobile home park may have either (1) one identification sign having a maximum size of 32 square feet or (2) two identification signs, each having a maximum size of 16 square feet.
- n. Mobile homes, permanent buildings and facilities, and other structures within a mobile home park shall not be located closer than 20 feet from the side or rear property boundary lines of the mobile home park. If a greater setback is required under Rule 944(2) of the Michigan Mobile Home Commission Rules, then the greater setback requirement shall control.
- o. Internal road and parking lot lighting shall be installed in a mobile home park so as to permit the safe movement of vehicles and pedestrians at night. All lighting within a mobile home park shall be so located and shielded as to direct the light away from adjacent properties. All site lighting shall meet the requirements of the Michigan Mobile Home Commission Rules. Outdoor neon or flashing lighting shall be prohibited.
- p. The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home park is prohibited. New or used mobile homes located on lots within the mobile home park to be used and occupied within the mobile home park may be sold by a licensed dealer and/or broker. This Section shall not prohibit the sale of a new or used mobile home by a resident of the mobile home park provided the mobile home park permits the sale.
- q. Fire hydrants shall, unless prohibited by the Michigan Department of Public Health pursuant to Rule 1105(2) of the MDPH Administrative Rules promulgated under the Safe Drinking Water Act (1976 P.A. 399), be installed in all mobile home parks for which public water systems are available and shall be in compliance with the requirements of the applicable fire code regulations in effect at the time of permit application.
- r. A mobile home park must (1) have not less than 66 feet of frontage on a public road or (2) be served for ingress and egress purposes by a recorded easement having not less than 66 feet of frontage upon a public road.
- s. *Preliminary Plan Approval*
 - 1. Preliminary plans for all new mobile home parks or expansions to existing mobile home parks must be submitted to and approved by the Zoning Board of Appeals before construction may commence.
 - 2. *Optional Sketch Plan Review.* Preliminary sketches of proposed development plans may be submitted for review to the Zoning Board of Appeals prior to final approval. The purpose of such procedure is to allow discussion between a developer and the Zoning Board of Appeals to better inform the developer of the acceptability of his/her proposed plan prior to incurring extensive engineering and other costs which might be necessary for preliminary plan approval. Such sketch plans shall include at a minimum the following:
 - (a) The name and address of the applicant or developer, including the names and addresses of any officers of a corporation or partners of a partnership;
 - (b) A legal description of the property; and
 - (c) Sketch drawings showing tentative development plans.

The Zoning Board of Appeals shall not be bound by any tentative approval given at this time.

- 3. *Application Procedure.* Requests for preliminary plan review shall be made by filing with the Township Clerk the following:

- (a) A review fee as determined by resolution of the Township Board based upon the cost of processing the review a with the Township Clerk for public information.
 - (b) Seven copies of the completed application form for preliminary plan review which shall contain, at a minimum, the following:
 - (i) The name and address of the applicant;
 - (ii) The legal description of the subject parcel of land;
 - (iii) The area of the subject parcel of land stated in acres;
 - (iv) The present zoning classification of the subject parcel; and
 - (v) A general description of the proposed development.
 - (c) Seven copies of the proposed preliminary plan which shall include, at a minimum, the following:
 A scale drawing of the site and proposed development thereon, including the date, name and address of the preparer; existing manmade features; dimensions of setbacks; locations, heights and size of structures and other important features; dwelling unit density; location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including types of construction of those upon the site; any proposed curb cuts, driving lane, parking and loading areas; and any proposed rubbish disposal facilities; fences; landscaping; screening; and signs.
4. *Action on Application and Plans.*
- (a) Upon receipt of the application and plans, the Township Clerk shall record the date of the receipt thereof and transmit five copies thereof to the Chairman of the Zoning Board of Appeals; one copy to the Township Building and Zoning Inspector; and one copy to the Township Engineer.
 - (b) A hearing shall be scheduled by the Chairman of the Board of Appeals for a review of the application and plans as well as the recommendations of the Township Engineer and the Township Building and Zoning Inspector with regard thereto. Members of the Zoning Board of Appeals shall be delivered copies of the same prior to the hearing for their preliminary information and study.
 - (c) The applicant shall be notified of the date, time and place of the hearing on his/her application not less than three days prior to such date.
 - (d) Following the hearing, the Zoning Board of Appeals shall have the authority to approve, disapprove or to approve subject to certain modifications or conditions, the preliminary plan in accordance with the purpose of the preliminary plan review provisions of the Township Zoning Ordinance and criteria contained therein.
 - (e) Two copies of the approved preliminary plan with any required modifications thereon shall be maintained as part of the Township records for future review and enforcement. One copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Chairman of the Zoning Board of Appeals for identification of the finally approved plans. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variance shall also be filed with the Township records as a part of the preliminary plan and delivered to the applicant for his/her information and direction.
5. *Criteria for Review.* In reviewing the application and preliminary plan and acting upon the same, the Zoning Board of Appeals shall be governed by the following standards:
- (a) That the preliminary plan complies with all provisions of the Township Zoning Ordinance unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.
 - (b) That the preliminary plan conforms to all other applicable laws and Township Ordinances not in conflict with Michigan Public 96 of 1987, as amended, and the regulations promulgated thereunder.
6. *Conformity to Approved Preliminary Plan.* Property which is the subject of preliminary plan approval must be

developed in compliance with the approved preliminary plan and any amendments to the preliminary plan which have received the approval of the Zoning Board of Appeals.

7. *Amendment to Preliminary Plan.* A proposed amendment, modification or alteration to a previously approved preliminary plan shall be submitted to the Zoning Board of Appeals for review in the same manner as the original application was submitted and reviewed.

(Ord. No. 220, adopt. 1-2-2007)

300.803 - Special exception uses.

C.

1. Essential services.

(Ord. No. 220, adopt. 1-2-2007)

SECTION 9

300.900 - "C" OFFICE/RETAIL DISTRICT

300.901 - Statement of purpose.

A. The Office/Retail District is composed of lands within the township which are devoted to less intensive commercial uses more compatible with adjacent residential use. This may include uses that have traditional hours of operation, such as offices, or have intermittent or seasonal activity, including funeral parlors or nursery/greenhouse operations.

300.902 - Permissible uses.

B.

1. Retail sales including any business being primarily for the sale of goods or merchandise.
2. Barber shops, beauty salons or similar personal service establishments.
3. Funeral homes
4. Reserved.
5. Veterinary hospitals.
6. Essential services.
7. Offices.
8. Advertising agencies, photography studios, lithographing businesses and instant printing businesses.
9. Telecommunication Towers and Accessory Structures. (See Section 19 [300.1900]).
10. Limited Residential Care Facilities (Subject to Section 18 [300.1800] Requirements).
11. Child care center - limited.

(Ord. No. 246, § XI, 1-17-2012; Ord. No. 264, § 4A, 8-16-2016)

300.903 - Special exception uses.

C. (See Section 18 [300.1800]).

1. Earth removal, quarrying, gravel processing, mining and related mineral extraction commercial operations.
2. Small commercial warehouses, not exceeding 10,000 square feet in area, providing rental spaces or stalls for the public

where no outdoor storage is allowed. The Planning Commission shall review the site plan of the applicant and can provide for additional restrictions as may be necessary to protect adjoining properties and residents, including, but not limited to screening, size of buildings, setback areas, location of drives, location of parking areas and lighting.

3. Boat houses and/or storage facilities, providing the repair of any boats or watercraft is secondary or incidental to the primary storage use.
4. Full Residential Care Facilities.
5. Restaurants, including those of a drive-in or drive-through nature.
6. Banquet Facility or Event Center.

(Ord. No. 227, adopt. 2-5-2008; Ord. No. 276, § 10, adopt. 7-16-2019)

300.904 - Site development regulations.

D.

1. *Lot Area*: The minimum lot area shall be 20,000 square feet.
2. *Lot Width*: The minimum lot width shall be 100 feet.
3. *Height*: The maximum height for structures not otherwise regulated shall be 30 feet.
4. *Yard Setbacks*:
 - a) *Front Yard*: The front yard setback, as measured from the road right-of-way, shall be at least 50 feet. (See Section 16 [300.1600] (Footnote ***) as to Waterway Setback Requirements for Dwellings and Other Principal Buildings.)
 - b) *Side Yard*: Each side yard shall be at least 20 feet.
 - c) *Rear Yard*: The rear yard setback shall be at least 20 feet.
5. *Lot Coverage*: The maximum lot coverage shall not exceed 35 percent.

(Ord. No. 192, adopt. 6-3-2003; Ord. No. 198, adopt. 12-2-2003)

SECTION 10

300.1000 - "C-1" LOCAL BUSINESS DISTRICT

300.1001 - Statement of purpose.

A. The "C-1" Local Business District is composed of lands within the Township which are devoted to commercial services providing benefit primarily to local residents. Some uses are considered more intensive than those within the "C" District but consistent with the intent of the "Local Commercial Designation" in the Land Use Plan. The travelling public is better served when such uses are accessible from county or state roadways.

300.1002 - Permissible uses.

B.

1. Any use permitted in the "C" Office/Retail District.
2. Food services, including grocery, meat market, restaurant or similar use.
3. Equipment services, repair or similar use, but not including automotive repair.
4. Medical or dental clinics.
5. Telecommunication Towers and Accessory Structures (See Section 19 [300.1900]).
6. Churches or community facilities of a public or non-profit nature.

7. Banks or similar uses of a drive-through nature.

300.1003 - Special exception uses.

- C.
1. Any special exception use permitted in the "C" Office/Retail District
 2. Hotel or Motel.
 3. Gasoline service station and convenience store.
 4. New and used vehicle sales, farm machinery sales and repair services.
 5. Brewery, Micro-Brewery, Brewpub, Wine Maker and Spirit Manufacturing and Sales, subject to conditions under Section 300.1803 (18.C)
 6. Banquet Facility or Event Center.

(Ord. No. 266, adopt. 6-20-2017; Ord. No. 276, § 11, adopt. 7-16-2019)

300.1004 - Site development regulations.

- D.
1. *Lot Area*: The minimum lot area shall be 30,000 square feet.
 2. *Lot Width*: The minimum lot width shall be 165 feet.
 3. *Height*: The maximum height shall be 30 feet.
 4. *Yard Setbacks*:
 - a) *Front Yard*: The minimum front yard setback, as measured from the road right-of-way, shall be at least 50 feet. (See Section 16 [300.1600] (Footnote ***) as to Waterway Setback Requirements for Dwellings and Other Principal Buildings.)
 - b) *Side Yard*: The minimum side yard setback shall be at least 20 feet.
 - c) *Rear Yard*: The minimum rear yard setback shall be at least 30 feet.
 5. *Lot Coverage*: The maximum lot coverage shall not exceed 35 percent.

(Ord. No. 192, adopt. 6-3-2003; Ord. No. 198, adopt. 12-2-2003)

SECTION 11

300.1100 - "C-2" HIGHWAY BUSINESS DISTRICT

300.1101 - Statement of purpose.

A. The "C-2" Highway Business District is composed of lands within the Township which are devoted to commercial uses primarily supported by the travelling public. Such uses are intended to be accessed from a state roadway (M-89 or M-43) or from a service drive intersecting with such roadway. Larger lot sizes are required in order to support ingress and egress and expanded parking needs. Compatibility with the "Regional Commercial" designation within the Land Use Plan is intended.

300.1102 - Permissible uses.

- B.
1. Uses of a drive-in or drive-through nature, including banks and fast food restaurants.

2. Essential services.
3. Hotel or Motel.
4. Telecommunication Towers and Accessory Structures (See Section 19 [300.1900]).
5. Any use permitted in the "C-1" Local Business District.

300.1103 - Special exception uses.

C.

1. Earth removal, quarrying, gravel processing, mining and related mineral extraction commercial operations.
2. Gasoline Service station and convenience store.
3. New and used vehicle sales, farm machinery sales and repair services.
4. Mini-storage warehouse facilities, boat storage facilities or similar uses, provided no outdoor storage is allowed.
5. Places of amusement or recreation, including billiard halls, miniature golf courses, driving ranges, bowling alleys or similar uses.
6. Kennels.
7. Open air display of products or materials associated with a permitted or special exception use within this district.
8. Sales, storage and dispensing of liquefied petroleum (propane) gas for retail use subject to the following conditions:
 - A. The storage container and dispensing system shall be limited to a tank with a capacity of no more than 1,100 gallons and shall not be located within the front yard.
 - B. The location of the tank shall be setback no less than ten feet from any adjoining property line and screening may be required.
9. Full residential care facilities.
10. Brewery, Micro-Brewery, Brewpub, Wine Maker and Spirit Manufacturing and Sales, subject to conditions under Section 300.1803 (18.C.)
11. Banquet Facility or Event Center.

(Ord. No. 209, adopt. 5-10-2005; Ord. No. 227, adopt. 2-5-2008; Ord. No. 246, § XII, 1-17-2012; Ord. No. 266, adopt. 6-20-2017; Ord. No. 276, § 12, adopt. 7-16-2019)

300.1104 - Site development regulations.

D.

1. *Lot Area*: The minimum lot area shall be one acre.
2. *Lot Width*: The minimum lot width shall be 200 feet.
3. *Height*: The maximum height shall be 30 feet.
4. *Yard Setbacks*:
 - a) *Front Yard*: The minimum front yard setback, as measured from the road right-of-way line, shall be 50 feet. (See Section 16 [300.1600] (Footnote ***) as to Waterway Setback Requirements for Dwellings and Other Principal Buildings.)
 - b) *Side Yard*: The minimum side yard setback shall be 25 feet.
 - c) *Rear Yard*: The minimum rear yard setback shall be 40 feet.
5. *Lot Coverage*: The maximum lot coverage shall not exceed 30 percent.

(Ord. No. 198, adopt. 12-2-2003)

SECTION 12

300.1200 - "D" REGIONAL COMMERCIAL DISTRICT

300.1201 - Statement of purpose.

A. The Regional Commercial District is composed of lands within the Township which are devoted to more intensive commercial use, often developed in a coordinated manner such as a shopping center, strip mall or similar pattern. In addition, commercial services related to the construction industry, such as lumber yards or contractor's establishment, or other uses requiring larger parcels with outdoor storage, are permitted by special exception. Certain types of light industrial uses are also permitted by special exception where existing facilities may support such use and compatibility can be achieved based upon the imposition of conditions specific to that use and location.

(Ord. No. 192, adopt. 6-3-2003)

300.1202 - Permissible uses.

B.

1. Permissible uses in the "C-2" District, either stand-alone or within a planned shopping center.
2. Uses of a drive-in or drive-through nature, including banks and fast food restaurants.
3. Hotel or Motel.
4. Essential Services.
5. Movie theaters.
6. Restaurants.
7. Telecommunication Towers and Accessory Structures (See Section 19) [300.1900].
8. Limited residential care facilities.
9. Child care center - limited.

(Ord. No. 192, adopt. 6-3-2003; Ord. No. 246, § XIII, 1-17-2012; Ord. No. 264, § 4B, 8-16-2016)

300.1203 - Special exception uses.

C.

1. Any special exception uses permitted within the "C-2" District.
2. Contractors establishments, lumber yards or similar use provided any outdoor storage is screened by an opaque fence or transparent fence with landscape treatment.
3. Light industrial uses of the following types (see Section 18.C. [300.1803] 31.):
 - a. Machine shops, welding, pattern making, molding or similar business associated with custom work for other commercial or industrial uses.
 - b. Supply businesses to the construction industry including plumbing, electrical, painting, carpentry or similar business.
 - c. Printing, packaging, bottling and similar business where product is prepared for distribution.
 - d. Similar uses to those listed under a., b. and c. above.
4. Outdoor boat storage facilities accessory to a water recreational-related retail business on the same site and used to store boats and other items used for recreational purposes in connection with water, including swimming rafts and other non-inflatable flotation devices, watercraft trailers, docks, boatlifts and boat hoists, provided the outdoor storage

is adequately screened from adjoining roads and properties.

5. Brewery, Micro-Brewery, Brewpub, Wine Maker and Spirit Manufacturing and Sales, subject to conditions under Section 300.1803 (18.C.)
6. Banquet Facility or Event Center.

(Ord. No. 192, adopt. 6-3-2003; Ord. No. 198, adopt. 12-2-2003; Ord. No. 244, § I, 10-18-2011; Ord. No. 266, adopt. 6-20-2017; Ord. No. 276, § 13, adopt. 7-16-2019)

300.1204 - Site development regulations.

D.

1. *Lot Area*: The minimum lot area shall be two acres.
2. *Lot Width*: The minimum lot width shall be 200 feet.
3. *Height*: The maximum height shall be 40 feet.
4. *Yard Setbacks*:
 - a) *Front Yard*: The minimum front yard setback, as measured at the road right-of-way line, shall be 50 feet. (See Section 16 [300.1600] (Footnote ***) as to Waterway Setback Requirements for Dwellings and Other Principal Buildings.)
 - b) *Side Yard*: The minimum side yard setback shall be 25 feet.
 - c) *Rear Yard*: The minimum rear yard setback shall be 40 feet.
5. *Lot Coverage*: The maximum lot coverage shall not exceed 25 percent.

(Ord. No. 192, adopt. 6-3-2003; Ord. No. 198, adopt. 12-2-2003)

SECTION 13

300.1300 - "D-1" COMMERCIAL/INDUSTRIAL DISTRICT

300.1301 - Statement of purpose.

A. The Commercial/Industrial District is composed of lands within the Township which are devoted to a transition from more intensive commercial uses to less intensive light industrial uses. In most instances, intensive commercial uses shall be permitted while light industrial uses shall be subject to special exception use approval. This district classification shall be considered most compatible with the "Light Industrial" designation within the Land Use Plan.

300.1302 - Permissible uses.

B.

1. Any special exception use permitted in the "C-2" Highway Business or "D" Regional Commercial District, (excluding earth removal and mining and sales, storage and distribution of liquefied petroleum gas) provided the use complies with all applicable conditions for that use set forth in Section 18.C [300.1803].
2. Other automotive repair including auto body and auto paint shop, provided any outdoor storage of vehicles is screened by an opaque fence or transparent fence with landscape treatment.
3. Essential Services.
4. Telecommunication Towers and Accessory Structures (See Section 19 [300.1900]).
5. Child care center - limited or full.

(Ord. No. 192, adopt. 6-3-2003; Ord. No. 198, adopt. 12-2-2003; Ord. No. 209, adopt. 5-10-2005; Ord. No. 246, § XIV, 1-17-2012)

300.1303 - Special exception uses.

C.

1. Earth removal, quarrying, gravel processing, mining and related mineral extraction commercial operations.
2. Trucking related facilities, including truck service, washing, repair, parking and storage.
3. Agricultural processing operations where there exists some commercial or retail use on-site, including nursery and greenhouse operations.
4. Light industrial uses not complying with all applicable conditions for such use set forth in Section 18.C. [300.1803] 31.
5. Sales, storage and distribution of liquefied petroleum (propane) gas and products subject to the following conditions:
 - A. There shall be no storage containers or dispensing systems located within the front yard.
 - B. All empty tanks or containers or the storage of similar products shall be located in the rear yard and shall be effectively screened from adjoining property.
6. Mini-storage warehouse facilities, boat storage facilities or similar uses with outdoor storage, provided the outdoor storage is adequately screened by an opaque fence or transparent fence with landscape treatment.
7. Banquet Facility or Event Center.

(Ord. No. 192, adopt. 6-3-2003; Ord. No. 198, adopt. 12-2-2003; Ord. No. 209, adopt. 5-10-2005; Ord. No. 227, adopt. 2-5-2008; Ord. No. 235, § II, adopt. 3-3-2009; Ord. No. 276, § 14, adopt. 7-16-2019)

300.1304 - Site development regulations.

D.

1. *Lot Area*: The minimum lot area shall be two acres.
2. *Lot Width*: The minimum lot width shall be 200 feet.
3. *Height*: The maximum height shall be 40 feet.
4. *Yard Setbacks*:
 - a) *Front Yard*: The minimum front yard setback, as measured at the road right-of-way line, shall be 50 feet. (See Section 16 [300.1600] (Footnote ***) as to Waterway Setback Requirements for Dwellings and Other Principal Buildings.)
 - b) *Side Yard*: The minimum side yard setback shall be 25 feet.
 - c) *Rear Yard*: The minimum rear yard setback shall be 40 feet.
5. *Lot Coverage*: The maximum lot coverage shall not exceed 25 percent.

(Ord. No. 192, adopt. 6-3-2003; Ord. No. 198, adopt. 12-2-2003)

SECTION 14

300.1400 - "E" INDUSTRIAL DISTRICT

300.1401 - Statement of purpose.

A. The "E" Industrial District is composed of lands within the Township devoted to manufacturing uses, with those "light" manufacturing uses permitted and more intensive manufacturing uses approved through special exception use process. Larger parcel size, lot width and setbacks are utilized in order to buffer and screen such uses from adjoining properties.

300.1402 - Permissible uses.

B.

1. Warehouse and distribution facilities.
2. The storage, baling, recycling or handling of paper, wood, glass or similar materials utilized in the resale of such products in other forms. This shall include the manufacturing and distribution of wood pallets.
3. Trucking related facilities, including truck driving schools, storage facilities and repair services.
4. Plants and yards for material storage including stone yard and monument works, ice plant and storage and similar uses but excluding asphalt plants or concrete breaking facilities.
5. Telecommunication Towers and Accessory Structures (See Section 19 [300.1900]).
6. Agriculturally-related business devoted to storage, assembly, manufacturing, distribution or sales, including such uses as grain elevators or livestock auction facilities.

(Ord. No. 209, adopt. 5-10-2005)

300.1403 - Special exception uses.

C.

1. Adult Entertainment uses.
2. All other uses of a manufacturing nature not specifically listed or intended for location in other districts. Such uses shall be subject to the general standards for approval for all special exception uses as well as the following conditions:
 - a) The proposed use must be supported by necessary infrastructure improvements, including public water, wastewater and road systems with sufficient capacity to meet their anticipated needs.
 - b) The proposed use must be compatible with adjoining land use or be located on a parcel of sufficient size to separate and/or mitigate potential conflicts.
 - c) The proposed use will not create a nuisance for the community in terms of noise, odor or other pollutant.
 - d) The proposed use will not be located within 500 feet of any residential district or use, with this distance established as a setback for purposes of building construction or storage areas.
3. Sales, storage and/or distribution facilities for liquefied petroleum gas or materials classified as a hazardous substance as defined in the Comprehensive Environmental Response Compensation and Liability Act of 1980, Public Law 96-520, 94STAT.2667, subject to compliance with all applicable county, state and federal laws and regulations. This provision shall not apply to sales, storage and/or distribution that is incidental and accessory to a use otherwise provided for in this Ordinance.

(Ord. No. 209, adopt. 5-10-2005)

300.1404 - Site development regulations.

D.

1. *Lot Area*: The minimum lot area shall be five acres.
2. *Lot Width*: The minimum lot width shall be 330 feet.
3. *Height*: The maximum height shall be 40 feet.
4. *Yard Setbacks*:
 - a) *Front Yard*: The minimum front yard setback, as measured from the road right-of-way line, shall be 60 feet. (See Section 16 [300.1600] (Footnote ***) as to Waterway Setback Requirements for Dwellings and Other Principal Buildings.)
 - b) *Side Yard*: The minimum side yard setback shall be 30 feet.

c) *Rear Yard*: The minimum rear yard setback shall be 50 feet

5. *Lot Coverage*: The maximum lot coverage shall be 15 percent.

(Ord. No. 192, adopt. 6-3-2003; Ord. No. 198, adopt. 12-2-2003)

SECTION 14A

300.1400A - "CP" CORRIDOR PRESERVATION OVERLAY DISTRICT

300.1401A - Statement of purpose.

A. The Richland Township 2010 Land Use Plan has established access management as the underlying basis for development regulation along the Gull Road corridor. Only agricultural uses and single family development shall have direct access onto Gull Road. The use of this overlay district will be to establish additional regulation for access along Gull Road in order to preserve this right-of-way for possible expansion and provide for improved traffic flow through the Township.

300.1402A - Permissible uses.

B. Only agricultural uses or single family dwellings shall have direct (driveway) access onto the right-of-way. All other uses shall have indirect access through the establishment of a private road or public road having no less than an established 66 feet of right-of-way at its intersection with Gull Road.

300.1403A - Site development regulations.

C. In addition to the standards for the zoning district in which the use is located, the following regulations shall apply to all parcels of land located in whole or in part of the overlay district:

1. *Location of a District*: The district shall include all land within a 125 foot distance of the centerline of the existing right-of-way along Gull Road from "G" Avenue on the south (Comstock Township entrance) to the Village of Richland.
2. *Lot Width*: The minimum lot width for any parcel served by a private driveway shall be 330 feet.
3. *Front Yard Setback*: The minimum front yard setback is established as 125 feet from the existing centerline of the road or 50 feet from the right-of-way line to be preserved, whichever is greater.
4. *Access Management*: A joint driveway may be established to serve no more than two single family dwellings. Upon application for land division to create a third residential lot, a private road must be established which meets the Township's private road standards. Joint driveways shall not be located within 250 feet of any adjacent driveway, private road or public road intersection located on the same side as the point of access.

SECTION 14B

300.1400B - "OSP" OPEN SPACE PRESERVATION OVERLAY DISTRICT

300.1401B - Statement of purpose.

A. The establishment of this overlay district is to satisfy the requirements of Section 506 of the Michigan Zoning Enabling Act (2006 PA 110). It requires that qualified townships provide, at the option of the landowner, for the clustering of residential units on a portion of the property provided that 50 percent or more of the land is preserved in permanent open space. This overlay district shall be a development option for landowners within the following districts: "AB", "A-1", "A" and "A-2".

(Ord. No. 185, adopt. 11-12-2002; Ord. No. 218, adopt. 7-11-2006)

300.1402B - Permissible uses.

B. All permitted residential uses within the underlying district are permitted within the "OSP" Overlay District. At the landowner's option, single family dwellings shall be permitted within residential clusters subject to the following:

1. *Application Procedure.*

- (a) An application shall be filed identifying the landowner's desire to exercise the open space preservation development option. With the application, the landowner shall submit a comparison plan that adheres to site development requirements for the underlying zoning district. Such comparison plan shall also adhere to the requirements under the Township's Subdivision/Site Condominium Ordinance for plats establishing lots or site condominium units or the Land Division Ordinance for parcels, whichever is applicable. This comparison plan shall determine the number of dwelling units that can be developed within the open space preservation plan. This comparison plan and the number of dwellings units shall be finalized by the Planning Commission during site plan review and approval.
- (b) A site plan, adhering to all of the requirements under Section 18A [300.1800A], shall be submitted for review and approval by the Planning Commission. It shall be titled "Open Space Preservation Plan" and a copy of the comparison plan shall be included with the site plan. A copy of these documents shall also be submitted by the applicant to the Kalamazoo County Human Services Department for its review and a copy of their report shall be submitted by the applicant to the Planning Commission.
- (c) The Planning Commission shall review the site plan and determine compliance with the ordinance standards for: a) site plan review; b) requirements within the underlying zoning district; and c) requirements within this overlay district. They may approve the site plan as presented, approve subject to conditions or changes reflected in the motion to approve, table pending the submission of additional information, or deny the request based upon noncompliance with the ordinance standards.
- (d) The applicant shall submit a timeline for development and identify any phases that may require further Township review and approval. The Planning Commission may impose conditions on this development timeline and the required open space in each phase shall not be less than 50 percent of the land area for that phase.

2. *Conditions for Approval.* The required conditions shall be based upon the layout and design of the dwelling units and preservation of the open space as follows:

- (a) *Layout/Design Provisions.* The layout and design of the dwelling units shall be in a manner that achieves the greatest compatibility with surrounding land use and with the intent and purpose of this overlay district and the underlying zone. It shall balance what is economically feasible for efficient cluster development with the need to preserve the character of the area. In the case of a project conducted in phases, each phase established shall, when considered in conjunction with any previously established phases of the project, adhere to the minimum open space and maximum residential density restrictions in this section. Individual parcels, lots or sites within the residential cluster shall meet the following:
 - (1) *(Lot) Width:* The parcels, lots, or sites (units) shall have a minimum lot width of no less than 50 percent of the minimum lot width requirement within the underlying zone or eighty (80) feet, whichever is greater.
 - (2) *(Lot) Area:* The parcels, lots, or sites (units) shall have a minimum lot area of no less than thirty (30) percent of the minimum lot area requirement within the underlying zone or 8,000 square feet, whichever is greater.
 - (3) *(Lot) Coverage:* The parcels, lots or sites (units) shall adhere to the maximum lot coverage standard within the underlying zone.
 - (4) *Floor Area:* The minimum floor area for the dwelling unit shall adhere to the minimum standard within the underlying zone.
 - (5) *Yard/Setback:* The dwelling units shall adhere to the following minimum setback provisions:

Front: Fifty percent of the underlying zone but no less than thirty (30) feet.

Side: Fifty percent of the underlying zone but no less than ten (10) feet.

Rear: Fifty percent of the underlying zone but no less than twenty (20) feet.

Height: The building height shall not exceed the maximum building height requirement within the underlying zone.

(b) *Open Space Provisions.* The intent of this overlay district is to preserve the character of the area consistent with that of the underlying zone. In order to achieve this intent, the following conditions shall apply:

(1) In order to comply with the Act, the following definition shall be used to describe the nature of the open space to be preserved:

Undeveloped State: A natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to use of the public.

(2) The applicant shall provide documentation of the means to preserve the open space, whether in the form of a conservation easement, deed restriction or similar method approved by the Planning Commission, and the party responsible for maintenance of the open space area. If proposed for dedication to the public, a letter of support from the public entity, indicating acceptance and responsibility for maintenance, shall be included with the application. A single entity, such as a private association, non-profit organization or a public body, shall have responsibility for maintaining the land in permanent open space.

(3) No part of the parcels, lots or sites shall be counted towards satisfying the minimum open space requirement, nor shall any land devoted to roadways or other impervious surfaces, other than those of a recreational nature, such as bike paths, tennis or basketball courts, or for pavilions or picnic shelters. Fenced stormwater retention or detention areas shall also not be counted toward satisfying the minimum open space requirement.

(4) The open space, with the exception of active agricultural land use, shall be arranged in a manner so that it is contiguous and accessible by residents within the residential cluster. It shall also be arranged to connect to other open space areas on adjoining properties and/or connected to possible pedestrian or non-motorized trails.

(5) The Planning Commission may consider the preservation of those areas where protection of the highest quality of natural resource is achieved. This includes areas of mature tree stands or forested areas, habitat areas for wildlife or similar areas that could otherwise be developed.

(Ord. No. 185, adopt. 11-12-2002; Ord. No. 202, adopt. 8-10-2004; Ord. No. 238, § III, 5-18-2010)

300.1403B - Special exception uses.

C. No special exception uses permitted within the underlying zoning district shall be allowed unless such use is processed separately under the provisions for special exception uses in Section 18 [300.1800].

(Ord. No. 185, adopt. 11-12-2002)

300.1404B - Site development regulations.

D. The following regulations are based upon the relationship of the residential cluster(s) and the restricted open space to the adjoining properties, including the road right-of-way:

1. *Cluster Location.* Residential clusters, including all land devoted to individual parcels, lots or sites within the open space preservation development, shall be located not less than 50 feet from any abutting property line and not less than 100 feet from any road right-of-way adjoining the perimeter of the open space preservation development. The open perimeter area required hereunder shall consist entirely of land that qualifies under Section 14B.B.[300.1402B]2.(b)(3) to be counted towards satisfying the minimum open space requirement.

2. *Access.* Access to the dwelling units within the residential cluster may be in the form of a public road or private road, with a road adhering to the standards under Section 19.P.[300.1916]4. If the residential cluster is made up of no more than two (2) units, a joint driveway may be utilized, provided the joint driveway adheres to the standards under Section 19.P.[300.1916]:

(Ord. No. 185, adopt. 11-12-2002; Ord. No. 202, adopt. 8-10-2004)

SECTION 14C

300.1400C - "M-89" SIGN OVERLAY DISTRICT

300.1401C - Statement of purpose.

A. M-89 is a state trunkline that extends east and west through the Township, with linkage to M-43 through, and just north of, the Village of Richland. This trunkline is characterized by varying road widths, from 66-foot width, standard for most county roads, to a 120-foot width in certain segments east of the Village limits. This has resulted in difficulty in establishing appropriate sign setbacks, which are traditionally based upon distance from the road right-of-way. In order to better address the issue, and based upon varying zoning districts that may be impacted, this overlay district has been created.

(Ord. No. 236, § I, 4-14-2009)

300.1402C - Permissible uses.

B. Only uses permissible within the underlying zoning district are permitted within this overlay district.

(Ord. No. 236, § I, 4-14-2009)

300.1403C - Special exception uses.

C. Only special exception uses within the underlying zoning district are permitted within this overlay district.

(Ord. No. 236, § I, 4-14-2009)

300.1404C - Site development regulations.

D. In addition to the standards for the underlying zoning district in which the use is located, the following regulations shall apply to land within the overlay district:

1. *Location of Overlay District:* The district shall include all land contiguous to M-89 and within 100 feet of the road right-of-way, beginning from the eastern boundary of the Township, extending north with linkage to M-43, and then extending to the western boundary of the Township.
2. *Free-Standing Sign Setback:* The minimum setback for any freestanding sign shall be twenty five (25) feet from the M-89 road right-of-way unless the applicant can comply with one of the following:
 - a. If the road right-of-way is 66-feet in width and the majority of the existing signs within 500 feet, on the same side of the road, are less than the required setback distance, then the minimum setback distance shall be (1) the setback of the existing freestanding sign, if any, on abutting property which is on the same side of the road, is less than 25 feet from the road right-of-way and is closest to the road right-of-way or (2) 17 feet, whichever is greater.
 - b. If the road right-of-way is greater than 66-feet in width, within 200-feet of the parcel, and signs within 200-feet of the proposed sign location, on the same side of the road, are less than the required setback, then the setback shall be based upon the average setback for all signs within 200 feet of the subject sign location, provided they are not placed within the road right-of-way.

3. Any free-standing sign within the M-89 Overlay District that was in existence as of September 1, 2008, but which does not meet the minimum M-89 road right-of-way sign setback requirement contained herein shall be deemed a lawful nonconforming sign that may not be expanded or replaced unless relocated so as to be in compliance with the minimum M-89 road right-of-way sign setback requirement contained herein and all other applicable provisions of the Richland Township Zoning Ordinance. If such a lawful nonconforming sign is destroyed by fire or other calamity to the extent of more than one half of its replacement value, then it may be reconstructed only if relocated so as to be in compliance with the minimum M-89 road right-of-way sign setback requirement contained herein and all other applicable provisions of the Richland Township Zoning Ordinance.

(Ord. No. 236, § I, 4-14-2009)

SECTION 15

300.1500 - RESEARCH PARK DISTRICT

300.1501 - Statement of purpose.

A. The Research Park (RP) District is established to provide for research and light industrial uses within a planned development. The intent is to provide an aesthetically attractive working environment for offices, research and development institutions, and certain light manufacturing establishments within a campus-like setting. The extensive use of an open space perimeter within the development plan is intended to provide compatibility with adjacent agricultural and residential uses.

300.1502 - Permissible uses.

B. No building, structure, or part thereof shall be erected, altered, or used, nor shall the premises be used in whole or in part for other than one or more of the following specified uses:

1. *Agricultural Uses:* Customary farming operations and agricultural research and development.
2. *Research Uses:* Theoretical and applied research in all the sciences; product development and testing, engineering development; and marketing development. All non-agricultural research shall be conducted within a fully enclosed building.
3. *Specialized Light Manufacturing Uses:*
 - a. Types of Uses Permitted:
 1. The manufacture, compounding, processing, packaging and/or treatment of cosmetics, toiletries, household supplies, medical equipment, and plant, animal and human pharmaceutical health care products.
 2. Printing, lithographic, blueprinting and similar uses.
 - b. All specialized light manufacturing uses shall be conducted within a fully enclosed building.
4. *Office Uses that are related to RP Activities:* Office uses related to RP activities shall include, but are not necessarily limited to, those office uses related to scientific or industrial research, product development and testing, engineering development, and marketing development, and such other office uses ancillary to and compatible with RP uses.
5. *Activities Incidental and Accessory to the Above Uses:* Permitted incidental and accessory uses shall include salesrooms for the wholesale distribution of items manufactured on the premises; garages for storage of gasoline and lubricating oils needed for operation of these vehicles and for the maintenance of the buildings and machinery located therein; parking facilities; maintenance and utility shops for the upkeep and repair of buildings and structures on the site and equipment used on the site; central heating and power plants for furnishing heat and energy to structures on the site; facilities for water, drainage, sewerage, fire protection, electrical, telephone, and other utilities; educational facilities for training and study; storage buildings, heliports; communications facilities, including antenna masts; clinics; cafeterias; employee recreational facilities; custodians and caretakers; data processing facilities; and employee credit unions.

6. Telecommunication Towers and Accessory Structures.

(Ord. No. 178, adopt. 6-4-2002)

300.1503 - Special exception uses.

C.

1. Earth removal, quarrying, gravel processing, mining and related mineral extraction commercial operations.

(Ord. No. 227, adopt. 2-5-2008)

300.1504 - Site development regulations.

D.

1. Each RP District shall contain at least 30 contiguous acres.
2. Each lot or parcel shall contain at least ten acres and shall have not less than 660 feet of frontage upon a dedicated public road or a private road constructed in accordance with the construction standards of the Kalamazoo County Road Commission for public roads. This requirement shall not be deemed to prohibit street design features such as boulevards, cul-de-sacs and winding roadways.
3. The maximum building coverage, exclusive of parking, permitted shall be 30% of the lot or parcel.
4. No buildings, structures (with the exception of transparent or field fencing typically used bordering agricultural uses) or parking facilities shall be located within 500 feet of any agriculturally or residentially zoned property. This area shall be maintained as green space.
5. No buildings, structures or parking facilities shall be located within 200 feet of any public road also serving property in a different zoning district. This area shall be maintained as green space. From other internal property boundaries, the required front yard setback shall be 50 feet, the side yard setback shall be 30 feet and the rear yard setback shall be 30 feet. Other than ingress and egress, these setbacks shall be maintained as green space.
6. Off-street parking shall be established as required in Section 19.L [300.1912].
7. Signage shall comply with provisions for all signs within commercial and industrial districts. (See Section 19.D.3 [300.1904]).
8. Not less than 35 percent of the area of that portion of the lot or parcel in the RP District zoning classification shall consist of green space. Required green space shall be comprised of planting of crops, grass, ground cover, flowers, shrubs, hedges or trees. All landscaping shall be maintained in a healthy growing condition, neatly and orderly in appearance, and free of refuse and debris. All plantings shall be arranged and maintained so as not to obscure the vision of traffic.
9. Structures other than farm silos and feed mills shall not exceed 40 feet in height.
10. Access to and from land in the RP District shall be by county primary road(s). Where access management standards and/or overlay zoning are in effect, there shall be strict adherence to such regulation. No private roads or drives on or connected to land in the RP District shall abut agriculturally or residentially zoned land. The Zoning Board of Appeals shall have authority as part of site plan review to waive compliance with the requirements of this subsection if the Zoning Board of Appeals determines in its sole reasonable discretion that, based on the specific character and location of the proposed development on the subject property and/or the nature of the surrounding area, such a waiver will not have a material adverse impact upon persons or property in the surrounding area and will otherwise be consistent with the purpose of this section.
11. Outdoor storage of any kind shall, except as provided in the following sentence, shall be prohibited. This section shall not be deemed to prohibit outdoor storage incidental to farming operations conducted on the property in accordance with generally accepted agricultural and management practices, as these practices are defined under the Michigan Right to Farm Act (1981 PA 93, as amended).

(Ord. No. 198, adopt. 12-2-2003; Ord. No. 202, adopt. 8-10-2004; Ord. No. 216, adopt. 4-11-2006)

300.1505 - Screening.

E.

1. Where any business or industrial use is adjacent to abutting property zoned or developed for residential use, that business or industry shall provide screening from the residential property.
2. The screening required in this section shall consist only of natural plantings consistent with the required green space specified in Section D.7-Site Development Regulations. Such screening shall be established at a minimum height of six feet. Compact evergreen plantings or berms providing equivalent year round visual screening may be used.
3. The Zoning Board of Appeals shall have authority as part of site plan review to waive screening required under this section if the Zoning Board of Appeals determines in its sole reasonable discretion that, based on the specific character and location of the proposed development on the subject property and/or the nature of the surrounding area, such a waiver will not have a material adverse impact upon persons or property in the surrounding area and will otherwise be consistent with the purposes of this section.

300.1506 - Glare.

F. Any lighting used to illuminate an off-street parking area, sign, or other structure, shall be arranged as to deflect light away from any adjoining residential zone or from the public streets. Direct or sky-reflected glare, where from floodlights or from high temperature processes such as combustion or welding shall not be directed into any adjoining property. The source of lights shall be hooded or controlled. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public right-of-way. Any light or combination of lights that cast light on a public street shall not exceed one foot-candle (meter reading) as measured from the center line of said street. Any light or combination of lights that cast light on residential property shall not exceed 0.4 foot-candles (meter reading) as measured from said property.

300.1507 - Noise.

G.

1. Noise generated from the property shall not exceed 65 db(a) between the hours of 7:00 a.m. and 10:00 p.m. Noise generated from the property shall not exceed 55 db(a) between 10:00 p.m. and 7:00 a.m.
2. The measurement of noise shall be made with a sound-level meter meeting the standards prescribed by the American National Standards Institute.
3. Measurement of noise levels shall be made at or beyond the property line of the property on which such noise is generated and shall be taken at least four feet from ground level.
4. The noise limitations in this subsection shall not be deemed applicable to farming operations conducted in accordance with generally accepted agricultural land management practices, as these practices are defined under the Michigan Right to Farm Act (1981 PA 93, as amended).

300.1508 - Vibrations.

H. No earth-shaking vibrations which are detectable at the property line without the aid of instruments shall be produced.

300.1509 - Other applicable regulations.

I. All uses shall comply with all applicable federal, state and local regulations in addition to any regulations imposed by the provisions of this Ordinance.

SECTION 16

300.1600 - SITE DEVELOPMENT REGULATIONS

Zoning District	Minimum Lot Area	Minimum Lot Width	Maximum Lot Coverage	Minimum Floor Area	Yard-Req. Setback***	Maximum Height*	Notes
"R/OS" Open Space Recreation District	5 Acres	330'	10%	1,000 sq.ft.	FY 50' SY 50" RY 50'	25'	
"AB" Agricultural Business District	40 acres	660'	10%	1,000 sq. ft.	FY 75' SY 50' RY 50'	40'	No building or structure to be located within 100' of an adjacent residence
"A-1" Agricultural/ Residential District	<u>1 Acre</u>	<u>165'</u>	15%	1,000 sq.ft.	FY 50' SY 20' RY 30'	35'	
"A" Single Family Residential District	20,000 sq. ft. w/sewer	100' w/sewer	25%	1,000 sq. ft.	FY 50' SY 10' RY 30'	35'	
	30,000 sq. ft. platted or site condominium unit w/o sewer	132' platted or site condominium unit w/o sewer					
1 acre unplatted w/o sewer	165' unplatted w/o sewer						

"A-2" Single and Two-Family Residential	<u>13,200 sq. ft.</u> 30,000 sq. ft.	<u>100'</u> 150'	30%	800 sq. ft.	FY 50' SY 10' RY 30'	35'	
"B-1" Multiple Family Office District	1 Acre	200'	30%	600 sq. ft. per unit	FY 50' SY 20' RY 30'	35'	
"B-2" Mobile Home Park District	Min. Development Area: 15 Acres	N/A	N/A	N/A	20' between units within Park	35' Maximum Height within PUD	
"C" Office/Retail District	20,000 sq. ft.	100'	35%	N/A	FY 50' SY 20' RY 20'	30'	Smaller lot "neighborhood" commercial
"C-1" Local Business District	30,000 sq. ft.	165'	35%	N/A	FY 50' SY 20' RY 30'	30'	
"C-2" Highway Business District	1 Acre	200'	30%	N/A	FY 50' SY 25' RY 40'	30'	
"D" Regional Commercial District	2 Acres	200'	25%	N/A	FY 50' SY 25' RY 40'	40'	
"D-1" Commercial Industrial District	2 Acres	200'	25%	N/A	FY 50' SY 25' RY 40'	40'	
"E" Industrial District	5 Acres	330'	15%	N/A	FY 60' SY 30' RY 50'	40'	

"RP" Research Park District	District: 30 Acres Each Parcel: 10 Acres	660'	30%	N/A	FY 50' SY 30' RY 30'	40'	Additional Setbacks: 500' From Any Agriculturally or Residentially Zoned Parcels and 200' From Any Public Road
"CP" Corridor Preservation Overlay District	N/A	330'	N/A	N/A	125' from center line of Gull Road or 50' from R.O.W line*	N/A	Access management regulations *Whichever is greater
"OSP" Open Space Preservation Overlay District	25% of minimum but no less than 7,500 sq. ft.	50% of minimum but no less than 75 feet	25%	Same as underlying District	No less than FY 30' SY 10' RY 20'	Same as underlying District	Overlay of "AB", "A-1", "A" and "A-2" Zoning Districts

* Accessory Buildings: The minimum side and rear yard setback shall be ten (10) feet and the maximum height shall be twenty (20) feet.

*** Waterway Setback Requirements for Dwellings and Other Principal Buildings.

A. Notwithstanding the generally applicable setback requirements set forth in Section 16 and elsewhere in this Zoning Ordinance, dwellings and other principal buildings on a waterfront lot or a lot any portion of which abuts or is within 75' of a waterway, shall at a minimum be setback from the high-water line of the waterway the greater of:

- (1) 50', or
- (2) the average setback of the existing dwellings or other principal buildings on each side of the lot at the time of application for a building permit (provided that if an existing dwelling or principal building has a setback of less than 50', or the lot is a vacant lot, it shall nonetheless be deemed to have a setback of 50' for determining the "average setback" under this provision.

B. These setback requirements are intended to facilitate reasonable consistency of horizontal sight lines with respect to the development of waterfront lots, based upon the average setback of existing nearby development, but subject in each instance to a mandatory minimum setback of 50'. These setback requirements shall not apply to streams or creeks or to bodies of water located entirely within one parcel of land having no more than one dwelling or principal building upon it.

(Ord. No. 185, adopt. 11-12-2002; Ord. No. 188, adopt. 2-12-2003; Ord. No. 192, adopt. 6-3-2003; Ord. No. 198, adopt. 12-2-2003; Ord. No. 220, adopt. 1-2-2007; Ord. No. 252, adopt. 11-20-2012; Ord. No. 264, § 5, 8-16-2016; Ord. No. 279, § 2, adopt. 1-21-2020)

SECTION 17

300.1700 - LAWFUL NONCONFORMING USES

300.1701 - Nonconforming uses.

A. The lawful use of the parcel, lot, building or premises existing at the time of the adoption of this ordinance may be continued although such use does not conform to the provisions hereof, but if such nonconforming use is discontinued, the future use of said premises shall be in conformity with the provisions of this ordinance; provided however, any nonconforming use of buildings or structures or premises existing at the time of the adoption of this ordinance and created after the adoption of the prior Richland Township zoning ordinance, and in violation thereof is hereby prohibited and nothing in this ordinance shall be construed as making such nonconforming use lawful.

No structural alterations shall be made, except those required by law or ordinance or such as may be required for safety, or such as may be necessary to secure or insure the continued advantageous use of the building during its natural life. The expansion of a nonconforming use shall not be permitted.

A nonconforming use of a building or premises may not be changed to any other nonconforming use of the same building or premises. When a nonconforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not hereafter be changed back to a nonconforming use.

When a building located in a district restricted against its use has been destroyed by fire or other calamity to the extent of not more than one-half of its value, a permit may be granted for its reconstruction within a period not to exceed six months from the date of such fire or calamity.

Non-conforming uses of buildings, structures or property which have been discontinued for a period of one year or longer shall be deemed to have been abandoned and such uses shall not be commenced upon the premises again unless in conformance with the zoning ordinance.

300.1702 - Nonconforming buildings.

B. A building that does not conform to the site development regulations for the district in which it is located shall not be expanded unless such expansion does not increase in any manner its nonconformity.

300.1703 - Nonconforming lots.

C. An established lot (lot of record) that does not conform to the lot area or lot width requirements for the district in which it is located shall not be utilized for building purposes unless such building can meet the yard setback and lot coverage requirements for that district.

(Ord. No. 264, § 6, 8-16-2016)

SECTION 18

300.1800 - SPECIAL EXCEPTION USES

300.1801 - Special exception uses.

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 Township, the Township Planning Commission, in addition to its other functions, is authorized to approve the location of certain uses within the various zone classifications, which uses are designated in this ordinance as Special Exception Uses.

Such special exception uses have been selected because of the unique characteristic of the use which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, would cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

With this in mind, such special exception uses are not permitted to be engaged in within the particular zone in which they are listed unless and until the Planning Commission, in its absolute discretion, is satisfied that the same, under the conditions, controls, limitations, circumstances and safeguards proposed there for and imposed by said Commission would be compatible with the other uses expressly permitted within said district; would not, in any manner, be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof or to the general neighborhood; would promote the public health, safety, morals and general welfare of the community; would encourage the use of lands in accordance with their character and adaptability; would be compatible with adjacent uses of land; would be consistent with, and promote the intent and purpose of the ordinance; would be compatible with the natural environment; would be consistent with the capacities of public services and facilities affected by the proposed use; and that the standards required by the Commission for the allowance of such special exception use can and will, in its Judgment, be met at all times by the applicant.

300.1802 - Special exception procedure.

- B.
1. All applications for special exception use permits shall be filed with the Township and shall include all pertinent plans, specifications and other data upon which the applicant intends to rely for a special exception use permit. The requirements for site plan review and approval shall be met once any required conditions have been imposed by the Planning Commission upon approval of the special exception use permit. The zoning administrator may withhold submission of the request to the Planning Commission if the application is substantially incomplete as to required information, unless the applicant provides written detail as to why such information requirements should be waived by the Planning Commission.
 2. The Planning Commission shall review and decide all applications for approval of special exception uses and shall, on its own initiative, hold a public hearing after giving notice as required under Sections 103 and 502 of the Michigan Zoning Enabling Act (2006 PA 110, as it may hereafter be amended).
 3. Following such hearing, said Commission shall either grant or deny a permit for such special exception use and shall state its reasons for its decision in the matter. All conditions, limitations and requirements upon which any such permit is granted shall be specified by said Commission in its decision and shall be filed with the zoning enforcement officer of the Township. If the application is denied, the applicant must wait at least one year for resubmission of the request unless such new application includes changes in proposed conditions.
 4. The plot plan and specifications, and all conditions, limitations and requirements imposed by the Planning Commission shall be incorporated as a part of the special exception permit and violations of any of these at any time will cause revocation of said permit and said special exception use shall cease to be a lawful use.

(Ord. No. 218, adopt. 7-11-2006; Ord. No. 239, § IV, 9-21-2010; Ord. No. 270, adopt. 9-18-2018)

300.1803 - List of uses with specific conditions.

C. The following uses have been established as Special Exception Uses. Where such use is a permitted use, it shall adhere to the conditions for such use without meeting the procedural requirements for review and approval:

	Special Exception Use	District
1.	Earth removal, quarrying, gravel processing, mining and related mineral extraction commercial operations	AB, A-1, C, C-1, C12, D, D-1, RP
2.	Home Occupations	AB, A-1, A, A-2
3.	Greenhouses and Nurseries	A-1
4.	Planned Unit Development	R/OS, A-1, A, A-2, B-1, B-2
5.	Residential Accessory Buildings	AB, A-1, A, A-2
6.	Churches and Private Educational Facilities	R/OS
7.	Recreational Facilities	R/OS
8.	Kennels	AB, C-2, D
9.	Airport/Private Landing Strip	AB
10.	Roadside Stand	AB, A-1
11.	High Density Animal Feeding Operation	AB
12.	Veterinary Clinic/Animal Hospital	AB
13.	Hospitals/Medical Clinics	B-1
14.	Residential Care Facilities (See Definition)	B-1, C, C-1, C-2, D, D-1
14A.	Group child care home	AB, A-1, A, A-2
15.	Essential Services	B-2
16.	Commercial Warehouse/Mini-Storage Facility	B-1, C, C-1, C-2, D
17.	Boat Houses	C, C-1
18.	Hotels or Motels	C-1
19.	Gasoline Service Station	C-1, C-2, D
20.	Drive-In and Drive-Through Establishments	C-1
21.	Places of Amusement	C-2, D
22.	Contractor's Establishment/Lumber Yards	D
23.	Trucking Related Facilities	D-1
24.	Agricultural Processing	D-1
25.	Adult Entertainment Uses	E
26.	Agri-tainment	AB
27.	Restaurants	C
28.	New and Used Vehicle Sales and Service	C-1
29.	Open Air Display	C-2
30.	Two Family Dwellings	A-2
31.	Light Industrial Uses	D
32.	Parent/Grandparent Accessory Apartment	"R/OS", "AB", "A-1", "A", "A-2"
33.	Wind Energy Conversion Systems (WECS)	All Districts
34.	Bed and Breakfast Inn	A-1
35.	Brewery, Micro-Brewery, Brewpub, Wine Maker and Spirit Manufacturing and Sales	C-1, C-2, D, D-1 Districts
36.	Packaged Liquor Stores	C, C-1, C-2, D, D-1 Districts
37.	Solar Energy Systems:	
	a. Private solar energy system mounted to roof or building or utilized building integrated photovoltaics	All Districts
	b. Private ground-mounted accessory use or commercial solar energy systems	All Districts
	c. Commercial solar energy systems that are the principal use of the property	A-1, AB, D-1, E, RP
38.	Wedding Barns	A-1, AB
39.	Banquet Facility or Event Center	C, C-1, C-2, D, D-1

1. *Earth removal, quarrying, gravel processing, mining and related mineral extraction commercial operations*, subject to the following:

Prior to approval by the Planning Commission of a special exception use for earth removal, quarrying, gravel processing, mining and related mineral extraction commercial operations, the Planning Commission shall be certain the following conditions and limitations shall be strictly complied with. These conditions and limitations are required because such operations can cause very serious consequences to the environment, to adjoining properties and to the community as a whole. The following conditions are in addition to any other requirements contained in the Township Zoning Ordinance or in any other Township Ordinance controlling such operations:

a. *Location*

- i. All such operations shall be located on a primary road, as defined by the County of Kalamazoo, for ingress and egress. Truck traffic routes to and from the operation should generally be designed so as to avoid residentially planned and zoned areas and prevent the breaking up of existing roads that are not "all-weather" roads. Specific routes of ingress and egress for all such truck traffic may be specified by the Planning Commission. Under no circumstances shall trucks use private drives or private access routes from applicant's property which are within three hundred (300) feet of any residence.
- ii. Sufficient setback shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such business shall be permitted closer than 200 feet from interior boundary lines of property, unless such operation is being conducted on the adjoining property or the adjoining property owner consents in writing thereto and further providing that all setback provisions contained in this ordinance are complied with as applied to other properties. In addition, no such business shall be permitted closer than 400 feet of any properties used for residential purposes or within 400 feet of any residential district.
- iii. No such business shall be permitted within 150 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. However, if the authority having jurisdiction over any particular road consents in writing to a reduced setback, then the Planning Commission may allow for such use within said setback area up to 50 feet of any road right-of-way line, if adequate screening and all other provisions of the ordinance including other setback regulations are complied with. Such businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.
- iv. The permanent processing plant and its accessory structures, or any temporary processing facilities, shall not be located closer than 250 feet from the interior boundary lines and public rights-of-way or less than 500 feet from residential districts, and shall, where practicable, be as close to the center of the subject property as possible and at a lower level than the surrounding terrain to lessen visual and noise impact. The foregoing shall not apply to the digging or excavating apparatus nor to the stock piling or loading and transportation equipment. No earth, gravel or other mineral material may be imported to the site for processing or storage.
- v. No such businesses shall be located within 300 feet of the margin of any stream, wetland or waterway unless previously approved, in writing, by the state commission or department having jurisdiction thereof. No such operation shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties. The Planning Commission shall have the right to require an applicant to construct adequate sediment basins if it appears that any sediment may be carried into any nearby water course.

b. *Site Barriers and Fencing*

- i. Site barriers shall be provided around those portions of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:
 - a.) Earth berms constructed to a height of 10 feet above the mean elevation in the center line of the adjacent public highway or 10 feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one foot vertical to three feet horizontal and shall be planted with grass and trees or shrubs.

- b.) Plantings of evergreen trees not more than 10 feet apart or shrubbery not more than five feet apart, in three staggered rows parallel to the boundaries of the property, which shall provide screening at the time of installation to an average height of six (6) feet and which shall grow to not less than 10 feet in height and be sufficiently spaced to provide effective site barriers for the duration of the mining operation. Trees which die must be replaced during the current planting season.
 - c.) Earth berms planted with grass and evergreen trees or shrubbery as specified in (b) above, provided that the total height of the berm and the trees or the shrubbery at maturity will be at least 10 feet above the general level of the terrain along interior property lines or the mean elevation of the center line of the adjacent public highway, as the case may be.
- ii. The 10 foot requirement for screening by means of a berm and/or plantings may be reduced by the Planning Commission to not less than six feet in height if the particular site and terrain, with screening of a reduced height, will afford adequate sight barriers. In addition, the Planning Commission may allow for less than complete screening of the site in perimeter locations where such screening is determined to not be needed to mitigate the visual impact of the mining operation.
- c. *Abatement of Adverse Impacts/Environmental Impact Analysis*
- i. The applicant shall provide information related to the identification and abatement of any adverse impacts created by the mining operation. Toward this end, an environmental impact analysis shall be submitted at the time of application that includes both base information on the site prior to such activity and the anticipated impact of such operations on the site, surrounding area and the community as a whole. Upon request, the Planning Commission may waive any informational requirement set forth below if the Planning Commission determines in its sole reasonable discretion that the nature of the proposed operation is such that the information is not needed to assure compliance with the standards for special exception use permit approval. The required studies, which shall be undertaken by professionals whose education, certification and experience are consistent with the credentials needed to conduct the studies and analyze the results, are as follows:
 - a.) Hydrogeological Study: This shall include a complete assessment of the potential impacts on any water resources both on-site and off-site. It shall identify the location in relation to watersheds and floodplain areas and identify natural site drainage and impact on wetlands within the area. It shall also identify the depth of groundwater and aquifers within the area of the operation and provide data on water quality for all such resources. Where the applicant proposes the development of a lake or where ponds or basins may exceed five (5) or more acres, such studies shall include the use of monitoring wells in order to estimate the impact on other surface water or ground water resources in the area. The studies shall also include the applicant's approach to spill containment (containment and spill response plans) from any vehicles and equipment utilizing or located on the site.
 - b.) Topographic and Geological Analysis: This shall include the existing contours and proposed contours consistent with site plan review standards under Article 18A. Earth changes proposed throughout the term of the operation shall be presented with estimates of the type, quantity and quality of the material to be extracted, including overburden. Soil borings shall be taken to a depth equal to the depth of the proposed extraction, with frequency of spacing sufficient to allow for reasonable interpretation and verification of such quantity and quality of the material. The Planning Commission may request that additional borings be taken where additional interpretation or verification is needed. Final contours shall be included within the required Reclamation Plan, but interim earth change data will also be required as part of the annual review in order to evaluate the consistency of the activity with this initial analysis. This analysis shall include mitigation related to erosion, filling and potential sedimentation of any basins created by such activities.
 - c.) Noise/Vibration Study: This shall include data on existing noise levels and sources of vibration in and around the site prior to any such operation and the anticipated impacts of such activity on any properties and

roadways within the area of the operation. A complete listing of all proposed equipment to be utilized within the operation shall be submitted with information on the proposed location and noise/vibration impacts of the equipment. The Planning Commission may require that equipment, such as crushers, be located in an enclosed building to further reduce such noise and vibration impacts.

- d.) Traffic Impact Study: This shall include a complete analysis of the existing road system and the proposed truck haul routes for the operation. This shall include all state and local roads and the efforts made by the applicant to control use of such roadways that are not designated as part of the haul route. Information shall include traffic counts and level of service capabilities of the roadways to support such increased loads. Noise and vibration impacts related to such hauling shall also be included within the study.
- e.) Air Quality Analysis/Dust Control: This shall include a complete analysis of the impacts associated with particulate matter generated by the operation and the techniques utilized to mitigate such release.
- f.) Endangered Species Impact: This shall include a complete listing of all threatened and endangered wildlife (plants and animals) that may be impacted by the mining operation.
- g.) Economic Studies: This shall include economic studies related to impacts upon the adjoining properties and the community as a whole, including residential property valuation and the compatibility with, or negative impacts to, other land uses, including agriculture.
- h.) Other Studies: The Planning Commission may require the submission of additional studies or information as it determines, in its sole reasonable discretion, is needed to properly evaluate whether the proposed operation satisfies the standards for special exception use approval.

d. *Time Limits*

The Planning Commission may limit the days and hours of operation based upon specific characteristics of the site and the relationship to surrounding land use. The Planning Commission may also establish a termination date for the mining or excavating of any area due to its proximity or visibility from residential districts or property used for residential purposes. The applicant shall provide an estimated time duration for operating the mine and, as part of the annual review, provide an update to such estimate.

e. *Fencing*

Any dangerous excavations, dangerous pits, dangerous pond areas, dangerous banks or dangerous slopes shall be adequately guarded or fenced and posted with signs around the perimeter thereof to prevent injury to children or other persons, and such dangerous conditions shall be eliminated as expediently as possible.

f. *Liability Insurance*

Unless otherwise provided for under stated insurance specifications imposed by the Planning Commission under special exception use approval, all applicants shall be required to carry both general liability and project specific personal injury and property damage insurance policies while any unreclaimed or unrehabilitated area exists, in the amount of not less than one million dollars for each person injured or property damaged and not less than three million dollars for injury or damage to more than one person or more than one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as the result of conditions or activities existing upon the site. Such policies shall be filed with the Township Clerk.

g. *Reclamation of Mined Areas*

- i. Reclamation or rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Where possible, such rehabilitation or reclamation shall be accomplished concurrently with the mining or excavation operations. Substantial completion of reclamation rehabilitation shall be effected within two years after termination of mining or excavation activity. Inactivity for a 12 month consecutive period

shall constitute, for this purpose, termination of mining activity, unless an extension is granted by the Planning Commission upon a showing of good cause and that the extension will not have a material adverse impact upon the surrounding area.

- ii. The following standards shall control reclamation rehabilitation:
 - a) All excavations shall be either to a water producing depth of not less than three feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-toxic, non-flammable and non-combustible solids.
 - b) Excavated areas shall not collect stagnant water and shall not permit the same to remain therein.
 - c) Surface that is not permanently submerged shall be graded and back-filled as necessary to produce a gentle rolling surface that will minimize wind and water erosion, and which will be generally compatible to the adjoining land area.
 - d) The banks of all excavations shall be sloped to the water line in a water producing excavation and to the pit floor in a dry operation, at a slope which shall not be steeper than one foot vertical to three foot horizontal. Water producing excavations shall have a reasonably level bottom, free of sharp drop-offs or holes.
 - e) Top soil 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 shall be completed within two years of termination of mining or excavation operations. When used, top soil shall be applied to a minimum depth of four inches sufficient to support vegetation.
 - f) Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to minimize erosion. The Planning Commission may require the seeding and plantings to conform with the standards and specifications adopted by the Kalamazoo County Soil Conservation District and as may be amended hereafter.
 - g) Upon cessation of mining operations by abandonment or otherwise, the applicant, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, buildings, stock piles and equipment, provided that buildings and structures which have a function under the reclamation plan which can be lawfully used under requirements of the zoning district in which they will be located under such plan, may be retained.
- iii. Financial guarantee shall be furnished the Township insuring the proper rehabilitation reclamation of mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of the guarantee shall be not less than \$5,000 per acre, proposed to be mined or excavated in the following 12 month period and which has previously been mined or excavated during any preceding period and not reclaimed or rehabilitated in accordance with this ordinance in the applicant's filed plan. Mined areas resulting in a water depth of three feet or more shall be deemed to be reclaimed areas to within 15 feet of any shore line thereof and to the extent of the shore line where the same has been sloped to a grade of not more than one foot vertical up to three foot horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually, on or about the anniversary date of the excavation permit, for adjustment in compliance of the foregoing requirements by the Zoning Administrator of the Township or such other official as may be designated by the Township Board. Such financial guarantee may be in the form of cash, certified check, or an irrevocable bank letter of credit, in a form acceptable to the Township.
- h. *Submission of Operational and Reclamation Plans*
 - i. No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted and approved by the Planning Commission, disclosing compliance with all of the provisions of the within ordinance or the manner of 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

thereto abutting public streets, and whether or not the same are on 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 the same proposed to be operated upon within the following 12 month period after commencement of operations. No more than 25 acres shall be cleared and actively mined at any one time. The area used for stockpiling and processing excavated material shall not be counted for purposes of this limitation. The Planning Commission shall have the ability to waive this acreage limitation upon a showing of good cause and that the waiver will not have a material adverse impact upon the surrounding area. The Planning Commission may consider the relationship of this acreage limitation to the volume (tonnage) of material represented in the monthly volume reports submitted to the Township.
 - c) Type of mining or processing proposed to be conducted and the nature of the equipment to be used.
 - d) Location of the principal processing plant and the distance of any proposed excavation or mining and the boundaries of the site.
 - e) A map or plan disclosing the approximate final grades and levels to be established following the completion of the mining operations, including the proposed uses being contemplated for the land, future lakes and roads, such other matters as may evidence the bona fide nature of the reclamation rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.
- i. *Hearing*
- i. After receiving an application for a permit for an earth removal, quarrying, gravel processing, mining or related mineral extraction business accompanied by the required plans and specifications and permit fee, the Planning Commission shall hold a public hearing upon such application in accordance with the applicable statutory requirements, except that notice by first-class mail required thereunder shall include all persons to whom real property is assessed within 1,000 feet of the subject property and the occupants of all structures within 1,000 feet of the subject property.
 - ii. Following such hearing, said board shall grant or deny the application and set forth its reasons for its decision. Such decision shall be based upon the criteria set forth in the within ordinance and shall be based, in addition, on a 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 appropriate trend and character of development in the subject area
 - d) The protection and preservation of the general health, safety and welfare of the Township.
 - e) The scarcity or value of minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operations.
 - f) In making any decision, the Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the adjoining residents and property owners, the neighborhood surrounding such areas and the community as a whole.
- j. *Monitoring*
- i. The developer/operator shall submit to the Zoning Administrator monthly reports accurately setting forth the volume (i.e., tonnage) of extracted material hauled from the site. Each report shall be submitted within 30 days after the month to which it pertains.
 - ii. The developer/operator shall submit ten copies of an annual report to the Zoning Administrator. The developer/operator shall include in the report a progress report on the location and number of acres mined in the past year and the location and number of acres reclaimed in the past year. The report shall also identify the

location and number of acres projected to be mined and to be reclaimed in the following year. The developer/operator shall incorporate the totals from all monthly volume (tonnage) reports submitted to the Township Zoning Administrator. The developer/operator shall also include in its annual report copies of any reports required by any other review agency at the county, state or federal level. The Zoning Administrator shall forward copies of the annual report to the members of the Planning Commission, along with a listing of any complaints, violations or citations given to the developer/operator by the Zoning Administrator or any other Township official and a description of how each such incident was resolved.

- iii. The Zoning Administrator shall monitor the operation to assure compliance with the terms of this ordinance and any conditions imposed thereunder. The operator/developer shall allow the Zoning Administrator such access to the site as the Zoning Administrator reasonably determines is needed in order perform this monitoring function. The Zoning Administrator may refer to the Planning Commission any questions or disputes that arise regarding interpretation of the terms of the special exception use approval granted by the Planning Commission
 - iv. The operator/developer shall pay an annual review fee to defray all or a portion of the cost incurred by the Township in reviewing the annual report and in monitoring the operation. The annual review fee, and timeframe for collection and disbursement, shall be established by resolution of the Township Board.
- k. *Existing Excavations and Mining Operations*
- i. All commercial excavations, mining operations, gravel processing operations or quarrying operations existing on the effective date of this ordinance shall be subject to the within regulations with regard to future operations.
- l. *Site Plan Review*
- i. Planning Commission approval of the special exception use for a mining operation shall satisfy the site plan submission and approval requirements under Section 18A of this ordinance.
2. *Home Occupations:* Any full or part-time occupation engaged in within a dwelling and/or residential accessory building(s) by the resident(s) of the premises, where such use is secondary and incidental to the primary residential use of the premises, subject to the following conditions and limitations:
- a. Are only conducted on the premises by the person(s) occupying the premises as his/her/their principal residence a major portion of each month; provided, however, the Planning Commission shall have authority to permit one non-resident to work on the premises where the same would not materially impair the residential character of the neighborhood.
 - b. The premises shall have no exterior evidence, other than a permitted nameplate, to indicate that the same is being utilized for any non-residential purpose. Noise, smoke, odor, electrical disturbance or lighting from a home occupation shall not be discernable beyond the boundaries of the property on which the home occupation is conducted. Traffic generated by a home occupation shall be at a level consistent with the general residential character of the area.
 - c. No more than 25% of the floor area of the principal dwelling may be utilized for the home occupation.
 - d. An accessory building(s) may be used in whole or in part for a home occupation, subject to the following:
 - (i) The subject parcel is not less than 2 acres in size.
 - (ii) The accessory building is not less than 100 feet from the road right-of-way.
 - (iii) Parking for the home occupation shall be not less than 50 feet from the road right-of-way and shall be effectively screened from adjoining properties unless such properties are within a commercial or industrial zoning district.
 - (iv) Not more than 50% of the combined floor area of (1) the accessory building(s) used for the home occupation and (2) the dwelling may be devoted to the home occupation.
 - e. Any sales of products, if approved by the Planning Commission, shall be limited to those produced by the home occupation.
 - f. Any such home occupation may be subject to annual inspection by a duly authorized official of the Township. The

home occupation special exception use permit may be revoked by order of the Planning Commission for non-compliance with the Zoning Ordinance and/or the terms and conditions of the home occupation special exception use permit. Any such revocation shall be preceded by not less than 7 days' notice by first-class mail to the occupant of the subject property of the proposed revocation, the proposed reasons therefor, and the date, time and place of the hearing at which the Planning Commission will consider such revocation.

- g. The Planning Commission shall have authority to determine whether or not a proposed home occupation special exception use complies with the Zoning Ordinance and is within the spirit of the same to ensure the compatibility of any use with the character of the zoning classification in which the same is located and that the health, safety and general welfare of the neighborhood will not thereby be impaired.
 - h. An occupation that meets all of the criteria for a home occupation set forth above (except subsection "e"), that does not have a sign or nameplate, that is conducted entirely within the dwelling or attached garage and that does not involve any physical presence at the premises by customers or by business associates not residing in the dwelling shall be allowed as a permitted accessory use and shall not be deemed a home occupation requiring a special exception use permit.
3. *Greenhouses and nurseries and related structures and equipment.* The growing of nursery stock and storage of related equipment and supplies provided that retail or wholesale sales from the premises and other business is subject to the following conditions:
- a. No activities shall be conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or the source of lighting shall not be discernible beyond the boundaries of the property from which the activity is conducted.
 - b. Any such use shall be subject to annual inspection by the Zoning Inspector of the Township and may be terminated by order of such inspector whenever the same fails to comply with the Zoning Ordinance.
 - c. The Planning Commission shall have authority to determine whether or not a proposed use complies with the Zoning Ordinance and is within the spirit of the same to ensure the compatibility of any use with the character of the zoning classification in which the same is located and the health, safety and general welfare of the neighborhood will not thereby be impaired.
 - d. The location of retail sales shall adhere to the standards for a roadside stand.
4. *Planned Unit Development.*
- a. *Statement of Purpose.* It is the purpose of this section of the zoning ordinance to establish requirements which permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities; encourage useful open space; and provide better housing, employment and shopping opportunities particularly suited to the needs of the residents of the Township and surrounding area. A permit may be issued for construction and occupancy of a planned unit development subject to compliance with the standards, procedures and requirements set forth in this ordinance. In the case of a project conducted in phases, each phase established shall, when considered in conjunction with any previously established phases of the project, adhere to the minimum open space and maximum residential density restrictions in this section.
 - b. *Definitions.* For the purpose of this section, certain terms or words used herein shall be defined as follows:
 - i. *Density, Maximum Residential.* The maximum number of dwelling units that may occupy the parcel.
 - ii. *Open Space.* Any unoccupied land or new unfenced water area which is not used for buildings or structures, is not a part of a lot or site condominium unit and does not include streets or roads or other impervious surface areas.

- iii. *Screening.* A screened area of not less than 20 feet in width, measured inward from the property line and consisting of a fence or tree and shrub planting which is compact and maintained in good condition at all times. The height of the screen shall be not less than five feet, except where the screen would interfere with traffic safety, in which case it may be reduced in height to not less than three feet.
- c. *General Requirements for Planned Unit Developments.* Any application for a special exception use permit must meet the following conditions to qualify for consideration as a planned unit development:
 - i. *Minimum Area:* The minimum area required to qualify for a PUD Special Exception Use Permit shall be 20 contiguous acres of land.
 - ii. *Ownership:* The tract of land for a project must be either in one ownership or the subject of an application filed jointly by the owners of all properties included (the holder of a written option to purchase land or the holder of a recorded land contract shall, for purposes of such application, be deemed to be an owner of such land).
 - iii. *Utilities:* Connection to a public sanitary sewer system shall be required or private facilities may be approved provided they are coordinated with the authority or entity responsible for approving such facilities. Septic tanks and dry wells shall not be permitted unless used for developments having an overall density of one unit per acre or less. All electric and telephone transmission wires shall be placed underground.
 - iv. *Location:* Planned unit developments shall be allowed only where the applicant can demonstrate that the proposed character of development will meet the objectives of PUD.
 - v. *Approval:* Approval by the Township Planning Commission of a comparison plan (except for projects in the "B-1" or "B-2" zoning districts) and sketch plan during the initial review and a detailed site plan of all planned unit developments is required.
- d. *Permitted Uses.* No structure or part thereof, shall be erected, altered, or used and no land shall be used except for one or more of the following:
 - i. Within the "R/OS" District, only single family dwellings shall be allowed as a secondary use to the primary recreational or open space use. The dwelling units may be located in a manner to meet the specific conditions within this district in terms of density and required open space.
 - ii. Within the "A-1" District, only single family detached dwellings shall be allowed. The dwelling units shall be on individual lots, whether through platting or land division or as a site condominium project with the site condominium unit defined as the lot.
 - iii. Within the "A" District, only single family or two-family dwelling units shall be allowed. The two-family units shall not exceed ten percent (10%) of the total number of dwelling units. Such two-family units shall not be placed within 300 feet of any single family dwelling on an adjacent parcel or within 300 feet of any "R/OS", "AB", or "A-1" zoning district.
 - iv. Within the "A-2" District, single family, two-family and multiple-family dwellings and office uses shall be allowed. The multiple-family residences shall not exceed ten percent of the total number of dwelling units. The office use shall not exceed ten percent of the development area. Such multiple-family or office use shall not be placed within 300 feet of any single family or two-family dwelling on an adjacent parcel or within 300 feet of any "R/OS", "AB", "A-1" or "A" zoning district.
 - v. Within the "B-1" District, single family, two-family and multiple-family dwellings shall be allowed. In addition, other permitted uses may include office and/or retail, provided that the spatial relationship of the uses, with some separation or screening, is indicated on the site plan.
 - vi. Within the "B-2" District, single family, two-family and multiple-family residential dwellings shall be allowed. Mobile home parks shall not be permitted within the PUD in recognition of a separate regulatory scheme for such use under Michigan law and as reflected in Section 8 of this Ordinance. In addition, permitted uses within the "C" Office/Retail District, excluding funeral homes and veterinary clinics, may be included within the PUD. The

intent will be for such non-residential use to be centrally located within the development area or contiguous to more intensive land use adjoining the PUD. Perimeter screening may be employed to achieve increased compatibility where in conflict with this provision.

- vii. The Planning Commission may allow for a combination of special exception uses allowed within the district in which the PUD is proposed, provided each special exception use receives individual approval as outlined within said procedures.
- e. *Lot Area and Dimensional Requirements.*
- i. *PUD's in the "R/OS", "A-1", "A" and "A-2" Districts:* Within any PUD in these districts, the requirements set forth below shall apply in lieu of lot area and dimensional regulations set forth in the district in which the PUD is located.
 - (a) *Number of Dwelling Units Permitted:* The maximum number of dwelling units permitted within the project shall be determined by the submission of a comparison plan, providing for an accurate determination of the permitted number of lots, units or parcels that can be developed utilizing a traditional subdivision, site condominium or land division process, whichever is applicable. In the event the project lies in more than one zoning district, the number of dwelling units shall be computed for each district separately.
 - (b) *Lot Area Requirements:* The minimum lot area for single family or two-family dwellings shall not be reduced more than 20 percent below that required in the district in which the project, or portion of the project, is located. The lot area requirement for multiple-family dwellings shall not be reduced by more than 10 percent of that permitted in the district in which the project is located.
 - (c) *Setback and Yards:* (For internal development only. All perimeter development shall be subject to the required setbacks for the overall parcel by district).
 - (1) *Front Yards.* The minimum setback from a street line for a building or structure may be reduced to thirty (30) feet in planned unit developments.
 - (2) *Side and Rear Yards.* The minimum side yard requirements may be reduced to ten (10) feet and the minimum rear yard may be reduced to twenty (20) feet in planned unit developments.
 - (d) *Minimum Lot Frontage and Width:* The minimum lot frontage and width for any lot designated for single family or two-family dwelling use may be reduced 20 percent below the requirements of the district in which the PUD is located.
 - (e) *Height Regulations:* The maximum height regulations for buildings and structures located in planned unit developments shall be the same as the maximum allowed in the district in which the PUD is located.
 - (f) *Spacing Between Buildings:* The minimum requirements for adequate access between and around principal and accessory buildings shall be ten feet.
 - (g) *Screening:* A screening area shall be provided along the perimeter of property on which multiple-family dwellings and/or commercial buildings are erected.
 - ii. *PUD's in the "B-1" and "B-2" Districts:* Within any PUD in these districts, the requirements set forth below shall apply in lieu of lot area and dimensional regulations set forth in the district in which the PUD is located.
 - (a) *Maximum Residential Density:* The maximum residential density shall be eight (8) dwelling units per acre in the "B-1" District and five (5) dwelling units per acre in the "B-2" District, with this calculated on the basis of the development area excluding the following: All proposed non-residential buildings, their accessory structures, and a land area sufficient to satisfy parking and setback requirements for such non-residential uses.
 - (b) The yard, setback, lot size, lot frontage, and lot width (but not building height) requirements for these districts are waived in order to allow the applicant and the Planning Commission maximum flexibility in achieving the purpose of a Planned Unit Development as set forth in the Statement of Purpose contained

herein.

f. *Open Space Requirements.*

i. *Amount of Open Space Required:* Within every PUD there shall be planned and set aside permanently as part of the total development an amount of open space as follows:

(a) *"R/OS", "A-1", "A" and "A-2" Districts:* Not less than (1) the aggregate accumulation of lot size reduction below the minimum lot area for the development as a whole or (2) 20 percent of the total parcel size of the PUD, whichever is greater.

(b) *"B-1" and "B-2" Districts:* Not less than 20 percent of the total parcel size of the PUD.

Before accepting the open space as meeting the requirements of this provision, the Township Planning Commission must find the land thus designated to be sufficient in size for practical uses and suitably located with adequate access. The Planning Commission must further find that sufficient evidence has been presented that adequate arrangements will be made for the maintenance of such designated land to relieve the Township of future maintenance.

ii. *Arrangement of Open Space:* All required open space within a planned unit development shall be arranged so as to provide access and benefit to the maximum number of lots and/or dwelling units. Separate tracts of open space shall have adequate access from at least one point along a public street. The intent of the open space shall be to support the needs of residents within the PUD as well as coordinating such open space with linkages to other open space areas that may be utilized by the general public. Retention of an open space perimeter along the public road right-of-way is required in order to retain the general character of the area. All open space within a PUD shall be contiguous with the rest of the PUD.

g. *Application Procedure and Approval Process.*

i. *General:* Whenever any planned unit development is proposed, before any building permit is granted, the developer shall apply for and secure approval of the Special Exception Use in accordance with the following procedures and obtain approval of a Detailed Site Plan from the Township Planning Commission.

ii. *Application for Sketch Plan Approval:*

a) In order to allow the Township Planning Commission and the developer to reach an understanding of basic design requirements prior to detailed site design investment, the developer shall submit a sketch plan of his proposal to the Planning Commission. The sketch plan shall be drawn to scale and clearly show the following information;

i) Boundaries of the property.

ii) Location and height of all buildings.

iii) Interior roadway system, parking facilities and all existing rights-of-way and easements, whether public or private.

iv) Delineation of the various residential areas indicating for each such area its size and composition in terms of total number of dwelling units, approximate percentage allocation by dwelling unit type, plus a calculation of the residential density.

v) The interior open space system.

vi) The overall storm water drainage system

vii) If grades exceed 30 percent, or portions of the site have a moderate to high susceptibility to erosion, or a moderate to high susceptibility to flooding and/or ponding, an overlay outlining the above susceptible soil shall be provided.

viii) Principal ties to the neighborhood and community with respect to transportation, water supply and sewage disposal, or their alternatives.

- ix) General description of the provision of other community facilities, such as schools, recreational facilities, fire cultural facilities, if any, and some indication of how these needs are proposed to be accommodated.
 - x) A location map showing uses and ownership of abutting lands.
- b) In addition, the following documentation shall accompany the Sketch Plan.
- i) Evidence that the proposal is compatible with the objectives of the community's Comprehensive Plan.
 - ii) General statement as to how common open space is to be owned and maintained.
 - iii) The Sketch Plan shall show the intended total project. If the development is to be constructed in phases, a general indication of how the sequence of phases is to proceed shall be identified.
- c) The Township Planning Commission shall hold a public hearing or hearings on the application for a planned unit development in accordance with the provisions of Public Act 110 of 2006, as it may from time to time be amended". The notice requirements contained in this ordinance for special exception uses and as provided by Michigan law shall be followed for public hearings on a planned unit development.
- d) Following the public hearing, the Township Planning Commission shall, within 60 days, approve or disapprove the sketch plan and so notify the applicant of its decision. The decision shall state the conclusions and the basis therefor, and shall state any conditions required to be met by the applicant.
- e) Approval of Sketch Plan shall not constitute approval of the detailed site plan, rather it shall be deemed an expression of approval of the layout as a guide to the preparation of the detailed site plan.
- f) Request for changes in Sketch Plan. If it becomes apparent that certain elements of the Sketch Plan, as it has been approved by the Township Planning Commission, become unfeasible and in need of modification, the applicant shall then resubmit his entire Sketch Plan, as amended, to the Township Planning Commission pursuant to the above procedures.
- iii. *Application for Detailed Site Plan Approval.*
- a) After receiving approval from the Township Planning Commission on a Sketch Plan, the applicant may prepare his Detailed Site Plan and submit it to the Township Planning Commission for approval. However, if more than six months has elapsed between the time of Sketch Plan approval, the Township Planning Commission may require a resubmission of the Sketch Plan for further review and possible revision.
 - b) The Detailed Site Plan shall conform to the Sketch Plan that has received approval. It should incorporate any revisions or other features that may have been recommended by the Township Planning Commission at the preliminary review. All such conditions or compliance shall be clearly indicated by the applicant on the plan or by attachment.
 - c) The Detailed Site Plan shall include the following information:
 - i) An area map showing the applicant's entire holding, that portion of the applicant's property under consideration, and all properties, subdivisions, streets, utilities and easements within 300 feet of applicant's property .
 - ii) A topographic map showing contour intervals of four feet of elevation or less shall be provided.
 - iii) A site plan showing location, proposed use and height of all buildings, location of all parking areas, with access and egress drives thereto; location of outdoor storage, if any; location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences, description of method of water supply and sewage disposal and location of such facilities; location and size of all signs; location and proposed development of screened areas; location and design of lighting facilities; and the amount of building area proposed for non-residential uses, if any.
 - iv) A tracing overlay showing all soil types and their location, and those areas, if any, with moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include an outline and description of existing vegetation.

- d) Required Standards for Approval. The Township Planning Commission review of the Detailed Site Plan shall include
 - i) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization, traffic controls, and pedestrian movement.
 - ii) Location, arrangement, appearance and sufficiency of off-street parking. Front yard setbacks of less than 40 feet and/or driveway spacing of less than 20 feet shall require greater review of overall parking within the development.
 - iii) Location, arrangement, size and entrances of buildings, walkways and lighting.
 - iv) Relationship of the various uses to one another.
 - v) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or a noise deterring screen between adjacent uses and adjoining lands.
 - vi) In the case of multiple dwellings, the adequacy of usable open space for playgrounds and recreation.
 - vii) Adequacy of water supply, storm water and sanitary waste disposal facilities.
 - viii) Adequacy of structures, roadways, and landscaping in areas with moderate to high susceptibility to flooding, ponding and/or erosion.
 - ix) Compliance with all regulations of the Richland Township Zoning Ordinance.
- iv. *Action on Detailed Site Plan:* The Township Planning Commission shall render its approval or disapproval and so notify the applicant and Building Inspector. The Planning Commission may require formal site plan review for individual elements of the overall PUD based upon the need for greater detail as part of this approval process. Upon approval, the Township may inspect the construction or progress on implementing the project consistent with the approved site plan and ordinance specifications.
- v. *Revocation:* In any case where construction on the Planned Unit Development has not commenced within one year from the date of approval, then the site plan permit shall be null and void.

5. *Residential Accessory Buildings.*

- a. All references to accessory buildings in this Section shall apply only to residential accessory buildings, including: private garages; carports; agriculturally used buildings on lots of five acres or less and boat houses.
- b. No accessory building may be used for human habitation.
- c. Accessory buildings permitted without a special exception use permit:
 - 1. The total combined floor space of the accessory building(s), both attached and detached, on a lot must not exceed the limits set forth in the following schedule:

Lot Size	Distance From Property Line	
	200' or less	More than 200'
1 acre or less	1632 sq. ft.	1632 sq. ft.
1.01 to 2.5 acres	1632 sq. ft.	2208 sq. ft.
2.51 to 4.99	2208 sq. ft.	Unlimited
5.00 acres or more	Unlimited	Unlimited

- 2. An accessory building which is structurally attached to the residence shall, unless expressly provided otherwise,

be subject to all requirements of this Section. The attached accessory building shall be constructed of similar materials and appearance as the main building.

3. When an accessory building is not structurally attached to the residence it shall be located in the side or rear yard. A corner lot shall be considered for purposes of this Section as having two front yards. No special exception use approval is required for front yard accessory buildings on parcels greater than 2.5 acres when setback not less than 200 feet from the road right-of-way and not placed in front of the width of the dwelling.
 4. Accessory buildings shall not:
 - (a) Exceed a height of 20 [feet];
 - (b) Occupy more than 40 percent of the total side and rear yard;
 - (c) Exceed, in total floor area, the ground floor area of the residence on that lot. The "ground floor area of the residence" shall not be deemed to include the floor area of any attached accessory building. The ground floor area of the residence shall not be deemed to include the floor area of any attached accessory building and the total square footage of all attached and detached accessory buildings shall be counted in this calculation. This section does not apply to proposed accessory buildings that are both over 200 feet from the road right-of-way and on a lot of 2.5 acres or more.
 - (d) Be located in violation of the building setback requirements for the zoning district in which it is located;
 - (e) Have a width greater than one-third of the width of the lot, or 24 feet, whichever is greater.
 5. Where two or more contiguous lots are under common ownership and are either wholly vacant or developed with one residence, all such lots shall be treated as one lot to determine the total combined floor area permitted.
- d. Accessory buildings permitted with a special exception use permit:
1. Any accessory building not meeting the size, height, maximum rear yard coverage, or location requirements set forth above, may be allowed as a special exception use, subject to the conditions in 4., 5., 6., and 7. below. If such request is connected to a request for variance for the principal residence, the complete application shall be decided by the Zoning Board of Appeals.
 2. A boat house may be allowed as a special exception use, only for the benefit of the occupants of the subject property, subject to the four conditions below as well as the requirements in 5., 6. and 7. that follow:
 - (a) Be located adjacent to a navigable body of water, with no minimum setback.
 - (b) Be used to store one or more boats and boating accessories.
 - (c) Be established in compliance with all applicable State and local laws.
 - (d) Complies with all size, height and location requirements set forth in this section, except as otherwise expressly approved by the Planning Commission.
 3. A vacant parcel accessory building may be allowed as a special exception use in the "R/OS", "AB", "A-1", "A", "A2", and "B-1" zoning district classifications, subject to the two conditions below as well as the requirements in 5., 6. and 7. that follow:
 - (a) A building permit application for the accessory building must be accompanied by a building permit application for the principal residence. Only temporary occupancy of the accessory building shall be given until final occupancy is provided for the residence.

NOTE: An application for the principal residence with a proposed detached accessory building may be approved by the Zoning Administrator where no temporary occupancy of the accessory building is requested).
 - (b) The building shall comply with all size, height, and location requirements set forth in the site development requirements for the district in which it is located, except as otherwise expressly approved by the Planning Commission.
 4. An accessory building shall not be located in violation of the building setback requirements for the zoning district

- in which it is located.
5. Proposed accessory building(s) shall not have a material adverse impact upon the owner and occupants of surrounding properties. The Planning Commission shall have authority to impose reasonable conditions, including reduction in size, to assure compliance with this standard.
 6. All applications requiring a special exception use permit hereunder shall be accompanied by seven copies of a diagram of the subject property, drawn to a selected scale, containing the following information:
 - (a) A NORTH arrow and a graphic scale be provided.
 - (b) All property lines shall be shown with their dimensions.
 - (c) Location and dimensions of all existing and proposed structures (including the height of all proposed accessory buildings) on the subject property and any existing buildings on adjacent property within 50 feet of the subject property.
 - (d) Location of any septic tank/or drywell on the subject property.
 7. An application for a special exception use permit hereunder shall include a statement setting forth the purpose(s) for which the proposed accessory building(s) will be used. No accessory building allowed pursuant to this subsection shall be used for a purpose other than that approved by the Planning Commission.
6. *Churches and Private Educational Facilities* subject to the following conditions:
- a. Such facilities shall be setback no less than 50 feet from the property line and no less than 75 feet from any residence on an adjacent parcel.
 - b. Expansion of facility utilization beyond the prescribed use, other than incidental accessory uses, shall require rehearing on the application or request for an additional special exception if defined within the ordinance.
7. *Recreational Facilities* subject to the following conditions:
- a. Such facilities, due to their unique nature, shall be approved provided the nature of the use does not create a potential for conflict that cannot be mitigated through noise abatement, screening and buffering, limitations on hours of operation, additional setbacks or separation distances.
 - b. Within the R/OS District, such facilities shall be located in areas allowing for the preservation of natural resources and maintenance of an open space perimeter around the site. Clubhouses or other facilities that may be utilized for meeting or gathering shall be supported by necessary parking facilities and centrally located. Promotion of such facilities for more commercial exposure shall not be permitted.
8. *Kennels* subject to the following conditions:
- a. The application shall indicate the number and type of domesticated animals to be boarded, with private boarding for four or more dogs deemed a kennel.
 - b. There shall be a 100 foot setback from any adjacent property line for any building or structure for housing the animals and for any pens or runs provided for their exercise.
 - c. All buildings shall be soundproofed and secured by fencing.
 - d. Landscaping (on the subject parcel) shall be provided on the outside of the perimeter fencing where such fencing is within 200 feet of an adjoining residence.
9. *Airport or Private Landing Strip* subject to the following conditions:
- a. The airport or landing strip shall be subject to the approval process of the FAA and any State or County certifications, licensing or regulations relating to the development (runway length, lighting, etc.) or operation (hours, noise levels, etc.)
 - b. The location of the runway (landing strip), hangers or any other storage buildings shall be setback 200 feet from any property line.
10. *Roadside Stand*: Such use shall exceed 30 days of sales per calendar year and include the construction of a building

subject to the following conditions:

- a. The stand shall be located no closer than 50 feet to the road right-of-way.
 - b. The building or stand shall not exceed 500 square feet unless approved by the Planning Commission. For each 100 square foot increase in building size, the building setback shall be an additional five feet.
 - c. Off-street parking shall require one space for each 100 square feet of building area and arranged to avoid any backing onto the roadway. The minimum entrance/exit width shall be a combined 24 feet, or may be split into separate entrances and exits if identified.
 - d. One sign, not to exceed 18 square feet in area, shall be located no closer than 20 feet to the road right-of-way and shall not pose a traffic hazard based upon visibility or design. The seasonal hours of operation shall be indicated on the sign.
 - e. The use is limited to the sale of products produced on the land and sales and display of no more than 25 percent of the value of the retail products brought in from other sources. Outdoor display of products shall be limited to 20 feet from the road right-of-way.
 - f. The applicant shall be responsible for removal of outdoor display areas when not in season and maintenance of the property in a safe and healthful manner, including trash receptacles.
11. *High Density Animal Feeding (Intensive Livestock) Operations* subject to the following conditions:
- a. Reserved for future use.
 - b. Reserved for future use.
 - c. Reserved for future use.
 - d. Reserved for future use.
12. *Veterinary Clinic/Animal Hospital* subject to the following conditions:
- a. Such use shall be located along a paved county road and be accessible to the county primary system where feasible.
 - b. The facilities shall include outdoor runs or fenced areas directly attached to the facility. If the facility provides for boarding of animals, such pens or runs shall be setback 100 feet from the property line and 200 feet from any adjoining residence.
 - c. A sign, not exceeding 18 square feet in area shall be setback no less than 20 feet from the road right-of-way and include the days and hours of operation unless posted on the front entrance to the facility.
13. *Hospital/Medical Clinic* subject to the following conditions:
- a. All buildings or structures shall be setback from any existing residence or residential zone a minimum distance of 200 feet.
 - b. Any entrance for emergency vehicles shall not be located on a residential street or pass through a residential neighborhood unless such access, in the judgement of the planning commission, cannot be otherwise situated.
14. *Residential Care Facilities* subject to the following conditions:
- a. All such uses shall comply with state licensing requirements and meet the definitions established for such categories of use within Section 1 of this ordinance. The applicant shall indicate the number of persons to be cared for and the contact person for the facility.
- 14A. *Group Child Care Home* subject to the following conditions:
- a. For group child care homes, the proposed home shall not be located closer than 1,500 feet to any other licensed group child care home, an adult foster care small group or large group home, nor any substance abuse facility providing services to 6 or more people, or a community correction center, resident home, halfway house or other facility provided treatment or incarceration under the jurisdiction of the Department of Corrections.
 - b. The Planning Commission shall consider the impact on the neighborhood and establish requirements for fencing where appropriate. The Planning Commission may also limit the operation of the group child care home between the

hours of 10 p.m. and 6 a.m. Such uses shall also adhere to any sign and parking regulations for such use.

15. *Essential Services* subject to the following conditions:
 - a. The proposed use shall be consistent with those uses defined within Section 1 [300.100] of this Ordinance. In most instances, essential services shall be considered a permitted use. Within the Mobile Home Park District they are established as a special exception use based upon potential for conflict due to state approved regulations. Within this district, the Planning Commission may impose conditions that protect and preserve the primary residential use.
16. *Commercial warehouse and mini-storage facilities* subject to the following conditions:
 - a. All storage or warehousing must be done within an enclosed building unless outdoor storage has been approved by the Planning Commission and appropriate screening is identified on the site plan.
 - b. All areas utilized for parking and access shall be paved and provide lighting, with such illumination limited to the property. Fencing and other security measures shall be employed and no business of a retail nature shall be conducted at the storage facility.
17. *Boat Houses and Boat Storage facilities* subject to the following conditions:
 - a. The storage use shall be the primary use and any repair activities shall be secondary and incidental to the primary storage use. Repair activities may only be conducted within an enclosed building.
 - b. Such use shall not be considered accessory to a residential use and shall only be located within a commercial or industrial zone.
18. *Hotels and Motels* subject to the following conditions:
 - a. Such use shall be limited to no more than 16 rooming units per acre and each unit shall be no less than 200 square feet in area without cooking facilities and 300 square feet with such cooking facilities.
 - b. The applicant shall adhere to the parking and sign requirements for such use in Section 19 [300.1900] and clearly define the location of such on the required site plan.
19. *Gasoline service station* subject to the following conditions:
 - a. The applicant shall not locate any pumps or underground storage tanks within 50 feet of any private property line and no closer than 30 feet to any public right-of-way. This location shall be indicated on the required site plan.
 - b. Any repair activities shall be secondary and incidental to the primary gasoline service or convenience store operation. Such activities may also be conducted within an enclosed building and no more than two vehicles awaiting repair may be parked on the premises.
20. *Drive-in and drive-through establishments* subject to the following conditions:
 - a. The applicant must meet the required parking standards for such use as well as identify access and drive-through lanes on the required site plan. The drive-through lane shall be no less than 100 feet in length in order to support at least five vehicles in line and the lane width shall be no less than 12 feet. This lane shall be clearly identified (marked) on the pavement.
 - b. Where such uses are adjacent to a residential use or residential zone, there shall be opaque screening of no less than six feet in height.
21. *Places of Amusement (including commercial recreation)* subject to the following conditions:
 - a. Such uses shall include, but not be limited to, bowling alleys, billiard parlors, movie theaters and other indoor facilities, including domed driving ranges, video/arcade or outdoor facilities such as miniature golf. The wide variety of uses shall require the Planning Commission to determine the appropriate screening or buffering of such use from adjoining land use.
 - b. At a minimum, the use shall incorporate parking in the front of the facility in order to reduce conflict associated with turning movements due to peak demand periods. Access shall be clearly marked (enter/exit signs) and be separated depending upon the scope of the facility and the traffic counts along the roadway.

22. *Contractor's establishment/lumber yard or similar use* subject to the following conditions:
- a. Such uses shall include establishments that incorporate either retail or office facilities and outdoor storage of materials or equipment. Such use combines elements of commercial and industrial use and the Planning Commission shall determine appropriate screening or buffering of such use from adjoining land use.
 - b. At a minimum, the use shall not allow for outdoor storage in the front yard and the retail or office use shall include parking separate from the storage area and adjacent to the building where service is provided. Access and parking within the storage area shall be clearly defined and separated from material or equipment storage. The storage area shall be fenced and secured in order to provide security during non-hours of operation.
23. *Trucking related facilities* subject to the following conditions:
- a. The industrial nature of such facilities shall require the Planning Commission to determine appropriate screening and buffering of such use from adjoining land use.
 - b. Any areas defined for truck storage or parking shall be placed within the rear yard. Any repair or service activities shall be conducted within an enclosed building. Due to the size of the vehicles, additional drive width and access lanes shall be incorporated to minimize conflict from turning movements.
24. *Agricultural processing or light manufacturing operations* subject to the following conditions:
- a. The use shall be compatible with adjoining land use or shall be sufficiently screened and buffered to minimize potential conflict.

25. *Adult Entertainment uses* subject to the following conditions:

Purpose: Regulation of adult entertainment uses is directed at protection of the health, safety and welfare of Township residents through the establishment of conditions by which such use may be approved. The intent is to minimize the negative impacts of such use, including potential blight and nuisance activity associated with such adult uses. It is not the intent of this ordinance to regulate the content of materials associated with the use, rather the separation of incompatible uses that may result in loss of property value.

District: Adult entertainment uses are special exception uses within the "E" Industrial District. Such use is deemed to be incompatible with uses permitted within the agricultural, residential and commercial districts and the site development regulations provide for increased set back and lot area to further reduce such incompatibility.

Definitions: Such uses defined are not intended to be an exclusive list of adult entertainment. Any such use required to be licensed or inspected shall be included within this definition of adult entertainment even if not specifically listed under this subsection:

Adult booth, arcade, motion picture or mini-motion picture theater or similar use that presents material which displays images emphasizing matter depicting or describing "Specified Sexual Activities" or "Specified Anatomical Areas" as defined. Such uses shall be within an enclosed building or enclosed room within the building and shall not be viewed or displayed immediately upon entering said building or room.

Adult book store, adult novelty store or adult video store or similar use which offers for rent or sale material which displays images emphasizing matter depicting or describing "Specified Sexual Activities" or "Specified Anatomical Areas" as defined. Such stores that limit the concentration of such material to an "adult only" section, encompassing less than 25 percent of the usable floor area and less than 25 percent of the gross receipts from sales or rentals, shall not be considered under this definition or regulated as "adult entertainment".

Adult cabaret, nightclub, theater or similar establishment which features live performances by dancers (topless, go-go or exotic as examples), strippers or similar entertainers, where the performers feature live display of "Specified Anatomical Areas" or describe "Specified Sexual Activities".

Adult motel or adult lodging establishment or similar use that provides materials for sale or rent, including in-room videos, which displays images emphasizing matter depicting or describing "Specified Sexual Activities" or "Specified Anatomical Areas". Such facilities shall clearly advertise the availability of such adult entertainment.

Adult personal service or physical culture business or similar uses including massage parlors, health spas, saunas or steam baths where the person providing the service is nude or partially nude as defined as having attire which reveals "Specified Anatomical Areas".

Specified Anatomical Areas are areas of the body, less than completely or opaquely covered, including human genitals, the pubic region, buttock or female breast area below a point immediately above the top of the areola. This definition shall also include human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities include human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse, sodomy or fondling or other erotic touching of human genitals, the pubic region, buttock or female breast.

Conditions: In order to reduce or mitigate the incompatibility of such uses with surrounding uses, the following conditions shall apply for adult entertainment:

1. All such facilities shall meet any State licensing requirements, fire regulations or other state or local requirements for operation.
2. All such facilities shall provide for separate male and female restrooms and such restrooms shall be free to the public.
3. The entrance to such facilities shall be clearly posted "For Adults Only" and anyone entering the facility shall be asked for permanent identification to determine that no person under the age of 18 is allowed.
4. Signage shall adhere to the Township sign regulations and no advertisement shall be visible from the exterior of the facility related to the display or description of materials defined as "Specified Sexual Activities" or Specified Anatomical Areas" or any language considered slang providing for the same description.
5. A site plan shall be submitted which meets the Township's standards for site plan review, including landscaping and lighting that will decrease the incompatibility with surrounding uses. The site plan shall also indicate any existing uses, buildings or structures within 500 feet of the property.
6. The site for such adult entertainment use shall not be located within 500 feet of any community facilities, including churches, schools or other public buildings.
7. The site for such adult entertainment use shall not be located within 500 feet of any residence or from a residential zoning district.
8. The site for such adult entertainment use shall not be located within 1,000 feet of any other adult entertainment use as defined in this ordinance.
9. Parking areas shall be well lit and no loitering or congregation of patrons outside of the facility shall be allowed by the proprietor of the business.

Exempt Uses: Any use that is licensed or certified for purposes of other professional service, including barbers or beauticians, massage or physical therapists, athletic trainers or other professions where bodily contact is anticipated as part of the service, shall be exempt from these provisions so long as the use does not extend to providing services similar to those identified under this section.

26. *Agri-tainment* subject to the following conditions:

- a. The use shall be based on the products produced on the parcel with the educational or entertainment element linked to such products or production.
- b. The commercial aspect of the business may include retail sales of products or by-products, educational

presentations related to history of the product or planting or processing methods, entertainment or amusement or similar linkages related to the following uses or crops on a seasonal basis as follows:

1. Orchards (Apples or other fruit).
 2. Corn (maze).
 3. Pumpkin (patch).
- c. Facilities established for the support of the activity shall be subject to site plan review and approval. Parking calculations shall be based upon the collective uses undertaken on site, the seasonal nature of the operation and/or the projected attendance for the amusement activities.
27. *Restaurants* subject to the following conditions:
- a. The approval shall be based upon an established listing of hours of operation, type of approved liquor license (if any) and maximum number of patrons that can be served from the premises.
28. *New and Used Vehicle Sales and Service*, with such use including farm machinery, manufactured or mobile homes, or similar vehicle or equipment sales and service subject to the following conditions:
- a. The application shall list the number and location of vehicles for sale and the anticipated number of employees required for that percentage of the business.
 - b. The application shall list the number of service stalls and the location of vehicles awaiting repair and the anticipated number of employees required for that percentage of the business.
 - c. The required site plan shall indicate the layout and design of such facilities, indicating the display areas, the required parking for employees and the location for service activities. The display areas shall be setback at least 50 feet from the road right-of-way.
29. *Open Air Display* shall be considered a special exception use whether it be the primary use or secondary to the principal permitted or special exception use, subject to the following conditions:
- a. The display area shall be clearly indicated on the approved site plan and the type of materials or equipment displayed shall be specifically listed on the application.
 - b. Open air display areas shall be paved or have a gravel surface, as specified by the Planning Commission. The Planning Commission shall have authority to waive this requirement if the Planning Commission determines, in its sole reasonable discretion, that because of the nature of the outdoor display, the nature of the site upon which it is located and/or the nature of the surrounding area, the waiver will not have a material adverse impact on the ability of the open air display area(s) to satisfy the applicable standards for special exception use approval and/or site plan approval set forth in this ordinance.
 - c. The materials or equipment shall be displayed in an area that meets the yard setback regulations for buildings within the district in which it is located. The Planning Commission may require screening along any property line where such display area would negatively impact such adjoining property.
 - d. No additional signs may be utilized for advertising unless incorporated into the approved sign permit with the location indicated on the approved site plan.
 - e. There shall be no use of tarps, tents or any other type of covering or structure unless such use has been approved as part of this special exception use and is within the required building envelope established by the yard setback requirements.
 - f. Not less than a twenty (20) foot deep landscape strip shall be developed and maintained adjoining any public road right-of-way, unless specifically waived by the Planning Commission.
 - g. The proposed display area shall not eliminate any of the parking spaces for the approved use unless the applicant has surplus parking beyond that required or provides a revised site plan showing where the additional parking spaces shall be located. The Planning Commission may waive required parking standards where such use is limited to temporary or seasonal display.

- h. The Planning Commission may limit the duration and/or the days and hours of operation based upon the nature of the open air display and the impact upon the surrounding area.
30. *Two Family Dwellings* subject to the following conditions:
- A. The minimum lot area and minimum lot width shall adhere to the site development regulations for such use within the "A-2" zoning district.
 - B. Where such two-family dwelling is abutting a single family dwelling in the same zone, the side yard setback shall be no less than 20 feet. Where such two-family dwelling is abutting a single family dwelling in a higher zoning district, the side yard setback shall be no less than 30 feet.
 - C. The Planning Commission may impose landscape or screening requirements where such buffer is needed beyond the required side yard setbacks.
31. *Light Industrial Uses* may be permitted within the "D" Regional Commercial District subject to the following conditions:
- a. There shall be an existing facility on the site that either has been used for industrial purposes in the past or is of such square footage or design where industrial utilization is clearly more marketable than a permitted commercial use within the zoning district.
 - b. The lot area shall be a minimum of five acres.
 - c. No more than five residential dwellings shall be within 500 feet of the existing building or any building expansion area of the site.
 - d. Such use shall front directly onto an existing state highway (M-89 or M-43).
 - e. The industrial utilization of the site shall not be detrimental to existing commercial uses or the development of new commercial uses located on any land zoned for commercial use.
32. *Parent/Grandparent Accessory Apartment (PGAA)*, subject to the following conditions:
- 1. The PGAA may only be occupied by a parent or grandparent of an occupant of the principal dwelling and/or the spouse or widow/widower of such parent or grandparent.
 - 2. The PGAA shall be physically attached to the principal dwelling.
 - 3. The PGAA and the principal dwelling shall be internally accessible to one another.
 - 4. Other than a separate entrance/exit, there shall be no external evidence of the existence of the PGAA.
 - 5. No more than two persons may reside in the PGAA.
 - 6. An application for a special exception use permit for a PGAA shall include a written statement from the applicant setting forth the measures that will be taken by the applicant to reintegrate the PGAA into the principal dwelling as one combined dwelling unit (e.g. removal of kitchen facilities, removal of door(s) separating the PGAA and the principal dwelling) once the PGAA ceases to be occupied in the manner set forth in condition "1" above. Failure of an applicant and/or his/her successor in interest to act in accordance with this statement (or to take alternative measures approved by the Planning Commission) shall be a violation of this Ordinance.
 - 7. The PGAA shall not have a material adverse impact upon the owners and/or occupants of surrounding properties. The Planning Commission shall have authority to impose reasonable conditions to assure compliance with this standard.
 - 8. The PGAA shall be subject to annual inspection by the Richland Township Zoning Administrator or other official designated by the Richland Township Board to assure continued compliance with this Ordinance.
 - 9. Prior to any special exception use permit approval hereunder taking effect, the applicant shall file with the Planning Commission an affidavit that:
 - a. Is in a form recordable with the Kalamazoo County Register of Deeds and approved by the Planning Commission;
 - b. Contains a legal description of the lot or parcel on which the PGAA is located;
 - c. Gives notice that the PGAA may only be utilized in accordance with the terms of the Richland Township Zoning

Ordinance and the special exception use permit granted for the PGAA, which terms run with the land and are binding upon any successor owners of the land;

- d. Contains a statement acknowledging that the affidavit may be recorded by Richland Township with the Register of Deeds of Kalamazoo County, Michigan; and
- e. Contains the notarized signatures of all of the owners of the subject land.

33. *Wind Energy Conversion Systems (WECS)*

- a. *Purpose:* The regulation of wind energy conversion systems, including the height, minimum lot area and required setbacks for such systems, is intended to provide for an alternative source of power generation while protecting the health, safety and welfare of Township residents.
- b. *Definition:* Wind energy conversion systems: A system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related equipment. A "small turbine/on-site" system is intended to primarily serve the needs of the customer, with a single tower that that may, or may not, be connected to the utility grid. A "large turbine/utility grid system" is designed to generate electricity from one or more towers (within an array) and is intended to serve institutions, residential communities or larger cooperatives.
- c. *Special exception use:* Due to the concerns related to health, safety and welfare, such systems shall be regulated as special exception uses within all zoning districts. Any "small turbine, on site" system not exceeding 50 feet in height shall be exempt from these special exception use requirements. The following requirements shall be met and the Planning Commission may impose additional conditions where appropriate:

- 1) In addition to the requirements for site plan review, the site plan of the property shall show the location of overhead electrical transmission or distribution lines, whether utilized or not, and the location of the WECS with its specific dimensions, including the entire area through which the rotor(s) may pass, the location of any guy wires or other support devices, and the location of all dwelling units within five hundred (500) feet of the WECS.
- 2) Each special exception use permit application shall be accompanied by a complete set (either the original or an accurately reproduced copy) of the manufacturer's instructions which shall, at a minimum, include the following: A standard foundation and anchor design or specifications for normal soil conditions; Detailed instructions for operation and maintenance of the WECS on site; A copy of all warnings and/or documents provided by the manufacturer of the WECS; Grounding and lightning procedures protection which follow the National Electrical Code, Articles 250 (Grounding) and 280 (Lightning Arresters). In addition, the Underwriters Label shall be attached to the base of the tower and any subsystem, such as the generator. The following information shall also be included with the application: The name, address, and telephone number of the owner of the tower/subsystem; Manufacturer's name and address; Model number; Emergency and normal shutdown procedures; The survival wind speed in miles per hour and meters per second for the tower and the maximum power output for the generator.

Following installation, the Name of installer; Name of person responsible for maintenance; Emergency telephone number in force for the installer and the person responsible for maintenance shall be attached to the base of the tower.

- 3) *Electromagnetic Interference:* The entire WECS (including turbines, alternators, generators, and interconnect systems) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio, and/or television broadcasting or reception, and shall comply with Federal Communication Commission Rules.
- 4) *Noise:* The maximum level of noise permitted to be generated by any WECS shall be fifty (50) decibels, as measured on the DBA scale, measured at the property line nearest the WECS. The Planning Commission may request that a baseline study of the decibel levels existing prior to the installation be included as required

documentation for review.

- d. *Site development:* The following site development requirements shall apply:
- 1) *Lot Area/Setbacks:* No "small turbine/on-site" WECS shall be erected on any lot or parcel less than one (1) acre in area and no "large turbine/utility grid" WECS shall be erected on any parcel less than twenty (20) acres in area. The tower(s) shall be situated on the lot or parcel so that no portion of the tower or turbine is closer to above-ground utility lines and/or property lines than 150% of the height of the tower as defined in [2] below. For roof-mounted systems, the minimum setback from any property line shall be no less than 110% of the combined height of the roof location and system, including any blades.
 - 2) *Height:* The maximum allowable height for any "small turbine/on-site" WECS, based upon the combined tower and rotor blade length, shall be forty (40) feet for parcels of one (1) to less than five (5) acres, eighty (80) feet for parcels of five (5) to less than ten (10) acres and up to one hundred and twenty (120) feet for parcels of ten (10) acres or more. The maximum allowable height for any "large turbine/utility grid" WECS, based upon the combined tower and rotor blade length, shall be three hundred (300) feet. The Planning Commission may waive this height requirement where this would not negatively impact adjoining properties. *Ground Clearance:* For both horizontal and vertical axis turbines, the WECS rotor shall be located on the tower or support such that the blade clearance above ground level is not less than 20 feet.
 - 3) *Accessibility:* Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder to a height of 12 feet.
 - 4) *Connection to power grid:* In the case of a WECS to be interconnected with the power grid of the local electric utility, the applicant shall provide proof of written notice to the utility of the proposed interconnection and the utility's response thereto.
 - 5) *Vibration:* Under no circumstances shall a WECS produce vibrations humanly perceptible beyond lot boundaries.
 - 6) *Additional studies:* The applicant may offer and submit, or the Planning Commission may require that the applicant submit, studies related to noise, vibration, or similar issues that may be considered a nuisance. In addition, studies may be required to address avian and wildlife impact, visual impacts, shadow flicker (changes in light intensity caused by the moving blade) or similar issues related to the compatibility of the proposed use in the requested location.
- e. *Plan for WECS Removal:* The applicant shall submit with its application a plan that indicates the design life of the WECS, the estimated cost for the removal of the WECS and the manner in which the WECS shall be removed and the site reclaimed once the WECS is no longer in operation. The owner of the WECS shall within 120 days after the WECS ceases to be in operation either (1) remove the WECS in accordance with the removal plan submitted hereunder or (2) repair or replace the deficient WECS component(s) and resume operation of the WECS. All replacement components shall conform in all material respects to the components they replace, (e.g., height, setback, noise, vibration, shadow flicker, wildlife impact, other impacts on the surrounding area) or receive amended special exception use permit approval from the Planning Commission. The Planning Commission shall have authority, if it deems it necessary to assure satisfaction of the general standards for special exception use permit approval, to require the applicant to file and maintain with the Township a financial guaranty in an adequate amount to cover the cost of the proper removal of the WECS. The financial guaranty shall be in the form of cash, certified check or an irrevocable bank letter of credit in a form acceptable to the Township and shall give the Township the right, but not the obligation, to use such funds to cause the removal of the WECS if the owner fails to do so within the time frame prescribed herein.
34. *Bed and Breakfast Inn, subject to the following conditions:*
1. The Inn shall include only the kitchen facilities serving the primary residence and no such facilities shall be provided for in the guest sleeping rooms. The use of any accessory buildings for purposes of large gatherings shall either use such kitchen facilities serving the residence or shall be catered from outside sources.

2. No more than six (6) separate guest sleeping rooms are permitted to be utilized for compensation. No conference room similar retail use shall be permitted unless specifically approved by the Planning Commission. The use of any accessory purposes of large gatherings or events may be permitted subject to Planning Commission approval.
 3. There shall be parking provided based upon two (2) spaces for the primary residence and not less than one (1) additional space for each guest sleeping room. Such parking area shall not be located in the front yard unless setback not less than 100 feet from the road right-of-way. Approval of accessory buildings for large gatherings or events shall be subject to temporary or seasonal parking equivalent to one space for every four (4) persons attending such event.
 4. No more than one (1) non-resident employee is permitted with the exception of temporary workers during special events.
35. *Brewery, Micro-Brewery, Brewpub, Wine Maker or Spirit Manufacturing and Sales, C-1, C-2, D, D-1 Districts, subject to the following conditions:*
1. Such use may not be located within 500 feet of a church or school, unless such entity does not file an objection with the Liquor Control Commission.
 2. Such use shall be subject to State licensing requirements and provide the Township with a copy of their license and notify the Township of any changes in its licensing status.
36. *Reserved.*
37. *Solar Energy Systems.*
- (A.) A private solar energy system shall be a permitted use in all districts if roof or building mounted or utilizing building integrated photovoltaics, subject to the following:
1. The location of the system on the roof or building does not exceed height or setback requirements for the zoning district in which it is located. In no instance shall the panels on the roof extend more than five feet from the roof surface.
 2. For wall-mounted, the panels shall not be located on the front of the building nor extend beyond the eave, either in height or depth.
 3. The Building Official/Zoning Administrator may require that the applicant provide certification and specifications related to the structural integrity of the roof or building to support such installation.
 4. All systems shall be installed, maintained and used in accordance with the manufacturer's instructions. The installation shall be subject to compliance with the Township's construction code, electrical code and other township, county, state and federal regulations.
- (B.) All other systems, being either private ground-mounted or commercial systems, shall be subject to the above (A. 1-4) and the following conditions as part of the review and approval of the special exception use:
1. The installation of a ground-mounted system shall require the submission of a site plan complying with the provisions under Section 18.A. of this zoning ordinance.
 2. The installation of the system shall generally be neutral in color and substantially non-reflective of light. A system shall not be installed or located so that sunlight or glare is reflected onto neighboring properties or abutting roads.
 3. The maximum height of a ground-mounted system shall not exceed 15 feet in height and the base of the system shall be screened by no less than a 6-foot opaque fence or landscape screening that achieves the 6-foot height at the time of planting. The Planning Commission, in their sole reasonable discretion, may waive this requirement where such screening is deemed unnecessary.
 4. The installation of the system shall be limited to the side or rear yard and private systems shall be setback twice (2x) the required setback for the zoning district in which they are located.
 5. Commercial systems that are the principal use of the property shall be required to have a minimum of 20 acres

and the front-yard setback shall be not less than 100 feet from any abutting property line and the road right-of-way. They shall only be permitted within the "A-1", "AB", "D-1", "E" or "RP" zoning districts.

6. Commercial systems that are accessory to the principal use shall be setback not less than 50-feet from any abutting property line and be located in the side or rear yard.
7. A system shall be considered abandoned if not in operation for more than one year and shall be removed by the owner/operator within 6 months of the date of abandonment. The Planning Commission may impose a condition that a financial guarantee (cash bond, irrevocable letter of credit or a performance bond) be provided within 15 days of approval to secure removal of the system. The applicant's engineer shall provide a breakdown of costs associated with such removal and the Township may impose a 150% amount of that estimate to ensure security for such removal.
8. The Planning Commission, in its sole reasonable discretion, may require the submission of any additional information, including acceptance by the electric utility via letter related to interconnection or a signed power purchase agreement.

38. *Wedding Barns (special exception use in the "A-1" and "AB" Districts) subject to the following:* (1) The minimum lot area shall be 10 acres in the "A-1" District; (2) The use shall be limited to hours not to exceed 11:00 p.m. and comply with the Township's noise ordinance provisions; (3) Any food and drink shall be subject to County Health Department and State Liquor Control regulation; (4) Required parking shall be paved or other hard surface (gravel), with this subject to waiver by the Planning Commission if less than 12 events are held per year.

(Ord. No. 179, adopt. 7-2-2002; Ord. No. 185, adopt. 11-12-2002; Ord. No. 188, adopt. 2-12-2003; Ord. No. 192, adopt. 6-3-2003; Ord. No. 198, adopt. 12-2-2003; Ord. No. 202, adopt. 8-10-2004; Ord. No. 216, adopt. 4-11-2006; Ord. No. 218, adopt. 7-11-2006; Ord. No. 220, adopt. 1-2-2007; Ord. No. 227, adopt. 2-5-2008; Ord. No. 235, §§ III, IV, adopt. 3-3-2009; Ord. No. 238, §§ IV—VI, 5-18-2010; Ord. No. 243, §§ I, II, 7-19-2011; Ord. No. 244, § II, 10-18-2011; Ord. No. 246, § XV, 1-17-2012; Ord. No. 252, adopt. 11-20-2012; Ord. No. 263, § 1A—E, 3-15-2016; Ord. No. 264, § 7A—C, 8-16-2016; Ord. No. 266, adopt. 6-20-2017; Ord. No. 270, adopt. 9-18-2018; Ord. No. 274, § 1, adopt. 3-19-2019; Ord. No. 276, §§ 2—7, 15, adopt. 7-16-2019; Ord. No. 279, § 4, adopt. 1-21-2020)

SECTION 18A

300.1800A - SITE PLAN REVIEW

300.1801A - Purpose.

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

(Ord. No. 239, § II, 9-21-2010)

300.1802A - Scope.

B. Prior to the issuance of a building permit or the creation of a use, a site plan shall be submitted in accordance with this section and approved by the Planning Commission. Except as otherwise provided in this Ordinance, site plans shall be required for the following uses and related development:

1. Permissible Uses and Special Exception Uses in the B-1, C, C-1, C-2, D, D-1, E and RP zoning districts.
2. Special Exception Uses in the R/OS, AB, A-1, A and A-2 zoning districts.
3. A change in use that includes specific conditions or calculations, such as for the required parking, different than that for

the previous Permissible use.

(Ord. No. 239, § I, 9-21-2010; Ord. No. 246, § XVIII, 1-17-2012; Ord. No. 264, § 8, 8-16-2016)

300.1803A - Optional sketch plan review.

C. Preliminary sketches of proposed site and development plans may be submitted for review to the Planning Commission prior to final approval. The purpose of such procedure is to allow discussion between a developer and the Planning Commission to better inform the developer of the acceptability of his proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such sketch plans shall include as a minimum the following:

1. The name and address of the applicant or developer, including the names and addresses of any officers of a corporation or partners of a partnership;
2. A legal description of the property; and
3. Sketch drawings showing tentative site and development plans.

The Planning Commission shall not be bound by any tentative approval given at this time.

(Ord. No. 239, § II, 9-21-2010)

300.1804A - Application procedure.

D. Requests for final site plan review shall be made by filing with the Township Clerk the following:

1. A review fee as determined by resolution of the Township Board based upon the cost of processing the review and as shall be on file with the Township Clerk for public information;
2. Seven copies of the completed application form for site plan review which shall contain, as a minimum, the following:
 - a. The name and address of the applicant;
 - b. The legal description of the subject parcel of land;
 - c. The area of the subject parcel of land stated in acres or, if less than one acre, in square feet;
 - d. The present zoning classification of the subject parcel; and
 - e. A general description of the proposed development.
3. Seven copies of the proposed site plan which shall include as a minimum the following:
 - a. A scale drawing of the site and proposed development at a scale of one inch = 20 feet to one inch = 100 feet;
 - b. The date of the drawing and the name, telephone number and address of the applicant/owner/developer and the engineer, architect or surveyor who prepared the plans;
 - c. The topography of the site and its relationship to adjoining land;
 - d. The natural features and any existing manmade features;
 - e. The locations, heights and size of structures and other important features and the dimensions between existing and proposed structures and setbacks required;
 - f. The percentage of land covered by buildings and that reserved for open space;
 - g. Lot coverage and dwelling unit density where pertinent;
 - h. The location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated, or abandoned, including grades and types of construction of those upon the site;
 - i. Any curb-cuts, driving lanes, parking and loading areas and the dimensions of such;
 - j. The location and type of drainage, sanitary sewers, storm sewers, and other utility mains and facilities;
 - k. Any pedestrian walks, malls and recreation areas, emergency vehicle accessibility;

- l. A required landscape plan which includes both screening and fencing where required (including rubbish disposal facilities) shall include the following:
 - 1. Both perimeter and interior landscaping of parking lot areas, with a 20 foot landscape strip established between a public road and any visible parking areas. This strip shall include at least one tree (at least six feet in height at the time of planting) planted along this strip for every 30 feet of public road frontage. Interior landscaping shall include at least 200 square feet of landscaping for every ten parking spaces.
 - 2. In addition to the requirements established under Section 19.L. [300.1912] 2., the applicant shall screen or landscape areas within ten feet of any residential zone or where the property line is within 50 feet of any residential use. The applicant may utilize opaque fencing of at least six feet in height, a berm with landscape plantings of at least six feet or a combination of fencing and landscaping to achieve the desired result.
- m. Any proposed earth changes and environmental impact of the project;
- n. Any signs and on-site illumination; and
- o. The applicant must obtain a proposed address provided by the office of the Township Engineer. Such address shall be located on the building, with lettering not less than 10" in height, or in compliance with NFPA1/Uniform Fire Code standards. In addition to the building, the freestanding sign shall display the building address or range of addresses for multiple unit buildings or sites. For projects that include multiple buildings on one parcel, such as condominiums or larger commercial development, the applicant shall submit an addressing plan, identifying the primary entrance (by name or directional sign) from the public road, and whether it is proposed as a private road or drive aisle. For projects that include multiple buildings on one parcel, such as condominiums or larger commercial development, the applicant shall submit an addressing plan, identifying the primary entrance (by name or directional sign) from the public road, and whether it is proposed as a private road or drive aisle.

Any sequencing of addresses shall be reviewed by the office of the Township Engineer and the Fire Chief as part of site plan review. Any additional information needed by such officials may be requested directly from the applicant.

- p. The Planning Commission may approve a site plan lacking one or more of the above site plan informational requirements if the Planning Commission determines, in its sole reasonable discretion, that the nature of the proposed use or development, the subject property and/or the neighboring properties makes the provision of such information unnecessary to determine whether the site plan satisfies the standards set forth in Section 18.A.F [300.1806A] of this Ordinance.
- q. If the site plan is submitted as part of an application for outdoor display or outdoor storage, the specific dimensions of such areas shall be included on the plan.

(Ord. No. 192, adopt. 6-3-2003; Ord. No. 239, § II, 9-21-2010; Ord. No. 264, § 9A, B, 8-16-2016; Ord. No. 279, § 3, adopt. 1-21-2020)

300.1805A - Action on application and plans.

- E.
 - 1. Upon receipt of the application and plans, the Township Clerk shall record the date of the receipt thereof and transmit five copies thereof to the chairman of the Planning Commission; one copy to the Township Building and Zoning Inspector and one copy to the Township Engineer.
 - 2. A hearing shall be scheduled by the chairman of the Planning Commission for a review of the application and plans as well as the recommendations of the Township Engineer and the Township Building and Zoning Inspector with regard thereto. Members of the Planning Commission shall be delivered copies of the same prior to the hearing for their preliminary information and study. The hearing shall be scheduled within not more than 30 days following the date of the receipt of the plans and applications by the Township Clerk.
 - 3. The applicant shall be notified of the date, time and place of the hearing on his application not less than three days prior to such date.

4. Following the hearing, the Planning Commission shall have the authority to approve, disapprove, modify or alter the proposed plans in accordance with the purpose of the site plan review provisions of the Township Zoning Ordinance and criteria therein contained. Any required modification or alteration shall be stated in writing, together with the reasons therefor, and delivered to the applicant. The Planning Commission may either approve the plans contingent upon the required alterations or modifications, if any, or may require a further review after the same have been included in the proposed plans by the applicant. The decision of the Planning Commission shall be made by said Board within 60 days of the receipt of the application by the Township Clerk. The site plan shall be approved if it contains the information required by the zoning ordinance and is in compliance with the ordinance, the conditions imposed pursuant to the ordinance, other applicable ordinances and state and federal law.
5. Two copies of the approved final site plan with any required modifications thereon shall be maintained as part of the Township records for future review and enforcement. One copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the chairman of the Planning Commission for identification of the finally approved plans. If any variances from the zoning ordinance have been obtained from the Planning Commission the minutes concerning the variance duly signed shall also be filed with the Township records as a part of the site plan and delivered to the applicant for his information and direction.

(Ord. No. 239, §§ II, III, 9-21-2010)

300.1806A - Criteria for review.

F. In reviewing the application and site plan and approving, disapproving or modifying the same, the Planning Commission shall be governed by the following standards:

1. That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to assure the safety and convenience of pedestrian and vehicular traffic.
2. That the buildings, structures and entryways thereto proposed to be located upon the premises are so situated and designed as to minimize adverse effects therefrom upon owners and occupants of adjacent properties and the neighborhood.
3. That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
4. That any adverse effects of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping.
5. That all provisions of the Township Zoning Ordinances are complied with unless an appropriate variance therefrom has been granted by the Planning Commission. The approval of the site plan does not result in any waiver of any code provisions unless specifically disclosed to the Planning Commission and is accepted by the Planning Commission as part of the site plan approval.
6. That the height and location of all portions of buildings and structures are accessible to available emergency vehicles and equipment.
7. That the plan as approved is consistent with the intent and purpose of zoning to promote public health, safety, morals and general welfare; to encourage the use of lands in accordance with their character and adaptability; to avoid the overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services, to conform with the most advantageous uses of land, resources and properties; to conserve property values and natural resources; and to give reasonable consideration to the character of a particular area, its peculiar

suitability for particular uses and the general and appropriate trend and character of land, building and population development. Prior to the grant of an occupancy permit by the Building Inspector, a final review shall be conducted to determine compliance with site plan requirements, including any conditions related to Township Engineer and Fire Department approvals.

(Ord. No. 239, § II, 9-21-2010; Ord. No. 270, adopt. 9-18-2018)

300.1807A - Conformity to approved site plan.

G. Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the Planning Commission. If construction and development does not conform with such approved plan, the approval thereof shall be forthwith revoked by the Building and Zoning Inspector of the Township by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation. However, the Planning Commission may, upon proper application of the developer and after a hearing, approve a modification in the site plan to coincide with the developer's construction provided such construction complies with the criteria contained in the site plan approval provisions and with the spirit, purpose and intent of the Township Zoning Ordinance.

Approval of the site plan shall be valid for a period of one year after the date of approval. If a building permit has not been obtained and on-site development actually commenced within said one year, the site plan approval shall become void and new application for site plan approval shall be required and new approval obtained before any construction or earth change is commenced upon the site.

(Ord. No. 239, § II, 9-21-2010)

300.1808A - Amendment to site plan.

H. Amendment to site plan.

A proposed amendment, modification or alteration to a previously approved site plan shall be submitted to the Planning Commission for review in the same manner as the original application was submitted and reviewed, unless such amendment adheres to the following criteria:

1. The amendment does not involve a change in use or addition of a new use; and
2. The amendment does not increase required parking beyond the number of spaces presently located on the site and any area designated on the original site plan for future parking; and
3. The amendment does not change the access point(s) or general circulation within the site.

Given adherence to the above criteria, the amendment to the site plan shall instead be subject to review and approval by the Zoning Administrator, who may utilize professional advice in determining whether such amendment complies with the requirements of this section of the Zoning Ordinance. This provision for administrative site plan review shall in no way be deemed to deprive the Zoning Administrator of discretion to refer a proposed amended site plan to the Planning Commission for its review and approval.

(Ord. No. 239, § II, 9-21-2010; Ord. No. 252, adopt. 11-20-2012)

SECTION 19

300.1900 - LIGHT, VENTILATION, SANITATION, LAND AREA, PROTECTION REQUIREMENT, BILLBOARD AND ADVERTISING SIGNS

300.1901 - [Ventilation.]

A. In every dwelling hereafter erected every room shall have at least one window or windows equal to one-eighth of the superficial floor area of the room, opening upon a yard or a court located on the same lot, and such window or windows shall be so located as to properly light and ventilate all portions of such rooms or proper ventilation is provided so as to permit proper lighting and ventilation of all portions of such dwellings. This provision shall not, however, apply to rooms used as art galleries, swimming pools, gymnasiums, squash courts, recreation room, bathrooms or for similar purposes, provided such rooms are adequately lighted and ventilated.

300.1902 - [Indoor sanitary facilities required for dwellings.]

B. Every dwelling hereafter erected shall be provided with running water, adequate inside water toilet accommodations and sewage facilities.

300.1903 - [Outside toilets; temporary uses.]

C. No outside toilet shall hereafter be erected or located, except such as may temporarily be needed during construction or for special temporary uses, and must be removed upon completion of the project or use. Toilets temporarily needed shall be located not closer than 15 feet to the side line of the property upon which the structure is to be placed; provided however, that such toilets shall not be erected closer than 25 feet to any structure being used as a permanent habitation upon adjoining premises. Such temporary toilets shall be stand-alone, self-contained units with the ability for waste to be collected and removed without impact to soil or seepage into surface or groundwater supplies.

300.1904 - Signs.

D. Signs. No sign or billboard shall hereafter be erected within Richland Township except in compliance with these regulations.

1. Definitions and interpretation: Words and phrases used in this section shall have the meanings as set forth in this section. Words and phrases not defined in this section but defined in this zoning ordinance shall be given the meanings set forth under Section 1. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. The terms and definitions of this section are not intended to be in conflict with any other definitions or portion of this zoning ordinance, but are for the exclusive use of this section.

Balloon or Inflatable Sign means an air or gas filled sign, including a sign that is inflated or supported by the passage of air through it.

Banner means any sign of lightweight fabric or similar material that is mounted to a pole or building, at one or more edges. For purposes of calculation of permissible signage, a banner mounted to a pole shall be considered a free-standing sign and a banner mounted to a building shall be considered a wall sign.

Billboard means an off-premises sign which advertises a business, event, service or product which is not related to the parcel on which it is located, except those off-premise service club or religious notice signs as specifically regulated.

Building marker means a marker indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material and attached to the structure. A building marker shall not be considered a wall sign unless it exceeds six (6) square feet in area.

Canopy and *marquee* means any permanent rooflike structure projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Canopy sign and *marquee sign* means a sign attached to or hung from a marquee, mansard, awning, canopy or other structure, projecting from and supported by the building and extending beyond the building wall. For purposes of calculating permissible signage, a canopy sign or marquee sign shall be considered a wall sign.

Canopy island means an accessory roof structure for vehicular or pedestrian use (See provisions for Gasoline Service Station in this section).

Changeable copy sign means a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. Bulletin or reader boards, directory signs or other signs that allow for manual alterations of the message shall be considered changeable copy signs. A sign on which the message changes through electronic means shall be considered a message center and not a changeable copy sign for the purposes of this section. Construction, contractor, developer sign means any temporary sign erected on a site designated on a building permit issued by the township as a site for construction which advises the public of pertinent facts regarding the construction, management, sale and/or leasing of the building or property.

Development identification sign means a sign identifying plats, residential developments, business or industrial parks, which contain the name of the development only and contain no other information or advertising.

Directional sign means an on-premises sign giving directions, instructions, or facility information. The directional sign may not contain the name of the business or institution or include a commercial message.

Flags means the flags of the United States of America, the state, the county and the township, or a public or private educational institution. Freestanding sign means any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. (See banner, ground sign, pennant, and portable sign)

Freestanding sign means any on-premise sign not attached to or mounted to a building.

Grand opening sign means a temporary sign announcing the opening of a business or new development.

Ground sign means a sign mounted directly onto and attached to a permanent foundation or decorative base and not attached or dependent for support from any building, pole, posts or similar uprights. The supporting base shall be the same width as the sign in order to be considered a ground sign. For purposes of calculating permissible signage, a ground sign shall be considered a free-standing sign.

Household event sign means a temporary sign communicating a household event such as yard sales, graduations, family reunions, etc.

Menu board sign means a sign utilized by drive-through establishments for the purpose of placing orders.

Message center means any sign or portion of a sign that provides for display of changeable copy through electronic means.

Off-premises sign means a sign structure advertising an establishment, merchandise, service, event or entertainment, which is not sold, produced, manufactured, or furnished at the lot on which such sign is located. An off-premises sign shall be considered a billboard unless otherwise specified in this ordinance for religious organizations or service clubs.

Parapet means a building wall that extends beyond the roof.

Pennant means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind. If the pennant contains a message, it shall be calculated as a wall sign if attached to the building or, if attached to any other structure, it shall be calculated as a free-standing sign.

Political sign means a temporary sign announcing the candidacy of a person running for public office or advocating issues to be voted upon at an election.

Portable sign means any sign that is designed to be transported, including but not limited to signs with wheels removed; with chassis or support constructed without wheels; designed to be transported by trailer or wheels; converted to A or T frame signs; sandwich boards; or umbrellas used for advertising. For purposes of calculating permissible signage, a portable sign shall be considered a freestanding sign and shall not be utilized where an existing freestanding sign is located unless otherwise specified in this ordinance.

Projecting sign means a sign which is affixed to any building, or part thereof, or structure which extends beyond the building wall, or parts thereof, or structure by more than 12 inches, but not exceeding 48 inches beyond the building wall with a height clearance of at least eleven feet. For purposes of calculating permissible signage, a projecting sign shall be considered a wall sign.

Public event sign means a temporary sign advertising a noncommercial public service event, which has communitywide interest.

Real estate sign means a temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.

Roof sign means a sign which is erected, constructed and maintained above any portion of the roof but does not exceed the highest portion of that roof. For purposes of calculating permissible signage, a roof sign shall be considered a wall sign.

Sign means any display of lettering, logos, colors, lights or illuminated neon tubes visible to the public from outside the building, which either conveys a message to the public, or intends to advertise, direct, invite or announce, directly or indirectly, a use, product, good or service located on the premises.

Temporary sign means a sign or other advertising device intended for a limited period of display, but not including decorative display for holidays or public demonstration.

Traffic control sign means stop, yield, speed limit and similar signs, the face of which meet state, county or township standards and which contain no other message.

Vehicle sign means a sign that is painted or attached to a vehicle or other mode of transportation, including trailers.

Wall sign means a sign, attached to, or placed flat against the exterior wall or surface of any building, no portion of which projects more than 12 inches from the wall, unless a projecting sign, and which may not project above the roof or parapet line. For purposes of calculating permissible signage, other referenced signs may be included singularly or in combination within the calculation of maximum area. (See banner, canopy or marquee sign, pennant, projecting sign, roof sign and window sign).

Window sign means a sign installed inside or on a window and intended to be viewed from the outside. For purposes of permissible sign calculation, window signs shall be considered a wall sign if such individual sign exceeds two (2) square feet in area.

2. General Conditions Applicable to All Signs: All signs and billboards shall comply with the regulations contained herein and shall specifically comply with the following:

- a. Such sign or billboard shall be constructed in a safe, sturdy and durable manner with proper bracing, anchorage and foundation.
- b. For any free-standing sign, the setback from any road right-of-way line shall be not less than twenty-five (25) feet, unless such sign is proposed for location within the M-89 Sign Overlay District (See [Section 14C](#)). If such sign location is within ten (10) feet of any drive aisle or parking area, it shall have a concrete curb protecting the base of the sign from any such area. These regulations shall not apply to political signs, signs advertising the sale of agricultural products raised on the same property, off premise service club or religious notice signs, or any other signs specifically stated within this ordinance as having a different setback requirement.

These regulations shall not apply to political signs, signs advertising the sale of agricultural products raised on the same property, off premise service club or religious notice signs, or any other signs specifically stated within this ordinance as having a different setback requirement.

- c. Such sign or billboard shall not constitute a traffic hazard or in any way impair the visibility of motorists at intersections.
- d. Such sign or billboard shall be maintained in a neat and attractive manner at all times and contain no bright or glaring lighting which would be a nuisance or annoyance to the neighborhood or would create any electrical disturbance therein.
- e. Neon or neon-type lighting which is configured in such a manner as to form letters or a symbol shall be considered a sign or billboard.

Neon or neon-type lighting which forms a border for a symbol or letters advertising a business, product or service shall be considered part of a sign (or billboard, as applicable), the area of which shall be computed on the basis of the area within the perimeter of that border.

- f. Signs with an electronic LED or similar message center display shall be permitted provided the display contains only text and graphics, has no portion of the display flashing or scrolling and changes to the display occur no more frequently than once per minute, unless for the stationary display of time and temperature, in which case the frequency of change can be once per second. Signs with an electronic LED or similar message center display shall possess and utilize automatic dimming capability that the maximum luminance level is not more than 0.3 footcandles over ambient light levels measured at a distance of 10 feet. Photometric plan showing compliance with the message center provisions shall be included with the sign permit application.
 - g. Measurement of a sign includes the entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. This excludes the necessary supports or uprights on which the sign is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a sphere, the total area of the sphere shall be divided by four (4) to determine the maximum permitted sign area.
 - h. There shall be no flashing, oscillating, or intermittent illumination of any sign located in the line of vision of a traffic control device or interfering with safe vision along any roadway, especially at intersections. All illuminated signs shall be designed and located to prevent the light therefrom from being cast upon adjoining residences and shall be located at least one hundred fifty (150) feet from any residential dwelling.
3. Billboards: Billboards shall only be allowed in the "D", "D-1" and "E" district classifications, subject to the following conditions:
- a. The billboards shall be located within an area 150' in width on either side of either M-43 or M-89 Highways with the Township and shall be primarily directed towards traffic on these highways.
 - b. Not more than three billboards may be located per linear mile of highway regardless of the fact that such billboards may be located on different sides of the highway. The linear mile measurements shall not be limited to the boundaries of the Township of Richland.

Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Otherwise, billboard structures with tandem (side-by-side) or stacked (one above the other) billboard faces, shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection "c" below.
 - c. No billboard shall be located within 1,000' of another billboard. The billboard shall also not be located within 50 feet of any advertising sign board nor block the visibility of any such on-premises sign within 100 feet of the billboard.
 - d. No billboard shall be located within 300' of a residential zone and/or existing residence.
 - e. No billboard shall be located closer than 50' from a public right-of-way or 15' from any side lines of the premises on which the billboard is located.
 - f. The surface display area of any side of a billboard may not exceed 200 square feet.
 - g. The height of a billboard shall not exceed 30' above (1) the grade of the ground on which the billboard sits or (2) the grade of the abutting roadway, whichever is higher.
 - h. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
 - i. A billboard may be illuminated, provided such illumination is (1) concentrated on the surface of the sign, (2) is directed downward with full cut-off lighting fixtures, and (3) is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.

- j. The billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally occur in the vicinity. The billboard must be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message.
 - k. A billboard established within a business, commercial, or industrial area, as defined in the "Highway Advertising Act of 1972" (1972 PA 106, as amended) ordering interstate highways, freeways or primary highways as defined in that Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of that Act and the regulations promulgated thereunder, as such may from time to time be amended.
4. Signs Within Commercial and Industrial Districts: Signs relating to the advertising of goods, products, services or activities sold, produced, rendered or available from or upon the premises where the same are located may be installed or constructed within a commercial ("C", "C-1", "C-2" and "D") or industrial ("D-1", "E" and "RP") district classification, provided that they meet the following requirements:
- a. No wall sign shall extend above the building wall to which it is affixed. The total area of all wall signs shall not exceed one (1) square foot for each one (1) linear foot of front face(s) of the building, not to exceed sixty (60) square feet in area for each building face. The maximum number of building faces utilized for signage shall be two (2). The Zoning Administrator may take into consideration additional wall signage where multi-use building walls do not allow for adequate visibility from the public road. Address assignment and coordination with any existing or proposed freestanding signs shall be a part of such administrative approval.
 - b. In addition to the wall signage, one free-standing sign may be erected for a single business or a shopping center or other integrated group of stores or commercial buildings. The freestanding sign shall be separated from any other free-standing sign by at least fifty (50) feet. The area of the freestanding sign shall not exceed 50 square feet in area unless the sign is a directory-type sign listing more than one separate entity, in which case the total area of the sign may be (1) twenty-five (25) square feet per separate entity named on the sign or (2) 100 square feet, whichever is less. Except as set forth in the following paragraph, the maximum height for any freestanding sign shall be fifteen (15) feet.

A ground sign, portable sign or menu board sign shall not exceed eight (8) feet in height nor shall it in any way obstruct the visibility of directional signs or create a traffic hazard. Such a sign shall be considered a free-standing sign for the purposes of this Ordinance and, except for the more stringent height limitations set forth in this paragraph, shall be subject to all of the limitations on free-standing signs set forth in the above paragraph, including the limitation that there be no more than one free-standing sign for a single business, shopping center or other integrated group of stores or commercial buildings.
 - c. In addition to the signage described in subsections "a" and "b" above, restaurants and other establishments selling food and/or beverages through a drive-through window shall be allowed to have not more than two (2) illuminated menu board signs for use in connection with the drive-through window. The total combined area of the menu board sign(s) shall not exceed sixty (60) square feet.
5. Signs Within Residential Districts: In the "A", "A-1", "A-2", "B-1" and "B-2" Residence District classifications, a nameplate not exceeding two square feet in area, containing the name and/or home occupation or family or group child care home of the occupant of the premises or of the name of the apartment or building complex shall be allowed. Apartment units, mobile home parks, bed and breakfast inns, churches and public buildings shall be entitled to have one sign at the main entrance thereof identifying same, not exceeding 18 square feet. Signs relating to the sale of agricultural products raised on the same property shall be allowed during periods of sale, but not to exceed 18 square feet in size. Entrances to plats or to residential neighborhoods may have a sign identifying the name of the area and/or the residents located within the plat or in the neighborhood, if the total area of any such sign or group of nameplates at one location does not exceed 18 square feet. The maximum height for any sign within a residential district shall be eight (8) feet.
6. Signs Within Recreation/Open Space and Agricultural Districts: Within the "R/OS" Recreation/Open Space District, signs for permitted uses, including changeable copy signs or where the text announcing events is changed periodically, shall

be limited to a total sign area of no more than fifty (50) square feet. Signs for special exception uses shall be limited to eighteen (18) square feet, although the Planning Commission, in consideration of the special exception use, may allow for the total sign area to increase up to fifty (50) square feet where the lot area for the use exceeds five (5) acres.

Within the "AB" Agricultural Business District, the total sign area shall not exceed fifty (50) square feet in area. The maximum height for any freestanding, non-residential sign shall be fifteen (15) feet. The maximum height for any ground sign shall be eight (8) feet. The maximum area for any residential sign shall adhere to the regulations for signs within the residential districts and the maximum height shall be eight (8) feet.

7. Temporary Signs: The following signs shall be considered temporary signs and shall adhere to the specific time limitations and area/height requirements as specified below:

Construction, contractor, developer sign: Shall be permitted from the beginning of construction until a permanent development sign is installed.

An individual contractor sign shall not exceed six (6) square feet and the maximum number of signs shall be three (3) or a multi-contractor sign may be utilized not to exceed eighteen (18) square feet. The maximum height shall be eight (8) feet.

Grand opening sign: Shall be permitted from seven (7) days before the event until thirty (30) days following the event or opening of the business or development. There shall be no more than one (1) such sign which may be attached to or placed over an existing free-standing sign or attached to the building as a wall sign. The maximum area of such sign shall be thirty (30) square feet.

Household event sign: Shall be permitted twenty four (24) hours before the event and shall be removed within twenty four (24) hours of completion of the event. Such sign shall not exceed two (2) square feet.

Political sign: Shall be removed within seven (7) days following the election. The maximum sign area shall be six (6) square feet in agricultural or residential districts and twelve (12) square feet in commercial or industrial districts or where located in agricultural and residential districts within fifty (50) feet of a state trunkline.

Public event signs: Shall be permitted seven (7) days before the event and shall be removed within twenty-four (24) hours of completion of the event.

Such sign shall not exceed twelve (12) square feet.

Real estate signs: Shall be permitted during the listing period of the property and shall be removed within seven (7) days of the closing of the sale. Open house signs or sold signs may also be permitted during this period. The sign shall not exceed six (6) square feet in agricultural or residential districts and twelve (12) square feet in commercial or industrial districts.

8. Signs within public right-of-way: This Ordinance shall not be deemed to prohibit or regulate any traffic control, directional or other signage lawfully placed within a public road right-of-way either (1) by or on behalf of the governmental agency having primary jurisdiction over the public road or (2) pursuant to a permit issued by that agency.
9. Service Club and Religious Notice Signs: Off-premises signs giving notice of the location and/or time of meetings of a religious organization or a tax-exempt non-profit service club or charitable organization may be allowed on land abutting a county road or a state or interstate highway or freeway subject to the following limitations:
- The sign shall not exceed three square feet in area or have a length exceeding three feet.
 - No more than one such sign pertaining to the same organization shall be permitted.
 - No portion of the sign shall be located in the public road right-of-way.
 - The sign may not be illuminated.
 - No more than three such signs may be located on the same pole or other support structure.

- f. The sign shall not exceed 8 feet in height above the ground. The support structure for the sign shall not exceed a width
 - g. The total number of service club and religious notice signs on one side of the public road shall not be more than four in any 1,000 feet and shall have a separation distance of not less than twenty-five feet from any other sign. The signage on a multiple sign structure shall be counted as one sign for the purposes of this provision.
 - h. A service club and religious notice sign on land abutting a state or interstate highway or freeway shall comply with all applicable requirements of the Highway Advertising Act of 1972 (1972 PA 106, as amended) and the regulations promulgated thereunder, except insofar as more stringent restrictions are set forth herein.
10. Gasoline Service Station Signs: Due to the unique and customary needs of gasoline service stations, the following additional signs shall be permitted:
- a. Directional signs or lettering displayed over individual entrance doors or bays, consisting only of the words, "washing," "lubrication," "repairs," "mechanic on duty," or other words closely similar in import, provided that there shall be not more than one (1) such sign over each entrance or bay, the letters thereof shall not exceed fifteen (15) inches in height, and the total of each such sign shall not exceed six (6) square feet.
 - b. Customary lettering on or other insignia which are a structural part of a gasoline pump, consisting only of the brand name of gasoline sold, lead warning sign, a price indicator, and any other sign required by law and not exceeding a total of three (3) square feet on each pump; and if illuminated, such signs shall be non-flashing and shall not in any manner constitute a traffic hazard with respect to adjacent streets or intersections.
 - c. A non-illuminated credit card sign not exceeding two (2) square feet in area, and may be placed on or near the gasoline pump.
 - d. Signage upon a canopy island shall be limited to the name and/or logo for the business and not exceed one square foot for every two (2) linear feet of canopy length, up to a maximum of twenty (20) square feet per side.
11. Prohibited signs: The following signs shall be prohibited: Signs with any visible moving parts, balloon or inflatable signs, or any other sign where the movement of the sign itself or material supporting the advertising can create a distraction to motorists; any sign mounted above the roof line of a building, excluding parapets; bench signs; and any other signs not expressly permitted.
12. Permit Procedure: No sign shall be placed or erected, unless such sign is listed as an exempt sign below, until a sign permit application is filed for such sign and approved. Such application shall be accompanied by a fee, as determined through a fee schedule established by the Richland Township Board, and no sign shall be approved until the Township's Building Inspector or Zoning Administrator is satisfied that the proposed sign complies with the provisions of this Ordinance. For uses subject to site plan review, the location of the sign shall be shown on the site plan and the required setback distance indicated on the plan or in the notes.

Upon approval of the sign permit and placement or attachment of the sign, it shall be unlawful to modify or expand such sign area or height without application for a new or amended sign permit. Alterations to a lawful nonconforming sign may be permitted provided the alternation in no way increases the nonconformity.

The following types of signs are exempt from permit requirements:

- a. Any temporary sign listed under (7.) above.
- b. Any other sign permitted within this ordinance provided the sign does not exceed two (2) square feet in area.
- c. Vehicle signs provided the vehicle is parked on an improved parking surface and is parked in a space located not less than twenty-five (25) feet from any road right-of-way or property line.
- d. Flags as defined.
- e. Directory signs of any size that are not visible from the road.

(Ord. No. 181, adopt. 8-7-2002; Ord. No. 188, adopt. 2-12-2003; Ord. No. 206, adopt. 2-1-2005; Ord. No. 216, adopt. 4-11-2006; Ord. No. 227, adopt. 2-5-2008; Ord. No. 233, adopt. 7-7-2008; Ord. No. 235, § I, adopt. 3-3-2009; Ord. No. 236, § II, adopt. 4-14-2009; Ord. No. 238, § VII, 5-18-2010; Ord. No. 246, § XVI, 1-17-2012; Ord. No. 264, § 10A, B, 8-16-2016; Ord. No. 270, adopt. 9-18-2018; Ord. No. 276, § 8, adopt. 7-16-2019)

300.1905 - [Basements for living and sleeping purposes.]

E. No structure, the major portion of which consists of a basement, shall be occupied for living and/or sleeping purposes by human beings in any use district within the Township of Richland.

300.1906 - [Dwelling construction.]

F. Every dwelling hereafter erected shall be placed upon a substantial foundation of mortar and stone, brick, concrete or other similar or like materials; all joists shall be not less than one foot off the ground; all exterior walls shall be finished with butt wood siding, wood shingles, asbestos-cement shingles or siding, stucco on metal lath, masonry veneer, or other similar standard siding materials. No roll roofing material shall be used for exterior siding purposes; all wood exterior finish shall be painted, or similarly protected; all roofs shall be finished with asbestos, asphalt, or wood shingles, or other standard roofing materials of a permanent nature and construction; no tar paper or other similar materials shall be used as a permanent exterior roofing; all chimneys shall be of approved masonry, or reinforced concrete and shall extend at least 2½ feet above the highest point of the roof of the building on which they are constructed and shall be wholly supported on a substantial ground foundation, and provided that any other chimney shall be approved which has been approved by the National Board of Fire Underwriters. Grades around all buildings shall be so arranged that surface water shall drain away from the structure.

300.1907 - Height exemptions.

G. The placement of private, non-commercial radio or TV antennas or dishes in any residential classification shall be allowed, providing that same is not more than 12 feet in height above the maximum building height in that district and shall not be located in any front yard. Any private structure supporting antenna of 50 feet in height or greater shall be subject to the requirements for telecommunication towers.

Any agricultural accessory buildings or structures, such as silos, or public or private utility poles, shall be exempt from the height requirements.

300.1908 - [Garbage and food waste containers.]

H. Every structure shall be provided with not less than one covered and sanitary receptacle for garbage and food waste for each one or two dwelling units housed therein. Such container shall be so enclosed as to keep insects and animals from getting to the contents of the container. No garbage or food waste shall be stored upon or permitted to accumulate upon any premises.

300.1909 - Fencing/Screening.

- I.
 1. The following regulations shall apply to the use of fencing, screening or walls. Walls may be utilized on where opaque fencing is Permissible. The Planning Commission, in considering a request for a special exception use permit and/or sign plan approval may permit or require fencing or screening in excess of the maximum height requirements as a condition of approval if it determines that such fencing will help assure that the standards for approving the special exception use permit and/or site plan are satisfied.
 2. In the commercial ("C", "C-1", "C-2" and "D") and industrial ("D-1", "E" and "RP") districts, the maximum height for any fencing within the side and rear yards shall be eight (8) feet. In the front yard, the maximum height shall be six (6) feet

and the fence shall not be opaque (i.e., such as to substantially obstruct the premises from the view of passersby).

EXCEPTION: That portion of any property used for storage of cars or other items or the parts thereof for junk or salvage purposes shall be enclosed by a fence which shall be not less than eight (8) feet in height, and along any road or highway it shall be of wood or other such solid and substantial material to keep that portion of the premises from view of passersby. This provision is, in part, to protect the public, and particularly children, from being attracted onto such premises to their danger, and to protect them from possible dangerous conditions or circumstances which may arise upon such premises.

3. In the open space ("R/OS") and agricultural business ("AB") districts, the maximum height of any fencing shall be six (6) feet.
4. In residential districts ("A", "A-1", "A-2", B-1" and "B-2") the maximum height of any fencing shall be six (6) feet, provided such fencing is not located within the front yard. Any fencing located within the front yard (including waterfront) shall not exceed four (4) feet in height unless specifically for agricultural purposes, shall not be opaque in nature (i.e., such as to substantially obstruct the premises from the view of passersby) and shall in no way create a traffic hazard due to reduced visibility.
5. Notwithstanding the above, fencing around an area used for the storage of a hazardous substance as defined in the Comprehensive Environmental Response Compensation and Liability Act of 1980, Public Law 96-520, 94 STAT 2667, may have a height of up to eight (8) feet.

(Ord. No. 214, adopt. 2-7-2006; Ord. No. 238, § IX, 5-18-2010; Ord. No. 243, § III, 7-19-2011; Ord. No. 264, § 10C, 8-16-2016)

300.1910 - [Publicly owned or operated boat launching sites, fishing sites or recreation areas, parks or playgrounds which have facilities for the launching of watercraft.]

J. No publicly owned or operated boat launching site, fishing site or recreation area, park or playground which has facilities for the launching of watercraft shall be maintained or established, nor shall additions to such existing facilities be permitted on the shore line of Gull Lake or Little Long Lake, unless identified within the Richland Township Recreation Plan.

300.1911 - Off-street parking requirements.

K.

1. *Required parking spaces.* Each principal use permitted by this ordinance shall have the following off-street parking available within close proximity to the building or use it is required to serve:

- a. Single family dwellings - two spaces for each unit. Where the single family dwelling is also utilized for a home occupation, family or group child care home, one additional space is required.
- b. Two family dwellings - two spaces for each unit.
- c. Multiple family dwellings - two spaces for each unit.
- d. Churches - one space for each four seats.
- e. Elementary and junior high schools - one space for each

employee, plus one space for each 30 students.

- f. Senior high schools - one space for each employee, plus one space for each 10 students.
- g. Libraries, museums and post office buildings - one space for each 200 square feet of floor area, plus one space for every two employees per shift.
- h. Auditoriums and indoor theaters - one space for each four seats.
- i. Professional offices of doctors, dentists, veterinarians or similar professions or business offices-one space for each 200 square feet of floor area, plus one space for each employee.

- j. Motels and hotels - one space for each unit, plus one space for each two employees per shift.
 - k. Lodge halls, meeting halls and community centers-one space for each four seats.
 - l. Golf courses and golf clubs - five spaces for each golf hole, plus one space for each employee.
 - m. Retail stores, supermarkets and department stores - one space for each 150 square feet of floor one space, plus one space for every two employees per shift.
 - n. Beauty parlors and barber shops - Two spaces for the each chair, plus one space per employee.
 - o. Restaurants or other establishments for the sale or consumption on the premises of beverages, food or refreshments—one space for each four seats plus one space for each employee per shift.
 - p. Hospitals - one space for each bed plus one space for each employee per shift.
 - q. Automobile service stations - two spaces for each stall, plus one space for each employee.
 - r. Industrial or research establishments - one space per employee per shift plus 10 visitor spaces.
 - s. Nursing Homes or other full residential care facilities - one space per every 4 beds plus one space per every two employees per shift.
 - t. Drive-in or drive-through restaurant - one space per 100 square feet of floor space plus one space per every two employees. A minimum of 25 spaces are required.
 - u. Land or buildings used for two or more uses—the number of parking spaces required shall be equal to the sum of the requirements for the various individual uses unless the applicant submits a shared parking plan and the Planning Commission, in its sole reasonable discretion, approves such plan during site plan review.
 - v. Other principal uses not mentioned - based upon the above requirements for uses which are similar to the unspecified use, parking spaces are to be required in an amount as is necessary to reasonably accommodate the expected need.
2. *Standards for Off-street Parking Facilities.* All off-street parking facilities shall in addition conform with the following standards:
- a. Each parking space shall not be less than 200 square feet, nor less than ten feet wide with not less than a 22' drive aisle, aisles shall be paved (concrete or asphalt) and curbed where such curbing is necessary to protect landscape and lighting areas, pedestrian movement and drainage flows.
 - b. Adequate ingress and egress shall be provided to parking facility by clearly defined drives. Maneuvering lane widths shall provide for one-way traffic except that 90° parking patterns may provide two-way traffic lanes.
 - c. Entrance and exits from parking facility shall be at least 25 feet distant from adjacent property in residential zones and ten feet from side or rear property lines.
 - d. All off-street parking facilities shall be graded and provided with adequate drainage to prevent collection of surface water.
 - e. Lighting used to illuminate any off-street parking facility shall be so located and arranged as to direct light away from adjoining premises in a residential zone or any adjoining premises used for residential purposes.
 - f. Off-street parking facilities of more than three spaces shall be effectively screened on any side which adjoins or faces property in any residential zone by a wall, fence or compact planting of not less than four feet or more than six feet in height, maintained in good condition at all times. The space between such screening and the adjoining lines of property in residential zones shall be suitably landscaped with grass, trees, shrubs or other acceptable ground cover.
 - g. Any parking area consisting of ten or more parking spaces shall provide for the planting of a growing tree that shall be maintained in a good condition. One such tree shall be required in the parking area for every ten parking spaces so as to break up the visual monotony and unattractive character of large paved parking lots.

300.1912 - Airfields.

L. No private airfields or aircraft landing strips may be constructed on any property unless the owner thereof has at least 20 acres of contiguous property and also the site plan drawn to scale showing the location and dimensions of the airfield and the setback from adjoining property lines, wires and poles, adjoining roads and nearby residences has been approved by the Zoning Board of Appeals. The Zoning Board of Appeals shall determine that the private airfield or landing strip will not adversely affect the use and enjoyment of adjoining properties or constitute a safety hazard and that there will be adequate setback distances from adjoining property lines of not less than 200 feet from the ends of the private airstrip to any boundary line of the property and that there will be adequate clearance of any telephone or power lines or other obstructions which may pose a threat to the landing and take off of aircraft. The airstrip may not be constructed closer than 500 feet to any existing residence other than the property owner's residence or a residence located on the subject property. Under no circumstances shall any commercial use be made of any such private landing strip such as by allowing other persons or firms to use the landing strip; the landing strip shall be for the sole use of the owner's or tenant's private aircraft.

300.1913 - Lighting.

M. All mercury vapor lights, arc lights, or similar intense lights which are within 250 feet of a residence (other than the residence of the owner of the light), shall be placed and shielded so that the light does not shine directly upon the neighbor's residence.

300.1914 - Extended length driveway.

N. (See Definition) All extended length driveways established after the effective date of this amendment (11/2/2000) shall have an improved drive lane (paved or compacted gravel) of not less than ten feet in width, with cleared shoulders providing a total horizontal clearance of at least 16 feet. The improved drive lane and shoulder shall have a height clearance of at least 14 feet, and shall be constructed and maintained in a manner suitable for access by emergency vehicles.

300.1915 - Building upon unplatted land.

O. Except as otherwise provided for in this ordinance, all buildings in the "A-1" District must, unless constructed on a platted lot or site condominium unit, be constructed on a parcel containing at least 165 feet of contiguous frontage along a dedicated public road. After construction of the principal building, the parcel must continue to contain a minimum of 165 feet of contiguous frontage on a dedicated public road at all times thereafter. Parcels with at least 231 feet of contiguous frontage, and at least 3 acres in area, may be split to provide for a 66-foot wide frontage as part of a "back-lot" development option (See Section 300.1916).

(Ord. No. 198, adopt. 12-2-2003; Ord. No. 279, § 5, adopt. 1-21-2020)

300.1916 - Access standards.

P. The following standards shall apply whenever an application is received for a building permit for construction of any building upon an unplatted (non-site condominium) parcel having less than 165 feet of frontage upon a public road (Note: This would first require land division approval per Sec. 300.1915 above):

1. No building permit for any such building shall be issued until the applicant has submitted to the Zoning Administrator a survey or sketch plan and any other necessary documentation demonstrating to the Zoning Administrator's reasonable satisfaction that the parcel is provided public road access by a driveway, joint driveway or private road satisfying the standards set forth in this Ordinance.
2. A driveway (see definition of "Driveway") serving a parcel lacking 165 feet of frontage on a public road shall:
 - a. Serve one parcel.
 - b. Have an improved drive lane (paved or compacted gravel) of not less than 10 feet in width, with cleared shoulders providing a total horizontal clearance of at least 16 feet. The improved drive lane and shoulder shall have a height

- clearance of at least 14 feet, and shall be constructed and maintained in a manner suitable for access by emergency vehicles.
- c. Be on an exclusive right-of-way easement not less than 66 feet wide or on a minimum 66 feet wide strip of land exclusively reserved for access purposes, with no buildings thereon. Such easement shall not be counted in determining the public road frontage of any parcel on which the easement is located.
 - d. The survey or sketch plan submitted pursuant to Subsection 1 above shall identify a strip of land (not less than 66 feet wide) connected to the driveway that is determined by the Zoning Administrator to be capable of being developed as a private road for future or existing parcels requiring access through the subject property. The determination of the Zoning Administrator may be appealed to the Zoning Board of Appeals. No buildings shall be established on this strip of land.
 - e. Set backs, parcel depth and other site development standards shall be determined as if the driveway/reserved strip of land was a public road abutting the front yard of the subject parcel. The width of the parcel shall be not less than 165 feet at the minimum front setback line. The depth of the parcel (i.e., the distance from the driveway/reserved strip of land to the rear property line of the parcel at the point where the principal building(s) is (are) located) shall not be less than 165 feet.
3. A joint driveway (see definition of "Joint Driveway") serving one or more parcels lacking 165 feet of frontage on a public road shall:
- a. Serve two parcels.
 - b. Have an improved drive lane (paved or compacted gravel) of not less than 10 feet in width, with cleared shoulders providing a total horizontal clearance of at least 16 feet. The improved drive lane and the shoulders shall have a height clearance of least 14 feet and shall be constructed and maintained in a manner suitable for access by emergency vehicles.
 - c. Be on a exclusive right-of-way easement not less than 66 feet wide. This easement shall not be counted in determining the public road frontage of any parcel on which the easement is located.
 - d. The survey or sketch plan submitted pursuant to Subsection 1 above shall identify a strip of land (not less than 66 feet wide) connected to the joint driveway that is determined by the Zoning Administrator to be capable of being developed as a private road for future or existing parcels requiring access through the subject property. The determination of the Zoning Administrator may be appealed to the Zoning Board of Appeals. No buildings shall be established on this strip of land.
 - e. Setbacks, parcel depth and other site development standards shall be determined as if the joint driveway/reserved strip of land was a public road abutting the front yard of the subject parcel. The width of the parcel shall be not less than 165 feet at the minimum front setback line. The depth of the parcel (i.e., the distance from the driveway/reserved strip of land to the rear property line of the parcel at the point where the principal building(s) is (are) located) shall not be less than 165 feet.
4. A private road (see definitions of "Private Road") shall:
- a. Serve three or more parcels
 - b. Be located on a recorded right-of-way easement of at least 66 feet in width. The exclusive easement shall not be counted in determining the public road frontage of any parcel on which the easement is located. The ownership of this strip shall be linked to one back-lot but shall not be counted toward the minimum lot area for that parcel. NOTE: Parcels that have the required public road frontage yet utilize easements across other property for access purposes shall submit a recorded easement to the Township."
 - c. Be constructed in accordance with the following standards:
 - (i) The driving surface shall be a minimum of 22 feet wide, with six inches of MDOT 22A specification aggregate upon a compacted base. Shoulders at least four feet wide shall be provided on each side of the driving surface.

- (ii) The road shall be graded to provided drainage to each side to prevent the accumulation of water upon the driving s shoulders. Cross culverts shall be provided where required to prevent stormwater from flowing across the road.
 - (iii) Grades shall not exceed seven percent at any point.
 - (iv) In cut or fill areas, slopes shall commence beyond the shoulders and shall not be steeper than one vertical to two horizontal. Slopes shall be seeded to prevent erosion. Granular sub-base shall be provided in all fill areas.
 - (v) All tree stumps shall be removed from beneath the driving surface and shoulders. Tree stumps in fill areas may be buried.
 - (vi) Horizontal road curves shall have a 50 foot radius to the center line of the road and a 50 foot diameter cul-de-sac shall be provided within the right-of-way where a private road dead ends, surfaced with six inches of MDOT 22A specification aggregate upon a compacted base.
- d. All vehicular stop signs placed at a private road intersection shall conform in appearance and size to vehicular stop signs utilized by the Kalamazoo County Road Commission for County road intersections. All street name signs placed at a private road intersection shall conform in appearance and size to street name signs utilized by the Kalamazoo County Road Commission for County road intersections.
- e. Evidence shall be submitted to the Zoning Administrator that such private road has been named, and the name of such road has been accepted by the Township Board, and that the dwelling or principal structure for which the building permit is sought will be designated by a number so as to facilitate fire protection and other emergency services.
- f. The survey or sketch plan submitted pursuant to Subsection 1 above shall identify a strip of land (not less than 66 feet wide) connected to the private road that is determined by the Zoning Administrator to be capable of being developed as a private road for future or existing parcels requiring access through the subject property. The determination of the Zoning Administrator may be appealed to the Zoning Board of Appeals. No building shall be established on this strip of land. No such strip of land shall be required if the private road is extended through the subject parcel in a manner that will satisfy the purpose of this requirement.
- g. Setbacks and other site development standards shall be determined as if the private road/reserved strip of land was a public road abutting the front yard of the subject parcel. The width of the subject parcel shall be not less than 165 feet at the minimum front setback line.
- h. Private Road Maintenance Agreement: At the time of application for a land division that establishes an additional parcel to be accessed from a private road, there shall be a determination made by the Zoning Administrator that the expanded use of the road shall be subject to a private road maintenance agreement. This agreement shall be signed by a majority of parcel owners utilizing such private road, notarized and recorded before such land division application is approved.
5. None of the costs incurred to comply with the standards of this Section 19.P [300.1916] shall be borne by Richland Township nor shall the Township be deemed to bear any maintenance obligation with respect to any driveway, joint driveway or private road established hereunder. Every applicant for a building permit who is required to show compliance with the requirements of Section 19.P [300.1916] shall be required to reimburse the Township for actual costs of inspections and reviews necessary to determine compliance with these standards. The applicant shall pay such costs to the Township before a building permit is issued.
6. The applicant may apply for and receive from the Zoning Board of Appeals a variance from the requirements of Subsections 2.d, 3.d and 4.e above if the applicant establishes to the Zoning Board of Appeals' reasonable satisfaction, that given the nature of the subject parcel and the abutting properties, the reservation of a strip of land for a future private road serving such properties would serve no practical purpose.
7. The standards of construction for private roads set forth in Subsection 4.b of this Section 19.P [300.1916] shall not apply where a building permit is sought for construction of a building upon a lot which was of record in the office of the Register of Deeds of Kalamazoo County, Michigan, as of the effective date of Richland Township Ordinance No. 135 (July

3, 1990), if said lot of record had the required minimum frontage upon a private road, which complied with the standards of Subsection 4.e of this Section 19.P [300.1916] as of the effective date of that Ordinance.

8. The provisions of this Section 19.P [300.1916] shall not apply to property in the "RP" zoning classification.

(Ord. No. 198, adopt. 12-2-2003; Ord. No. 202, adopt. 8-10-2004; Ord. No. 206, adopt. 2-1-2005; Ord. No. 270, adopt. 9-18-2018; Ord. No. 276, § 9, adopt. 7-16-2019; Ord. No. 279, § 6, adopt. 1-21-2020)

300.1917 - Garage/yard sales.

Q. Garage, yard, basement and multiple household goods sales shall be allowed as an accessory use to a permitted residential use subject to the following conditions and limitations:

1. No sales shall continue for a period of more than three days.
2. No more than three such sales may be conducted per calendar year from the same premises.
3. All merchandise offered for sale shall not be stored outdoors except during the hours of the sale.
4. Signs for such sales shall be permitted subject to the limitation that they must be removed within 24 hours of the conclusion of the sale.
5. The above items shall not apply to sales of two or fewer personal household items by the owner of the same from such owners premises.

300.1918 - Telecommunication towers.

R.

1. *Purpose:* Regulation of commercial and governmental wireless communication service towers is necessary to protect the public health, safety and welfare while meeting the communication needs of the public. The intent of this section is to minimize the adverse visual effects of the towers and avoid damage to adjacent properties while adequately serving the community. The further intent is to encourage colocation on existing towers or alternative mounting structures in order to minimize the number of towers in the Township and protect residential areas from tower development.

2. *Telecommunication Towers permitted in Zoning Districts:*

- A. Towers are allowed as permitted uses in the "C", "C-1", "C-2", "D", "D-1", "RP", "E", and "R/OS" zoning districts subject to the conditions set forth in subsections 3 through 11 below.

Towers are also allowed as a permissible use on any land, regardless of the zoning district, owned, leased or otherwise controlled by Richland Township, provided a lease or license authorizing such tower or antenna has been approved by the Township Board.

- B. Towers may also be allowed as a special exception use in the "A-1" zoning district, provided:

- i) The tower(s) is located within 1,000 feet of land within a commercial or industrial zoning district; and
- ii) The tower(s) complies with the requirements set forth in subsections 3 through 11 below; and
- iii) The Planning Commission determines that approval of the special exception use permit for the tower(s) is consistent with the general standards set forth in Section 18 [300.1800] for the granting of special exception use approval.

- C. The expansion, alteration, or addition to an existing nonconforming tower shall be allowed as a special exception use in all districts.

3. *Tower setback:* The base of the tower, exclusive of any guy wire anchors, shall be located not less than 300 per cent of the tower height from any existing residence or from the boundary of any "A", "A-2", "B-1" or "B-2" residential zoning district. In addition, the base of the tower shall be setback not less than 100 per cent of the tower height from any street or public or private property line. The Planning Commission shall have authority to reduce this setback requirement if it

determines in its sole reasonable discretion that the nature of the tower, the subject property and/or the neighboring properties makes such setback unnecessary for the protection of the public safety and the avoidance of a material adverse visual impact upon adjoining properties. The burden of proof shall be on the applicant to establish that it qualifies for such a reduction.

4. *Fencing*: The tower base shall be enclosed by a security fence, consisting of a six foot tall chain-link fence topped by three strands of barbed wire. The security fence shall be surrounded by a six foot tall landscaped natural screen. This landscape or screening requirement may be waived by the Zoning Board of Appeals during site plan review if they believe such screening would serve no useful purpose in the proposed location.
5. *Lighting*: The tower shall not be illuminated by artificial means and shall not display strobe lights unless specifically required by the Federal Aviation Administration (FAA) or other federal or state authority for the tower.
6. *Signs*: The use of any portion of the tower for signs other than warning or equipment information is prohibited.
7. *Site Plan Review*: The tower shall be subject to the site plan review requirements in Section 18A [300.1800A]. In addition to the informational requirements of Section 18A [300.1800A], the applicant shall provide documentation of the purpose of the tower, the number and type of joint users to be served at the site, FAA approval and an engineer's certification of structural and electrical safety.
8. *Use of Existing Towers and Alternative Mounting Structures*: A new tower shall not be approved unless the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or alternative mounting structure within a one mile search radius of the proposed tower, due to structural inadequacies, impact on other communication devices or services, insufficient height or other verifiable reason.
9. *Tower Height, Colocation, Design, Appearance and Separation Distances*: The maximum tower height shall be 250 feet, with such measurement from the tower base at grade elevation to the highest point of the antenna or tower structure, whichever is greater. All towers shall be designed to accommodate antennas of the applicant and provide for colocation by at least three additional users. If the applicant is a tower developer, they must include a letter of commitment from a carrier as part of the application process. The tower site shall use "stealth" design where feasible so as to camouflage the tower through color or appearance of the structure. A rendering of the tower in the proposed location shall be presented with the application. The separation between towers shall be at least 5,000 feet and any variance from this or other provisions shall be based upon documentation that an inventory of existing towers or alternative mounting structures did not provide sufficient capacity or coverage to meet the applicant's need.
10. *Interference*: The tower shall not interfere with any radio or television transmission or reception in the surrounding area.
11. *Abandonment of Unused Towers or Portions of Towers*: Abandoned or unused towers or portions of towers and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the Planning Commission. A copy of the relevant documents, including the signed lease, deed or land contract restrictions, which require the applicant to remove the tower and associated facilities upon cessation of the operations, shall be submitted at the time of application for site plan review. In the event that the tower is not removed within 12 months of the cessation of operations at the site, the tower and associated facilities may be removed by the Township and the costs of removal assessed against the real property.

(Ord. No. 178, adopt. 6-4-2002; Ord. No. 235, § V, adopt. 3-3-2009; Ord. No. 239, §§ V, VI, 9-21-2010)

300.1919 - Vehicle/personal property sales.

S. Outdoor sales of two or fewer used cars or other items of personal property shall be allowed as an accessory use to a permitted residential use, subject to the following conditions and limitations:

1. No more than two used cars and/or other items of personal property may be placed on sale at any one time.
2. No such sales activity may be conducted on a given lot or parcel for more than 14 continuous days.
3. No more than three such sales may be conducted per calendar year from the same premises.

4. The used cars or other items of personal property must be owned by the owner or occupant of the real property on which conducted. No cars or other items shall be parked or placed in the road right-of-way.
5. Signs for such sales shall be subject to the following limitations:
 - (a) There shall be no more than one such sign for each used car or other item of personal property being sold.
 - (b) All such signs shall be located on the same premises as the item(s) being sold.
 - (c) No such sign shall exceed six square feet in area.
 - (d) All such signs shall be removed within 24 hours of the conclusion of the sale.

300.1920 - Parking and storage of campers, trailers, recreational vehicles, boats and similar items.

T. In the "A", "A-1", "A-2" and "B-1" Residence District classifications, the parking or storage of campers, trailers, recreational vehicles, boats, jet skis, motorized homes and similar items shall not be allowed in the front yard of residences in these zoning classifications except as set forth below:

1. *Parking/storage in driveway.* Such parking and storage may occur in that portion of a driveway or turnaround area which is:
 - a. Used for the principal purpose of access to a garage or entryway to a dwelling or other permitted use and is not for the principal purpose of storage; and
 - b. Not in the required front yard setback area. This subsection b shall not apply if such parking/storage is for less than 48 continuous hours and for the purpose of loading or unloading.
2. *Waiver:* The Zoning Administrator shall have authority to grant a waiver from the above restrictions to allow such parking/storage in the front yard if the following standards are met:
 - a. That the proposed outdoor parking/storage cannot reasonably be conducted in the side or rear yards. In making this determination, the Zoning Administrator shall consider such factors as:
 - (1) The location of buildings and other structures on the property;
 - (2) The topography of the property; and
 - (3) The presence of wetlands or other conditions limiting the ability to locate such outdoor parking/storage in the rear or side yard areas.
 - b. That the proposed outdoor parking/storage will not have a materially adverse impact upon the surrounding area. In making this determination, the Zoning Administrator shall consider such factors as:
 - (1) The proximity of the proposed outdoor parking/storage area to neighboring residences and adjoining roads;
 - (2) The size and quantity of the item(s) proposed for such outdoor parking and/or storage; and
 - (3) Whether the proposed outdoor parking/storage will be visible to persons on nearby property(ies) and/or adjoining roads.

The Zoning Administrator shall have authority to require screening of the outdoor parking/storage area as a condition of granting the waiver if the Zoning Administrator determines in his/her sole reasonable discretion that such screening is necessary to assure compliance with this standard.

(Ord. No. 179, adopt. 7-2-2002; Ord. No. 209, adopt. 5-10-2005; Ord. No. 279, § 7, adopt. 1-21-2020)

300.1921 - [Temporary placement of mobile homes not complying with the definition of single family dwelling.]

U. Mobile homes not complying with the definition of "single family dwelling" may be allowed to be placed temporarily upon residentially zoned property for a period not to exceed six months, while a complying single family dwelling is being constructed or rebuilt on the same property; providing, however, that the mobile home must be connected to approved public water or well, approved septic facilities or public sewer and an electric connection must be made in accordance with the applicable code. A deposit of

\$500.00 will be required before the permit will be issued, to be returned to the applicant upon removal of the mobile home. Any extensions beyond six months must be approved by the Zoning Board of Appeals after a hearing, based upon a showing of necessity and hardship.

(Ord. No. 179, adopt. 7-2-2002)

300.1922 - Non-public/riparian access lot regulations.

V. No waterfront lot in any zoning district shall be used as a riparian access lot unless it complies with all of the following regulations and conditions:

1. The width of the lot shall be not less than (1) the minimum lot width requirement for the district in which the riparian access lot is located multiplied by (2) the number of access lot beneficiaries being served by the riparian access lot.
2. A riparian access lot providing access to more than one access lot beneficiary shall have waterway frontage that is not less than (1) the minimum lot width requirement for the district in which the riparian access lot is located multiplied by (2) the number of access lot beneficiaries being served by the riparian access lot. Waterway frontage shall be measured by a straight line which connects each sideline of the access lot at the points where the sidelines intersect the high water line.
3. Areas determined by the Zoning Administrator to be non-buildable based upon the presence of a swamp, bog or marsh (or defined as a wetland by the Michigan Department of Environmental Quality) shall not be counted towards the minimum waterway frontage required herein, but may be counted in the calculation of the lot area and side yard setback requirements in this section.
4. The area of the lot shall be not less than (1) the minimum lot area requirement for the district in which the riparian access lot is located multiplied by (2) the number of access lot beneficiaries being served by the riparian access lot.
5. A riparian access lot providing access to more than one riparian access lot beneficiary shall have minimum side yard setbacks equal to twice the minimum side yard setback required for a principal building in the zoning district in which the access lot is located. The minimum side yard setback for an accessory building shall be 20 feet. Any dock extending from or along the waterfront shall be set back no less than 50 feet from any adjoining property line.
6. No channel or canal may be excavated or constructed for purposes of increasing the lot width or waterway frontage related to the calculation of potential riparian access lot beneficiaries.
7. The above regulations shall not apply to a riparian access lot abutting a lake or other body of water located entirely within a single platted or site condominium residential development.
8. All riparian access lots serving more than one riparian access lot beneficiary shall be subject to site plan review or, in the case of a platted lot, plat approval pursuant to the Richland Township Subdivision Control Ordinance.
9. All riparian access lots lawfully existing as of July 23, 2002, may be continued as lawful nonconforming uses, but may not be expanded in any manner (including the number of riparian access lot beneficiaries being served by the lot) except in accordance with the provisions of this Ordinance.

(Ord. No. 179, adopt. 7-2-2002)

300.1923 - Limitation upon number of single and two-family dwellings.

W. No more than one single or two-family dwelling shall be established upon a platted lot, site condominium unit or unplatted parcel of land.

(Ord. No. 198, adopt. 12-2-2003; Ord. No. 202, adopt. 8-10-2004)

300.1924 - Reserved.

(Ord. No. 202, adopt. 8-10-2004; Ord. No. 225, adopt. 12-4-07)

300.1925 - Outdoor residential storage of construction materials and/or landscaping supplies.

Y. In the "A", "A-1", "A-2" and "B-1" Residence District classifications, no construction materials (e.g., lumber, roof shingles) and/or landscaping supplies (e.g., piles of mulch or dirt) shall be stored outdoors in the front yard of a residence unless all of the following conditions are satisfied:

- (1) The storage is not in the required front yard setback area;
- (2) The storage is not visible to persons on any adjoining road(s); and
- (3) The materials are stored in the front yard for no more than one year.

(Ord. No. 209, adopt. 5-10-2005)

300.1926 - Earth moving/filling operations.

Z. Earth moving and/or filling of land disturbing an acre or more of a parcel of land within any one year period shall require prior review and approval of a site plan by the Zoning Board of Appeals pursuant to Article 18A. This requirement shall not apply to the following:

- (1) Earth removal, mining and similar mineral extraction operations regulated under Section 18.C.1 of this Ordinance;
- (2) Earth moving/filling operations at a site development project that has obtained site plan review approval under this Ordinance or Step 2 Final Preliminary Approval under the Richland Township Subdivision/Site Condominium Ordinance (Ordinance No. 187, as amended); or
- (3) Earth moving/filling operations at a site development project for which a building permit has been issued.

(Ord. No. 227, adopt. 2-5-2008)

SECTION 20

300.2000 - GENERAL USE PROVISIONS

300.2001 - Temporary Dwelling.

A. Tents, travel trailers, motor homes, tent trailers, campers and/or automobile trailers shall not be used for dwelling purposes within the Township limits, provided, however, that same may be used for temporary dwelling for a total period of not more than 30 days in any one year, when located upon premises having running water and sewage facilities, and provided further that such tents, travel trailers, motor homes, tent trailers, campers and/or automobile trailers may be used for dwelling purposes within duly licensed camps and subject to the requirements thereon imposed.

(Ord. No. 250, adopt. 5-15-2012)

300.2002 - Medical marihuana primary caregiver.

B. A registered primary caregiver, in compliance with the Michigan Medical Marihuana Act, P.A. 2008 Initiated Law, (MCL 333.26421 et seq) ("Act") shall be allowed as a permissible use in the AB, A, A-1 and A-2 zoning districts, subject to the following conditions:

1. The medical use of marihuana shall comply at all times and in all circumstances with the Act and the state administrative rules promulgated thereunder as they may be amended from time to time.
2. The cultivation and storage of medical marihuana shall only occur within a single family dwelling within which the

primary caregiver resides. Not more than one primary caregiver within the residence shall be permitted to service qualifying patients who do not reside with the primary caregiver.

3. The lot, parcel or site condominium unit upon which the primary caregiver resides shall not be located:
 - a. Within 1,000 feet of a public or private elementary or secondary school or a public or private college, junior college or university.
 - b. Within 300 feet of a public park (not including park recreational paths or trailways).

Measurements for purposes of this subsection shall be made from parcel/lot/site condominium unit boundary to parcel/lot/site condominium unit boundary.

4. Not more than five (5) qualifying patients shall be assisted with the medical use of marihuana by any primary caregiver.
5. All medical marihuana plants shall be contained within the main residential structure in an enclosed, locked facility inaccessible on all sides and equipped with locks or other security devices that permit access only by the primary caregiver or qualifying patient.
6. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices are located, installed or modified that support the cultivation, growing or harvesting of marihuana.
7. If a room with windows is utilized as a marihuana growing location, any lighting methods that exceed usual residential use between the hours of 11:00 p.m. and 6:00 a.m. shall employ shielding methods, without alteration to the exterior of the dwelling, to prevent ambient light spillage that causes or creates a distraction or nuisance to adjacent residential properties.
8. Nothing in this Ordinance shall be deemed to allow dispensaries or collective ingestion facilities which are hereby strictly prohibited.
9. There shall be no sign identifying the premises as a site at which marihuana is cultivated, harvested or distributed.
10. The provisions of this section and this Ordinance shall not be deemed to prohibit or restrict the following:
 - a. The cultivation, storage and/or use of marihuana by a qualifying patient solely for his/her personal use at his/her residence or at a hospital or hospice at which he/she is receiving care and in accordance with the provisions of the Act and the administrative rules adopted thereunder.
 - b. The cultivation, storage and/or distribution of marihuana in accordance with the Act by a primary caregiver solely to provide services to not more than one qualifying patient who is a member of the primary caregiver's household and whose residence is shared with the primary caregiver.
 - c. The provision of assistance to a qualifying patient by his/her designated primary caregiver relating to medical marihuana use, including distribution or other assistance, in accordance with the Act and the administrative rules adopted thereunder, at the residence of the qualifying patient or at a hospital or hospice at which the qualifying patient is receiving care.
11. Nothing in this Ordinance is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution for growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the Act, the administrative rules promulgated thereunder and this Ordinance. Since federal law is not affected by the Act, nothing in this Ordinance is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution under federal law. Neither this Ordinance nor the Act protects users, caregivers or the owners of properties on which the medical use of marihuana is occurring from federal prosecution or from having their property seized by federal authorities under the Federal Controlled Substances Act.
12. The following definitions shall apply for purposes of this subsection:
 - a. "Dispensary" means any operation where marihuana is distributed to a qualifying patient by someone other than his or her designated primary caregiver.

- b. "Marihuana" shall have the meaning given to it in Section 7601 of the Michigan Public Health Code, 1978 PA 368, MCL 333.26423(d) of the Michigan Medical Marihuana Act (MCL 333.26423(d)).
- c. "Michigan Medical Marihuana Act" or "Act" means the Michigan Initiated Law 1 of 2008, MCL 333.26421 et seq.
- d. "Primary caregiver" means a person as defined under MCL 333.26423(g) of the Act, who is at least 21 years old, who has agreed to assist with a patient's medical use of marihuana, who has never been convicted of a felony involving illegal drugs and who has been issued and possesses a Registry Identification Card under the Act.
- e. "Qualifying patient" means a person as defined under MCL 333.26423(h) of the Act, who has been diagnosed by a physician as having a serious or debilitating medical condition and who has been issued and possesses a Registry Identification Card under the Act.
- f. "Collective ingestion facility" means a facility that allows multiple qualifying patients to consume or ingest medical marihuana upon the premises. This term does not encompass (1) a primary caregiver residence at which medical marihuana is consumed or ingested on the premises solely by the designated qualifying patient(s) of the primary caregiver operating within the residence, or (2) the consumption or ingestion of medical marihuana by a qualifying patient at his/her residence or at a hospital or hospice at which the qualifying patient is receiving care.

(Ord. No. 252, adopt. 5-15-2012)

SECTION 21

300.2100 - ENFORCEMENT AND FEES

A. *Enforcement.* It shall be the duty of the Township Supervisor, Building Inspector, Zoning Administrator or Township Attorney, as well as any other official or persons specifically designated by the Township Board, to enforce the Township Zoning Ordinance on behalf of the Township.

B. *Fees.* The Township Board shall establish by resolution fees for the various applications and appeals filed with the Township pursuant to the provisions of this Ordinance. Such fees shall bear a reasonable relationship to the cost of providing the service and may be amended from time to time by the Township Board within the foregoing limits of reasonableness. (Ord. No. 228, adopt. 6-3-2008)

SECTION 22

300.2200 - ZONING COMPLIANCE PERMITS.

A. *Permit Requirements:* It shall be unlawful for any person to commence excavation for any building or structure or to commence the erection, addition, alteration or repair of any building, structure or parking area, or repair or move any building or structure; and no land use shall be commenced until a zoning compliance permit for the same has been secured from the Zoning Administrator. No such zoning compliance permit shall be issued for any building, structure or use where the construction, addition, alteration or use thereof would be in violation of the provisions of this Ordinance.

Each zoning compliance permit shall become null and void within one (1) year following the issuance of the permit unless the provisions of the permit have been utilized or unless re-application is made and approved by the Zoning Administrator.

Exempted from the permit requirements are alterations and ordinary maintenance repairs made on any building or structure that does not affect the external dimension of the structure. Also exempted from the permit requirements are one-story detached accessory structures with a floor area of 200 square feet or less.

B. *Zoning Compliance Permit Application:* Application for a zoning compliance permit shall be filed in writing with the Zoning Administrator on a form approved by the Township Board, signed by the person, firm, co-partnership or corporation requesting the same, or by the duly authorized agent of such person, firm, co-partnership or corporation. There shall be submitted with all

applications for zoning compliance permits two (2) copies of a plot plan, giving accurate dimensions on either a scale drawing or a rough sketch. Scale drawings shall be required on all structures and shall contain the following information:

1. Existing or intended use of the structures.
2. Lines and dimensions of the lots to be used.
3. Location upon the lot of all existing and proposed structures and streets.
4. Such other information with respect to the proposed structure, use, lot and adjoining property as may be required by the Zoning Administrator to determine compliance with this Ordinance.

One copy of both plans and specifications shall be filed in and retained by the office of the Zoning Administrator, and the other shall be given to the applicant when the Zoning Administrator has approved the application and issued the permit. In case of minor alterations, the Zoning Administrator may waive portions of the foregoing requirements obviously not necessary for determination of compliance with this Ordinance. Failure to obtain a zoning compliance permit shall constitute a violation of this Ordinance and shall subject each person or persons or corporation for whose benefit the permit is required and the owner or owners of the premises involved to prosecution for such violation.

The above requirement of submission of a plot plan shall be waived for any use or structure requiring site plan approval under this Ordinance. Such site plan approval shall be obtained prior to the issuance of a zoning compliance permit.

C. Conformity To Approved Zoning Compliance Permit: The property which is the subject of an approved zoning compliance permit shall be developed and used in strict compliance with the terms of the zoning compliance permit and any amendments thereto which have received the approval of the Zoning Administrator. (Ord. No. 228, adopt. 6-3-2008)

SECTION 23

300.2300 - ESTABLISHMENT OF A ZONING BOARD OF APPEALS

a. *Establishment.* There shall be a Zoning Board of Appeals as provided by the Michigan Zoning Enabling Act (2006 PA 110, as it may from time to time hereafter be amended) which shall have such powers and duties as prescribed herein and as otherwise prescribed by law. The Zoning Board of Appeals shall consist of five members. The first member of the Zoning Board of Appeals shall be a member appointed by the Township Board from the Township Planning Commission. The remaining members of the Zoning Board of Appeals shall be selected from electors of the Township residing outside of any incorporated cities or villages. The members selected shall be representative of the population distribution and of the various interests present in the Township. One member may be a member of the Township Board but shall not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member of the Zoning Board of Appeals. The term of each member shall be for three years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of those bodies.

b. *Alternate members.* The Township Board may appoint not more than two alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called by the Chairman of the Zoning Board of Appeals or his/her designee to serve as a member of the Zoning Board of Appeals in absence of a regular member if the regular member will be unable to attend one or more meetings. An alternate member may also be called by the Chairman of the Zoning Board of Appeals or his/her designee to serve as a member 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 is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

c. *Powers of the Zoning Board of Appeals.* The Zoning Board of Appeals shall have the following specified duties and powers:

1. *Review:* The Zoning Board of Appeals shall have authority to hear and decide appeals from and review any order, requirement, decision or determination made by any administrative official charged with enforcement of any provisions of this Ordinance, except for decisions pertaining to special exception uses, Planned Unit Developments, or site plan

review.

2. *Interpretation:* The Zoning Board of Appeals shall have the power to interpret the provisions of this Ordinance.
3. *Variances:* The Zoning Board of Appeals shall have the power to grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the Zoning Ordinance or to any other nonuse-related standard in the 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. In making this determination, the standards set forth in the following subsection shall apply.
 - a. *Standards:* Before granting a variance, the Zoning Board of Appeals shall find that all of the following standards are met.
 - i. That the variance will not permit the establishment within a zoning district of any use which is not allowed as a permitted or special exception use within the district.
 - ii. That compliance with the strict letter of the Zoning Ordinance would unreasonably prevent the owner or occupant of the property from using the property for a permitted purpose, or would render conformity with the Zoning Ordinance unnecessarily burdensome.
 - iii. 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 relaxation than that applied for would give substantial relief to the owner or occupant of the property involved and be more consistent with justice to other property owners.
 - iv. That the practical difficulty asserted by the applicant by way of justification for a variance is due to unique circumstances of the property.
 - v. That the practical difficulty asserted by way of justification for the variance is not self-created.
 - vi. That, in granting a variance, the Zoning Board of Appeals is insuring that the spirit of the Zoning Ordinance is observed, public safety secured, and substantial justice done.
 - b. *Conditions to variance:* In granting a variance, the Zoning Board of Appeals may impose such conditions in connection with the granting of a variance that will, in its judgment secure substantially the objectives of the regulations or provisions to which the variance applies and assure satisfaction of the standards set forth above governing the granting of a variance.
 - c. *Approval periods.* The grant of a variance after August 7, 1979, shall be acted upon within one year by commencing construction of the building or structure for which the variance was obtained; otherwise, the variance approval shall be deemed revoked and inoperative. Variances granted which render vacant lots that would otherwise be unbuildable under the terms of this Ordinance buildable (e.g., variances from lot area, lot width, road frontage or lot depth-to-width ratio requirements) shall not be subject to the above one-year limitation.

(Ord. No. 218, adopt. 7-11-2006; Ord. No. 270, adopt. 9-18-2018)

SECTION 24

300.2400 - AMENDMENTS AND SUPPLEMENTS

Amendments and supplements to this Ordinance may be made as provided for under the Michigan Zoning Enabling Act (P.A. 110 of 2006, as it may from time to time be amended). Such amendments or supplements to the Zoning Ordinance may be made in the same manner as provided for in the Act as for the enactment of the original ordinance.

In reviewing an application for the rezoning of land, whether the application be made with or without an offer of conditions, factors that should be considered by the Planning Commission and the Township Board 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 Township's Master Land Use 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.

(Ord. No. 215, adopt. 3-7-2006; Ord. No. 218, adopt. 7-11-2006; Ord. No. 220, adopt. 1-2-2007)

SECTION 24A

300.2400A - CONDITIONAL REZONING

300.2401A - Intent.

Sec. 24A.01 It is recognized that there are certain instances where it would be in the best interests of the Township, 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 16i [300.1600] of the Township Zoning Act (MCL125.286i) 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.

300.2402A - Application and offer of conditions.

Sec. 24A.02

- A. 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.
- B. 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 requirements of this Section.
- C. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
- D. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
- E. 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.
- F. 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.
- G. 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.
- H. 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 Township Board 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.

300.2403A - Planning commission review.

Sec. 24A.03 The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 24 [300.2400] of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

300.2404A - Township board review.

Sec. 24A.04 After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 24 [300.2400] of this Ordinance. Should the Township Board 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 Township Board shall, in accordance with Section 11 [300.1100] of the Township Zoning Act (MCL 125.281), refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

300.2405A - Approval.

Sec. 24A.05

- A. If the Township Board 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 Township Board to accomplish the requested rezoning.
- B. The Statement of Conditions shall:
 1. 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 Township Board.
 2. Contain a legal description of the land to which it pertains.
 3. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 4. 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.
 5. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of Kalamazoo County.
 6. 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.
- C. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
- D. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the

Township with the Register of Deeds of Kalamazoo County. The Township Board shall have 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 Township or to any subsequent owner of the land.

- E. 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.

300.2406A - Compliance with conditions.

Sec. 24A-06

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

300.2407A - Time period for establishing development or use.

Sec. 24A.07 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 Township Board if (1) it is demonstrated to the Township Board'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 Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

300.2408A - Reversion of zoning.

Sec. 24A-08 If approved development and/or use of the rezoned land does not occur within the time frame specified under Section 24A.07 [300.2407A] 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 Township Board 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.

300.2409A - Subsequent rezoning of land.

Sec. 24A-09 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 Section 24A.08 [300.2408A] 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 Township Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.

300.2410A - Amendment of conditions.

Sec. 24A-10

- A. During the time period for commencement of an approved development or use specified pursuant to Section 24A.07

[300.2407A] above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.

- B. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

300.2411A - Township right to rezone.

Sec. 24A-11 Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township 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 Township Zoning Act (MCL 125.271 et seq.).

300.2412A - Failure to offer conditions.

Sec. 24A-12 The Township 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.

SECTION 25

300.2500 - VIOLATIONS AND SANCTIONS

300.2501 - Nuisance per se.

a. Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, continued, or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and otherwise provided by law.

(Ord. No. 218, adopt. 7-11-2006)

300.2502 - Violation.

b. Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, or any permit or approval issued under this ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person 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.

300.2503 - Municipal civil infraction.

c. Any person, firm, corporation or governmental entity who violates any of the provisions of this Ordinance shall have committed a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

		Minimum Fine	Maximu Fine
—	First Offense within three-year period*	\$ 75.00	\$500.00
—	Second Offense within three-year period*	150.00	500.00
—	Third Offense within three-year period*	325.00	500.00
—	Fourth Offense within three-year period*	500.00	500.00

*Determined on the basis of the date of commission of the offense(s)

Additionally, the violator shall pay costs which shall include all expenses, direct and indirect, to which Richland township has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00 nor more than \$500.00 be ordered.

300.2504 - Remedial action.

d. Any violation of this ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.

300.2505 - Escrow reimbursements.

e. Escrow Reimbursements. Any application in which the applicant has filed an affidavit related to reimbursement of an escrow account, shall be deemed to be in violation of this ordinance if, when notified by the Township, that they have exceeded the balance of the escrow account and have not provided reimbursement within 30 days of receipt of notification. Failure to meet such reimbursement requirement will suspend processing of the application and be subject to fines established under Section "c", 300.2503, Municipal Civil Infraction, above.

(Ord. No. 266, adopt. 6-20-17)

SECTION 26

300.2600 - VALIDITY

Should any section, clause or provisions of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed. This ordinance shall take effect on January 1, 2002 and any subsequent amendments shall take effect eight days following publication after adoption by the Richland Township Board of Trustees.