



**Rich Township
Zoning Ordinance
Ordinance - 300**

Recommended by PC
3/30/16

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Zoning Ordinance

TOWNSHIP OF RICH LAPEER COUNTY, MICHIGAN

ORDINANCE NO. 300

AN ORDINANCE to regulate the use of land and buildings by dividing the Township into districts; imposing regulations, prohibitions and restrictions governing the erection, construction, and reconstruction of structures and buildings; specifying the districts within which lands may be used for trade, industry, residence, agriculture, and other specified purposes; regulating and limiting the height and bulk of buildings and other structures; regulating lot size, yards, and other open spaces; regulating the density of housing; limiting congestion upon the public streets by providing for the off-street parking and loading of vehicles; establishing a Zoning Board of Appeals, defining and limiting the powers and duties of said Board; and providing the means of enforcing said Ordinance and providing a penalty for violation thereof, in accordance with the authority and intent of Act 184, of the Public Acts of 1943, as amended.

THE TOWNSHIP OF RICH ORDAINS:

ARTICLE I

SHORT TITLE

Section 1.01. This Ordinance shall be known and cited as the Rich Township Zoning Ordinance.

ARTICLE II

DEFINITIONS

- **Section 2.01.** For the purpose of this Ordinance, certain terms are herewith defined. Terms not herein defined shall have the meanings customarily assigned to them.
- **ACCESSORY BUILDING:** A building related to and secondary to the main use of the premises.
- **ACCESSORY USE:** A use naturally and normally incidental and subordinate to the main use of the premises.
- **ADULT BOOK OR NOVELTY STORES:** An establishment having a substantial or significant portion of its stock in trade, books, magazines, and other items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “Specified Sexual

Activities” or “Specified Anatomical Areas”, or an establishment with a segment or section devoted to the sale or display of such material or items.

- **ADULT MOTION PICTURE THEATRE:** A building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” for observation by patrons.
- **ALTERATIONS:** Any change, addition, or modification in construction of the structural members of a building, such as walls, partitions, columns, beams, or girders.
- **BED AND BREAKFAST ESTABLISHMENTS:** A structure which was constructed for single-family residential purposes but which may be used for the purpose of renting bedrooms on a nightly basis to tourists, including the provision of breakfast meals for overnight guests.
- **BOARD OF APPEALS:** The duly appointed Board of Zoning Appeals for the Township of Rich.
- **BUILDABLE AREA:** The buildable area of a lot is the space remaining after the minimum setback requirements of this Ordinance have been complied with.
- **BUILDING:** A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or personal property. This shall include tents, awnings, vehicles, trailers, or mobile homes situated on private property and used for purposes of a building.
- **CABARET:** An establishment which permits topless and/or bottomless dancers, strippers, exotic dancers, or similar entertainers.
- **COMMUNICATION TOWER OR ANTENNA:** A radio, telephone, cellular telephone or television relay structure or antenna attached directly to the ground or to another structure, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals.
- **CONDOMINIUM, SITE:** A condominium development which includes only detached single-family residences located on individual sites.
- **CONDOMINIUM, UNIT:** That portion of a condominium project which is designed and intended for separate ownership, as described in the Master Deed. A condominium unit may consist of either vacant land or space which is enclosed by a building. Any “condominium unit”

consisting of vacant land shall be equivalent to the term “lot” for the purposes of determining compliance with minimum lot size or lot width.

- **DAY-CARE HOME, FAMILY:** A private home in which the operator permanently resides as a member of the household in which at least one (1) but not more than six (6) minor children are received for care and supervision for periods of less than twenty-four (24) hours per day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day-care homes includes any home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
- **DWELLING, DUPLEX:** A building used or designed as a residence for two (2) families.
- **DWELLING, MULTIPLE:** A building used or designed as a residence for three (3) or more families.
- **DWELLING, SINGLE FAMILY:** A building used or designed exclusively as a residence for (1) family.

DWELLING UNIT: Any house, building, mobile home, or portion thereof, which is designed for or occupied as residence or sleeping quarters for a person, persons, or family as a single unit.

- **ERECTED:** The word “erected” includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required to construct a building. Excavations, fill, or drainage relating to the construction or placement of a structure shall be considered a part of erecting.
- **EXCAVATING:** The removal of sand, stone, gravel, or dirt from its natural location.
- **FAMILY:** One (1) adult or an adult couple, with their direct lineal descendants, adopted children or step-children, with not more than two (2) additional unrelated persons, living together as a single housekeeping unit.
- **FARM:** All of the associated land, operated as a single unit on which bona fide farming is carried on, including livestock and poultry raising, dairying, crop production, forestry, tree and shrub nurseries, greenhouses, sod farms, and similar enterprises involving agricultural production.

- **FARM BUILDING:** Any building or structure, other than a dwelling, which is customarily used on farms for the pursuit of their agricultural activities.
- **FILLING:** The depositing or dumping of any matter onto or into the ground.
- **FLOOR AREA:** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls. The “floor area” of a building shall include the basement floor area when more than one-half (1/2) of the basement height is above the finished lot grade.
- **FORESTRY:** Planting, cultivating, harvesting, sawing, curing, milling and storage of trees, logs or lumber, but not including manufacturing of wood products.
- **INSTITUTIONAL FACILITY:** Any church, school, governmental building or facility, lodge hall, veterans’ organization building, or similar non-profit facility.
- **JUNK:** Any motor vehicles, machinery, appliances, product, merchandise, scrap metals, or other scrap materials that are deteriorated, or that are in a condition which makes said items unusable for the purpose for which the product was manufactured.
- **JUNK YARD:** Any property used for the storage, keeping, dismantling, or abandonment of junk outside of an enclosed building.
- **KENNEL:** Any lot or premises on which four (4) or more dogs, six (6) months old or older are kept either permanently or temporarily.
- **LIVESTOCK:** Horses, cattle, sheep, goats, mules, donkeys, hogs, and other hooved animals. Also including rabbits, and other fur bearing animals, other than dogs and household pets.
- **LOT OF RECORD:** Any parcel of land which is separately described in a deed, land contract, or similar legal document evidencing a conveyance of ownership and recorded with the Lapeer County Register of Deeds.
- **MOBILE HOME:** (Includes house trailer, trailer coach, and double wide mobile homes). A dwelling unit designed for long term occupancy and designed to be transported after fabrication on its own wheels as one or more units. This includes all units which could be licensed under the provisions of Act 300 of the Public Acts of 1949 as amended.

- **MOBILE HOME PARK:** Any parcel of land which has been designed, improved, or used for the placement of three (3) or more mobile homes for dwelling purposes.
- **PARKING SPACE:** An area of not less than nine and one-half (9-1/2) feet wide by twenty (20) feet long, designed for the parking of a motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits and being fully accessible for the storage or parking of permitted vehicles.
- **PLANNING COMMISSION:** The duly appointed Planning Commission of Rich Township, as authorized by the Michigan Zoning Enabling Act.
- **QUARRYING:** The removal of sand, clay, gravel, soil, or similar material from its natural location for sale or use on a parcel of land other than the parcel on which the material was originally located.
- **RECYCLING FACILITY:** A facility which receives and processes items for the purpose of salvaging metals, paper products, or recyclable materials. A recycling facility does not include a junk yard or other facility for the resale of automobile parts or other machinery parts.
- **SETBACK:** The distance between a building and a road centerline or a property line.
- **SIGN:** Any device designed to inform, advertise, or attract attention.
- **SIGN AREA:** The total of the surface of one side of a sign, computed in square feet. The total shall be determined by multiplying the total height of the sign surface by the total width of the sign surface.
- **SIGN, PERMANENT:** Any sign designed or intended to be placed on a parcel of land for more than six (6) months.
- **SIGN, TEMPORARY:** Any sign designed or intended to be placed on a parcel of land for less than six (6) months. Also any sign which is not permanently attached to real estate in accordance with the construction requirements of the building code.
- **SPECIFIED ANATOMICAL AREAS:**
 - a. Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
 - b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

- **SPECIFIED SEXUAL ACTIVITIES:**
 - a. Human genitals in a state of sexual stimulation or arousal.
 - b. Acts of human masturbation, sexual intercourse or sodomy.
 - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

- **STRUCTURE:** Anything constructed, erected, or placed on a parcel of land which is permanently located on the ground or attached to something having a permanent location. This shall include mobile homes, pre-manufactured units, modular units, truck or bus bodies, and similar structures. Any structure located on the same premises for more than six (6) months shall be deemed to be permanently located within the meaning of this definition.

- **SWIMMING POOL:** The term “swimming pool” shall mean any structure or container intended for swimming, located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches. Ponds shall not be deemed to be swimming pools.

- **TOWNSHIP BOARD:** The duly elected or appointed Township Board of the Township of Rich.

- **TRAVEL TRAILERS:** (Including recreational vehicles, camping trailers, truck campers, and motor homes). Vehicular-type portable structures, primarily designed as temporary living accommodations for recreational camping or travel use. These vehicles can either be towed, hauled, or affixed to another vehicle and driven from one site to another without requiring a Special Transportation Permit for travel.

- **TRAVEL TRAILER PARK:** any parcel of land designed, improved, or used for the placement of three (3) or more travel trailers or tents (used for recreation, camping, or travel use) for overnight accommodations.

- **USE:** The purpose for which a parcel of land or a building is designed, arranged, or intended, or the purpose for which it is occupied, maintained, or leased.

- **YARD:** An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line, and is unoccupied and unobstructed from the ground upward.

- **ZONING ADMINISTRATOR:** An individual or organization appointed by the Township Board with the responsibility of enforcing this Ordinance and carrying out the duties specified in the Ordinance.

ARTICLE III

SCOPE

Section 3.01. SCOPE. No building or structure, or part thereof, shall hereinafter be erected, constructed, placed, altered, or moved; and no new use or change in use shall be made of any building, structure, or land, or part thereof; except in conformity with the provisions of this Ordinance.

ARTICLE IV

ADMINISTRATION

Section 4.01. ZONING ADMINISTRATOR. The provisions of this Ordinance shall be administered by a Zoning Administrator appointed by the Township Board. The Zoning Administrator shall serve under such terms and at such rate of compensation as the Township Board may determine.

Section 4.02. ZONING COMPLIANCE PERMITS. A zoning compliance permit shall be acquired from the Zoning Administrator before any construction is undertaken, any structure is moved, or any change in the use of any land, structure, or building is undertaken within the Township. A zoning permit shall not be required for accessory structures containing less than 200 square feet. The term “change in use” shall mean a land use which is a new land use on the property and which is not accessory to an existing land use which conforms to the ordinance.

- A. APPLICATION. A zoning compliance permit shall be applied for in writing on an application form provided by the Township.
- B. ISSUANCE. A zoning compliance permit shall be issued by the Zoning Administrator whenever the proposed use complies with the provisions of this Ordinance, and any necessary Planning Commission, Board of Appeals, or Township Board approvals have been obtained.
- C. PRIVATE COVENANTS. The Zoning Administrator shall not refuse to issue a zoning compliance permit due to violations of private covenants, agreements, or deed restrictions.
- D. INVALID PERMITS. Any zoning compliance permit issued in error, or pursuant to an application containing any false statements, shall be invalid and void.

E. FEES. The amount of any fees charged for zoning compliance permits or inspections shall be established by the Township Board.

F. EXPIRATION. A zoning permit shall expire one (1) year after the date of issuance unless the proposed use has been commenced within that year. Any amendment to the Zoning Ordinance shall have the effect of voiding any outstanding zoning permits for uses which have not been commenced and which would violate the amendment.

ARTICLE V

ZONING DISTRICTS

Section 5.01. DISTRICTS. The Township is hereby divided into the following zoning districts:

I - INDUSTRIAL

C - COMMERCIAL

R - RESIDENTIAL

AFR - AGRICULTURAL – FORESTRY - RESIDENTIAL

Section 5.02. DISTRICT BOUNDARIES. The boundaries of the zoning districts are legally described as follows:

I - INDUSTRIAL

1. The West $\frac{1}{2}$ of the South $\frac{1}{4}$ of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 26.
2. The South sixty (60) acres of the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 27 and the South ten (10) acres of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 27.
3. The East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 24.
4. The North thirty (30) acres of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 21.

C - COMMERCIAL:

1. The East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 32.

2. Part of the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 5, Town 10 North, Range 10 East, beginning at a point on the East line of said Section 5 that is South 1293 feet from the Northeast corner of said Section 5; to the south line of the North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of said Section 5; thence North 89 54' West 205 feet along said South line to a point of beginning; thence continuing on the same line 283.60 feet to the East right of way line of Highway M-24; thence along said right of way North 37 9' 30" West 107.40 feet; thence on a curve to the right on said right of way, radius 2534.51 feet and Chord bearing and distance North 32.32' \ West 401.75 feet thence South 89 54' East 564.53 feet to a point 205 feet from the East Line of said Section 5; thence South 423.95 feet to the point of beginning.
3. The Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 1 and the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 1.

R - RESIDENTIAL:

1. The south 300 feet of the West $\frac{3}{4}$ of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 32.
2. The South 300 feet of the West $\frac{3}{4}$ of Section 34.
3. The east 300 feet of the South $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 32 and the West 300 feet of the South $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 33.

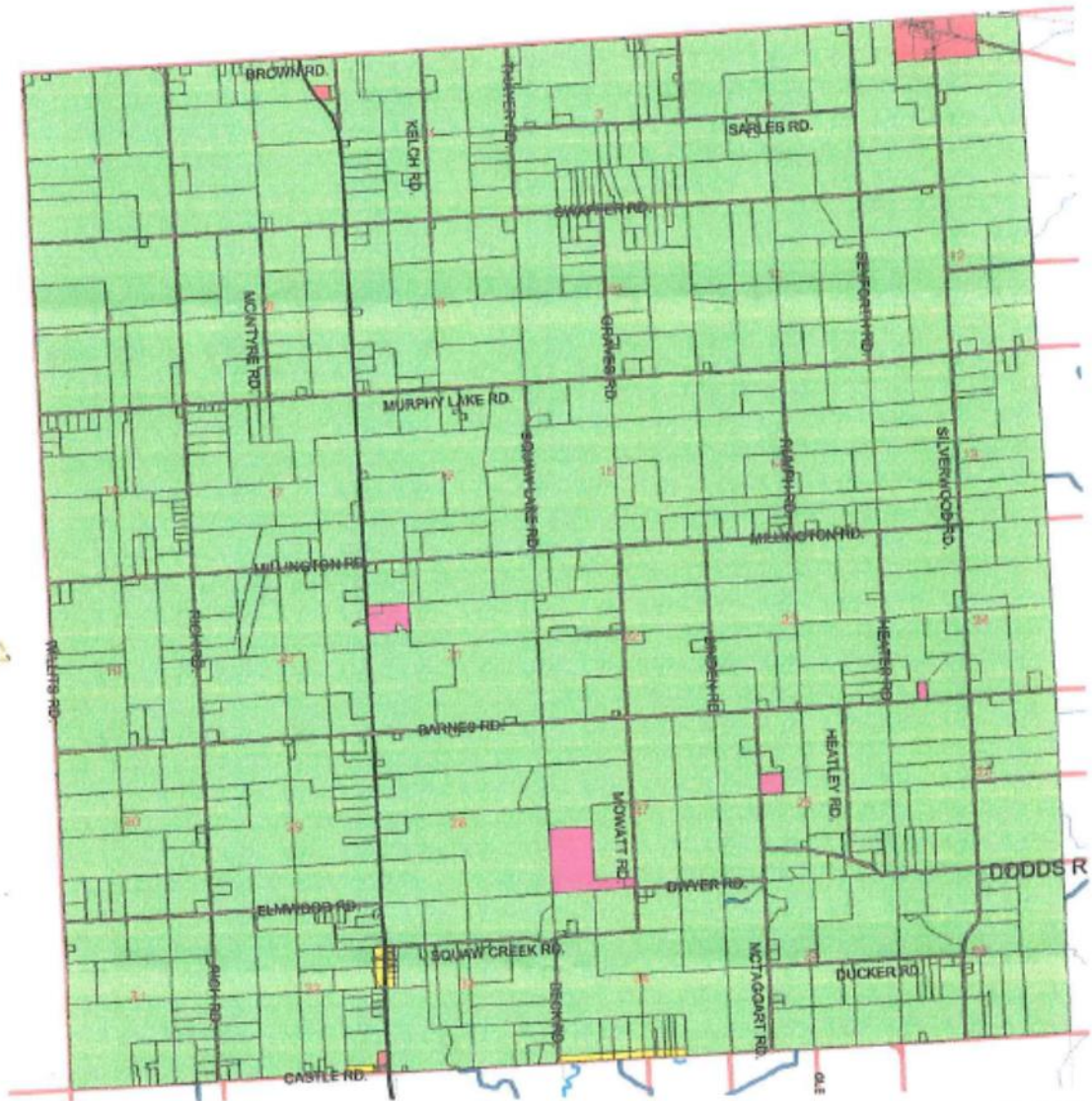
AFR- Agricultural Forestry Residential:

1. All of Town 10 North, Range 10 East not described above.

Section 5.03. PRINCIPAL USES PERMITTED. All uses of land or structures listed as principal uses permitted are permitted throughout the district under which they are listed. Any uses not expressly listed as "principal uses permitted" are prohibited in that district, unless they are listed as "uses permitted after special approval in the district".

Section 5.04. USES PERMITTED AFTER SPECIAL APPROVAL. All uses of land or structures listed as "uses permitted after special approval" are permitted within the district under which they are listed, provided that Planning Commission approval has been granted pursuant to the provisions of Article XIV.

RICH TOWNSHIP ZONING MAP



PRODUCED (07-03) BY:
LAPEER CO EQUALIZATION - GIS
255 CLAY ST #304, LAPEER MI 48446
810-245-4812 or 810-657-0228



1" = 1 Mile
1" = 5,280'

- AR Agricultural-Residential
- C Commercial
- I Industrial
- R Residential

ARTICLE VI

AFR AGRICULTURAL FORESTRY RESIDENTIAL DISTRICT

Statement of Purpose. The Agricultural-Forestry-Residential Zoning District is intended to provide an area within the Township where farming activities and residential uses can be compatibly carried on. It is anticipated that farming will continue to be the major activity within the district. It is the policy of Rich Township to encourage continued farming activity within the district and that conflicts between agricultural and non-agricultural uses within the district should be resolved in such a manner as to encourage continued agricultural operations.

Section 6.01. PRINCIPAL USES PERMITTED.

- A. Farms, farm buildings and farm uses.
- B. Single family dwellings (subject to Section 10.06).
- C. Keeping of livestock on parcels of five (5) or more acres. The keeping of livestock, poultry and rabbits shall be consistent with the Generally Accepted Agricultural Management Practices (GAAMPs) established by the Michigan Department of Agriculture pursuant to the Michigan Right to Farm Act.
- D. Township government buildings and uses.
- E. Forestry, conservation areas, game refuges, publicly owned parks, and similar non-commercial uses.
- F. State licensed family day-care homes for children.
- G. State licensed residential facilities for six or fewer residents.
- H. Home occupations, providing:
 - 1. The home occupation must be conducted entirely within a building.
 - 2. The home occupation shall involve no employees who reside off the premises.
 - 3. The home occupation shall be clearly incidental and secondary to the use of the premises as a residence.
 - 4. No noise, odor, fire hazard, or traffic congestion shall be created beyond that which is normal in a residential area.

5. No outdoor storage or display of merchandise or materials shall be allowed.
- I. Buildings, structures and uses which are accessory to any of the above-permitted uses.
- J. Exempt Antennas and Windmills (pursuant and subject to Section 10.04(B)).

Section 6.02. USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Parks, recreation areas, campgrounds, golf courses, riding stables, and similar recreational facilities, either privately or publicly owned
 1. Minimum site size of ten (10 acres).
 2. All development features shall be located so as to minimize the possibility of any adverse effect upon adjacent property. This shall include a minimum setback of two hundred (200) feet from property lines and roads
 3. All activities shall be adequately screened from abutting property as required by the Planning Commission.
 4. Related accessory commercial uses may be permitted in conjunction with the recreation use when it is clearly incidental to the main recreational character of the property.
- B. Dog Kennels (See page 6 for dog limits)
 1. All dogs shall be adequately housed, fenced, and maintained so as not to create a nuisance.
 2. All pens and runways shall be screened from view from any residences or roads by the building or greenbelt plantings. Kennels shall have restrictive fencing at least six (6) feet in height.
 3. Kennels shall be set back a minimum of fifty (50) feet from each property line and one hundred fifty (150) feet from the road.
 4. The site shall contain at least five (5) acres.
- C. Excavation of soil, sand, clay, gravel, or similar materials for removal from the property.
 1. Each application for special approval shall contain the following:

- a. Names and address of property owners and proposed operators of the premises.
- b. Legal description of the premises.
- c. Detailed statement as to method of operation, type of machinery or equipment to be used, and estimated period of time that the operation will continue.
- d. Detailed statement as to the type of deposit proposed for extraction.
- e. Reclamation plan and detailed statement as to the proposed use of the land after quarrying or fill operations are complete.

2. Operational Requirements:

a. Pit Operations:

- i. In operations involving deep excavations (over 5 feet in depth), the operator shall provide adequate safeguards to protect the public safety. These safeguards may include fencing, locked gates, and warning signs.
- ii. The Planning Commission may require that any gravel or dirt roads used for the purpose of ingress and egress to said excavation site be kept dust free by hard topping or chemical treatment.
- iii. The completed slopes of the banks of any excavation shall in no event exceed a minimum of three (3) feet to one (1) foot (three-foot horizontal to one foot vertical).
- iv. No cut or excavation shall be made closer than two hundred (200) feet from the centerline of the nearest road right of way nor nearer than fifty (50) feet to the nearest property line. The Planning Commission may prescribe stricter requirements in order to give sublater support to surrounding property where soil or geological conditions warrant it.

3. Surety Bond:

- a. The Planning Commission shall, to insure strict compliance with any regulations or required conditions of a permit for quarrying, require the permittee to furnish a bond in an amount determined

by the Planning Commission to be reasonably necessary to insure compliance.

- b. In fixing the amount of such surety bond, the Planning Commission shall take into account the size and scope of the proposed quarry, probable cost of rehabilitating the premises upon default of the operator, estimated expenses to compel the operator to comply by court decree, and such other factors and conditions as might be relevant.

D. Duplex Dwellings:

- 1. Any dwelling proposed for use as a duplex must have been constructed for and occupied as a single family dwelling prior to the adoption of this ordinance.
- 2. The remodeled dwelling must contain the minimum number of square feet for such dwelling unit as specified in Section 13.02.

E. Schools, Churches and Cemeteries. A minimum site size of five (5) acres shall be required and the site must be located on a state highway or a paved county road.

F. Airplane Landing Strips: The landing strip must be used for agricultural or personal use only.

G. Governmental Buildings and facilities, other than township buildings and uses.

H. Keeping of livestock on parcels of land containing less than (5) acres. The keeping of livestock, poultry and rabbits shall be consistent with the Generally Accepted Agricultural Management Practices (GAAMPs) established by the Michigan Department of Agriculture pursuant to the Michigan Right to Farm Act.

I. Commercial Communications Towers, Wind Energy Conversion Systems, Supervisory Control and Data Acquisition (SCADA), and Meteorological (Met) Towers (subject to Section 10.04).

ARTICLE VII

R RESIDENTIAL DISTRICT

Section 7.01. PRINCIPAL USES PERMITTED.

A. Single family dwellings (subject to Section 10.06).

- B. Crop Production.
- C. Township buildings and uses.
- D. Buildings, structures, and uses which are accessory to any of the above permitted uses.
- E. Exempt Antennas and Windmills (pursuant and subject to Section 10.04(B)).

Section 7.02. USES PERMITTED AFTER SPECIAL APPROVAL.

- A. Duplex Dwellings and multiple family dwellings.
 - 1. Minimum floor area per dwelling unit shall be five hundred (500) square feet with an additional one hundred (100) square feet of area for each bedroom.
 - 2. No more than one apartment shall be constructed for each six thousand (6,000) square feet of land area.
- B. Rooming houses, boarding houses and tourist homes.
- C. Hospitals, convalescent homes, and assisted living centers.
- D. Nursery schools and day care centers.
- E. Private clubs or lodges.
- F. State-licensed residential facilities for seven (7) or more residents.
- G. Mobile home parks which comply with the regulations of the Michigan Manufactured Housing Commission.
 - a. The parcel of land on which a manufactured housing park is located shall contain at least twenty (20) acres.
 - b. Any manufactured housing park development which utilizes a privately owned sewage treatment system, shall post a bond with the Township Treasurer in an amount equal to the estimated cost to replace the system.
- H. Recreational facilities as regulated by Section 6.02.A.
- I. Bed and breakfast establishments.
- J. Schools.

- K. Churches.
- L. Cemeteries.
- M. Governmental buildings and facilities other than township buildings and uses.
- N. Communications towers (subject to Section 10.04).

ARTICLE VIII

C COMMERCIAL DISTRICT

Section 8.01. PRINCIPAL USES PERMITTED.

- A. Any retail business which sells or rents merchandise within a completely enclosed building.
- B. Personal service establishments such as restaurants, taverns, laundromats, barber shops, beauty shops, and dry cleaning establishments.
- C. Repair shops for consumer items such as watches, shoes, furniture, and appliances.
- D. Professional and business offices.
- E. Financial institutions.
- F. Mini-storage facilities which provide storage space for personal use.
- G. Medical, dental or veterinary clinics.
- H. Facilities for electricians, plumbers and similar trades within a completely enclosed building.
- I. Funeral homes, mortuaries, and cemeteries.
- J. Indoor recreation establishments.
- K. Hotels, motels, lodge halls, private clubs, and auditoriums.
- L. Schools, churches, and publicly owned buildings or facilities.
- M. Buildings, structures, and uses which are accessory to any of the above permitted uses.

N. Exempt antennas and windmills (pursuant and subject to Section 10.04(B)).

O. Office, warehouse, manufacturing, and sales buildings related to public utilities.

Section 8.02. USES PERMITTED AFTER SPECIAL APPROVAL.

A. Open air businesses such as drive-in theaters, race tracks, used car sales, farm machinery sales, fruit markets, recreational facilities or any retail business activities which are conducted outside of an enclosed building.

B. Repair, service, or storage facilities for automobiles, trucks, construction equipment, farm machinery, and similar equipment.

C. Residences.

D. Adult book stores, adult motion picture theaters, adult novelty stores, massage parlors, cabarets, topless bars, or similar establishments, subject to the requirements of this subsection.

1. No two (2) uses listed in this subsection shall be located within one thousand (1,000) feet of each other.

2. No use listed in this subsection shall be located within one thousand (1000) feet of any residential dwelling unit. This prohibition may be waived if the person applying for the waiver shall file with the Planning Commission a petition which indicates approval of the proposed use by fifty-one (51%) percent of the persons owning property, residing or doing business within a radius of one thousand (1,000) feet of the location of the proposed use. The petitioner shall attempt to contact all eligible locations within this radius and must maintain a list of all addresses where no contact was made.

3. No use listed in this subsection shall be located within one thousand (1,000) feet of any church, school, park, or township hall.

4. Signs shall contain no photographs, silhouettes, drawings, videos, or pictorial representations which include "specified anatomical areas" or "specified sexual activities".

5. Adult related businesses shall not be located within a building in which one (1) or more dwelling units are located.

6. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are

permitted access, at an illumination of not less than one (1) foot candle measured at floor level.

E. Drive-Through Restaurants.

1. Access to and egress from a drive-in establishment shall be arranged to ensure the free flow of vehicles at all times and to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping of vehicles on sidewalks or streets.
2. All lighting and audio facilities shall be as designed so as not to disturb nearby residential areas.

F. Wholesale business operations.

G. Communications towers (subject to Section 10.04).

ARTICLE IX

I INDUSTRIAL DISTRICT

Section 9.01. PRINCIPAL USES PERMITTED.

- A. Factories engaged in manufacturing, assembling, machining or other industrial production.
- B. Truck terminals, railroad yards and airports.
- C. Laboratories.
- D. Warehousing, storage or wholesale facilities.
- E. Removal, quarrying or processing of sand, gravel or similar materials under the conditions required by section 6.02 (C).
- F. Automobile or machinery repair facilities.
- G. Public utility service yards.
- H. Buildings, structures, and uses which are accessory to any of the above permitted uses.
- I. Exempt antennas and windmills (pursuant and subject to Section 10.04(B)).

- J. Office, warehouse, manufacturing, and sales buildings related to public utilities.

Section 9.02. USES PERMITTED AFTER SPECIAL APPROVAL.

A. Junk or recycling yards.

1. No parcel of land shall be used for the operation of a junk yard unless such parcel shall have an area under single ownership of at least forty (40) acres.
2. The setback from the front road right of way line to any area upon which junk materials are stored shall be not less than one hundred (100) feet.
3. Any junk yard must be completely enclosed by a wall, berm, or fence at least eight (8) feet in height which completely obscures the view of all material within the yard. Any wall or fence shall be kept uniformly painted, neat in appearance and shall not have any signs, posted bills, or advertising symbols painted on it. Any berm shall be landscaped and maintained with trees, shrubs and mowed grass.
4. No junk, scrap, inoperable vehicles or unlicensed vehicles shall be stored, placed or parked outside of the enclosed area.

B. Sanitary landfills, garbage incineration plants, or sewage treatment plants.

1. Must comply with regulations of the State of Michigan.
2. Must be completely enclosed by an obscuring wall, fence, or dense greenbelt.
3. No excavation may occur within two hundred (200) feet of the center of any road nor within fifty (50) feet of any property line.

C. Slaughter houses.

D. Industries involving the processing, treatment, use, or storage of explosives, toxic chemicals, or radioactive materials.

E. Airports.

F. Communications towers (subject to Section 10.04).

ARTICLE X

GENERAL PROVISIONS

Section 10.01. CONFLICTING REGULATIONS. Whenever any provisions of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the portions of any other law or ordinance, the provisions of this Ordinance shall govern.

Section 10.02. ROAD FRONTAGE. Every dwelling or other building shall be located on a lot or parcel which shall front upon a public road or upon a private road constructed to the specifications of the Township Private Road Ordinance. Each lot or parcel to be used as a dwelling site shall not have less road frontage than the minimum lot width required by Section 13.02 of this Ordinance.

Section 10.03. MOVING OF BUILDINGS, MANUFACTURED HOMES, AND OTHER STRUCTURES.

- A. No building, manufactured home, or other structure in excess of two hundred (200) square feet in floor area shall be moved into or within the Township unless a Zoning Compliance Permit has been issued by the Zoning Administrator prior to the moving of the building, manufactured home, or structure.
- B. In the case of new manufactured homes, the Zoning Administrator shall be provided with verification that the manufactured home was constructed pursuant to current standards of the U.S. Department of Housing and Urban Development. In the case of new modular homes, the Zoning Administrator shall be provided with verification that the modular homes were constructed in compliance with the BOCA Code or the Michigan Construction Code.
- C. In all other cases (buildings, structures, or used manufactured homes), the Zoning Administrator shall be provided with a Certificate of Code Compliance pursuant to an inspection conducted by a registered Building Inspector approved by the Township. Any Code deficiencies identified by the Inspector must either be corrected prior to the building, structure, or manufactured home being placed on the property or else the applicant must post a performance bond, bank letter of credit or a cash deposit with the Township Treasurer in an amount sufficient to cover all required repairs. Any repairs covered by a financial guarantee shall be completed within ninety (90) days of the date that the unit is brought into the Township.
- D. The applicant shall be responsible for compensating the registered Building Inspector for all required inspections.

- E. If any building, manufactured home or other structure is moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved. However, legal non-conforming manufactured housing (single-wide mobile homes) may be replaced with another single-wide as long as the replacement unit is less non-conforming than the unit being replaced and the unit is no more than ten (10) years old when it is placed on the property. Any replacement single-wide mobile home must be fully installed and under a certificate of occupancy within one (1) year of the date of the removal of the prior mobile home.

Section 10.04. PUBLIC SERVICE FACILITIES, COMMUNICATIONS TOWERS, AND WIND ENERGY CONVERSIONS SYSTEMS.

- A. Public Utilities. Certain facilities provided by public utility companies or by the Township government shall be permitted in all zoning districts. Facilities permitted by this Section shall include transmission lines, sewer lines, water mains, pumping stations, substations, poles, and related equipment. Any equipment enclosures, substations, equipment storage buildings or similar structures shall be subject to the site plan review requirements of Article XV. Any office, warehouse, manufacturing, or sales buildings must be located in the Commercial or Industrial zoning district.
- B. Exempt Antennas and Windmills. Communication antennas, windmills, and related facilities belonging to farmers, homeowners, or business owners, and used for onsite purposes only shall be exempt from the requirements of this section and shall be allowed as a permitted use in all zoning districts, provided that the antenna, windmill, or related facilities subject to the following:
 - 1. Zoning Permit: A zoning compliance permit must be obtained from the Zoning Administrator before any construction is undertaken on the erection of any exempt antenna or windmill.
 - 2. Compliance with Township Ordinances: Exempt antennas and windmill projects shall be constructed in strict compliance with all requirements of the Rich Township Zoning Ordinance and all other applicable ordinances.
 - 3. Setbacks: Exempt antennas and windmills shall be set back from any property lines, right-of-ways for power lines, or road right-of-ways no less than a distance equal to one-hundred fifty (150%) percent of the height of the structure. The height shall be measured from the ground level to the top of the tower, antenna, or windmill blade at its highest point, whichever is taller.

4. Height: Exempt antennas and windmills shall be less than fifty (50) feet in height on any parcel less than five (5) acres in size. With regard to exempt windmills, the minimum distance of a protruding blade shall be twenty (20) feet from the ground, measured to the lowest point of the arc.
5. Installation Certificate: A Professional Engineer, licensed with the State of Michigan, shall certify that the construction and installation of the exempt antenna or windmill project meets or exceeds the manufacturer's construction and installation standards.
6. Climb Prevention: Exempt antenna and windmills must be unclimbable by design or protected by anti-climbing devices such as:
 - (a) Fences with locking portals at least six (6) feet high; or
 - (b) Anti-climbing devices twelve (12) feet from the base of the exempt antenna or windmill.
7. Interference: It shall be the responsibility of the owner of the exempt antenna or windmill to submit acceptable documentation prior to receiving a permit to determine if the exempt antenna or windmill would in any way cause interference with microwave transmissions, residential television reception, or radio reception.
8. Electrical Code Compliance: Exempt antenna and windmill projects shall adhere to all applicable electrical codes and standards. All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
9. Controls: Exempt windmill projects shall be equipped with manual and automatic controls to limit rotation of the blades to a speed below the design limits for the exempt windmill. A Professional Engineer, licensed in the state of Michigan, must certify that the rotor and over-speed control design and fabrication conform to the applicable design standards. No changes or alterations from certified design shall be permitted unless accompanied by a professional engineer's statement of certification.
10. Noise Levels: The noise level of the exempt windmill shall not exceed 45 dB(A) at the property line or road.
11. Liability Insurance: Proof of homeowner's insurance with specific coverage for the exempt antenna and windmill shall be provided to the Zoning Administrator before issuance of a Zoning Permit. The

policy must provide coverage for installation and operation.

C. Commercial Communication Towers. All communication towers, including transmission towers, relay or receiving antennas, and normal accessory facilities involved in telephone, television, radio, microwave, cable systems, cellular, and similar communication services, may be allowed as special land uses in the AFR, C and I zoning districts, pursuant to Article XV, subject to the following requirements:

1. The applicant shall submit a site plan and a written application, which shall include an explanation of the design characteristics and the ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards. This information shall address the potential for the tower or other mounting structure and/or antennas to topple over or collapse, and what tower configuration should be expected in such an event.
2. The minimum setback from any property line, road right-of-way, or right of way for power lines, shall be equal to one hundred fifty (150%) percent of the height of the tower.
3. The tower or antenna shall not be unreasonably injurious to the safety or market value of nearby properties.
4. Any electrical, telephone or other utility lines to the tower site shall be placed underground.
5. All tower bases and related equipment shall be surrounded by a full perimeter fence to prevent unauthorized access. The fence shall have locked gates and shall be cyclone fence at least six (6) feet in height. The applicant may propose alternate means of access control which may be approved at the discretion of the Planning Commission. The site shall be maintained in a neat manner.
6. In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on the Township, co-location, or the provision of more than one antenna and more than one user on a single tower at a single location, shall be strongly encouraged. Before approval is granted for a new facility, the applicant shall demonstrate that it is not feasible to co-locate at an existing site.
7. Co-location shall be deemed to be “feasible” for the purposes of this section, where all of the following are met:

- (a) The site on which co-location is being considered, including reasonable modification or replacement of a facility, is able to provide structural support.
 - (b) The co-location being considered is technologically reasonable, i.e., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.
 - (c) Existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.
 - (d) The fees, costs or contractual provisions required in order to share an existing tower or structure or to adapt an existing tower or structure for co-location are not unreasonable. For the purposes of this paragraph, costs exceeding new tower development are presumed to be unreasonable.
8. Applicants receiving approval for a tower shall agree to allow co-location on the tower for reasonable market compensation as long as the conditions described in subsections C.7. (a)(b)(c) and (d) are met.
9. No communications tower shall be located within three (3) miles of an existing tower.
10. The unit shall be painted a neutral color such as beige or gray. The actual color shall be approved by the Planning Commission.
11. A condition of every approval shall be adequate provision for the removal of the structure whenever it ceases to be used for one year or more. Removal includes the proper receipt of a demolition permit from the Building Official and proper restoration of the site to the satisfaction of the Zoning Administrator. Removal of the tower and its accessory use facilities shall include removing the top six (6) feet of the caisson upon which the tower is located. This area shall then be filled and covered with top soil and restored to a state compatible with the surrounding vegetation.
12. To ensure proper removal of the structure when it ceases to be used for a period of one (1) year or more, any application for a new tower shall include a description of the financial security guaranteeing removal of the tower which will be posted at the time of receiving a building permit for the facility. The security shall be a: 1) cash bond; 2) irrevocable bank letter of credit; or 3)

performance bond in a form approved by the Township. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer and shall be approved by the Township. The applicant shall be responsible for the payment of any costs or attorney fees incurred by the Township in securing removal.

D. Wind Energy Conversion Systems.

1. Wind Energy System Site Assessment for Wind Energy Conversion Systems: Prior to construction of a wind energy conversion system, a wind site assessment is conducted to determine the wind speeds and the feasibility of using the site. Anemometer towers or "Met Towers," more than 65 feet in height used to conduct a wind site assessment for possible installation of a wind energy conversion system shall also be a Special Land Use.

(a) The distance from the center of a Met tower and the property lines between the leased property and the non-leased property shall be at least the height of the Met tower. Leased property can include more than one piece of property and the requirement shall apply to the combined properties.

(b) Prior to the installation of the tower, an application for a Special Land Use permit shall be filed with the local government that will include:

- i. applicant identification,
- ii. a site plan,
- iii. a copy of that portion of the applicant's lease with the land owner granting authority to install the Met tower and requiring the applicant to remove all equipment and restore the site after completion of the wind site assessment, and
- iv. proof of the applicant's public liability insurance.

2. Commercial Wind Energy Conversion Systems (WECS) Special Use Permit Requirements. Wind energy conversion systems and WECS testing facilities, other than those exempted under subsection B above, shall only be allowed as a special land use in the AFR Agricultural-Forestry-Residential District, pursuant to Article XVI as to Special Land Use approvals and the following requirements:

- (a) Applicant Identification: Applicant name and address in full, a statement that the applicant is the owner involved or is acting on the owner's behalf, the address of the property involved in the application (substitution may include a legal description or parcel identifications number(s)), and any additional contact information. Each application for a commercial wind energy conversion system shall also be dated to indicate the date the application is submitted to Rich Township
- (b) Project Description: A general description of the proposed project including a legal description of the property or properties on which the project would be located and an anticipated construction schedule.
- (c) Procedure: The Planning Commission review of a Special Land Use Permit application for a wind energy conversion system is a two-step process. The first step is the public hearing and decision by the Planning Commission, per the procedures for review in Article XVI. The second step, which may occur at a separate meeting for a wind energy conversion system, is the site plan review process by the Planning Commission as described in article XV. A decision on the Special Land Use Permit application by the Planning Commission is inclusive of all proposed wind turbine components, underground electrical lines, sub-station(s), junction boxes, laydown yard(s), concrete batch plant(s), and any operations/maintenance building(s).
- (d) Insurance: Proof of the applicant's public liability insurance.
- (e) Sound Pressure Level: Copy of the modeling and analysis report.
- (f) Certification: Certifications that applicant has complied or will comply with all applicable state and federal laws and regulations. Copies of all such permits and approvals that have been obtained or applied for at the time of the application. Note: Land enrolled in Michigan Farmland Preservation Program through Part 361 of the Natural Resources and Environmental Protection Act, 1994 Act 451 as amended, more commonly known as PA 116, must receive approval from the Michigan Department of Agriculture to locate a WECS on the property prior to construction.
- (g) Visual Impact: Visual simulations of how the completed project will look from four viewable angles.

- (h) Environmental Impact: Copy of the Environmental Impact analysis.
- (i) Avian and Wildlife Impact: Copy of the Avian and wildlife impact analysis.
- (j) Shadow Flicker: Copy of the Shadow Flicker analysis.
- (k) Manufacturers' Material Safety Data Sheet(s): Documentation shall include the type and quantity of all materials used in the operation of all equipment including, but not limited to, all lubricants and coolants.
- (l) Decommissioning: Copy of the decommissioning plans and a description of how any surety bond, if required, is applied to the decommissioning process.
- (m) Complaint Resolution: Description of the complaint resolution process.
- (n) Fire suppression plan.
- (o) At the Township's request, the applicant shall fund an economic impact study for review by the Township of the area affected by the WECS. Such study or report shall be provided to the Township prior to the time when the Planning Commission makes its final decision regarding the Special Use request. Such a study shall include probable financial impact as to jobs, tax revenue, lease payments and property values.
- (p) An applicant shall remit an application fee and if required, an escrow deposit, in the amount specified in the fee schedule adopted by the Board of Trustees. This schedule shall be based on the cost of the application review and may be adjusted from time to time. If professional review of plans is required those costs shall be borne by the applicant with his consent.
- (q) Site Plan: The applicant shall submit a site plan in full compliance with Article 16 of this Ordinance for each turbine and other wind appurtenances. Additional requirements for a WECS site plan are as follows:
 - i. the project area boundaries,
 - ii. the location, height, and dimensions of all existing and proposed structures and fencing, and anti-climbing devices,

- iii. the location, grades, and dimensions of all temporary and permanent on-site and access roads from the nearest county or state maintained road,
 - iv. existing topography,
 - v. water bodies, waterways, wetlands, drainage channels, and drain easements, and
 - vi. all new infrastructure above ground related to the project.
3. Commercial Wind Energy Conversion Systems (WECS) Standards and Requirements. The WECS project shall meet the following standards and requirements.
- (a) Setbacks from Inhabited Structures: Each wind turbine, as measured from the centerline of its tower base shall be set back from the nearest wall of an inhabited structure by a distance of no less than 1,400 feet.
 - (b) Setbacks from Property Lines
 - i. Non-Participating Parcel: The distance between a wind turbine and the property lines of adjacent non-participating properties shall be at least one hundred fifty (150%) percent its total structure height, measured with the windmill blade at its highest point.
 - ii. Participating Parcel: A setback for a wind turbine from the property lines of adjacent participating property is not required.
 - (c) Wind Turbines and Access Roads: Wind related facilities shall be located so as to minimize the disruption to agricultural activities and therefore, the location of towers and access routes is encouraged along internal property lines.
 - (d) Public roads: Each wind turbine shall be set back from the nearest public road a distance no less than one hundred fifty (150%) percent of the total height of the structure (measured with the windmill blade at its highest point) determined at the nearest centerline for such public road.
 - (e) Other setbacks
 - i. SCADA (supervisory control and data acquisition) or

meteorological (Met) towers shall also comply with the property set-back requirement. The setback shall be at least one-hundred fifty (150%) percent of the height of the SCADA or Met tower.

- ii. An Operations and Maintenance Office building, a sub-station, or ancillary equipment shall comply with any property set-back requirement that may be applicable to that type of building or equipment.
 - iii. Overhead transmission lines and power poles shall comply with the set-back requirements applicable to public utilities.
- (f) Sound Pressure Level: The sound pressure level generated by a commercial wind energy conversion system shall not exceed 45 dB(A) at the nearest property line of a non-Participating Property or road. This sound pressure level shall not be exceeded for more than 3 minutes in any hour of the day. If the ambient sound pressure level exceeds 45 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).
- (g) As part of the application and prior to installation, the applicant shall provide modeling and analysis that will confirm that the wind energy conversion system will not exceed the maximum permitted sound pressure levels. Modeling and analysis shall conform to IEC 61400 and ISA 9613. After installation of the wind energy conversion system, sound pressure level measurements shall be done by a third party, qualified professional according to the procedures in the most current version of ANSI S12.18. All sound pressure levels shall be measured with a sound meter that meets to exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the sound pressure level measurements shall be provided to the local government within 120 days of the commercial operation of the project.
- (h) Construction Codes, Towers, and Interconnection Standards: Commercial wind energy conversion systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. Commercial wind energy conversion systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. The minimum FAA lighting standards shall not be exceeded. All tower lighting required by the FAA shall be

shielded to the extent possible to reduce glare and visibility from the ground. The tower shaft shall not be illuminated unless required by the FAA. Commercial wind energy conversion systems shall comply with applicable utility, Michigan Public Service Commission, and Federal Energy Regulatory Commission interconnection standards. In addition, the application shall include documentation that the applicant has contacted any local airport administrator to determine what is required by the local airport in terms of any required Airport Zoning Permits and how any proposed structures related to the commercial wind energy conversion system may be affected by any imposed height limitations as determined by the local airport.

- (i) Safety: All commercial wind energy conversion systems shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. All spent lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site of the wind energy system. A sign shall be posted near the tower or Operations and Maintenance Office building that will contain emergency contact information. Signage placed at the road access shall be used to warn visitors about the potential danger of falling ice. The minimum vertical blade tip clearance from grade shall be twenty (20) feet for a wind energy system employing a horizontal axis rotor.
- (j) Visual Impact: WECS shall use tubular towers and all WECS in a project shall be finished in a single, non-reflective matte finish color. A project shall be constructed using wind energy systems of similar design, size, operation, and appearance throughout the project. No lettering, company insignia, advertising or graphics shall be on any parts of the tower, hub, or blades. Nacelles may have lettering that exhibits the manufacturer's and/or owner's identification. The applicant shall avoid state or federal scenic areas and significant visual resources listed in the local unit of government's comprehensive plan. There shall be no illumination other than that required by the FAA.
- (k) Environmental Impact:
 - i. The applicant shall have a third party, approved by the Township or their engineer, qualified professional conduct an analysis to identify and assess any potential impacts on the natural environment including, but not limited to wetlands and other fragile

ecosystems, historical and cultural sites, and antiquities. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis.

- ii. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts. The applicant shall comply with applicable parts of the Michigan Natural Resources and Environmental Protection Act (Act 451 of 1994, MCL 324.101 et seq.) including but not limited to Part 31 Water Resources Protection (MCL 324.3101 et seq.), Part 91 Soil Erosion and Sedimentation Control (MCL 324.9101 et seq.), Part 301 Inland Lakes and Streams (MCL 324.30101 et seq.), Part 303 Wetlands (MCL 324.30301 et seq.), Part 323 Shoreland Protection and Management (MCL 324.32301 et seq.), Part 325 Great Lakes Submerged Lands (MCL 324.32501 et seq.), and Part 353 Sand Dunes Protection and Management (MCL 324.35301 et seq.). The applicant shall be responsible for making repairs to any public roads, drains and infrastructure damaged by the construction of the commercial wind energy conversion system.

(l) Avian and Wildlife Impact:

- i. The applicant shall have a third party, approved by the Township or their engineer, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
- ii. Sites requiring special scrutiny include wildlife refuges, other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors.
- iii. At a minimum, the analysis shall include a thorough

review of existing information regarding species and potential habitats in the vicinity of the project area. Where appropriate, surveys for bats, raptors, and general avian use should be conducted. The analysis shall include the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law.

- iv. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why such a study does not need to be conducted. Power lines should be placed underground, when feasible, to prevent avian collisions and electrocutions. All above-ground lines, transformers, or conductors should follow any Avian Power Line Interaction Committee (APLIC, <http://www.aplic.org/>) guidelines to prevent avian mortality.
- (m) Electromagnetic Interference: No commercial wind energy conversion system shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for global positioning system correction systems (RTK), radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the wind energy system. No commercial wind energy conversion systems shall be installed in any location within the line of sight of an existing microwave communications link where operation of the wind energy system is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.
- (n) Shadow Flicker: The applicant shall conduct an analysis of potential shadow flicker created by each proposed wind turbine at all inhabitable structures with direct line-of-sight to a wind turbine. Such analysis shall be documented in a shadow flicker modeling report to be submitted as part of the Special Land Use Permit Application to the Planning Commission. The analysis shall identify the locations of shadow flicker created by each proposed wind turbine and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. Site plans shall depict a contour around each proposed wind turbine that represents the predicted thirty (30) hours per year shadow flicker generated by the modeling software used in

the report. The analysis shall identify all areas where shadow flicker may affect the occupants of the inhabitable structures and describe measures that shall be taken to eliminate or mitigate the problems. A shadow flicker mitigation plan shall also be submitted with the shadow flicker modeling report. Any shadow flicker complaint shall be addressed by the applicant and be mitigated.

(o) Any damages to a public road located within the Township resulting from the construction, maintenance, or operation of a WECS or Testing Facility shall be repaired at the applicant's expense pursuant to Lapeer County Road Commission requirements.

(p) Decommissioning: The applicant shall submit a decommissioning plan which shall include:

- the anticipated life of the project,
- the estimated decommissioning costs net of salvage value in current dollars,
- the method of ensuring that funds will be available for decommissioning and restoration.
- the anticipated manner in which the project will be decommissioned and the site restored.
- A provision to give notice to the Township one year in advance of decommissioning. A surety bond to assure payment of the cost of decommissioning may be required.
- The standard for inactivity shall be twelve (12) months.

(q) Complaint Resolution: The applicant shall develop a process to resolve complaints from nearby residents concerning the construction or operation of the project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the local government from acting on a complaint. During construction the applicant shall maintain and make available to nearby residents a telephone number where a project representative can be reached during normal business hours. A report of all complaints and resolutions to complaints shall be filed with the township on an annual basis.

(r) **Conflicting Provisions:** In the event of a conflict between any provision in this section and any other section of this Zoning Ordinance with regard to Wind Energy Conversion Systems, the provisions of this section shall control.

4. Definitions

Ambient: Ambient is defined as the sound pressure level exceeded 90% of the time or L90.

ANSI: American National Standards Institute.

Commercial Wind Energy Conversion System: A Wind Energy Conversion System is designed and built to provide electricity to the electric utility grid.

dB(A): The sound pressure level in decibels. Refers to the “a” weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

Decibel: The unit of measure used to express the magnitude of sound pressure and sound intensity.

Decommission: To remove or retire from active service.

Height of Structure: The height of the structure is to the highest point on the tip of a fully vertical rotor blade.

Inhabited Structure: Any existing structure usable for living or non-agricultural commercial purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office, office storage, or any combination thereof. An area used only for storage incidental to a residential use, including agricultural barns, is not included in this definition. If it is not clear by this definition, the Zoning Administrator shall make a determination of any structure regarding whether or not it is inhabited.

IEC: International Electro Technical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

ISO: International Organization for Standardization. ISO is a network of the national standards institutes of 156 countries.

MET Tower or Meteorological Tower: A temporary tower used to measure wind speed and direction.

Non-Participating Parcel: A property that is not subject to a wind turbine lease or easement agreement at the time an application is submitted for a Special Land Use for the purposes of constructing a commercial wind energy conversion system.

On Site Use Wind Energy Systems: An On Site Use wind energy system is intended to primarily serve the needs of the consumer. An On Site Use Wind Energy System shall be considered a use by right in the Agricultural district and subject to setback restrictions from all property lines.

Participating Parcel: A property that participates in a lease or easement agreement, or other contractual agreement, with an entity submitting a Special Land Use Permit application for the purposes of developing of a commercial wind energy conversion system wind energy system.

Rotor: An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

SCADA Tower: A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.

Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind energy system casting shadows on the ground and stationary objects, such as a window at a dwelling.

Sound Pressure: Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Wind Site Assessment: An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

Wind Energy Conversion System (WECS). A wind energy conversion 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 electrical equipment.

This does not include wiring to connect the wind energy system to the grid.

Wind Energy Conversion System (WECS) Testing Facility. A structure and equipment such as a meteorological tower for the collection of wind data and other meteorological data and transmission to a collection source, shall not be deemed to be a communication tower.

Wind Site Assessment. An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a wind energy system.

Section 10.05. OCCUPANCY OF BUILDINGS OTHER THAN COMPLETED DWELLINGS. Garages, barns, pole barns, accessory buildings, and basements shall not be occupied either temporarily or permanently as dwellings. No commercial or industrial buildings shall be occupied for dwelling purposes.

Section 10.06. SINGLE FAMILY DWELLING REQUIREMENTS. All single family dwellings shall comply with the following minimum standards:

- A. Minimum size. Each dwelling constructed or moved within the Township shall contain the minimum number of square feet specified in Section 13.02, prior to any alterations of additions.
- B. Minimum Width. Each dwelling shall be no less than twenty-four (24) feet in width for at least sixty (60) percent of its length, prior to any alterations or additions.
- C. Foundation. Each dwelling unit must be provided with adequate foundation supports. At a minimum, this shall include a forty-two (42) inch cement footing and block or wood foundation around the complete outside perimeter of the dwelling. A crawl space of at least twenty-four (24) inches clearance shall be provided. Adequate additional support in the form of cement pillars, cement slabs, or steel beams shall be provided as required by the Building Inspector, as may be appropriate for any particular dwelling. Each dwelling shall be securely anchored to the foundation.
- D. Roof. Each dwelling shall have no roof with less than 4-12 pitch.
- E. Storage Facilities. Each dwelling shall have a garage or storage building containing at least two hundred (200) square feet of storage area constructed at the same time as the dwelling. In order to qualify as

storage facility, a structure must be completely enclosed by four walls and a roof with a minimum 4-12 pitch.

- F. Code Requirements. Each dwelling and dwelling addition shall comply with current Construction Code and applicable Fire Safety Code requirements.
- G. Unit Age. In the case of manufactured housing, each unit shall have been manufactured no more than ten (10) years prior to the date that it is brought into the Township.

Section 10.07. RECREATIONAL VEHICLE OCCUPANCY. The owner or lessee of any premises may permit the temporary occupancy of one recreational vehicle for guests or visitors for a period not to exceed three (3) months in any calendar year. Recreational vehicles shall be deemed to include travel trailers, motor homes, truck campers, and similar vehicles, but shall not include mobile homes.

Section 10.08. SIGNS. All outdoor signs shall be regulated as follows:

- A. No sign shall overhang or encroach upon any public road right-of-way or obstruct the vision of motor vehicle operators. All free standing signs shall be set back at least five (5) feet from all public or private road right-of-way lines and from all property lines.
- B. Temporary signs promoting political candidates or election issues shall be permitted in all districts, provided that such sign shall not exceed thirty-two (32) square feet in area. All such signs shall be removed within ten (10) days) after the election.
- C. Signs advertising real estate for sale or rent, or directing the public to such real estate, are permitted in all districts, provided that they are not larger than sixteen (16) square feet in area.
- D. Signs which advertise for sale either agricultural produce grown on the premises, or personal property owned by a resident of said premises, are permitted in all districts, provided such produce or personal property was not purchased for the purpose of resale. Such signs shall not exceed six (6) square feet in area.
- E. Signs advertising authorized home occupations shall be permitted providing said signs are not illuminated and do not exceed six (6) square feet.
- F. Signs advertising commercial, industrial, or other facilities located on the same parcel of land as the facility advertised, may be permitted

after site plan review and issuance of a building permit, subject to the following conditions:

1. Any direct illumination for the sign shall be shielded from the view of persons on public roads or adjacent properties.
 2. No more than one permanent sign shall be permitted for each business.
 3. Permanent signs shall not exceed one hundred (100) square feet in sign area unless flush with the side of a building.
 4. Permanent signs which are flush with the side of a building may be as large as the side of the building. Such signs may not extend above or beyond the wall on which they are located. No roof signs shall be permitted.
 5. No more than two (2) temporary signs shall be permitted at any one time for any business.
 6. Temporary signs shall not exceed sixteen (16) square feet in area.
- G. Signs located on parcels of land separate from the commercial, industrial, or other facilities advertised on the signs may be permitted by the Planning Commission after site plan review and issuance of a building permit subject to the following conditions:
1. Any direct illumination for the sign shall be shielded from the view of persons on public roads or adjacent properties.
 2. No such sign shall be permitted within six hundred and sixty (660) feet of any other sign or of any sign permitted pursuant to paragraph F of this Section.
 3. No such sign shall exceed one hundred (100) square feet in sign area.

Section 10.09. SWIMMING POOLS. All swimming pools erected in the Township shall comply with the following requirements:

- A. Building Permit: An application for a building permit to erect an in-ground swimming pool shall include the name of the owner; the location of the pool; a plot plan showing the location of adjacent buildings, fencing, gates, and public utilities; specifications and plans to scale of the pool walls, slope, bottom, walkway and diving boards; type and rating of auxiliary equipment, piping and valve layout; and

any other detailed information affecting construction and safety features deemed necessary.

- B. Fence: All swimming pools shall be completely enclosed by a fence. All openings in any such fence shall be equipped with a self-closing, self-latching gate which shall be securely locked when the pool is not in use. This requirement shall not apply to above-ground swimming pools which have walls that extend four (4) or more feet above the ground and which have an adequate means of preventing unsupervised access by small children.
- C. Small, blow-up, temporary pools less than forty-eight (48") inches in height, are not subject to the proceeding provisions of Section 10.09. These types of pools must be installed pursuant to the manufacturer's instructions and specifications, and the property owner shall be responsible for supervising the installation and usage.

Section 10.10. GREENBELTS.

- A. In all zoning districts, no area within the required front yard setbacks shall be used for any permanent or temporary structures other than signs permitted by township ordinances. Said front yard setback areas shall be planted with grass, shrubs, and landscaping materials, except for the portion developed for use as parking area or driveway. No less than a ten (10) foot width of planted area shall be provided.
- B. Whenever any property is developed for any use other than agricultural or residential, and the property borders any property zoned for residential use, a greenbelt at least ten (10) feet in width along said borders shall be planted and maintained. Detailed landscaping plans for all greenbelts shall be provided on the site plan relating to the development and shall be considered as a material part of the site plan. No site plan shall be considered as having been complied with until the landscaping features have been completed.
- C. The Planning Commission shall review and approve the type of plantings required to provide a satisfactory greenbelt in any specific situation.
- D. The Planning Commission may approve a fence or berm in lieu of a greenbelt.

Section 10.11. TEMPORARY MOBILE HOMES.

- A. The Zoning Administrator may issue a permit for a temporary mobile home which does not comply with the single family dwelling requirements of Section 10.06 to be occupied during the time that a permanent dwelling is being constructed. A temporary mobile home permit may be issued or renewed for a one-year period if the following requirements are complied with:
1. A building permit for the permanent dwelling must be acquired before the temporary mobile home is placed on the premises.
 2. The permanent dwelling must be completed and the temporary mobile home removed from the property before the expiration of the temporary mobile home permit.
 3. The applicant must post a cash deposit of \$500.00 with the Township Treasurer and execute an affidavit guaranteeing that the temporary mobile home will be removed from the premises at the expiration of the permit period. The affidavit shall be filed with the Township Clerk.
 4. A temporary mobile home permit may be renewed only if reasonable progress has been made on the construction of the permanent dwelling.
- B. Variances to permit the occupancy of mobile homes or similar temporary dwellings within the Township may also be guaranteed by the Board of Zoning Appeals pursuant to the procedures contained in Article XVII. Such variances for mobile home or similar temporary dwelling occupancy may only be granted for the purpose of housing farm labor or for the purpose of the housing of family members who are unable to reside elsewhere due to age, poor health, or indigence. Any mobile home or similar temporary dwelling approved pursuant to this Section shall be placed on a reinforced concrete pad or concrete piers and provided with adequate tie downs and skirting.

Section 10.12. ONE DWELLING PER PARCEL. No more than one (1) single-family dwelling may be constructed or placed on a single parcel of land. If a variance is granted for farm use or other reasons, all dwellings shall be placed on the parcel in such a manner that the property could be later divided with each dwelling being able to independently comply with all lot size and setback requirements.

Section 10.13. PROHIBITED STRUCTURES. No bus, camper, mobile home, manufactured home, semi-trailer, shipping container, railroad car, truck body

or other motor vehicle body or similar item shall be placed on any property for use as a storage structure or other building purpose. This section shall not apply to manufactured homes which comply with Sections 10.06 or 10.11 and are used as single-family dwellings. This section shall also not apply to operable semi-trailers that are currently licensed for highway use and have a current Department of Transportation sticker.

Section 10.14. YARD SALES. No person shall operate or permit to be operated on his property any yard sale, except in compliance with the following requirements:

- A. No yard sale shall be conducted for more than four (4) days.
- B. No more than four (4) yard sales may be held during any calendar year.
- C. Any temporary signs advertising the yard sale shall be removed within twenty-four (24) hours after the completion of the yard sale.
- D. For purposes of this Ordinance, the term “yard sale” shall mean any offering for sale of personal property in an area zoned for residential use. The term “yard sale” shall include sales commonly known as “garage sales”, “porch sales”, “basement sales”, and similar operations. The offering for sale of a single item only, such as an automobile or a boat, shall not be considered a “yard sale.” Any sales which are conducted as part of a permanent business enterprise on property zoned for industrial or commercial use shall not be considered to be “yard sales” covered by this Ordinance.

Section 10.15. FENCES AND WALLS. All fences and walls, other than on property used for agricultural purposes in an area zoned AFR, shall comply with the following:

- A. Fences shall not exceed eight (8) feet in height, measured from the surface of the ground.
- B. No residential fence shall contain barbed wire, razor wire, or be charged with electricity.
- C. It shall be the obligation and sole responsibility of persons erecting fences to determine the location of property lines.
- D. Within the limits of clear vision zones established by the Road Commission or the MDOT, there shall be no fences or hedges allowed except for clear vision fences.

- E. Material used in any obscuring fencing shall be painted or stained with a uniform color on both sides and the finished side of the fence shall face out. Fences must be fabricated from standard fencing materials, be in aesthetic harmony with the surrounding structures, and are subject to approval of the Zoning Administrator.

Section 10.16. PONDS. Ponds shall comply with the setback requirements of Section 13.01.

ARTICLE XI
NON-CONFORMING LOTS, USES, AND STRUCTURES

Section 11.01. CONTINUED USE PERMITTED. Within the districts established by this Ordinance there exist lots, structure and uses of land and structures, which are lawful prior to adoption of this Ordinance. It is the intent of the Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that the non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Section 11.02. NON-CONFORMING LOTS OF RECORD. In any district in which single-family dwellings are permitted, a single family dwelling and customary accessory building may be erected on any single lot or parcel of record at the effective date of adoption or amendment of this Ordinance, provided the width, depth, and area is not less than fifty (50) percent of that required by this Ordinance. The purpose of this provision is to permit utilization of recorded lots which lack adequate width, depth or area as long as reasonable living standards can be provided.

Section 11.03. NON-CONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its non-conformity.
- B. Should such non-conforming structure be destroyed by any means to an extent of more that seventy-five (75%) percent of its value, it shall

not be reconstructed except in conformity with the provisions of this Ordinance.

- C. Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 11.04. NON-CONFORMING USES OF LAND OR STRUCTURES.

Where at the time of passage of this Ordinance, lawful use of land or structures exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land or additional structures than that occupied at the effective date of adoption or amendment of this Ordinance.
- B. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. If any such non-conforming use ceases for any reason for a period of more than twelve (12) months, any subsequent use shall conform to the regulations specified by this Ordinance.
- D. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.
- E. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- F. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.

ARTICLE XII

OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 12.01. PARKING REQUIREMENTS. In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings erected, altered or extended after the effective date of this Ordinance shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

- A. **Area for Parking Space.** For the purpose of this Section, three hundred (300) square feet of lot area shall be deemed a parking space for one (1) vehicle, including access aisles.
- B. **Location of Parking Spaces for One and Two Family Dwellings.** The off-street parking facilities required for one and two family dwellings shall be located on the same lot as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage.
- C. **Location of Parking Space for Other Land Uses.** The off-street parking facilities required for all other uses shall be located on the lot or within five hundred (500) feet of the permitted use requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility and the building to be served.
- D. **Seating Capacity of Seats.** As used in this Article for parking requirements, seats shall mean that each twenty-four (24) inches of seating facilities shall be counted as one (1) seat, except that where specifications and plans filed with the Building Inspector specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for required parking space.
- E. **Similar Uses and Requirements.** In the case of a use not specifically mentioned, the requirements of off-street parking facilities for a use which is so mentioned and which said use is similar, shall apply.
- F. **Existing Off-Street Parking at Effective Date of Ordinance.** Off-street parking existing at the effective date of this Ordinance, which serves an existing building or use, shall be not reduced in size less than that required under the terms of this Ordinance.

G. **Collective Provisions.** Nothing in this Section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately.

Section 12.02. TABLE OFF STREET PARKING REQUIREMENTS. The amount of required off-street parking space for new uses of buildings, additions thereto, and additions to existing buildings as specified above, shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use.

Section 12.02 CONTINUED:

Use	Required Number of Parking Spaces	Per Each Unit of Measure as Follows:
Auditoriums, Assembly Halls, Theaters, Churches, Private Clubs, Lodge Halls	1	Two seats based upon a maximum seating capacity in the main place of assembly therein, plus one space for every two employees.
Automobile Service Stations	1	Each gasoline pump and lubrication stall.
Banks, Business or Professional Offices, Libraries, Museums	1	Two hundred (200) square feet of usable floor area. Each teller window for drive-in banks.
Barber Shops and Beauty Parlors	3	Each barber or beauty operator.
Bowling Alleys, Golf Courses	5	Each bowling lane or each hole on a golf course.
Furniture, appliances and household equipment repair shops, showroom of a plumber, decorator, electrician or similar trade,	1	Six hundred (600) square feet of usable floor area plus one space for each two employees.

clothing and shoe repair, laundry, motor vehicle salesroom, hardware stores, wholesale stores and machinery sales		
Hotels, Tourist Homes, Motels, Hospitals Convalescent Homes	1	Each guest bedroom and each two employees.
Industrial Establishments	1	One and one-half employees computed on the basis of the greatest number of persons employed at any one period during the day.
Residential - Single, Two Family, or Multiple Dwelling, or Mobile Home	2	Each dwelling unit.
Restaurant or establishments in which is conducted the sale and consumption on the premises of beverages, food or refreshments	1	Fifty (50) square feet of usable floor area, plus one space for each four (4) employees. Minimum of forty (40) spaces for drive in restaurants.
Retail establishments and businesses, except as otherwise specified herein	1	One hundred (100) square feet of usable floor space.
Schools	1	Two teachers, employees, or administrators in addition to the requirements of the auditorium or assembly hall therein.
Service garages, auto salesrooms, auto repair, collision or bumping shops, car wash establishments	1	Two hundred (200) square feet of usable floor area, plus one space for each auto service space.

Warehouse and Storage Buildings	1	Each employee or one space for every seventeen (1700) hundred square feet of floor space, whichever is greater.
Sanitariums, convalescent, homes and hospitals	1	Two beds plus one space for each employee.

Section 12.03 PARKING REQUIREMENTS FOR OFF-STREET LOADING. On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale market, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for standing and unloading services in order to avoid undue interference with public use of the streets, alleys, or any required access for off-street parking areas.

Such loading and unloading space, unless adequately provided for within a building, shall be an area ten (10) feet by thirty (30) feet with fourteen (14) feet of height clearance, and shall be provided according to the following schedule:

Gross Floor Area in Square Feet	Loading and Unloading Spaces Required in Terms of Square Feet of Gross Floor	Other:
0-2,000	None	
2,000-20,000	One Space	
20,000-100,000	One space plus one space for each 20,000 square feet in excess of 20,000 square feet.	
100,000-500,000	Five spaces plus one space for each 40,000 square feet in excess of 100,000 square feet.	
Over 500,000	Fifteen spaces plus one space for each 80,000 square feet in excess	

	of 500,000 square feet.	
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Section 12.04 GENERAL REQUIREMENTS.

- A. All parking areas shall be drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from such parking area shall be permitted to drain onto adjoining private property.
- B. All illumination for such parking areas shall be deflected away from adjacent residential areas.
- C. All parking areas shall be paved or graveled in a manner sufficient to provide a solid year-round base.

ARTICLE XIII

AREA, SETBACK, AND HEIGHT

Section 13.01. APPLICABILITY. All uses of land or structures shall comply with the area, setback and height requirements of Section 13.02 for the zoning district in which they are located, unless different requirements are specified as a condition for a use permitted after special approval.

Section 13.02. TABLE OF AREA, SETBACK AND HEIGHT REQUIREMENTS.

Zoning District	Minimum Lot Area Per Dwelling Unit or Commercial Industrial Building (a)	Minimum Lot Width (in feet) (b)	Minimum Front Yard Setback (in feet) (c), (d)	Minimum Side Yard Setback (in feet) (d)	Minimum Rear Yard Setback (in feet) (d)	Minimum Floor Area per Dwelling (in square feet)	Maximum Building Height (in feet) (e)
AR	4 acres	300	100	20	25	960 with 4/12 roof pitch (g)	35 (f)
R	30,000 Sq. Ft.	100	100	15	20	960 with 4/12 roof pitch	35

						(g)	
C or I	1 acre	200	100	25	25	-- (g)	35

- a) Maximum depth to width ratios shall be 4 to 1.
- b) Measured at the road right of way line.
- c) Measured from center of road right of way.
- d) In no case shall a building be constructed within 100 feet of the centerline of any public or private road right of way.
- e) In the case of two story houses, the main floor area shall contain at least 650 square feet.
- f) Not applicable to farm structures such as barns, silos, or grain elevators.
- g) In no event shall the total floor area of all buildings on a lot or parcel exceed 20% of the total land area of the lot.

ARTICLE XIV

PLANNING COMMISSION

Section 14.01. ESTABLISHMENT. The Rich Township Planning Commission has been established as authorized by the Michigan Planning Enabling Act of 2008 and the Rich Township Planning Commission Ordinance.

Section 14.02. POWERS. The Planning Commission shall have the power to review and approve site plans pursuant to Article XV of this Ordinance, to hear and decide requests for special land uses pursuant to Article XVI of this Ordinance, and to hear and make recommendations on zoning amendment requests pursuant to Articles XVIII and XIX of this Ordinance.

ARTICLE XV

SITE PLAN REVIEW

Section 15.01. SCOPE. A site plan shall be prepared and submitted for every construction project requiring a building permit and for every proposed change in land use, except that no site plan shall be required for single family residences, farm buildings or buildings which are accessory to single family residences.

Section 15.02. PROCEDURE. All site plans shall be submitted first to the Zoning Administrator, who shall review the plans for compliance with the requirements of the Zoning Ordinance. The Zoning Administrator shall then refer the site plan to the Planning Commission for review and decision. Once a site plan is approved by the Planning Commission, it shall not be altered without the consent of the Planning Commission.

Section 15.03. CONTENT. Each site plan shall include the following:

- A. Area of the site in acres.
- B. Date, north point, and scale.
- C. Dimensions of all property lines.
- D. Location and dimensions of all existing and proposed structures on the property or on adjacent properties within 100 feet of the property lines.
- E. Location and dimensions of all existing and proposed roads (including rights of way), driveways, sidewalks, and parking areas. (See Article XII).

- F. Location of all existing and proposed utility lines, wells, septic systems, and storm drainage.
- G. Location, dimensions, and details of proposed plantings, greenbelts, and landscaped areas (See Section 10.10).
- H. Exterior drawings of proposed new buildings or existing buildings to which major additions are proposed.
- I. Location, dimensions, and drawings of existing and proposed signs (see Section 10.08).
- J. Name, address, and telephone number of the person who prepared the site plan.

Section 15.04. STANDARDS. In determining whether to approve, modify, or deny a site plan, the Planning Commission shall consider the following:

- A. Adequacy of traffic ingress, egress, circulation, and parking.
- B. Adequacy of landscaping to protect adjoining properties and enhance the environment of the community.
- C. Location and design of proposed structures so as to ensure that detrimental effects on adjacent properties will be minimized.
- D. Adequacy of storm drainage.
- E. Location and design of signs so as to prevent highway visibility obstructions, driver distractions, encroachments, and adverse impacts on the community environment.

Section 15.05. BOND. A cash deposit, letter of credit, or surety bond shall be posted with the Township as a guarantee that the project will be completed in accordance with the approved site plan. Upon the completion of the project in accordance with the approved site plan, the bond shall be released. The amount of the bond shall be determined by the Planning Commission based upon the size and nature of the project.

Section 15.06. TIME FOR COMPLETION. Each site plan shall be fully complied with and all construction completed within one (1) year of the date the building permit is issued. Site plan approval shall expire two (2) years from the date the Planning Commission granted initial approval, unless the site plan has been fully completed or unless an extension has been granted by the Planning Commission.

ARTICLE XVI

USES PERMITTED AFTER SPECIAL APPROVAL OF THE PLANNING COMMISSION

Section 16.01. APPLICATION. For all uses permitted after special approval, a written application shall be submitted to the Planning Commission. Such application shall contain a description of the proposed use, a legal description and street location of the property on which the proposed use would be located, the signature of the property owner, the signature of the petitioner (if different from property owner), and a scale drawing of the site. The scale drawing shall show existing and proposed buildings, driveways, points of ingress and egress, parking areas, fencing, landscaping, signs, and road right of ways.

Section 16.02. HEARING. Requests for special land uses may be heard and decided at any regular or special meeting of the Planning Commission, provided the petitioner has presented all required information and proper notice has been given. Notices of public hearing on special land uses shall be sent to the person requesting the special approval, the owner of the property which is the subject of the request, and to owners of property within a minimum of three hundred (300) feet from the property lines of the property which is the subject of the request. Notice shall be given to property owners as shown on the latest tax assessment roll. Notice shall also be given to any occupants of structures within three hundred (300) feet, if the occupants are different than the owners. A notice shall be published once in a newspaper of general circulation. All notices shall be published, mailed or personally delivered not less than fifteen (15) days prior to the hearing date.

Section 16.03. STANDARDS. Requests for uses permitted after special approval shall be granted or denied based on the following standards:

- A. The location, size, and character of the proposed use shall be in harmony with and appropriate to the surrounding neighborhood.
- B. The proposed use shall not result in the creation of a hazardous traffic condition.
- C. The site layout, intensity of use, and time periods of use shall not be such as to create a nuisance due to dust, noise, smell, vibration, smoke or lighting.
- D. All specific requirements of the zoning district where the proposed use would be located shall be complied with.

Section 16.04. DECISION. The Planning Commission may deny, approve, or approve with conditions any request for a Use Permitted After Special Approval. The decision of the Planning Commission shall be incorporated in a statement containing the conclusion on which the decision is based and any conditions imposed. Any condition imposed shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and social and economic wellbeing of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of police power, and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

Section 16.05. EXPIRATION. Planning Commission permission for a Use Permitted After Special Approval shall expire one (1) year from the date of the meeting at which permission is granted unless the premises have actually been occupied by the use permitted or unless construction has been undertaken to prepare the premises for the use permitted within the one-year period.

ARTICLE XVII

ZONING BOARD OF APPEALS

Section 17.01. MEMBERSHIP. There is hereby established a Zoning Board of Appeals as authorized by the Michigan Zoning Enabling Act of 2006. The Zoning Board of Appeals shall consist of three (3) members appointed by the Township Board. One member may be a member of the Township Board. One member shall be a member of the Planning Commission. The remaining members shall be electors who are not employees or contractors of the Township. Each member shall be appointed for a term of three (3) years, except that the term of office of the members who are also members of the Township Board or Planning Commission shall terminate if their membership on the Township Board or Planning Commission terminates before the end of the three-year term. The Zoning Board of Appeals shall elect a Chairman, Vice-Chairman, and Secretary. A Township Board member may not serve as Chairman. The Township Board may also appoint two (2) alternate members to three (3) year terms to serve whenever a regular member is unable to participate.

Section 17.02. APPEALS. An appeal may be taken to the Zoning Board of Appeals by any person wishing to appeal for a variance from any ordinance provision or appeal any final decision of the Zoning Administrator or the

Planning Commission. The Zoning Board of Appeals shall also interpret the zoning map and rule on non-conforming uses and structures whenever the determination of the Zoning Administrator is appealed. All appeals must be applied for in writing on forms provided by the Township. The Zoning Board of Appeals shall give notice of the hearing to the parties involved. The Zoning Board of Appeals shall publish a notice of public hearing in a newspaper of general circulation and shall give notice to owners of property within a minimum of three hundred (300) feet from the property lines of the property which is the subject of the appeal. Notice shall be given to property owners as shown on the latest tax assessment roll. Notice shall also be given to any occupants of structures within three hundred (300) feet, if the occupants are different than the owners. All notices shall be published, mailed or personally delivered at least fifteen (15) days prior to the hearing date.

Section 17.03. AUTHORITY TO GRANT VARIANCES. The Zoning Board of Appeals shall have the authority to grant both use variances and non-use variances. Non-use variances may be granted whenever there can be shown to be practical difficulties in carrying out the strict letter of the Ordinance. Use variances may be granted whenever there can be shown to be unnecessary hardships imposed on the property owner if the strict letter of the Ordinance is carried out. The Township is authorized to grant use variances under the Michigan Zoning Enabling Act due to having exercised this power prior to February 15, 2006. In considering variance requests, the ZBA shall make the following findings:

- A. For Non-use Variances, that a practical difficulty exists because of unique circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that does not generally apply to other property or uses in the same zoning district.
- B. For Use Variances, that the hardship or special conditions or circumstances do not result from actions of the applicant.
- C. That the variance will be in harmony with the general purpose and intent of this Ordinance and will not cause a substantial adverse effect upon surrounding property, property values, and the use and enjoyment of property in the neighborhood or district. If a lesser variance would give substantial relief and be more consistent with justice to others, it shall be so decided.
- D. That strict compliance with area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity unnecessarily burdensome.
- E. That the variance requested is the minimum amount necessary to mitigate the hardship.

Section 17.04. DECISIONS. The Zoning Board of Appeals may require the appellant to provide such additional information as is necessary to make a decision. In making a decision, the Zoning Board of Appeals may impose such conditions as it may deem necessary to comply with the spirit and purpose of the Zoning Ordinance. The Zoning Board of Appeals shall decide appeals in

such a manner that the spirit of the Ordinance is observed, public safety secured, and substantial justice done. The Zoning Board of Appeals shall state findings and the grounds for each decision. Any conditions imposed by the Zoning Board of Appeals shall meet the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- B. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
- C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.

Section 17.05. QUORUM REQUIREMENTS. The Zoning Board of Appeals may only conduct business if a majority of the regular members are present.

Section 17.06. EXPIRATION OF VARIANCE APPROVALS. Any variance shall expire one (1) year from the date it is granted unless use of the property has begun or construction has been undertaken pursuant to the variance.

ARTICLE XVIII

AMENDMENTS AND REZONING

Section 18.01. APPLICATION. The Township Board may, after a public hearing by the Township Planning Commission, amend the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in the Michigan Zoning Enabling Act. Proposed amendments to the regulations or district boundaries of the Ordinance may be initiated by the Township Planning Commission, the Township Board or an individual petitioner. Whenever an individual petitioner requests a zoning amendment, he shall be the fee owner of the premises concerned or else have the fee owner also subscribe to his petition. A petition for rezoning shall be submitted to the Township Clerk along with a rezoning fee, as established by the Township Board.

Section 18.02. NOTICE OF HEARING. Notice of a Planning Commission public hearing for a zoning amendment or a rezoning of property shall be published in a newspaper of general circulation in the Township for each proposed amendment to the regulations or district boundaries. If property is proposed to be rezoned, notice shall also be delivered personally or by mail to the owner of the property proposed for rezoning and the owners of all property within three hundred (300) feet of the property proposed to be rezoned. Notice shall also be given to any occupants of structures within three hundred (300) feet, if the occupants are different than the owners. The notices shall be

published, mailed or personally delivered no less than fifteen (15) days before the hearing date.

Section 18.03. PLANNING COMMISSION HEARING AND RECOMMENDATIONS. After conducting the required public hearing, the Township Planning Commission shall adopt recommendations as to the approval or denial of the proposed rezoning of property or amendment to the Ordinance regulations. Upon completion of action by the Township Planning Commission, the proposed rezoning or amendment shall be submitted to the Lapeer County Planning Commission for review and recommendation.

Section 18.04. TOWNSHIP BOARD. Upon receipt of the recommendations of the Township Planning Commission and the County Planning Commission, the Township Board shall undertake consideration of the proposed rezoning or amendment. If no recommendation is received from the County Planning Commission within thirty (30) days after it received the proposed rezoning or amendment, the Township Board shall conclusively presume that the County has waived its right for review and recommendation. Any decision by the Township Board which results in the rezoning of property or the amendment of the Ordinance shall be incorporated in an ordinance duly adopted and published by the Township Board.

ARTICLE XIX

VOLUNTARY REZONING AGREEMENTS

Section 19.01. AUTHORITY. The Township Board may, after a public hearing by the Township Planning Commission, enter into an agreement with a property owner to rezone property pursuant to the authority contained in the Michigan Zoning Enabling Act.

Section 19.02. APPLICATION. Any offer to enter into a rezoning agreement shall be submitted to the Township Clerk along with a rezoning agreement fee, in an amount established by the Township Board. Whenever a petitioner offers to enter into a rezoning agreement, the person shall be the fee owner of the premises concerned or else have the fee owner subscribe to the offer. Proposed rezoning agreements may only be initiated by a property owner and not by the Township.

Section 19.03. PLANNING COMMISSION HEARING AND RECOMMENDATION. After conducting a public hearing, the Township Planning Commission shall adopt recommendations as to the approval, approval with revisions, or denial of a proposed rezoning agreement. All procedural requirements for a rezoning, as contained in Article XVIII, shall be complied with.

Section 19.04. TOWNSHIP BOARD. Upon receipt of the recommendations of the Township Planning Commission, the Township Board shall undertake consideration of the proposed rezoning agreement. Any decision by the Township Board which results in a rezoning agreement shall be incorporated in a written document duly executed by the Township Board and the property

owner. Any such agreement shall be recorded with the Register of Deeds and shall run with the land.

Section 19.05. STANDARDS FOR DECISION. In deciding whether or not to approve a proposed rezoning agreement, the Planning Commission and the Township Board shall base their decisions on the following factors:

- A. The terms of the offer must be reasonably related to the property covered in the agreement.
- B. The proposed land use must be designed in such a way as to be compatible with surrounding land uses.
- C. The proposed land use must be consistent with the goals and policies of the Township.

Section 19.06. LIMITATIONS ON AGREEMENTS. A rezoning agreement shall not be used to allow anything that would not otherwise be permitted in the proposed new zoning district. Any proposed variations from district requirements such as density, permitted uses, or lot size, shall only be granted by the Board of Zoning Appeals pursuant to the variance standards contained in Article XVI. Any agreement shall include a specific time period during which the terms of the agreement must be completed.

Section 19.07. ZONING REVERSION. In the event that the terms of a zoning agreement are not fulfilled within the time specified in the agreement, the Township Board shall initiate a proposed rezoning to revert the property back to the original classification.

ARTICLE XX

VIOLATIONS

Section 20.01. PENALTY. Any person, firm or corporation who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than one-hundred (\$100.00) Dollars, plus costs and other sanctions, for each infraction. Repeat offenses under this Ordinance shall be subject to increased fines as provided for in the Rich Township Civil Infraction Ordinance.

Section 20.02. NUISANCE PER SE. Any building or structure which is used, erected, altered, raised, or converted or any use of any premises which is begun or changed subsequent to the passage of this Ordinance and in violation of any provision of this Ordinance, is hereby declared to be a nuisance per se.

ARTICLE XXI

SEVERABILITY AND REPEAL

Section 21.01. SEVERABILITY. This Ordinance and the various articles, sections, paragraphs, sentences, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph, sentence, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

Section 21.02. REPEAL. The former Rich Township Zoning Ordinance, adopted on the 7th day of November, 1988, and all amendments thereto, are hereby repealed in their entirety.

ARTICLE XXII

ENACTMENT

Section 22.01. ORDINANCE ENACTED. The provisions of this Zoning Ordinance No. 300 are hereby enacted and declared to be immediately necessary for the preservation of the public health, safety, and welfare of the people of the Township of Rich.

Section 22.02. EFFECTIVE DATE. This Ordinance is ordered to be given effect seven (7) days after the date of publication specified in Section 22.03, pursuant to the Michigan Zoning Enabling Act.

Section 22.03. CERTIFICATION. The undersigned Supervisor and Clerk of the Township of Rich hereby certifies that this Ordinance is a true copy of the Ordinance which was duly adopted by the Rich Township Board, at a meeting held on the 9th day of May, 2016 and further certifies that a notice of adoption of this Ordinance was duly published in the LA View on the 18th day of May, 2016, pursuant to the Michigan Zoning Enabling Act.

Paul Henne
Rich Township Supervisor

Pamela Running
Rich Township Clerk

RICH TOWNSHIP PLANNING COMMISSION

PROPOSED ZONING ORDINANCE

RESOLUTION OF RECOMMENDATION

At a meeting of the Rich Township Planning Commission, Lapeer County, Michigan, held on 28th day of March, 2016, at 8 pm, the following resolution was offered by Lott and supported by Shadley.

WHEREAS, the Rich Township Planning Commission has been working on a proposed Zoning Ordinance Amendment for the Township; and

WHEREAS, proper notice of the public hearing was published in the Lapeer Area View on the 10th day of March, 2016; and

WHEREAS, the public hearing on the proposed Zoning Ordinance Amendment was held on the 28th day of March, 2016 at the Rich Township Hall; and

WHEREAS, all the requirements of the Michigan Zoning Enabling Act, being Public Act 110 of 2006 as amended, have been met.

NOW, THEREFORE, be it resolved that the Rich Township Planning Commission hereby recommends adoption of the attached proposed Zoning Ordinance for the Township of Rich.

ROLL CALL VOTE

AYES: Robinet, Lott, Labair, Shadley, Curell, Scheuer,

NAYS: Gromak
0

ABSTAIN:

ABSENT:

RESOLUTION DECLARED ADOPTED.

The undersigned Secretary of the Rich Township Planning Commission hereby certifies that this resolution was duly adopted by the Rich Township Planning Commission at a meeting held on the 28th day of March, 2016.

Ron Gromak
Ron Gromak, Secretary
Rich Township Planning Commission

TOWNSHIP OF RICH

ADOPTION OF ZONING ORDINANCE

At a meeting of the Rich Township Board, Lapeer County, Michigan, held on the **9th** day of **May, 2016**, at 7:00 p.m., the following motion was offered by **Henne** and supported by **Curell**.

WHEREAS, the prior Zoning Ordinance for Rich Township was adopted on the 7th day of November 1988; and

WHEREAS, the State of Michigan adopted a new Zoning Enabling Act in 2006 which required numerous changes to the prior Rich Township Zoning Ordinance; and

WHEREAS, during 2015 and 2016, the Rich Township Planning Commission researched and prepared an updated Zoning Ordinance; and

WHEREAS, a public hearing on the proposed new Zoning Ordinance was held on the **28th** day of **March, 2016** at the Rich Township Hall, subsequent to which the Rich Township Planning Commission recommended adoption of the Ordinance; and

WHEREAS, the proposed new Zoning Ordinance was sent for review and recommend for adoption by the Lapeer County Board of Commissioners on the **8th** day of **April, 2016**; and


WHEREAS, all applicable statutes and legal requirements for the preparation and adoption of a township zoning ordinance have been complied with,

NOW, THEREFORE, BE IT RESOLVED that the Rich Township Board hereby adopts the proposed Zoning Ordinance and Zoning Map for the Township of Rich as Ordinance Number 300.

BE IT FURTHER RESOLVED that a Notice of Adoption shall be published within fifteen (15) days and that the Ordinance shall take effect seven (7) days after the publication date.

ZONING ORDINANCE DECLARED ADOPTED.

The undersigned Clerk of the Township of Rich, hereby certifies that this Resolution was duly adopted by the Rich Township Board at a meeting held on the **9th** day of **May, 2016**.


Pamela Running, Clerk
Township of Rich

TOWNSHIP OF RICH

NOTICE OF ZONING ORDINANCE ADOPTION

A Zoning Ordinance regulating the development and use of land has been adopted by the Township Board of the Township of Rich. The new Zoning Ordinance was adopted on the 9th day of May, 2016 and was made effective seven (7) days after the date of publication of this notice. Copies of the new Zoning Ordinance may be purchased or inspected by contacting the Rich Township Clerk at 8740 Squaw Rd., Silverwood, Michigan 48760, telephone number 989/843-0529. This notice has been published pursuant to the requirements of Section 401 of the Michigan Zoning Enabling Act.

Pamela Running, Clerk
Township of Rich

(Must be published within 15 days of the date of adoption)