

APPENDIX A ZONING ORDINANCE¹

ARTICLE 1. ADMINISTRATION AND ENFORCEMENT

Sec. 1.01. Intent and purpose.

This ordinance has been prepared and adopted for the purpose of providing standards and regulations for land development, for the use of land and buildings, and for all other purposes described in Section 1 of the City and Village Zoning Act (P.A. 207 of 1921, as amended). This ordinance is based on the City of Richmond Master Plan, and is intended to carry out the objectives of that plan.

Sec. 1.02. Scope.

The standards and regulations of this ordinance shall apply to all land, buildings, structures, uses, and land development projects established or commenced after the effective date of this ordinance. Accordingly, no lots or parcels may be created or altered, nor any land use be established, changed or commenced, nor any building or structure constructed, altered, or extended, except in compliance with this ordinance.

1. *Minimum requirements.* The provisions of this ordinance shall be held to be the minimum required for the preservation, protection, and promotion of the public health, safety, convenience, comfort, and general welfare.
2. *Relationship to other ordinances or agreements.* This ordinance is not intended to repeal or annul any ordinance, rule, regulation or permit previously adopted, issued, or entered into and not in conflict with this ordinance, subject to the following:
 - a. Private deed restrictions or restrictive covenants shall have no effect on the applicability of this ordinance.
 - b. Where the regulations of this ordinance are more restrictive or impose higher standards or requirements than other such ordinances, rules or regulations, the requirements of this ordinance shall govern.

¹Editor's note(s)—Printed herein is Ordinance No. 156, the Zoning Ordinance of the City of Richmond, Michigan, as adopted on April 18, 2005 and effective May 3, 2005. Ord. No. 156 amended Ord. No. 125, adopted March 18, 1991, in its entirety. Amendments to the zoning ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets.

Cross reference(s)—Administration, ch. 2; buildings and building regulations, ch. 18; businesses, ch. 22; community development, ch. 34; environment, ch. 46; fire prevention and protection, ch. 50; planning, ch. 62; planning commission recommendations of amendments to zoning map, § 62-87; streets, sidewalks and other public places, ch. 78; subdivisions, ch. 82; utilities, ch. 94.

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3. *Unlawful structures and uses.* A structure or use not lawfully existing at the time of adoption of this ordinance shall not be made lawful solely by adoption of this ordinance.
 4. *Vested right.* Nothing in this ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein. Such rights as may exist through enforcement of this ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation, protection or promotion of the public health, safety, convenience, comfort or general welfare.

Sec. 1.03. Short title.

This ordinance shall be known and may be cited as the City of Richmond Zoning Ordinance.

Sec. 1.04. Enabling authority.

This zoning ordinance has been prepared for and adopted by the city council of the City of Richmond under the authority of the City and Village Zoning Act (P.A. 207 of 1921, as amended), following compliance with all procedures required by this Act.

Sec. 1.05. Compliance required.

No structure, site or part thereof, shall be constructed, altered or maintained, and no new use of any structure or land shall be established, changed or maintained, except in conformity with this ordinance.

Sec. 1.06. Administration.

Authority and responsibility for the administration and enforcement of all provisions of this ordinance shall be as follows:

1. *City manager authority and responsibilities.* The city manager, as chief administrative official for the City of Richmond, shall have the ultimate responsibility for administrative oversight and enforcement of this ordinance.
2. *Responsibilities of the zoning officials.* The city planner, building official, and other designated city officials or duly authorized representatives shall have the responsibility of carrying out such administrative and enforcement duties as specified in this ordinance, as delegated by the city manager or as directed by the city council for the purpose of implementing these regulations.
 - a. Under no circumstances shall any zoning official authorize changes to, vary from or ignore the terms of this ordinance in carrying out designated duties. Zoning officials shall be required to administer and enforce the zoning ordinance precisely as written.
 - b. Designated zoning officials shall have the authority to approve zoning permits and take other actions as authorized by this ordinance, and to make inspections of buildings or premises necessary to carry out the administrative and enforcement duties of this ordinance.
 - c. It shall be unlawful for a zoning official to approve any plans or issue any permits or other approvals under this ordinance unless such plans have been determined to conform to all applicable provisions of this ordinance.
 - d. The zoning official shall not refuse to approve a zoning permit upon determination that the permit applicant has complied with all conditions imposed by this ordinance, despite violations of

private contracts, covenants or private agreements that may occur upon the approval of the permit.

Sec. 1.07. Enforcement.

The standards and requirements of this ordinance reflect obligations to the community at large, and violations of this ordinance shall be considered a nuisance per se. The city's zoning official(s) shall, upon determining that any provision of this ordinance has been violated, take such necessary actions authorized by this ordinance to ensure compliance with the provisions of this ordinance.

- A. *Inspection of violation.* The zoning official shall investigate each alleged violation and shall order a correction in writing for all conditions found to be in violation of this ordinance.
- B. *Correction period.* All violations shall be corrected within 30 days following the receipt of an order to correct from the zoning official. The zoning official may grant an extension of up to 180 days upon determining that the additional time is necessary for correction. The zoning official may require the immediate correction of a violation upon determining that the violation presents an imminent peril to life or property.

Sec. 1.08. Zoning permits.

The city planner shall have the authority to grant zoning permits for work subject to the provisions of this ordinance. No building, structure, site or use shall be established, occupied, used, erected, moved, enlarged, repaired or altered unless a zoning permit shall have been first issued for such work. No permit shall be issued unless the request is in conformance with the provisions of this ordinance. Zoning permits shall be subject to the following:

- A. *Application.* Zoning permit applications shall be filed with the city planner, and shall be accompanied by a written explanation of the proposed improvements. Application materials shall include sufficient detail for the city planner to determine whether the proposed improvements conform to the applicable provisions of this ordinance. The City planner may require submittal of plans and specifications drawn to scale and showing the following:
 - 1. The actual shape, location, and dimensions of the lot.
 - 2. The shape, size, and location of any existing structures on the lot, and all structures to be erected, altered or moved.
 - 3. The existing and intended use of the lot and of all structures upon it, including floor area devoted or intended for each use, and the number of dwelling units a residential principal building is intended to accommodate.
 - 4. The location and dimensions of any existing and proposed yards, open space, and parking areas.
 - 5. Proposed setbacks of structures from lot lines, street rights-of-way, zoning district boundaries or other site features.
 - 6. Any other information deemed necessary by the city planner to determine compliance with the applicable provisions of this ordinance.
- B. *Permit issuance.* Issuance of permits under this ordinance shall be subject to the following:
 - 1. No permit shall be issued until the city planner has received notification of final approval of a site plan, special condition use or other necessary approval from the planning commission, including any conditions of approval.

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2. It shall be unlawful for the city planner to issue a zoning permit for proposed work that fails or has not been determined to conform to all applicable provisions of this ordinance. The city planner shall issue a zoning permit within ten business days after determination that the proposed work conforms to all applicable provisions of this ordinance.
 3. In all cases where the city planner shall refuse to issue a permit, the cause and reasons for such refusal shall be provided in writing to the applicant.
 4. Proof of zoning permit approval shall be conspicuously posted upon the premises.
- C. *Revocation.* The city planner may revoke a zoning permit in the case of failure or neglect to comply with any of the provisions of this ordinance, or in the case of any false statement or misrepresentation made in the application for the permit. The city planner shall notify the owner of such revocation in writing.
- D. *Duration.* If construction is not started within 365 calendar days of the date a permit is issued, the zoning permit shall become void. The city planner may, upon written request, grant one extension of zoning permit approval for a period of up to 180 calendar days.
- E. *Zoning inspections.* It shall be the duty of the holder of every permit to notify the city planner of the time when the work subject to the permit is ready for inspection. It shall be the duty of the city planner or other designated zoning official to inspect work performed under an approved permit to verify compliance with the provisions of this ordinance.

Sec. 1.09. Certificates.

No land, building, structure or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

1. *Certificates including zoning.* Certificates of occupancy as required by the State Construction Code enforced by the city for new buildings, structures or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this ordinance.
2. *Certificates required.* No building or structure, or parts thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
3. *Zoning approval for a new certificate.* Zoning approval of a certificate of occupancy shall be granted upon determination by the zoning official that the use, building, structure or part thereof is in conformity with all applicable provisions of this ordinance.
4. *Certificates not to be issued.* No certificates of occupancy shall be issued for any building, structure or part thereof, or for use of any land, which is not in accordance with all applicable provisions of this ordinance.
5. *Certificates for dwelling accessory buildings.* Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.
6. *Record of certificates.* A record of all certificates issued shall be kept on file in the city offices, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

Sec. 1.10. Fees.

The city council shall, by resolution, establish a schedule of fees for all permit applications and other reviews and approvals required by this ordinance, subject to the following:

1. *Purpose.* These fees shall be used for the purpose of defraying the cost of reviews, inspections, and the issuance of zoning approvals, permits or certificates required or issued under the provisions of this ordinance.
2. *Fee for service.* Required fees may be collected by the city in advance of the performing of the service or issuance of permits or certificates. No action shall be taken on any application or appeal until the application is accurate and complete and all applicable fees, charges, and expenses have been paid in full.
3. *Fees in escrow for professional reviews.* The city may require an escrow fee with any application for approval under this ordinance, where professional input and review is desired before a final decision is made. The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the city values to review the proposed application.
 - a. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals. Any unused fee collected in escrow shall be returned to the applicant within 60 days of final city action on the applicant's request, or within 60 days of withdraw of the request by the applicant. If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any zoning permit or other approval issued by the city.
 - b. The professional review will result in a written report indicating the extent of conformance or nonconformance with this ordinance, and identifying any problems that may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any written reports and statement of expenses for the professional services rendered, upon request.

Sec. 1.11. Performance guarantees.

To ensure compliance with this ordinance and faithful completion of improvements shown on an approved site plan or required as part of any zoning approval authorized under this ordinance, the city manager may require that the applicant deposit with the city a financial guarantee to cover the cost of such improvements. Requirement of such guarantees by the city manager shall be administered in accordance with a policy established by the city council, and the following:

1. Such guarantees shall be deposited prior to the start of work or issuance of any permits.
2. "Improvements" shall be limited to those features, upgrades and enhancements associated with the project considered necessary by the approving authority to protect natural resources, or the health, safety, and welfare of residents of the city and future users of the project including, but not limited to roadways, lighting, utilities, sidewalks, landscaping and screening, and drainage.
3. The form of the deposit shall be cash, certified check, irrevocable bank letter of credit or other surety acceptable to the city council. The city manager shall determine the guarantee amount, which shall cover the full cost of uncompleted site improvements. The city manager may solicit cost estimates for such improvements from the applicant or city zoning official(s) to make such determinations.

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4. Performance guarantees shall continue until such time as the city notifies the surety that the conditions imposed upon the development have been met. The surety shall not release the performance guarantee until the zoning official is satisfied that the conditions for such action have been met.
 5. As work progresses, the city may rebate cash deposits in reasonable proportion to the ratio of work completed on the required improvements. Ten percent of the guarantee shall be retained by the city pending a successful final inspection by the zoning official of all required improvements.

Sec. 1.12. Public hearing procedures.

The body charged with conducting a public hearing required by this ordinance shall, upon receipt of a completed application, select a reasonable time and place for such hearing. Such hearings shall be held in accordance with state law, and the following procedures:

- A. *Public notice.* Notice of the public hearing shall be posted at the place the hearing will be held and published in a newspaper of general circulation in the City of Richmond, and sent by mail or personal delivery to the applicant, owner(s) of property for which approval is being considered, all persons to whom real property is assessed within 300 feet of the boundary of the property in question and all occupants of structures within 300 feet of the boundary of the property in question. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that one occupant of each unit or spatial area shall receive notice if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
 1. *Timing of notice publication and mailing.* The required notice for an amendment to this ordinance or official zoning map shall be published once and given by mail not less than 15 days before the hearing date. The required notice for all other public hearings required by this ordinance shall be published once and given by mail not less than five and not more than 15 days before the hearing date.
 2. *Other required notifications.* For amendments to this ordinance or official zoning map, the required notice shall also be given by mail not less than 15 days before the hearing date to each public utility company and railroad operating within the affected district that has registered its name and mailing address with the city clerk for this purpose. An affidavit of mailings shall be maintained by the city.
 3. *Minimum notice contents.* The notice shall include the time and place of the hearing, the name of the body charged with conducting the hearing, a summary of the subject and purpose of the hearing, and a listing of the methods by which questions can be addressed and comments provided to the body charged with conducting the hearing.
 4. *Discretionary notice.* The city may, at its discretion, post this notice at other locations accessible to the public, including but not limited to City Hall, public libraries, and the Internet. The city may also send this notice by mail to additional persons, including those located more than 300 feet from the boundary of the property in question, provided that the applicant shall not be required to pay for such additional mailings.
- B. *Pre-hearing examination.* Upon reasonable request, any person may examine the application and all other documents on file with the city pertaining to the subject and purpose of the hearing. Any person

shall be entitled to copies of such application and documents upon reasonable request and payment of fees as established by the city council to cover the cost of making such copies.

- C. *Right to submit written statements.* Any person may submit written comments about the subject and purpose of the hearing prior to a hearing or within such time as may be allowed by the hearing body following such hearing. Such statements shall be made a part of the public record of the hearing.
- D. *Timeframe for hearings.* The public hearing shall be scheduled for a date not more than 60 calendar days after receipt of a complete and accurate application by the body charged with conducting the hearing, unless the applicant shall agree to some later time.
- E. *Rights of all persons.* Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney. Documentary evidence may be submitted for consideration, provided that the hearing body shall exclude such evidence deemed irrelevant, immaterial or unduly repetitious.
- F. *Adjournment.* The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing to a reasonable and fixed future date, time and place for the purpose of giving further notice, accumulating further evidence or information or for such other reasons that the body finds to be sufficient. Notice shall be provided of the adjourned hearing date, time and place in accordance with Section 1.12A (Public Notice).
- G. *Governance.* All other matters pertaining to the conduct of hearings shall be governed by applicable provisions of this ordinance, and the rules and procedures adopted by the body conducting the hearing.

Sec. 1.13. Violation and penalties.

The violation of any provision of this ordinance by any firm, corporation, person or persons, or anyone acting on behalf of said person, persons, firm or corporation is a municipal civil infraction, for which the fine shall be not less than \$100.00 nor more than \$500.00 for the first offense and not less than \$500.00 nor more than \$1,000.00 for subsequent offenses, plus costs and other sanctions ordered by the court.

- 1. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this ordinance.
- 2. Any violation of this ordinance is a nuisance per se and may be abated by the Circuit Court through injunctive relief.
- 3. For purposes of this section, the term "subsequent offense" shall mean a violation of the provisions of this ordinance committed by the same person within 365 calendar days of a previous violation of the same provision for which the person admitted responsibility or was found responsible by the court.
- 4. Each day that a violation is permitted to exist shall constitute a separate offense. Offenses committed on subsequent days within a period of seven calendar days following the issuance of a citation for a first offense shall all be considered separate first offenses.
- 5. It shall be the duty of the property owner and all persons having responsibility for the establishment of any use or the construction, alteration or demolition of any structure or site to verify that such work is not in violation of this ordinance. Persons having responsibility for work in violation of this ordinance shall be deemed responsible for such violations to the same extent as the property owner.

ARTICLE 2. ZONING DISTRICTS AND MAP

PART II - CODE OF ORDINANCES
APPENDIX A - ZONING ORDINANCE
ARTICLE 2. - ZONING DISTRICTS AND MAP
DIVISION 1. PURPOSE OF DISTRICTS

DIVISION 1. PURPOSE OF DISTRICTS

Sec. 2.101 Zoning districts.

For the purpose of this ordinance, the City of Richmond is hereby divided into districts as follows:

DISTRICT NAME	SYMBOL
Single-family residential districts	R-1, R-2, and R-3
Two-family residential district	R-T
Multiple-family residential district	RM-1
Manufactured housing park district	R-4
Office district	O
Local business district	B-1
Downtown business district	B-2
General business district	B-3
Limited industrial district	I-1
General industrial district	I-2
Public/semi-public services district	PSP

Sec. 2.102. Zoning map.

The city is hereby divided into districts, with the district areas and boundaries as shown on the official city zoning map, along with all proper notations, references and explanatory matter. The official zoning map shall be adopted by reference and declared to be a part of this ordinance. This map shall be identified by the signature of the mayor and attested by the city clerk, and bearing the seal of the city under the following words: "This is to certify that this is the Official Zoning Map of the City of Richmond, effective as of _____, the ___ day of _____, ___."

If in accordance with the provisions of this ordinance, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the map promptly after the amendment has been approved by the city council. No changes of any nature shall be made on the official zoning map, except in conformity with the amendment procedures set forth in section 25.03 (amendments), or in conformity with the procedures set forth in the City and Village Zoning Act (P.A. 207 of 1921, as amended) for adoption of a new official zoning map. The official zoning map shall be kept in the office of the city clerk, and shall be the final authority as to the current zoning status of land, water areas, and structures in the city.

Sec. 2.103. Single-family residential (R-1, R-2 and R-3) districts.

The single-family residential (R-1, R-2, and R-3) districts are hereby established for the purpose of providing a range of housing choices, encouraging the development and maintenance of suitable neighborhoods for families and children, and limiting uses that would adversely impact residential neighborhoods. The intent of these districts is to provide for an environment of predominantly single-family detached dwellings, along with other associated uses and facilities that serve residents in the district (including educational, cultural and religious land uses, parks and playgrounds).

It is the further intent of these districts to prohibit or restrict any land use that would substantially interfere with development or continuation of single-family detached dwellings in the district, would generate traffic on minor or local streets in excess of normal traffic serving the residences on those streets, or would, because of its character or size, create requirements and costs for public services (such as fire and police protection), water supply or sewerage, substantially in excess of such requirements and costs if the district were developed solely for single-family dwellings.

Sec. 2.104. Two-family residential (R-T) district.

The two-family residential (R-T) district is hereby established for the purpose of providing a range of housing choices, encouraging the development and maintenance of suitable neighborhoods for families and children, prohibiting uses of land that would adversely impact residential neighborhoods, creating a buffer or transition zone between single family residential districts and other more intensive land uses, and discouraging uses that would generate traffic on local streets in excess of normal traffic generated by the neighborhood. The intent of the district is to provide for an environment of predominantly detached and attached single-family dwellings and two-family (duplex) dwellings, along with other associated uses and facilities that serve the residents in the district, including but not limited to educational, cultural and religious land uses, parks and playgrounds.

It is further the intent of this district to recognize that some larger houses in certain older neighborhoods have been converted from single-family use into a two-family dwelling to extend the economic life of the structure and allow the owner to justify substantial renovation or modernization costs. The construction of new two-family dwellings and attached single-family dwellings at planned locations in the city shall also be permitted in the district to meet the needs of the different age and family groups.

Uses in this district shall be subject to appropriate design, density and development standards (including density, bulk, setback and separation standards, and provisions for sufficient light, air, privacy and recreation areas). The standards of this district are intended to prevent congestion on public streets, reduce hazards to life and property, provide adequate recreation areas and basic amenities, and ensure compatibility with adjacent single-family residential districts.

Sec. 2.105. Multiple-family residential (RM-1) district.

The multiple-family residential (RM-1) district is hereby established to promote a harmonious mixture of higher density housing options (such as apartments, townhouses, condominiums and stacked flats) at planned locations in the community to meet the needs of the different age and family groups. Associated uses and facilities that serve the residents in the district (including educational, cultural and religious land uses, parks and playgrounds) shall also be provided within a primarily residential environment.

The multiple family residential district is further intended to serve as a transition zone between non-residential districts and lower density residential districts. Uses in this district should be located near streets with adequate planned capacity to accommodate the traffic volumes typically generated by higher density development, and shall be served by public water and sewerage systems and other appropriate urban facilities and services.

Development in the multiple family residential district shall be subject to appropriate design, density and development standards (including density, bulk, setback and separation standards, and provisions for sufficient light, air, privacy and recreation areas) that are intended to prevent congestion on public streets, reduce hazards to life and property, provide adequate recreation areas and basic amenities, and ensure compatibility with adjacent single-family residential districts.

Sec. 2.106. Manufactured housing park (R-4) district.

The manufactured housing park (R-4) district is hereby established to provide for the location and regulation of manufactured housing parks (formerly known as "mobile home parks"), as defined by the Mobile Home Commission Act, P.A. 96 of 1987 (as amended), and the Manufactured Housing Commission General Rules. It is intended that manufactured housing parks be provided with necessary community services and other associated uses and facilities that serve the residents in the district (including educational, cultural and religious land uses, parks and playgrounds) in a setting that provides a high quality of life for residents. In accordance with the purpose of this district, manufactured housing parks shall be located in areas where they will be compatible with adjacent land uses.

The regulations and rules established by the State of Michigan (Mobile Home Commission Act, P.A. 96 of 1987, as amended) and the Manufactured Housing Commission govern all manufactured housing parks. Where regulations in this article and ordinance exceed the state law or general rules, they are intended to promote the health, safety and welfare of the city's residents, and to insure that manufactured housing parks are developed and maintained in a manner equivalent to the standards established by this ordinance for comparable residential developments in the city. Further, the district is intended to meet the needs of the different age and family groups in the community, prevent congestion on the public streets, minimize hazards to life and property, and ensure sufficient provisions for light, air, privacy, recreation areas and basic amenities to serve the residents of the district.

Sec. 2.107. Office (O) district.

The office (O) district is hereby established for the purpose of accommodating various types of executive, administrative, business, medical, governmental and professional offices, and associated business services. A limited range of convenience retail, restaurant and personal service businesses shall also be permitted for the benefit of office personnel and visitors, provided that offices remain the predominant use within the district. The office (O) district is intended to be located along major streets, in close proximity to commercial and institutional uses, serving as a transition zone between these more-intensive land uses and less intensive residential uses. Those types of retail uses and other activities that typically generate large traffic volumes, substantial parking requirements, or other impacts shall be prohibited.

Sec. 2.108. Local business (B-1) district.

The local business (B-1) district is hereby established to provide for local service and convenience shopping facilities to meet the day-to-day needs of persons residing in nearby residential areas. It is the intent of the local business district to encourage concentrations of complementary businesses in a manner harmonious with the character of the neighborhood and surrounding uses, and to the mutual advantage of neighborhood residents and district merchants. The intended potential customer base for these uses would be the residential neighborhoods immediately adjacent to district.

Uses which would create hazards, offensive and loud noises, vibration, smoke, glare, heavy traffic or late hours of operation are prohibited, and building sizes for permitted uses are limited to promote such appropriately scaled business development in the district. Automotive-related services and other uses that would typically interfere with the continuity of retail frontage, hinder pedestrian circulation, disrupt the functioning of this district, or create hazards, offensive or loud noises, vibration, smoke, glare or heavy traffic shall also be prohibited.

Sec. 2.109. Downtown business (B-2) district.

The downtown business (B-2) district is hereby established for the purpose of promoting the orderly development, expansion and continuation of the city's downtown commercial core, which serves the comparison,

convenience, service, and cultural needs of city residents, visitors and surrounding rural areas for convenience and durable goods, personal services, food, entertainment, shopping and related activities. The B-2 district boundaries are intended to include both historic nodes of business activity in the city identified in the master plan; the "Richmond Granary District" and the "Historic Richmond Business District."

It is the intent of the downtown business district to preserve the existing downtown character, strengthen and extend the historic development pattern, and promote a highly concentrated and pedestrian-accessible mix of complementary retail, restaurant, entertainment, office and service uses. Building owners in the downtown business district are encouraged to provide retail or personal service uses at the street level. In buildings without such uses, other active uses of visual interest to pedestrians should be displayed, including office or lobby areas, showrooms, classrooms, kitchens, or similar activities.

These objectives shall be accomplished through land use, site and building layout standards, and careful coordination of vehicular and pedestrian circulation. Uses in the downtown business district are encouraged to provide or enhance public spaces, contribute to centralized parking arrangements and develop innovative combinations of permitted uses that allow for the rehabilitation of existing historic structures or the creation of new structures that complement the architectural character and composition of the District's historic buildings.

Parking facilities in the district shall be designed to serve the area rather than individual businesses. Uses which would create hazards, offensive and loud noises, vibration, smoke, glare, heavy traffic or late hours of operation are prohibited, and building sizes for permitted uses are limited to promote such appropriately scaled business development in the district. Automotive-related services and other uses that would typically interfere with the continuity of retail frontage, hinder pedestrian circulation, disrupt the functioning of this district, or create hazards, offensive or loud noises, vibration, smoke, glare or heavy traffic shall be prohibited.

Sec. 2.110. General business (B-3) district.

The general business (B-3) district is hereby established to permit a wide range of business and entertainment activities, including uses of a larger size, scale or intensity than those found in other business or office districts (such as "big-box" retail uses). The intended potential customer base for permitted uses in this district would be the entire city, plus surrounding communities in the southeastern Michigan region. This district is further intended to provide opportunities for automobile-related businesses, uses that generate large traffic volumes or require substantial off-street parking facilities, and other uses incompatible with the pedestrian-oriented character, scale and mix of permitted uses in the local or central business districts. Accordingly, this district should be generally located near major streets and thoroughfares to prevent potential nuisances and use conflicts.

Because of the types of uses permitted in the general business district, detailed attention must be focused on relationships with adjacent areas, site layout, building design, and vehicular and pedestrian circulation. Development in the district shall be compatible in design with the overall city character, designed in coordination with adjoining sites, buffered from or located away from residential areas, and served by major streets or thoroughfares.

Sec. 2.111. Limited industrial (I-1) district.

The limited industrial (I-1) district is hereby established for the purpose of permitting certain industries of a light manufacturing, research, warehousing or wholesaling character to locate in planned areas of the city where such uses will not have a detrimental impact on surrounding neighborhoods. This district is not intended for the processing of raw materials for bulk shipment or use in industrial operations at other locations.

It is further intended that the limited industrial district provide specific use and site development standards designed to promote the creation of high quality office, research, warehousing, wholesaling and manufacturing facilities. To meet the purpose and intent of this district, certain land uses are prohibited, including, but not limited

to uses that would create excessive or unusual danger of fire, explosion, toxicity, or exposure to radiation or other unusually noxious, offensive, unhealthy and harmful odors, fumes, dust, smoke, light, waste, noise or vibration.

Sec. 2.112. General industrial (I-2) district.

The general industrial (I-2) district is hereby established for the purpose of permitting a wide range of office, research, industrial and manufacturing uses and facilities in planned areas of the city where such uses and facilities would not have a detrimental impact on surrounding neighborhoods or the city as a whole. The intent of the general industrial district is to promote the creation of high quality industrial, research and manufacturing jobs, and permit more intensive, large-scale or specialized industrial operations requiring special sites or public and utility services. Reasonable regulations and limitations apply to these more intense uses to minimize any adverse effects on other areas of the city.

The further intent of the general industrial district is to:

1. Primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district.
2. Provide sufficient space to meet the city's expected future needs for additional research, manufacturing and related industrial uses.
3. Promote manufacturing development that is free from danger of fire, explosions, toxic and noxious matter and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.
4. Protect the character and established pattern of adjacent development, conserve the value of land and structures, and enhance the city's tax base.

Sec. 2.113. Public/semi-public services (PSP) district.

The public/semi-public services (PSP) district is hereby established for the purpose of accommodating dedicated areas of open space, government buildings and uses, institutional and recreational uses, and similar uses of a public service or institutional character, including areas for off-street parking as an accessory use to serve an abutting district that has developed without adequate off-street parking facilities.

DIVISION 2. GENERAL REQUIREMENTS AND STANDARDS

Sec. 2.201. Principal uses and special condition uses.

In all districts, no structure or land shall be used or occupied, except in conformance with section 4.02 (table of permitted land uses by district), and as otherwise provided for in this ordinance. Uses subject to special conditions may be permitted in accordance with section 4.02 (table of permitted land uses by district), subject to a public hearing and approval by the planning commission in accordance with the procedures and conditions defined in article 17 (special condition uses).

Sec. 2.202. Prohibited uses.

Uses that are not specifically listed as a principal or special condition use permitted by this ordinance in a zoning district, or otherwise determined to be similar to a listed and permitted use, shall be prohibited in the district.

Sec. 2.203. Design and development requirements.

All uses shall comply with any applicable requirements of article 6 (design standards for specific uses), and all other applicable provisions of this ordinance and other City Codes and Ordinances. No structure shall be erected, reconstructed, altered or enlarged, nor shall permits or certificates of occupancy be issued, except in conformance with this ordinance and other City Codes and Ordinances.

Sec. 2.204. District boundaries.

The boundaries of zoning districts, as shown on the map accompanying and made a part of this ordinance, unless otherwise shown, are lot or tract lines or the center lines of streets, roads or alleys, or the extension thereof, railroad right-of-way lines and the corporate limits of the City of Richmond.

Sec. 2.205. Street, alley and railroad rights-of-way.

All streets, alleys and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, alleys or railroad rights-of-way. Where the centerline of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

Sec. 2.206. Zoning of annexed areas.

Wherever any area is annexed to the City of Richmond or the boundaries of the city are otherwise extended to include additional land area, zoning classification of the land area shall be subject to the following:

1. The land area shall automatically be classified as an R-A (single family residential) district, until such time as the city council may adopt a new official zoning map for the land area.
2. The city council may adopt a new official zoning map for the land area following a public hearing and recommendation from the planning commission, per section 26.03 (amendments).
3. In making a recommendation to city council on the zoning classification(s) for such land areas, the planning commission shall consider any previous township or county zoning classifications that existed for the land prior to extension of the city boundaries, and adopted master plan recommendations and planned future land use designations for the land area or adjacent areas within the city.

Sec. 2.207. Zoning of vacated areas.

Any street, alley, railroad right-of-way or other public way or portion thereof within the City of Richmond not otherwise classified within the boundaries of a zoning district on the official zoning map shall, upon vacation, automatically be classified in the same zoning district as the parcel(s) to which it attaches.

ARTICLE 4. LAND USE TABLE

Sec. 4.01. Key to designations in tables of uses.

SYMBOL	KEY	
P	Permitted uses	Principal uses
S		Special condition uses
A		Accessory use

[Blank]	Prohibited uses in the district
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DISTRICT NAME	SYMBOL
Single-family residential districts	R-1, R-2, and R-3
Two-family residential district	R-T
Multiple-family residential district	RM-1
Manufactured housing park district	R-4
Office district	O
Local business district	B-1
Downtown business district	B-2
General business district	B-3
Limited industrial district	I-1
General industrial district	I-2
Public/semi-public services district	PSP

Sec. 4.02. Table of permitted uses by district.

The uses of land in the following table have been organized, for ease of use and convenience, into use groups, based upon certain characteristics that the grouped uses may share. These use groups are described below:

1. *Animal and agricultural uses.* These uses primarily involve the keeping, breeding or use of animals, the production or distribution of produce and farm-related products, and similar associated uses of a rural character or intensity.
2. *Residential uses.* These uses primarily involve housing of various types and densities, and associated uses typically found in a residential neighborhood.
3. *Office and service uses.* These are generally private-owned or operated uses, or uses of a for-profit nature, that include personal service establishments, financial, executive, administrative, medical and professional offices, workshops and studios, and similar associated uses.
4. *Community uses.* These are generally public-owned or operated uses, or uses of a not-for-profit nature, that primarily involve benefits or services generally provided to a significant portion of the population, or are uses that serve as focal or gathering points for members of the community.
5. *Commercial uses.* These are uses of a generally for-profit nature, and may include retail sales, food service, entertainment, repair services and similar associated uses.
6. *Industrial, research and laboratory uses.* These are uses that are generally of a light manufacturing, research, warehousing or wholesaling character, or that involve compounding, processing, packaging, assembly, storage or treatment of products or materials.
7. *Temporary, special event and other uses.* These are uses that, because of unusual character, intensity or nuisance factors, do not fit well into the preceding use groups.

USES	SYMBOL	KEY	DISTRICTS											SUPPLEMENTAL USE STANDARDS	
	P	Principal Use													
	S	Special Condition Use													
	A	Accessory Use													
	Prohibited Use	R-1, R-2, and R-3	R-T	R-M	R-4	O	B-1	B-2	B-3	I-1	I-2	PSP			
ANIMAL AND AGRICULTURAL USES															
Farms			P	P	P	P	P	P	P	P	P	P			
Farm-based tourism and entertainment facilities			S	S	S					S				Section 6.101	
Greenhouses and nurseries			A	A	A	A	A	P	P	P	A	A		Section 6.102	
Feed stores			S	S	S			P	P	P				Section 6.102	
Garden centers (retail sale of plants, soils and supplies)			S	S	S				S	P				Section 6.102	
Kennels and animal shelters			S				S			S	P	P		Section 6.103	
Private riding stables			A	A	A									Section 6.104	
Produce stands and farm markets			S	S	S			P	P	P				Section 6.105	

Veterinary clinics	S				P			P	P	P		Section 6.106
RESIDENTIAL USES												
Accessory dwelling units	S					A	A					Section 6.201
Adult foster care family home or small group home	P	P	P									
Adult foster care large group home			P									Section 6.202
Bed and breakfast inns	S	S	S			S	S					Section 6.203
Elderly housing, dependent			P		P							Section 6.208
Elderly housing, independent			P									Section 6.208
Foster family home or group home	P	P	P									
Family child day care homes	A	A	A									Section 6.204
Group child day care homes	S	S	S									Section 6.204
Home occupations listed in section 6.205	A	A	A	A								Section 6.205
Home occupations not listed in section 6.205	S	S	S	S								Section 6.205
Manufactured housing parks				P								Section 6.206
Multiple-family dwellings and developments			P									Section 6.207
Senior housing		P	P									Section 6.208
Single family dwellings, detached	P	P	P	P								Section 6.209
State-licensed and other managed residential facilities not otherwise listed in this table			S									Section 6.202
Townhouses and stacked flats		P	P			S	S					Section 6.207
Two-family or duplex dwellings		P	P									Section 6.209
OFFICE AND SERVICE USES												
Banks and financial institutions					P	P	P	P	A	A		Section 6.503
Barber shops, beauty salons and nail care					P	P	P	P				
Body art parlors and body piercing salons					P	P	P	P				Section 6.301
Catering facilities					A	A	A	P	P			Section 6.302
Funeral parlors or mortuaries					S	S	S	P				Section 6.303
Hospitals and urgent care centers				P	P	P		P		P		Section 6.304
Massage therapists	A	A			P	P	S	P	P			Section 6.305
Medical, osteopathic, chiropractic, optical or dental offices, clinics or rehabilitation centers					P	P	S	P	P			
Offices for professional, executive, or administrative uses, attorneys, accountants, realtors, architects, insurance and similar occupations					P	P	P	P	P	A		
Video rental establishments						P	P	P				
Workshops and studios					P	P	P	P	P			Section 6.306
COMMUNITY USES												
Cemeteries	P	P	P								P	Section 6.401

Child or adult day care centers and child caring institutions	S	S	S	S	P			P	A	A		Section 6.402
Fire and police stations	S	S	P		P	P	P	P	P	P	P	
Government offices	S				P	P	P	P	P	P	P	
Health club or fitness center			A	A	P	P	S	P	A	A		
Institutional uses	S	S	S	S	P	P	S	P			P	Section 6.403
Public utility and essential service structures and uses	S	S	S	S	S	S	S	S	P	P		Section 6.404
Public works or road maintenance yards									P	P		Section 6.404
Recreation facilities, indoor	S	S	A	A				P	S	S		Section 6.405
Recreation facilities, outdoor	P	P	P	P				S	A	A		Section 6.405
COMMERCIAL USES												
Amusement centers, indoor— Arcades, bowling alleys, pool or billiard halls or similar facilities						S	S	S				Section 6.501
Amusement centers, outdoor— Miniature golf, batting cages or similar facilities								S				Section 6.508
Antique shops and art galleries						P	P	P				
Auto parts stores						P	P	P				
Bakeries						P	P	P	P	P		
Car washes, automatic or self-service								P				Section 6.502
Copy centers					A	P	P	P	A			
Dealership showroom (indoor only) for sales or rentals of motor vehicles, recreational vehicles, equipment, machinery or similar durable goods						P	P	P				
Drive-in or drive-through lanes or facilities					S			S				Section 6.503
Gunsmiths and licensed firearms dealers								S				
Hardware, home improvement, and building supply stores (indoor only)						P	P	P				Section 6.512
Hotels and inns						S	S	P				Section 6.504
Laundromat and dry cleaning customer pick-up/drop-off only						P	S	P				
Manufactured housing sales				S				S				Section 6.508
Motion picture cinemas, indoor						P	P	P				Section 6.505
Motion picture cinemas, outdoor								P				Section 6.505
Motor vehicle fueling stations								S				Section 6.506
Motor vehicle repair stations								S	S	P		Section 6.506
Motor vehicle service centers								S	P	P		Section 6.506
Outdoor cafes and eating areas					p	P	P	P				Section 6.508
Open air businesses, outdoor display areas, and dealership sales lots						S	S	S				Section 6.509
Package liquor stores						P	P	P				Section 6.510
Pawnshops						P	P	P				Section 6.511

Pharmacies, drugstores and medical supply stores					A	P	P	P	A			Section 6.503
Recording studios					S	S	S	P				Section 6.512
Restaurants, coffeehouses, doughnut shops or delicatessens					P	P	P	P	A			Section 6.503
Retail stores, and other commercial uses with up to 10,000 square feet of total gross floor area						P	P	P				
Retail stores, and other commercial uses with 10,000 to 40,000 square-feet of total gross floor area						S	S	P				
Retail stores, and other commercial uses with more than 40,000 square-feet of total gross floor area								S				Section 6.512
Tavern, pub, brewpub, cocktail lounge or night club						S	S	P				
Tobacconist or cigar/cigarette shop						P	P	P				
INDUSTRIAL, RESEARCH AND LABORATORY USES												
Blacksmithing, furniture or cabinet repair or manufacture, machine shops and welding shops, stone finishing and carving, printing, bookbinding, or publishing, woodworking shops and similar uses										P	P	
Bottling works, feed or flour mills, grain elevators, smoking, curing or packing plants and similar food processing uses										P	P	
Brewery, distillery or winery								S	P	P		
Carpet and rug cleaning and similar cleaning businesses										P	P	
Crematoriums, blast furnaces, incinerators, lumber mills and similar uses											S	Section 6.602
Dry cleaner central cleaning/processing facilities										P	P	
Electroplating, welding and sheet metal shops, paint mixing or spraying, metal casting, smelting, plating, fabricating, buffing, dyeing, or similar uses										S	P	Section 6.602
Fabrication, manufacture or assembly of motor vehicles, recreational vehicles, boats, trailers, bicycles, electronic equipment, manufactured/modular housing, machinery and similar products										P	P	Section 6.602
Injection molding and automatic screw machines, rolling mills,										S	P	Section 6.602

stamping plants, tool, die, & machine shops, shearing, punching and similar uses												
Manufacture, compounding, processing, packaging, or treatment of cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, or similar products									P	P		
Manufacture of products from aluminum, brass, other metals, brick, clay, fabric, glass, shale, tile, terra cotta, bone, leather, paper, plastics, rubber or similar materials									P	P		
Manufacture, processing, production or wholesale storage of chemicals, petroleum or paper products, cement, lime, gypsum or similar materials									S	S		Section 6.602
Outdoor storage, general								S	P	P		Section 6.603
Outdoor storage, dismantling or recycling of motor vehicles, recreational vehicles, manufactured houses, and similar items										S		Section 6.604
Power plants, hazardous materials storage, petroleum refineries or storage or waste tire facilities										S		Section 6.601 Section 6.602
Recycling collection facilities and composting centers									S	P		Section 6.605
Research and development facilities, technical centers, and laboratories				S					P	P		
Self-storage warehouses								P	P	P		Section 6.606
Slaughter houses, rendering plants, tanneries, commercial stockyards, glue and soap factories, and similar uses										S		Section 6.607
Truck and freight terminals, distribution facilities, rail/truck transfer facilities, and truck storage									S	P		Section 6.603 Section 6.608
Warehousing and bulk indoor storage facilities									P	P		Section 6.608
TEMPORARY, SPECIAL EVENT AND OTHER USES												
Off-street parking lots	A	A	A	A	A	A	A	A	A	A	P	Article 9
Accessory structures and uses	A	A	A	A	A	A	A	A	A	A	A	Article 7
Adult regulated uses									P			Section 6.701
Airports, heliports, and related uses											S	Section 6.702
Circuses, fairs, carnivals, and similar uses	P	P	P	P	P	P	P	P	P	P	P	Section 6.703
Construction buildings and uses	P	P	P	P	P	P	P	P	P	P	P	

Garage sales, estate sales, and private auctions	P	P	P	P							S	Section 6.704
Mining and extraction uses									S	S		Section 6.705
Non-enclose multiple-family and non-residential parking structures			S		S	S	S	S	S	S	S	Section 6.706
Temporary structures and uses	P	P	P	P	P	P	P	P	P	P	P	Section 6.707
Topsoil removal or stockpiling	P	P	P	P	P	P	P	P	P	P	P	Section 6.708

(Ord. No. 156-2, § I, 9-4-06; Ord. No. 156-5, 3-5-07; Ord. No. 156-9, § I, 11-3-08; Ord. No. 156-22, § I, 2-19-18, eff. 3-16-18 ; Ord. No. 156-23 , § I, 7-16-18, eff. 8-10-18; Ord. No. 156-28 , § I, 2-15-21; Ord. No. 156-30 , § I, 12-20-21)

PART II - CODE OF ORDINANCES
 APPENDIX A - ZONING ORDINANCE
 ARTICLE 5. DIMENSIONAL STANDARDS

ARTICLE 5. DIMENSIONAL STANDARDS

DIVISION 1. TABLE OF DIMENSIONAL STANDARDS BY DISTRICT

Sec. 5.101. Table of dimensional standards by district.

STANDARDS			DISTRICTS													SUPPLEMENTAL PROVISIONS
			R-1	R-2	R-3	R-T	RM-1	R-4	O	B-1	B-2	B-3	I-1	I-2	PSP	
BUILDING HEIGHT (feet)	Maximum	Feet	35	35	35	35	40	See Section 6.xxxx (manufactured housing parks)	35	35	45	35	40	50	35	Section
		Stories	2	2	2	2.5	3		3	2.5	3	2	3	3	3	
	Minimum	Stories	1	1	1	1	1		1	2	2	1	1	1	1	
LOT STANDARDS (per unit)	Minimum Width (feet)		80	70	60	60										Section
	Minimum depth (feet)		120	120	120	120										Section
	Minimum area (square-feet)		10,890	8,400	7,200	7,200										
	Maximum coverage (%)		30	30	30	30	30									
YARD/SETBACK STANDARDS (feet)	Front Yard	Minimum	30	25	25	25	20		10	0	0	20	40	40	10	Section
		Maximum								10	0					
	Minimum side yard	One Side Yard	10	10	5	10	30		10	10	0	10	40	40	10	Section
		Total of two	20	20	16	20	60	20	20	0	20	60	60	20		
Minimum rear yard		35	35	35	30	30	20	20	20	25	50	50	20	Section		
MINIMUM BUILDING SEPARATION (feet)			20	15	10	20	30									
MINIMUM GROSS FLOOR AREA (square feet/unit)			1,800	1,500	1,200	780									Section	
MINIMUM LAND AREA PER UNIT (square feet/unit)			10,890	8,400	7,200	4,800	2400								Section	

DISTRICT NAME	SYMBOL
Single-family residential districts	R-1, R-2, and R-3
Two-family residential district	R-T
Multiple-family residential district	RM-1
Manufactured housing park district	R-4
Office district	O

DISTRICT NAME	SYMBOL
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Local business district	B-1
Downtown business district	B-2
General business district	B-3
Limited industrial district	I-1
General industrial district	I-2
Public/semi-public services district	PSP

DIVISION 2. SUPPLEMENTAL PROVISIONS AND EXCEPTIONS

Sec. 5.201. Front yards.

Any required front yard area shall be used primarily for recreational and ornamental purposes, unless otherwise permitted by this ordinance. No permanent structures shall be maintained within the required front yard, except porches, fences, and similar items. Front yards shall be further subject to the following:

- A. *Existing neighborhoods.* Where the predominant pattern of front yard setbacks on a single block in a single family residential district is less than that required by section 5.101 (table of dimensional standards by district), the minimum front yard setback for any new dwelling on the same block may be reduced to the average front yard depth of existing dwellings on the same side of the street.
- B. *Setbacks along major streets.* The minimum front yard setback required in section 5.101 (table of dimensional standards by district) for all single family residential districts shall be increased by five feet for all front yards abutting a public street classified as an arterial or thoroughfare by the city's master plan, or county or state road authorities.
- C. *Maximum setbacks.* The purpose of the maximum front yard setbacks (also known as "build-to lines") established for the B-1 and B-2 districts are to preserve the unique character of the city's downtown commercial areas, provide a pleasant and diverse experience for pedestrians, and enhance the city's attractiveness and economic vitality. All new buildings, alterations and expansions constructed after the effective date of this ordinance shall follow the established historic development pattern of these areas of the city by complying with the maximum setback requirements of this article.
- D. *Corner lots.* Structures on corner lots shall comply with the minimum front yard setback requirements from all street rights-of-way. Such lots shall be deemed to have two front yards for purposes of this ordinance.
- E. *Double frontage lots.* Where a block of double frontage lots exists, one street may be designated by the city planner as the front street for all lots in the block. Otherwise, both frontages shall be considered front yards for purposes of this ordinance.

Sec. 5.202. Side yards.

The planning commission may reduce or waive the required side yard setback for any primary building in the office or business districts as part of site plan approval, subject to the following:

- 1. Applicable state construction and fire code requirements shall be satisfied.
- 2. A setback of not less than ten feet shall be provided on any side yard that borders on a residential district.
- 3. Where a building wall facing an interior side lot line contains windows or other openings, a side yard of not less than ten feet shall be provided.
- 4. A setback of not less than 12 feet shall be provided on any side yard of an existing lot of record in the R-1 (single family residential) district with a minimum lot width of 100 feet.

Sec. 5.203. Rear yards.

In all districts where alleys exist, the measurement of the rear yard setback for primary buildings may include one-half the width of the alley.

Sec. 5.204. Height exceptions.

Chimneys, elevator towers, stage scenery lofts, water towers, mechanical equipment and similar structures shall not be included in calculating the height of the primary building, provided that the total area covered by such structures shall not exceed 20 percent of the roof area of the building.

Sec. 5.205. Permitted yard encroachments.

Fire escapes, chimneys, balconies, egress window wells, architectural features, and similar projections shall be considered part of the primary building for purposes of determining yard and setback requirements. Limited projections into certain required yards shall be permitted as follows:

Projection	Yard	Restrictions
Air conditioners (pad mounted) and generators	Side Rear	If located in side yard, must be located within the non-required side yard. No restrictions within the rear yard.
Arbors and trellises	All	None.
Balconies	Rear	May project up to six feet into required rear yard.
Chimneys	All	May project up to three feet into any required yard.
Cornices, eaves, gutters, sills, pilasters, bay windows, and similar architectural elements	All	May project up to two feet into any required yard.
Egress window wells	All	May project up to three feet into any required yard.
Fire escapes and similar structures	Rear	May project up to six feet into required rear yard.
Handicapped access ramps	All	A minimum three-foot setback shall be maintained from all property lines and street rights-of-way.
Propane tanks and similar equipment	Rear	None.
Unenclosed terraces, porches, patios, decks, awnings, canopies, and stairways	Front rear	May project up to ten feet into a required front yard, and 15 feet into a required rear yard.

(Ord. No 156-25 , § I, 11-19-18)

DIVISION 3. GENERAL DIMENSIONAL STANDARDS**Sec. 5.301. Standard methods of measurement.**

When determining compliance with the provisions of this ordinance, the following standardized methods of measurement shall apply:

-
- A. *Overhangs.* When the overhang is two feet or less, not including the gutter, setback measurements shall be taken from the outside wall of the building. Otherwise, setback measurements shall be taken from the edge of the overhang.
 - B. *Lot coverage.* Accessory garages, terraces, porches, patios, decks and other structures shall be deemed a part of the primary building for the purpose of determining compliance with lot coverage requirements.
 - C. *Buildable lot area and open space calculations.* Calculation of permitted residential densities and open space requirements shall be subject to the following:
 - 1. No lot, parcel or portion of same shall be used more than once in such calculation.
 - 2. Lakes, ponds, state or federally regulated wetlands, retention basins, drain easements, public street rights-of-way and private road easements shall be excluded from area calculations for buildable lot area.
 - 3. Areas lying within delineated wetlands, detention basins, or drain easements may be used to satisfy up to 20 percent of any minimum open space requirement of this ordinance.
 - 4. Required front, side, or rear yard setback areas for individual dwellings, perimeter yard setbacks or buffer areas for other principal buildings and uses, and areas used for parking, loading or other accessory uses shall be excluded from area calculations for any open space requirement of this ordinance.
 - D. *Floor area.* Measurements of floor area shall be based upon distance between exterior surface of enclosing walls and between center lines of common partition walls for each living unit, and the following:
 - 1. *Gross floor area (GFA).* The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, including a basement floor area where more than one-half of the basement height is above the established lot grade at the building.
 - 2. *Usable floor area (UFA).* Eighty percent of the gross floor area of a building, or that portion of the building area, measured from the interior face of the exterior walls, intended for services to the public or to customers, patrons, clients or patients, and excluding areas intended for storage of merchandise, utility or mechanical equipment rooms or sanitary facilities. Usable floor area shall have a minimum clear height of seven feet or more.

Sec. 5.302. Area and yard regulations.

No structure shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the yard and area regulations of the district in which the structure is located:

- A. *Lot standards.*
 - 1. New lots created after the effective date of adoption or amendment of this ordinance shall comply with all applicable dimensional standards of this ordinance.
 - 2. No lot, adjacent lots in common ownership, required yard, parking area or other required open space shall be created, divided or reduced in dimensions or area below the minimum requirements of this ordinance.
 - 3. Every building hereafter erected on a lot or parcel of land created subsequent to the effective date of this ordinance shall comply with the lot size, lot coverage, and setback requirements for the district in which it is located.

-
4. Existing yard setbacks shall not be reduced below the minimum requirements of this ordinance.
- B. *Number of principal uses per lot.* Only one principal building shall be placed on a lot of record of parcel in a single family residential district. In single family condominium project, only one principal building shall be placed on each condominium lot, as defined in section 2.02 (definitions).

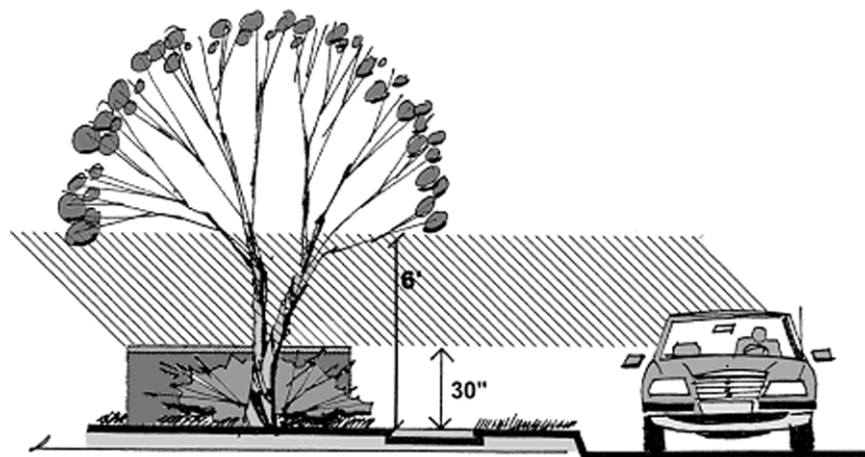
Sec. 5.303. Frontage and access required.

No dwelling shall be built on any lot that does not abut and have direct frontage on an approved street. Indirect access via a private access easement shall not be sufficient to satisfy this requirement.

Sec. 5.304. Corner clearance areas.

No structures, walls, fences, signs, landscaping or other obstructions to visibility shall be permitted between the heights of 30 inches and six feet above the existing street grade within a triangular area formed by the intersection of two street right-of-way lines connected by a diagonal across the interior of such lines at points ten feet from the point of intersection. Trees shall be permitted within the triangular area, provided that limbs and foliage are trimmed so that they do not obstruct visibility or otherwise create a traffic hazard.

Buildings in the B-2 (downtown business) district shall be exempt from this requirement. Upon review of site circulation, visibility and accessibility, the planning commission may require additional corner clearance area for sites in the B-3 (general business) district.



ELEVATION

Corner Clearance Area—Elevation

ARTICLE 6. DESIGN STANDARDS FOR SPECIFIC USES

Sec. 6.001. Intent and scope of regulations.

Each use listed in this article, whether permitted by right or subject to approval as a special land use, shall be subject to the site and use standards specified, in addition to applicable standards and requirements for the district where the use is located. These standards are intended to:

1. Alleviate any adverse impacts of a use that is of an area, intensity or type unique or atypical for the district in which the use is allowed.
2. Mitigate the impact of a use that possesses characteristics unique or atypical for the district in which the use is allowed.
3. Ensure that such uses will be compatible with surrounding land uses.
4. Promote the orderly development of the district and the city as a whole.

Conformance with these standards shall be subject to site plan review. Unless otherwise specified, each use listed in this article shall be subject to all applicable yard, bulk and other standards for the district in which the use is located.

Sec. 6.002. Organization.

For the purposes of clarity and ease of use, the provisions of this article have been organized into the following divisions:

Division 1	Animal and Agricultural Uses
Division 2	Residential Uses
Division 3	Office and Service Uses
Division 4	Community Uses
Division 5	Commercial Uses
Division 6	Industrial, Research and Laboratory Uses
Division 7	Temporary, Special Event and Other Uses

DIVISION 1. ANIMAL AND AGRICULTURAL USES

Sec. 6.101. Farm-based tourism or entertainment activities.

Farms providing tourism or entertainment-oriented facilities or activities for promotion of agriculture, rural lifestyle or farm product sales shall be subject to the following:

1. All vehicular access to the site shall be from a public street classified as a collector, arterial or thoroughfare by the city's master plan, or county or state road authorities.
2. Development or alteration of such facilities shall be subject to site plan review and approval in accordance with article 18 (site plan review).
3. Greenbelt tree plantings, crop growing areas with a depth of not less than 200 feet or other effective visual screening shall be provided where off-site abutting lots are occupied with dwelling structures within 200 feet of any area on the site occupied with sales or entertainment facilities.
4. Adequate off-street parking shall be provided to serve such facilities, subject to planning commission approval.

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5. Noise levels shall not exceed 65 decibels at any lot lines of the farm where an adjacent lot is occupied by a dwelling within 200 feet of the lot line, nor shall it exceed a maximum of 75 decibels at any other lot line or street right-of-way.
 6. Hours of operation of any outdoor entertainment facilities shall be limited to reasonable hours, subject to planning commission approval.

Sec. 6.102. Greenhouses, nurseries, garden centers, and feed stores.

Greenhouses, nurseries, garden centers and feed stores shall be subject to the following:

1. *Accessory to an active farm use.* Greenhouses, nurseries, garden centers and feed stores not located in a business district shall be accessory to an active farm use on the same zoning lot.
2. *Setbacks.* Plant storage and display areas shall comply with the minimum setback requirements for the district in which the establishment is located.
3. *Storage.* The storage of soil, wood chips, fertilizer, or similar loosely packaged materials shall be contained to prevent blowing of materials or dust upon adjacent properties and access by small animals. Such storage areas shall be screened in accordance with section 11.04 (methods of screening and buffering).
4. *Other conditions.* The planning commission may require stored materials to be covered, and may impose additional conditions upon the use to minimize adverse impacts on adjacent uses.

Sec. 6.103. Kennels and animal shelters.

Animal shelters and kennels for animal breeding or boarding (keeping) shall be subject to the following:

1. *Minimum lot area.* Kennels and animal shelters for the boarding (keeping) of animals shall have a minimum lot area of one acre. Kennels that provide animal breeding services shall have a minimum lot area of five acres.
2. *Screening.* Structures where animals are kept, outdoor runs, and exercise areas shall be screened in accordance with section 11.04 (methods of screening and buffering), and shall have impervious surfaces and an approved system for runoff, waste collection, and disposal.
3. *Use standards.* Animals shall not be kept or quartered outside of the buildings between 8:00 p.m. and 8:00 a.m. All structures and ventilation systems used for kennel purposes shall be constructed to prevent noise and odors from reaching the building exterior. Kennels shall be kept clean, and waste shall be treated and handled in such a manner as to control odor and flies.
4. *Setbacks.* Structures where animals are kept, outdoor runs and exercise areas shall not be located in any required yard setback areas, and shall also be set back at least 50 feet from existing residential uses or residentially zoned property.
5. *Other conditions.* Kennels and animal shelters shall conform with the applicable standards of Chapter 14 (Animals) of the Code of Ordinances, and shall be subject to all permit and operational requirements established by appropriate regulatory agencies. The planning commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.

Sec. 6.104. Private riding stables.

All private stables, arenas and related facilities for the rearing, schooling and housing of horses, mules, ponies and similar riding animals shall meet the following requirements:

1. *Accessory use.* Private riding stables shall be accessory to another animal or agricultural use or residential use on the same zoning lot.
2. *Minimum lot area and setbacks.* Stable sites shall have a minimum of five acres. All structures wherein animals are kept shall not be less than 100 feet from any occupied dwelling or to any adjacent building used by the public.
3. *Animal density.* The number of permitted animals shall not exceed two animals for the first five acres of net lot area, plus one animal per additional acre of net lot area.
4. *Performance standards.* Stables shall be enclosed by a suitable fence, and shall be maintained so that odor, dust, noise or water drainage shall not constitute a nuisance or hazard to adjoining premises.
5. *City council approval.* The keeping and housing of horses, mules, ponies and similar riding animals in the city shall be subject to city council approval in accordance with Chapter 14 (Animals) of the Code of Ordinances.

Sec. 6.105. Produce stands and farm markets.

Produce stands and farm markets shall be subject to the following:

1. *Sale of produce.* All produce or products for sale shall be grown or produced on the premises or made from produce grown or material produced on the premises.
2. *Size.* Where permitted, each lot shall be limited to a maximum of one seasonal produce stand not larger than 400 square feet. The stand shall be portable and shall be removed from its roadside location during seasons when it will not be in use.
3. *Signs.* All signs used in connection with the use shall be temporary, and shall be removed when the stand is not in use. All signs shall comply with the requirements of article 13 (signs).
4. *Permits.* A zoning permit is required. The city planner may require any supporting documentation such as a sketch plan that illustrates locations of all structures, parking areas, driveways, signs and other structures. The zoning permit shall be issued for a period not to exceed 120 days. A site may have only two such permits issued in any one calendar year.

Sec. 6.106. Veterinary clinics.

Veterinary clinics and hospitals shall comply with the following requirements:

1. *Setbacks.* Structures shall be set back at least 50 feet from abutting residential districts.
2. *Landscaping and screening.* Outdoor enclosures or runs shall be screened from street rights-of-way and adjacent residential districts and uses per section 14.04 (methods of screening and buffering).
3. *Operating requirements.* The clinic shall be operated by a licensed or registered veterinarian, and shall be subject to the following:
 - a. All boarding shall be limited to animals brought in for treatment or surgery, unless the site has also been approved as a kennel per section 6.102 (kennels and animal shelters).

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- b. All activities shall be conducted within a completely enclosed building constructed to ensure that noise and odors shall not be perceptible beyond the lot boundaries.
 - c. Outdoor exercising is allowed, provided that the pet is accompanied by an employee. Animals shall not be kept or quartered outside of the buildings between 8:00 p.m. and 8:00 a.m.
4. *Other conditions.* Veterinary clinics and hospitals shall conform with the applicable standards of Chapter 14 (Animals) of the Code of Ordinances, and shall be subject to all permit and operational requirements established by appropriate regulatory agencies. The planning commission may impose other conditions and limitations deemed necessary to prevent or mitigate possible nuisances related to noise or odor.

DIVISION 2. RESIDENTIAL USES

Sec. 6.201. Accessory dwelling units.

It is the intent of this section to permit apartments accessory to and within principal single-family dwellings in the R-1, R-2 and R-3 districts for the purpose of accommodating the desire of some senior citizens, family groups, and other persons with special needs for private housing close to relatives, and to extend the economic life of some larger houses in certain older neighborhoods by allowing the owner to justify substantial renovation or modernization costs.

It is further the intent of this section to permit apartments accessory to and within principal buildings occupied by office and service uses or commercial uses in the B-1 (local business) and B-2 (downtown business) districts, subject to specific standards designed to preserve the predominantly commercial character of these districts.

The standards of this section are designed to prevent the undesirable proliferation of multiple-family buildings in predominantly single-family neighborhoods, and to preserve the character and appearance of principal buildings that include one or more accessory dwelling units.

- A. *Accessory to detached single-family dwellings.* The following shall apply to dwelling units accessory to detached single-family dwellings:
 - 1. All accessory dwelling units shall be located entirely within the principal building. Accessory dwelling units shall be prohibited in any detached accessory structures.
 - 2. The exterior of the principal building shall remain unchanged, so that it does not give the appearance of being divided into separate units. Access to an accessory dwelling unit shall be limited to a common front foyer, or a separate entrance door on a side wall. The use of exterior stairways to provide access to upper floor accessory dwellings shall be prohibited.
 - 3. Each accessory dwelling unit shall have a minimum gross floor area of 450 square-feet, and accessory dwelling units not occupy more than 25 percent of the principal building's gross floor area.
 - 4. The principal building shall be the primary and permanent legal residence of the owner(s) of the property. The owner(s) of the property shall occupy a minimum of 1,500 square feet of gross floor area within the principal building. Permitted accessory dwelling units shall be clearly secondary to the use of the dwelling as a residence.
- B. *Accessory to office and services uses or commercial uses.* The following shall apply to dwelling units accessory to office and services uses or commercial uses:

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1. Accessory dwelling units shall be contained entirely within the principal building, and shall occupy no more than 50 percent of the gross floor area of the building.
 2. Accessory dwelling units shall not be located on the ground floor or basement of the principal building.
 3. Each accessory dwelling unit shall have separate kitchen, bath, and toilet facilities and a private entrance. Where there is more than one accessory dwelling unit in a building, such entrances may be provided from a common hallway.

Sec. 6.202. Adult foster care large group homes, and other managed or state-licensed residential facilities.

The following regulations shall apply to adult foster care large group homes, and other managed or state-licensed residential facilities:

1. *Licensing.* In accordance with applicable state laws, such uses shall be registered with or licensed by the State of Michigan, and shall comply with the standards outlined for such facilities.
2. *Separation requirements.* New adult foster care large group homes and other managed or state-licensed residential facilities shall be located a minimum of 1,500 feet from any other state licensed residential facility, as measured between the nearest points on the property lines of the lots in question. The planning commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood, or in the city overall.

Sec. 6.203. Bed and breakfast inns.

Bed and breakfast inns shall be subject to the following:

1. *Primary residence.* The principal building shall be the primary and permanent legal residence of the bed and breakfast inn operator. Meals or other services provided on the premises shall only be available to residents, employees and overnight guests of the establishment.
2. *Guests.* There shall be a maximum of five (5) rooms for lodging, with a maximum of 15 guests at any given time. Guests may stay no longer than 30 consecutive days, and 60 days in any one calendar year. Off-street parking areas shall be provided for guests outside of any required front yard. Stacking of more than two vehicles in a driveway is prohibited.
3. *Landscaping.* Screening shall be provided between adjacent residences and parking areas or any outdoor eating area, in compliance with section 11.04 (methods of screening and buffering).
5. *Appearance.* The exterior of the principal building shall remain unchanged. The use of exterior stairways to provide access to upper floor sleeping rooms shall be prohibited.
6. *Additional signs prohibited.* Signage for the bed and breakfast inn shall be limited to signs permitted for residential uses, per article 13 (signs).

Sec. 6.204. Family and group child day care homes.

The following regulations shall apply to family and group child day care homes:

1. *Licensing.* In accordance with applicable state laws, all child day care homes shall be registered with or licensed by the State of Michigan, and shall comply with the standards outlined for such facilities.

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2. *Outdoor play area.* A minimum of 150 square feet of outdoor play area shall be provided per child, at the maximum licensed capacity of the day care home, in the rear yard area of the day care home premises. The outdoor play area shall be suitably fenced and screened.
 3. *Pick-up and drop-off.* Adequate areas shall be provided for employee and resident parking, and pick-up and drop-off of children or adults, in a manner that minimizes pedestrian-vehicle conflicts, and allows maneuvers without affecting traffic flow on the public street.
 4. *Separation requirements.* New group child day care homes shall be located a minimum of 1,500 feet from any other state licensed residential facility, as measured between the nearest points on the property lines of the lots in question. The planning commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood, or in the city overall.
 5. *Hours of operation.* Day care homes shall operate a maximum of 16 hours per day.

Sec. 6.205. Home occupations.

Home occupations shall be subject to the following:

A. *Use standards.*

1. *Intensity of use.* Home occupations must be clearly incidental and secondary to the use of the dwelling as a residence. No more than 25 percent of the habitable floor area of the residence, and 25 percent of the floor area of any accessory structure may be used for the home occupation.
2. *Employment.* No persons shall be employed in the home occupation, other than the dwelling occupants.
3. *Customer or client visits.* A home occupation shall not generate more than ten customer or client visits per day, nor more than 20 customer or client visits per week. No more than two customers or clients may be present at any given time.
4. *Parking and deliveries.* Traffic generated by a home occupation shall not be greater in volume than that normally generated by a typical residence in the neighborhood. Home occupations shall be limited to the parking or storage of one commercial vehicle on the premises not exceeding a three-quarter-ton capacity, provided such vehicle is directly related the home occupation. Delivery vehicles used to deliver goods to a home occupation are limited to automobiles, passenger vehicles, mail carriers and express package carriers. Hours of operation. Customer or client visits, and deliveries associated with the home occupation shall be limited to between the hours of 8:00 a.m. and 8:00 p.m.

B. *Permitted home occupations.* The following uses shall be permitted as home occupations:

1. Home offices for such professionals as architects, doctors, brokers, engineers, insurance agents, lawyers, realtors, accountants, writers, salespersons and similar occupations.
2. Personal services, including barber shops, beauty parlors, manicure and pedicure shops, grooming, catering, and chauffeuring services.
3. Home office for a massage therapist, subject to the standards of section 6.304 (therapeutic massage).
4. Tutoring, and studios for artists, sculptors, musicians, and photographers.
5. Workshops for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry, and wood-working.

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6. Repair services, limited to watches and clocks, small appliances, bicycles, computers, electronic devices, and similar small devices.
 7. Home occupations not specifically listed may be permitted as a special land use by the planning commission, subject to the provisions of this section, and article 17 (special land uses).
- C. *Prohibited uses.* The following uses are expressly prohibited as a home occupation:
1. Motor vehicle, recreational vehicle or small engine repair; bump and paint shops; and salvage or storage yards.
 2. Kennels, animal shelters, and veterinary clinics.
 3. Medical or dental clinics.
 4. Retail sales of merchandise, and eating or drinking establishments.
 5. Undertaking and funeral homes.
 6. Adult uses and sexually-oriented businesses.
 7. Uses similar to the above listed uses, or any use which would, in the determination of the city planner, result in nuisance factors as defined by this ordinance.
- D. *Other prohibited activities.* Home occupations shall not include:
1. Outdoor display or storage of materials, goods, supplies or equipment used in the home occupation.
 2. The use of machinery, equipment or facilities not commonly incidental or accessory to a residential dwelling.
 3. Changes or alterations to the character or appearance of the residence.
 4. Use of any signs or outside displays on the premises, except as permitted for residential dwellings in article 13 (signs).
 5. Parking of vehicles on the site or within the street right-of-way in excess of the amount customarily incidental to a single-family dwelling.
- E. *Violations.* Failure to maintain a lawfully established home occupation in compliance with the standards of this section or any conditions of approval shall be a violation of this ordinance. Upon complaint, and verification of a violation by the city planner, the operator of the home occupation shall be notified by the city, and shall have ten working days to correct the violation. If the violations are not corrected within that time, the permit to operate the home occupation shall be revoked and all related activities shall cease.
- Failure by the operator to allow a zoning inspection or provide reasonable information to the city to verify compliance with this section shall be a violation of this ordinance.

Sec. 6.206. Manufactured housing parks.

Manufactured housing parks shall be subject to all the rules and requirements of the Mobile Home Commission Act (P.A. 96 of 1987, as amended), the Manufactured Housing Commission General Rules, and the following minimum requirements:

1. *Plan review.* The preliminary plan for a manufactured housing park shall be submitted to the city and reviewed by the planning commission in accordance with the application requirements and procedures specified in Section 11 of the Mobile Home Commission Act (P.A. 96 of 1987, as amended). The planning commission shall take action to approve or deny the preliminary plan, or approve the

preliminary plan subject to conditions, within 60 days after the city officially receives a complete and accurate application. The planning commission may table an application for further study, or to obtain additional information, provided that final action is taken within the 60-day review period. A copy of the state-approved final construction plan shall be submitted to the city prior to the start of construction on the site.

2. *Minimum area for a manufactured housing park.* The minimum parcel size for manufactured housing parks shall be 15 acres, excluding adjacent parcels proposed for expansion.
3. *Minimum manufactured housing site size.* Manufactured housing parks shall be developed with a minimum manufactured housing site size of 5,500 square feet. Individual sites may be reduced to as small as 4,400 square feet, provided that for every square foot of land gained through such reduction, at least an equal amount of land shall be dedicated as open space for the collective use and enjoyment of all manufactured housing park residents. This open space shall be in addition to the minimum open space required under section 6.206.11 (open space), or the Manufactured Housing Commission Rules.
4. *Setbacks.* Manufactured houses shall comply with the following minimum setbacks:
 - a. For a home not sited parallel to an internal road, 20 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year.
 - b. For a home sited parallel to an internal road, 15 feet from an adjacent home, including an attached structure that may be used for living purposes for the entire year if the adjacent home is sited next to the home on and parallel to the same internal road or an intersecting internal road.
 - c. Ten feet from an attached or detached structure or accessory of an adjacent home that may not be used for living purposes for the entire year.
 - d. Fifty feet from any permanent building.
 - e. One hundred feet from any baseball, softball or similar recreational field.
 - f. Seven feet from the back of curb or edge of pavement for an internal road.
 - g. Seven feet from an adjacent home site's parking space or off-site parking bay.
 - h. Seven feet from a common sidewalk.
 - i. All mobile homes, accessory buildings and parking shall be set back not less than 20 feet from any manufactured housing park boundary line, except that a minimum setback of 50 feet shall be provided from the street rights-of-way of public streets abutting the park.
 - j. Fifty feet from the edge of any railroad right-of-way.
5. *Maximum height.* The maximum height of any community or similar building in a manufactured housing park shall not exceed two stories or 35 feet, whichever is less. Storage or service buildings shall not exceed one story or 15 feet.
6. *Roads.* Roads shall satisfy the minimum dimensional, design, and construction requirements in the Manufactured Housing Commission Rules. The main entrance to the park shall have access to a public street by a permanent easement, which shall be recorded by the developers. All roads shall be hard-surfaced.
7. *Parking.* Each manufactured housing site shall be provided with two parking spaces per the Manufactured Housing Commission Rules.
8. *Common storage areas.* If boats, boat trailers and utility trailers are permitted to be parked within the manufactured housing park, adequate parking spaces for such vehicles shall be provided in a central or

collective parking area. This area shall be in addition to the automobile parking requirements of this section, and shall be adequately locked, fenced and permanently buffered.

9. *Sidewalks.* Concrete sidewalks having a minimum width of three feet shall be provided on at least one side of internal manufactured housing park streets. In addition, a five-foot wide concrete sidewalk shall be constructed along any public street abutting the manufactured housing park.
10. *Accessory buildings and facilities.* Accessory buildings and structures, including park management offices, storage buildings, laundry facilities or community facilities, shall be designed and operated for the exclusive use of park residents.
 - a. Site-built buildings and structures within a manufactured housing park, such as a management office or clubhouse, and any addition to a manufactured house that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development (HUD) for manufactured houses, shall be constructed in compliance with applicable state building, electrical and fire codes and shall be subject to approval of appropriate permits and certificates of occupancy by the city.
 - b. Storage shed with a maximum area of 144 square feet may be placed upon any individual manufactured home site for the storage of personal property. Such structures shall be constructed in accordance with applicable standards of the State Construction Code enforced by the city. Except as otherwise noted in this section, no personal property (including tires) shall be stored outside or under any manufactured home, or within carports which are open on any side. Bicycles and motorcycles may be parked in carports. Seasonal outdoor storage of outdoor cooking grills is permitted, so long as they are kept on either a finished wooden deck, a concrete or asphalt patio, or equivalent type of surface associated with the home.
11. *Open space.* Any manufactured housing park containing 50 or more manufactured housing sites shall provide a minimum of 25,000 square feet of dedicated and contiguous open space, which shall be shown on the preliminary plan. Any other open space areas or recreational improvements provided at the developer's option shall also be shown on the preliminary plan. This open space may include the two percent minimum open space requirement established in the Manufactured Housing Commission General Rules.
12. *Perimeter screening.* Where a manufactured housing park abuts an existing residential development, screening shall be provided along the boundary abutting the residential development. If the manufactured housing park abuts non-residential development, screening shall not be required.
13. *Screening along public rights-of-way.* A landscaped screen shall be provided along all public streets abutting the manufactured housing park. This screen shall consist of evergreen trees or shrubs at least three feet in height, planted so as to provide a continuous screen at maturity.
14. *Alternative screening.* Alternative screening devices may be utilized if they conceal the manufactured housing park as effectively as the required landscaping elements described above.
15. *Parking lot landscaping.* Landscaped planting strips and islands shall be dispersed throughout all parking lots to direct traffic flow, create shade and break-up large expanses of pavement. Parking lot landscaping shall be subject to the following standards:
 - a. All landscaped areas shall be designed to ensure proper protection of the plant materials. Where adjacent to streets, driveway aisles, or parking areas, shall be protected with concrete curbing. Plant materials used shall be hardy, salt-tolerant species characterized by low maintenance requirements.
 - b. The size and number of planting islands and proposed plantings shall be in scale with the overall site, and shall clearly define the egress/ingress points, interior circulation system and fire lanes.

Landscaping shall not obscure traffic signs or lighting, access to fire hydrants or motorist sight-distance.

- c. Planting islands shall have a minimum width of five feet and a minimum area of 100 square feet. A minimum of one deciduous shade tree shall be provided for each 100 square feet of planting area within the island. Ornamental trees, shrubs, mulch or groundcover shall be used to cover all unplanted areas of the island.
16. *Trash disposal.* The proposed method(s) and location(s) of trash storage and disposal shall conform to the requirements of Part 5 of the Michigan Department of Environmental Quality (MDEQ) Manufactured Home Park Standards, and shall be identified on the preliminary plan.
17. *Awnings.* Awnings may be attached to any manufactured house. Awnings shall comply with the setback and distance requirements set forth in this section, and shall require a permit.
18. *Sewer service.* Public sewer systems shall be required in a manufactured housing park, if available within 200 feet of the park boundaries at the time of preliminary plan approval. If a public sewer system is unavailable, the development shall connect to a state-approved sewage system.
19. *Water service and storm drainage systems.* Water supply and drainage systems shall conform to the requirements of Parts 2—4 of the Michigan Department of Environmental Quality (MDEQ) Manufactured Home Park Standards.
20. *Telephone and electric service.* All electric, telephone, cable TV, and other lines within the park shall be underground, per the Manufactured Housing Commission General Rules.
21. *Fuel oil and gas.* Any fuel oil and gas storage shall be located in underground tanks, at a safe distance from all manufactured housing sites. All fuel lines leading to manufactured housing sites shall be underground and designed in conformance with the Manufactured Housing Commission Rules and other applicable local, county and state regulations.
22. *Operational requirements.*
 - a. *Permit.* It shall be unlawful for any person to operate a manufactured housing park unless that individual obtains a license for such operation in compliance with the requirements of the Mobile Home Commission Act (P.A. 96 of 1987, as amended). The building official shall communicate recommendations regarding the issuance of such licenses to the director of the bureau of construction codes and fire safety, Michigan Department of Labor and Economic Growth.
 - b. *Violations.* Whenever, upon inspection of any manufactured housing park, the building official finds that conditions or practices exist which violate provisions of this section, the building official shall give notice in writing by certified mail to the director of the bureau of construction codes and fire safety, Michigan Department of Labor and Economic Growth, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance. This process shall be governed by Sections 17(2) and 36 of the Mobile Home Commission Act (P.A. 96 of 1987, as amended).

The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.
 - c. *Inspections.* The building official or other authorized city agent is granted the authority, as specified in the Mobile Home Commission Act, P.A. 96 of 1987, as amended, to enter upon the premises of any manufactured housing park for the purpose of determining compliance with the provisions of this ordinance or other regulations referenced herein.

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- d. *License.* A manufactured housing park shall not be operated until a license has been issued by the State of Michigan.
23. *Sale of mobile homes.* The business of street selling new or pre-owned manufactured homes as a commercial operation in connection with the operation of a manufactured housing community shall be prohibited. The operator of a manufactured housing community, or designee, who is an authorized licensed manufactured home retailer or broker, is permitted to feature and sell in-park model homes to be located on a variety of sites within the manufactured housing community.
- New or pre-owned manufactured houses located on sites within the manufactured housing park, to be used and occupied on that site, may be sold by a authorized licensed manufactured home retailer or broker, or by a resident of the manufactured housing park, provided the park's regulations permit such sale.
24. *Mailbox clusters.* The United States Postal Service may require that manufactured housing parks be served by clusters of mailboxes serving several sites rather than individual mailboxes serving individual sites. If mail box clusters are required, they shall be located at least 200 feet from any intersection of a manufactured housing park road with a public road.

Sec. 6.207. Multiple-family dwellings and developments.

Multiple-family dwellings and developments shall comply with the following:

1. *Architectural details.* Walls visible from a street or other residential uses shall include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials. All buildings shall have pitched roofs, which may include functional dormer windows and varying lines customary with gable or hip style roofing. Standing seam metal roofing is prohibited.
2. *Street design and vehicle circulation.* Street connections shall be provided to adjacent neighborhoods and parcels in residential districts. Ingress and egress from the public streets shall be designed to minimize congestion and interference with normal traffic flow. All interior streets, drives, and parking areas shall be subject to city engineering standards, and shall be hard surfaced with curbs and gutters. Drainage shall be designed to contain stormwater draining within the site, and to minimize impacts on adjacent lots.
3. *Pedestrian circulation.* Minimum five-foot wide concrete sidewalks shall be provided along both sides of interior streets, and from parking areas, public sidewalks and recreation areas to all building entrances. Public sidewalks shall be provided along abutting public streets per chapter 78 (streets, sidewalks, and other public places) of the Code of Ordinances.
4. *Parking.* The planning commission may give credit towards parking requirements where abutting on-street parking is available. All off-street parking spaces must be screened from view of any public road, pedestrian path, or adjacent residential use in compliance with section 11.04 (methods of screening and buffering).
5. *Recreation areas.* Passive or active recreation areas (including but not limited to seating areas, playgrounds, swimming pools, walking paths and other recreational elements in accordance with the intended character of the neighborhood) shall be provided at a ratio of at least 15 percent of the gross lot area. The minimum size of each area shall be not less than 5,000 square feet, and the length to width ratio of each area, as measured along the perimeter, shall not exceed four to one (4:1). Such areas shall be centrally and conveniently located to be physically and visibly accessible to residents, and shall not be located within any required yard setbacks or building separations.

6. *Utilities.* All multiple-family dwellings shall be connected to the public sewer and public water system per Chapter 94 (Utilities) of the Code of Ordinances.
7. *Other requirements.* Adequate landscaping and screening shall be provided along all property lines that abut a residential district or use, and along all street frontages. Parking or storage of recreational vehicles, boats, utility trailers or similar items shall be prohibited, except in areas designated on an approved site plan.

Sec. 6.208. Senior and elderly housing.

Elderly and senior housing shall be subject to the following:

- A. *General standards for all elderly and senior housing.* All types of elderly and senior housing shall comply with the following:
 1. *Common outdoor recreation space.* Common outdoor recreation space for residents shall be provided, subject to the following:
 - a. The total area shall equal or exceed ten percent of the gross lot area, and shall include areas for both passive and active recreation appropriate for the anticipated users. If developed in phases, the recreation space improvements shall be completed in proportion to the gross floor area constructed in each phase.
 - b. Off-street parking areas, street rights-of-way or street setback areas, access drives, perimeter yard setbacks and submerged land areas of a pond, lake, river or stream shall not be counted as recreation space.
 2. *Private outdoor living space.* Private outdoor living space shall be provided for each independent or congregate dwelling unit. Such space shall be adjacent to the unit, and the total area shall equal or exceed ten percent of the gross floor area of the unit. Assisted living elderly housing shall not require private outdoor living space.
 3. *Access.* Sidewalks shall be provided from main building entrances to sidewalks along adjacent streets. All vehicular access to the site shall be from a public street classified as a collector, arterial or thoroughfare by the city's master plan, or county or state road authorities. The planning commission may allow secondary access from local streets. Vehicles shall be able to easily circulate within and through the site to a designated pick-up/drop-off area, without impeding circulation on the site or traffic on nearby roads.
 4. *Resident facilities.* Meeting and activity facilities, dining room facilities, beauty or barber shops, laundry rooms and similar accessory facilities for facility residents, employees and their guests shall be permitted as accessory uses.

BUILDING RELATIONSHIP	MINIMUM BUILDING SEPARATION
Front to front	70 feet
Front to side	50 feet
Side to side	20 feet
Side to rear	50 feet
Front to rear	70 feet
Rear to rear	70 feet

5. *Building separation.* Where building groupings change direction and are connected or tied together by a gate opening or similar structure not more than six feet in width, such units shall be

considered together as one building. Separation distance between buildings shall be subject to the following:

B. *Independent elderly housing.* The following additional standards shall apply to independent elderly housing, as defined in section 25.02 (definitions):

1. *Minimum floor area.* All dwelling units shall meet the following minimum floor area requirements:

UNIT TYPE	MINIMUM FLOOR AREA
Studio or efficiency	400 square feet
1 bedroom	600 square feet
2 or more bedrooms	800 square feet

2. *Maximum density.* The maximum number of independent elderly housing units shall not exceed the density permitted in the zoning district.

C. *Dependent elderly housing.* The following additional standards shall apply to dependent elderly housing, as defined in section 25.02 (definitions):

1. *Maximum density.* The maximum density of the dependent elderly housing units shall not exceed a maximum of two dependent elderly housing units per dwelling unit permitted in the zoning district.

2. *Minimum lot area and setbacks.* Sites must have a minimum lot area of two acres. The principal building and all accessory building shall be setback a minimum distance of 40 feet from all property lines.

3. *State and federal regulations.* Such facilities shall be constructed, maintained, and operated in conformance with applicable state and federal laws and licensing requirements.

4. *Accessory uses.* Accessory retail, restaurant, office, and service uses may be permitted within the principal residential building. No exterior signs of any type are permitted for these accessory uses.

Sec. 6.209. Single-family dwellings, detached.

This section is not intended to discourage architectural variation, but shall seek to promote the reasonable compatibility of the character of dwelling units, thereby protecting the economic welfare and property value of surrounding residential uses and the city at large. Detached single-family dwellings, except manufactured houses located in an approved and licensed manufactured housing parks, shall comply with the following standards:

1. *Building orientation and layout.*

a. *Exterior wall and roof configuration.* Dwelling units shall be provided with an exterior building wall, foundation and roof configuration that are similar to the dwelling units on adjacent properties or in the surrounding residential neighborhood. The minimum width across any front, side or rear elevation shall be 24 feet, and the average width to depth or depth to width ratio shall not exceed three to one (3:1).

b. *Exterior finish materials.* Dwelling units shall be provided with exterior finish materials similar to and aesthetically compatible with the dwelling units on adjacent properties or in the surrounding residential neighborhood. Such materials shall include siding or wall materials, windows, porches, shingles and other roofing materials. Standing seam metal roofing is prohibited.

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- c. *Foundation.* Dwelling units shall be permanently attached to a perimeter foundation and shall have the same perimeter dimensions as the dwelling. All such dwellings shall be secured to the premises by an anchoring system or device that is in full compliance with all applicable codes and rules.

Where a dwelling is proposed to be set on piers or other acceptable foundations not at the perimeter of the dwelling, a perimeter wall shall also be constructed of durable materials that meet all local requirements with respect to materials, construction and necessary depth below the frost line. Any such wall shall also provide an appearance compatible with the dwelling and other homes in the area.

- 2. *Utilities.* All single-family dwellings shall be connected to the public sewer and public water system.
- 3. *Storage.* The dwelling units shall contain storage capability in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which shall be equal to a minimum of ten percent of the square footage of the dwelling or 100 square feet, whichever is less.
- 4. *Front porch.* New dwellings shall be constructed with a primary entrance on the front facade and connected to the public sidewalk or right-of-way by a paved path, with a front porch or stoop that is at least six feet in width and depth, and 70 square-feet in area.
- 5. *Determinations.* The compatibility of design and appearance shall be determined by the building official, subject to appeal by an aggrieved party to the zoning board of appeals. The building official may require the applicant to furnish such plans, elevations and similar documentation as is deemed necessary to permit a complete review and evaluation of the proposal.

Any determination of compatibility shall be based upon these standards, with a comparison to the character, design and appearance of homes in the same neighborhood within 300 feet of the subject lot, outside of any manufactured housing parks. If the area within 300 feet does not contain any such homes, then the nearest 25 similar type dwellings shall be considered.

DIVISION 3. OFFICE AND SERVICE USES

Sec. 6.301. Body art parlors and body piercing studios.

Tattoo Parlors shall be subject to the following:

- A. *License requirements.* All body art or piercing artists operating within the City of Richmond shall comply with all licensing, health, and sanitation requirements from the Macomb County Health Department.
- B. *Hours of operation.*
 - 1. No body art or piercing studio shall be kept open for any purpose between the hours of 11:00 p.m. and 8:00 a.m. Sunday through Thursday, and from 2:00 a.m. to 8:00 a.m. on Friday and Saturday.

(Ord. No. 156-14, 3-17-14; Ord. No. 156-28 , § I, 2-15-21)

Sec. 6.302. Catering facilities.

In the O (office), B-1 (local business), and B-2 (central business) districts, catering facilities shall only be permitted as an accessory use located entirely within the space occupied by a permitted restaurant use.

(Ord. No. 156-14, 3-17-14)

Sec. 6.303. Funeral homes or mortuaries.

Funeral homes, mortuaries and crematoriums shall be subject to the following:

1. *Assembly area.* An adequate assembly area shall be provided off-street for funeral processions and activities. All maneuvering area and exit aprons shall be located within the site and may be incorporated into the required off-street parking. Streets and alleys shall not be used for maneuvering or parking of vehicles.
2. *Screening.* The service and loading area shall be screened from adjacent residential areas in accordance with section 11.04 (methods of screening and buffering).
3. *Caretaker's residence.* A caretaker's residence shall be permitted accessory to a funeral home, mortuary or crematorium use, in accordance with the following:
 - a. An accessory dwelling unit within the principal building shall be subject to the requirements of subsection 6.201.B. (accessory dwelling units).
 - b. A detached single-family dwelling located on the same lot with the principal use shall be subject to the requirements of section 6.208 (single-family dwellings, detached), and the area, height and bulk requirements for the R-3 (single-family residential) district specified in the schedule of regulations.
4. *Crematoriums.* Crematoriums are an industrial, research, and laboratory use subject to the use standards of article 4 (land use table) and section 6.602 (intensive industrial operations).

(Ord. No. 156-14, 3-17-14)

Sec. 6.304. Hospitals and urgent care centers.

Hospitals shall be subject to the following:

1. *Setbacks.* The principal building and all accessory buildings shall be set back a minimum of 100 feet from any property line.
2. *Frontage and access.* Hospitals shall have frontage on, and direct vehicle access to a public street classified as a collector, arterial or thoroughfare by the city's master plan, or county or state road authorities.
3. *Accessory uses.* Accessory uses, such as a pharmacy, gift shop, cafeteria, place of worship, and similar uses shall be allowed within the principal building to serve the needs of patients, employees and visitors.
4. *Screening.* Ambulance parking, emergency room and urgent care entrances, and loading areas shall be effectively screened from all adjacent residential uses by the building design, landscaping, or a masonry wall.
5. *State and federal regulations.* Hospitals shall be constructed, maintained, and operated in conformance with applicable state and federal law.

(Ord. No. 156-14, 3-17-14)

Sec. 6.305. Therapeutic massage.

Massage therapy clinics and uses shall be subject to the following:

(Supp. No. 39)

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1. *Accessory use.* In addition to districts where therapeutic massage is permitted as a principal use, hospitals, sanitariums, nursing homes, medical clinics or the offices of physicians, chiropractors, osteopaths, psychologists, clinical social workers or family counselors licensed to practice in the state shall be permitted to provide massage therapy services as an accessory use. Beauty salons, barber shops, and retail stores selling physical therapy supplies shall also be permitted to provide massage therapy services as an accessory use.
 2. *Certification.* All massage therapists shall be licensed (where such licenses are available), and shall be certified members of the American Massage and Therapy Association or International Myomassethics Federation. Proof of such licenses or certifications shall be provided to the city.
 3. *Adult massage parlors prohibited.* All activities that meet the definition of an adult use or sexually-oriented business shall be prohibited.

(Ord. No. 156-14, 3-17-14)

Sec. 6.306. Workshops or studios.

Workshops, studios, showrooms or offices of photographers, skilled trades, decorators, artists, upholsterers, tailors, taxidermists and similar businesses; or for repair and service of bicycles, electronics, small appliances, furniture, shoes, and similar items shall be subject to the following standards by zoning district:

1. *Office (O) and industrial (I-1 or I-2) districts.* Showrooms or sales and display areas for sales of products or services at retail on the premises shall be limited to no more than ten percent of the usable floor area occupied by the use.
2. *Business (B-1, B-2 or B-3) districts.* Showrooms or sales and display areas for sales of products or services at retail on the premises shall occupy a minimum of 50 percent of the usable floor area occupied by the use, and shall include the street level façade.

(Ord. No. 156-14, 3-17-14)

DIVISION 4. COMMUNITY USES

Sec. 6.401. Cemeteries.

Cemeteries and similar uses shall be subject to the following:

1. *Ingress and egress.* All access shall be provided from a public road classified as a state highway or county primary road by the city's master plan, or county or state road authorities.
2. *Screening.* All sides of the cemetery shall be screened from abutting residential districts or existing residential uses, and secured by a continuous fence or wall, per section 11.04 (methods of screening and buffering).
3. *Setback.* All crypts, mausoleums, and other buildings containing bodies or remains, other than a subterranean grave, shall be located at least 100 feet from the nearest lot line.
4. *Continuity.* The location of such facility shall not disrupt the convenient provision of utilities to adjacent lots, nor disrupt the continuity of the public street system.
5. *Compliance.* An approved cemetery shall comply with all federal, state and local laws, and applicable regulations of the State of Michigan.

Sec. 6.402. Child or adult day care centers and child caring institutions.

The following regulations shall apply to child or adult day care centers and child caring institutions:

1. *Licensing.* In accordance with applicable state laws, such uses and facilities shall be registered with or licensed by the State of Michigan, and shall comply with the minimum standards outlined for such facilities.
2. *Outdoor recreation area for child day care centers.* A minimum of 150 square feet of outdoor recreation area shall be provided and maintained per child at the licensed capacity of the child day care center or child caring institution, provided that the overall area shall not be less than 5,000 square feet. The outdoor recreation area shall be suitably fenced, secured, and screened from abutting residential uses in accordance with section 11.04 (methods of screening and buffering). The planning commission may approve the use of off-site outdoor recreational facilities to satisfy this requirement.
3. *Pick-up and drop-off.* Adequate areas shall be provided for employee and resident parking and pick-up and drop-off of children or adults in a manner that minimizes pedestrian-vehicle conflicts and disruption of traffic flow on the public streets.
4. *Access and frontage.* Such uses and facilities shall have frontage on, and direct vehicle access to a public street classified as a collector, arterial or thoroughfare by the city's master plan, or county or state road authorities. Vehicle access to local streets shall be limited to secondary access where necessary for health and safety purposes.
5. *Separation requirements.* New child or adult day care centers or child caring institutions shall be located a minimum of 1,500 feet from any other state licensed residential facility, as measured between the nearest points on the property lines of the lots in question. The planning commission may permit a smaller separation between such facilities upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood, or in the city overall.
6. *Hours of operation.* Day care facilities in residential districts or accessory to a residential use shall operate a maximum of 16 hours per day. Child caring institutions shall be permitted to operate 24 hours per day.

Sec. 6.403. Institutional uses.

Institutional uses, as defined in section 25.02 (definitions), shall be subject to the following:

1. *Height.* The principal building's height shall be permitted to exceed the maximum height requirements of the district up to a maximum height of 50 feet, provided that the minimum required front, side and rear yard setbacks shall be increased above the minimum required by one foot per foot of building height exceeding the district maximum. The highest point of chimneys, church spires, cupolas, domes, and similar structures may be erected to a height not exceeding twice the height of the building, provided that no such structure shall occupy a total area greater than 20 percent of the roof area of the building.
2. *Screening.* Screening shall be provided in accordance with section 11.04 (methods of screening and buffering) where the site abuts a residential district or use.
3. *Accessory facilities.* Accessory facilities such as rental, fellowship or social halls, gymnasiums or recreation facilities, and similar uses incidental to the principal use shall be permitted, subject to the requirements of this ordinance. Other uses on the site, such as retreat facilities or conference centers, schools, accessory dwellings, and similar uses shall meet the requirements of this ordinance for such uses.

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4. *Frontage and access.* Such uses shall have frontage on, and direct vehicle access to a public street classified as a collector, arterial or thoroughfare by the city's master plan, or county or state road authorities. Vehicle access to local streets shall be limited to secondary access where necessary for health and safety purposes.
 5. *Traffic impacts.* A traffic impact study may be required by the planning commission for institutional uses that have a seating capacity of over 500 persons, per section 10.06 (traffic impact studies).

Sec. 6.404. Public utility and essential service structures and uses.

Public utility and essential service structures and uses shall be subject to the following:

1. *Need and location requirements.* Applicants shall provide evidence that operating requirements necessitate the location of the facility within the district for the intended service area. Where feasible, utility structures and public service buildings shall be located so as to not hinder the development of the area or detract from the value of adjoining development.
2. *Use requirements.* Such structures and uses shall be subject to conditions or limitations designed to minimize any adverse impacts from the use on surrounding properties. Structures shall be architecturally compatible with the surrounding neighborhood. Electric or gas regulator equipment, emergency generators, and pumping stations and apparatus shall be set back a minimum of 20 feet from all lot lines.
3. *Off site impacts.* Such uses shall not create a health or safety hazard, a nuisance, or have adverse impact on the surrounding area either due to appearance or operation.
 - a. *Fencing and screening.* Security fencing is permitted, and screening requirements are subject to planning commission approval based on analysis of potential effect on surrounding properties. Any permitted storage yards shall be screened from adjacent residential districts or uses in accordance with section 11.04 (methods of screening and buffering).
 - b. *Solid waste transfer stations.* In no case shall access to a solid waste transfer station be provided through a residential area.

Sec. 6.405. Recreation, indoor and outdoor.

Indoor and outdoor recreational facilities and uses, except public parks, shall be subject to the following:

1. *Frontage and access.* Where the indoor or outdoor recreation facilities are designed or intended to serve areas beyond the immediate neighborhood, such uses shall have frontage on, and direct vehicle access to a public street classified as a collector, arterial or thoroughfare by the city's master plan, or county or state road authorities. Vehicle access to local streets shall be limited to secondary access where necessary for health and safety purposes.
2. *Permitted uses.* Permitted uses may include, but shall not be limited to recreational, fitness and athletic fields, tracks or courts; roller/in-line, skateboarding, and ice-skating rinks; playgrounds; bowling alleys; swimming pools open to the general public or operated by a private non-profit organization; archery ranges; golf courses or driving ranges; and similar activities and facilities.
3. *Accessory uses.* Permitted accessory uses to the above permitted uses may include, but shall not be limited to refreshment stands, retail shops selling items related to the above uses, maintenance buildings, offices for management functions, spectator seating and service areas, including locker rooms and rest rooms. Accessory retail or commercial facilities shall be designed to serve only the patrons of the recreation facility, unless otherwise listed as a permitted use in the district where the facility is located.

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4. *Use standards.*
 - a. The location, layout, design, or operation of recreation facilities shall not impair the continued enjoyment, use, and future orderly development of adjacent and nearby properties. The applicant shall provide documentation that the site area is adequate, according to national standards for the use.
 - b. A plan to control loitering and litter shall be provided, and all recreation uses shall comply with section 8.301 (performance standards).
 - c. Hours of operation, maintenance, lighting, and irrigation may be restricted by the planning commission to protect nearby residential districts.
 5. *Setback requirements.* No structure or spectator seating facility shall be located within 50 feet of a lot line abutting a residential zoning district boundary or lot occupied by an existing dwelling. Pools shall be at least 50 feet from any residential zoning district, and shall comply with section 7.03 (swimming pools, hot tubs and similar facilities).
 6. *Screening.* The planning commission may require screening of any outdoor recreational facilities where such uses abut a residential district, in accordance with section 11.04 (methods of screening and buffering).

DIVISION 5. COMMERCIAL USES

Sec. 6.501. Amusement centers.

Amusement centers and arcades that provide space for patrons to engage in the playing of mechanical amusement devices or similar activities shall be subject to the following:

1. *Access and location.* All amusement arcades shall have frontage on, and direct vehicle access to a public street classified as a collector, arterial or thoroughfare by the city's master plan, or county or state road authorities.
2. *Floor area limitations.* Amusement centers and arcades located in the B-2 (downtown business) district shall not exceed a maximum usable floor area of 1,500 square feet.
3. *Outdoor amusement centers.* Outdoor amusement centers shall be subject to the standards of section 6.508 (open air business and outdoor display areas).

Sec. 6.502. Car washes.

Wash facilities for automobiles, trucks, recreational vehicles, and other motor vehicles shall be subject to the following:

1. *Lot size and frontage.* A self-service car wash shall have a minimum lot area of 10,000 square feet, with a minimum of 100 feet of frontage on a public street classified as a collector, arterial or thoroughfare by the city's master plan, or county or state road authorities. An automatic car wash shall have a minimum lot area of 20,000 square feet, with a minimum of 150 feet of frontage along a major street.
2. *Setbacks.* All car washes shall have a minimum front yard setback of 30 feet. All buildings shall maintain a 50 foot setback from any residential district or use.
3. *Screening.* Such uses shall be screened from all street rights-of-way and abutting residential districts or uses in accordance with section 11.04 (methods of screening and buffering).

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4. *Access.* Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or adjacent pedestrian crossings.
 - a. Vehicle access to local streets shall be prohibited.
 - b. The edge of any access drives shall be set back a minimum of 50 feet from the intersections of two street right-of-way lines. No more than one access drive curb opening shall be permitted per street.
 - c. Permitted curb cuts shall have a minimum width of 24 feet at the street right-of-way line, and a maximum width of 30 feet.
 5. *Use standards.*
 - a. All washing facilities shall be completely within an enclosed-building.
 - b. Vacuuming facilities may be outside the building, but shall not be in the front yard and shall not be closer than 100 feet from any residential district or existing residential use.
 - c. Exit lanes shall be sloped to drain water back to the wash building or to drainage grates.
 - d. Automatic drying equipment shall be provided within the wash facility, or adequate drying area for at least two vehicles shall be provided at the wash facility exit.
 - e. Drains shall be provided at all entrances and exits to prevent surface drainage from flowing across public sidewalks or into the street right-of-way.
 6. *Traffic impacts.* A traffic impact study may be required by the planning commission, per section 10.06 (traffic impact studies).

Sec. 6.503. Drive-in or drive-through lanes or facilities.

The following shall apply to all accessory drive-in or drive-through lanes, facilities or establishments, in addition to any requirements for the principal use:

1. *Location and minimum lot width standards.* Sites shall have a minimum of 100 feet of frontage on a public street classified as a collector, arterial or thoroughfare by the city's master plan, or county or state road authorities.
2. *Access.* Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or adjacent pedestrian crossings.
 - a. Vehicle access to local streets shall be prohibited.
 - b. The edge of any access drives shall be set back a minimum of 50 feet from the intersections of two street right-of-way lines. No more than one access drive curb opening shall be permitted per street.
 - c. Permitted curb cuts shall have a minimum width of 24 feet at the street right-of-way line, and a maximum width of 30 feet.
3. *Traffic.* A traffic impact study may be required by the planning commission, per section 10.06 (traffic impact studies).
4. *Use standards.*
 - a. *Bypass lane.* A bypass lane or similar means of exiting or avoiding the drive-through facility shall be provided, subject to planning commission approval.

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- b. *Noise.* Devices for the transmission of voices shall be so directed or muffled as to prevent sound from being audible beyond the boundaries of the site.
 - c. *Prohibited uses.* Sales of alcoholic beverages shall be prohibited through any drive-in or drive-through service window or facility.
 5. *Screening.* Such uses shall be screened from all street rights-of-way and abutting residential districts or uses in accordance with section 11.04 (methods of screening and buffering).
 6. *Menu boards.* Menu boards may be erected, subject to the following:
 - a. Such signs shall be located on the interior of the lot and shall be shielded so that they are not visible from street rights-of-way and abutting residential districts or uses.
 - b. The location, size, content, coloring or manner of illumination of a menu board shall not constitute a traffic or pedestrian hazard, or impair vehicular or pedestrian traffic flow in any manner.
 - c. Each menu board shall not exceed 48 square feet in sign area.

Sec. 6.504. Hotels and inns.

Hotels shall be subject to the following:

1. *Design.* Each unit available for rental within a hotel shall have a minimum gross floor area of 300 square feet, and at least one full bath and bedroom.
2. *Use standards.* The hotel shall provide customary cleaning, laundry and maintenance services to all guest rooms.
3. *Caretaker's residence.* An owner's residence or accessory dwelling unit for a manager shall be permitted accessory to and located within a principal hotel building, subject to the requirements of section 6.201B (accessory dwelling units).
4. *Other accessory facilities.* A hotel may include any of the following amenities as accessory uses:
 - a. A dining room within the principal building to serve the needs of guests and employees.
 - b. Banquet facilities and meeting rooms.
 - c. A freestanding restaurant located on the same site or contiguous site, and developed simultaneously or in advance of the hotel.
 - d. Gift shops, convenience stores, and similar retail uses within the principal building to serve the needs of guests and employees.

Sec. 6.505. Medical marihuana dispensary, compassion centers, grow facilities, or other similar operations for the use, consumption, or distribution of medicinal marihuana.

It shall be unlawful for any person or entity to own, manage, conduct, or operate a medical marihuana dispensary, compassion center, grow facility, or other similar operation, or to participate in such operation as an employee, contractor, agent or volunteer, or in any other manner or capacity, in any medical marihuana dispensary, compassion center, grow facility, or other similar operation in the City of Richmond.

(Ord. No. 156-13, 11-21-2011)

Sec. 6.506. Motion picture cinemas.

Motion picture cinemas shall be subject to the following:

1. *Screening.* Screening shall be provided in accordance with section 11.04 (methods of screening and buffering) where the site abuts a residential district or use.
2. *Access.* Sites shall have frontage on a public street classified as an arterial or thoroughfare by the city's master plan, or county or state road authorities. Vehicle access to local or collector streets shall be prohibited.
3. *Traffic impacts.* A traffic impact study may be required by the planning commission, per section 10.06 (traffic impact studies), for facilities that have a seating capacity of over 500 persons.

(Ord. No. 156-13, 11-21-2011)

Sec. 6.507. Motor vehicle service centers, repair stations, and fueling stations.

Service centers, repair stations and fueling stations for automobiles, trucks, recreational vehicles, and other motor vehicles shall be subject to the following:

1. *Minimum lot size and setbacks.* The minimum lot area shall be 15,000 square feet, with a minimum of 150 feet of frontage on a public street classified as a collector, arterial or thoroughfare by the city's master plan, or county or state road authorities. Pump island canopies shall be setback a minimum of 20 feet from any right-of-way line. Fuel pumps shall be located a minimum of 30 feet from any right-of-way line.
2. *Access.* Curb openings for drives shall not be permitted where the drive would create a safety hazard or traffic nuisance for other ingress and egress drives, traffic generated by other buildings or uses, or adjacent pedestrian crossings.
 - a. Vehicle access to local streets shall be prohibited.
 - b. The edge of any access drives shall be set back a minimum of 50 feet from the intersections of two street right-of-way lines. No more than one access drive curb opening shall be permitted per street.
 - c. Permitted curb cuts shall have a minimum width of 24 feet at the street right-of-way line, and a maximum width of 30 feet.
3. *Overhead doors.* Overhead doors shall not face residential districts or uses. The planning commission may modify this requirement upon determining that there is no reasonable alternative, subject to adequate screening being provided in accordance with section 11.04 (methods of screening and buffering).
4. *Pump island canopy.* The proposed clearance of any pump island canopy shall be noted on the site plan. Any signs, logo or identifying paint scheme on the canopy shall be reviewed by the planning commission. All lighting fixtures under the canopy shall be fully recessed into the canopy structure.

The planning commission may permit a maximum intensity of 20.0 footcandles for lighting under the canopy, provided that site lighting is otherwise in compliance with this ordinance.
5. *Repair and service use limitations.* All equipment and service bays shall be entirely within an enclosed building, and all repair work shall be conducted completely within an enclosed building. Repair stations shall not be permitted on sites immediately adjacent to any residential zoning district or use.

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6. *Temporary vehicle storage.* The storage, sale, rental or display of new or used cars, trucks, trailers, and any other vehicles, vehicle components and parts, materials, commodities, supplies or equipment on the premises is prohibited except in conformance with the requirements of this section and ordinance. Inoperable vehicles shall not be stored or parked outside for a period exceeding 30 days for repair stations and 24 hours for service centers. Partially dismantled vehicles, damaged vehicles, new and used parts, and discarded parts shall be stored within a completely enclosed building.
 7. *Accessory uses.* Accessory retail and restaurant uses shall conform to the standards for such uses, as specified in this ordinance.
 8. *Noise and odors.* There shall be no external evidence of service and repair operations, in the form of dust, odors, or noise, beyond the interior of the service building. Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of paint odors. Building walls facing any residential districts or uses shall be of masonry construction with soundproofing.
 9. *Screening.* Such uses shall be screened from all street rights-of-way and abutting residential districts or uses in accordance with section 11.04 (methods of screening and buffering).
 10. *Traffic impacts and pollution prevention.* The applicant shall submit a Pollution Incidence Protection Plan (PIPP) describing measures to prevent groundwater contamination caused by accidental gasoline spills or leakage, such as special check valves, drain back catch basins and automatic shut off valves. A traffic impact study may also be required by the planning commission, per section 10.06 (traffic impact studies).

(Ord. No. 156-13, 11-21-2011)

Sec. 6.508. Outdoor cafes and eating areas.

Outdoor eating areas and sidewalk cafes shall be permitted as an accessory use, subject to the following:

1. *Sidewalks and pedestrian circulation.* Pedestrian circulation and access to building entrances shall not be impaired, subject to the following:
 - a. A minimum of five feet of sidewalk along the curb and leading to the entrance to the establishment must be maintained free of tables and other encumbrances, unless an alternative layout and means of access is approved by the planning commission.
 - b. Planters, posts with ropes or other enclosures shall be used to define the area occupied by the outdoor cafe.
 - c. No permanent installations shall be permitted within the street right-of-way.
2. *Use standards.* The outdoor cafe must be kept clean, litter-free, and with a well-kept appearance within and immediately adjacent to the area of the tables and chairs. Additional outdoor waste receptacles may be required. Written procedures for cleaning and waste containment and removal responsibilities shall be included with all applications and approved by the planning commission. Broadcasting of music or any other amplified sound shall be prohibited.
3. *Compatibility.* Tables, chairs, planters, waste receptacles, and other elements of street furniture should be compatible with the architectural character of the adjacent buildings. If table umbrellas will be used, they should complement building colors.
4. *Signs.* Additional signs are not permitted beyond those permitted for the existing use.
5. *Permits.* Outdoor cafes on public property shall be subject to annual zoning permit approval by the city planner.

(Ord. No. 156-13, 11-21-2011)

Sec. 6.509. Open air businesses, outdoor display areas, and dealership sales lots.

Open air businesses, and outdoor display areas for sale, exhibition, rental or leasing or equipment, machinery, automobiles and other motor vehicles, recreational vehicles and trailers, boats, building supplies, hardware and other items shall be subject to the following:

1. *Location requirements.* All sales activity and the display of all merchandise shall be limited to the area specified on an approved plan. No sales activity or display of merchandise shall be permitted in a street right-of-way or required setback area, except as follows: Limited outdoor display areas shall be permitted within the street right-of-way in the B-1 (local business) and B-2 (downtown business) districts, subject to annual zoning permit approval by the city planner.
2. *Setback requirements.* Open air businesses and outdoor display areas shall be set back a minimum of ten feet from any parking area, driveway or access drive, and 20 feet from any residential district or use.
3. *Sidewalk standards.* The proposed activity shall be located so as to ensure safe vehicular and pedestrian circulation. A minimum of five feet of sidewalk width to the entrance of the establishment shall be maintained free for pedestrian circulation.
4. *Maintenance standards.* Open air businesses and outdoor display areas shall be kept clean, litter-free, with outdoor waste receptacles provided. Written procedures for cleaning and waste containment and removal responsibilities shall be included with all applications and approved as part of site plan review. Vending machines and devices for the outdoor broadcasting of voice, telephone monitoring, music or any other amplified sound shall be prohibited.
5. *Surface.* Sales and display areas shall be provided with a permanent, paved surface of bituminous asphalt, concrete or similar paving materials, and shall be graded and drained so as to dispose of all surface water. All areas for display of motor vehicles, recreational vehicles, and similar items shall be paved.
6. *Screening.* Such uses and associated site improvements shall be separated from any required parking areas by landscaping, a decorative wall or other architectural feature, and shall be screened from street rights-of-way and abutting residential districts or uses in accordance with section 11.04 (methods of screening and buffering).
7. *Hours of operation.* Operational hours for open air businesses, outdoor display area, and exterior lighting may be restricted by the planning commission to protect nearby residential districts.
8. *Temporary structures and uses.* Temporary structures including display tables or fixtures to be used as part of the proposed sales area shall be erected in a safe manner in accordance with any applicable city codes, ordinances or regulations.

(Ord. No. 156-13, 11-21-2011)

Sec. 6.510. Package liquor stores.

These regulations are intended to minimize potential adverse impacts from stores that sell packaged beer, wine and liquor on adjacent uses and the quality of life and property values of abutting residential neighborhoods, where a concentration of such stores may disrupt business investment, increase crime or contribute to blight in the surrounding area.

Stores that sell packaged beer, wine and liquor shall be set back a minimum of 1,000 feet from any other store that sells packaged beer, wine and liquor, all churches, temples and other places of worship, all child care facilities, schools, parks, hospitals, and adult only use or sexually-oriented businesses. The separation distance between uses shall be measured horizontally between the nearest point of each property line.

(Ord. No. 156-13, 11-21-2011)

Sec. 6.511. Pawnshops.

Pawnshops shall be located at least 500 feet from all existing pawnshops, and all windows and display areas shall be kept neat and orderly.

(Ord. No. 156-13, 11-21-2011)

Sec. 6.512. Recording studios.

No internal noise or sounds shall be audible outside of the building or beyond the walls of the space occupied by the studio. External activities generating noise or sound shall be no greater than the existing background noise level of the surrounding area.

(Ord. No. 156-13, 11-21-2011)

Sec. 6.513. Retail stores and commercial uses with 40,000 square feet or more of gross floor area.

Uses subject to the requirements of this section shall include, but shall not be limited to "Big-Box" stores, supermarkets, wholesales stores, shopping centers and malls:

1. *Access and circulation.* A traffic impact study shall be required meeting the requirements of section 10.06 (traffic impact studies). Sites shall have frontage on a public street classified as an arterial or thoroughfare by the city's master plan, or county or state road authorities. Vehicle access to local or collector streets shall be prohibited. The design shall ensure that vehicular circulation patterns are appropriately designed to eliminate potential conflicts between traffic generated by the site, and traffic and adjacent streets and streets. The number and location of curb cuts shall be the minimum necessary to provide adequate access to the site.
2. *Shopping center outlots.* The site design, circulation, parking layout and building architecture of any outlots in a multi-tenant shopping center shall be complementary to and fully integrated with the design of the overall site. Separate curb cuts for any outlots shall be prohibited, except where determined to be necessary by the planning commission.
3. *Compatibility.* The site and building design of such uses in the B-2 (central business) district shall be compatible with the character, layout and appearance of other buildings and uses in the district, as determined by the planning commission.
4. *Screening.* Screening shall be required from adjacent residential districts in accordance with section 11.04 (methods of screening and buffering), along with adequate screening for all loading facilities, trash dumpsters, and mechanical equipment.
5. *Loading areas.* Loading/unloading of merchandise or equipment, and trash disposal or compaction shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. Trucks or trailers parked at a loading

dock may be unloaded onto the loading dock between the hours of 10:00 p.m. and 7:00 a.m., provided that all activity occurs inside the truck or trailer or within the building.

6. *Pedestrian access.* A six-foot wide concrete sidewalk shall be provided from public sidewalks to all public entrances in a manner that effectively separates pedestrians from vehicular traffic. Driveway crossings shall be clearly delineated with pavement striping.

(Ord. No. 156-13, 11-21-2011)

DIVISION 6. INDUSTRIAL, RESEARCH, AND LABORATORY USES

Sec. 6.601. Hazardous materials storage.

Hazardous materials storage facilities shall be subject to the following:

1. *Compliance with outside agency standards.* Such uses shall comply with current standards established by the U.S. Environmental Protection Agency, the U.S. Department of Agriculture, State of Michigan, county health department and other county, state or federal agencies with jurisdiction.
2. *Application information.* The applicant shall supply the following documentation with any plan submitted for review:
 - a. Description of all planned or potential discharge of any type of wastewater to a storm sewer, drain, lake, stream, wetland, other surface water body or into the groundwater.
 - b. MSDS (Material Safety Data) sheets shall be provided to the city for all types of hazardous materials proposed to be stored on-site, including common name, name of chemical components, location, maximum quantity expected on hand at any time, type of storage containers or base material, and anticipated procedure for use and handling.
 - c. Description of any transportation, on-site treatment, cleaning of equipment, and storage or disposal of hazardous waste or related containers.
 - d. Description of any secondary containment measures, including design, construction materials and specifications, and security measures.
 - e. Description of the process for maintaining and recording of all shipping manifests.
3. *Setbacks and screening.* Such uses shall be set back a minimum of 500 feet from any residential district or use. Such uses shall be screened from all street rights-of-way and abutting residential districts or uses in accordance with section 11.04 (methods of screening and buffering).
4. *Parking and loading.* All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
5. *Impact assessment.* The proposed use may have significant impacts upon the environment, traffic, infrastructure or demands for public services that potentially exceed anticipated impacts of other uses permitted in the district. The applicant shall submit an impact assessment describing the expected odor, aesthetic, environmental, and traffic impacts associated with the use. The assessment shall also describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater.

The assessment shall include proposed mitigation measures to be employed, which shall be subject to planning commission approval. The city reserves the right to hire experienced professionals to evaluate the impact assessment and prepare additional analyses, with the cost borne by the applicant.

Sec. 6.602. Intensive industrial operations.

Intensive industrial operations shall be subject to the following:

1. *Setbacks and screening.* Such uses shall be set back a minimum of 500 feet from any residential district or use. Such uses shall be screened from all street rights-of-way and abutting residential districts or uses in accordance with section 11.04 (methods of screening and buffering).
2. *Parking and loading.* All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
3. *Impact assessment.* The proposed use may have significant impacts upon the environment, traffic, infrastructure or demands for public services that potentially exceed anticipated impacts of other uses permitted in the district. The applicant shall submit an impact assessment describing the expected odor, aesthetic, environmental, and traffic impacts associated with the use. The assessment shall also describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater.

The assessment shall include proposed mitigation measures to be employed, which shall be subject to planning commission approval. The city reserves the right to hire experienced professionals to evaluate the impact assessment and prepare additional analyses, with the cost borne by the applicant.

Sec. 6.603. Outdoor storage, general.

General outdoor storage shall be subject to the following:

1. *Setbacks.* Any storage area shall comply with the minimum setback requirements for the district in which the facility is located, and no storage shall be permitted in the front yard.
2. *Screening.* Storage areas shall be screened from all street rights-of-way and abutting uses in accordance with section 11.04 (methods of screening and buffering). The planning commission may permit the use of a screen wall up to ten feet or fence up to eight feet in height, upon determination that the additional height is necessary to adequately screen the proposed use.
3. *Use standards.* All outdoor storage areas shall further comply with the following:
 - a. No materials shall be stored above the height of the required wall or fence.
 - b. No junk or junk vehicles shall be stored, and no trailer, manufactured home or truck trailer shall be stored or used for storage.
 - c. Stored materials shall be contained to prevent blowing of materials or dust upon adjacent properties and access by small animals. The planning commission may require stored materials to be covered, and may impose additional conditions upon the use to minimize adverse impacts on adjacent uses.
 - d. The planning commission may require outside storage areas to be paved or surfaced with hard surface material, and may require installation of a storm water drainage system.

Sec. 6.604. Outdoor storage, dismantling or recycling of motor vehicles, recreational vehicles, manufactured houses, and similar items.

Outdoor storage, dismantling or recycling of motor vehicles, recreational vehicles, manufactured houses and similar items shall be subject to the following:

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1. *Minimum lot size and setbacks.* All outdoor storage, dismantling or recycling areas shall be set back a minimum setback of 150 feet from the front lot line or street right-of-way, and a minimum of 20 feet from rear and side lot lines.
 2. *Location.* Such uses shall be located not less than 1,000 feet from any residential district, and not less than 300 feet distant from any other zoning district boundary.
 3. *Screening.* Such storage areas shall be screened from all street rights-of-way and abutting uses in accordance with section 11.04 (methods of screening and buffering). The planning commission may permit the use of a screen wall up to ten feet or fence up to eight feet in height, upon determination that the additional height is necessary to adequately screen the proposed use.
 4. *Surfacing.* All roads, driveways, parking lots, and loading and unloading areas shall be paved and provided adequate drainage.
 5. *Permits.* All required city, county, and state permits shall be obtained prior to establishing a junkyard.
 6. *Use standards.* The applicant must demonstrate that the activities of the salvage yard will comply with all state and federal regulations, the requirements of this ordinance, and the following:
 - a. No junk vehicles or scrap materials shall be stored above the height of the required wall or fence. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the wall or fence enclosing the yard.
 - b. Vehicles or vehicle bodies shall be stored in rows with a minimum 20-foot wide continuous loop drive separating each row of vehicles.
 - c. All batteries shall be removed and all radiator and fuel tanks drained prior to placing the vehicle in the storage yard. A licensed disposal company shall remove salvaged batteries, oil, and other hazardous substances.
 - d. No vehicle, vehicle bodies, or other materials shall be stored in a manner as to be visible from any residence, business, or street.
 - e. The crushing of vehicles or any part thereof shall be limited to daylight hours, and all processes involving the use of equipment for cutting or compressing shall be conducted within a completely enclosed building.
 - f. The use shall be subject to periodic inspection by the city to ensure continuing compliance with the above standards.
 - g. There shall be no burning on site.
 - h. The total lot area occupied by on-site tire storage or disposal facilities shall be limited to a maximum of five percent of the net lot area of the site. All tires stored on-site for more than 72 hours shall be cut into pieces to prevent collection of stagnant water.

Sec. 6.605. Recycling collection facilities and composting centers.

Recycling collection facilities and composting centers shall be subject to the following:

1. *Access.* Sites shall have frontage on a public street classified as an arterial or thoroughfare by the city's master plan, or county or state road authorities. Vehicle access to local or collector streets shall be prohibited.
2. *Setbacks.* Commercial composting operations shall be at least 500 feet from any residential district or use. All composting operations shall be at least 200 feet from the boundary of any lake, stream, drain, wetland or other surface water body.

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3. *Screening and Landscaping.* Outdoor facilities and composting areas shall be screened from all street rights-of-way and abutting uses in accordance with section 11.04 (methods of screening and buffering).
 4. *Use standards.*
 - a. Recycling facilities shall be limited to the collection of recyclable materials for processing at another site.
 - b. Composting centers shall have a minimum lot area of five acres.
 - c. Stored materials shall be contained to prevent blowing of materials or dust upon adjacent properties and access by small animals. The planning commission may require stored materials to be covered, and may impose additional conditions upon the use to minimize adverse impacts on adjacent uses.
 - d. The planning commission may require outside facilities to be paved or surfaced with hard surface material, and may require installation of a storm water drainage system.
 5. *Impact assessment.* The proposed use may have significant impacts upon the environment, traffic, infrastructure or demands for public services that potentially exceed anticipated impacts of other uses permitted in the district. The applicant shall submit an impact assessment describing the expected odor, aesthetic, environmental, and traffic impacts associated with the use. The assessment shall also describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater.

The assessment shall include proposed mitigation measures to be employed, which shall be subject to planning commission approval. The city reserves the right to hire experienced professionals to evaluate the impact assessment and prepare additional analyses, with the cost borne by the applicant.

Sec. 6.606. Self-storage warehouses.

Self-storage warehouse facilities shall be subject to the following:

1. *Minimum lot area.* The minimum lot area shall be two acres.
2. *Use standards.* Self-storage-warehouses shall be limited to storage of household goods and non-hazardous commercial goods. Storage of recreational vehicles and recreational equipment shall be subject to the following:
 - a. Such storage shall be incidental to the main use of enclosed storage.
 - b. Such storage shall be located to the rear of the lot and subject to any additional screening, as determined by the planning commission at site plan review.
 - c. All such recreational vehicle and equipment storage shall be operable and licensed to operate on the highways of the State of Michigan.
3. *Screening.* All storage facilities shall be screened from adjacent uses and street rights-of-way in accordance with section 11.04 (methods of screening and buffering).
4. *Exterior appearance.* The exterior of any self-storage-warehouse shall be of finished quality and design, subject to the standards of article 12 (building design and composition). Storage buildings shall have pitched roofs and gables, and shall be oriented so that overhead doors do not face toward street rights-of-way, unless such doors are completely screened from view.
5. *Manager or caretaker's residence.* A manager or caretaker's residence shall be permitted accessory to a self storage warehouse use, in accordance with the following:

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- a. An accessory dwelling unit within the principal building shall be subject to the requirements of section 6.201.B. (accessory dwelling units).
 - b. A detached single-family dwelling located on the same lot with the principal use shall be subject to the requirements of section 6.208 (single-family dwellings, detached), and the area, height and bulk requirements for the R-3 (single-family residential) district as specified in article 5 (dimensional standards).

Sec. 6.607. Slaughterhouses, rendering plants, tanneries, stock yards, glue or soap factories, and similar uses.

Slaughterhouses, rendering plants, tanneries, stock yards, glue or soap factories, and similar uses shall be subject to the following:

1. *Separation requirements.* The above uses shall be located at least 1,000 feet from any residential district or use, and 300 feet from any non-residential district boundary, except slaughtering, rendering and penning uses. All slaughtering, rendering and penning of animals to be slaughtered on premises shall be located at least 1,000 feet from any other zoning district boundary.
2. *Sanitation requirements.* The waste and by-products obtained from the slaughtering operations conducted on the premises may be transported to some other location to be rendered. No rendering shall be permitted on products originating outside of the slaughterhouse, and only dry rendering processes shall be used. Sanitary facilities shall be approved by the City of Richmond, county health department, and other outside agencies with jurisdiction. All waste and manure shall be removed daily.
3. *Parking and loading.* All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.
4. *Impact assessment.* The proposed use may have significant impacts upon the environment, traffic, infrastructure or demands for public services that potentially exceed anticipated impacts of other uses permitted in the district. The applicant shall submit an impact assessment describing the expected odor, aesthetic, environmental, and traffic impacts associated with the use. The assessment shall also describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater.

The assessment shall include proposed mitigation measures to be employed, which shall be subject to planning commission approval. The city reserves the right to hire experienced professionals to evaluate the impact assessment and prepare additional analyses, with the cost borne by the applicant.

Sec. 6.608. Warehouses and other storage facilities, distribution plants, freezers and lockers, truck terminals, and distribution facilities.

Warehouses and other storage facilities, distribution plants, freezers and lockers, truck terminals, and distribution facilities shall be subject to the following:

1. *Setbacks.* Terminals shall be set back a minimum of 200 feet from any residential district or use.
2. *Traffic.* A traffic impact study may be required by the planning commission, per section 10.06 (traffic impact studies).
3. *Parking and loading.* All parking, loading and maneuvering space shall be contained within the site. Special consideration shall be given to any potential loading and unloading nuisances on surrounding properties.

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4. *Screening.* Truck and trailer parking areas shall be screened from all street rights-of-way and abutting uses, and screening shall be required on side or rear lot lines abutting a residential district or use, in accordance with section 11.04 (methods of screening and buffering).

DIVISION 7. TEMPORARY, SPECIAL EVENT AND OTHER USES

Sec. 6.701. Adult regulated uses.

All adult-only uses and sexually-oriented businesses, as defined in section 25.02 (definitions), shall be subject to the following:

- A. *Uses specified.* Uses subject to these controls and regulations are herein defined as adult regulated uses of land and the enterprises conducted within are classified as "adult only businesses." These uses and businesses are as follows:
 1. Adult related businesses.
 2. Adult motion picture theaters/arcades or adult live stage performing theater.
 3. Adult book or supply store and video stores.
 4. Adult cabarets.
 5. Adult model studio.
 6. Adult motel.
- B. *Uses not interpreted as adult regulated uses.* The following uses shall not be interpreted as adult regulated uses included within the definition of an adult only business:
 1. Establishments that provide services, as the principal use, by a licensed physician, chiropractor, physical therapist, nurse practitioner or any similarly licensed or certified medical professional.
 2. Establishments that offer massages performed by certified massage therapists.
 3. Gymnasiums, fitness centers, and health clubs.
 4. Electrolysis treatment by a licensed operator of electrolysis equipment.
 5. Continuing instruction in martial or performing arts, or in organized athletic activities.
 6. Hospitals, nursing homes, medical clinics, or medical offices.
 7. Adult photography studios whose business activity does not include the taking of photographs of "specified anatomical areas," as defined in section 25.02 (definitions).
- C. *Site location.* Adult only businesses are prohibited from locating within 1,000 feet of a residential zoning district, existing residentially-used lot or parcel, religious institution, place of worship, school, library, public park or playground, non-commercial assembly facility, public office building, licensed day care facility or arcade within the City of Richmond or surrounding communities. Measurement shall be made from the outer most boundaries of the lot or parcel upon which the proposed adult only business will be situated.

An adult only business shall not be permitted within a 1,000-foot radius of an existing adult only business. Measurement shall be made from the outer most boundaries of the lot or parcel upon which the proposed adult only business will be situated.
- D. *Site development requirements.*

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1. The site layout, setbacks, structures, function, and overall appearance shall be compatible with adjacent uses and structures.
 2. Windows, displays, signs, and decorative structural elements of buildings shall not include or convey examples of a sexual nature. All such displays and signs shall be in conformance with this ordinance.
 3. All building entries, windows, and other such openings shall be located, covered, or screened in such a manner as to prevent viewing into the interior from any public or semi-public area as determined by the planning commission.
 4. No loud speakers or sound equipment shall be permitted to project sound outside of the adult only business.
 5. An adult only business shall clearly post notification at the entrance to the business, or any portion of the business utilized for adult only use, that minors are excluded.
 6. An adult only business shall be located in a freestanding building. A shared or common wall structure or shopping center is not considered to be a freestanding building.
 7. "Adult cabarets" (as defined herein) are required to include a stage raised at least three feet from the viewing floor, with a barrier of at least two feet at the edge of the stage. A person is in violation of the ordinance if he or she permits an entertainer off of the stage or permits a customer on the stage.
 8. "Mainstream media outlets" carrying less than a "substantial portion" of "adult media" (all as defined herein) are not subject to the standards for adult only businesses. Adult media in a shop to which this section is applicable shall be kept in a separate room or section of the shop, which room or section shall:
 - a. Restrict access to any person under the age of 18;
 - b. Shall be physically and visually separated from the rest of the store by an opaque wall of durable material, reaching at least eight feet high or to the ceiling, whichever is less;
 - c. Shall be located so that the main entrance is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children;
 - d. Shall have access controlled by electronic or other means to ensure that persons under age 18 will not gain admission and that the general public will not accidentally enter such room or section or provide continuous video or window surveillance of the room by store personnel; and
 - e. Shall provide notification at all entrances stipulating that persons under 18 are not permitted inside.
- E. *Use regulations.*
1. No person shall reside in or permit a person to reside in the premises of an adult only business.
 2. No person shall operate an adult only business unless there is conspicuously placed in a room where such business is carried on, a notice indicating the process for all services performed therein. No person operating or working at such a place of business shall solicit or accept any fees except those indicated on any posted notice.
 3. The owners, operators, or persons in charge of an adult only business shall not allow entrance into such building or any portion of a building used for such use, to any minors as defined by MCL 722.51 et seq., as amended.

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4. No adult only business shall possess, disseminate or permit persons therein to possess or disseminate on the premises any obscene materials as defined by MCL 752.361 et seq., as amended.
 5. No person shall operate an adult personal service business without obtaining a current zoning and building occupancy permit. Such licenses shall be issued by the city following an inspection to determine compliance with the relevant ordinances of the City of Richmond. Such license shall be subject to all regulations of federal, state, and local governments.
 6. No person shall lease or sublease, nor shall anyone become the lessee or sub-lessee of any property for the purpose of using said property for an adult only business without the express written permission of the owner of the property for such use and only upon having obtained the appropriate licenses and permits from the city, the county, and the State of Michigan.
- F. *Conditions and limitations.* Prior to the granting of any permit herein provided, the planning commission may impose any such conditions or limitations upon the location, construction, maintenance or operation of the establishment or adult only business, as may in its' judgment, be necessary for the protection of the public interest. Failure to follow such limitation or condition will act to immediately terminate any permit or license issued.
- G. *Limit on reapplication.* No application for an adult only business that has been denied wholly or in part shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence not previously considered or proof of a change in conditions from the original request.

Sec. 6.702. Airports, heliports, and related uses.

Airports shall be consistent with the previous of the Airport Zoning Act (Act 23, P.A. of 1950 as amended). Airports, private landing strips, heliports, hangers, masts and related facilities shall meet the following standards:

1. *Plan approval.* The plans for such facilities shall have received approval by the Federal Aviation Agency (FAA) and the Michigan Department of Aeronautics, based on airport classification, prior to submittal to the planning commission for their review and approval.
2. *Minimum standards.* The airport site and design shall comply with the standards established by the FAA and the Michigan Department of Aeronautics concerning obstruction to air navigation.
3. *Clear zones and approaches.* All required "clear zones" (as defined by the FAA) shall be owned by the airport facility. The location and approaches shall be in areas along the route with the lowest density residential or non-residential zoning and development.
4. *Aircraft and vehicle parking.* Sufficient parking shall be provided for aircraft storage. Additional vehicular parking shall be provided for airport users, and for accessory offices, restaurants, sales rooms, and other uses associated with the airport.
5. *Heliport standards.* Heliports shall be clearly defined areas. Heliport surfaces shall be paved and remain clear to prevent debris or other matter from blowing onto adjacent properties. Outdoor routine maintenance of helicopters shall be prohibited from dusk to dawn. Heliport landing approaches shall be clearly illustrated as being clear of vertical obstructions on the site plan. Heliports shall be screened in accordance with section 11.04 (methods of screening and buffering). Rooftop heliports shall demonstrate compliance with all appropriate construction and fire codes.

Sec. 6.703. Circuses, fairs, carnivals, and similar uses.

Circuses, fairs, carnivals, and similar temporary entertainment uses shall be subject to the following:

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- A. *Permits and approvals.* Circuses, fairs, carnivals, and similar temporary entertainment events shall be subject to the following permits and approvals:
1. *Uses subject to administrative approval.* Institutional uses and similar non-profit organizations may hold circuses, fairs, carnivals, and similar temporary entertainment events for the sole purpose of raising money for the financial support of such institutions, subject to zoning permit approval by the city planner. All parking, access, loading or staging areas, and associated activities shall be located entirely on the zoning lot outside of any street rights-of-way.
 2. *Uses subject to city council approval.* All other circuses, fairs, carnivals, and similar temporary entertainment events, including those that are located on municipal property or within street rights-of-way, shall be subject to review and approval by the city council.
 3. *Private parties.* The standards of this section shall not apply to private parties on an individual zoning lot or entirely within a principal building
- B. *Use standards.* The following shall apply to all circuses, fairs, carnivals, and similar temporary entertainment events:
1. *Setbacks.* All buildings, structures and parking shall be at least 100 feet from any residential uses on adjoining properties.
 2. *Access.* Sites shall have frontage on a public street classified as a collector, arterial or thoroughfare by the city's master plan, or county or state road authorities. Vehicle access to local streets shall be prohibited. Adequate stacking area for vehicles entering and leaving the site shall be provided, based upon anticipated traffic levels. Required stacking shall be located on the zoning lot, outside of any street right-of-way.
 3. *Minimize impacts.* Such uses shall not create undue traffic hazards or congestion, and parking, access, loading or staging areas, and associated activities shall be designed to minimize impacts on public services. A traffic impact study may be required by the city to verify impacts on traffic flow and street function and identify proposed mitigation measures, per section 10.06 (traffic impact studies).
 4. *Proof of outside agency approval.* The applicant shall provide the city with proof of appropriate permits from the county health department, county or state road authorities, and other agencies with jurisdiction.
 5. *Insurance.* The applicant shall provide evidence of adequate public liability insurance and property damage insurance to cover potential liability for death or injury to persons, or damage to property, which may result from the conduct of the activity. The policy shall further indemnify the City of Richmond and its prior, present and future officials, representatives and employees from all damage suits or actions of every nature brought or claimed for injuries or damages to persons or property sustained by any person or persons through any act of omission or negligence by the applicant, agents or employees. Said policy shall contain a clause whereby it cannot be canceled or changed until after written notice has been filed with the city at least 30 days prior to the date of cancellation.
 6. *Other conditions.* The city may establish limitations on hours of operation, and other measures necessary to preserve the public peace and tranquility, minimize adverse impacts on nearby uses, maintain traffic operations along public streets, and protect availability of public services. The city council may submittal of a performance guarantee by the applicant to cover anticipated costs for public services needed to support the event.

Sec. 6.704. Garage sales, estate sales, and private auctions.

All garage sales, estate sales and private auctions shall be subject to the requirements of Chapter 66 (Secondhand Goods) of the Code of Ordinances.

Sec. 6.705. Mining and extraction uses.

The purpose of these requirements is to provide for the use of lands that have significant gravel, sand or other deposits for mining or extraction purposes in a manner that complies with the regulations of this ordinance, would not constitute a hazard to the public health, safety and welfare, and would result in reclamation of the land in a suitable manner for other purposes. Such uses shall be subject to the following:

- A. *Site plan information.* The following additional information shall be provided on a site plan:
 - 1. Name and address of the person, firm or corporation who or which will be conducting the actual operation.
 - 2. Location of the processing plant or buildings, whether on-site or off-site.
 - 3. Type of materials or resources to be removed or to be brought to the site.
 - 4. Proposed method of removal or filling, or incineration, general haul route, and whether blasting or other use of explosives will be required.
 - 5. General description of equipment to be used.
 - 6. The estimated time to complete total operations.
 - 7. The total area (expressed in acres) proposed to be excavated or mined.
 - 8. A reclamation plan containing the following information:
 - a. A proposed grading and landscape plan.
 - b. A description of the land use activities proposed to be located on the site upon completion of mining or extraction operations.
 - c. A description and location of the street, drainage, water and sanitary sewer facilities required to serve the uses.
- B. *Impact assessment.* The proposed use may have significant impacts upon the environment, traffic, infrastructure or demands for public services that potentially exceed anticipated impacts of other uses permitted in the district. The applicant shall submit an impact assessment describing the expected odor, aesthetic, environmental, and traffic impacts associated with the use. The assessment shall also describe procedures for managing stormwater runoff and preventing pollution of surface water bodies or groundwater.

The assessment shall include proposed mitigation measures to be employed, which shall be subject to planning commission approval. The city reserves the right to hire experienced professionals to evaluate the impact assessment and prepare additional analyses, with the cost borne by the applicant.
- C. *Minimum lot area and setbacks.*
 - 1. The minimum lot area shall be ten acres.
 - 2. The following minimum setback standards shall apply:
 - a. All structures and machinery shall be a minimum of 100 feet from all property lines and 200 feet from any residential districts or uses.

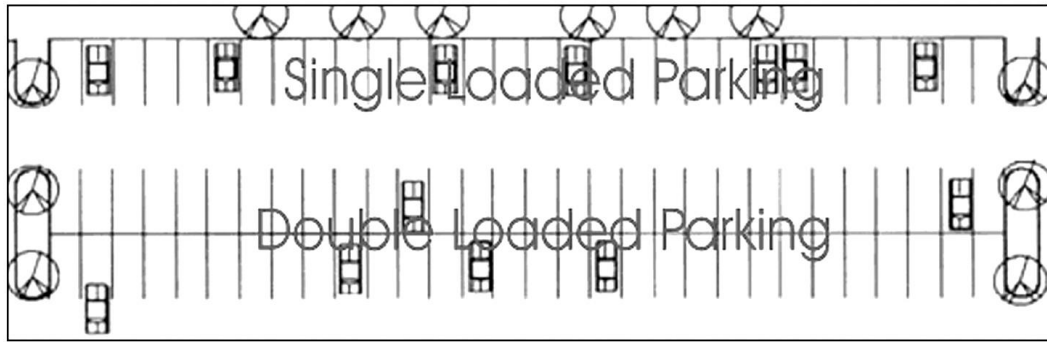
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- b. No mining, excavation, stockpiling of material or processing shall take place less than 100 feet from all property lines and 200 feet from any residential districts or uses. The planning commission may approve a reduction in this setback requirement upon determining that proposed lateral support will adequately protect abutting property, and may require additional setback area upon determining that additional setback area is necessary to adequately protect adjacent property.
 - c. No mining, excavation, stockpiling of material or processing shall take place less than 100 feet from any street right-of-way, except where determined by the planning commission to be necessary to reduce or raise the final elevation to the existing elevation of the street.
- D. *Security.* The site shall be enclosed with a six-foot security fence with a locking access gate. Such fences shall be placed no closer than 50 feet to the top or bottom of any slope. The owner or operator shall place appropriate "KEEP OUT" - "DANGER" signs around said premises not more than 200 feet apart.
- E. *Reclamation plan.* Reclamation and rehabilitation of mining and landfill areas in accordance with the reclamation plan shall be accomplished as soon as practicable following the mining or excavation of an area. Where possible, such rehabilitation and reclamation shall be accomplished concurrently with the mining or excavation operations. Substantial completion of reclamation and rehabilitation shall be effected within two years after termination of mining or excavation activity. Inactivity for a 365 consecutive day period shall constitute termination of mining activity.
- F. *State and federal requirements.* Proof of all required outside agency approvals or permits shall be provided to the city prior to the start of work on the site.
- G. *Access and circulation.* Truck routing shall be restricted to those streets designed to accommodate truck traffic on a year-round basis. All roads used for the purpose of ingress and egress shall be kept dust free.
- H. *Use standards.* Such uses shall comply with the following:
- 1. Creation of a lake or pond shall only be permitted where the applicant can demonstrate using engineering and hydrological studies that the water can be maintained in a non-polluted condition, and that the applicant meets any requirements of the State of Michigan. To protect water wells and the water supply of the city, the pumping or drainage of water from such quarrying operations shall be prohibited.
 - 2. No topsoil shall be removed from the site, and all topsoil shall be redistributed properly upon completion of the extractive activities, or phase thereof.
 - 3. The slopes of the banks of the excavation shall in no event exceed seven feet horizontal to one-foot vertical. Where ponded water results from the operation, this slope shall be maintained and extended into the water to a depth of ten feet

Sec. 6.706. Non-enclosed multiple-family and non-residential parking structures.

Non-enclosed parking structures shall be considered "carports" and shall be subject to the following:

- A. *Carport development standards for multiple-family and non-residential uses.* Carports accessory to a multiple-family or non-residential use and not attached to a principal building shall be subject to the

following:



Carport Structure Standards		
For Multiple-Family and Non-Residential Uses		
Yard standards	Front	Shall conform to the minimum required front yard setbacks specified in article 5 (dimensional standards).
	Side	Shall be set back a minimum of seven feet from any side or rear lot line.
	Rear	
Maximum height	Overall	15 feet
Maximum depth of structure	Single loaded	One standard parking space depth, with a maximum of 30 feet.
	Double loaded	Two standard parking space depths, with a maximum of 45 feet.
Maximum length of structure		120 feet
Minimum structure separation		Ten feet

Illustration showing parking row configurations

B. *Design standards for carport structures.*

- a. Carport structures should be designed to include elements that are architecturally compatible with the main structures in the project and should utilize substantial support posts.
- b. Carport structures abutting property boundaries shall be designed with a front (leading) edge that goes down far enough to shield adjacent properties from vehicle headlights and noise associated with vehicles.
- c. Landscaping material associated with the carport should have adequate room to grow and be protected from abuse by vehicles.
- d. Double loaded parking rows must be accessible on both sides by a drive aisle.

(Ord. No. 156-2, § 1, 9-4-06)

Sec. 6.707. Temporary structures and uses.

Temporary structures and uses may be permitted, including a temporary dwelling installed on a single-family residential lot while a permanent dwelling is under construction. Such structures and uses shall comply with all applicable city codes and ordinances, and the following:

- A. *Use standards.* Temporary structures and uses shall comply with the following:
 - 1. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district.
 - 2. The use shall be in harmony with the purpose and character of the district, and shall comply with all applicable standards of this ordinance.
 - 3. Temporary structures shall comply with the dimensional standards of the district.
 - 4. Adequate provisions shall be made for emergency vehicle access, off-street parking and loading, drainage, and soil erosion.
- B. *Approval.* The granting of the temporary use approval shall be in writing, stipulating all conditions as to time, nature of activity permitted, and arrangements for removal of the use or structure at the end of the permitted period. The city may impose other conditions deemed necessary to protect the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the City of Richmond.
- C. *Duration.* Temporary structures or uses, other than temporary construction buildings approved as part of a site plan, shall be permitted on a site up to a maximum of 365 calendar days. Upon application, the city planner may grant one extension of up to an additional 365 calendar days. The city planner may also impose a lesser maximum time period where deemed necessary.
- D. *Temporary construction buildings.* Installation of temporary buildings, construction trailers or temporary sales offices associated with a construction or development project shall be subject to zoning permit approval. Such buildings shall not be erected for more than 90 calendar days in any district unless the planning commission has approved a site plan for the project. Such buildings shall be removed from the site before a final certificate of occupancy is issued for the primary building.
- E. *Performance guarantee.* To ensure strict compliance with the conditions attached to the issuance of the permit for a temporary structure or use, the applicant may be required to furnish a performance guarantee, per section 1.11 (performance guarantees), in an amount equal to the estimated cost of removing and disposing of the temporary structure or use (\$500.00 minimum). The guarantee shall be returned after the temporary structure or use has been removed from the premises.
- F. *Removal.* Temporary structures or uses, other than temporary construction buildings, shall be removed within ten days after expiration of the permit or approval, or the performance guarantee may be forfeited and the funds used by the city to initiate such removal.
- G. *Mobile food vendors.* Mobile food vendors on private or public property will require Richmond City Council approval. This approval is subject to policies and procedures developed by the Richmond City Council.

(Ord. No. 156-26 , § 1, 5-4-20)

Sec. 6.708. Topsoil removal or stockpiling.

The removal or temporary stockpiling or of topsoil on a site in the City of Richmond shall comply with all applicable federal, state, and local laws, regulations, codes, and ordinances; and shall be subject to the following:

1. *Site plan approval.* Removal or temporary stockpiling of topsoil on a site in the City of Richmond shall be prohibited, except where a site plan for development of the site has received final approval from the city in accordance with article 18 (site plan review).
2. *Zoning permit.* Approval of a zoning permit per section 1.08 (permits) shall be required for removal or temporary stockpiling of topsoil from any site in the city. The permit application shall include a plan showing the following:
 - a. Areas of temporary topsoil stockpiling, and proposed methods of containment.
 - b. Proposed truck route(s) for any removal of topsoil from the site.
 - c. Calculations of the volume of existing topsoil on the site, the minimum volume required to support the planned development of the site, and any volume anticipated to be removed from the site.
3. *Setbacks.* Topsoil stockpiling areas shall comply with the minimum setback requirements for the district, and shall be set back a minimum of 100 feet from the boundary of any residential zoning district or any lot boundary abutting an existing residential use.
4. *Use standards.* Removal or stockpiling of topsoil shall be further subject to the following:
 - a. *Access.* All truck access to the site for removal of topsoil shall be from a public street classified as a collector, arterial or thoroughfare by the city's master plan, or county or state road authorities. Removal of topsoil using local streets shall be prohibited.
 - b. *Containment and screening.* Stockpiled topsoil shall be contained to prevent blowing of materials or dust upon adjacent properties. Such stockpiled areas shall be screened in accordance with section 11.04 (methods of screening and buffering).
 - c. *Limitation on removal.* Removal of topsoil from the site shall be limited only to that determined not to be needed for the planned development on the site, as demonstrated on a plan submitted for zoning permit approval.
5. *Expiration.* Expiration of site plan approval shall also cause any zoning permit for removal or temporary stockpiling of topsoil to immediately expire. No topsoil removal or stockpiling shall take place on a zoning lot except under an approved site plan and approved zoning permit.
6. *Other conditions.* The planning commission may require stockpiled topsoil to be covered, and may impose additional conditions upon the use to minimize adverse impacts on adjacent uses.

ARTICLE 7. ACCESSORY STRUCTURES AND USES

Sec. 7.01. Purpose.

The purpose of this article is to provide consistent regulations for certain structures and uses that are accessory to principal buildings or uses in a zoning district; to protect the general health, safety and welfare; to ensure that the city's property values, appearance, and character are preserved and respected; and to minimize potential off-site impacts from permitted accessory structures and uses.

Sec. 7.02. Accessory structures.

The following shall apply to all new accessory structures in the city, and to alterations, renovations, expansions or other work that includes exterior changes to existing structures:

- A. *General standards.* The following shall apply to accessory structures in all zoning districts:
1. *Timing of construction.* No accessory structure shall be constructed or established on a parcel unless a principal building or use is under construction or already established on the same lot.
 2. *Zoning permit.* All accessory structures exceeding 100 square feet in gross floor area shall be subject to approval of a zoning permit per section 1.08 (zoning permits).
 3. *Location in proximity to easements or rights-of-way.* Accessory structures shall be set back a minimum of one foot from any alley, dedicated easement or right-of-way.
 4. *Attached accessory structures.* Accessory structures structurally attached to a principal building shall conform to the requirements of article 5 (dimensional standards).
 5. *Vehicle shelters.* Temporary or permanent vehicle shelters shall be considered accessory structures, and shall comply with the requirements of this section.
 6. *Non-enclosed multiple-family and non-residential vehicle structures.* Temporary or permanent non-enclosed vehicle shelters shall be considered carports, and shall comply with the requirements of section 6.706 (non-enclosed multiple-family and non-residential vehicle structures).
 7. *Temporary accessory structures and uses.* Temporary accessory structures and uses shall comply with the use standards of article 4 (land use table), and the design standards of section 6.707 (temporary uses and structures).
- B. *Detached accessory structure standards for multiple-family and non-residential uses.* Structures accessory to a multiple-family residential or non-residential use and not attached to a principal building shall be subject to the following:

Detached Accessory Structure Standards For Multiple-Family and Non-Residential Uses	
Yard standards	Shall conform to all minimum required yard setbacks specified in article 5 (dimensional standards).
Maximum height	Shall not exceed the maximum permitted height specified in article 5 (dimensional standards).
Maximum ground floor area	No maximum
Minimum building separation	Ten feet

C. *Detached accessory structure standards for single- and two-family residential uses.* Structures accessory to a single- or two-family residential use and not attached to a principal building shall be subject to the following:

Detached Accessory Structure Standards for Single- and Two-Family Residential Uses		
Yard standards	Front	Shall conform to the minimum required front yard setbacks specified in article 5 (dimensional standards).
	Side	Shall be set back a minimum of five feet from any side or rear lot line, and shall not occupy more than 40 percent of any rear yard.
	Rear	
Maximum height	Overall	22 feet to midpoint of roof (halfway between peak and eaveline)
	Wall	14.5 feet
Maximum ground floor area	The total ground floor area of all accessory structures on the lot shall not exceed seven and one-half percent of the total lot size, or the ground floor area of the principal area, whichever is larger, and a maximum square footage of 3,000 square feet. Any property owner requesting more than 3,000 square feet of accessory structure space shall be subject to planning commission approval.	
Minimum building separation	Ten feet, unless approved by the building official for a distance less than ten feet.	

(Ord. No. 156-2, § I, 9-4-06; Ord. No. 156-29 , § I, 10-4-21)

Sec. 7.03. Swimming pools, hot tubs, and similar facilities.

Private outdoor swimming pools, hot tubs, and similar facilities constructed in, on or above the ground shall be permitted as an accessory use in all zoning districts subject to the following:

1. *Exemption.* The standards of this section shall not apply to permanent above- or below-ground swimming pools, wading pools, and portable pools with a diameter of less than 12 feet, a water surface area of less than 100 square feet, and a maximum water depth of less than two feet.

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2. *Yard limitations.* Private outdoor swimming pools, hot tubs, and similar facilities shall be located only in the rear yard.
 3. *Setback requirements.* Private outdoor swimming pools, hot tubs, and similar facilities shall conform to the following minimum setback requirements:
 - a. Ten feet horizontally from the water's edge to all side and rear lot boundaries, and to the exterior wall of any adjacent principal building.
 - b. Ten feet horizontally from the water's edge to any overhead electrical, cable or telephone wires, and five feet horizontally to any to any underground utility leads or conduits, except for parts of the swimming pool system.
 - c. Twenty-five feet horizontally from the water's edge to any water well and ten feet horizontally to any septic tank, tile field or other treatment facility, unless the county health department approves a shorter distance.
 - d. Three feet horizontally from the water's edge to any dedicated easement or right-of-way. No swimming pool, hot tub or similar facility shall be located within an easement or right-of-way.
 4. *Secured enclosure.* To prevent unauthorized access and protect the general public, private outdoor swimming pools, hot tubs, and similar facilities shall be secured and completely enclosed by a minimum four-foot and maximum six-foot high fence with a self-closing and latching gate, subject to the following:
 - a. Above-ground swimming pools with an overall height above grade of less than four feet shall be enclosed with an integral fence securely attached to the top rail of the swimming pool, provided that any ladders or steps shall be retractable or removable.
 - b. Hot tubs and similar facilities may be secured with a lockable cover as an alternative to the fencing requirement.
 - c. The Building Official may waive the requirement for an enclosure around the pool area upon determining that the entire yard area is adequately fenced and secured against unauthorized access.
 5. *Other requirements.* Construction or alteration of a private outdoor swimming pool, hot tub or similar facility shall be subject to approval of a zoning permit in accordance with section 1.08 (zoning permits), and shall comply with all applicable provisions of the State Construction Code enforced by the city.

Sec. 7.04. Solar collectors and similar facilities.

Solar collectors and similar facilities shall be permitted as an accessory use in all zoning districts subject to the following:

1. *General standards.* The following shall apply to all solar collectors and similar facilities:
 - a. Solar collector panels shall not exceed 32 square feet in area.
 - b. All installation shall be located to prevent the obstruction of sunlight or electronically transmitted signals on adjoining lots.
 - c. All installations shall employ, to the extent feasible, materials and colors that blend with the surroundings.
 - d. Signs, lettering, numbers, logos, symbols or other illustrative markings attached to or painted on a solar collector shall be prohibited.
2. *Freestanding collectors.* The following additional standards shall apply to freestanding solar collectors:

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- a. Freestanding installations shall be located only in the rear yard, and shall comply with all height, bulk, and setback requirements specified in article 4 (dimensional standards).
 - b. Freestanding installation on a pedestal or other type of support shall provide landscaping and fencing, to the extent feasible, to screen the installation from adjacent lots, uses, and street rights-of-way.
3. *Building-mounted collectors.* The following additional standards shall apply to building-mounted solar collectors:
 - a. All solar collectors placed on the roof, which are not flush-mounted, shall be totally enclosed to reduce wind dislocation and heat loss.
 - b. Building-mounted collectors shall be screened from adjacent lots, uses, and street rights-of-way by a parapet wall, fence or similar screening materials.

Sec. 7.05. Keeping of animals.

Keeping of animals accessory to a principal use in any zoning district shall be subject to the provisions of chapter 14 (animals) of the City of Richmond Code of Ordinances.

Sec. 7.06. Ponds.

The creation or expansion of ponds and similar bodies of water accessory to farming or recreational uses, or for residential landscaping purposes, shall be subject to the following:

- A. *Exemption for agricultural ponds and landscape water features.* The standards of this section shall not apply to ponds used for agricultural purposes on parcels of 40 acres or more, and to landscape water features with a maximum water surface area of 75 square feet and a maximum water depth of one foot. Such agricultural ponds and landscape water features shall be subject to the following:
 1. Agricultural ponds and landscape water features shall be located entirely outside of any dedicated easement or right-of-way, and outside of all required yard setbacks as specified in article 5 (dimensional standards).
 2. Agricultural ponds and landscape water features shall be enclosed and secured with fencing or otherwise designed and located to prevent unauthorized access and protect the general public.
 3. Construction or alteration of agricultural ponds and landscape water features shall be subject to approval of a zoning permit in accordance with section 1.08 (zoning permits).
- B. *Design standards.* Ponds shall only be of an excavation type as defined by the Natural Resources Conservation Service (NRCS) engineering standards, and all ponds shall be constructed to NRCS Standard 378, or another applicable standard accepted by the city.
 1. No pond shall encompass more than 15 percent of the gross land area of any lot or parcel of land on which the pond is to be located.
 2. Ponds shall be designed and maintained to prevent runoff, overflow, spillage or seepage from encroaching upon adjacent lots or rights-of-way. Contaminated surface water shall be diverted around all ponds. Pond excavation shall not alter surface or groundwater flow or cause an increase in runoff or drainage to adjacent lots or rights-of-way beyond that which may have occurred prior to its construction.

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3. Sale or transportation of excavated materials off-site shall be considered a mining and extraction use subject to the use provisions of article 4 (land use table) and standards of section 6.705 (mining and extraction uses).
 4. Ponds shall be established and maintained in accordance with all applicable statutes of the State of Michigan. If any of the requirements of this section are less restrictive than applicable state statutes, the state requirements shall prevail.
 5. Pond banks shall have a maximum slope of one foot vertical rise to four feet of horizontal distance, which shall extend below the water's surface to a depth of at least eight feet. The intended water depth shall be a minimum of ten feet to ensure proper aeration and circulation of the water.
 6. All areas disturbed during construction of the pond shall be seeded with grasses or other groundcover suitable for a wetland environment, and shall be maintained in good condition to prevent erosion. Pond shall be maintained in a weed-free condition.
- C. *Setback requirements.* Ponds subject to the standards of this section shall conform to the following minimum setback requirements:
1. Such ponds shall be prohibited within any required front yard setback area, as specified in article 5 (dimensional standards).
 2. The top of the bank of such ponds shall be set back a minimum of 25 feet from all lot boundaries, dedicated easements, and rights-of-way.
 3. Such ponds shall be set back a minimum of 25 feet from any well, septic tank or drain field, and a minimum of 20 feet from the exterior wall of any adjacent principal building.
 4. There shall be a minimum horizontal distance of not less than 20 feet from the water's edge to any overhead electrical, cable or telephone wires.
- D. *Site plan approval.* The creation or expansion of ponds shall be subject to site plan review and approval in accordance with article 18 (site plan review). The planning commission may require submittal of a topographic survey and engineered drawings showing the extent of excavation, proposed fill locations, and proposed soil erosion control measures.
- E. *Other requirements.* The following additional requirements shall apply to all ponds subject to the standards of this section:
1. The property owner or pond developer shall obtain necessary permits and approvals from the Michigan Department of Environmental Quality and county agencies with jurisdiction, or shall provide documentation to the city that the permits or approvals are not required.
 2. Appropriate lifesaving equipment such as ring buoys, ropes, planks, and long poles shall be placed near the pond to be easily seen and accessible for use during an emergency. Appropriate warning signs shall be provided and maintained.
 3. Trespassing, swimming, wading, playing, or other unauthorized activities in a public or common retention pond or drainage basin shall be prohibited.

Sec. 7.07. Fences.

All fences and similar enclosures shall conform to the following:

- A. *General standards.* The following shall apply to fences in all zoning districts:

1. All fences shall comply with the unobstructed sight distance standards of section 5.304 (corner clearance areas).
 2. All fences shall be constructed in such a manner that all structural members shall be on the interior side of the fence, including braces, posts, poles, and other projections. Where one side of a fence or wall has a more finished appearance than the other, the side with the more finished appearance shall face the road or adjacent lots (see illustration).
 3. A maximum of one fence shall be permitted adjacent to a common lot boundary separating adjoining lots. A minimum ten-foot separation distance shall be provided between abutting fences placed in parallel along a lot boundary.
 4. Use of razor or barbed wire, electrified fences, spikes, and similar security materials on any fence shall be prohibited, except as follows:
 - a. Barbed or electrified wire fences shall be permitted accessory to permitted animal and agricultural uses.
 - b. Barbed wire cradles may be placed on top of fences enclosing public utility and essential service uses in any zoning district.
 - c. The planning commission may approve use of razor or barbed wire, electrified fences, spikes or similar security materials on any fence where deemed necessary for security purposes or public safety.
 - d. Barbed wire cradles shall consist of no more than three strands of wire and shall overhang into the lot for which it is designed to protect.
 5. Fences shall be constructed of wood, metal, and other acceptable materials. All fences shall be constructed solely of new materials accepted by the building official as durable, weather resistant, and easily maintained.
 6. The use of plastic slats or similar obscuring materials interwoven through a chain-link fence shall be prohibited.
- B. *Height, locations, and type of fences permitted.* Fence height shall be measured from ground level adjacent to the highest point of the fence. Fill shall not be used for the purpose of achieving a higher fence than otherwise permitted. Where the grade is not level, the maximum fence height shall be equal to the average fence height within four feet of any fence post (see illustration). Standards for maximum height, permitted fence locations, and type of fences permitted shall apply to the following use groups, as specified in section 4.02 (table of permitted uses by district):
1. *Animal and agricultural uses.* Fences accessory to permitted animal and agricultural uses in any zoning district may include chain-link, wire, ornamental, privacy, and rail fence types. Such fences shall not exceed six feet in height. Fences exceeding three feet in height shall conform to the minimum front yard setback requirements for the zoning district, per article 5 (dimensional standards).
 2. *Residential uses.* The following standards shall apply to all fences accessory to permitted residential uses in any zoning district:

Types of Fences Permitted	Permitted Locations and Maximum Height (feet)		
	Front	Side	Rear
Chain-link fence		4.0	4.0
Ornamental fence	3.0	5.0	5.0
Privacy fence		6.0	6.0

Rail fence	3.0	5.0	5.0
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- a. Fences shall be located entirely within the boundaries of the lot to which the fence is accessory, except where adjoining lot owners consent in writing to the fence construction on a common lot line. The City of Richmond shall not be responsible for determining the location of any fence to be erected on a common lot line.
 - b. A fence may be erected parallel to the side street lot line of a corner lot, provided that the fence shall be located at least one foot inside the side street lot line and shall not extend beyond the rear building line of the principal dwelling.
3. *Community uses and industrial, research and laboratory uses.* The following standards shall apply to all fences accessory to permitted community uses and industrial, research and laboratory uses in any zoning district:

Types of Fences Permitted	Permitted Locations and Maximum Height (feet)		
	Front	Side	Rear
Chain-link fence		8.0	8.0
Ornamental fence		8.0	8.0
Rail fence		6.0	6.0

4. *Office and service uses and commercial uses.* The following standards shall apply to all fences accessory to permitted office and service uses and commercial uses in any zoning district:

Types of Fences Permitted	Permitted Locations and Maximum Height (feet)		
	Front	Side	Rear
Ornamental fence		6.0	6.0
Rail fence		6.0	6.0

- D. *Maintenance.* Fences shall be maintained in a neat and safe condition, so as not to endanger life or property. Such maintenance shall be the responsibility of the owner of the lot on which the fence is located. The City of Richmond shall not be responsible for enforcement of any agreements relative to the mutual or separate payments of the cost of fence construction, maintenance or repair.

Any fence which, through lack of repair, type of construction, or otherwise, endangers life or property, shall be deemed a nuisance. The building official shall notify the owner, agent or person in control of the property on which such fence is located of the existence of such nuisance, and shall specify the required repairs or modifications to be made to render the fence safe. The building official may order the removal of an unsafe fence.

- E. *Permit required.* It shall be unlawful for any person to construct, alter, extend or relocate any fence upon any lot in any zoning district without having first obtained approval of a zoning permit per section 1.08 (zoning permits). Where adjoining lot owners consent in writing to the construction of a fence on a lot line, such written consent shall be filed with the application for a permit. The following activities shall be exempt from this requirement:

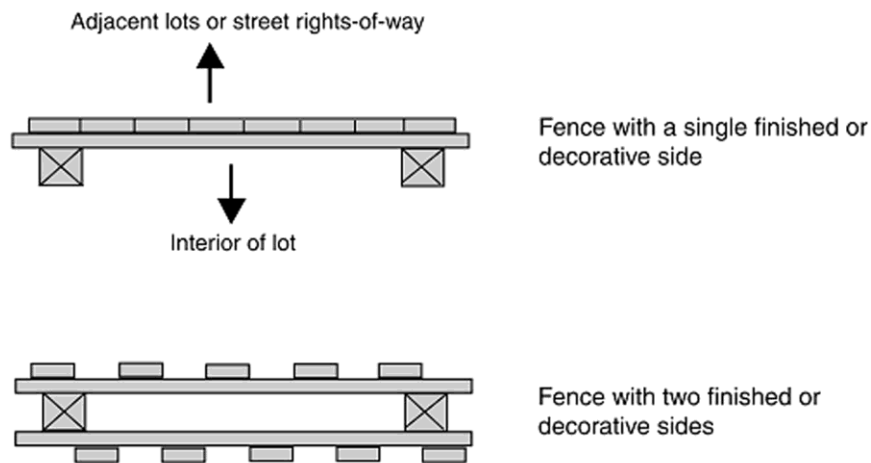
1. Repairs to an existing fence or wall with no structural changes.
2. Installation of gates of up to eight feet in width in an existing fence.

3. Construction of up to eight feet of new fencing, provided such work is in compliance with the applicable provisions of this section.
4. Installation of fences designed for agricultural purposes and accessory to an active farm use.
5. Planting of continuous hedgerows or similar landscape features.

Sec. 7.08. Decks.

Decks constructed, altered or maintained accessory to a residential dwelling shall be subject to the following:

1. The deck shall be set back a minimum of 15 feet from the rear lot line, and shall not occupy any yard except the rear yard and any non-required side yard.
2. The deck shall not be elevated above the elevation of the first floor of the residence.
3. Not more than 25 percent of any deck shall be covered with structures, such as a gazebo or a permanent screened porch. Such structures shall not be used as living quarters, but seasonal awnings and screening shall be permitted.
4. Decks shall conform to the lot coverage limitations specified in article 5 (dimensional standards).
5. Decks shall be constructed in accordance with requirements of the State Construction Code enforced by the City of Richmond.



Orientation of Finished Side - Top View

ARTICLE 8. GENERAL PROVISIONS

SECTION 8.100. LAND AND ENVIRONMENT

Sec. 8.101. Approval of land divisions.

All land divisions created after the effective date of this ordinance shall comply with Chapter 82 (Subdivisions) of the City of Richmond Code of Ordinances, the Land Division Act (P.A. 288 of 1967, as amended), and the lot requirements for the zoning district where such land is located, as specified in article 5 (dimensional standards).

Sec. 8.102. Reserved.

Sec. 8.103. Protection of wetlands and bodies of water.

An undisturbed open space setback of not less than 50 feet shall be maintained from the edge of any stream, pond, lake or other body of water. An undisturbed open space setback of not less than 25 feet shall be maintained from the edge of any wetland or open drain. Such setbacks shall be measured from the top of the bank or other defined edge, and shall not be subject to topography.

1. Trails, boardwalks, observation platforms or similar passive recreational improvements may be provided within the required setback.
2. Detention basins and similar stormwater management facilities may be constructed within the required setback, provided that appropriate replacement plantings are provided and maintained.

Sec. 8.104. Grading, removal and filling of land.

Any excavation, filling or grading of land that would alter the established site elevations or drainage patterns, or the use of land for the excavation, removal, filling or depositing of any type of earth material, topsoil, gravel, rock, garbage, rubbish or other wastes or by-products, shall not be permitted in any zoning district except in accordance with an approved site plan.

1. This provision shall not apply to common household gardening, farming, general ground care of a residential or agricultural character or normal soil removal for basement or foundation construction.
2. All excavated overburden or other materials extending above the natural grade shall be leveled or removed, and the surface of the entire tract shall be restored to usable condition for development or agriculture. The excavated area shall be graded so that no gradient of the disturbed area has a slope greater than 1:3 [one foot rise in three feet of horizontal distance]. The graded area shall be seeded with an appropriate groundcover, and a vegetative cover shall be established to minimize soil erosion.
3. Open excavations, holes, pits or wells shall be protected against unauthorized access by a fence or other suitable means. All open and unprotected excavations, holes, pits or wells that constitute a danger or menace to the public health, safety, or welfare are hereby declared a public nuisance and a violation of this ordinance.

Sec. 8.105. Outdoor storage and waste disposal.

All uses established or placed in operation in any zoning district after the effective date of this ordinance shall comply with the following:

1. No materials or wastes shall be placed on the premises in such a form or manner that the materials may be carried off the property by natural causes or forces, such as by wind or water.
2. All materials or equipment shall not be allowed to accumulate on any property in such a manner as to be unsightly, constitute a fire hazard or contribute to unsanitary conditions.

Sec. 8.106. Outhouses, privies, and outside toilets.

Outhouses, privies, and pit toilets shall be prohibited in any residential zoning district, except within an approved and lawfully established campground licensed under the Michigan Public Health Code (P.A. 368 of 1978, as amended). These provisions shall not prohibit the use of outside toilets accessory to construction sites, permitted animal and agricultural uses or temporary uses as permitted by this ordinance.

SECTION 8.200. PERFORMANCE STANDARDS

Sec. 8.201. Performance standards.

No activity, operation or use of land, structures or equipment shall be permitted where such activity, operation or use produces an environmental impact or irritant to sensory perception that exceeds the standards of this section.

- A. *Purpose and scope.* The purpose of this section is to establish controls on the impacts generated by permitted uses so as to prevent an unreasonable negative impact that might interfere with another person's use of his or her property, or that might cause harm to the public health safety, and welfare.
 - 1. *Scope.* No structure or land shall hereafter be used or occupied, and no structure or part thereof shall be erected, altered, reconstructed or moved after the effective date of this ordinance, except in conformity with all applicable performance standards set forth in this section. No site plan or other land use or development application shall be approved that is not in conformity with the requirements of this section.
 - 2. *Submission of additional data.* Nothing in this section shall preclude the applicant or other interested party from submitting additional data or evidence related to a specific case. In consideration of such data or evidence, the planning commission may waive or modify the regulations set forth in this section, provided that the planning commission finds that no harm to the public health, safety or welfare will result, and that the intent of this ordinance will be upheld.
- B. *Noise.* No person shall unreasonably make, continue, or cause to be made or continued, any noise disturbance.
 - 1. *Noise disturbance examples.* Examples of noise disturbances include, but are not limited to:
 - a. *Sounds that exceed ordinance limits.* Any sound that exceeds the specific limits set forth in this section shall be deemed a noise disturbance.
 - b. *Loading and unloading.* Loading and unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans, or similar objects shall be prohibited between the hours of 8:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential district boundary or within a noise sensitive zone.
 - c. *Construction.* Operation of any tools or equipment used in construction, drilling, or demolition work shall be prohibited where the sound would create a noise disturbance across a residential district boundary or within a noise sensitive zone. This provision shall apply between the hours of 8:00 p.m. and 7:00 a.m. on Monday through Saturday, or any time on Sundays or holidays, but shall not apply to emergency work or public service utilities.

- d. *Vibration.* Operating of any device that creates vibration that is above the vibration perception threshold of an individual at or beyond the property of the source shall be prohibited. For the purposes of this section, vibration perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation of moving objects.
 - e. *Noise sensitive zones.* Creating of any sound within any noise sensitive zone so as to disrupt the activities normally conducted within the zone shall be prohibited, even if the average A-weighted sound level is lower than the specific limits set forth in this section, provided that conspicuous signs are displayed indicating the presence of the zone.
2. *Exceptions.* The provisions in this section shall not apply to the following uses and circumstances:
- a. *Emergency exceptions.* The emission of sound for the purpose of alerting persons to existence of an emergency, or in the performance of emergency work shall be exempt from the provisions of this section.
 - b. *Additional exceptions.* The provisions in this section shall not apply to the following activities, provided that such activities are conducted in a legally-accepted manner:
 - (1) Snow plowing and other public works activities.
 - (2) Agricultural uses.
 - (3) Church bells, chimes, and carillons.
 - (4) Lawn care and house maintenance that occurs between 8:00 a.m. and 9:00 p.m.
 - (5) Licensed vehicles being operated on a road.
 - (6) Nighttime excavation, construction, or repair of bridges, roads, or highways by or on behalf of local, county, or state road authorities, where necessary to preserve the public safety, welfare, or convenience.
 - (7) The reasonable use of stationary amplifiers or loudspeakers in the course of non-commercial public addresses or festivals.
3. *Maximum permitted sound levels by receiving zoning district.* Sound emitted by any source is considered a noise disturbance when its average A-weighted sound level exceeds the limit set forth for the receiving zoning district in the following table, when measured at or within the property boundary of the receiving district. All measurements and designations of sound levels shall be expressed in day-night average sound levels.

RECEIVING ZONING DISTRICT	TIME	AVERAGE SOUND LEVEL
Residential districts	7:00 a.m. to 10:00 p.m.	55 dB(A)
	10:00 p.m. to 7:00 a.m.	50 dB(A)
Non-residential districts	7:00 a.m. to 6:00 p.m.	62 dB(A)
	6:00 p.m. to 7:00 a.m.	55 dB(A)

Notes related to table:

- a. *Correction for tonal sounds.* For any source of sound that emits a pure tone sound, the maximum sound level limits of this table shall be reduced by five dB(A) where the receiving district is residential or commercial-noise sensitive.

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- b. *Correction for impulsive or impact-type sounds.* For any source of sound that emits an atypical impulsive or impact-type sound, the maximum sound level limits of this table shall be reduced by five dB(A) where the receiving district is residential or commercial-noise sensitive.
 - c. *Planned development.* Where the receiving district is a planned unit development (PUD) overlay district, the applicable standards of this table shall be based on the types of uses within the PUD.

- C. *Dust, smoke, soot, dirt, fly ash and products of wind erosion.* Dust, smoke, soot, dirt, fly ash, and products of wind erosion shall be subject to the regulations established in conjunction with the Michigan Environmental Protection Act (P.A. 451 of 1994, as amended), or other applicable state or federal regulations. No person, firm or corporation shall operate or maintain any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, unless such processes or devices use or are equipped with recognized and approved equipment, methods, or technology to reduce the quantity of gas-borne or airborne solids or fumes emitted into the open air.

The drifting of air-borne matter beyond the lot line, including wind-blown dust, particles or debris from open stock piles, shall be prohibited. Emission of particulate matter from material products, or surfaces subject to wind erosion shall be controlled by paving, oiling, wetting, covering, landscaping, fencing, or other means.

- D. *Odor.* Offensive, noxious, or foul odors shall not be allowed to escape into the atmosphere in concentrations which are offensive, which produce a public nuisance or hazard on adjoining property, or which could be detrimental to human, plant, or animal life.
- E. *Glare and heat.* Any operation or activity which produces glare shall be conducted so that direct and indirect illumination from the source of light does not exceed one-half footcandle when measured at any point along the property line of the site on which the operation is located. Any operation that produces intense glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time.
- F. *Fire and safety hazards.* The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all applicable state, county and local regulations, including the Michigan Fire Prevention Code (P.A. 207 of 1941, as amended).

- 1. *Storage tanks.* All storage tanks for flammable liquid materials above ground shall be located at least 150 feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or another type of approved retaining wall capable of containing one and one-half times the capacity of the largest tank so enclosed. The floor of the retention area shall be impervious to and non-reactive with the contents of the tank. These provisions shall not apply to approved tanks that hold propane or other fuel used for heating a dwelling or other building on the site.

Below-ground bulk storage tanks that contain flammable material shall be located no closer to the property line than the distance to the bottom of the buried tank, measured at the point of greatest depth. All underground tanks shall be registered with the State of Michigan in accordance with applicable state laws and regulations. The location and contents of all such tanks shall be indicated on the site plan.

2. *Detonable materials.* The storage, utilization, or manufacture of the following detonable materials shall be subject to review and approval as hazardous materials storage, subject to the standards of section 6.601 (hazardous materials storage).
- a. All primary explosives such as lead azide, lead styphnate, fulminates, and tetracene.
 - b. All high explosives such as TNT, RDX, HMX, PETN, and picric acid
 - c. Propellants and components thereof such as dry nitrocellulose, black powder, boron hydrides, and hydrazine and its derivatives.
 - d. Pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate.
 - e. Blasting explosives such as dynamite and nitroglycerin.
 - f. Unstable organic compounds such as acetylides, tetrazoles, and ozonides.
 - g. Strong unstable oxidizing agents such as perchloric acid, perchlorates and hydrogen peroxide in concentrations greater than 35 percent.
 - h. Nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

G. *Gases.* The escape of or emission of any gas that is injurious or destructive to life or property, or that is explosive, is prohibited. Gaseous emissions shall be subject to regulations established in conjunction with the Michigan Environmental Protection Act, Public Act 451 of 1994, as amended, federal Clean Air Acts, as amended, and any other applicable state or federal regulations. Accordingly, gaseous emissions measured at the property line at ground level shall not exceed the levels indicated in the following chart that is based on the *National Ambient Air Quality Standards*, unless a higher standard is imposed by a federal state, county or local regulatory agency with jurisdiction:

GAS	MAXIMUM EMISSIONS LEVEL	SAMPLING PERIOD
Sulfur dioxide	0.14 ppm	24 hours
Hydrocarbons	0.24 ppm	3 hours
Photochemical oxidants	0.12 ppm	1 hour
Nitrogen dioxide	0.05 ppm	Annual
Carbon monoxide	9.0 ppm	8 hours
	35.0 ppm	1 hour
Lead	1.5 mcg/cubic meter	3 months
Mercury	0.01 mg/cubic meter	10 hours
Beryllium	2.0 mcg/cubic meter	8 hours
Asbestos	0.5 fibers/cc	8 hours

Notes related to table:

- a. ppm = parts per million
- b. mcg = micrograms
- c. mg = milligrams
- d. cc = cubic centimeters

H. *Electromagnetic radiation and radio transmission.* Electronic equipment required in an industrial, commercial or other operation shall be designed and used in accordance with applicable rules and

regulations established by the Federal Communications Commission (FCC). The operation of such equipment shall not interfere with the use of radio, television, or other electronic equipment on surrounding or nearby property.

- I. *Radioactive materials.* Radioactive material wastes and emissions, including electromagnetic radiation, shall not exceed levels established by occupational and health standards and state and federal agencies that have jurisdiction. No operation shall be permitted that causes any individual outside of the lot lines to be exposed to any radiation exceeding the lowest concentration permitted for the general population by federal and state laws and regulations currently in effect.

Sec. 8.202. Procedures for determining compliance.

In the event that the city receives complaints or otherwise acquires evidence of possible violation of any of the performance standards set forth in section 8.201 (performance standards), the following procedures shall be used to investigate, and if necessary, resolve the violation:

- A. *Official investigation.* Upon receipt of evidence of possible violation, the city planner or designated city consultant shall make a determination whether there is reasonable cause to suspect the operation is indeed in violation of the performance standards. The city planner may initiate an official investigation in order to make such a determination.

Upon initiation of an official investigation, the city planner is empowered to require the owner or operator of the facility in question to submit data and evidence deemed necessary to make an objective determination regarding the possible violation. Failure of the owner or operator to supply requested data shall constitute grounds for taking legal action to terminate the use or deny or rescind any permits required for continued use of the land. Data which may be required includes, but is not limited to the following:

1. Plans of the existing or proposed facilities, including buildings and equipment.
 2. A description of the existing or proposed machinery, processes, and products.
 3. Specifications for the mechanisms and techniques used or proposed to be used to control emissions regulated under the provisions of this section.
 4. Measurement of the amount or rate of emissions of materials purported to be in violation.
- B. *Method and cost of determination.* The city planner or designated city consultant shall take measurements and complete investigation necessary to make an objective determination concerning the purported violation. Where required measurements and investigation can be accurately using equipment and personnel normally available to the city without extraordinary expense, such measurements and investigation shall be completed before notice of violation is issued. If necessary, skilled personnel and spec equipment or instruments shall be secured to make the required determination.

If the alleged violation is found to exist in fact, the costs of making such determination shall be charged against those responsible, in addition to such other penalties as may be appropriate. If it is determined that no substantive violation exists then such costs shall be paid by the city.

- C. *Appropriate remedies.* If, after appropriate investigation, the city planner or designated city consultant determines that a violation does exist, the city planner shall provide written notice of the violation to the owners or operators of the facility deemed responsible, and shall request that the violation be corrected within a specified time limit.

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1. *Correction of violation within time limit.* If the alleged violation is corrected within the specified time limit, the city planner shall note "violation corrected" on the city's copy of the notice, which shall be retained on file.
 2. *Violation not corrected and no reply from owner or operator.* If there is no reply from the owner or operator within the specified time limits and the alleged violation is not corrected, then the city planner shall take such action as may be warranted to correct the violation. In accordance with the regulations set forth in this section.
 3. *Reply requesting time extension.* If a reply is received within the specified time limit indicating that an alleged violation will be corrected, but that more time is required, the city planner may grant an extension upon determining that the extension is warranted because of the circumstances in the case and will not cause imminent peril to life, health, or property.
 4. *Reply requesting technical determination.* If a reply is received within the specified time limit request further review and technical analysis even though the alleged violations continue, then the city planner may call in properly qualified experts to complete such analysis and confirm or refute the initial determination of violation.
- D. *Costs and penalties incurred.* If expert findings indicate that violations do exist in fact, the costs incurred in making such a determination shall be paid by the persons responsible for the violations in addition to other applicable penalties under this ordinance. Such costs shall be billed to those owners or operators of the use deemed responsible for the violation.

If the bill is not paid within 30 days, the city may take necessary action to recover such costs, or may charge such costs against the property where the violation occurred.

SECTION 8.300. OTHER PROVISIONS

Sec. 8.301. Scope.

No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this ordinance.

Sec. 8.302. Required access.

No dwelling shall be built on a lot unless that lot is fronting upon an approved street.

Sec. 8.303. Property maintenance.

Each property owner shall be responsible for keeping their lot and buildings clean and free of any accumulation or infestation of dirt, filth, rubbish, garbage, vermin or other matter. Any hazardous places on a lot shall be fenced and secured.

Sec. 8.304. Property between the lot line and road.

The area between the lot line and edge of road pavement shall be maintained with grass or other suitable groundcover. Property owners shall be responsible for the condition, cleanliness and maintenance of the areas within the road right-of-way in front of their lot between their lot lines and the pavement edge.

Sec. 8.305. Voting place.

The provisions of this ordinance shall not be construed to interfere with the temporary use of any property as a voting place in connection with a city, school or other public election.

Sec. 8.306. Essential public services and required utilities.

Essential services buildings and structures shall be permitted as authorized under any franchise in effect within the city. Such essential services shall be subject to federal, state, county, and local regulations, and shall be consistent with the list of uses permitted in each zoning district. It is the intent of this section to ensure conformity of all structures, uses, and storage yards to the requirements of this ordinance wherever such conformity shall be practicable and not in conflict with the specific requirements of such franchise, state legislation or city ordinance.

Sec. 8.307. Water supply and sanitary sewers.

Where public water or sanitary sewer service is available, all principal buildings shall be connected to such systems at the time of construction or expansion.

ARTICLE 9. OFF-STREET PARKING AND LOADING

Sec. 9.01 Purpose.

The purpose of this article is to:

1. Protect water quality and storm sewer capacity by limiting the number of off-street parking spaces and amount of impervious surfaces that may be permitted on a parcel of land or accessory to a use or building.
2. Preserve the historic development pattern and character of the downtown area by limiting parking in front yard areas, promoting the use and development of shared parking and centralized public parking facilities, and restricting the use and development of scattered private parking lots.
3. Establish flexible minimum and maximum standards for off-street parking and loading, and promote the use and development of shared parking and loading facilities, cross-access between sites, and a pedestrian-oriented development pattern.

Sec. 9.02. Scope.

Off-street parking, stacking, and loading spaces shall be provided in all districts whenever any structure is constructed, altered, or enlarged; a new land use is established; an existing use is replaced by a new use (change of use); or an existing use is expanded or increased in intensity. Such spaces shall be provided in accordance with the provisions of this article, prior to the issuance of a certificate of occupancy for the structure or use.

Sec. 9.03. General standards.

The following general standards shall apply to all off-street parking and loading facilities:

- A. *Location of spaces.* Off-street parking spaces shall be located within 300 feet of a primary building entrance for the use to which such spaces are accessory. Off-street parking shall be prohibited within the front yard area of any zoning lot in a special parking district established in accordance with section

9.09.A. (special parking districts). Off-street parking facilities may be located within required front, side, and rear yard setback areas, subject to provision of adequate screening in accordance with section 11.05.A. (parking lot landscaping).

- B. *Use.* Any area once designated as required off-street parking, stacking, and loading spaces shall not be changed to any other use, unless adequate spaces meeting the standards of this article have first been provided at another location acceptable to the planning commission. Use of off-street parking, stacking, and loading facilities shall be further subject to the following:
1. No commercial activity or selling of any kind shall be conducted within required parking areas, except as part of a permitted temporary use.
 2. Parking lots and loading areas shall not be used for parking of inoperable vehicles, outside storage of any equipment, products or materials, or dumping of refuse.
 3. Parking of an operable motor vehicle shall not exceed a continuous period of more than 48 hours. Repairs, servicing or display of vehicles for sale shall be prohibited.
 4. No person shall park any motor vehicle on any private property without the authorization of the owner, holder, occupant, lessee, agent or trustee of such property. Ownership shall be shown of all lots intended for use as parking by the applicant.
- C. *Shared facilities.* The development and use of a parking or loading facility shared between two or more contiguous uses shall be permitted where peak activity for each use will occur at different periods of the day or week. Shared facilities shall be subject to acceptance by the planning commission of a signed shared facility agreement between the property owners. Where shared parking facilities are provided, the number of parking spaces shall not be less than 80 percent of the sum of the minimum requirements for the various individual uses specified in section 9.05 (schedule of required parking by use), nor more than the sum of the maximum requirements for the various individual uses, as follows:
- Minimum shared parking requirement = (minimum for use A + minimum for use B) × 80%
- Maximum shared parking requirement = (minimum for use A + minimum for use B) × 133%

Sec. 9.04. Residential parking standards.

Off-street parking spaces for single-and two-family (duplex) dwellings shall consist of an accessory driveway, garage, parking strip or bay, or combination thereof, subject to the following:

1. Such parking spaces shall be hard-surfaced with concrete, plant-mixed bituminous material, brick or stone, and shall be located on the same zoning lot as the principal dwelling.
2. A maximum of one driveway curb cut shall be permitted accessory to each dwelling on lots with a lot width of less than 80 feet. Lots with a minimum lot width of 80 feet, and corner lots with a minimum lot depth exceeding 120 feet, shall be permitted one additional driveway curb cut.
3. Residential driveways shall not exceed a maximum width of 12 feet or the total width of all accessory garage doors served by the driveway, whichever is greater. A maximum of two parking space may be provided on a driveway within the required front yard, and no parking shall be permitted on lawns or other unpaved areas of a residential lot.
4. One recreational vehicle, as defined in section 25.02 (definitions), may be parked or stored by the owner of a residential lot within any non-required side or rear yard area, provided that use of the vehicle for living or residential purposes shall be prohibited.

Sec. 9.05. Schedule of required parking by use.

The minimum number of required off-street parking spaces for an individual use shall be determined in accordance with the following:

- A. *Parking calculations.* Where a use is not specifically mentioned in this article, the planning commission shall apply the standards for a similar listed use. Where calculations determining the number of required parking spaces result in a fractional space, any fraction up to and including one-half shall be disregarded, and any fraction over one-half shall be rounded-up to the next highest whole number.
- B. *Minimum and maximum parking requirements.*
 - 1. *Minimum required spaces.* Off-street parking, stacking, and loading spaces shall be provided in accordance with the minimum requirements of section 9.05c (schedule of required parking by use). The planning commission may require any use to provide parking spaces above the required minimum, up to the maximum permitted by this section.
 - 2. *Maximum permitted parking spaces.* The maximum amount of off-street parking permitted for any use shall not exceed 133 percent of the minimum parking requirements of this section. This requirement shall not apply to single-family or two-family dwellings, nor to spaces reserved for off-site uses as part of an off-site parking facility agreement per section 9.09.B. (off-site parking facilities).
- C. *Schedule of required parking by use.*

USE	MINIMUM NUMBER OF REQUIRED SPACES
ANIMAL AND AGRICULTURAL USES	
Veterinary clinics, kennels, and animal shelters	One per 500 square feet of usable floor area, plus one per on-duty employee based upon maximum employment shift.
Farm-related entertainment facilities	One per four seats or eight feet of benches, based upon the maximum seating capacity of the primary assembly space; or one per four persons allowed within the maximum capacity of the facility or maximum building occupancy.
Greenhouses and nurseries	Five, plus one per on-duty employee based upon maximum employment shift, plus one per 300 square feet of usable floor area for any offices or other accessory uses.
Garden centers and feed stores	
Produce stands and farm markets	One per 300 square feet of usable floor area, plus one per on-duty employee based upon maximum employment shift.
RESIDENTIAL USES	
Accessory apartments	One per dwelling unit, plus any required spaces for the principal use.
Adult foster care small and large group homes, state licensed residential facilities, and other managed residential facilities	One per resident sleeping room, plus one per on-duty employee based upon maximum employment shift.
Bed and breakfast inns	One per guest sleeping room, plus any required spaces for the dwelling.

Family and group child day care homes, and adult foster care family homes	One per on-duty employee based upon maximum employment shift, plus any required spaces for the dwelling.
Multiple-family dwellings and developments	One and one-half per dwelling unit with up to two bedrooms, and two per three-bedroom or larger dwelling unit.
Townhouses and stacked flats	
Two-family or duplex dwellings	
Nursing and convalescent homes, assisted living facilities, and dependent elderly housing	One per two dwelling units or per four beds, plus one per on-duty employee based upon maximum employment shift.
Senior housing and independent elderly housing	One per dwelling unit, plus one per on-duty employee based upon maximum employment shift.
Single family dwellings, detached	Two per dwelling.
OFFICE AND SERVICE USES	
Banks and financial institutions	One per 300 square feet of usable floor area.
Barber shops, beauty salons, and nail care	One per service chair or station, plus one per on-duty employee based upon maximum employment shift.
Tattoo parlors and body piercing salons	
Catering facilities	One per on-duty employee based upon maximum employment shift, plus any required spaces for a restaurant seating area.
Funeral homes or mortuaries	One per four persons allowed within the maximum building occupancy.
Hospitals	One per four beds, plus one per on-duty employee based upon maximum employment shift.
Medical, osteopathic, chiropractic, optical or dental offices, clinics, urgent care centers or rehabilitation centers	One per on-duty employee based upon maximum employment shift, plus one per examination or treatment room.
Massage therapists	
Offices for professional, executive, or administrative uses, attorneys, accountants, realtors, architects, insurance and similar occupations	One per 300 square feet of usable floor area.
Video rental establishments	One per 150 square feet of usable floor area.
Workshops, showrooms, studios or offices of photographers, skilled trades, decorators, artists, upholsterers, tailors, taxidermists and similar businesses, or for repair and service of bicycles, electronics, small appliances, furniture, shoes and similar items	One per 400 square feet of usable floor area.
COMMUNITY USES	
Auditoriums and performing arts theaters	One per four seats or eight feet of benches, based upon the maximum seating capacity of the primary assembly space.
Churches, temples and other places of worship	
Child care or day care centers, and child caring institutions	One and one-half per six children of state licensed or authorized capacity, plus one per on-duty employee based upon maximum employment shift.
Colleges, universities, and similar institutions of higher education	

Business colleges, commercial or technical schools, and similar institutions of professional or technical education	One per on-duty employee based upon maximum employment shift, plus one per four persons allowed within the maximum building occupancy.
Fire and police stations	One per on-duty employee based upon maximum employment shift, plus any required spaces for storage of vehicles.
Government offices	One per 300 square feet of usable floor area.
Post offices and bus passenger stations	
Halls for civic clubs and membership organizations	One per four persons allowed within the maximum building occupancy.
Health club or fitness center	One per four persons allowed within the maximum building occupancy, or one per 300 square feet of usable floor area.
Recreation facilities, indoor	
Libraries, museums and fine art centers	One per 1,000 square feet of usable floor area.
Recreation facilities, outdoor	One per 7,500 square feet of gross land area.
Schools, elementary	One per teacher, employee, and administrator, plus one per classroom and any required spaces for an assembly hall or other accessory uses.
Schools, secondary	One per teacher, employee, and administrator, plus one per ten students, plus any required spaces for an assembly hall, stadium or other accessory uses.
COMMERCIAL USES	
Arcades and indoor or outdoor amusement centers, miniature golf and golf driving ranges, bowling alleys, batting cages or similar facilities	One per on-duty employee based upon maximum employment shift, plus one per three amusement stations, games, holes or lanes, or one per four persons allowed within the maximum building occupancy.
Auto parts stores	One per 200 square feet of usable floor area.
Automobile, truck and other motor vehicle fueling stations, gas stations and similar facilities	One per on-duty employee based upon maximum employment shift, plus one per fueling location, plus one stacking space per two fueling locations.
Automobile, truck and other motor vehicle service centers or repair stations	One per on-duty employee based upon maximum employment shift, plus one per service bay, plus one stacking space per service bay.
Bakeries	One per 200 square feet of usable floor area, plus one per on-duty employee based upon maximum employment shift.
Car washes, automatic or self-service	Two, plus one per on-duty employee based upon maximum employment shift, plus six stacking spaces per service lane and two for post-wash detailing.
Cinema or motion picture complex, outdoor or indoor with three or more theaters	One per three seats, based upon the maximum seating capacity, plus one per on-duty employee based upon maximum employment shift.
Cinema or motion picture theater, indoor	One per four seats, based upon the maximum seating capacity.
Drive-in or drive-through facilities	Two per service window, booth, cubicle or stall, plus six stacking spaces per service lane.
Gunsmiths and licensed firearms dealers	One per 300 square feet of usable floor area.

Hotels	One per occupancy unit, plus one per on-duty employee based upon maximum employment shift.
Laundromat and dry cleaning customer pick-up/drop-off only	One per six washing or drying machines, or one per 300 square feet of usable floor area.
Manufactured housing sales	One per 1,000 square feet of outdoor sales or display area.
Outdoor sales or display area for sales or rentals of goods, products, equipment, machinery, automobiles, recreational vehicles, boats, building supplies, hardware or similar items	
Package liquor stores	One per 200 square feet of usable floor area.
Pawnshops and dealers of second-hand merchandise	One per 200 square feet of usable floor area.
Recording studios	One per studio, plus one per on-duty employee based upon maximum employment shift.
Restaurants, coffeehouses, doughnut shops or delicatessens, carry-out only	One per 200 square feet of usable floor area, plus one per on-duty employee based upon maximum employment shift.
Restaurants, coffeehouses, doughnut shops or delicatessens, with dine-in seating	One per four seats, based upon the maximum seating capacity, plus one per on-duty employee based upon maximum employment shift.
Outdoor cafes and eating areas	
Commercial uses not otherwise listed in this table, with less than 10,000 square feet of total gross floor area	One per 275 square feet of usable floor area.
Commercial uses not otherwise listed in this table, with 10,000 to 40,000 square feet of total gross floor area	One per 250 square feet of usable floor area.
Commercial uses not otherwise listed in this table, with more than 40,000 square-feet of total gross floor area	One per 200 square feet of usable floor area.
Showroom or sales office (indoor only) for sales or rentals of automobiles, recreational vehicles, boats, equipment, machinery or similar durable goods	One per 500 square feet of usable floor area of the sales room, plus one per on-duty employee based upon maximum employment shift.
Tavern, pub, brewpub, cocktail lounge or night club	One per three persons allowed, based upon the maximum seating capacity of the primary assembly space, plus one per on-duty employee based upon maximum employment shift.
INDUSTRIAL, RESEARCH AND LABORATORY USES	
Industrial, research, and laboratory uses not otherwise listed in this table - established for a known user	Five, plus one per on-duty employee based upon maximum employment shift, plus one per 300 square feet of usable floor area for any offices or other accessory uses.
Industrial, research, and laboratory uses not otherwise listed in this table - established on speculation, or where the end user or number of anticipated employees is not known	Five, plus one per 2,000 square feet of usable floor area for the industrial, research, and laboratory use, plus one per 300 square feet of usable floor area for any offices or other accessory uses.
Research and development facilities, technical centers, and laboratories	One per 500 square feet of usable floor area for the research/laboratory uses, plus one per 300 square feet of usable floor area for any offices or other accessory uses.

Outdoor storage of goods, products, equipment, machinery, lumber, landscaping and building supplies or similar items	One and one-half per on-duty employee based upon maximum employment shift, plus one per 300 square feet of usable floor area for any offices or other accessory uses.
Outdoor storage, dismantling or recycling of automobiles, trucks, recreational vehicles, boats and other motor vehicles, manufactured houses and similar items	
Recycling collection facilities and composting centers	
Self-storage warehouses	Two for the caretaker's dwelling, plus one per 300 square feet of usable floor area in the principal building.
TEMPORARY, SPECIAL EVENT AND OTHER USES	
Adult uses and sexually-oriented businesses	One per 200 square feet of usable floor area
Circuses, fairs, carnivals and similar uses	One per 4,000 square feet of gross land area occupied by the use, or one per three persons allowed within the maximum occupancy load that the facilities are designed to accommodate.

Sec. 9.06. Design requirements.

Off-street parking facilities designed, constructed, and maintained in accordance with the following:

- A. *Barrier-free parking requirements.* Barrier-free parking spaces signed and striped shall be provided at conveniently accessible locations within each parking lot, in accordance with the state construction code enforced by the city and the following (see illustration):

NUMBER OF PARKING SPACES PROVIDED	MINIMUM NUMBER OF BARRIER-FREE SPACES REQUIRED	VAN ACCESSIBLE PARKING SPACES REQUIRED	ACCESSIBLE PARKING SPACES REQUIRED
Up to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1,000	2% of total parking provided in each lot	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces
1,001 and over	20 plus 1 per 100 spaces over 1,000	1 out of every 8 accessible spaces	7 out of every 8 accessible spaces

- B. *Landscaping and screening.* Landscaping and screening shall be provided for all parking and loading facilities in accordance with the provisions of section 11.05 (standards for specific areas).
- C. *Exterior lighting.* Where provided, exterior lighting shall comply with the standards of article 14 (exterior lighting).

- D. *Ingress/egress.* Adequate means of ingress and egress shall be provided for all parking and loading facilities by means of clearly limited and defined drives, curb cuts, and maneuvering lanes. Backing directly onto a street or using a street for maneuvering between parking rows shall be prohibited. Ingress and egress for off-street parking lots shall be set back a minimum of 25 feet from abutting single-family residential districts and existing single-family and two-family dwellings.
- E. *Pavement, curbing and sidewalks.* Off-street parking facilities shall be paved with concrete, bituminous asphalt or similar hard-surfacing materials, in accordance with the construction and design standards established by the city. Where off-street parking spaces directly abut a sidewalk, the sidewalk shall have a minimum width of seven feet to accommodate vehicle encroachment.
- Concrete curbing of at least six inches in height shall be provided within and around the perimeter of off-street parking lots for the purpose of minimizing vehicle encroachment into sidewalks, landscaped areas, and street rights-of-way. The planning commission may permit use of wheel stops, bumper guards or similar devices in place of concrete curbing, upon determining that such devices would be more appropriate for the site or use.
- F. *Stacking spaces.* Where required by this article, stacking spaces for drive-through facilities shall be ten feet wide by 20 feet long. Stacking spaces shall not intrude into any street right-of-way, public easement, sidewalk or maneuvering lane for an off-street parking lot.
- G. *Grading and drainage.* Driveways and other parking areas shall be graded and drained to dispose of surface waters in accordance with the construction and design standards established by the city. Surface water shall not be permitted to drain on to adjoining lots or to sheet flow across a public sidewalk, except in accordance with a drainage plan approved by the city.
- H. *Parking layout.* The layout of off-street parking facilities shall be in accordance with the following minimum requirements (see illustration):

PARKING PATTERN (degrees)	MANEUVERING LANE WIDTH	PARKING SPACE WIDTH	PARKING SPACE LENGTH	WIDTH OF MANEUVERING LANE PLUS TWO ROWS
0° (parallel)	24 feet (two-way)	8 feet	24 feet	40 feet
45°	12 feet (one-way)	9 feet	20 feet	49 feet
60°	16 feet (one-way)	9 feet	20 feet	56 feet
90°	20 feet (two-way)	9 feet	20 feet	60 feet

1. Parking rows shall not exceed 300 feet in length without providing a break in circulation or a mid-point landscaped island.
2. Up to ten percent of the parking spaces provided may be compact car parking spaces with a reduced width of eight feet and a reduced length of 17 feet. Compact car only spaces shall be identified with signage or pavement striping.
3. One attendant shelter building may be provided for an off-street parking lot, which shall conform to setback requirements for the zoning district.

Sec. 9.07. Construction.

Construction or alteration of off-street parking lots shall be in accordance with an approved site plan, and shall be subject to review and approval of appropriate permits by the building official. Plans for parking lots shall

indicate existing and proposed grades, drainage, water mains and sewers, surfacing and base materials, and the proposed parking layout in accordance with the construction and design standards established by the city.

1. *Inspection.* Upon completion of construction, the parking lot shall be inspected and approved by the Building Official before a certificate of occupancy can be issued for the parking lot and the structure or use the parking is intended to serve.
2. *Performance guarantee.* In the event that required paving cannot be completed because of cold or inclement weather, the city may require submittal of a performance guarantee to ensure completion of all required improvements per the approved site plan, in accordance with section 1.06 (performance guarantees).

Sec. 9.08. Off-street loading.

To avoid undue interference with public use of dedicated street and alley rights-of-way, adequate space shall be provided for loading and unloading activities associated with any use involving the receipt or distribution of vehicles, materials or merchandise, subject to the following:

- A. *General standards.* The following shall apply to loading and unloading areas in all zoning districts:
 1. Loading spaces shall be of adequate area and height to accommodate the anticipated needs of the proposed use, subject to planning commission approval.
 2. Loading spaces shall be set back a minimum of 50 feet from any residential district or use, except where enclosed within a building or screened to the satisfaction of the planning commission, in accordance with section 11.04 (methods of screening and buffering).
 3. Loading spaces, truck docks, overhead doors, and similar loading and unloading facilities shall be prohibited within any front yard, or on any building facade visible from a public street, except where the planning commission determines that such a location is necessary due to the location or internal arrangement of the building.
 4. Loading spaces shall be paved with concrete or bituminous asphalt in accordance with the construction and design standards established by the city.
- B. *District standards.* The minimum size or number of required loading spaces shall be in accordance with the following standards by zoning district:
 1. *Office-service (O) district standards.* Adequate loading space shall be provided for in the side or rear yard at a minimum ratio of five square feet per one linear front foot width of the principal building.
 2. *Business (B-1, B-2, B-3) district standards.* Adequate loading space shall be provided for in the side or rear yard at a minimum ratio of ten square feet per one linear front foot width of the principal building.
 3. *Industrial (I-1, I-2) district standards.* Adequate loading space shall be provided for in the side or rear yard in accordance with the following minimum requirements:

USABLE FLOOR AREA	REQUIRED LOADING AND UNLOADING SPACES
0 to 2,000 square feet	None
2,001 to 20,000 square feet	One space
20,001 to 100,000 square feet	One space per 20,000 square feet of usable floor area
100,001+ square feet	Three spaces, plus one space per 50,000 square feet of usable floor area.

Sec. 9.09. Modification of standards.

Limited modifications to the standards of this article shall be permitted, subject to the following:

- A. *Special parking districts.* Special parking districts may be established by the city council, with recommendation from the planning commission. The purpose of such districts is to define areas of the city within which a reduction of off-street parking requirements for individual uses shall be permitted due to the availability of public parking lots owned or operated by the city, on-street parking, and similar public parking facilities. The boundaries of areas classified as special parking districts shall be delineated on the official zoning map.

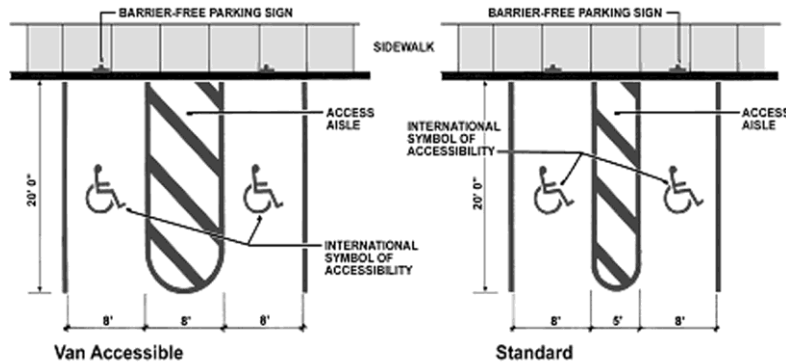
Individual uses within the boundaries of a special parking district shall not be required to construct or maintain private off-street parking facilities, provided that the use is located within 750 feet of an existing or planned off-street public parking lot.

- B. *Off-site parking facilities.* Required parking facilities accessory to non-residential uses in any zoning district may be located off-site (on other than the same zoning lot as the use served), subject to the following:
1. Required parking shall be located within 500 feet of a principal building entrance for the use.
 2. Use of off-site parking spaces within a residential zoning district shall be prohibited.
 3. A written agreement shall be drawn to the satisfaction of the city attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to serve.
- C. *Exceeding maximum number of required spaces.* The planning commission may require any use to provide parking spaces above the required minimum, up to the maximum permitted by this section. Exceeding the maximum parking space requirements shall be prohibited, except where the planning commission determines that additional parking is necessary to accommodate the use on a typical day of operation, based upon evidence supplied by the applicant.
- D. *Deferment of parking spaces.* Where an applicant demonstrates to the satisfaction of the planning commission that the minimum required number of parking spaces is excessive, the planning commission may approve the construction of a lesser number of parking spaces, provided that the deferred parking is shown on the site plan and set aside as open space. Deferred parking spaces shall be constructed in accordance with the approved site plan upon written request by the city after the city planner has documented three incidents of problem parking on the site.
- E. *Modification of loading space requirements.* The planning commission may modify or waive the requirement for off-street loading areas, upon determining that adequate public or private loading space is available to serve the building or use, or that provision of such loading space is unnecessary or impractical to provide.
- F. *Other circumstances.* The planning commission may modify or waive off-street parking requirements under any of the following circumstances:
1. A combination of off-street parking spaces and on-street spaces adjacent to the lot can effectively accommodate the parking needs of a given use without negatively impacting traffic safety or adjacent uses.
 2. Sufficient evidence has been provided by the applicant to demonstrate that an alternative parking standard would be more appropriate for the type, scale or intensity of the use.

Sec. 9.10. Maintenance.

All parking and loading areas shall be maintained in accordance with the provisions of this article, an approved site plan and the following:

1. Alterations to an approved parking or loading facility that are not in accordance with an approved site plan shall be considered a violation of this ordinance.
2. All parking areas, perimeter landscaped areas, and required screening shall be kept free from tall grass, weeds, trash, and debris. Surfacing, curbing, lighting fixtures, signage, and related appurtenances shall be kept in good repair.



Barrier-Free Parking Space Layout

ARTICLE 10. ACCESS MANAGEMENT

Sec. 10.01. Purpose.

The purpose of this article is to protect the substantial public investment in the city's street system by preserving the traffic capacity of existing streets. It is the further intent of this article to promote safe and efficient travel within the city; minimize disruptive and potentially hazardous traffic conflicts; establish efficient standards for driveway spacing and the number of driveways; and ensure reasonable vehicular access to properties, though not always the most direct access.

The standards are specifically designed for public streets classified as collector streets, arterials or thoroughfares in the master transportation plans for the city, county or state road authorities, whose primary function is the movement of through traffic.

Sec. 10.02. Scope.

The standards of this article shall apply to all sites, uses, and developments subject to planning commission review that abut a public street classified as a collector or thoroughfare in the master transportation plans for the city, county or state road authorities. This article shall not apply to sites, uses, and developments exclusively abutting local streets whose primary function is to provide vehicular access to abutting lots.

The provisions of this article shall be applied to the extent determined reasonable and appropriate by the planning commission, in addition to any requirements of the Michigan Department of Transportation (MDOT) or

county road authorities. If a conflict arises in the application of these provisions in conjunction with county or state road authority requirements, the more stringent standard shall apply.

Sec. 10.03. Number of permitted driveways.

The number of non-residential driveways permitted per zoning lot shall be the minimum necessary, as determined by the planning commission, to provide reasonable access for regular traffic and emergency vehicles, while preserving traffic operations and safety along the public roadway. Such determinations shall be based on the street frontage of the zoning lot and the provisions of section 10.04 (driveway offsets and spacing standards), and the following:

1. Where an existing site includes driveways that are not in conformance with the standards of this article, the planning commission may require the closing of one or more nonconforming driveways as part of any site plan approval.
2. Where feasible, new vehicular access to a site shall be provided by a shared driveway, cross-access drive or service drive in accordance with section 10.05 (shared access).
3. Additional driveways may be permitted where determined by the planning commission to adequately accommodate traffic or ensure public safety.

Sec. 10.04. Driveway offsets and spacing standards.

Driveways along collector streets, arterials or thoroughfares accessory to multiple-family and non-residential uses and developments shall be located so as to minimize interference with the free movement of traffic, to provide adequate sight distance, and to provide the most favorable driveway grade. Vehicle access from public streets classified as a collector or thoroughfare in the master transportation plans for the city, county or state road authorities shall be subject to the following:

- A. *Driveway offsets along public rights-of-way.* Where feasible, new driveways shall be aligned with existing driveways or streets on the opposite side of an collector or thoroughfare (see illustration).
 1. If such alignment is not feasible, new driveways shall be offset from existing driveways or streets a minimum of 250 feet along arterials or thoroughfares, and 150 feet along collector streets.
 2. Greater offsets may be required in accordance with the findings and recommendations of a traffic impact study conducted in accordance with section 10.06 (traffic impact studies).
 3. The planning commission may modify these standards based upon site and use locations and conditions.
- B. *Driveway spacing standards.* The minimum spacing between driveways and street intersections, and between separate driveways without traffic lights, shall be determined based upon the posted speed limit of the abutting collector street or thoroughfare.

The following minimum spacing standards are based on Michigan Department of Transportation (MDOT) standards and shall be measured from the centerlines of the driveways or street right-of-way:

POSTED SPEED LIMIT	MINIMUM DRIVEWAY SPACING
25 mph	130 feet
30 mph	185 feet
35 mph	245 feet
40 mph	300 feet
45 mph	350 feet
50+ mph	455 feet

Where a site has insufficient street frontage to meet the above standards, the planning commission may approve any of the following alternatives:

1. The closing of at least one existing nonconforming driveway on the site, or construction of a new driveway access on an abutting local street.
2. Location of a new driveway at a point that maximizes driveway spacing and separation distance.
3. Indirect access via a shared driveway, service drive, or cross-access connection with an adjacent lot or use.

Sec. 10.05. Shared access.

The development and use of shared driveways, cross-access drives, service drives, and similar means of shared access connecting two or more lots or uses shall be encouraged, in accordance with the purpose of this article. Upon determination that the number of vehicular access points along a collector street or thoroughfare is excessive based on the standards of this article, the planning commission may require the use of a shared driveway, cross-access drive or service drive to provide primary or secondary vehicular access as part of a site plan approval.

- A. *Location.* New shared driveways, cross-access drives, and service drives shall be aligned with existing drives on adjacent lots where feasible, and parallel or perpendicular to the street right-of-way.
- B. *Cross-access easement.* Shared driveways, cross-access drives, and service drives shall be located within a dedicated access easement that permits traffic circulation between lots, which shall be recorded with the county register of deeds office.
- C. *Construction and materials.* Shared driveways, cross-access drives, and service drives shall be paved with concrete, bituminous asphalt or similar hard-surfacing materials, in accordance with the construction and design standards established by the city. The grade of such drives shall be coordinated with existing or planned drives on adjacent lots.
- D. *Temporary access.* The planning commission may approve temporary driveways on the arterial street or thoroughfare as part of a site plan approval where continuation of shared access is not currently feasible, but is anticipated to be constructed within the next five years.

A performance guarantee shall be submitted by the applicant in accordance with section 1.06 (performance guarantees), to ensure closure and removal of the temporary access when the new shared access is constructed.

- E. *Maintenance.* The easement area shall remain clear of obstructions, and shall not be used for parking unless otherwise approved by the planning commission. Each property owner shall be responsible for maintenance of the shared access. A maintenance agreement may be required by the planning commission, subject to review and approval by the city attorney.

Sec. 10.06. Traffic impact studies.

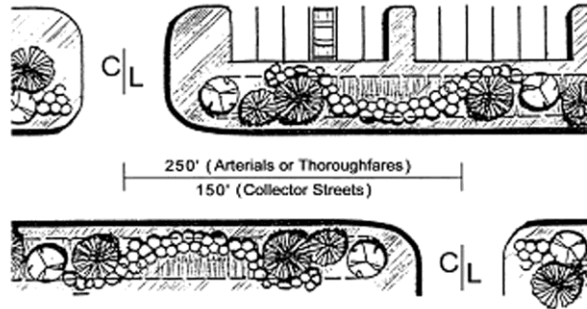
Where authorized by this ordinance or determined necessary by the planning commission, a traffic impact study (TIS) shall be prepared by an applicant to determine the potential future traffic conditions on the adjacent roadways once a proposed use is established or development is completed. The city may utilize its own traffic consultant to review the TIS, with the cost of the review being borne by the applicant per section 1.05 (fees).

The results of the TIS shall be used in the final design of access points and internal circulation and may identify necessary off-site road improvements. At a minimum, the TIS shall meet standards of the Southeastern

Michigan Council of Governments (SEMCOG) and Michigan Department of Transportation (MDOT) handbook entitled Evaluating Traffic Impact Studies. The planning commission may modify the TIS requirements or scope based upon site and use location and conditions.

At a minimum, the TIS shall include the following:

1. An analysis of existing traffic conditions and/or site restrictions using current data.
2. Projected trip generation at the subject site or along the subject service drive based on the most recent edition of the Institute of Transportation Engineers' *Trip Generation* manual. The city may approve use of other trip generation data if based on recent studies of at least three similar uses within similar locations in Michigan.
3. Illustrations of current and projected turning movements at access points, including identification of potential impacts of the development on the operation of the abutting streets. Capacity analysis shall be based on the most recent edition of the of the Transportation Research Board's *Highway Capacity Manual*, and shall be provided in an appendix to the TIS.
4. Description of the internal vehicular circulation and parking system for passenger vehicles and delivery trucks, as well as the circulation system for pedestrians, bicycles and other users.
5. Prediction of the peak-hour operational conditions at site driveways and road intersections affected by the development.
6. Justification of need, including statements describing how any altered or additional access points will meet the intent of this article, preserve public safety and road capacity, and be consistent with the adopted master transportation plans for the city, county or state road authorities.
7. Qualifications and documented experience of the author in preparing traffic impact studies in Michigan. The preparer shall be either a registered traffic engineer (P.E.) or a transportation planner, with at least three years of experience preparing traffic impact studies in Michigan. If the TIS includes geometric design, the study shall be prepared or supervised by a registered engineer with adequate experience in traffic engineering.



Minimum Horizontal Offset Distance Across Street Right-of-Way



Aligned on Driveway Centerline Across Street Right-of-Way

Driveway Offsets

Sec. 10.07. Gratiot Avenue Corridor Overlay Zone.

- A. *Intent.* The intent of the Gratiot Avenue Corridor Overlay Zone is to improve traffic operations and reduce potential for crashes through regulations on the number, spacing, placement and design of access points. Numerous published reports and recommendations by the Michigan Department of Transportation (MDOT) and other transportation organizations have identified a direct correlation between the number of access points and the number of crashes. Those studies also demonstrate that appropriate standards on the number and placement of access points (driveways and side street intersections) can preserve the capacity of a major corridor, like Gratiot Avenue, whose primary function is to move traffic, with a secondary function to provide reasonable access to properties along the road. The standards herein are based on recommendations published by various national and Michigan agencies that were refined during preparation of the Gratiot Avenue Corridor Improvement Plan.

Further, these regulations are intended to protect the substantial public investment in the road system and helps avoid the need for costly reconstruction, which causes traffic congestion with associated emissions and disrupts businesses. The procedures outlined in this section are intended to promote a more coordinated and expedited development review and approval process for site plans and access permits by the city, MDOT and the Road Commission of Macomb County (RCMC).

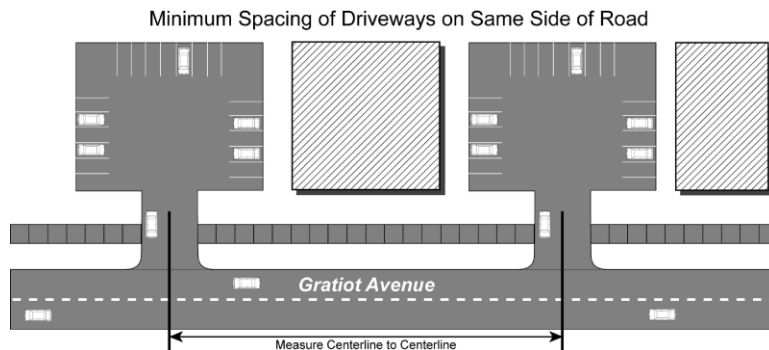
B. *Definitions.*

1. *Access management:* The process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity, and speed on the abutting road system.

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2. *Intersection*: The junction where one road crosses another or where one road terminates into another approximately perpendicular road. Intersections, as referred to in this section, shall mean those both signalized and non-signalized.
 3. *Reasonable access*: The minimum number of access connections, direct or indirect, necessary to provide safe access to and from a public road. Reasonable access does not necessarily mean direct access.
- C. *Applicability*.
1. The standards of this section shall apply to all land with frontage along Gratiot Avenue and all parcels that have all or a portion of its land within 500 feet of the Gratiot Avenue right-of-way. The access standards of this section do not apply to access that serves a single-family home, duplex or essential service facility structure.
 2. The regulations herein apply in addition to, and simultaneously with, the other applicable regulations of the zoning ordinance.
 3. The following applications must also comply with the standards in this section.
 - a. *New or enlarged building or structure*. No new principal building or structure, nor the enlargement of any principal building or structure by more than 25 percent, shall be erected unless the regulations in this overlay zone are met and maintained in connection with such building, structure, or enlargement.
 - b. *Reconstruction*. No enlargement or reconstruction of on-site parking facilities by more than 25 percent shall be approved unless in compliance with this overlay zone. (This does not apply to milling and resurfacing).
 - c. *Land division, subdivision or site condominium*. No land division or subdivision or site condominium project within the overlay zone shall be approved unless it is demonstrated access to the site is in compliance with the standards herein.
 - d. *Change in use or intensity of use*. Any change in use, intensity of use or increase in vehicle trips generated on a site that does not meet the access standards of this overlay zone shall be required to submit a site plan for approval by the planning commission and submit information to the MDOT and/or RCMC to determine if a new access permit is required.
 - e. *Extension of site plan approval*. In the event that a site plan extension request is made, planning commission shall determine the extent to which the standards apply. Planning commission's decision may be based on considerations such as the number of previous extensions granted to the site plan and the feasibility of accommodating the standards.
 4. The approval of a land division or site plan application does not negate the responsibility of an applicant to subsequently secure access permits from the road agency (MDOT along Gratiot Avenue or any state trunkline and the appropriate road commission or the City of Richmond).
 5. Where conflict occurs between the city regulations and road agency regulations, the more restrictive regulations shall apply.
- D. *Submittal information*. In addition to the submittal information required for site plan review in section 18.02 (required information for site plans), the following shall be provided with any application listed in subsection C. above:
1. *Existing access points*. Existing access points within 500 feet along both sides of the road frontage and along both sides of any adjoining intersecting roads shall be shown on the site plan, aerial photographs or on a plan sheet.

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2. *Existing and proposed driveways.* Dimensions shall be provided for existing and proposed driveways (width, radii, throat length, length of any deceleration lanes or tapers, pavement markings and signs) and all curb radii within the site. Dimensions must also be provided between the existing and proposed driveways within the site and access points within 500 feet along both sides of the Gratiot Avenue frontage and, for corner lots, those along both sides of any adjoining intersecting roads.
 3. *Sites not otherwise subject to planning commission review.* Where site access is being reviewed due to a change in use or intensification of use or traffic generated, the city may allow submittal of a sketch plan that contains only the information necessary to review such access. At a minimum, the information required by items 1.—3. above must be provided on a scaled drawing of the overall site conditions.
- E. *Access management standards.* The regulations of this section shall be considered by the planning commission during review of access points, streets, private roads and driveways subject to review according to this section.
1. *Compliance with Corridor Plan.* Where property is illustrated in the Gratiot Avenue Corridor Improvement Plan, or other corridor plan, such access shall be provided as shown to the extent possible, as determined by the planning commission.
 2. *Review coordination.* The city may contact MDOT and/or RCMC for the opportunity to provide input on the city's decisions on access. Any access permit from the road agency shall be consistent with the city's decision on a site plan or special land use application. An access permit may not be approved by a road agency until the land division or site plan is approved by the city.
 3. *Number of access points.* The number of access points, either existing or proposed, shall be the fewest necessary to provide motorists reasonable access to the site. Each lot shall be permitted one access point. Depending on site conditions, this access point may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive.
 4. *Additional access point.* An additional access point may be permitted by the planning commission upon finding that one or more of the following, as applicable, are met:
 - a. A need for an additional access point has been demonstrated, and the additional access point will not create negative impacts on through traffic flow or operations. The planning commission may require the submittal of a traffic impact study, prepared in accordance with subsection G. below, to demonstrate the need; and
 - b. A poor level of service will result if access is provided that meets the location and spacing standards and the additional driveway will improve the overall level of service both within the site and on the road.
- OR
- a. The site has adequate frontage to meet the spacing standards between access points listed below, and the additional access will not prevent adjacent lands from complying with the access spacing standards when such lands develop or redevelop in the future; and
 - b. The additional access point will not create conflicts with access points on adjacent properties or median crossovers, will not create a nonconforming situation for an existing or expected access for an undeveloped site, or it will make an existing nonconforming situation more conforming; and
 - c. If necessary, the site plan includes facilities (such as easements or access agreements) that will allow future shared access to neighboring properties or will implement existing opportunities to provide shared access when the driveway is constructed; and

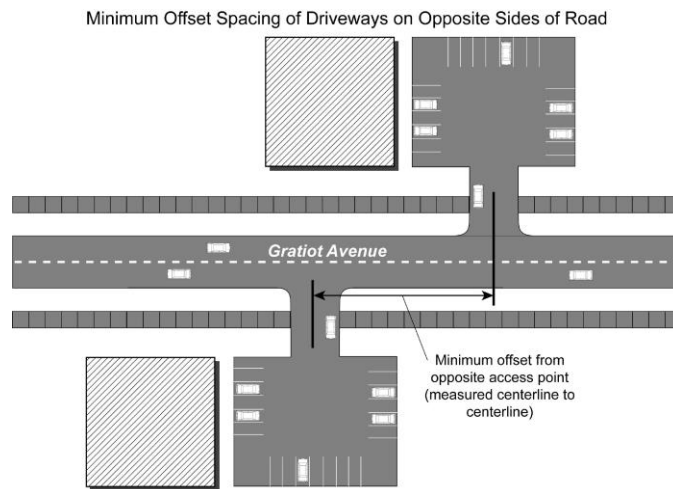
- d. The additional driveway is a necessity rather than just a convenience; and
- e. The additional access is acceptable to the MDOT along Gratiot Avenue or any state trunkline and the RCMC for other roads.



5. *Spacing of access points on same side of road.* Access points shall provide the following spacing from other access points along the same side of the public street (measured from centerline to centerline as shown on the figure), based on the posted speed limit along the abutting road segment, according to the following table.

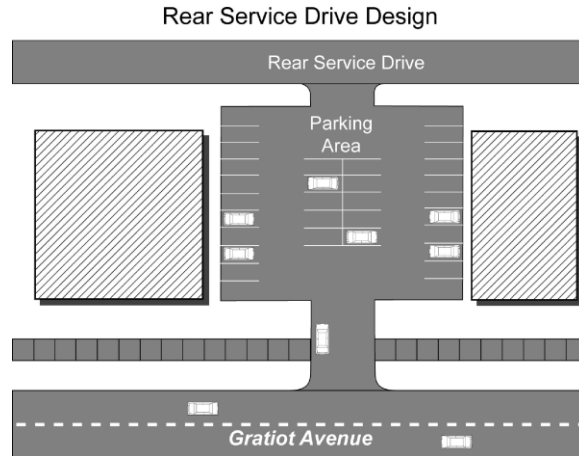
Posted Speed limit	Along Gratiot Ave*	Along other Roads
35 mph or less*	245 ft.	150 ft.
40 mph	300 ft.	185 ft.
45 mph	350 ft.	230 ft.
50 mph	455 ft.	275 ft.
55 mph	455 ft.	350 ft.

* unless greater spacing is required by MDOT or required to meet other standards herein



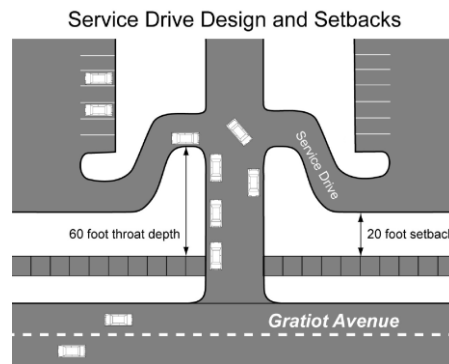
6. *Offset from access points on opposing side of road.* Access points shall be aligned with driveways on the opposite side of the road or offset a minimum of 250 feet (measured from centerline to centerline). The planning commission may reduce this to not less than 150 feet where each of the opposing access point generates less than 50 trips (inbound and outbound) during the peak hour or where existing driveways or sight distance limitations exist.

7. *Spacing from intersections.* Minimum spacing of access points from signalized intersections (measured from road edge to road edge) shall be at least 300 feet from an intersection along Gratiot Avenue.
8. *Consideration of adjacent sites.* Where the subject site adjoins land that may be developed or redeveloped in the future, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future.



9. *Shared driveways and service drives.* Where direct access consistent with the above regulations cannot be achieved, access should be provided via a shared driveway or service drive. In particular, the planning commission may require development of service drives where such facilities can provide access to signalized locations, minimize the number of driveways, or provide an efficient means of ingress and egress.

Service drives shall be constructed in accordance with the following standards:



- (i) Service drives shall generally be parallel or perpendicular to the front property line and may be located either in front of, adjacent to, or behind, principal buildings. In considering the most appropriate alignment for a service road, the planning commission and the RCMC and/or MDOT shall consider the setbacks of existing buildings and anticipated traffic flow for the site.
- (ii) The service drive shall be located within an access easement permitting traffic circulation between properties. This easement shall be approved by the city and the RCMC/MDOT and recorded with the Macomb County Register of Deeds. The required width shall remain free and clear of obstructions, unless otherwise approved by the planning commission. Each property owner shall be responsible for maintenance of the easement and service drive.

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- (iii) A minimum of 20 feet shall be maintained between the road right-of-way and the pavement of the service drive, with at least 60 feet of throat depth provided at the access point, where practical, measured between the road right-of-way and the intersecting service drive.
 - (iv) Service drives shall have a minimum pavement width of 24 feet and be constructed of either concrete or asphalt with curb and gutter. The planning commission may modify these standards based upon site conditions, anticipated volumes and types of automobile and truck traffic.
 - (v) Where a service drive is stubbed or intended to be extended onto an adjacent property in the future, the site plan shall indicate the proposed elevation of the service drive at the property line so that the city can maintain a record of all service road elevations and their grades can be coordinated with future developments.
 - (vi) In cases where a shared access facility is recommended, but is not yet available, temporary direct access may be permitted, provided the plan is designed to accommodate the future service drive, and a written agreement is submitted that the temporary access will be removed by the applicant, when the alternative access system becomes available. The planning commission may require posting of a financial performance guarantee to ensure compliance with such agreement.
 - (vii) If, during redevelopment of existing sites, it is not possible to develop separate service drives, the planning commission and RCMC/MDOT may instead require a drive connecting parking lots with adjacent sites.
10. *Sight distance.* Driveways shall be located to provide safe sight distance, as determined by the staff of MDOT and/or RCMC.
- F. *Modification of access standards.* Modifications to the standards herein may be permitted by the planning commission according to the following procedure:
- 1. *Allowed modifications.* The planning commission may, after considering the criteria in #2 below, modify the standards of this section in the following situations:
 - a. The modification will allow an existing driveway to remain that does not meet the standards of this section but that has, or is expected to have very low traffic volumes (less than 50 in- and out-bound trips per day) and is not expected to significantly impact safe traffic operations.
 - b. The use is expected to generate a relatively high number of trips and an additional driveway will improve overall traffic operations.
 - c. Practical difficulties exist on the site that make compliance unreasonable (sight distance limitations, existing development, topography, unique site configuration or shape), or existing off-site driveways make it impractical to fully comply with the standards.
 - d. Because of restricted turning movements or presence of a median that restricts turning movements, the driveway does not contribute to congestion or an unsafe situation.
 - 2. *Modification criteria.* The planning commission may waive certain requirements of this section upon consideration of the following:
 - a. The proposed modification is consistent with the general intent of the standards of this overlay zone, the recommendations of the Gratiot Avenue Corridor Improvement Plan, and published MDOT guidelines.
 - b. MDOT staff endorse the proposed access design.
 - c. Driveway geometrics have been improved to the extent practical to reduce impacts on traffic flow.

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- G. *Traffic impact studies.* Where required by this ordinance or determined necessary by the planning commission, a traffic impact study (TIS) shall be prepared by an applicant to determine the potential future traffic conditions on the adjacent roadways once a proposed use is established or development is completed. The city may utilize its own traffic consultant to review the TIS, with the cost of the review being borne by the applicant.

The results of the TIS shall be used in the final design of access points and internal circulation and may identify necessary off-site road improvements. At a minimum, the TIS shall meet standards of the Southeastern Michigan Council of Governments (SEMCOG) and Michigan Department of Transportation (MDOT) handbook entitled Evaluating Traffic Impact Studies. The planning commission may modify the TIS requirements or scope based upon site and use location and conditions.

Traffic impact studies shall contain the following minimum information:

1. An analysis of existing traffic conditions and/or site restrictions using current data.
2. Projected trip generation at the subject site or along the subject service drive based on the most recent edition of the Institute of Transportation Engineers' Trip Generation manual. The city may approve use of other trip generation data if based on recent studies of at least three similar uses within similar locations in Michigan.
3. Illustrations of current and projected turning movements at access points, including identification of potential impacts of the development on the operation of the abutting streets. Capacity analysis shall be based on the most recent edition of the of the Transportation Research Board's Highway Capacity Manual, and shall be provided in an appendix to the TIS.
4. Description of the internal vehicular circulation and parking system for passenger vehicles and delivery trucks, as well as the circulation system for pedestrians, bicycles and other users.
5. Prediction of the peak-hour operational conditions at site driveways and road intersections affected by the development.
6. Justification of need, including statements describing how any altered or additional access points will meet the intent of this article, preserve public safety and road capacity, and be consistent with the adopted master transportation plans for the city, county or state road authorities.
7. Qualifications and documented experience of the author in preparing traffic impact studies in Michigan. The preparer shall be either a registered traffic engineer (P.E.) or a transportation planner, with at least three years of experience preparing traffic impact studies in Michigan. If the TIS includes geometric design, the study shall be prepared or supervised by a registered engineer with adequate experience in traffic engineering.

(Ord. No. 156-11, § I, 11-2-09)

ARTICLE 11. LANDSCAPING, SCREENING AND BUFFERING

Sec. 11.01. Purpose.

Landscaping, greenbelts, screening and land use buffers are necessary for the protection and enhancement of the environment, and for the continued vitality of all land uses in the city. Landscaping and greenbelts are capable of enhancing the visual environment, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual disruption related to intensive uses. Landscape features contribute to a healthy development pattern, and increase the level of privacy for residential uses in the city. The purpose of this article is to:

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1. Protect the character, appearance and value of land and neighborhoods through the use of landscaping, screening and buffering techniques that present a finished and aesthetically pleasing appearance, preserve environmental quality, and enhance the appearance of the city, thereby reducing conditions that may lead to blight.
 2. Protect the health, safety and welfare of motorists and pedestrians by establishing landscaping design standards that guide and orient traffic flow within a site, and separate and protect pedestrian areas from vehicular encroachment.
 3. Encourage creativity, innovation, and incorporation of existing vegetation, topography and other site features into the design and placement of landscaping.
 4. Buffer the visual impact of parking lots, storage areas and similar activities from street rights-of-way and adjacent properties, provide adequate protective screening for residential uses adjacent to or near non-residential zoning districts or uses, and establish minimum standards for the design, installation, and maintenance of landscaping, screening and buffer areas between uses.
 5. Establish realistic and achievable objectives for the screening or buffering of uses of a significantly different scale or character, and the enhancement of individual sites, street rights-of-way and other areas of the city through appropriate landscaping.

The standards of this article are considered the minimum necessary to achieve these purposes.

Sec. 11.02. Objectives.

Consideration by the planning commission of site landscaping, screening and buffering shall reflect the purpose of this article and the following objectives:

1. Site landscaping shall be innovative and creative in design, and shall reflect the unique conditions of the site, and accommodate the specific circumstances of the use.
2. At the time of installation, landscaping, screening and buffering elements shall be immediately effective in meeting the objectives of this article, and shall maintain that effectiveness as the plant materials mature.
3. Significant natural, historical and cultural site features, including but not limited to large trees, hedgerows, and woodlands; waterbodies and wetlands; steep slopes; archeological sites; and historic elements shall be preserved where feasible.
4. Where existing sites have been developed without adequate landscaping, screening or buffering, the purpose of this article shall be achieved through improvements that are in reasonable proportion to the scale and construction cost of proposed building improvements, expansions, or other site improvements.
5. Landscaping shall be designed to minimize the cost of general maintenance and upkeep.
6. Site elements intended for screening purposes shall:
 - a. Effectively form a complete visual and physical separation between uses of a significantly different scale or character, or between the street right-of-way and specific areas of a site (such as loading areas, off-street parking lots, service areas and storage areas) that require screening.
 - b. Mitigate the adverse effects of a proposed use on adjacent uses, including but not limited to headlight glare, lighting, noise, and trash disposal areas.
 - c. Establish a buffer area, create a partial visual transition zone between uses, reduce the adverse effects of a proposed use on adjacent uses or break-up the visual pattern of parking lots and other large monotonous areas of a site.

Sec. 11.03. General standards.

- A. *Scope.* Every property owner and developer shall be responsible for ensuring that the use of a zoning lot in the city does not adversely impact adjacent properties. The standards of this article shall be considered the minimum necessary to achieve the objectives of this article and ordinance, and shall apply to all uses, lots, and sites altered, developed or expanded after the effective date of this ordinance, and to all projects subject to review per article 18 (site plan review).

Permits shall not be issued until the required landscape plan is submitted and approved; and a certificate of occupancy shall not be issued unless the provisions of this article have been met, or a performance guarantee has been posted in accordance with section 1.06 (performance guarantees).

B. *Design standards.*

1. *Visibility.* Landscaping and screening materials and layout shall conform with the requirements of section 5.304 (corner clearance areas), and shall not conflict with utilities and fire hydrant locations, visibility for motorists, or pedestrian access.
2. *Measurement.* For the purpose of determining required plant materials, the length of any required greenbelt buffer shall be measured along the centerline of the greenbelt for its entire length, inclusive of all driveways. Berm length shall be measured from one toe of the berm (the farthest point at one end of the berms long dimension where the berm height equals the surrounding grade level) along the berms centerline to the toe at the opposite end of the berm.
3. *Driveways and sidewalks.* Required screening may be interrupted only to provide for vehicular access or pedestrian circulation.
4. *Plantings near utility lines.* Required landscaping shall be arranged to avoid conflicts with underground and overhead utility lines. The anticipated height at maturity of trees planted near overhead utility lines shall not exceed the line height above grade.
5. *Protection.* Where pavement and landscape areas interface, concrete curbing or similar measures shall be provided to protect plants from vehicle encroachment.
6. *Irrigation.* To assist in maintaining plant materials in a healthy condition, all landscaped areas shall be provided with an automatic, underground, drip irrigation system, subject to the following:
 - a. The planning commission may approve an alternative form of irrigation for a particular site, or may waive this requirement upon determining that underground irrigation is not necessary for the type of proposed plant materials.
 - b. All automatic irrigation systems shall be designed to minimize water usage, and shall be manually shut off during water emergencies or water rationing periods.

C. *Landscape material standards.*

1. *General.* The following shall apply to all plant materials:
 - a. All plant material shall conform to size and description set forth in the current edition of "American Standard for Nursery Stock" sponsored by the American Association of Nurserymen, Inc. and approved by the American National Standards Institute, Inc. (ANSI 260.1, 1996).
 - b. All plant material shall be true to name in conformance to the current edition of Standardized Plant Names established by the American Joint Committee on Horticultural Nomenclature, or other source accepted by the city.

- c. All plant material shall be nursery grown, hardy to the climate of southeast Michigan, appropriate for the soil, climatic and environmental conditions, long lived, and resistant to disease and insect attack.
 - d. Artificial plant material shall be prohibited.
2. *Groundcovers.* The following shall apply to all groundcover materials:
- a. Lawn areas shall be planted in species of grass normally grown as permanent lawns in southeast Michigan. Grass may be sodded or hydro-seeded, except that sod shall be used in swales or other areas subject to erosion. Sod or seed shall be clean, free of weeds and noxious pests or disease.
 - b. The creative use of groundcover alternatives is encouraged. Groundcover used in lieu of grass in whole or part shall be planted in such a manner as to present a finished appearance that is reasonably complete after one complete growing season. Prairie grass and natural wildflower and grass mix may be used where appropriate, provided a maintenance plan has been approved prior to planting.
 - c. Synthetic materials shall not be used as a permitted groundcover. Use of stone and gravel as a groundcover shall be limited to decorative accents within a planting bed, subject to planning commission approval.
3. *Mulch.* Planting beds shall present a finished appearance, with shredded hardwood bark mulch or similar natural material at a minimum depth of three inches. Mulch used around trees and shrubs shall be a minimum of four inches deep, and shall be pulled one inch away from tree trunks. Pine bark mulch shall be prohibited. An effective and appropriately installed edge treatment must be provided to contain and prevent migration of the mulch.
4. *Topsoil.* A minimum four inches of topsoil shall be provided for all lawn areas, ground covers and planting beds.
- D. *Standards for size and variety of plant materials.* To ensure adequate variety, and to avoid monotony and uniformity within a site, required plant materials shall not include more than 30 percent of any one plant species, and shall comply with the following schedule for minimum starting sizes:

LANDSCAPING MATERIALS	PERCENTAGE OF TOTAL AMOUNT	MINIMUM SIZE AT INSTALLATION
Deciduous shade trees	50%	2½—3-caliper inches diameter
	50%	3—3½-caliper inches diameter
Evergreen trees	50%	6.0 feet overall height
	50%	8.0 feet overall height
Deciduous ornamental trees	50%	2.0-caliper inches diameter or 6 feet overall height
	50%	2.5-caliper inches diameter or 8 feet overall height
Shrubs	50%	24 inches in height or spread
	50%	30 inches in height or spread
Vines	100%	30 inches in length
Perennials	100%	1 gallon

Sec. 11.04. Methods of screening and buffering.

Screening and buffering elements shall satisfy the purpose and objectives of this article, and shall be accomplished by any one of the following methods, or any combination of these methods that the planning commission determines to be best suited for the existing conditions:

- A. *Decorative wall or fence with planting strip.* The purpose of this method is to visually screen parking lots and similar uses where the predominant impacts are at or below eye level. This method is intended to provide a low level obscuring screen, without significantly inhibiting visibility or light.

This method shall consist of a planting strip abutting the base of a decorative brick wall, ornamental fence, or wall and fence combination, subject to the following (see illustration):

1. The decorative wall or fence shall have a minimum height of two feet, and shall not exceed four feet in height above grade.
2. The planting strip shall abut the base of the wall or fence, and shall have a minimum width of six feet.
3. A mixture of ornamental trees and shrubs shall be planted along the entire length of the planting strip, at a minimum concentration of one tree and five shrubs per each 30 linear feet of planting strip.
4. Perennial flowers may also be required by the planning commission to be incorporated into the planting strip.

- B. *Hedgerow.* The purpose of this method is to visually screen parking lots, adjacent uses, and street rights-of-way. This method is intended to create an effective obscuring screen within a limited land area. This method shall consist of shrubs planted and maintained as a continuous visual screen, subject to the following (see illustration):

1. The maximum permitted spacing between individual plants shall not exceed three feet on-center, unless a different separation distance is determined by the city planner to be more appropriate for the type of shrub proposed.
2. Maintained plant height at maturity shall be adequate for the intended screening function.
 - a. Low height shrubs [two to four feet in height] shall be used to provide necessary ground-level screening to block headlight glare or similar low level impacts.
 - b. Larger shrubs [exceeding four feet in height] shall be used to establish a landscaped barrier between land uses of differing intensities.

- C. *Greenbelt buffer.* The purpose of this method is to establish a landscaped buffer between adjacent land uses, or between uses and adjacent street rights-of-way. This method is intended to provide a partial visual screen, particularly where the adjacent uses (including uses that are adjacent across a street right-of-way) are less intense than the use of the subject site. Greenbelt buffers shall consist of the following (see illustration):

1. Greenbelts shall have a minimum width of ten feet.
2. Greenbelts shall be sodded, hydro-seeded, or planted with appropriate groundcovers. Planting beds for perennial flowers may be incorporated into the greenbelt.
3. A mixture of deciduous shade trees, ornamental trees, evergreen trees, and shrubs shall be planted along the greenbelt buffer at a minimum concentration of three trees and ten shrubs per 30 linear feet of greenbelt length along a property line or street frontage.

D. *Berm*. The purpose of this method is to effectively screen visual and noise impacts using a combination of natural-appearing landforms and a variety of low level and taller plantings that meet the objectives of this article. This method is intended to provide an obscuring screen to block noise and light from adjacent uses or street rights-of-way, or to create a buffer between developed and undeveloped areas of a site. Berms shall consist of a combination of a sculpted earth mound and plantings, which shall meet the following standards (see illustration):

1. Berms shall have side slopes no steeper than a 4:1 ratio [four feet horizontal to one foot vertical].
2. Berms shall have a minimum height of three feet, and a minimum three-foot wide level horizontal area along the top of the berm. Overall berm height shall be adequate for the intended screening function.
3. The interior face of the berm may be constructed as an earthen slope, or may be retained by means of a wall, terrace, or similar means acceptable to the planning commission.
4. The berm shall be designed and graded to blend with existing topography, and shall be appropriately sodded, hydro-seeded or planted with appropriate groundcovers. Planting beds for perennial flowers may be incorporated into the berm.
5. A mixture of deciduous shade trees, ornamental trees, evergreen trees, and shrubs shall be planted along the entire berm area at a minimum concentration of four trees and ten shrubs per 30 linear feet of berm.

E. *Evergreen screen*. The purpose of this method is to create a dense obscuring screen that meets the objectives of this article. This method is intended to establish a year-round landscaped barrier between land uses of differing intensities, to effectively block noise and light, or to completely separate developed and undeveloped portions of a site.

This method shall consist of closely-spaced evergreen trees with year-round screening characteristics. Such trees shall be planted a maximum of 15 feet apart in at least two staggered rows (see illustration).

F. *Masonry wall*. The purpose of this method is to create a solid barrier and obscuring screen that meets the objectives of this article. This method is intended to establish a year-round barrier to effectively block noise, light, and other impacts between land uses of differing intensities, subject to the following (see illustration):

1. Masonry walls shall have a minimum height of two feet, and shall not exceed six feet in height above grade unless a higher wall height is determined by the planning commission to be necessary to provide adequate screening.
2. Walls shall be solid in character, and capped with a stone or concrete cap.
3. Decorative masonry (brick, stone, or decorative block) materials shall be incorporated into the wall design and construction.
4. Wall materials shall be designed to complement the primary building materials on the site.
5. The wall materials, height, location, and design shall be consistent with existing walls on adjacent lots that conform with the standards of this article, subject to planning commission approval.
6. Standard cinder blocks and formed concrete with an embossed brick pattern shall be prohibited as masonry wall materials.
7. Piers and similar architectural features shall be incorporated into the wall design to visually break up continuous wall sections exceeding 100 feet in length.

Sec. 11.05. Standards for specific areas.

The following standards are intended to address the specific landscaping, screening and buffering needs of particular areas or portions of a site, in accordance with the purpose and objectives of this article:

- A. *Parking lot landscaping.* Landscaped planting strips and islands shall be provided within all off-street parking lots to direct traffic flow, create shade, and break-up large expanses of pavement. Such landscaping shall be subject to the following standards:
1. *Perimeter landscaping.* Parking lots shall be screened from all abutting residential districts, existing residential uses, and street rights-of-way in accordance with section 11.04 (methods of screening and buffering) and the following:
 - a. Street right-of-way screening methods and materials shall be consistent with any established screening methods and materials on adjacent lots that conform with the standards of this article, subject to planning commission approval.
 - b. All sides of a parking lot that abut a residential district or existing residential use shall be screened by a masonry wall not less than four and one-half feet, in height in accordance with section 11.04.F. (masonry wall). Additional screening may be required by the planning commission in accordance with section 11.04 (methods of screening and buffering).
 2. *Landscaping within parking lots.* Planting islands shall be provided within a parking lot to clearly define the egress/ingress points, interior circulation system, and fire lanes, subject to the following:
 - a. Planting islands shall have a minimum width of ten feet, and a minimum area of 160 square feet.
 - b. A minimum of one deciduous shade tree or ornamental tree shall be provided for each 80 square feet of planting area within the island. Shrubs, and live groundcover plantings shall be used to cover all unplanted areas of the island.
 - c. Planting islands shall be located at the ends of each parking row, unless otherwise approved by the planning commission.
 3. *Snow storage area.* Adequate snow storage area shall be provided within the site, and plant materials shall be hardy, salt-tolerant species characterized by low maintenance requirements.
- B. *Boulevard median and cul-de-sac island landscaping.* Landscaped planting strips and islands shall be provided within boulevard medians and cul-de-sac islands to create shade and direct traffic flow, subject to the following (see illustration):
1. Landscaped areas shall be protected with concrete curbing to prevent vehicle encroachment.
 2. Adequate snow storage area shall be provided within the site, and plant materials shall be hardy, salt-tolerant species characterized by low maintenance requirements.
 3. Landscaping shall not obscure traffic signs, streetlighting, or access to fire hydrants.
 4. Landscaping shall not obscure motorist sight-distance between the heights of 30 inches and six feet above the existing street grade. Trees and foliage shall be trimmed to maintain a clear visibility area between these heights.
 5. A minimum of one deciduous shade tree shall be provided for each 300 square feet of planting area within the island.
 6. Shrubs, groundcover plantings, or mulch shall cover all unplanted areas of the island.

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- C. *Screening of trash storage areas.* Outdoor trash storage areas for waste receptacles and containers for recyclable materials shall be screened and maintained in accordance with the following:
1. Any such area shall be limited to normal refuse collected on a regular basis, and shall be maintained in a neat, orderly, and sanitary condition. Waste receptacles and containers for recyclable materials shall be kept within a screening enclosure. In no instance shall such refuse be visible above the required screening.
 2. A masonry screening wall shall be provided to enclose three sides of the storage area, in accordance with the standards of section 11.04.F. (masonry wall). The wall shall have a minimum height of six feet or the height of the receptacles or containers, whichever is greater. Steel-reinforced, lockable wooden gates shall be provided to secure the enclosure.
 3. Trash storage areas and enclosures may be located in a side or rear yard, and shall be prohibited within any front yard area. The planning commission may require additional screening in accordance with section 11.04 (methods of screening and buffering), where a trash storage area or enclosure would be visible from an adjacent street right-of-way, residential district, or existing residential use.
 4. Concrete-filled metal bollards or equivalent protective devices shall be installed at the opening and in the interior to the rear of any storage area to prevent damage to the screening walls. A concrete pad shall be provided under the storage area, and shall extend a minimum of ten feet in front of the enclosure.
- D. *Loading, utility, mechanical equipment, storage, and service area screening.* Loading areas, storage areas and service areas, public utility and essential service uses and structures, ground-equipment shelters for wireless communications facilities, ground-mounted transformers and HVAC units, electric sub-stations, gas regulator stations, and similar facilities shall be screened from the street right-of-way adjacent properties in accordance with section 11.04 (methods of screening and buffering).
- E. *Right-of-way landscaping.* Areas within the street right-of-way between the pavement edge and the street right-of-way line shall be landscaped in a manner that enhances the visual character of city streets and minimizes adverse impacts of vehicular traffic on adjacent uses. Right-of-way landscaping shall be subject to the following:
1. *Street trees.* Street tree plantings shall be required for all lots located along M-19/Main Street, Gratiot Avenue, County Line Road, 31 Mile Road, and Division/32 Mile Road [except for lots within the B-2 (central business) district], subject to the following (see illustration):
 - a. Street trees shall be planted along the margins of the street rights-of-way, and shall consist of deciduous shade trees planted at a minimum concentration of one street tree per 30 linear feet along the right-of-way. Required trees may be planted at regular intervals or in informal groupings.
 - b. Existing trees near or within street rights-of-way shall be preserved where feasible.
 - c. Permits may be required by the city, or county or state road authorities for installation of street trees within rights-of-way under their jurisdiction. Where such plantings are not permitted within a street right-of-way, required street trees shall be planted within the front yard setback area, or at an alternative location approved by the planning commission.
 - d. Subdivision and site condominium developments shall be further subject to the requirements of the subdivision ordinance, chapter 82 of the City of Richmond Code of Ordinances.
 2. *Groundcover plantings within street rights-of-way.* Street rights-of-way shall be planted with grass or other suitable ground cover.

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3. *Maintenance of right-of-way landscaping.* Right-of-way landscaping shall be maintained by the owner of the abutting property.
- F. *Detention and retention basin landscaping.* Where a detention or retention basin, or similar stormwater management facility is required, such facilities shall comply with the following:
1. To the extent possible, basin configurations shall be incorporated into the natural topography. Where this is not practical, the basin shall be shaped to emulate a naturally formed or free-form depression. The basin edge shall consist of sculptured landforms to filter and soften views of the basin.
 2. Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, it shall be ornamental in character, and subject to planning commission approval. Use of chain-link fencing shall be prohibited.
 3. Basins may be planted with a mixture of groundcover plantings native to southeast Michigan, such as native grasses or wildflowers, provided that such plantings present a finished appearance with minimal maintenance.
 4. A perimeter greenbelt buffer shall be provided in accordance with section 11.04.C. (greenbelt buffer) and the following:
 - a. Plantings shall be clustered around the basin to achieve a variety of plant materials, and to replicate a natural environment. Deciduous shade trees shall be clustered around the south and west sides of the basin to provide shade and minimize solar heating of the water.
 - b. Trees shall be planted above the freeboard line of the basin. Any plantings proposed below the freeboard line shall be tolerant of wet or moist soil conditions. The location of plant materials shall take into consideration the need to provide access for routine basin maintenance.

Sec. 11.06. Existing plant materials.

Trees and wooded areas existing on a site prior to development, expansion, redevelopment or change of use shall be subject to the provisions of Chapter 98 (Vegetation), Article 4 (Woodlands and Tree Preservation) of the City of Richmond Code of Ordinances, and the following:

1. Preserved trees and wooded areas may be used to satisfy specific landscape standards of this article, in accordance with the purpose and objectives of this article.
2. The location, size and species or type of all existing individual trees to be preserved shall be identified on the site plan, along with the perimeter of all preserved wooded areas.

Sec. 11.07. Prohibited plant materials.

The following trees, because of various problems, are not considered desirable plant materials, except where such trees are associated with an appropriate wetland or other ecosystem, where removal of existing trees would result in a substantial loss of screening or buffering for adjacent uses or street rights-of-way, or where noted below:

SPECIES	COMMON NAME
Acer negundo	Box Elder
Ulmus x	Elm varieties; except disease-resistant cultivars, such as "Regal", "Pioneer", "Homestead", "Jacan" and "Accolade"

Aesculus x	Horse Chestnut; except for use in greenbelts and transition zones between developed and un-developed areas of a site
Populus x	Poplar varieties
Elaeagnus x	Olive varieties
Salix x	Willow varieties; except in appropriate wetland ecosystems
Catalpa x	Catalpa varieties
Ailanthus altissima	Tree of Heaven
Ginkgo biloba	Ginkgo (female); male trees are acceptable
Robinia pseudoacacia	Black locust
Morus alba	Mulberry (white)
Acer saccharinum	Silver Maple
Fraxinus x	Ash varieties

Sec. 11.08. Installation.

All landscaping shall be installed in a manner consistent with the standards of the American Association of Nurserymen, the approved landscape plan, and the following:

1. *Deadline for installation.* Installation of all required landscaping and screening elements and plant materials shall be completed:
 - a. Within 365 days from the date of site plan approval for the project, or within 180 days from the date of issuance of any building permits for the project; and
 - b. Prior to issuance of a certificate of occupancy for the project.
2. *Extension.* The city planner may extend the deadline to allow installation of required plant materials by the end of the next planting season, upon determination that weather conditions, development phasing, or other factors would jeopardize required plant materials and prevent their installation by the deadline specified in this section.
3. *Performance guarantee.* The city planner may require submittal of a performance guarantee, in accordance with section 1.06 (performance guarantees), to cover the cost of installing required landscaping and screening elements and plant materials. After installation has been completed, an inspection of the plant materials shall be conducted by the city planner before the performance guarantee may be released.

Sec. 11.09. Maintenance.

All landscaping materials shall be maintained in accordance with the approved landscape plan, and the following:

1. Landscape maintenance procedures and frequencies to be followed shall be specified on the landscape plan, along with the manner in which the effectiveness, health and intended functions of the various landscape areas on the site will be ensured.
2. Landscaping shall be kept in a neat, orderly and healthy growing condition, free from weeds, debris and refuse. Tree stakes, guy wires and tree wrap are to be removed after one year.
3. Pruning of plant materials shall be limited to the minimum necessary to ensure proper maturation of plants to achieve their intended purpose.

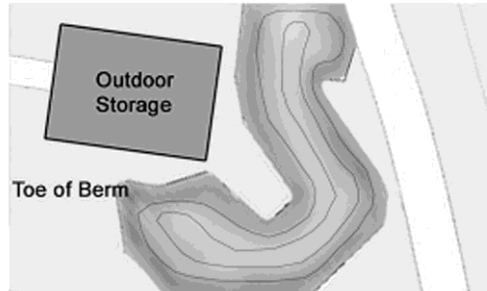
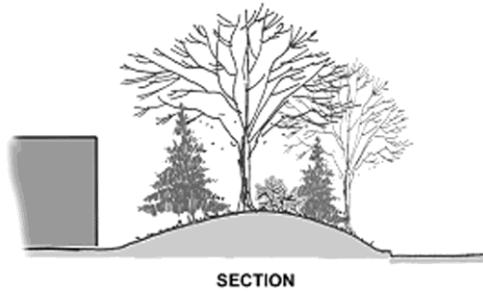
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4. All required landscape areas shall be planted and maintained with living plant materials. Failure to maintain required landscaped areas, including the removal and replacement of dead or diseased plant materials, shall constitute a violation of this ordinance.
 5. The approved landscape plan shall be considered a permanent record and integral part of the approved site plan. Any replacement or removal of plant materials that is not in accordance with the approved landscape plan shall be a violation of this ordinance.
 6. Adequate provisions shall be made to supply water to all landscape areas on a regular schedule.

Sec. 11.10. Alternatives, exceptions and existing sites.

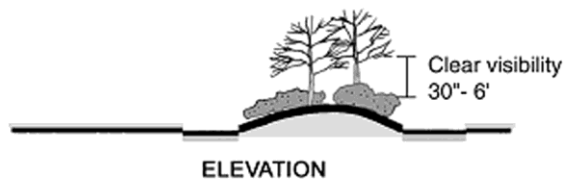
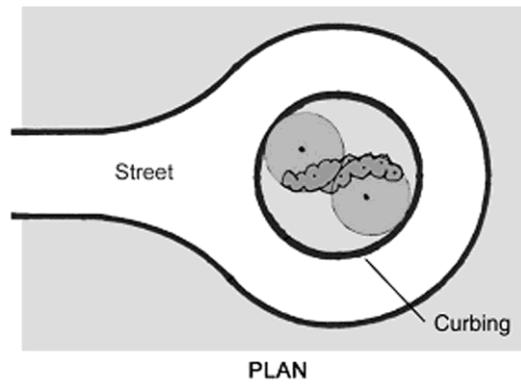
The planning commission shall have the authority to approve alternative designs or plant materials, to grant exceptions to the standards of this article, and to address existing site landscaping in accordance with the following:

1. *Alternative designs or materials.* The planning commission may approve alternative landscape designs or plant materials upon determination that the alternative would meet the purpose and objectives of this article.
2. *Exceptions.* The planning commission may reduce, waive, or otherwise grant an exception to the specific standards of this article upon determination that the landscaping, screening, and land use buffer requirements for the use and the purpose and objectives of this article have been satisfied by existing topography, vegetation or other means acceptable to the planning commission.
3. *Existing sites.* Where an existing building is undergoing redevelopment, improvement, expansion, or change in use, the planning commission may require landscaping, screening and buffering improvements in accordance with the purpose and objectives of this article, and in reasonable proportion to the size and configuration of the site and the scale of proposed improvements.

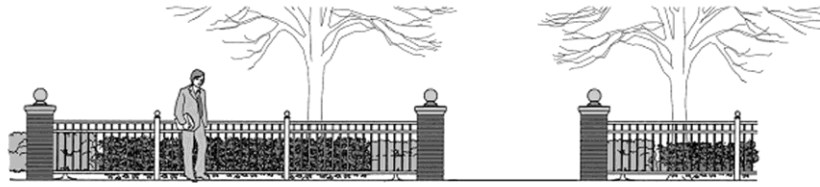
ILLUSTRATIONS



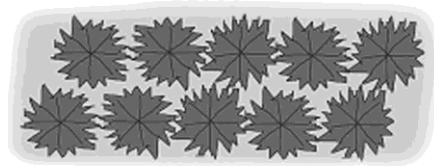
Berm



Cul-de-sac Island Landscaping



Decorative Wall or Fence with Planting Strip



PLAN

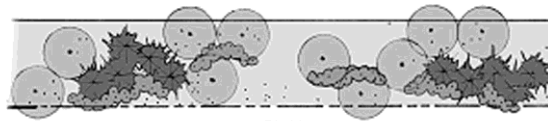


ELEVATION



SECTION

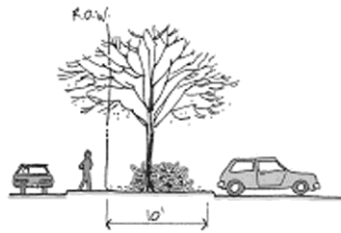
Evergreen Screen



PLAN



ELEVATION

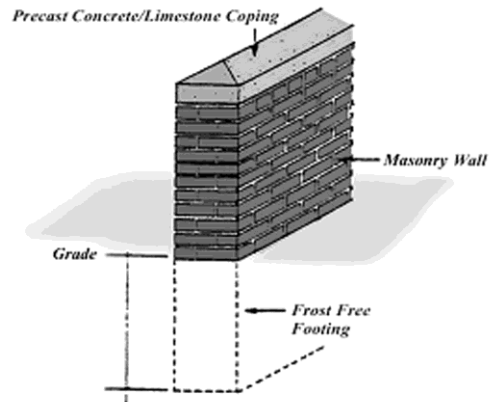


SECTION

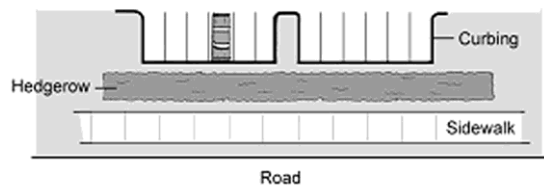
Greenbelt Buffer



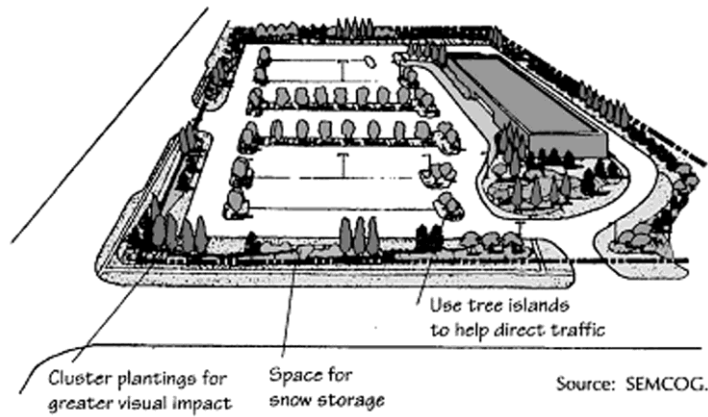
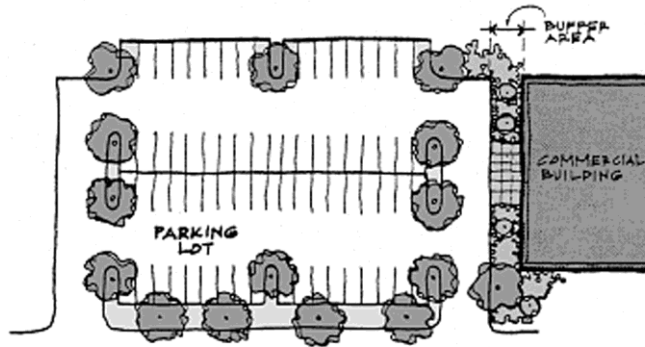
Street Trees



Screen Wall



Hedgerow



Landscaping Within Parking Lots

ARTICLE 12. BUILDING DESIGN AND COMPOSITION

Sec. 12.01. Purpose.

High quality architectural design and building composition are important elements in reinforcing a comfortable, human-scale environment, and for maintaining a unique sense of place in the City of Richmond. In particular, the attractiveness and economic vitality of the city's downtown areas are largely a reflection of the shape, placement, design, and quality of the built environment. Accordingly, it is the purpose of this article to:

1. Maintain the visual environment of the city, protect the general welfare, and ensure that the city's property values, building designs, appearance, character, and economic well-being are preserved and respected through minimum design and appearance standards.
2. Encourage creativity, imagination, innovation, and variety in architectural design and building composition through design principles that promote harmony in the physical relationships between structures in the city.
3. Preserve the unique heritage, history, and architectural character of existing buildings in downtown Richmond as these buildings are renovated and re-used, and as changes and improvements are made.
4. Reinforce and support a healthy development pattern in which new buildings and building modifications maintain the city's unique character through complementary and appropriate use of building materials, scale, massing, and architectural details.
5. Inhibit criminal activity and provide a pleasant, rich and diverse experience for pedestrians in the downtown area through minimum facade transparency requirements.

Sec. 12.02. Scope.

The provisions of the article shall apply to all planned buildings and structures in the city; all alterations, renovations, expansions or other work that includes exterior changes to existing buildings; and all development projects and uses subject to review per article 18 (site plan review), except as follows:

1. *Single- and two-family (duplex) dwellings.* The provisions of this article shall not apply to single- and two-family dwellings and accessory structures in any district.
2. *Code requirements.* This article is not intended to supercede or supplant established building and fire code regulations, nor to regulate the quality, durability, maintenance, performance, load capacity, or fire resistance characteristics or workmanship of building materials.

Sec. 12.03. General requirements.

Building construction, alterations, renovations and expansions, and other work subject to the provisions of this article shall comply with the following general requirements:

- A. *Architectural standards.* Decorative and functional architectural features, details and ornamentation (such as arches, colonnades, columns, pilasters, detailed trim, brick bands, contrasting courses of material, cornices or porches) shall be incorporated into all building facades at a scale appropriate to the size and bulk of the building, as determined by the planning commission.

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1. *Rear facade.* All sides of a building shall be complementary in design, details, and materials. Where a side or rear facade is visible from a public street, or if parking is located at the side or rear of a building, the facade shall include windows, building materials, and architectural features similar to those present on the front facade of the building (see illustration).
 2. *Facade variation.* Building facade walls exceeding 100 feet in length shall be subdivided into bays, through the location and arrangement of architectural features and design variations, to provide a changing and varying facade appearance. Such features and design elements may include, but are not limited to the following (see illustration):
 - a. Projections, bays or recesses, not exceeding ten feet in depth.
 - b. Enhanced ornamentation and architectural detailing.
 - c. Variations in building height or window patterns.
 - d. Distinctively shaped roof forms, detailed parapets, and cornice lines.
- B. *Public entrances.* Public entrances shall be emphasized with framing devices, such as, peaked roof forms, porches, overhangs, archways, larger door openings, display windows, accent colors, tile, moldings, pedestrian-scale lighting, and similar devices.
- C. *Roof design.* Roof-top mechanical equipment, HVAC systems, exhaust pipes or stacks, elevator housings, satellite dishes and other devices and equipment shall be screened from public rights-of-way and adjacent uses by a parapet wall or similar device extending around all sides of the building (see illustration).
- Pitched and shingled roof forms with overhanging eaves shall be incorporated into a new building design where determined necessary by the planning commission in accordance with the purpose of this article.
- D. *Security and safety equipment.* Exterior security gates or roll-down security doors shall be prohibited. Link or grill type security devices shall be permitted only if installed on the interior of the building, within the window or door frames. Such security equipment shall be recessed and completely concealed during regular business hours, and shall be predominantly transparent to allow maximum visibility of the interior.
- Fire escapes shall not be permitted on a building's front facade, except where the building official determines that no other option is available to provide the required means of egress.

Sec. 12.04. Standards for exterior facade materials.

All building construction, alteration, renovation, and other development activity subject to the provisions of this article shall conform with the following standards for exterior building facade materials:

- A. *Purpose.* The following standards for the use of exterior building facade materials are established in this ordinance for the purpose of:
 1. Maintaining the city's unique visual environment, appearance, architectural character, and economic well-being through minimum design and appearance standards for each zoning district in the city.
 2. Promoting harmony in the physical relationships between structures in the city.
 3. Reinforcing and supporting a healthy, pedestrian-oriented development pattern through complementary and appropriate use of building materials, scale, massing, and architectural details.

B. *Schedule of facade materials by zoning district.* The use of exterior facade materials shall comply with the following maximum standards:

District Name	Symbol
Single-family residential districts	R-1, R-2, and R-3
Two-family residential district	R-T
Multiple-family residential district	RM-1
Manufactured housing park district	R-4
Office district	O
Local business district	B-1
Central business district	B-2
General business district	B-3
Limited industrial district	I-1
General industrial district	I-2
Public/semi-public services district	PSP

BUILDING MATERIALS		MAXIMUM PERMITTED FACADE COVERAGE BY ZONING DISTRICT (percentage)						
		R-1, R-2, R-3, R-4, R-T, PSP	RM-1	O	B-1, B-2	B-3	I-1, I-2	PSP
BRICK	Face, terra cotta, or ceramic	100%	100%	100%	100%	100%	100%	100%
	Jumbo or utility ¹ brick	25%	25%	25%	25%	50%	100%	100%
STONE	Natural stone, stone veneer or simulated stone materials	100%	100%	100%	100%	100%	100%	100%
CONCRETE	Formed in place, pre-cast panels or blocks	10%	10%	10%	10%	25%	75%	50%
	Split-face CMU ² or similar decorative block	25%	25%	25%	25%	50%	100%	50%
SIDING OR SHINGLES	Vinyl, metal, or other synthetic materials	75%	75%	50%	50%	25%	25%	25%
	Wood, cement board, or similar materials	100%	100%	75%	75%	50%	50%	50%
ENGINEERED FINISH PRODUCTS	EIFS ³ , plaster, stucco or similar materials	25%	10%	10%	10%	15%	20%	20%
	Hard-coated EPS ⁴ or similar polyurea hard-coated foam materials	25%	10%	20%	20%	25%	20%	20%
GLASS	Translucent, dark tint or mirrored	10%	10%	10%	10%	25%	50%	50%
	Transparent, pale tint or energy efficient	75%	75%	75%	75%	75%	75%	75%
	Glass block	25%	10%	10%	10%	50%	50%	50%
SHEETS, PANELING OR SIMILAR	Metal	0%	0%	0%	0%	25%	50%	50%
	Wood	50%	75%	0%	0%	0%	0%	0%

Notes to table:

- ¹ Utility brick is larger than standard brick (typical utility brick = 3⁵/₈ inches × 11¹/₈ inches).
- ² CMU = Concrete masonry unit.
- ³ EIFS = Exterior insulation and finish system.
- ⁴ EPS = Expanded polystyrene.
- ⁵ Standards apply to multiple-family and non-residential uses in all zoning districts.

Sec. 12.05. Additional standards for buildings in the B-1 and B-2 districts.

The following additional standards shall apply to all building construction, alterations, renovations, expansions, and other work subject to the provisions of this article in the B-1 and B-2 districts:

- A. *Awnings.* Awnings accessory to buildings in the B-1 and B-2 districts shall be subject to the following (see illustration):
 1. *Use.* Awnings shall be primarily designed to protect pedestrians, display windows, and public entrances from the weather; and to add color and visual interest to the street level facade.
 2. *Maintenance.* Awnings shall be kept in good repair to maintain the original appearance and ensure public safety.
 3. *Materials.* The awning shall be constructed of durable, fire-resistant materials. The use of vinyl, plastic, rigid fiberglass or metal panels as covering materials shall be prohibited.
 4. *Secured to building.* All awnings shall be securely attached to the building.
 5. *Consistency.* Awnings shall be consistent with the character of historic buildings and shape of the facade's architectural elements, and shall not obscure architectural details. Where adjacent awnings conform with this ordinance, new awnings shall be consistent with the existing awnings in terms of appearance, scale, height, projection, and location.
 6. *Projections and clearance.* Awnings shall not project more than eight (8) feet into a street right-of-way, and shall be set back a minimum of six feet from a curb line or 18 feet from a non-curbed edge of pavement. A minimum eight-foot clearance shall be maintained under the awning. Awnings proposed to project or overhang into a public right-of-way shall require city council approval prior to installation.
 7. *Awning signs.* Signs on awnings shall comply with the standards of section 13.05 (building-mounted signs).
- B. *Building entrances.* All buildings shall have at least one public entrance that faces a public street right-of-way. Additional public entrances shall be permitted on the rear or side facade, including primary access to other uses in a multi-tenant building.
- C. *Expression line.* The street level facade of any building shall be distinguished from the remainder of the building with a horizontal expression line on the facade located between the highest point of the street level and the bottom edge of any second floor windows (see illustration):
 1. *Permanent design element.* The expression line shall be incorporated into the facade as a permanent design element, and shall be created by a change in building material, architectural design, setback, recess, projection, cornices, belt courses, corbelling, molding, stringcourses or other sculptured design element.

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2. *Consistency with adjacent buildings.* Where the planning commission determines that a consistent expression line has been established on adjacent buildings, it shall be continued on any new construction or expansion, or the commission may require a transitional design element (such as columns, piers, bays or changes in facade materials) between the existing and proposed expression lines.
- D. *Windows and facade transparency.* Buildings with frontage on a public or private right-of-way, street, sidewalk, public park, or plaza shall be designed to encourage and complement a pedestrian-scale environment, with window openings and facade transparency subject to the following (see illustration):
1. *Street level facade.* A minimum of 40 percent and maximum of 75 percent of the street level facade shall be transparent.
 2. *Upper level facade.* A minimum of 25 percent and maximum of 60 percent of the upper level facade shall be transparent.
 3. *Glazing.* Primarily clear or lightly tinted glass shall be used in the B-1 and B-2 districts. Mirrored windows and glass curtain wall systems shall be prohibited, and translucent glass shall be limited to bathroom windows and similar use areas requiring privacy.
 4. *Pattern and arrangement.* The pattern of window openings on a building facade in the B-1 and B-2 districts shall be subject to the following:
 - a. Windows shall be arranged into proportionally-spaced horizontal window lines, and a balanced pattern of vertical window bays.
 - b. Windows on all floors above the street level shall be vertical in orientation, and shall include prominent sills and framing elements.
 - c. Spaces between windows or window bays shall be formed by columns, mullions, or other facade materials.
 - d. The planning commission may permit the use of shutters or spandrel glass to form a false window opening needed to complete an established window pattern, upon determination that the interior layout or other conditions prevent the inclusion of a clear glass window.
 5. *Consistency with adjacent buildings.* Consistent window patterns or arrangements established on adjacent buildings shall be continued or extended as part of any new construction or expansion. Architectural elements (columns, piers, bays or similar elements) shall be incorporated into the facade where necessary to form a transition between contrasting window patterns or arrangements.
- E. *Demolition.* Existing buildings in the B-1 and B-2 districts shall not be moved or demolished unless the building official has ordered the demolition for safety reasons, or the planning commission has approved a plan for re-development of the lot.
- F. *Facade preservation.* Significant architectural details on existing buildings in the B-1 and B-2 districts shall not be destroyed or obscured during facade renovations, which shall be further subject to the following:
1. The pattern and proportions of existing window and door openings, vertical lines of columns and piers, and horizontal lines of spandrels, cornices, and other primary structural elements shall be maintained.
 2. Only that portion of an existing building proposed to be altered shall be subject to the standards of this article, provided that the planning commission shall consider the proposed alteration

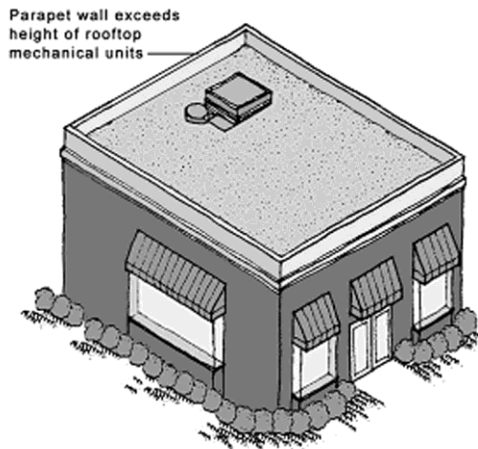
within the context of the overall building architecture, the character of adjacent buildings, and the purpose of this article.

- G. *Expansions and renovations.* The planning commission may approve the continuation of existing wall materials for an expansion or renovation of an existing building in the B-1 and B-2 districts, provided that the overall design and architectural character of the expansion is consistent with the existing building and the purpose of this article.

Sec. 12.06. Alternative designs or materials.

To encourage creativity, imagination, innovation, and variety in architectural design, the planning commission may waive or modify the requirements of this article upon determining that the proposed architectural design or exterior facade material meets all of the following conditions:

1. The proposed design or material is consistent with the purposes of this article.
2. The proposed design or material would enhance the character of the building, and would be equal or superior to designs or materials permitted by this article.
3. The proposed design or material would be in harmony with the character of adjacent buildings and the surrounding district.



Roof Design

ARTICLE 13. SIGNS

Sec. 13.01. Purpose.

The primary function of signage, as it relates to this ordinance, is to identify a particular use or business occupying a zoning lot or building in the city. The city further finds that reasonable use of signage promotes commerce, and that failure to regulate the size, location, and construction of signs in the city may adversely impact the promotion of commerce, lead to poor identification of businesses, and contribute to deterioration of the city's business districts and neighborhoods.

Unrestricted signage does not benefit individual businesses or property owners, or the community as a whole, because a proliferation of signs in the city would unduly distract motorists and pedestrians: create traffic hazards: restrict light and air: harm the city's appearance: contribute to blighting: negatively impact property values; and reduce the effectiveness of signs needed to direct and warn the public. Reasonable regulation of signs is necessary to minimize hazards and distractions for motorists and pedestrians, and to preserve the city's character and appearance.

The provisions of this article shall be considered to be the minimum necessary to promote and protect the public health, safety, comfort, morals, and convenience. The further purposes of this article are to:

1. Encourage free expression of ideas and dissemination of messages, regardless of content, using signs that are compatible with their surroundings and legible under the circumstances in which they are designed to be seen.
2. Regulate the construction, alteration, repair, and maintenance of all signs with respect to safety, location, sign type, dimensions, height, and method of illumination.
3. Prohibit signs and the proliferation of visual clutter that would confuse, distract or mislead motorists; endanger the public health or safety; obstruct vision; or potentially harm business opportunities or community appearance.
4. Protect public and private investment in buildings, businesses, and land; and prevent the placement of signs that would conceal or obscure traffic control devices, official markers or signs advertising adjacent uses.
5. Protect the general public from damage and injury caused by distractions, hazards or obstructions caused by poorly designed or improperly constructed signage.
6. Preserve the appearance of the city by preventing the placement of oversized signs that are out of scale with surrounding buildings and uses.
7. Seek the removal of unlawful and abandoned signs, and encourage the replacement or removal of nonconforming signs that are incompatible with the purpose of this article.

Sec. 13.02. General standards.

The following general standards shall apply to signs in all zoning districts:

- A. *Standards of measurement.* Dimensional standards and measurements for signs shall be subject to the following (see illustration):
 1. *Sign area.* The surface area of a sign shall be measured and defined by the area of a rectangular or circular figure that encloses the extreme limits of individual letters, words, symbols or message of the sign together with any frame.
 - a. Where two sign faces with identical sign areas are placed back to back within two feet of one another, then the sign area shall equal the area of one face.

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- b. Where two sign faces with different sign areas are placed back to back within two feet of one another, then the sign area shall equal the area of the larger face.
 - c. Where two or more sign faces are placed more than two feet from one another at any point, then the sign area shall equal the total area of all sign faces.
 2. *Sign height.* The distance from the average level of the ground or pavement directly below the sign to the highest point of the sign structure, including any supportive or decorative elements (see illustration).
 3. *Sign setback.* Setbacks shall be measured from the closest street right-of-way or front lot line to the nearest edge of the sign.
 4. *Signable area.* The signable area of a building shall equal the area of the building's street level facade (see illustration).
 - a. *Multiple uses.* Where more than one business or use occupies space on the street level facade, the total signable area allowed for the building shall be divided among the businesses or uses in proportion to the size of each occupied space.
 - b. *Corner lots.* Where a building has two or more street level facades (such as on a corner lot), the signable area shall equal the area of the largest street level facade.
 - B. *Construction and maintenance.* All signs shall be constructed or installed in compliance with the State Construction Code, and other applicable building, fire, and electrical codes enforced by the city; shall be maintained in good repair and working order; and shall present a neat and orderly appearance. Non-galvanized or corrosion-prone materials shall be painted as necessary to prevent corrosion.

All sign faces shall be smooth, and no nails, tacks or wires shall be permitted to protrude from any sign. This shall not exclude the use of block letters, decorative elements or other devices that may extend over the top or in front of the sign structure.
 - C. *Placement requirements.*
 1. No sign may extend above any parapet or be placed upon any roof surface. For purposes of this article, roof surfaces constructed at an angle of 75 degrees or more from horizontal (such as mansard roofs) shall be regarded as wall space.
 2. No sign attached to a building, other than a permitted awning or projecting sign, may project more than one foot from the building wall.
 3. Signs shall not be located within nor extend over any street right-of-way or corner clearance area, except where specifically authorized by this article. This restriction shall include any future planned rights-of-way identified in the master transportation plans for the city, county or state road authorities.
 - D. *Hazards and obstructions.* Signs shall not be designed or maintained in a manner that would confuse or mislead motorists or pedestrians, create traffic or pedestrian hazards, obstruct free and clear vision or interfere with any traffic control device. No sign shall be erected or maintained so as to prevent ingress or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe, fire escape or other means of ingress or egress.

All signs shall be located at least ten feet from any utility pole, overhead wire, transformer or streetlight. The building official may waive this requirement upon determination that no good purpose would be served by the required setback.
 - E. *Use.* Signs shall not impair the use of adjacent properties. All signs shall be accessory to the principal use of the lot where the sign is located, unless specifically permitted by this article as a non-accessory

sign. Any sign permitted by this article may contain a non-commercial message. A changeable copy area shall be allowed as part of a permitted sign, provided the changeable copy area shall not exceed 50 percent of the total sign area. Text and images within a changeable copy area shall be static and not cycle more frequently than once every six seconds. Animated copy (flashing, moving, or revolving text and images) is prohibited due to public safety concerns.

F. *Illumination.* Internal and external sign illumination shall be permitted, subject to the standards of article 14 (exterior lighting) and the following (see illustrations):

1. *External sign illumination.* External illumination of signs shall be permitted in any zoning district, provided that the light source(s) shall be fully-shielded, directed towards the sign face, and designed to concentrate all light on the sign copy area.
2. *Internal sign illumination.* Signs accessory to non-residential uses in any zoning district may be internally illuminated, provided that the sign faces are more than 50 percent covered by semi-opaque colors and materials with a color value and saturation of 50 percent or higher (see illustration). Internal illumination of signs accessory to residential uses shall be prohibited.
3. *Hours of illumination.* Illuminated signs shall be equipped with a functional timer control. Such signs shall not be illuminated after 11:00 p.m., or one-half hour following the close of the business day, whichever is later.

Such signs shall not be illuminated before sunrise, or one-half hour prior to the beginning of the business day, whichever is earlier.

4. *Other limitations.* Sign illumination shall be further limited as follows:
 - a. Sign illumination shall be provided solely by electrical means or devices, and shall not be of a flashing, intermittent, moving or animated type.
 - b. Luminous tube lighting (neon, fluorescent or similar) shall not be directly visible from any street right-of-way or adjacent lot. Such lighting may be used as an indirect light source, or if shielded by translucent panels or similar methods.
 - c. Illumination of temporary signs shall be prohibited.

(Ord. No. 156-21, § I, 1-3-18)

Sec. 13.03. Signs allowed without a permit.

The following non-illuminated signs are exempt from section 13.09 (sign permit) requirements, and shall be permitted accessory to a permitted use in any zoning district:

A. *Temporary non-commercial signs.* For the purpose of this section, signs posted by or at the direction of a property owner or their agent for the purpose of marketing property for sale or lease shall be considered to be temporary non-commercial signs. Temporary signs displaying a non-commercial message shall be subject to the following:

1. The maximum permitted height and total sign area for temporary non-commercial signs on a zoning lot shall not exceed the following:

ZONING DISTRICT		MAXIMUM SIGN AREA FOR ALL SIGNS	MAXIMUM SIGN HEIGHT
Single-family residential, two-family residential, and	R-1, R-2, R-3, R-T, R-4	21 square feet	6 feet

manufactured housing park districts			
Multiple-family residential, office, business, industrial, and parking districts	RM-1, O, B-1, B-2, B-3, I-1, I-2, P	24 square feet	6 feet

2. Such signs shall be removed by the property or business owner, agent or person responsible for creating or placing the sign on the lot within five calendar days following completion or discontinuation of the event, action or activity to which the sign pertains.
 3. Such signs shall not be located within or over any street right-of-way, except as authorized by the city council.
 4. Such signs determined by the building official to be in a torn, damaged or unsafe condition shall be immediately removed by the owner, agent or person responsible for creating or placing the sign on the lot.
 5. Such signs shall be prohibited accessory to a home occupation.
- B. *Address numbers and nameplate.* All principal buildings shall display their assigned street number in a manner legible from the street right-of-way. Address numbers may be illuminated in accordance with the standards of subsection 13.02.F. (illumination). In addition, one non-illuminated nameplate shall be permitted per principal building to provide for the further identification of the building, use or occupants. The nameplate shall not exceed two square-feet in area, and shall be attached flat against the building wall.
- C. *Portable signs.* A maximum of one portable sign shall be permitted accessory to a principal non-residential use in the B-1 (local business), B-2 (downtown business), and B-3 (general business) districts, subject to the following:
1. Portable signs shall not exceed five feet in height, three feet in width, and 15 square feet in sign area.
 2. Portable signs shall be permitted to be displayed during regular business hours for the use, plus one-half hour prior to the beginning of the business day and one-half hour following the close of the business day.
 3. Portable signs shall be located immediately adjacent to a public entrance for the use to which the sign is accessory, in a manner that minimizes interference with vehicular or pedestrian traffic flow and visibility. Such signs may be located on the public sidewalk within the street right-of-way, subject to city planner approval of the location.
 4. Portable signs shall be constructed of plastic, metal or similar weather-resistant materials, and shall be maintained in a neat and orderly condition. Use of plywood, cardboard or paper shall be prohibited.
- D. *Other signs and sign-related activities.* The following types of signs and sign-related activities shall be permitted accessory to a permitted use in any zoning district:
1. Painting, servicing, cleaning or minor repairs to an existing sign, provided that the sign is restored to its original design and all work is in compliance with applicable structural and electrical codes, and the requirements for such signs specified in this article.
 2. One window sign accessory to a permitted non-residential use, which shall not exceed two square-feet in area and may be illuminated.

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3. Memorial signs, tablets or markers cut into any masonry surface or constructed of bronze or other incombustible material.
 4. Flags bearing the official design of a nation, state, municipality, educational institution, award or non-profit organization, including pennants installed by the city on or over public streets for aesthetic or promotional purposes.
 5. Signs of a duly constituted governmental body; signs required to be maintained by law or governmental order, rule or regulation; signs identifying public access, municipal facilities and similar official markers; and incidental signs displayed for the direction, safety or convenience of the public.
 6. Traffic safety and control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
 7. Changes to sign copy within an approved changeable copy area.
 8. Posting of not more than one "No Trespassing" sign or similar notice per side of a lot with frontage on a public street, provided that each sign is no more than two square-feet in area and located entirely upon private property.
 9. Incidental signs carried by or affixed to clothing worn by persons; and incidental signs on vehicles, trailers, portable liquid propane tanks, and similar transitory devices that are associated with and regularly used in the course of conducting the principal use located on the premises.

Sec. 13.04. Signs allowed with a permit.

The following signs shall be permitted accessory to a permitted use in any zoning district, subject to approval of a sign permit in accordance with section 13.09 (sign permit) requirements:

- A. *Site entry features with signage.* Site entry features with signage may be erected at the entrance to a residential subdivision, multiple-family residential development, elderly or senior housing development, manufactured housing park, or office, research or industrial park, subject to the following (see illustration):
 1. *Number of signs.* Maximum of one sign on each side of the entrance from a public street classified as a collector, arterial or thoroughfare by the master transportation plans for the city, county or state road authorities.
 2. *Setbacks.* Site entry features with signage shall be located outside of any street right-of-way or corner clearance area, and shall further comply with the following minimum setback requirements:
 - a. Ten feet from any street right-of-way or curblines of any internal access driveway.
 - b. Five feet from any sidewalk or paved path.
 3. *Sign area and height.* The maximum height for signs on a site entry feature shall not exceed six feet, and the maximum sign area shall not exceed 24 square feet.
 4. *Illumination.* Illumination of such signs shall be limited to external light sources.
 5. *Planning commission review.* The location and design of each site entry feature with signage shall be subject to review and approval by the planning commission.
- B. *Building directory.* Where a single building on a single lot is occupied by more than one business, dwelling or other use above the street level facade (such as a multiple-story office or commercial

building), a building directory sign may be erected on the street level facade for these uses, subject to the following (see illustration):

1. The building directory shall be separate from any permitted signs accessory to the uses occupying the street level facade.
 2. The maximum sign area shall not exceed three percent of the signable area of the building.
 3. Illumination of such signs shall be limited to external light sources.
- C. *Construction signs.* Temporary construction signs shall be subject to the following:
1. *Number of signs.* Maximum of one sign per street frontage of the zoning lot.
 2. *Sign area, height and location.* The maximum sign area shall not exceed 24 square-feet, and the maximum sign height shall not exceed six feet. Construction signs shall be set back a minimum of ten feet from any street right-of-way.
 3. *Display period.* The sign shall not be erected prior to approval of a site plan, final preliminary plat or equivalent city action, and shall be removed within five calendar days of completion of the project's final phase, or upon expiration of site plan or permit approval.
- E. *Other temporary signs.* Temporary signs not otherwise regulated by this section or section 13.03 (signs allowed without a permit) (including balloon signs, festoons, banners, and similar temporary signs) shall be subject to the following:
1. The total sign area for such signs per zoning lot shall not exceed 32 square feet, except that temporary windows signs may cover up to 100 percent of the window area.
 2. Such temporary signs not mounted flat against a building wall or window shall be set back a minimum of five feet from all street rights-of-way.
 3. Such signs shall not exceed the height of the principal building on the lot or the maximum permitted height in the zoning district, whichever is less.
 4. Such signs shall be permitted for a maximum of 60 display days per calendar year.
 5. The location of temporary signs affixed within or over street rights-of-way shall be subject to city council approval.
 6. A removal agreement or security bond may be required by the city to guarantee removal of such signs.

Sec. 13.05. Building-mounted signs.

The intent of this section is to establish consistent and reasonable standards for the location, size and range of permitted types of signs located on buildings in the city, and to minimize the proliferation of excessive or out-of-scale building signage that would compete for the attention of motorists, or create traffic hazards or visual blight within the city.

The following shall apply to all building-mounted signs accessory to non-residential uses in any zoning district [signs associated with residential uses are subject to the standards of section 13.04 (signs allowed with a permit)]:

A. *Building-mounted sign standards.*

TABLE 16-1	TYPE OF PERMITTED SIGNS			
	WALL	AWNING	PROJECTING	WINDOW
Permit required?	yes	yes	yes	no

Internal or external illumination permitted?	yes	external only	yes	no
Maximum number of sign faces per sign	1	1	2	1
Minimum sign height above ground (feet)	none	7.5 feet	8.0 feet	none
Maximum permitted sign area of all signs(square feet)	10% of the signable area of the building space occupied by the use.			15% of the street level window surface area.

1. *Location.* All building-mounted signs shall be located entirely within the street level facade(s).
2. *Rear public entrance sign.* One additional building-mounted sign not exceeding four square feet in area shall be permitted at any rear public entrance, which shall not count toward the maximum sign area permitted under this section.
3. *Awning signs.* Awning signs shall be further subject to the following (see illustration):
 - a. Such signs shall be restricted to the awning valance, a band of material hanging from the bottom edge of the awning.
 - b. Such signs shall not exceed eight inches in height, and shall occupy a maximum of 33 percent of the valance area.
 - c. Signs proposed to project or overhang into a public right-of-way shall be subject to city council approval. Encroachment agreements may also be required from state or county road authorities with jurisdiction over the street right-of-way.
4. *Projecting signs.* Projecting signs shall be further subject to the following (see illustration):
 - a. Such signs shall be secured to the building by metal anchors, bolts, supports, rods or braces, and shall be pinned away from the wall at least six inches.
 - b. Such signs shall project from the wall at an angle of 90 degrees.
 - c. A maximum of one projecting sign shall be permitted per use, with a maximum sign area of 20 square feet per sign face.
 - d. Projecting signs proposed to project or overhang into a public right-of-way shall be subject to city council approval. Encroachment agreements may also be required from state or county road authorities with jurisdiction over the street right-of-way.
5. *Painted wall signs.* Signs applied with paint or similar substance on an exterior surface of a structure shall be considered a building-mounted sign subject to the standards of this section. Painted wall signs shall be subject to planning commission approval. The planning commission shall permit the installation or alteration of a painted wall sign, upon determination that the sign will conform with the following:
 - a. Prior to painting a sign on a wall, the wall surface shall be freshly painted with a continuous base color.
 - b. The appearance, color, texture, and materials used shall be compatible with adjacent structures and uses, and the purpose of the zoning district.
 - c. The sign conforms to the standards of this section and section 13.02 (general standards.

- B. *Building-mounted sign in the B-1 and B-2 districts.* Sign projections into the street right-of-way or over a public sidewalk in the B-1 and B-2 districts shall be permitted, subject to the following:
1. Wall signs in the B-1 and B-2 districts may extend a maximum of one foot.
 2. Projecting signs may extend out from the building wall a maximum of four feet or 33 percent of the sidewalk width, whichever is less.
 3. Awning signs may extend out from the building wall a maximum of eight feet or 75 percent of the sidewalk width, whichever is less.

Sec. 13.06. Ground signs.

The intent of this section is to establish consistent and reasonable standards for the height, location and size of ground signs in the city, and to minimize the proliferation of excessive or out-of-scale ground signage that would compete for the attention of motorists, or create traffic hazards or visual blight within the city.

The following shall apply to all ground signs accessory to non-residential uses in any zoning district [signs associated with residential uses are subject to the standards of section 13.04 (signs allowed with a permit)]:

A. *Ground sign standards.*

MAXIMUM GROUND SIGN HEIGHT	MINIMUM SIGN SETBACK FROM BUILDINGS AND STREET RIGHTS-OF-WAY	MAXIMUM SIGN AREA PER SIGN FACE	MAXIMUM NUMBER OF GROUND SIGNS PER ZONING LOT
10 feet	equal to actual sign height	40 square feet	1

1. No person shall erect, alter or relocate a ground sign, including any changes in sign copy, without first obtaining appropriate permits from the city.
 2. Ground signs shall be prohibited within corner clearance areas, as defined in section 5.304 (corner clearance areas).
 3. A maximum of two sign faces shall be permitted per ground sign.
- B. *Permitted modifications.* The following modifications to the standards of this section have been established to:
1. Preserve the neighborhood character and appearance of the city's lower density residential districts (R-1, R-2, R-3, R-T, and R-4) through more restrictive signage standards for permitted non-residential uses in these districts.
 2. Ensure that permitted signage is in reasonable proportion to the land use intensity, and address the specific signage needs of multi-tenant shopping centers, large land uses, and uses that abut roads with expansive rights-of-way.
 3. Distinguish between more intensive business and industrial districts and the office (O) and local business (B-1) districts, which act as a transitional buffer zones for abutting residential districts.

Modifiers shall be cumulative down each column of the following table, as applied to a particular land use or zoning lot:

Cumulative Modifiers	PERMITTED MODIFIERS	MAXIMUM SIGN HEIGHT	MINIMUM SIGN SETBACK	MAXIMUM SIGN AREA PER SIGN FACE	MAXIMUM NUMBER OF SIGNS

		10 feet	equal to actual sign height	40 square feet	1
	Sign located in the R-1, R-2, R-3, R-T or R-4 district	—2 feet	no change	—12 square feet	no change
	Sign located in the office (OS-1) or local business (B-1) district	—2 feet	no change	—8 square feet	no change
	Total lot frontage = • 500 feet or more of on one street right-of-way, or • 700 feet or more on two or more street rights-of-way.	no change	no change	+ 20 square feet	+ 1 additional sign
	Sign abuts a street right-of-way width of 120 feet or more.	+ 2 feet	no change	+ 20 square feet	no change
	Lot is occupied by three or more separate non-residential uses (i.e. shopping center, office building, etc.)	no change	no change	+ 20 square feet	no change
TOTAL PERMITTED WITH MODIFIERS:		<u>feet</u>	<u>feet</u>	<u>square feet</u>	<u>sign(s)</u>

Sec. 13.07. Billboards.

A. *Findings.* The city has made the following determinations related to billboard signs:

1. The placement of billboard signs on lots or buildings in the city would result in visual pollution and obstructions of light and air for adjoining lots and uses.
2. Billboard signs are not appropriate in areas zoned for residential uses, or in adjoining office (O) or local business (B-1) districts that serve as a transitional zone for the residential districts, because of the intense commercial nature of the advertising activity, which would be harmful to residential property values and incompatible with the quality of life in residential areas.
3. Billboard signs are not appropriate in the B-2 (central business) district, because such signs would be out-of-scale with the pedestrian-oriented character of the downtown area, incompatible with the historic character of downtown buildings, and harmful to the promotion of commerce in the district.
4. Billboard signs are not appropriate in areas along Main Street (M-19), Gratiot Ave., 32 Mile Road, and other arterial streets and thoroughfares in the city, because a proliferation of billboard signs would create additional visual clutter and compete for the visual attention of motorists. These road corridors have been developed with multiple existing curb cuts, driveways and intersections; and numerous businesses that experience a high volume of employee, customer, and client traffic. Location of billboard signs in these areas would create or exacerbate visual diversions and hazards for motorists and pedestrians.
5. The placement of new billboard signs in the city is contrary to the purpose of this article, and the goals and objectives of the city's master plan.

B. *Billboards prohibited.* In accordance with the above findings, billboard signs are hereby prohibited within the City of Richmond.

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- C. *Existing billboards.* Billboard signs lawfully existing in the city on the date of adoption of this ordinance shall be permitted to continue, subject to the provisions of section 13.10 (nonconforming signs). The city planner shall be responsible for maintaining an inventory of the location and condition of all existing billboard signs in the city.

Sec. 13.08. Prohibited signs.

The following types of signs are prohibited in all districts:

1. Signs that resemble and could be confused with an official highway, traffic or government sign, signal or traffic control device; or that obscure a sign, signal or traffic control device displayed by public authority to provide traffic instruction, direction or public information.
2. Signs painted on or attached to trees, utility poles, streetlights, fences, streetlights or similar locations.
3. Signs placed upon or across any public right-of-way or upon any city property, except as expressly authorized by this article or the city council.
4. Signs that incorporate string lights; flashing, moving or intermittent lights of changing degrees or intensity; exposed incandescent bulbs; animation; or unshielded luminous tube lighting.
5. Exterior string lights accessory to a non-residential use, other than holiday decoration or when used as an embellishment to landscape plant materials.
6. Signs that have any visible moving parts, mechanical movement, rotation, or other apparent visible movement achieved by electrical or mechanical means or by action of normal wind currents; and signs that discharge any audible sound, odor or visible matter.
7. Roof signs, and signs that obstruct window or door openings, inhibit ingress or egress, or interfere with building ventilation.
8. Signs displayed without required permits or outside of permitted size, location or time period limitations.
9. Non-accessory and off-premises signs, including billboard signs per section 13.07 (billboards), except as otherwise provided for in this article.
10. Abandoned or unlawful signs, displays of obscene material on any sign, and any other sign not expressly permitted by this article.

Sec. 13.09. Sign permit.

It shall be unlawful for any person to erect, alter, or relocate any sign, sign structure or sign area subject to permit approval under the provisions of this article, without first obtaining appropriate permit(s) from the city and paying the required permit fee according to the schedule of fees established by the city council.

- A. *Required information.* The following shall be provided with any permit application:
1. *Application information.* Permit applications shall include the following information:
 - a. The name, address and telephone numbers for the applicant, property owner, and sign contractor; street address or property location where the sign is to be located; and written consent of the property or sign owner to perform the proposed work.
 - b. Where a proposed sign would encroach into the county or state road right-of-way, copies of permits or approvals from the county road authority or Michigan Department of Transportation (MDOT) shall be provided.

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- c. Any other information required by the city planner or building official to show full compliance with this ordinance, and other codes and ordinances enforced by the city.
 2. *Plot plan.* A plot plan shall include a parcel survey, easements, dimensions, locations of all structures, and all existing and proposed signs on the zoning lot. If building-mounted signs are proposed, elevation drawings of all buildings on the site shall be provided showing all existing and proposed building-mounted signs.
 3. *Construction drawings.* Specifications and drawings showing the materials, design, dimensions, structural supports, electrical components, and method of illumination.
 4. *License and insurance.* Every person who engages in the business of erecting, altering or dismantling signs in the city shall first submit proof of appropriate licenses and a liability insurance policy that indemnifies the City of Richmond and its prior, present and future officials, representatives and employees from all damage suits or actions of every nature brought or claimed against the erector for injuries or damages to persons or property sustained by any person or persons through any act of omission or negligence of said erector, his servants, agents or employees. Said policy shall contain a clause whereby it cannot be canceled or changed until after written notice has been filed with the city planner at least 30 days prior to the date of cancellation.
 5. *Removal agreement or bond.* The building official may require a signed removal agreement, bond or other acceptable surety to guarantee the future removal of a sign.
- B. *Duties of the city planner and building official.* It shall be the duty of the city planner and building official to review sign permit applications, plans, and specifications. The city shall issue such permits upon determinations by the city planner and building official that the proposed sign conforms to the requirements of this ordinance, and all other applicable codes and ordinances enforced by the city.
 - C. *Sign permit revocable at any time.* Rights and privileges accrued under this article are mere licenses, and may be revoked upon violation of any provision of this article. If work authorized by an approved sign permit has not been completed within 365 days after date of issuance, the permit shall become null and void, and a new permit shall be necessary to continue the project.

Sec. 13.10. Nonconforming signs.

All existing signs that do not conform to the provisions of this article and Ordinance shall be permitted to continue as nonconforming signs until removed or altered, at which time they shall conform to the provisions of this article and Ordinance. Nonconforming signs shall be subject to the following:

- A. *Good working order.* Nonconforming signs shall be maintained in accordance with the requirements for all signs specified in Section 13.02 (general standards). Nonconforming signs shall be maintained with all necessary structural and decorative parts, including but not limited to supports, sign frame, and electrical equipment. All sign copy areas shall be intact, and illuminated signs shall be capable of immediate illumination.
- B. *Servicing.* Painting, servicing, cleaning or minor repairs to a nonconforming sign shall be permitted, provided that the sign is restored to its original design and all work is in compliance with the requirements for all signs specified in section 13.02 (general standards).
- C. *Alterations.* Alterations to nonconforming signs shall be prohibited, except as follows:
 1. *Sign copy area.* The sign copy area of a nonconforming sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the degree of

nonconformity is not increased, and provided that any sign illumination is brought into compliance with the provisions of subsection 13.02.F. (illumination).

2. *Billboard signs.* A nonconforming billboard sign may be altered, including replacement of sign panels and changes to the sign copy, provided that the sign area and height are not increased, and provided that any sign illumination is brought into compliance with the provisions of subsection 13.02.F. (illumination).
3. *Sign frame or structural elements.* Alterations to the sign frame or structural elements of a nonconforming sign shall be permitted, provided that the sign shall be brought into compliance with the maximum sign height and sign area standards for the location and type of sign, as specified in this article.

Existing sign wiring and ground sign support structures may be re-used, provided that permitted alterations will not increase any nonconformity caused by inadequate sign setback.

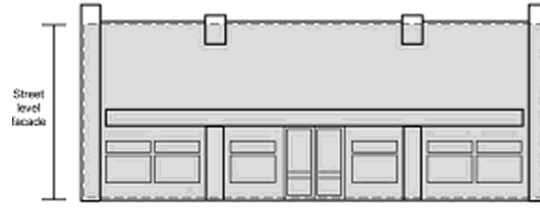
Sec. 13.11. Sign removal by city action.

- A. *Abandoned or unlawful signs.* The city planner shall have the authority to determine whether a sign is unlawful or has been abandoned, as defined in section 25.02 (definitions), and subject to appeal by an aggrieved person to the board of zoning appeals. The city planner may order the removal of such signs in accordance with the following procedure:
 1. *Determination.* Written notification of the determination and any order for removal shall be provided by certified mail to the owner, operator or person having beneficial use of the property upon which the sign is located.
 2. *Removal.* Abandoned or unlawful signs shall be removed within 60 days after notification of a determination and order for removal by the city planner. All support structures and components shall be completely removed. Failure to remove the sign shall constitute grounds for the city to seek circuit court approval to remove the sign at the property owner's expense. The owner shall reimburse the city for removal costs, or the city may place a lien on the property for necessary removal expenses.
- B. *Damaged signs.* Signs determined to be in a damaged condition by the Building Official shall be repaired or removed within 60 days after notification by certified mail. If such action is not taken by the owner, operator or person having beneficial use of the property where the sign is located, the building official shall have the authority to order the repair or removal of the damaged sign. The owner shall reimburse the city for repair or removal costs, or the city may place a lien on the property for such expenses.
- C. *Unsafe signs.* The building official shall attempt to contact the sign owner to request that the unsafe condition be corrected. However, the building official may order the removal of any sign determined to be unsafe without prior notice. After removal, the building official shall notify the property owner by certified mail of the action taken and the reasons for the action. The owner shall reimburse the city for removal, storage and reclamation costs, or the city may place a lien on the property for such expenses.
- D. *Nonconforming signs.* The elimination of nonconforming signs in the city is hereby declared to be for a public purpose and for a public use. The city may purchase nonconforming signs for the purpose of removal, or may initiate condemnation proceedings for nonconforming signs determined to be in violation of section 13.10 (nonconforming signs) requirements.
- E. *Temporary signs.* Temporary signs affixed within a street right-of-way or corner clearance area, without a valid permit, or after permit expiration may be removed by the city without notice. Signs removed shall be held by the city for five calendar days, after which the sign may be discarded.

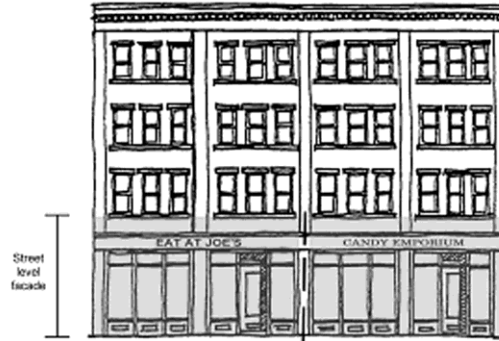
Sec. 13.12. Exceptions.

The board of zoning appeals (BZA) shall have the authority to grant an exception from the strict application of these regulations, provided that such relief may be granted without substantially impairing the intent of this article. Application and consideration of sign exceptions shall be in accordance with the following procedures and standards:

- A. *Applications for sign exceptions.* Any party who has been denied a permit for a proposed sign may file a request for an exception to this article with the BZA within 30 calendar days of the decision. Applications for exceptions from one or more provisions of this article shall be submitted in accordance with section 24.05 (applications). Following a public hearing the BZA may consider the standards stated in section for the merits of granting an exception to particular requirements of this article.
- B. *Procedures for Consideration of Sign Exceptions.* Applications for exceptions from the provisions of this article shall be considered by the BZA in accordance with the procedures specified in article 24 (board of zoning appeals).
- C. *Exception standards for signs.* The BZA shall consider the following standards while reviewing any application for an exception from one or more provisions of this article.
 1. *Obstructions.* Construction of a conforming sign would obstruct the vision of motorists or otherwise endanger public health or safety.
 2. *Visibility.* A conforming sign would be blocked from the sight of passing motorists due to existing buildings, trees or other obstructions.
 3. *Site features.* Construction of a conforming sign would require removal or severe alteration to significant features on the site, such as removal of trees, alteration of the natural topography, obstruction of a natural drainage course, or alteration or demolition of significant historical features or site amenities.
 4. *Scale.* A sign that exceeds the allowable height or area standards of this article would be more appropriate in scale because of the large size or frontage of the premises or building.
 5. *Aesthetics.* The exception shall not adversely impact the character or appearance of the building or lot or the neighborhood.
 6. *Minimal.* The exception shall be the minimum necessary to allow reasonable use, visibility, or readability of the sign.
 7. *Intent of this article.* The exception shall not substantially impair the intent and purpose of this article.
- D. *Findings and conditions.* In a motion granting or denying a sign exception, the BZA shall state the specific grounds for the decision, which shall be supported by specific findings of fact. The BZA may attach any conditions to approval of a sign exception regarding the location, character, timing of display, or other features of the proposed sign as deemed reasonable.



Single-story Building



Multiple-story Building

Signable Area

ARTICLE 14. EXTERIOR LIGHTING

Sec. 14.01. Purpose.

The purpose of this article is to preserve and enhance the lawful nighttime use and enjoyment of all properties in the city through the use of appropriate lighting practices and systems. The standards of this article are intended to allow sufficient (but not excessive) lighting for parking areas, walkways, driveways, building entrances, loading areas, and common areas; to minimize the adverse effects of inappropriate lighting; and to provide for the safety and security of people and property in the city. Exterior lighting shall be designed, installed,

and maintained to control glare and light trespass; conserve energy and resources; and prevent the degradation of the nighttime visual environment.

It is the further intent of this article to:

1. Encourage the use of innovative lighting designs and decorative light fixtures that enhance the city's character, while preserving the nighttime visual environment.
2. Establish consistent and compatible exterior lighting standards for all uses in the city.
3. Preserve and respect public and private investments in streetscape, site, and building improvements in the city.
4. Protect the general welfare by maintaining and enhancing the city's visual environment, character, and economic vitality.

Sec. 14.02. Scope.

The standards of this article shall apply to all exterior lighting sources, and to all light sources visible from any public right-of-way or adjacent parcel.

Sec. 14.03. General provisions.

The following general standards shall apply to all light sources regulated by this article:

- A. *Consistency.* Exterior lighting fixture color, style, design, layout, and light intensity shall conform with the standards of this article, and shall be consistent with the following:
 1. Applicable recommendations of the city's master plan, and any adopted streetscape improvement plans or guidelines.
 2. Existing fixtures on adjacent zoning lots, where the planning commission has determined that a consistent fixture pattern has been established.
 3. The architectural character of the principal building on the zoning lot.
 4. Lamp wattages and types shall be consistent with the light fixture's style and intended function, as follows:
 - a. Antique-style street lamps and other decorative exterior light fixtures shall be limited to incandescent, compact fluorescent, or high-pressure sodium lamps with a maximum wattage of 100 watts per fixture.
 - b. Security lighting in low traffic areas shall be provided by low-pressure sodium lamps.
 - c. Fixtures for parking lots, streets, sidewalks, and other high traffic areas shall use high pressure sodium or metal halide lamps with a maximum lamp wattage of 250 watts per fixture up to 20 feet in height above grade, and 400 watts per fixture over 20 feet in height above grade.
- B. *Fully-shielded.* Exterior lighting shall be fully shielded, using concealed source fixtures directed downward and away from adjacent properties and street rights-of-way. All exterior light fixtures shall utilize full cutoff housings, louvers, glare shields, optics, reflectors or other measures to prevent off-site glare and minimize light pollution (see illustration).
- C. *Intensity.* The maximum intensity of light within any site shall not exceed the following standards:

LIGHT INTENSITY	MAXIMUM (footcandles)
Overall average for the site	5.0
At any point within the site	10.0
At any lot boundary or street right-of-way line	1.0
At the boundary of any residential district, or lot occupied by an existing residential use	0.5

1. *Outdoor dealership sales area lighting.* The planning commission may permit a maximum lighting intensity of 20.0 footcandles for any point within a dealership outdoor sales area, provided that all site lighting is otherwise in compliance with this ordinance.
 2. *Pump island canopy lighting.* The planning commission may permit a maximum light intensity of 20.0 footcandles for any point under a gas station pump island canopy, where all light fixtures under the canopy are fully recessed into the canopy structure, and all site lighting is otherwise in compliance with this ordinance (see illustration).
- D. *Glare and light trespass.* Exterior lighting shall be designed, constructed, and maintained in a manner that does not cause off-site glare or light trespass on neighboring properties, or a traffic hazard or nuisance condition for motorists on adjacent street rights-of-way.
- E. *Measurements.* Measurements of exterior lighting height and intensity shall be made in accordance with the following (see illustration):
1. Light intensity levels within the site shall be measured on the horizontal plane at grade level.
 2. Light intensity levels shall be measured on the vertical plane of the lot or street right-of-way boundaries at a height of five feet above grade.
 3. Fixture height shall be measured from grade level to the highest point of the light source.
- F. *Submittal requirements.* The following exterior lighting information shall be required with any site plan, site condominium plan, or subdivision plat application:
1. The location, type and height of all existing and proposed light fixtures.
 2. A photometric grid measuring the overall light intensity within the site in footcandles.
 3. Manufacturer's specifications and details for each type of light fixture, including the total lumen output, type of lamp, and method of shielding.

The city planner or building official may also require submittal of any of the above information as part of a building, electrical, or zoning permit application where exterior lighting is proposed to be altered or installed.

Sec. 14.04. Standards by type of fixture.

The following additional standards shall apply to specific types of exterior light fixtures, in addition to the provisions of section 14.03 (general standards):

- A. *Freestanding pole lighting.* The following standards shall apply to all freestanding, pole-mounted light fixtures:
1. *Maximum overall height.* The maximum height of pole-mounted fixtures shall be directly proportional to the fixture's proximity to the boundary of a residential district or lot occupied by an existing residential use, as follows:

FIXTURE LOCATION	MAXIMUM HEIGHT
Less than 50 feet from a residential district or use	15 feet
50 feet to 300 feet from a residential district or use	20 feet
More than 300 feet from a residential district or use	25 feet

2. *Hours of operation.* All private exterior lighting systems in non-residential districts shall incorporate automatic timers. Exterior light fixtures shall not be illuminated after 11:00 p.m., or one-half hour following the close of the business day, whichever is later. Such fixtures shall not be illuminated before sunrise, or one-half hour prior to the beginning of the business day, whichever is earlier. Minimal illumination for security purposes shall be permitted between these hours.
- B. *Architectural lighting.* Architectural lighting shall be subject to the following:
1. *Facade illumination.* Exterior illumination of building facades shall be limited to fully shielded fixtures directed towards the facade with all light concentrated on the wall.
 2. *Accent lighting.* Unshielded luminous tube (neon) or fluorescent lighting shall be prohibited as an architectural detail on the exterior of any structure; including but not limited to rooflines, cornices, eaves, windows, and door openings. The planning commission may approve internally illuminated architectural bands or similar shielded lighting accents as part of a site plan, upon determining that such lighting accents would enhance the aesthetics of the site, and would not cause off-site glare or light pollution.
- C. *Window lighting.* All interior light fixtures visible through a window from a public right-of-way or adjacent property shall be shielded to prevent glare at the property line or within a public right-of-way. Unshielded luminous tube (neon) and fluorescent light fixtures shall be prohibited where the light source would be visible through the window from a public right-of-way or adjacent property.
- D. *Illuminated signs.* Sign illumination shall also comply with the provisions of article 13 (signs).
- E. *Searchlights.* The use or operation of searchlights and similar high intensity, non-laser light sources projected above the horizontal plane shall be permitted for temporary periods not exceeding a maximum of four consecutive days and a total of 30 calendar days per year.

Sec. 14.05. Prohibited lighting.

The following types of exterior light sources and activities shall be prohibited:

1. *Mercury vapor lighting.* The installation of mercury vapor fixtures shall be prohibited.
2. *Animated lighting.* Lighting shall not be of a flashing, moving, animated or intermittent type, including electronic reader boards and other animated sign lighting.
3. *Laser source lighting.* The use or operation of exterior laser source lighting shall be prohibited.

Sec. 14.06. Exempt lighting.

The following types of exterior lighting shall be exempt from the requirements of this article, except that the city planner or building official may impose reasonable restrictions on the use of such lighting where necessary to protect the health, safety and welfare of the public:

1. Shielded pedestrian walkway lighting, and single family residential lighting that does not cause off-site glare or contribute to light pollution.

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2. Holiday decorations displayed for temporary periods not to exceed 90 calendar days.
 3. Lighting for a permitted temporary circus, fair, carnival, or civic use.
 4. Circumstances where federal or state laws, rules or regulations take precedence over the provisions of this article, or where fire, police, emergency, or repair personnel need light for temporary or emergency situations.
 5. Fossil fuel light produced directly or indirectly from the combustion of natural gas or other utility-type fossil fuels (e.g., gas lamps).

Sec. 14.07. Alternatives and substitutions.

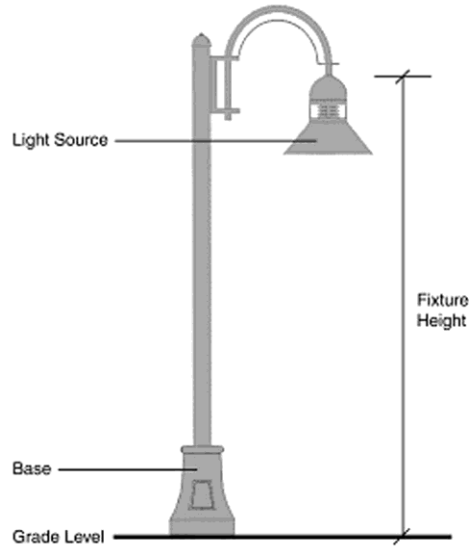
Specific lighting design alternatives or fixture substitutions may be permitted in accordance with the purpose of this article and the following:

1. *Decorative light fixtures.* The planning commission may approve the use of decorative light fixtures as an alternative to fully shielded fixtures, where such fixtures would enhance the aesthetics of the site without causing off-site glare or light pollution.
2. *Alternative lighting designs.* The planning commission may approve an alternative lighting design, provided that the commission finds that the design would be in accordance with the purpose of this article.
3. *Fixture alteration or replacement.* Light fixtures regulated by this article shall not be altered or replaced after approval has been granted, except where the city planner has verified that the alteration or replacement would conform to this article.

Sec. 14.08. Exceptions.

It is recognized by the city that certain uses or circumstances may have special exterior lighting requirements not otherwise addressed by this article. The Board of Zoning Appeals (BZA) may waive or modify specific provisions of this article for a particular use or circumstance, upon determining that all of the following conditions have been satisfied:

1. A public hearing shall be held for all lighting exception requests in accordance with the procedures set forth in section 1.12 (public hearing procedures).
2. The waiver or modification is necessary because of safety or design factors unique to the use, circumstance or site.
3. The minimum possible light intensity is proposed that would be adequate for the intended purpose. Consideration shall be given to maximizing safety and energy conservation; and to minimizing light pollution, off-site glare, and light trespass on to neighboring properties or street rights-of-way.
4. For lighting related to streets or other vehicle access areas, a determination is made that the purpose of the lighting cannot be achieved by installation of reflectorized markers, lines, informational signs, or other passive means.
5. Additional conditions or limitations may be imposed by the BZA to protect the public health, safety or welfare, or to fulfill the spirit and purpose of this article.



Light Fixture Height

ARTICLE 15. WIRELESS COMMUNICATION FACILITIES

Sec. 15.01. Purpose.

The purpose of this article is to carry out the will of the United States Congress by permitting facilities within the city that are necessary for the operation of wireless communications systems. In recognition of the public need and demand for advanced telecommunication and information technologies and services and the impacts such facilities may have on properties within the City of Richmond, it is the further intent of this article to:

1. Maximize the use of existing and future wireless communication facilities by encouraging co-location of multiple antennae on a facility where feasible.
2. Consider public health and safety in the location and operation of wireless communications facilities, and protect residential areas, community facilities, historic sites and buildings from potential adverse impacts of such facilities.
3. Minimize the adverse visual and other impacts of such facilities through innovative design, adequate screening, sufficient setback area, and timely removal of facilities upon the discontinuance of use.
4. Minimize the adverse impacts caused by these facilities on the public health and safety of persons and property within the city, as well as to minimize the adverse aesthetic impacts caused by these facilities.

It is not the intent of this article to materially limit wireless transmission or reception, or unnecessarily burden access to wireless services or competition among different communication providers.

Sec. 15.02. Application.

The following information shall be provided with any application for approval of a wireless communications facility:

1. *Applicant information.* The name, address and telephone numbers for the applicant, property owner, tower operator and installation contractor; and the address, parcel identification number or location of the property on which the facility is to be located.
2. *Site plan.* A site plan, on 11" × 17" paper, which identifies the type of wireless communications facility, as defined in this ordinance, and includes the following:
 - a. A parcel survey, with easements, setback dimensions and the location of all existing and proposed structures and facilities on the zoning lot upon which the facility will be located, and all existing structures and uses within 300 feet of the boundaries of the zoning lot.
 - b. A screening plan, with details of proposed fencing and screening materials.
 - c. Elevation drawings of all proposed towers and other structures on the site.
 - d. A location map for the proposed wireless communications facility, along with the location, height, type and owner or operator of all existing facilities within one mile of the proposed location.
3. *Service area coverage maps.* A map of the area served by the provider's existing wireless communications facilities shall be provided, along with a map of the same area showing the additional service area coverage of proposed facilities.
4. *Construction drawings.* Construction drawings shall be provided that include plans, specifications, materials, designs, dimensions, structural supports, heights, electrical components, methods of construction and type of illumination for each wireless communications facility.
5. *Permission to locate.* The applicant shall submit copies of a signed lease or other proof, satisfactory to the city attorney, of permission to locate a wireless communications facility on the site.
6. *Co-location agreement.* The applicant for a new or altered tower shall submit a written agreement, transferable to all successors and assigns, stating that the tower operator shall make space available on the tower for co-location. Proposed antenna and equipment locations shall be indicated on the site plan and elevation drawings.
7. *Insurance certificate.* The applicant shall submit a valid certificate of insurance, to be renewed annually, listing the City of Richmond as the certificate holder and naming the City of Richmond, its past, present and future elected officials, representatives, employees, boards, commissions and agents as additional named insured. The certificate shall also state that if any of the described policies are to be canceled before the expiration date thereof, the issuing company will mail 30 days written notice to the city as certificate holder. The city may require the applicant to supply a \$1,000.00 cash bond to the city, which shall be used to reimburse administrative expenses in the event the certificate is allowed to lapse.
8. *Maintenance agreement.* The applicant shall submit a plan for the long-term maintenance of the facility that identifies who will be responsible for maintenance of the facility, access, easements and required landscaping. The plan shall include a method of notifying the city if maintenance responsibilities change.
9. *Removal agreement.* The applicant shall submit a signed removal agreement and a security bond or letter of credit, satisfactory to the city attorney, for the removal of towers or antennae as applicable.

The applicant shall demonstrate that adequate funds will be available to the city for the removal of such towers or antennae, restoration of the site and associated administrative costs incurred by the city in the event that the applicant, property owner or their successors fail to remove the tower or antenna(e) in a timely manner as required by this section.

10. *Engineering certification.* Stress sheets and calculations showing that the structure is designed in accordance with applicable dead load and wind pressure standards shall be submitted, along with signed certification by a professional engineer licensed by the State of Michigan specifying the manner in which the tower or antenna structure will fall in the event of accident, damage or failure, and verifying that the setback area would accommodate the structure and provide a reasonable buffer from adjacent parcels.
11. *Tax-related information.* The applicant shall supply to the city assessor all tax-related information as requested for appraisal purposes. Upon receipt of requested information, the Assessor shall provide notice to the city planner that this condition has been satisfied.

Sec. 15.03. Type of review required.

The purpose of this section is to establish consistent review procedures that ensure full compliance with the standards of this article, and to ensure that the type and intensity of review and amount of required information is in direct proportion to the scale of the project and the intensity of the use. Wireless communications facilities shall be reviewed in accordance with the following table:

SITUATION OR USE	REQUIRED REVIEW AND APPROVAL		
	PLANNING COMMISSION	ZONING PERMIT	EXEMPT
TOWERS AND ANTENNAE INSTALLATION			
Construction, alteration or enlargement of wireless communications facilities.	•	•	
Installation of antennae on existing structures, other than wireless communications towers.	•	•	
Construction of television, radio, microwave, or public utility transmission towers, antennae or antennae arrays.	•	•	
Co-location of antennae and support facility on an existing approved tower.		•	
SATELLITE DISH ANTENNAE			
Installation of a satellite dish antenna up to one (1) meter in diameter accessory to a RESIDENTIAL USE.			•
Installation of a satellite dish antenna up to two (2) meters in diameter accessory to any non-residential use.			•
Installation of a satellite dish antenna over two (2) meters in diameter accessory to any non-residential use.		•	
AMATEUR RADIO ANTENNAE			
Installation of amateur radio transmission/reception antennae.		•	

Installation of citizen band radio facilities, short wave facilities, amateur radio reception-only antennae and governmental facilities subject to federal or state laws or regulations that preempt municipal regulatory authority.			•
OTHER PROJECTS			
Installation of new antennae or similar transmission devices on light poles, on other public utility structures or within road rights-of-way.	•	•	
Repair, service or maintenance of an existing approved wireless communications facility, provided that all work is in compliance with approved plans, permits and applicable codes.			•
Telecommunication facilities as defined by the METRO Act (P.A. 48 of 2002, as amended).			•

1. *Exempt facilities.* Activities listed as exempt from review shall be permitted by-right, subject to the applicable standards of this article.
2. *Facilities subject to permit review.* Such facilities shall be subject to review and approval of appropriate permits by the city planner and building official in accordance with the applicable standards of this article, section 1.08 (zoning permits), State Construction Code enforced by the city, and other applicable building, fire, and electrical codes.
3. *Facilities subject to planning commission review.* Such facilities shall be subject to a public hearing, and review and approval by the planning commission in accordance with the applicable standards of this article and the review procedures specified in section 15.04 (planning commission review).

Sec. 15.04. Planning commission review.

After a complete and accurate application has been submitted in accordance with the requirements of section 15.02 (application), wireless communications facilities subject to planning commission approval shall be reviewed in accordance with the following:

1. *Technical review.* Prior to planning commission consideration, the application materials shall be distributed to appropriate city officials and staff for review and comment. The city planner may also submit the plans to applicable outside agencies and designated city consultants for review and comment.
2. *Public hearing.* A public hearing shall be scheduled and held before the planning commission for all wireless communications facilities subject to planning commission review, in accordance with the City and Village Zoning Act (P.A. 207 of 1921, as amended) and section 1.12 (public hearing procedures).
3. *Planning commission action.* Subsequent to the hearing, the planning commission shall review the proposed wireless communications facility, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments.

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- a. The planning commission shall determine whether the facility is in compliance with the requirements of this article and ordinance.
 - b. The planning commission shall determine whether the facility satisfies the criteria for approval listed in section 15.10 (criteria for approval).
 - c. The planning commission shall then consider its findings, shall take action to approve, approve with conditions or deny the wireless communications facility, and shall set forth the reasons for their action.
4. *Effect of action.* Approval of the wireless communications facility by the planning commission shall allow the city planner and building official to review and issue permits for work associated with the application. No work may take place on the site except in accordance with an approved permit and the design and plans approved by the planning commission. If the planning commission denies the wireless communications facility, the applicant may submit a new wireless communications facility application that addresses any deficiencies in the denied application materials, facility design or location.
 5. *Expiration of approval.* Approval of a wireless communications facility shall expire 365 days after the date of approval, unless a permit has been issued or construction has commenced. Upon written request received by the city prior to the expiration date, the planning commission may grant one extension of up to 180 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved wireless communications facility plans remains in conformance with the purpose and provisions of this article.

Sec. 15.05. General standards.

The following regulations shall apply to all wireless communications facilities:

1. *Federal, state and local standards.* Wireless communication facilities shall meet or exceed current standards of the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Michigan Aeronautics Commission and any other agency of the state or federal government with regulatory authority, and shall further comply with the State Construction Code enforced by the city, and all other applicable building, electrical and fire codes.
2. *Public safety.* Wireless communication facilities shall comply with applicable federal and state standards relative to radio frequency emissions, and shall be designed, constructed, operated and maintained in a structurally sound condition, using the best available technology to minimize any threat to public safety.
3. *Access.* Unobstructed permanent access to the facility shall be provided for operation, maintenance, repair and inspection purposes. Access may be provided by an easement.
4. *Lighting.* Wireless communications facilities shall not be illuminated, unless required by the FAA or Michigan Aeronautics Commission.

Sec. 15.06. Standards for wireless communications towers.

The following shall apply to all wireless communications towers, in addition to section 15.05 (general standards):

1. *Location.* Wireless communications towers shall be limited to lots in the B-3 (general business), I-1 (limited industrial), I-2 (general industrial), and PSP (public/semi-public services) districts that have sufficient land area to accommodate the minimum setback requirements of this section. Such towers may be located on a zoning lot containing other principal uses.

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2. *Height.* Towers shall not exceed 200 feet in height as measured from certified grade to the highest point of the tower, including antennae attached to the tower.
 3. *Setbacks.* Towers shall be set back from all lot boundaries and street rights-of-way a minimum distance equal to 100 percent of the height of the tower. Anchoring cables, equipment enclosures and accessory structures shall satisfy minimum zoning district setback requirements, with a minimum required setback of 50 feet.
 4. *Co-location.* Wireless communications tower shall be designed, constructed and maintained to accommodate co-location of multiple antennae on a single tower. The applicant shall demonstrate that there is a need for new wireless communications facilities that cannot be met by use, alteration or replacement of an existing tower, or placement of antennae on an existing structure. The planning commission shall consider the following factors in determining whether such a need exists:
 - a. Insufficient structural capacity of existing towers or other suitable structures and infeasibility of reinforcing or replacing an existing tower.
 - b. Unavailability of suitable locations to accommodate system design or engineering on existing towers or other structures.
 - c. Radio frequency interference or other signal interference problems at existing towers or other structures.
 - d. The denial of the application for a proposed tower will result in unreasonable discrimination among providers of functionally equivalent wireless communication service providers, or will have the effect of prohibiting the provision of wireless communication services.
 - e. The refusal of owners or parties who control existing towers or other suitable structures to permit antennae to be attached or co-located.
 - f. Other factors which demonstrate the reasonable need for the new tower.
 5. *Tower design.* Wireless communication tower design shall be subject to the following:
 - a. Towers shall be of a slim-line or low profile monopole design, except where the applicant demonstrates to the planning commission's satisfaction that such design is not feasible to accommodate the user or co-location.
 - b. The planning commission may approve towers of a stealth design, such as those disguised to appear as a flagpole, tree or light pole.
 - c. Towers shall not be used for advertising purposes nor contain any signage except a nameplate identifying the service provider and emergency telephone numbers.
 6. *Ground equipment enclosure.* All wireless communications towers, accessory structures and equipment enclosures shall be completely enclosed by an eight-foot high fence or wall with a lockable gate to prevent unauthorized access. Screening shall be provided on all sides of the ground equipment enclosure in accordance with section 11.04 (methods of screening and buffering), subject to planning commission approval.
 7. *Tower address.* Each wireless communications tower shall be designated with a specific and unique mailing address.

Sec. 15.07. Standards for antennae located on structures.

The following shall apply to antennae located on principal or accessory structures, in addition to section 15.05 (general standards):

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1. *Location.* Such antennae shall be limited to structures in the B-2 (downtown business), B-3 (general business), I-1 (limited industrial), I-2 (general industrial), and PSP (public/semi-public services) districts, subject to the following:
 - a. Such antennae shall be limited to structures with a minimum height of 35 feet.
 - b. Such antennae shall be prohibited on any single-family or two-family dwelling.
 - c. Antennae proposed to be located on a historic building or any building in the B-2 (downtown business) or PSP (public/semi-public services) districts may be denied if the planning commission determines that the antennae would detract from the character of the building or district.
 2. *Height.* The antenna and support structure shall be permanently secured to the structure, and shall not exceed the structure height by more than ten feet.
 3. *Equipment shelter.* Any accessory equipment shelter shall not exceed 15 feet in height, and shall conform to the minimum required yard setbacks specified in article 4 (dimensional standards).
 4. *Design.* All antennae shall be designed to complement the aesthetic character of the structure, taking into consideration the antennae location, visibility, and distance from the right-of-way and neighboring uses.

Sec. 15.08. Standards for satellite dish antennae.

The following shall apply to all satellite dish antennae subject to zoning permit approval per section 15.03 (type of review required), in addition to the provisions of section 15.05 (general standards).

1. *Prohibited antennae.* Satellite dish antennae over one (1) meter in diameter shall be prohibited accessory to a residential use in any zoning district.
2. *Maximum permitted.* A maximum of one satellite dish antenna subject to zoning permit approval shall be permitted accessory to a non-residential use on a zoning lot. This limitation shall not include satellite dish antennae that are exempt from review per section 15.03 (type of review required).
3. *Location.* Satellite dish antennae shall be located only in the rear yard, subject to the following:
 - a. Satellite dish antennae shall be set back from all side and rear lot lines a minimum distance equal to the height of the antenna and support structure.
 - b. Satellite dish antennae may be located in the side yard or roof-mounted where documentation from the installer or service provider shows that the permitted rear yard location would materially limit satellite transmission or reception.
 - c. Roof-mounted satellite dish antennae shall be located in a manner that minimizes visibility from street rights-of-way.
4. *Installation.* Satellite dish antennae and support structures shall be permanently secured to a structure or foundation, and shall be designed and constructed to resist wind and seismic forces. Manufacturer standards for ground and roof installation shall be complied with regarding allowable wind loads, stresses, supports, and fastenings.

Sec. 15.09. Standards for amateur radio antennae.

The following shall apply to all amateur radio antennae, in addition to the provisions of section 15.05 (general standards).

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1. A maximum of one such antenna shall be permitted per zoning lot, with a maximum height of 60 feet and a minimum setback from all lot boundaries equal to 100 percent of its height.
 2. Amateur radio antennae shall be limited to lots in any zoning district that have sufficient lot area to accommodate the minimum setback requirements of this section.
 3. Such antennae shall be accessory to a principal building on the same lot, and shall be located in the rear yard area.

Sec. 15.10. Criteria for approval.

Construction, installation, replacement, co-location, alteration or enlargement of wireless communication facilities shall only be approved upon determination that all of the following conditions have been satisfied:

1. *Operating requirements.* The applicant shall demonstrate that operating requirements necessitate locating within the city and the general area, and shall provide evidence that existing towers, structures or alternative technologies cannot accommodate these requirements.
2. *Engineering requirements.* The applicant shall demonstrate that existing towers or structures are not of sufficient height or structural strength to meet engineering requirements, or are not located in a geographic area that meets these requirements.
3. *Impact on adjacent uses.* Nearby residential districts and uses, community facilities, historic sites and landmarks, natural beauty areas, and road rights-of-way will not be adversely impacted by the location of the wireless communications facility.
4. *Site characteristics.* Topography, vegetation, surrounding land uses, zoning, adjacent existing structures, and other inherent site characteristics are compatible with the installation of wireless communications facilities.
5. *Site design.* The design, lighting, color, construction materials, landscaping, fencing, screening, and other design elements are in compliance with applicable provisions of this article and ordinance.

Sec. 15.11. Existing towers and antennae.

Wireless communications facilities for which building permits have been issued prior to the effective date of this ordinance shall be allowed to continue, provided that such facilities are maintained in accordance with section 15.05 (general requirements) and all approved plans, permits, and conditions of approval. A lawfully constructed wireless communications facility may be altered, expanded or replaced, subject to the following:

1. The new or altered wireless communications facility shall comply with all applicable requirements of this article.
2. An existing wireless communications facility to be replaced shall be removed within 90 days of completion of the replacement facility.
3. If the existing wireless communications facility must be removed before or during construction of the replacement facility, temporary wireless communications facilities may be used on the site to ensure continuity of services, subject to city approval. Such temporary facilities shall be removed within 30 days of the completion of the replacement wireless communications facility.

Sec. 15.12. Rescinding approval of wireless communications facilities.

Failure of the owner, operator or leaseholder of an approved wireless communications facility to renew or replace any required bonds or insurance certificates, provide information to the city about the facility as required

by this article or maintain and operate the facility in compliance with the provisions of this article shall be grounds for the city to rescind any previous approval to construct or operate the facility. Such action shall be subject to the following:

1. *Public hearing.* Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in section 1.12 (public hearing procedures), at which time the operator of the use or owner of an interest in the wireless communications facility for which approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. *Determination.* Subsequent to the hearing, the decision of the planning commission with regard to the rescinding of approval shall be made and written notification provided to said owner, operator or designated agent.

Sec. 15.13. Removal of wireless communications facilities.

Wireless communications facilities for which approval has been rescinded, or that have ceased operation for more than 365 contiguous days, shall be removed by the owner or operator within 60 days of receipt of notice from the city requesting such removal. Failure by the owner to remove such facilities upon request shall be grounds for the city to seek court approval for such removal at the expense of the facility owner or operator.

Sec. 15.14. Metro act telecommunication facilities.

Nothing in this ordinance shall be construed in such a manner to conflict with the regulatory process established for telecommunication facilities as defined and regulated by the METRO Act (P.A. 48 of 2002, as amended).

ARTICLE 16. WIND ENERGY STRUCTURES AND FACILITIES

Sec. 16.01. Purpose.

The purpose of this article is to establish guidelines for siting wind energy turbines (WETs). The goals are as follows:

1. To promote the safe, effective and efficient use of a WET in order to reduce the consumption of fossil fuels in producing electricity.
2. Preserve and protect public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of a WET.
3. To establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of a WET shall be governed.

(Ord. No. 156-16, § I, 10-20-14)

Sec. 16.02. Definitions.

Ambient sound level is the amount of background noise at a given location prior to the installation of a WET(s) which may include, but not be limited to, traffic, machinery, lawnmowers, human activity, and the interaction of the wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American National Standards Institute.

Anemometer is a temporary wind speed indicator for the purpose of analyzing the potential for utilizing a wind energy turbine at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, and wind flow characteristics over a period of time for instantaneous wind information or to characterize the wind resource at a given location.

Decibel is defined as unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dB(A) weighted scale as defined by the American National Standards Institute.

Decommissioning is the process of terminating operation and completely removing a WET(s) and all related building, structures, foundations, access roads, and equipment.

Large wind energy turbine (L-WET) is a tower mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The L-WET has a nameplate above 250 kilowatts and the main purpose of the L-WET is to supply electricity to off-site customers. The total height exceeds 150 feet.

Medium wind energy turbine (M-WET) is a tower mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The M-WET has a nameplate capacity that does not exceed 250 kilowatts. The total height does not exceed 150 feet.

Nacelle refers to the encasement which houses all of the generating components, gear box, drive train, and other equipment.

Net-metering is a special metering and billing agreement between utility companies and their customers, which facilitates the connection of renewable energy generating systems to the power grid.

Occupied building is a residence, school, hospital, church, public library, business, or any other building used for public gatherings.

Operator is the entity responsible for the day-to-day operation and maintenance of a wind energy turbine (WET).

Owner is the individual or entity including their respective successors and assigns that have an equity interest or own the wind energy turbine (WET) in accordance with this article.

Rotor diameter is the cross-sectional dimension of the circle swept by the rotating blades of a WET.

Shadow flicker is the moving shadow, created by the sun shining through the rotating blades of a wind energy turbine (WET). The amount of shadow flicker created by a WET is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity, and sunlight.

Small tower-mounted wind energy turbine (STM-WET) is a tower mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The STM-WET has a nameplate capacity that does not exceed 30 kilowatts. The total height does not exceed 120 feet.

Structure is any building or other structure, such as a municipal water tower that is a minimum of 12 feet in height at its highest point of roof and is secured to frost-footings or a concrete slab.

Small structure mounted wind energy turbine (SSM-WET) converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A SSM-WET is attached to a structure's roof, walls, or other elevated surface. The SSM-WET has a nameplate capacity that does not exceed ten kilowatts. The total height does not exceed 15 feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.

Total height is the vertical distance measured from the ground level at the base of a tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the wind energy turbine (WET).

Tower is a freestanding monopole that supports a wind energy turbine (WET).

Upwind turbine is a wind energy turbine (WET) positioned in a manner so that the wind hits the turbine blades before it hits the tower in order to avoid the thumping noise which can occur if the wind is disrupted by hitting the tower before the blades.

Wind energy turbine (WET) is any structure-mounted, small, medium, or large wind energy conversion system that converts wind energy into electricity through the use of a wind generator and includes the nacelle, rotor, tower, and pad transformer, if any.

(Ord. No. 156-16, § I, 10-20-14)

Sec. 16.03. Type of review required.

The purpose of this section is to establish consistent review procedures that ensure full compliance with the standards of this article, and to ensure that the type and intensity of review and amount of required information is in direct proportion to the scale of the project and the intensity of the use. Wind energy turbines shall be reviewed in accordance with the following table:

SITUATION or USE	Required Review and Approval		
	Planning Commission	Zoning Permit	Exempt
WIND ENERGY STRUCTURES AND FACILITIES			
Temporary uses	◆		
Installation of small structure mounted wind energy turbine (SSM-WET).	◆		
Installation of small tower mounted wind energy turbine (STM-WET).	◆		
Installation of medium wind energy turbine (M-WET)	◆		
Installation of large wind energy turbine (L-WET)	◆		

Facilities subject to planning commission review. Such facilities shall be subject to a public hearing, and review and approval by the planning commission in accordance with the applicable standards of this article and the review procedures specified in section 16.04 (planning commission review).

(Ord. No. 156-16, § I, 10-20-14)

Sec. 16.04. Planning commission review.

After a complete and accurate application has been submitted in accordance with the requirements of section 15.02 (application), wind energy structures and facilities subject to planning commission approval shall be reviewed in accordance with the following:

1. *Technical review.* Prior to planning commission consideration, the application materials shall be distributed to appropriate city officials and staff for review and comment. The city planner may also submit the plans to applicable outside agencies and designated city consultants for review and comment.

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2. *Public hearing.* A public hearing shall be scheduled and held before the planning commission for all wind energy structures and facilities subject to planning commission review, in accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) and section 1.12 (public hearing procedures).
 3. *Planning commission action.* Subsequent to the hearing, the planning commission shall review the proposed wind energy structure or facility, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments.
 - a. The planning commission shall determine whether the facility is in compliance with the requirements of this article and ordinance.
 - b. The planning commission shall then consider its findings, shall take action to approve, approve with conditions or deny the wind energy structure and facility, and shall set forth the reasons for their action.
 4. *Effect of action.* Approval of the wind energy structure and facility by the planning commission shall allow the city planner and building official to review and issue permits for work associated with the application. No work may take place on the site except in accordance with an approved permit and the design and plans approved by the planning commission. If the planning commission denies the wind energy structure and facility, the applicant may submit a new wind energy structure and facility application that addresses any deficiencies in the denied application materials, facility design or location.
 5. *Expiration of approval.* Approval of a wind energy structure and facility shall expire 365 days after the date of approval, unless a permit has been issued or construction has commenced. Upon written request received by the city prior to the expiration date, the planning commission may grant one extension of up to 180 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved wind energy structure and facility plans remains in conformance with the purpose and provisions of this article.

(Ord. No. 156-16, § I, 10-20-14)

Sec. 16.05. Application requirements.

The following information shall be provided with any application for approval of a wind energy turbine (WET):

1. *Applicant information.* The name, address and telephone numbers for the applicant, property owner, tower operator and installation contractor; and the address, parcel identification number or location of the property on which the facility is to be located.
2. *Site plan.* A site plan shall include maps (drawn to scale) showing the proposed location of all components and ancillary equipment of the SM-WET(s) or TM-WET, property lines, physical dimensions of the property, existing building(s), setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, non-motorized pathways, roads and contours. The site plan must also include adjoining properties as well as the location and use of all structures.
3. The proposed type and height of the SM-WET or TM-WET to be constructed; including the manufacturer and model, product specifications, including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
4. Documented compliance with the noise requirements set forth in this article.

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5. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.
 6. Proof of applicant's liability insurance.
 7. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems are exempt from this requirement.
 8. Other relevant information as may be reasonably requested.
 9. Signature of the applicant.
 10. In addition to the permit application requirements previously listed, the SM-WET application shall include the following:
 - a. Total proposed number of SM-WETs.
 11. In addition to the permit application requirements previously listed, the TM-WET application shall include the following:
 - a. A description of the methods that will be used to perform maintenance on the TM-WET and the procedures for lowering or removing the TM-WET in order to conduct maintenance.

(Ord. No. 156-16, § I, 10-20-14)

Sec. 16.06. Temporary uses.

A. *Anemometer* shall be subject to the following:

1. The construction, installation, or modification of an anemometer tower shall require a special use permit through the planning commission, building permit and shall conform to all applicable local, state, and federal applicable safety, construction, environmental, electrical, communications, and FAA requirements.
2. An anemometer shall be subject to the minimum requirements for height, setback, separation, location, safety requirements, and decommissioning that correspond to the size of the WET that is proposed to be constructed on the site.
3. An anemometer shall be permitted for no more than 13 months for SSM-WET, STM-WET, or M-WET, and no more than three years for a L-WET.

(Ord. No. 156-16, § I, 10-20-14)

Sec. 16.07. Small structure mounted wind energy turbines and small tower mounted wind energy turbines.

Small structure mounted wind energy turbines (SSM-WET) and small tower mounted wind energy turbines (STM-WET) shall be subject to the following:

1. "Upwind Turbines" shall be required.
2. *Visual appearance:*

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- a. SSM-WETs and STM-WETs, including accessory building and related structures, shall be a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the SM-WET and TM-WET.
 - b. A SSM-WET or STM-WET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
 - c. SSM-WET or STM-WET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer.
3. *Ground clearance:* The lowest extension of any rotor blade or other exposed moving component of an SSM-WET or STM-WET shall be at least 15 feet above the ground (at the highest point of the natural grade within 30 feet of the base of the WET) and, in addition, at least 15 feet above any outdoor areas intended for human use, such as balconies or roof gardens, that are located directly below the SM-WET or STM-WET.
 4. *Noise:* Noise emanating from the operation of a WET shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential use parcel or from the property lines of parks, schools, hospitals, and churches. Noise emanating from the operation of a WET shall not exceed at any time, the lowest ambient noise level plus five dBA that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential use parcel.
 5. *Vibration:* Vibrations shall not be produced which are humanly perceptible beyond the property on which a SSM-WET or STM-WET is located.
 6. *Guy wires:* Guy wires shall not be permitted at part of the SSM-WET or STM-WET.
 7. In addition to the siting and design requirements listed previously, the SSM-WET shall also be subject to the following:
 - a. *Height:* The height of a SSM-WET shall not exceed 15 feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.
 - b. *Setback:* The setback of the SSM-WET shall be a minimum of 15 feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. If the SM-WET is affixed by any extension to the side, roof, or other elevated surface, then the setback from the property line or public right-of-way shall be a minimum of 15 feet. The setback shall be measured from the furthest outward extension of all moving parts.
 - c. *Separation:* If more than one SSM-WET is installed, a distance equal to the height of the highest SSM-WET must be maintained between the base of each SSM-WET.
 8. In addition to the siting and design requirements listed previously, the STM-WET shall be subject to the following:
 - a. *Height:* The total height of a STM-WET shall not exceed 120 feet.
 - b. *Location:* The STM-WET shall only be located in the rear yard of a property that has an occupied building.
 - c. *Occupied building setback:* The setback from all occupied buildings on the applicant's parcel shall be a minimum of 20 feet as measured from the base of the tower.
 - d. *Other setbacks:* The setback shall be equal to the total height of the STM-WET as measured from the base of the tower, from the property line, public right-of-way, public easement, or overhead

public utility lines. This setback may be reduced if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the wind turbine.

- e. *Separation:* If more than one STM-WET is installed, a distance equal to the height of the highest STM-WET must be maintained between the bases of each STM-WET.
 - f. *Electrical system:* All electrical controls, control wiring, grounding wires, power lines, and system components shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land use to the maximum extent practicable. Wiring necessary to connect the wind generator to the tower wiring are exempt from this requirement.
9. *Safety requirements:*
- a. If the SSM-WET or STM-WET is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations meeting federal, state, and industry standards applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
 - b. The SSM-WET or STM-WET shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer verifies that a braking system is not necessary.
 - c. A clearly visible warning sign regarding voltage shall be placed at the base of the SSM-WET or STM-WET.
 - d. The structural integrity of the SSM-WET or STM-WET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design" and/or 61400-2 "Small Wind Turbine Safety," IEC 61400-22 "Wind Turbine Certification," and IEC 61400.23 "Blade Structural Testing," or any similar successor standards.
10. *Signal interference:* The SSM-WET or STM-WET shall not interfere with communication systems such as, but not limited to, radio, television, satellite, or emergency communication systems.
11. *Decommissioning:*
- a. The SSM-WET or STM-WET owner(s) or operator(s) shall complete decommissioning within 12 months after the end of the useful life. Upon request of the owner(s) or assigns of the SSM-WET or STM-WET, and for good cause, the City of Richmond Planning Commission may grant a reasonable extension of time. The SSM-WET or STM-WET will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months. All decommissioning expenses are the responsibility of the owner(s) or operator(s).
 - b. If the SSM-WET or STM-WET owner(s) or operator(s) fails to complete decommissioning within the period prescribed above, the City of Richmond Planning Commission may designate a contractor to complete decommission with the expense thereof to be charged to the violator and/or to become a lien against the premises. If the SSM-WET or STM-WET is not owned by the property owner(s), a bond must be provided to the City of Richmond Planning Commission for the cost of decommissioning each SSM-WET or STM-WET.
 - c. In addition to the decommissioning requirements listed previously, the STM-WET shall also be subject to the following:
 - i. Decommissioning shall include the removal of each STM-WET, buildings, electrical components, and any other associated facilities. Any foundation shall be removed to a

minimum depth of 60 inches below grade, or to the level of the bedrock if less than 60 inches below grade.

- ii. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the facility or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, unless the property owner(s) request in writing that the land surface areas not be restored.

12. *Public inquiries and complaints:*

- a. Should an aggrieved property owner allege that the SSM-WET or STM-WET is not in compliance with the noise requirements of this article, the procedure shall be as follows:
 - i. Notify the City of Richmond in writing regarding concerns about noise level.
 - ii. If the complaint is deemed sufficient by the city to warrant an investigation, the city will request the aggrieved property owner deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this article.
 - iii. If the test indicates that the noise level is within ordinance noise requirements, the city will use the deposit to pay for the test.
 - iv. If the SSM-WET or STM-WET Owner(s) is in violation of the ordinance noise requirements, the owner(s) shall reimburse the city for the noise level test and take immediate action to bring the SSM-WET or STM-WET into compliance which may include ceasing operation of the WET until ordinance violations are corrected. The city will refund the deposit to the aggrieved property owner.

(Ord. No. 156-16, § I, 10-20-14)

Sec. 16.08. Medium wind energy turbine (M-WET) and large wind energy turbine (L-WET).

1. "Upwind Turbines" shall be required.
2. The design of a M-WET or L-WET shall conform to all applicable industry standards.
3. *Visual appearance:*
 - a. Each M-WET or L-WET, including accessory building and related structures, shall be mounted on a tubular tower and a non-reflective, non-obtrusive color (e.g. white, gray, and black). The appearance of turbines, towers, and buildings shall be maintained throughout the life of the M-WET or L-WET.
 - b. Each M-WET or L-WET shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
 - c. Each M-WET or L-WET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer.
4. *Vibration:* Vibrations shall not be produced which are humanly perceptible beyond the property on which it is located.
5. *Shadow flicker:* The M-WET or L-WET owner(s) and/or operator(s) shall conduct an analysis on potential shadow flicker at any occupied building with direct line-of-sight to the M-WET or L-WET. The analysis shall identify the location of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify situations where shadow flicker may affect the occupants of the buildings for more than 30 hours per year,

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(Supp. No. 39)

and describe measures that shall be taken to eliminate or mitigate the problems. Shadow flicker on a building shall not exceed 30 hours per year.

6. *Guy wires:* Guy wires shall not be permitted at part of the M-WET or L-WET.
7. *Electrical system:* All electrical controls, control wiring, grounding wires, power lines, and all other electrical system components of the M-WET or L-WET shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.
8. In addition to the siting and design requirements listed previously, The M-WET shall also be subject to the following:
 - a. *Location:* The M-WET shall only be located in a general common element as part of a larger planned development.
 - b. *Height:* The total height of a M-WET shall not exceed 150 feet.
 - c. *Ground clearance:* The lowest extension of any blade or other exposed moving component of a M-WET shall be at least 15 feet above the ground (at the highest point of the grade within 50 feet of the base of the tower) and, in addition, at least 15 feet above any outdoor areas intended for human occupancy, such as balconies or roof gardens that area located directly below the M-WET.
 - d. *Noise:*
 - i. Noise emanating from the operation of a M-WET or shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a M-WET(s) shall not exceed, at any time, the lowest ambient noise level plus five dBA that is not present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a non-residential or non-agricultural use parcel.
 - e. *Quantity:* The number of M-WETs shall be determined based on setbacks and separation.
 - f. *Setback and separation:*
 - i. *Occupied building setback:* The setback from all occupied building on the application's parcel shall be a minimum of 20 feet measured from the base of the tower.
 - ii. *Property line setbacks:* With the exception of the locations of public roads (see below), drain rights-of-way and parcels with occupied buildings (see above), the internal property line setbacks shall be equal to the total height of the M-WET as measured from the base of the tower. This setback may be reduced to a distance agreed upon as part of the special use permit if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the heights of the WET.
 - iii. *Public road setbacks:* Each M-WET shall be set back from the nearest public road a distance equal to the total height of the M-WET, determined at the nearest boundary of the underlying right-of-way for such public road.
 - iv. *Communication and electrical lines:* Each M-WET shall be set back from the nearest above-ground public electric power line or telephone line a distance equal to the total height of the M-WET, as measured from the base of the tower, determined from the existing power line or telephone line.
 - v. *Tower separation:* M-WET/tower separation shall be based on industry standard and manufacturer recommendation.

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9. In addition to the siting and design requirements listed previously, The L-WET shall also be subject to the following:
- a. *Ground clearance:* The lowest extension of any blade or other exposed moving component of an L-WET shall be at least 50 feet above the ground (at the highest point of the grade level within 150 feet of the base of the tower).
 - b. *Noise:*
 - i. Noise emanating from the operation of a M-WET or shall not exceed, at any time, the lowest ambient sound level that is present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a M-WET(s) shall not exceed, at any time, the lowest ambient noise level plus 5 dBA that is not present between the hours of 9:00 p.m. and 9:00 a.m. at any property line of a nonresidential or non-agricultural use parcel.
 - c. *Quantity:* The number of L-WETs shall be determined based on setbacks and separation.
 - d. *Setback and separation:*
 - i. *Occupied building setback:* Each L-WET shall be set back from the nearest occupied building located on the same parcel as the L-WET a minimum of two times its total height, or 1,000 feet, as measured from the base of the tower, whichever is greater.
 - ii. *Property line setbacks:* With the exception of the locations of public roads (see below), drain rights-of-way and parcels with occupied buildings (see above), the internal property line setbacks shall be equal to one and one-half times the total height of the L-WET as measured from the base of the tower. This setback may be reduced to a distance agreed upon as part of the planning commission review if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the heights of the WET.
 - iii. *Wind energy overlay district setbacks:* Along the border of the wind energy overlay district, there shall be a setback equal to two times the total height as measured from the base of the tower.
 - iv. *Public road setbacks:* Each L-WET shall be set back from the nearest public road a distance equal of no less than 400 feet or one and one-half times its total height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such public road.
 - v. *Communication and electrical lines:* Each M-WET shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than 400 feet or one and one-half times its total height, whichever is greater, determined from the existing power line or telephone line.
 - vi. *Tower separation:* M-WET/tower separation shall be based on industry standard and manufacturer recommendation.
 - e. *Access driveway:* Each L-WET shall require the construction of a private road to offer an adequate means by which the City of Richmond may readily access the site in the event of an emergency. All private roads shall be constructed to the city's private road standards.
10. *Safety requirements:*
- a. If the M-WET or L-WET is connected to a public utility grid for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations applicable to wind power generation facilities, and this connection shall be inspected by the appropriate public utility.

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- b. The M-WET or L-WET shall be equipped with an automatic braking or governing system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
 - c. Security measures need to be in place to prevent unauthorized trespass and access. Each M-WET or L-WET shall not be climbable up to 15 feet above ground surfaces. All access doors to M-WETs or L-WETs and electrical equipment shall be locked and/or fenced as appropriate, to prevent entry by non-authorized person(s).
 - d. All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner.
 - e. Each M-WET or L-WET shall have one sign, not to exceed two square feet in area, posted at the base of the tower and on the security fence if applicable. The sign shall contain at least the following:
 - i. Warning high voltage.
 - ii. Manufacturer's and owner/operator name.
 - iii. Emergency contact numbers (list more than one number).
 - f. The structural integrity of the M-WET or L-WET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Lade Structural Testing," or any similar successor standards.
11. *Signal interference:* The SSM-WET or STM-WET shall not interfere with communication systems such as, but not limited to, radio, television, satellite, or emergency communication systems.
12. *Decommissioning:*
- a. The M-WET or L-WET owner(s) or operator(s) shall complete decommissioning within 12 months after the end of the useful life. Upon request of the owner(s) or the assigned of the M-WET or L-WET, and for good cause, the City of Richmond Planning Commission may grant a reasonable extension of time. Each M-WET or L-WET will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months. All decommissioning expenses are the responsibility of the owner(s) or operator(s).
 - b. Decommissioning shall include removal of each M-WET or L-WET, buildings, electrical components, and roads to a depth of 60 inches, as well as any other associated facilities. Any foundation shall be removed to a minimum depth of 60 inches below grade, or to the level of the bedrock if less than 60 inches below grade. Following removal, the location of any remaining wind turbine foundation shall be identified on a map as such and recorded with the deed to the property with the County Register of Deeds.
 - c. All access roads to the M-WET or L-WET shall be removed, cleared, and graded by the M-WET or L-WET Owner(s), unless the property owner(s) requests, in writing, a desire to maintain the access road. The City of Richmond will not be assumed to take ownership of any access road unless through official action of the Richmond City Council.
 - d. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the M-WET or L-WET or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, unless the property owner(s) request in writing that the land surface areas not be restored.
 - e. In addition to the decommissioning requirements listed previously, the M-WET shall also be subject to the following:

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- i. If the M-WET owner(s) or operator(s) fails to complete decommissioning within the period prescribed above, the city may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises. If the M-WET is not owned by the property owner(s), a bond must be provided to the City for the cost of decommissioning each M-WET.
 - f. In addition to the decommissioning requirements previously listed, the L-WET shall also be subject to the following:
 - i. An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") with no regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). When determining the amount, the city may also require an annual escalator or increase based on the Federal Consumer Price Index (or equivalent or its successor). Said estimates shall be submitted to the city planner after first year of operation and every fifth year thereafter.
 - ii. The L-WET owner(s) or operator(s) shall post and maintain decommissioning funds in an amount equal to net decommissioning costs; provided that at no point shall decommissioning funds be less than 100 percent of decommissioning costs. The decommissioning funds shall be posted and maintained with a bonding company or federal or state chartered lending institution chosen by the owner(s) or operator(s) and participating landowner(s) posting the financial security. The bonding company or lending institution is authorized to conduct such business and is approved by the city.
 - iii. Decommissioning funds shall be in the form of a performance bond made out to the city.
 - iv. A condition of the bond shall be notification by the bond company to the city planner when the bond is about to expire or be terminated.
 - v. Failure to keep the bond in effect while a L-WET is in place will be a violation of the special land use permit. If a lapse in the bond occurs the city may take action up to and including requiring ceasing operation of the WET until the bond is reposted.
 - vi. The escrow agent shall release the decommissioning funds when the owner(s) has demonstrated and the city concurs the decommissioning has been satisfactorily completed, or upon written approval of the city in order to implement the decommissioning plan.
 - vii. If neither the owner(s) or operator(s), nor the landowner(s) complete decommissioning within the periods addressed previously (decommissioning requirements A and B), then the city may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating landowner agreement to the city shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the city may take such action as necessary to implement the decommissioning plan.
13. *Public inquiries and complaints:*
- a. Should an aggrieved property owner allege that the SSM-WET or STM-WET is not in compliance with the noise requirements of this article, the procedure shall be as follows:
 - i. Notify the City of Richmond in writing regarding concerns about noise level.
 - ii. If the complaint is deemed sufficient by the city to warrant an investigation, the city will request the aggrieved property owner deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this article.

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- iii. If the test indicates that the noise level is within ordinance noise requirements, the city will use the deposit to pay for the test.
 - iv. If the SSM-WET or STM-WET owner(s) is in violation of the ordinance noise requirements, the owner(s) shall reimburse the city for the noise level test and take immediate action to bring the SSM-WET or STM-WET into compliance which may include ceasing operation of the WET until ordinance violations are corrected. The city will refund the deposit to the aggrieved property owner.

(Ord. No. 156-16, § I, 10-20-14)

ARTICLE 17. SPECIAL CONDITION USES

Sec. 17.01. Purpose.

Special condition uses include those uses that serve an area, interest or purpose that extends beyond the borders of the city, create particular problems of control in relation to adjoining uses or districts, have detrimental effects upon public health, safety or welfare, or possess other unique characteristics that prevent such uses from being classified as principal permitted uses in a particular zoning district.

This article sets forth review procedures and standards for planning commission review and approval of special condition uses. These procedures are instituted to provide an opportunity to use a lot or structure for an activity that, under usual circumstances, could be detrimental to other permitted land uses. Such uses may be permitted under circumstances particular to the proposed location, subject to specific conditions or limitations that provide protection to adjacent land uses.

These procedures are adopted to provide a consistent and uniform method for review of special condition use applications, ensure full compliance with the standards contained in this ordinance, achieve efficient use of land, prevent adverse impacts on neighboring properties and districts, preserve the public health, safety, morals, and general welfare, and facilitate development in accordance with the land use objectives of the master plan.

Sec. 17.02. Application requirements.

Special condition use applications shall be submitted in accordance with the following procedures and requirements, which provide for review and action by the planning commission:

1. *Eligibility.* The application shall be submitted by the owner of an interest in land for which special condition use approval is sought, or by the owner's designated agent. The applicant or agent shall be present at all scheduled review meetings.
2. *Requirements.* Special condition use applications shall be submitted to the city at least 45 calendar days prior to a planning commission meeting at which review is sought, and shall include the following information:
 - a. Contact information for the applicant and property owner, and proof of ownership. If the property is leased by the applicant, a copy of the lease shall be provided, along with the owner's signed authorization for the application.
 - b. Address, location and tax identification number of the property.
 - c. A detailed description of the proposed use.
 - d. A site plan, if requested by the planning commission or required by article 18 (site plan review).

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- e. Appropriate review fees, as determined by city council.
 - f. Any other information deemed necessary by the planning commission to determine compliance with this ordinance.

Sec. 17.03. Special condition use review.

After a complete and accurate application has been received and review fees paid, the application shall be reviewed in accordance with following procedures:

- A. *Coordination with site plan review.* A site plan associated with a special condition use shall not be approved unless the special condition use has first been approved. The planning commission may, at its discretion, consider special condition use and site plan applications at the same meeting, or may require the site plan to be submitted for review following approval of the special condition use.
- B. *Technical review.* Prior to planning commission consideration, the application materials shall be distributed to appropriate city officials and staff for review and comment. The city planner may also submit the application materials to applicable outside agencies and designated city consultants for review.
- C. *Public hearing.* A public hearing shall be held for all special condition uses consistent with state law and section 1.12 (public hearing procedures).
- D. *Planning commission consideration.* Subsequent to the hearing, the planning commission shall review the application for special condition use approval, together with any reports and recommendations from staff, consultants and other reviewing agencies, and any public comments. The planning commission shall make the final determination on the application, based on the requirements and standards of this ordinance, including section 17.08 (standards for special condition use approval). The planning commission is authorized to postpone, approve, approve subject to conditions or deny the special condition use as follows:
 - 1. *Postponement.* Upon determination by the planning commission that a special condition use application is not sufficiently complete for approval or denial, or upon a request by the applicant, the planning commission may postpone consideration until a later meeting. Failure of the applicant, or the applicant's designated representative, to attend a meeting shall be grounds for the planning commission to postpone consideration of the special condition use.
 - 2. *Denial.* Upon determination that a special condition use application is not in compliance with the provisions of this ordinance, including section 17.08 (standards for special condition use approval), or would require extensive modifications to comply with said standards and regulations, the special condition use may be denied. If a special condition use is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant, or the applicant's designated representative, to attend two or more meetings shall be grounds for the planning commission to deny the special condition use.
 - 3. *Approval.* The special condition use may be approved by the planning commission upon determination that it is in compliance with the provisions of this ordinance, including section 17.08 (standards for special condition use approval). Upon approval, the special condition use shall be deemed a conforming use permitted in the district in which it is proposed, subject to site plan approval, and any conditions imposed on the use. Such approval shall affect only the zoning lot, lot of record or portion thereof upon which the use is located.
 - 4. *Approval subject to conditions.* The planning commission may approve a special condition use subject to reasonable conditions:

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- a. Designed to protect natural resources, the health, safety, welfare, and social and economic well-being of users or patrons of the use under consideration, residents and landowners immediately adjacent to the proposed use, or the community as a whole;
 - b. Related to the valid exercise of the police power, and the impacts of the proposed use; or
 - c. Necessary to meet the intent and purpose of this ordinance, related to the standards established in this ordinance for the special condition use under consideration, and necessary for compliance with those standards.

Examples of such conditions include limitations on hours of operation or scope of permitted activities, requirements for periodic review or renewal, or automatic expiration of approval if the use ceases.

5. *Recording of special condition use action.* Planning commission action on the special condition use shall be recorded in the planning commission meeting minutes, stating the name, description and location of the proposed use, and the grounds for the planning commission's action. At least one copy of the written record shall be kept on file in the city, and one copy shall be forwarded to the applicant as evidence of special condition use approval.

Sec. 17.04. Special condition use resubmission.

A special condition use application that has been denied shall not be resubmitted for a period of 365 days from the date of denial, except on grounds of new evidence or proof of changed conditions found by the planning commission to be valid.

Sec. 17.05. Appeals.

The board of zoning appeals shall not have the authority to consider appeals of special condition use determinations by the planning commission.

Sec. 17.06. Special condition use expiration.

Special condition use approval shall expire 365 days after the date of approval, unless the use has been established on the site, or the construction plan associated with the special condition use has been submitted for review. Special condition use approval shall also expire upon expiration of the approved construction plan associated with a special condition use.

Upon written request received by the city prior to the expiration date, the planning commission may grant one extension of up to 365 days, provided that the approved special condition use conforms to current zoning ordinance standards.

Sec. 17.07. Rescinding approval of special condition uses.

Approval of a special condition use may be rescinded by the planning commission upon determination that the use has not been improved, constructed or maintained in compliance with this ordinance, approved permits, site plans, or conditions of site plan or special condition use approval. Such action shall be subject to the following:

1. *Public hearing.* Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in section 1.12 (public hearing procedures), at which time the owner of an interest in land for which special condition use approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.

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2. *Determination.* Subsequent to the hearing, the decision of the planning commission with regard to the rescission shall be made and written notification provided to the owner or designated agent.

Sec. 17.08. Standards for special condition use approval.

Approval of a special condition use shall be based upon the determination that the proposed use complies with all applicable requirements of this ordinance, and all of the following standards as deemed applicable to the use by the planning commission:

1. *A documented need exists for the proposed use.* A documented and immediate need exists for the proposed use within the community.
2. *Compatibility with adjacent uses.* The special condition use is compatible with adjacent uses and the existing or intended character of the surrounding neighborhood, and will not have an adverse impact upon or interfere with the development, use or enjoyment of adjacent properties, or the orderly development of the neighborhood.
3. *Compatibility with the master plan.* The special condition use location and character is consistent with the general principles, goals, objectives and policies of the adopted master plan.
4. *Compliance with applicable regulations.* The proposed special condition use is in compliance with all applicable provisions of this ordinance and other county, state, and federal requirements.
5. *Impact upon public services.* The special condition use upon public services will be served adequately by essential public facilities and services, and will not exceed the existing or planned capacity of such services. For purposes of this section, such services shall include, but are not limited to police and fire protection, drainage and stormwater management facilities, municipal water and sanitary sewer facilities, refuse disposal, and educational services.
6. *Traffic impacts.* The special condition use is designed and located in a manner that minimizes any adverse traffic impacts caused or exacerbated by the use.
7. *Environmental and public health, safety, welfare impacts.* The location, design, activities, processes, materials, equipment, and operational conditions of the special condition use will not be detrimental or injurious to the environment or the public health, safety, and welfare by reason of traffic, noise, vibration, smoke, fumes, odors, dust, glare, light, drainage, topographic changes or other adverse impacts.
8. *Isolation of existing uses.* Approval of the special condition use location will not result in a small residential or non-residential area being substantially surrounded by incompatible uses.

Sec. 17.09. Compliance required.

It shall be the responsibility of the owner of the property and the operator of the use for which special condition use approval has been granted to develop, improve, operate and maintain the use, including the site, structures and all site elements, in accordance with the provisions of this ordinance and all conditions of special condition use approval until the use is discontinued. Failure to comply with the provisions of this article shall be a violation of the use provisions of this ordinance and shall be subject to the same penalties appropriate for a use violation.

The city planner may make periodic investigations of developments for which a special condition use has been approved. Noncompliance with ordinance requirements or conditions of approval shall constitute grounds for the planning commission to rescind special condition use approval.

ARTICLE 18. SITE PLAN REVIEW

Sec. 18.01. Purpose.

The purpose of this article is to establish procedures and standards that provide a consistent method for review of site plans, and to ensure full compliance with the standards contained in this ordinance and other applicable Codes and Ordinances.

Flexible review standards have been established to ensure that the type of review and amount of required information is directly proportional to the project's scale and use intensity. It is the further purpose of this article to protect natural, cultural and civic resources, minimize adverse impacts on adjoining or nearby properties, encourage cooperation and consultation between the city and the applicant, and facilitate development in accordance with the city's master plan.

Sec. 18.02. Site plan review required.

Two separate review processes have been established in accordance with the purpose of this article, as follows:

- A. *Uses Subject to planning commission review.* The following types of uses, as specified in article 4 (land use tables) are subject to review and approval of a detailed site plan by the planning commission:
1. All animal and agricultural uses, with the exception of farms and riding stables.
 2. All residential uses, with the exception of foster family homes, family child day care homes, home occupations, and one detached single family, two-family or duplex dwelling on a single zoning lot.
 3. All office and service uses, community uses, commercial uses and industrial, research and laboratory uses.
 4. All temporary, special event and other uses, with the exception of accessory structures and uses specified in article 7, construction buildings and uses, garage sales, estate sales, and private auctions.

Such exceptions shall not be subject to plan review, but shall be subject to zoning permit approval in accordance with the requirements of this ordinance.

- B. *Projects eligible for administrative review.* The following development projects, uses and other activities have been determined to be appropriate for a less intensive site plan review. Such uses are subject to administrative review and approval of a site plan by the city planner:
1. A change in use to a similar or less intense use, as determined by the city planner, provided that significant site changes are not required.
 2. Construction buildings and uses, and minor changes during construction due to unanticipated site constraints or outside agency requirements.
 3. Multiple-family and non-residential accessory structures and uses, as specified in article 7 (accessory structures and uses).
 4. Re-occupancy of a building that has been vacant for more than 30 days, where no zoning variances are necessary, the proposed use will be conducted fully within an enclosed building,

and re-occupancy will not require significant additional parking demands, access changes or other substantial modifications.

5. Riding stables.
6. Sidewalk or pedestrian pathway construction or relocation, and installation of screening around outdoor trash storage areas.

The city planner or applicant shall have the option to request planning commission consideration of a project otherwise eligible for administrative review. In such cases, the planning commission shall review the site plan in accordance with the procedures outlined in section 18.04 (site plan review procedure).

Sec. 18.03. Required information for site plans.

The site plan shall contain the following information:

MINIMUM SITE PLAN INFORMATION REQUIREMENTS	PL	A	M	AD	MI	NU
SITE PLAN DESCRIPTIVE INFORMATION:						
The name, address, and identifying seal or mark of the professionals responsible for the preparation of the site plan.	•			•		
The property location (address, lot number, tax identification number).	•			•		
Existing and proposed use(s) and existing zoning of the property and surrounding parcels (including across road rights-of-way).	•					
Legal description of the property, with the gross and net land area.	•			•		
A statement describing the proposed use, including the floor area to be occupied, proposed activities, number of units, and other information necessary to verify compliance with the use standards of this ordinance.	•			•		
SITE PLAN DATA AND NOTES:						
Site plans shall be drawn to an engineer's scale appropriate for a sheet size of at least 24 by 36 inches, not to exceed one inch equals 50 feet. If a large development must be depicted in sections on multiple sheets, then an overall composite sheet shall be provided.	•					
Location map with north-arrow.	•					
Size and dimensions of proposed structures, including gross and usable floor area, number of stories, and overall height.	•			•		
Calculations for parking, residential density or other Ordinance requirements.	•					
EXISTING CONDITIONS:						
Location of existing floodplains, waterbodies, and wetlands, with surface drainage flow directions.	•					
Dimensions of all property lines, showing the relationship of the site to abutting properties. If the site is part of a larger parcel, the plan should indicate the boundaries of total land holding.	•			•		
Existing site features, including significant natural and historical features, structures, driveways, parking or loading areas, fences, walls, signs, sidewalks, and other improvements; with notes regarding their preservation or alteration.	•			•		
The location and height of all existing and proposed structures on and within 100 feet of the subject property.	•					
Size and location of existing fire hydrants, utilities, and connections to public sewer or water supply systems.	•					
SITE PLAN DETAILS:						
Location, dimensions, setback distances, and uses of all proposed improvements.	•			•		

Locations and descriptions of all existing and proposed easements and rights-of-way for utilities, access, and drainage.	•	•
Identification of areas involved in each separate phase, if applicable.	•	
An exterior lighting plan with all existing and proposed lighting locations, heights from grade, specifications, lamps types, and methods of shielding.	•	•
Waste receptacle locations and methods of screening.	•	•
Locations and methods of screening for any ground-mounted transformers or mechanical (HVAC) units.	•	•
Outdoor sales, display or storage locations and method of screening, if applicable.	•	
Locations, sizes, heights, types, and methods of illumination of all proposed signs.	•	
BUILDING AND ARCHITECTURAL DETAILS:		
Building facade elevations for any proposed principal building, drawn to an appropriate scale and indicating type and color of building materials.	•	
ACCESS AND CIRCULATION:		
Dimensions and centerlines of existing and proposed rights-of-way, names of abutting streets, and the dimensions and type of paving materials for all roads, parking lots, curbs, sidewalks, and other paved surfaces.	•	
Locations and dimensions of vehicle access points, and distances between adjacent or opposing driveways and street intersections.	•	
Parking space and maneuvering aisle dimensions, pavement markings, traffic control signage, designation of fire lanes, and location of loading areas.	•	
LANDSCAPING AND SCREENING:		
Landscape plan, including location, size, and type of any existing plant materials to be preserved; plus the location, size, quantity, and type of proposed plant materials.	•	•
Woodlands and tree preservation information required by Chapter 98 (Vegetation), Article IV (Woodlands and Tree Preservation) of the Code of Ordinances.	•	
Planting list for proposed landscape materials, with quantities, sizes, and heights of proposed plant materials; botanical and common names; and methods of installation.	•	
Landscape maintenance plan, including notes regarding replacement of dead or diseased plant materials.	•	•
Proposed fences, walls or other screening devices, including typical cross-section, materials and height above grade.	•	•
UTILITIES, DRAINAGE AND THE ENVIRONMENT:		
Grading plan, with existing and proposed topography at a two (2) foot contour minimum, drainage patterns, and a general description of grades within 100 feet of the site to indicate stormwater runoff.	•	
Size and location of proposed fire hydrants, utilities, and connections to public sewer or water supply systems.		
ADDITIONAL REQUIRED INFORMATION:		
Other information as requested by the city planner or planning commission to verify that the site and use are in compliance with this ordinance.	•	•

Sec. 18.04. Site plan review procedure.

Site plans shall be reviewed in accordance with the following:

1. *Pre-application meetings.* To minimize time, costs and interpretation of city development requirements, applicants are encouraged to meet informally with the city planner and other city

officials to discuss a conceptual site plan, site issues and application of ordinance standards, prior to submitting site plans for formal review.

- a. Any person may also request that a conceptual site plan be placed on a regular planning commission meeting agenda as a discussion item for review and comment. The conceptual plan shall have sufficient detail to permit the planning commission to determine relationships of the site to nearby land, adequacy of landscaping, open space, access, parking, and other facilities.
 - b. Comments and suggestions by the city regarding a conceptual site plan shall constitute neither an approval nor a disapproval of the plan, nor shall the city be bound in any way by such comments or suggestions in preparing for formal submittal or review of a site plan.
2. *Submittal requirements.* The site plan shall contain all of the information and site details required by section 18.03 (required information for site plans).
 3. *Application.* The owner of an interest in land for which site plan approval is sought, or the owner's designated agent, shall submit a completed application form and sufficient copies of a site plan to the city. Any application or site plan that does not satisfy the information requirements of this section shall be considered incomplete, and shall be returned to the applicant.
 4. *Technical review.* Prior to planning commission consideration, the site plan and application shall be distributed to appropriate city officials and staff for review and comment. The city planner may also submit the plans to applicable outside agencies and designated city consultants for review and comment.
 5. *Planning commission consideration of the site plan.* The planning commission shall review the site plan, together with any reports and recommendations from city officials, staff, consultants, and other reviewing agencies and any public comments. The planning commission shall then make a determination based on the requirements of this ordinance and the standards of section 18.13 (standards for site plan approval). The planning commission is authorized to postpone, approve, approve subject to conditions or deny the site plan as follows:
 - a. *Postponement.* Upon determination by the planning commission that a site plan is not sufficiently complete for approval or denial, or upon a request by the applicant, the planning commission may postpone consideration until a later meeting.
 - b. *Denial.* Upon determination that a site plan does not comply with the standards and regulations set forth in this ordinance, or would require extensive revisions to comply with said standards and regulations, the site plan may be denied.

If a site plan is denied, a written record shall be provided to the applicant listing the reasons for such denial. Failure of the applicant, or the applicant's designated representative, to attend two or more meetings shall be grounds for the planning commission to deny site plan approval.
 - c. *Approval.* Upon determination that a site plan is in compliance with the standards and regulations set forth in this ordinance, the site plan shall be approved.
 - d. *Approval subject to conditions.* The planning commission may approve a site plan, subject to any conditions necessary to address minor required modifications, ensure that public services and facilities can accommodate the proposed use, protect significant site features, ensure compatibility with adjacent land uses, or otherwise meet the intent and purpose of this ordinance. Such conditions may include the need to obtain variances or approvals from other agencies.
 6. *Recording of site plan action.* planning commission action on the site plan shall be recorded in the planning commission meeting minutes, stating the name and location of the project, the proposed use, the most recent plan revision date, and the conditions or grounds for the planning commission's

action. The city planner, planning commission chair or secretary shall mark and sign three copies of the site plan "approved" or "denied" as appropriate, with the date that action was taken and any conditions of approval. Two copies shall be kept on file in the city, and one shall be returned to the applicant.

Sec. 18.05. Outside agency permits or approvals.

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to construction plan approval.

Sec. 18.06. Construction plans.

When detailed construction or engineering plans are required by the city, county or other agency with jurisdiction, the applicant shall submit copies of such plans to the city for review and approval. The city planner or designated consultant shall verify that the site design and improvements shown on the construction or engineering plans are consistent with the approved site plan, except for changes that do not materially alter the approved site design, or that address any conditions of site plan approval.

1. Where construction or engineering plans are not consistent with the approved site plan, the city planner or designated consultant shall direct the applicant to revise the plans to conform to the approved site plan.
2. Where specific engineering requirements or conditions require an alteration from the approved site design, such construction or engineering plans shall be subject to review and approval by the planning commission as an amended site plan, prior to the start of development or construction on the site.

Sec. 18.07. Approval of phased developments.

The planning commission may grant approval for site plans with multiple phases, subject to the following:

1. The site design and layout for all phases and outlots be shown on the site plan to ensure proper development of the overall site.
2. Improvements associated with each phase shall be clearly identified on the site plan, along with a timetable for development. Development phases shall be designed so that each phase will function independent of any improvements planned for later phases.
3. Each phase shall be subject to a separate plan review by the planning commission. Any revisions to the approved site plan shall be reviewed in accordance with section 18.12 (revisions to approved site plans).

Sec. 18.08. Site plan resubmission.

A site plan that has been denied may be modified by the applicant to address the reasons for the denial and then resubmitted for further consideration. Upon determination that the applicant has addressed the reasons for the original denial, the planning commission shall review the amended site plan as if it were a new application, per section 18.04 (site plan review procedure).

Sec. 18.09. Appeals.

The board of zoning appeals (BZA) shall not have the authority to consider appeals of site plan determinations, except as follows:

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1. *Appeals of planning commission actions.* Appeals of planning commission site plan review actions shall be subject to the review procedure and criteria for appeals of administrative actions, as specified in section 24.06 (administrative appeals).
 2. *Order of review.* Development projects requiring approval of a dimensional variance and a site plan shall first be submitted for site plan review, prior to BZA consideration of dimensional variances. If a use variance is required, the project shall first be submitted for use variance review, prior to planning commission consideration of the site plan.
 3. *Appeals of planning commission actions.* If the planning commission approves a site plan contingent upon approval of one or more variances from specific requirements of this ordinance, BZA consideration shall be limited to the specific variances identified as conditions of site plan approval.

Sec. 18.10. Site plan expiration.

Site plans shall expire 365 days after the date of approval, unless the construction plan for the project has been submitted to the city for review. Upon written request received by the city prior to the expiration date, the planning commission may grant one extension of final approval for up to 365 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved site plan remains in conformance with all applicable provisions of this ordinance.

Sec. 18.11. Rescinding approval of site plans.

Site plan approval may be rescinded by the planning commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, site plans, or conditions of site plan or special land use approval. Such action shall be subject to the following:

1. *Public hearing.* Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in section 1.12 (public hearing procedures), at which time the owner of an interest in land for which site plan approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. *Determination.* Subsequent to the hearing, the decision of the planning commission with regard to the rescission shall be made and written notification provided to the owner or designated agent.

Sec. 18.12. Revisions to approved site plans.

The city planner may administratively review and approve minor revisions to an approved site plan, provided that such changes do not materially alter the approved site design, intensity of use or demand for public services. Revisions to an approved site plan not considered by the city planner to be minor shall be reviewed by the planning commission as an amended site plan, per section 18.04 (site plan review procedure).

Sec. 18.13. Standards for site plan approval.

The following criteria shall be used as a basis upon which site plans will be reviewed and approved, approved with conditions, or denied:

1. *Adequacy of information.* The site plan includes all required information in a complete and understandable form, provides an accurate description of the proposed uses, and complies with all applicable ordinance requirements.
2. *Site appearance and coordination.* The site is designed in a manner that promotes the normal and orderly development of surrounding property, and all site design elements are harmoniously organized

in relation to topography, adjacent facilities, traffic circulation, building orientations, and pedestrian access.

3. *Preservation of site features.* The site design preserves and conserves natural, cultural, historical and architectural site features, including architecturally or historically significant buildings, archeological sites, wetlands, topography, tree-rows, hedgerows, woodlands, and significant individual trees, to the extent feasible.
4. *Pedestrian access and circulation.* Existing and proposed sidewalks or pedestrian pathways connect to existing public sidewalks and pathways in the area, are insulated as completely as possible from the vehicular circulation system, and comply with applicable regulations regarding barrier-free access.
5. *Vehicular access and circulation.* Drives, streets, parking, site access and other vehicle-related elements are designed to minimize traffic conflicts on adjacent streets and promote safe and efficient traffic circulation within the site.
6. *Building design and architecture.* Building design and architecture relate to and are harmonious with the surrounding neighborhood with regard to scale, mass, proportion, and materials.
7. *Parking and loading.* Off-street parking lots and loading areas are arranged and located to accommodate the intensity of proposed uses, minimize conflicts with adjacent uses, and promote shared-use of common facilities where feasible.
8. *Landscaping and screening.* Landscaping and screening are provided in a manner that adequately buffers adjacent land uses and screens off-street parking, mechanical appurtenances, loading and unloading areas and storage areas from adjacent residential areas and public rights-of-way.
9. *Exterior lighting.* All exterior lighting fixtures are designed arranged and shielded to minimize glare and light trespass, prevent night blindness and vision impairments, and maximize security.
10. *Impact upon public services.* The impact upon public services (including utilities, streets, police and fire protection, and public sidewalks and pathways) will not exceed the existing or planned capacity of such services.
11. *Drainage and soil erosion.* Adjoining properties, public rights-of-way and the capacity of the public storm drainage system will not be adversely impacted by stormwater runoff and sedimentation.
12. *Emergency access and vulnerability to hazards.* All sites and buildings are designed to allow convenient and direct emergency access, and the level of vulnerability to injury or loss from incidents involving hazardous materials or processes will not exceed the city's emergency response capabilities.

Sec. 18.14. Compliance with an approved site plan.

It shall be the responsibility of the property owner, and the owner or operator of the use(s) for which site plan approval has been granted, to develop, improve and maintain the site, including the use, structures and all site elements in accordance with the approved site plan and all conditions of approval, until the property is razed, or a new site plan is approved.

1. Failure to comply with the provisions of this section shall be a violation of this ordinance and shall be subject to the penalties specified in section 1.13 (violations and penalties).
2. The city planner shall make periodic investigations of developments for which site plans have been approved. Noncompliance with the requirements and conditions of the approved site plan shall constitute grounds for the planning commission to rescind site plan approval.

ARTICLE 19. CONDOMINIUM REGULATIONS

Sec. 19.01. Purpose.

The purpose of this article is to regulate projects that divide real property under a contractual arrangement known as a condominium. New and conversion condominium projects shall conform to the requirements of this ordinance, all other applicable city regulations, and the Condominium Act (P.A. 59 of 1978, as amended). Each condominium project shall be reviewed in a manner consistent with equivalent projects within the zoning district.

Pursuant to the authority conferred by the Condominium Act (P.A. 59 of 1978, as amended), condominium subdivision plans shall be regulated by this ordinance as site condominiums, and shall be considered equivalent to a platted subdivision for the purposes of enforcing the city's site development standards. The intent of this article is to ensure that condominium subdivisions are developed in compliance with all applicable standards of this ordinance and chapter 82 (subdivisions) of the city's Code of Ordinances, except that the review procedures of this article and ordinance shall apply.

It is the intent of this article that review of condominium subdivision (site condominium) plans be accomplished, aside from procedural differences, with the objective and intent of achieving the same results as if the site were to be developed under the Land Division Act (P.A. 288 of 1967, as amended) and chapter 82 (subdivisions) of the Code of Ordinances, except that nothing in this article shall be construed to require a site condominium development to obtain plat approval.

Sec. 19.02. Condominium unit requirements.

The following regulations shall apply to all condominium units:

- A. *Types of permitted condominium units.* The following types of condominium units shall be permitted under this article, subject to conformance with the use and zoning district standards of this ordinance:
 - 1. *Single-family detached units.* In the case of a condominium project in which the condominium units are intended for detached single-family residential purposes (site condominium), not more than one single-family dwelling unit and permitted accessory structure shall be proposed or constructed on a condominium lot. No dwelling unit may be located on a condominium lot with any other approved principal use. The condominium unit shall be considered a lot under this ordinance.
 - 2. *Attached residential or multiple-family residential units.* Condominium buildings and units created by the construction of multiple or attached residential units containing individually owned condominium units, or by conversion of existing multiple-family or attached units or an existing building into residential condominium units shall conform with all requirements of this ordinance and the applicable zoning district.
 - 3. *Non-residential condominium units.* A non-residential condominium project consisting of either new building construction or the conversion of an existing building into individual condominium units shall conform with all requirements of this ordinance for the zoning district.
- B. *Condominium unit or site condominium lot.* For purposes of this article and Ordinance, each detached condominium unit or site condominium lot shall be considered the equivalent of a platted lot of record as defined in Chapter 82 (Subdivisions) of the Code of Ordinances, and shall comply with the dimensional standards of the zoning district (see illustration).
- C. *Area computation.* The minimum area of the site condominium unit and the surrounding limited common element shall be equivalent to the minimum lot area and lot width requirements for the zoning district where the project is located. Areas within a public or private street right-of-way or equivalent easement or dedication shall not be included in the calculation of minimum condominium lot area or determination of dwelling density for a site.

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- D. *Relocation of lot boundaries.* The relocation of boundaries or any other change in the dimensions of a condominium unit or site condominium lot shall be considered an amendment to the condominium documents and condominium site plan. Relocation of condominium lot boundaries, as permitted in Section 48 of the Condominium Act (P.A. 59 of 1978, as amended), shall comply with the requirements of article 5 (dimensional standards), and shall be subject to the review procedures specified in section 18.04 (site plan review procedure).

Any property remaining after the formation of a new unit lot by the relocation of an existing condominium lot boundary, as permitted by Section 49 of the Condominium Act (P.A. 59 of 1978, as amended), shall comply with the requirements of article 5 (dimensional standards) or shall be placed into common areas within the project.

Sec. 19.03. Review requirements.

A condominium project shall be subject to the site plan review procedures specified in section 18.04 (site plan review procedure), and the following:

- A. *Conceptual review.* To minimize time, costs and interpretation of city development requirements, applicants are encouraged to meet informally with the city planner and other city officials to discuss a conceptual condominium site plan, site issues and application of ordinance standards, prior to submitting plans for formal review.
1. Any person may also request that a conceptual condominium site plan be placed on a regular planning commission meeting agenda as a discussion item for review and comment. The conceptual plan shall include the minimum information required by section 19.04A. (conceptual condominium plan requirements).
 2. Comments and suggestions by the city regarding a conceptual plan shall constitute neither an approval nor a disapproval of the plan, nor shall the city be bound in any way by such comments or suggestions in preparing for formal submittal or review of a condominium site plan.

For condominium subdivision (site condominium) developments, conceptual condominium site plan review shall be considered the equivalent of an initial plat investigation, as specified in Chapter 82 (Subdivisions) of the Code of Ordinances.

- B. *Condominium site plan review.* Prior to recording of the Master Deed of the condominium project as required by Section 72 of the Condominium Act, each condominium project shall be subject to review and approval of a condominium site plan by the planning commission. The plan shall include all information required by section 19.04B. (condominium site plan requirements).

The planning commission shall review and take action regarding a condominium site plan application in accordance with the review procedures specified in section 18.04 (site plan review procedure), and the standards for approval specified in section 18.13 (standards for site plan approval).

For site condominium developments, condominium site plan review shall be considered the equivalent of a preliminary plat review, as specified in Chapter 82 (Subdivisions) of the Code of Ordinances.

- C. *Outside agency permits or approvals.* The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to construction plan approval.
- D. *Condominium construction plans.* When detailed construction or engineering plans are required by the city, county or other agency with jurisdiction, such plans shall be reviewed by the city in accordance with section 18.06 (construction plans). The plan shall include all information required by subsection 19.04.C. (condominium construction plan requirements).

For site condominium developments, condominium construction plan review shall be considered the equivalent of a final plat review, as specified in Chapter 82 (Subdivisions) of the City of Richmond Code of Ordinances.

Sec. 19.04. Required plan information.

- A. *Conceptual condominium plan requirements.* The following information shall be included with a conceptual condominium site plan:
1. *Ownership interest.* Declaration of all persons with an ownership interest in the land on which the condominium project will be located, including a description of the nature of each entity's interest (e.g. fee owner, option holder, lessee or land contract vendee).
 2. *Proposed use.* The proposed use(s) of the condominium project.
 3. *Density.* The total acreage of the condominium site, acreage set aside for street rights-of-way, number of condominium units to be developed on the subject parcel and density computation on a unit per acre basis.
 4. *Circulation.* The vehicular and pedestrian circulation system planned for the proposed development, including the designation of any streets for dedication to the public.
 5. *Street layout.* The location of existing streets adjacent to the development, with details for the location and design of interior streets and access drives, and proposed connections to abutting streets.
 6. *Unit lot orientation.* The proposed layout of structures, unit lots, parking areas, open space and recreation areas.
 7. *Drainage.* Site drainage showing topography and flow directions, including computations of flows into storm sewers or retention or detention areas;
 8. *Natural features.* Specific locations and dimensions of wetland areas, wetland buffers, floodplain, and significant natural features such as tree stands, unusual slopes, streams and water drainage areas. The gross land area of all wetland areas and proposed open space dedications shall be provided.
- B. *Condominium site plan requirements.* The following information shall be included with a condominium site plan:
1. *Site plan information.* All information required for a site plan review, as specified in section 18.03 (required information for site plans). For condominium subdivision (site condominium) developments, all information required for preliminary plat approval shall be provided on the condominium subdivision plan.
 2. *Condominium restrictions.* All deed restrictions, restrictive covenants or other proposed regulations for the layout, use and maintenance of public or common areas and structures shall be incorporated into the site plan as detail sheets and notes.
 3. *Common areas defined.* Limited common elements, common elements, unit lots, preservation areas, convertible areas and any other designated ownership areas shall be clearly delineated on the site plan.
 4. *Documents.* The master deed, condominium bylaws, restrictive covenants, and related condominium documents shall be provided for city attorney review.
 5. *Additional information.* The following additional information shall be submitted for city review:
 - a. Cross sections of streets, driveways, sidewalks, and other paved areas.
 - b. Details of any proposed sanitary, storm, and water system improvements.

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- c. All condominium documents as defined in this ordinance.
 - d. All necessary easement documents showing the dedication of land areas for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing or removing pipelines, mains, conduits and other installations of a similar character; providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement; and excavating and refilling ditches and trenches necessary for the location of said structures.
- C. *Condominium construction plan requirements.* The following shall be submitted to the city as part of any construction or engineering plans for a condominium project:
- 1. *Revised plan.* A revised, dated, and sealed condominium construction plan shall be submitted incorporating all changes, if any, required to comply with condominium site plan approval.
 - 2. *Outside agency approvals.* Verification of all required state and county approvals or comments pursuant to subsection 19.03.C. (outside agency permits or approvals) above.
 - 3. *Section 71 comments.* Presentation of all comments pursuant to Section 71 of the Condominium Act (P.A. 59 of 1978, as amended).
 - 4. *Condominium documents.* Copies of the recorded condominium documents or copies of the documents in their final recordable form, including the required condominium construction plan (Exhibit B).

Sec. 19.05. Project standards.

The following standards are applicable to condominiums:

- A. *Use standards.* Uses within a condominium project shall be regulated by standards of the zoning district where the project is located.
- B. *Subdivision requirements.* All design standards and requirements for streets, sidewalks, utilities, storm drainage, and subdivision lots specified in the Land Division Act (P.A. 288 of 1967, as amended) and Chapter 82 (Subdivisions), Article III (Design Layout Standards) of the City of Richmond Code of Ordinances shall apply to condominium subdivision (site condominium) projects.
- C. *Setbacks.* The setback requirements of the underlying zoning district, as specified in article 5 (dimensional standards), shall establish the required interior and perimeter setbacks for the condominium development. Such setbacks shall be measured from the perimeter of the condominium lot or street right-of-way line to the nearest part of the structure or building envelope.
- D. *Utility connections.* Each site condominium unit shall be separately connected to available public water supply and sanitary sewer systems.
- E. *Streets and sidewalks.* The internal circulation system shall provide adequate means of vehicular and non-vehicular circulation, subject to the following:
 - 1. *Streets.* The proposed development shall provide logical extensions of existing or planned streets in the city, and shall provide suitable street connections to adjacent parcels, where applicable. Internal streets and street rights-of-way shall be designed to meet the city's engineering design standards, and shall be dedicated to the public. Curb cuts and driveway access shall comply with the standards of article 10 (access management).
 - 2. *Sidewalks and pedestrian paths.* To provide access to all common areas and uses, minimum five-foot wide concrete sidewalks shall be provided along both sides of all interior and perimeter

streets serving a condominium development. Pedestrian access and circulation shall be further subject to the following:

- a. Additional pedestrian paths of concrete, asphalt, crushed limestone or similar material approved by the planning commission may be provided for secondary pedestrian access and circulation within and through the site.
 - b. Logical connections to and extensions of sidewalks and pedestrian paths outside of the condominium project shall be provided, where applicable.
 - c. The planning commission may approve alternative sidewalk locations or may waive the sidewalk requirement upon determination that it would not serve the purpose of providing adequate pedestrian access and circulation.
3. *Traffic impacts.* Traffic to, from, and within the site shall not be hazardous or inconvenient to the project or to the neighborhood. In applying this standard, the planning commission shall consider, among other things, convenient routes for pedestrian traffic, relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the neighborhood. A traffic impact study may be required by the planning commission, per section 10.06 (traffic impact studies).
- F. *Infrastructure and other site improvements.* Drainage and utility facilities and improvements shall meet or exceed the applicable city and county requirements. All new utilities shall be installed underground. Stormwater detention/retention basins shall be designed to emulate a naturally formed or free form depression, and to minimize the need for perimeter fencing.

Sec. 19.06. Monuments.

All condominium subdivision (site condominium) projects shall be clearly marked with monuments as follows:

- A. *Required.* Monuments shall be placed in the ground according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project if the angle points can be readily re-established by reference to monuments along the sidelines of the streets.
- B. *Construction.* Monuments shall be made of solid iron or steel bars at least one-half-inch in diameter and 36 inches long, and completely encased in concrete at least four inches in diameter.
- C. *Location.* Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature, and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line; and at the intersection of all limited common elements and all common elements.
 1. *Reference.* If the required location of a monument is inaccessible or locating a monument would be impractical, it is sufficient to place a reference monument nearby, with the precise location clearly indicated on the plans and referenced to the true point.
 2. *Steel rods.* If a monument point is required to be on a bedrock outcropping, a steel rod, at least one-half-inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight inches.
 3. *Set at grade.* All required monuments should be placed flush with the surrounding grade where practicable.

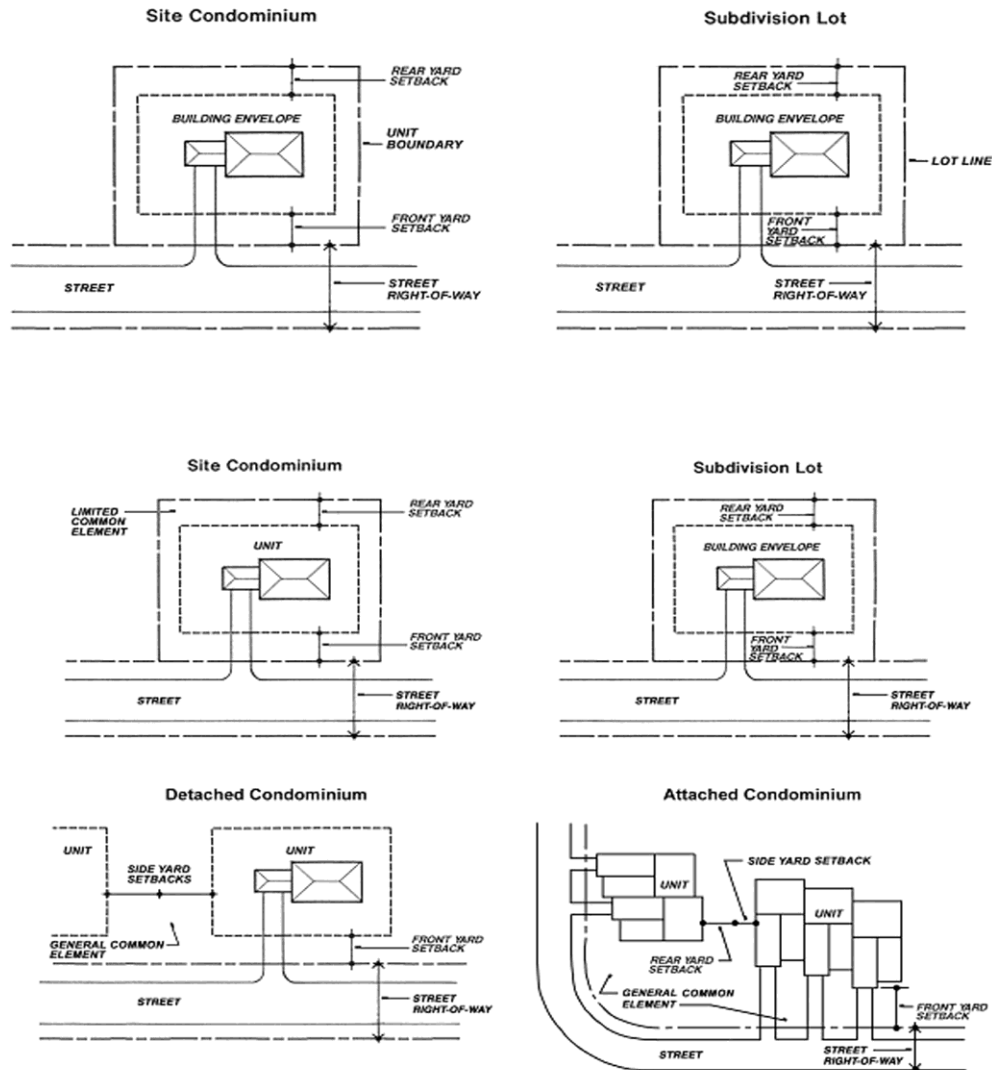
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- D. *Condominium unit corners.* Each site condominium unit corner shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and one-half inch in diameter, or other markers approved by the city engineer. Each condominium lot must be able to be defined by reference to appropriate condominium unit monuments.
 - E. *Timing.* The building official, upon recommendation of the city engineer, may waive the placing of any required monuments and markers for a reasonable time period on the condition that the proprietor deposits with the city clerk a performance guarantee in an amount sufficient for the installation of all required monuments and markers, per section 1.11 (performance guarantees). Cost estimates for completing such improvements shall be made or verified by the city engineer.

The period shall not exceed 365 days after the date of condominium construction plan approval. The performance guarantee shall be returned to the proprietor upon receipt of a certificate by a licensed surveyor that the monuments and markers have been placed as required within the time specified. Failure to complete within the time period will lead to a forfeiture of the performance guarantee and the completion of the placement under the direction of the building official.

Sec. 19.07. Post construction requirements.

- A. *Document submittals.*
 - 1. It shall be the responsibility of the developer or proprietor of a condominium project to furnish the following items to the building official:
 - a. One copy of the recorded Master Deed and all restrictive covenants;
 - b. Two copies of the project site plan and an "as built survey," sealed by a licensed professional engineer, landscape architect or similar certified professional, in a format acceptable to the city; and
 - c. One copy of the project site plan and an "as built survey" in an electronic format acceptable to the city.
 - 2. The building official may withhold the issuing of any certificate of occupancy for any structure within the condominium project, if such documents have not been submitted within ten days after written request from the building official to do so.
 - 3. The developer or proprietor shall also record all condominium documents and exhibits with the county register of deeds office in a manner and format acceptable to the county.
- B. *Temporary occupancy.* The building official may allow occupancy of a condominium unit before all required improvements are installed, provided that a performance guarantee sufficient in amount and type to provide for the installation of all remaining improvements shall be submitted in accordance with section 1.11 (performance guarantees). Improvements shall be completed before the expiration of the temporary occupancy permit to prevent forfeiture and completion of required improvements under the direction of the city.
- C. *Plan revisions.* If the condominium construction plan [Exhibit B, as required by the Condominium Act (P.A. 59 of 1978, as amended)] is revised, the revised plan shall be submitted to the city for review and approval in accordance with section 18.12 (revisions to approved site plans).
- D. *Amended documents.* Amendments to any condominium document that significantly impact the approved condominium site plan, or any conditions of the condominium site plan approval, shall be submitted to the planning commission for review and approval, prior to the issuance of a building permit.

- E. *Condominium site plan expiration.* Condominium site plans shall expire 365 days after the date of approval, unless the construction plan for the project has been submitted to the city for review. Upon written request received by the city prior to the expiration date, the planning commission may grant one extension of final approval for up to 365 days, provided that site conditions have not changed in a way that would affect the character, design or use of the site, and that the approved plan remains in conformance with all applicable provisions of this ordinance.
- F. *Rescinding approval of a condominium site plan.* Condominium site plan approval may be rescinded by the planning commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, plans, or conditions of approval. Such action shall be taken in accordance with the procedural requirements of section 18.11 (rescinding approval of site plans).



Condominium Terminology

ARTICLE 20. PLANNED UNIT DEVELOPMENT (PUD) OVERLAY DISTRICT

Sec. 20.01. Intent.

The provisions of this article outline the standards for the submission, design, review and approval of planned unit development (PUD) projects subject to approval of an overlay zone. The intent of this district is to provide areas within which several land use types can be developed through innovative and thoughtful land use design. While traditional height, area, and bulk requirements may be modified in a PUD in order to achieve particular design objectives, any such development shall adhere to all applicable health and building codes and clearly demonstrate a commitment to maintaining a balance between residential and non-residential land use, between public open space provided and private land set aside, and in accordance with the ability of the remainder of the city to absorb and effectively deal with the attendant growth. Planned unit developments are encouraged to:

1. Foster innovation in land use planning, development, and redevelopment.
2. Encourage assembly of lots and redevelopment of inefficient land uses, outdated structures, and Brownfield sites.
3. Support in-fill development on sites that would be difficult to develop according to conventional standards because of the shape, size, abutting development, accessibility, environmental status or other unique features or conditions related to the site.
4. Provide enhanced housing, employment, and shopping opportunities.
5. Create a development framework that promotes appropriate business activity and enhances the economic viability of the city.
6. Allow for unique development projects consistent with the city's master plan objectives for land use, transportation, and community facilities.
7. Provide for a network of pedestrian pathways, usable open spaces, and recreation areas within the city.
8. Promote a development pattern that preserves and utilizes natural topography and features, scenic vistas, existing vegetation, and existing historical elements.

The provisions of this article are intended to result in land development substantially consistent with the master plan and surrounding neighborhood, with modifications and departures from generally applicable requirements made in accordance with standards provided in this article to ensure appropriate, fair and consistent decision-making.

Sec. 20.02. Scope.

The provisions of this article may be applied to any parcel of land located in any zoning district and which is under single ownership, subject to a determination that the proposed project and site satisfy section 20.03 (eligibility criteria). The provisions of this article may also be applied to any site designated as a Brownfield by state or federal law.

These regulations are not intended as a device for ignoring the more specific standards of the city, or the planning upon which the standards are based.

Sec. 20.03. Eligibility criteria.

To be eligible for planned unit development (PUD) approval, the applicant shall demonstrate that the following criteria will be met:

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1. *Availability and capacity of public services.* The proposed type and density of use shall not exceed the existing or planned capacity of existing public services, facilities, and utilities. For purposes of this section, such services shall include, but are not limited to police and fire protection, drainage and stormwater management facilities, municipal water and sanitary sewer facilities, refuse disposal, and educational services.
 2. *Compatibility with the master plan.* The proposed development shall be consistent with the city's master plan.
 3. *Compatibility with PUD intent.* The proposed development shall be consistent with the intent and spirit of these regulations, as stated in section 20.01 (intent).
 4. *Economic impact.* The proposed development shall not impede the continued use or development of surrounding properties for uses that are permitted in the zoning ordinance, or planned in the adopted city master plan.
 5. *Unified control.* The entire area of the proposed development shall be under single ownership or unified control, such that there is a single entity having responsibility for completing the entire project. This provision shall not prohibit a transfer of ownership or control, provided that notice of such transfer is given in advance to the city planner and a unified ownership remains.
 6. *Public benefit.* A recognizable and material benefit will be realized by both the future residents and the city as a whole, where such benefit would otherwise be unfeasible or unlikely.
 7. *Preservation of site features.* Long-term conservation of natural, historical, architectural or other significant site features or open space will be achieved, where such features would otherwise be destroyed or degraded by development as permitted by the underlying zoning district(s).
 8. *Sufficient land area for proposed uses.* Sufficient land area has been provided to comply with all applicable regulations of this ordinance, to adequately serve the needs of all permitted uses in the PUD project, and to ensure compatibility between uses and the surrounding neighborhood.

Sec. 20.04. PUD project use standards.

A planned unit development (PUD) project shall be consistent with the following use standards:

- A. *Permitted uses.* Uses within a PUD project shall be regulated by the restrictions of the underlying zoning district, except as specifically modified through the PUD approval process. To achieve superior design and land use compatibility, the city council, upon recommendation by the planning commission, may include or exclude specific land uses from a PUD project or from specific portions of the PUD project, regardless of the provisions of the underlying zoning district(s). To support the inclusion of a specified use in a PUD project, the applicant may be required to provide evidence (such as a professional market study) that a demand exists for the proposed use within the local market area.

Notwithstanding the flexibility provided above, industrial, research and laboratory uses, as specified in article 4 (land use tables), shall be excluded from all PUD projects that have a residential component. Industrial, research and laboratory uses shall only be permitted in a non-residential PUD project.

- B. *Residential use and density.* The planning commission may require that a variety of housing types be provided as part of a residential PUD project, including detached and attached single-family dwellings, two-family dwellings, townhouses, and other multiple-family dwellings.

The number of dwelling units permitted within a PUD project shall be determined through review of a parallel plan prepared by the applicant. The parallel plan for the project shall be consistent with state, county, and city requirements and design criteria for the type of dwelling unit proposed. The parallel plan shall meet all standards for lot size, lot width, and setbacks normally required for such

development. The parallel plan shall also provide sufficient area for storm water detention. Lots in a parallel plan shall provide sufficient building size without impacting wetlands regulated by the Michigan Department of Environmental Quality (MDEQ).

The planning commission shall review the design and determine the number of dwelling units that could feasibly be constructed and economically viable following the parallel design. This number, as determined by the planning commission, shall be the maximum number of dwelling units allowable in the PUD project, except where additional dwelling units are permitted by the planning commission per subsection 20.04.C. (exemplary project density bonus).

- C. *Exemplary project density bonus.* A density bonus may be permitted for an exemplary project, at the discretion of the planning commission, based upon a demonstration by the applicant of design excellence for the PUD. The planning commission shall consider the following elements when determining the appropriate density bonus:
1. An integrated mixture of housing types and densities, including but not limited to attached housing, housing for the elderly, and or detached housing.
 2. Provision of a perimeter transition along the roadway and on all other sides of the development. The transition area shall utilize a variety of landscape plantings, berming, and or decorative fencing/walls. The transition area's depth and location shall be subject to planning commission approval, based upon site conditions and adjacent land uses.
 3. Incorporating active recreation areas.
 4. Extensive clean-up of a blighted site, including clean up of contamination.
 5. Utilizing creative architectural design that establishes a distinctive unity where all homes share a thematic character. The following shall be incorporated:
 - a. *Roof types.* To provide a variation on facades of the structures, peaked rooflines shall be a minimum four to 12 pitch. Architectural accents such as cupolas, cross gables, and dormers are encouraged.
 - b. *Doors and windows.* The location, orientation, and proportion of doors and windows should be used to define the character and enhance the building facade.
 - c. *Porches.* Front porches shall be provided for individual units as a semi-public living place on the street wall of the building. Various designs of front porches, covered patios, stoops, balconies, and terraces are encouraged.
 - d. *Garages.* A mixture of recessed front-entry, side-entry, and detached garages shall be provided. Detached garages shall be located to the rear of the principal building. Front-entry garages shall be setback at least five feet from the front building line, exclusive of any porch. Front-entry garages shall be limited to a maximum capacity of two vehicles and shall include separate overhead doors for each interior parking space.
 6. Additional elements as determined by the planning commission to provide a material benefit to all residents of the development.
- D. *Nonresidential uses and density.* Office and service uses, community uses, commercial uses, and industrial, research and laboratory uses, as specified in article 4 (land use tables), shall be accessed by public streets and sited in such a manner as to not encourage through traffic in existing residential neighborhoods or any potential residential area within the PUD. Such non-residential uses may occupy up to ten percent of the gross area of a residentially zoned parcel.

Sec. 20.05. PUD project design standards.

A planned unit development (PUD) project shall be consistent with the following general standards for the type, bulk, design and location of structures, common space, and public facility requirements. The planning commission shall have the authority to waive or modify these requirements, upon determination that an alternative standard would be in accordance with the intent of this article.

- A. *Setbacks and buffering.*
1. *Interior.* The setback requirements of the underlying zoning district(s) shall establish the required interior setbacks for the PUD. These requirements may be modified within the PUD project, subject to approval by the planning commission.
 2. *Perimeter.* The proposed location and arrangement of structures shall not be materially detrimental to existing or prospective adjacent structures or to existing or prospective development of the neighborhood. There shall be a perimeter setback and landscaping and/or berming, as recommended by the planning commission, for the purpose of buffering the adjacent properties from the planned unit development. The setback distance and buffering treatment need not be uniform at all points on the perimeter of the development. However, in cases where nonresidential uses in the PUD are adjacent to residentially zoned property, such uses shall be visually screened by a landscape berm, evergreen screen, or a decorative wall.
- B. *Access and circulation.* The internal circulation system shall provide adequate systems for vehicular and non-vehicular circulation, subject to the following:
1. *Streets.* The proposed development shall provide logical extensions of existing or planned streets in the city, and shall provide suitable street connections to adjacent parcels, where applicable. Streets shall be designed to meet the city's engineering design standards, and shall be dedicated to the public. Curb cuts and driveway access shall comply with the standards of article 10 (access management).
 2. *Sidewalks and pedestrian paths.* Pedestrian circulation shall be provided within the site and shall interconnect all use areas. The pedestrian system shall provide for a logical extension of pedestrian ways outside of the PUD where applicable.
 3. *Parking and loading.* Off-street parking and loading spaces shall be provided in accordance with article 9 (off-street parking and loading).
 4. *Traffic impacts.* Traffic to, from, and within the site shall not be hazardous or inconvenient to the project or to the neighborhood. In applying this standard, the planning commission shall consider, among other things, convenient routes for pedestrian traffic, relationship of the proposed project to main thoroughfares and street intersections; and the general character and intensity of the existing and potential development of the neighborhood. A traffic impact study may be required by the planning commission, per section 10.06 (traffic impact studies).
- C. *Common open space.* Common open space and other common areas and facilities shall be so planned to achieve a unified design, subject to the following:
1. *Minimum area.* A minimum of 20 percent of the PUD shall be designated and maintained as common open space readily accessible and available to the residents of the PUD project. Up to 25 percent of the required common open space area may be occupied by wetlands, floodplains or open water areas.
 2. *Dedication.* The applicant shall provide for a conservation easement or similar device satisfactory to the city attorney to ensure that public and common areas will be or have been irrevocably

committed for that purpose. Provisions shall be made to provide for financing of improvements and maintenance for open spaces and other common areas.

3. *Continuity.* The design of such common areas and facilities shall be coordinated with surrounding uses and lands, as well as the natural characteristics of the project site.
4. *Not included as open space.* Open space areas shall not include the following:
 - a. The area of any street right-of-way proposed to be dedicated to the public.
 - b. The area utilized for off-street parking and vehicular circulation.
 - c. Any portion of the project used for non-residential purposes.
 - d. The required transition and buffering areas.
 - e. Required yard setbacks on individual single-family residential lots or units.
- D. *Recreational uses.* Public and private recreational uses, including but not limited to golf courses, riding stables, swim clubs, and tennis clubs (including accessory structures and uses) may be incorporated within residential areas of a PUD project. Developed recreational uses such as tennis clubs, swim clubs, golf courses, riding stables, and the like, may be used to satisfy 50 percent of the common open space requirement, provided such uses are integrated into the overall PUD project.
- E. *Infrastructure and other site improvements.* Road, drainage and utility design shall meet or exceed the applicable city and county requirements. All utilities shall be installed underground. Drainage structures (detention/retention basins, swales) shall be designed to blend with the site's natural features. Stormwater basins shall be designed to emulate a naturally formed or free form depression. Basins shall be designed to avoid the need for perimeter fencing. Where such fencing is necessary, it shall be decorative, in the determination of the planning commission.

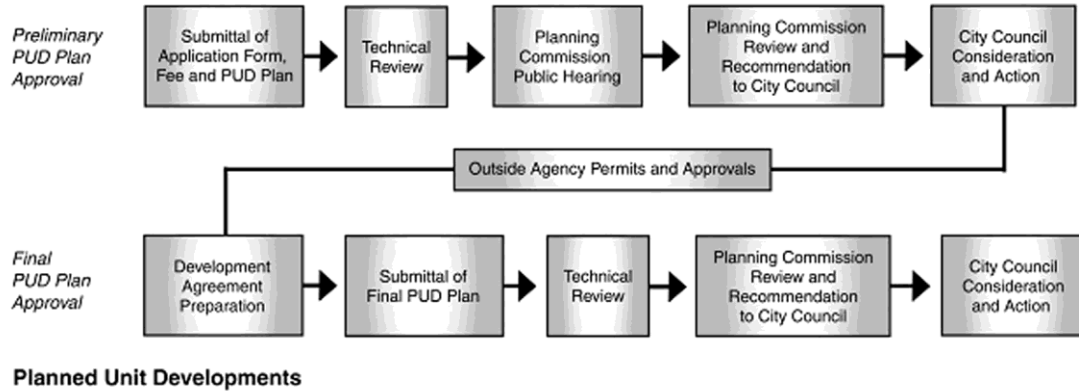
Project lighting, signs, exterior building materials and design, landscaping and other features shall be designed and constructed with the objective of creating and identifiable design character that is consistent with the overall character of the community, adjacent existing and planned land uses, and the site's natural features.
- F. *Other impacts.* The planning commission shall determine, where applicable, that noise, odor, light, or other external effects that may be associated with any proposed use will not adversely affect adjacent and neighboring lands and uses.

Sec. 20.06. Project phasing.

Where a planned unit development (PUD) project is proposed to be constructed in phases, the project shall be so designed that each phase shall be complete in terms of the presence of services, construction, facilities, and open space, and shall contain the necessary components to ensure the health, safety and welfare of the users of the PUD, and the residents of the city. If a project will be constructed in phases, the following shall apply:

1. A minimum of 50 percent of the total number of residential dwelling units in any planned unit development shall be constructed and be ready for sale prior to the construction of any commercial portion of the planned unit development, except that site grading, road construction, and utility installations related to the commercial portions of the planned unit development may be undertaken concurrent with the development of residential units and public or private recreation uses. The planning commission may authorize the construction of commercial uses prior to the completion of 50 percent of the total number of residential dwelling units, based on supportive evidence provided by a professional market study.

2. A narrative description of the phased process that describes all work to be done in each phase shall be submitted to the planning commission.
3. A phase shall not be dependant upon subsequent phases for safe and convenient vehicular and pedestrian access, open spaces or recreation facilities. Each phase shall be designed to provide a proportional share of the common open space required for the entire project.



Sec. 20.07. Preliminary PUD review procedures.

The application of a planned unit development (PUD) overlay district shall be achieved through the submission and approval of a PUD plan that controls the development of a specific site and may modify the uses permitted by the underlying zoning district. The application shall be processed as outlined herein. With the approval of a PUD overlay district, the underlying zoning district(s) shall remain undisturbed and regulate the future use of land, except as provided in the PUD agreement. This provision shall not preclude a change in an underlying zoning district in conjunction with the approval of a PUD overlay district or a future change in the underlying zoning district by the city council.

- A. *Pre-application conference.* An applicant for a PUD may request a pre-application conference with the city staff prior to filing an application for a PUD. The city may invite other officials or designated city consultants to assist the city in the review of the project. The purpose of this conference shall be to inform city and other officials of the proposed development concept, and to provide the applicant with information regarding land development policies, procedures, standards, and requirements of the city and other agencies. The applicant is encouraged to present schematic plans, site data, and other information that will explain the proposed development.

Statements made at the pre-application meeting shall not be legally binding commitments.

- B. *Required information.* An applicant for planned unit development authorization shall submit an application for PUD approval and sufficient copies of a preliminary PUD plan and accompanying documentation for review and recommendation by the planning commission, and authorization by the city council. A complete preliminary PUD submittal shall include, at a minimum, the following written and graphical information.
 1. Name, address and telephone number of the applicant, any agent involved, and the contact persons for each.
 2. Name, address, telephone number and Michigan registration number of the plan preparer (architect, landscape architect, engineer, etc.)
 3. Physical development plan drawn to an engineer's scale appropriate for a sheet size of at least 24 by 36 inches, not to exceed one inch equals 50 feet. The plan shall include plan preparation and

revisions dates, a graphical scale, north arrow, and location map. If a large development must be depicted in sections on multiple sheets, then an overall composite sheet shall be provided.

4. A survey of the PUD project boundaries showing property line dimensions and bearings, any easements of record, and a written legal description.
 5. Property lines of adjacent tracts of subdivided and unsubdivided land shown in relation to the proposed PUD site, including those of areas across abutting roads.
 6. Location, widths, and names of existing public and private road rights-of-way, and public easements within or adjacent to the proposed PUD project site, including those located across abutting roads.
 7. Location and dimensions of existing structures within 100 feet of the site, and notes regarding which on-site structures will be retained, removed or altered.
 8. Location of existing and proposed sewers, septic fields, water mains, wells, storm drains, detention/retention ponds and other underground facilities within or adjacent to the proposed PUD project site.
 9. Location of existing natural features such as, but not limited to woodlands, drainageways, floodplains, lakes, and ponds. Existing topography shall be shown at a minimum two-foot contour interval, extended a minimum distance of 100 feet outside the proposed PUD project boundaries.
 10. Location and dimensions of proposed rights-of-way, acceleration/deceleration lanes, driveways, parking spaces, maneuvering lanes, loading areas, and sidewalks. Proposed traffic control measures and proposed street names shall also be indicated.
 11. Location and dimensions of proposed buildings and setbacks, including building elevations and floor plans. In the case of single-family detached dwellings, the proposed building envelope, building orientation and lot dimensions shall be depicted.
 12. Location and function of both recreational and common open space areas, as well as the layout of facilities to be included on developed open spaces.
 13. Conceptual site grading and landscaping plans.
 14. Depiction of proposed development phases and estimated timing schedule for completion.
 15. Total site acreage and percent of total PUD project in various uses, including the proposed density of residential uses.
 16. If the PUD will contain a residential component, a parallel plan conforming to section 20.04b (residential use and density) shall be included.
 17. Documentation that the PUD application satisfies the standards of section 20.03 (eligibility criteria).
 18. Other data and graphics that will serve to further describe the proposed PUD.
- B. *Technical review.* Prior to planning commission consideration, the PUD application materials shall be distributed to appropriate city officials and staff for review and comment. The city planner may also submit the application materials to applicable outside agencies and designated city consultants for review.
- C. *Public hearing.* Upon receipt of a complete preliminary PUD submittal, a public hearing shall be held before the planning commission consistent with state law and section 1.12 (public hearing procedures).
- D. *Planning commission recommendation.* After the public hearing, the planning commission shall submit a report on the public hearing and the planning commission's recommendation to the city council.

Before recommending preliminary approval to the city council, the planning commission shall determine that the PUD application and preliminary development plan are in accordance with the specific conditions and requirements of this article and ordinance.

- E. *City council authorization.* The city council shall review the public hearing report and the planning commission recommendation. The city council may approve, approve with modifications, or deny the preliminary PUD submittal, or may refer the PUD application back to the planning commission for further consideration or revision. The applicant shall be notified of the city council's actions in writing. If the city council denies the preliminary PUD plan submittal, the written notification shall include the reasons for the denial.
- F. *PUD agreement.* If the city council approves the preliminary PUD submittal, the applicant shall prepare a PUD agreement setting forth the conditions upon which the approval is based for review by the city attorney. The agreement shall be subject to the mutual approval of the city council and the applicant, and shall be recorded in the county register of deeds office.

The city council shall approve the PUD agreement prior to or in conjunction with the final PUD plan. Final PUD plan approval shall not be granted until city council has approved the PUD agreement.

At a minimum, the agreement shall provide:

1. Certified survey and legal description of the PUD project site.
 2. List of permitted uses and any conditions attached to the establishment of a specified use.
 3. Statement regarding the developer's intentions regarding sale or lease of all or portions of the PUD project, including common open space areas, dwellings units, nonresidential development sites and buildings, and recreational facilities.
 4. Provision assuring that the common open space areas shown on the PUD plan for use by the public or residents will be or have been irrevocably committed for that purpose and that the satisfactory maintenance of these areas is assured.
 5. Statement of covenants, easements (including easements for public utilities), and other restrictions to be imposed upon the uses of the land and structures.
 6. Statement regarding the phasing and timing of development phases.
 7. The cost of installing all required infrastructure improvements and utilities has been assured by a satisfactory means, including the manner for assessments and the enforcement of any assessments and costs.
 8. The approved preliminary PUD plan shall be attached as an exhibit.
- G. *Effect of preliminary authorization.* A final PUD submittal for some portion of the planned unit development shall be submitted within 365 calendar days following approval of the preliminary PUD submittal. If no final PUD submittal is accepted within that period, approval of the preliminary PUD shall be automatically rescinded and the underlying zoning will take effect. However, the city council may, upon written request, approve one extension of preliminary approval for a period of up to 365 additional calendar days.

Sec. 20.08. Outside agency permits and approvals.

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to final PUD plan approval.

Sec. 20.09. Final PUD review and authorization.

The final planned unit development (PUD) submittal for all or a portion of the planned unit development shall be subject to review and recommendation by the planning commission, and final action by the city council, in accordance with the following:

- A. *Required information.* The final PUD submittal shall include the information required for preliminary approval by subsection 20.07.B. (required information), and shall be prepared in accordance with the following, as applicable to the type of project:
 - 1. A detailed site plan, per the requirements of section 18.03 (required information for site plans).
 - 2. A final preliminary plat in conformance with Chapter 82 (Subdivisions) of the City of Richmond Code of Ordinances and the Land Division Act (P.A. 288 of 1967, as amended).
 - 3. A condominium subdivision plan as provided by article 19 (condominium regulations) of this ordinance and the Condominium Act (P.A. 59 of 1978, as amended).
- B. *Consistency with preliminary PUD submittal.* The final PUD submittal shall not:
 - 1. Vary the proposed residential density of use in any portion of the planned unit development by more than ten percent;
 - 2. Involve a reduction of the area set aside for common open space;
 - 3. Increase the gross floor area of proposed non-residential buildings by more than ten percent; or
 - 4. Increase the total ground area covered by buildings by more than five percent.
- C. *Planning commission action.* The planning commission shall review the final PUD submittal to ensure conformance with the approved preliminary PUD plan, any conditions of preliminary approval, and the standards of this ordinance. The planning commission shall recommend approval to city council for the final PUD plan if it substantially conforms to the approved preliminary PUD plan. If the final PUD plan deviates from the preliminary PUD plan by more than the limits prescribed above, the planning commission shall require the final PUD plan to be modified to ensure conformance.
- D. *City council authorization.* The city council shall review the recommendation of the planning commission and either approve, approve with modifications, or deny the final PUD plan. The applicant shall be notified of the city council's action in writing. If the city council denies the final PUD plan submittal, the written notification shall include the reasons for the denial. The city council shall approve the PUD agreement prior to or in conjunction with the final PUD plan. Final PUD plan approval shall not be granted until city council has approved the PUD agreement.
- E. *Effect of final PUD approval.* Final PUD plan approval by the city council, along with submittal by the applicant to the city planner of proof of recording of the PUD agreement with the county register of deeds office, shall constitute authorization for the city to review construction and building plans and issue permits for development activity to begin on the site. All construction and building plans and permits shall conform to the approved final PUD plan, and no development may take place on the site, nor may any use thereof be made, except in accordance with the approved final PUD plan and PUD agreement.

Sec. 20.10. Appeals and amendments.

The board of zoning appeals shall have no authority to consider any appeal of a decision by city council or planning commission concerning a planned unit development (PUD) application. Amendments to an approved PUD shall be subject to the following:

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1. *Minor amendments.* The following amendments to an approved PUD plan may be reviewed and approved by the planning commission, without requiring a public hearing:
 - a. Substituting landscape materials, provided a nurseryman or landscape architect certifies that the substituted species is of a similar nature or quality.
 - b. Changing the location or design of exterior light fixtures, provided that there will be no change in the intensity of site lighting, the design is consistent with the PUD's overall layout and character, and the location conforms to the requirements of this ordinance.
 - c. Changing the dimensions or location of approved signage, provided that the sign design is consistent with the PUD's overall layout and character and the sign conforms to the requirements of this ordinance.
 - d. Changing the height or material of fencing, provided that the height conforms to the requirements of this ordinance, the substituted material is of a similar quality to the original, and the fence design is consistent with the PUD's overall layout and character.
 - e. Altering the location of a non-vehicular circulation system, provided that the system maintains connections to common open space areas and adjacent neighborhoods and developments.
 - f. Altering the location of an accessory structure up to 1,000 square feet in area, provided that the location conforms to the requirements of this ordinance.
 2. *Major amendments.* All other plan revisions and changes to an approved PUD shall be considered major amendments, which shall be reviewed and approved in the same manner as the original submittal, and shall require the mutual consent of the property owner and the city.

Sec. 20.11. Expiration of final PUD approval.

If construction has not commenced within 365 calendar days of final PUD approval by the city council, all PUD approvals become null and void and a new preliminary PUD application shall be required to continue the project. Upon written request received prior to the expiration date, city council may grant one extension of up to 365 calendar days, provided that the approved PUD plan remains in conformance with the intent and eligibility requirements of this article, and adequately represents current conditions on and surrounding the site.

Sec. 20.12. Fees and performance guarantees.

Fees for the review of a conceptual, preliminary or final planned unit development submittal shall be in accordance with the schedule of fees adopted by resolution of the city council. The applicant shall reimburse the city for any outstanding review costs and fees, prior to final PUD approval.

Performance guarantees may be required for all public and common improvements in single- and multi-phased developments, in accordance with section 1.11 (performance guarantees). Cost estimates for completing such improvements shall be made or verified by the city engineer.

Sec. 20.13. Compliance required.

No construction, grading, tree removal, topsoil stripping or other site improvements or alterations shall take place, and no permits shall be issued for development on a zoning lot under petition for PUD approval until the requirements of this article have been met.

Sec. 20.14. Violations.

Any violation of the approved final PUD plan or PUD agreement shall be considered a violation of the zoning ordinance, which shall be subject to enforcement action and penalties as described in this ordinance.

Sec. 20.15. Rescinding approval of a PUD.

Approval of a planned unit development (PUD) may be rescinded by the city council upon determination that the approved PUD plan or PUD agreement have been violated, or that the site has not been improved, constructed or maintained in compliance with approved permits, approved PUD plan or PUD agreement. Such action shall be subject to the following:

1. *Public hearing.* Such action may be taken only after a public hearing has been held by the city council in accordance with the procedures set forth in section 1.12 (public hearing procedures), at which time the developer of the PUD project, the owner of an interest in land for which PUD approval was sought, or the owner's designated agent, shall be given an opportunity to present evidence in opposition to rescission.
2. *Determination.* Subsequent to the hearing, the decision of the city council with regard to the rescission shall be made and written notification provided to the developer, owner or designated agent.

ARTICLE 22. NONCONFORMITIES

Sec. 22.01. Intent and purpose.

It is recognized that there exists within the districts established by this ordinance lots, structures, sites and uses which were lawful prior to the effective date of adoption or amendment of this ordinance, but that would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. Such uses are declared to be incompatible with permitted uses in the districts involved. It is the intent of this ordinance to permit such nonconformities to continue until they are removed.

This article is hereby established to:

1. Regulate the use and development of nonconforming lots, completion, alteration or reconstruction of nonconforming structures, re-development or improvement of nonconforming sites, and maintenance, extension or substitution of nonconforming uses.
2. Specify the limited conditions and circumstances under which nonconformities shall be permitted to continue.
3. Establish standards for determining whether a use is nonconforming, and whether a nonconforming use has ceased to occupy a particular zoning lot.
4. Recognize that certain nonconformities may not have a significant adverse impact upon nearby properties, or the public health, safety and welfare. Accordingly, this article establishes a "preferred class" of nonconforming uses, which distinguishes between nonconforming uses that are not desirable and should be eliminated as rapidly as possible, and those that may be designated to be perpetuated and improved in a manner that protects adjacent properties and the character of the neighborhood.

Sec. 22.02. Nonconforming structures.

Nonconforming structures shall be allowed to continue after the effective date of this ordinance or amendments thereto, subject to the following conditions:

- A. *Expansion restricted.* A nonconforming structure may be altered in a manner that does not increase or intensify its nonconformity. Alterations to a nonconforming structure that increase or intensify a nonconformity shall be prohibited.
- B. *Normal repairs and maintenance.* This article shall not prevent work required for compliance with the provisions of the state construction code enforced by the city. Normal repair, maintenance or replacement of interior non-bearing walls, fixtures, wiring, plumbing or heating and cooling systems in nonconforming structures may be permitted in accordance with applicable code requirements, provided that such improvements do not result in an enlargement of a nonconforming structure, and provided that the cost of such improvements does not exceed the state equalized value of the structure at the time such work is proposed.
- C. *Buildings under construction.* Nothing in this article shall require a change in the plans, construction or designated use of any building or structure for which construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and diligently carried on until completion.
- D. *Damaged or unsafe structures.* Nonconforming structures that are damaged or destroyed by any means to an extent that the repair cost exceeds the state equalized value of the property shall not be restored, repaired or rebuilt except in conformance with the standards of this ordinance. Nonconforming structures that are declared to be physically unsafe by the building official shall not thereafter be restored, repaired or rebuilt.
- E. *Exemption for certain residential dwellings.* Nonconforming single-family and two-family (duplex) dwellings and customary accessory structures are exempt from this section, provided that application for a building permit shall be made within 365 days from the date of damage or destruction.
- F. *Nonconforming signs.* See section 13.10 (nonconforming signs).

Sec. 22.03. Nonconforming lots.

Existing lots of record that are not in compliance with the dimensional requirements of this ordinance shall only be used, developed, or improved in accordance with the following:

- A. *Lot division and combination.* A lot of record shall not be divided in a manner that would increase its nonconformity, cause an existing structure or site improvement to become nonconforming, or create one or more nonconforming lots. Where feasible, nonconforming lots of record shall be combined to create lots that comply with the dimensional requirements of this ordinance.
- B. *Use of nonconforming lots.* Use of a nonconforming lot of record shall be subject to the regulations of this ordinance for the district where it is located, and the following:
 - 1. *Single-family residential districts.* A single-family dwelling and customary accessory structures may be erected on a lot of record in a single-family residential district that is nonconforming with respect to minimum lot area or lot width requirements. Such structures shall conform with all other dimensional standards for the district.
 - 2. *Contiguous lots.* Two or more contiguous, nonconforming lots of record with continuous frontage under single ownership shall be considered an undivided parcel for purposes of this ordinance. No portion of said parcel that does not meet lot width and area requirements of this ordinance

shall be used or occupied, nor shall any division be made which leaves remaining any lot with width or area below ordinance requirements.

Sec. 22.04. Nonconforming sites.

The purpose of this section is to encourage improvements to existing sites in the city that were developed before the site design standards of this ordinance were established or amended. This section establishes standards for prioritizing improvements to existing sites that are intended to gradually bring the site into compliance with current ordinance standards. Nonconforming sites may be improved or modified without a complete upgrade of all site elements, subject to the following conditions:

1. A nonconforming site shall not be improved or modified in a manner that increases its nonconformity.
2. The proposed site improvements shall resolve public safety deficiencies, including building and fire code violations, emergency access and pedestrian/vehicle conflicts.
3. The proposed site improvements shall include exterior lighting, landscaping, screening and building improvements that are in reasonable proportion to the scale and construction cost of proposed building improvements, expansions or other improvements, as determined by the planning commission.
4. The proposed site improvements shall include the installation, restoration or expansion of sidewalks within and through the site, where appropriate.
5. A reasonable timeline for completion of site improvements to a nonconforming site may be approved as part of any plan approval. Failure to complete improvements in accordance with an approved timeline shall be deemed a violation of this ordinance.

Sec. 22.05. Nonconforming uses.

All nonconforming uses that have been designated as "preferred class" by city action shall not be subject to the requirements of this section, but rather shall be subject to the provisions of section 22.06 (preferred class designations). Nonconforming uses not designated as "preferred class" shall be allowed to continue after the effective date of this ordinance or amendments thereto, subject to the following:

- A. *Compliance with other applicable standards.* Nonconforming uses shall be maintained in compliance with all applicable federal, state, and local laws, ordinances, regulations and codes, other than the specific use regulations for the zoning district where the use is located.
 1. The owner, operator or person having beneficial use of land or structures occupied by a nonconforming use shall be responsible for demonstrating compliance with this requirement.
 2. Failure to do so, or failure to bring the use into compliance with current laws, ordinances, regulations and codes within 180 days of their effective date, shall constitute grounds for the city to seek court approval to terminate or remove the use at the owner's expense.
- B. *Expansion prohibited.* Nonconforming uses shall not be enlarged, increased in intensity, extended to occupy a greater area of land or floor area, or moved in whole or in part to any other portion of the lot or structure.
- C. *Cessation.* A nonconforming use that ceases for a period of more than 365 days or is superseded by a conforming use shall not be resumed. If a structure associated with a nonconforming use is removed, or damaged by any means to an extent that the repair cost exceeds the state equalized value of the property, the nonconformity shall be deemed removed. All subsequent uses shall conform to the use provisions of this ordinance.

Sec. 22.06. Preferred class designations.

It is the intent of this section to establish a "preferred class" designation that the planning commission may approve for certain nonconforming uses, subject to the following:

- A. *Procedure.* The procedure for considering all preferred class nonconforming designations shall be as follows:
 - 1. *Application.* Applications for consideration of a preferred class designation for a nonconforming use may be initiated by the city, or the owner, operator or person having beneficial use of the lot occupied by the nonconforming use. The application shall include a detailed description of the use, and the reasons for the request.
 - 2. *Public hearing.* A public hearing shall be held for all requests for a preferred class nonconforming designation in accordance with the procedures set forth in section 1.12 (public hearing procedures).
- B. *Conditions for approval of a preferred class designation.* Subsequent to a public hearing, the planning commission may grant a preferred class designation upon finding that all of the following conditions exist:
 - 1. *Use standards.*
 - a. The nonconformity does not significantly depress the value of nearby properties.
 - b. The use does not adversely impact the public health, safety, and welfare.
 - c. The use does not adversely impact the purpose of the district where it is located.
 - d. No useful purpose would be served by the strict application of requirements for such a nonconformity under this ordinance.
 - 2. *Signage.* If the application was initiated by the owner or person having beneficial use of the lot occupied by the nonconforming use, the planning commission may require that signage associated with the use be brought into compliance with article 13 (signs).
 - 3. *Plan for site improvements.* If the application was initiated by the owner or person having beneficial use of the lot occupied by the nonconforming use, the planning commission may require that a site plan be submitted for review that addresses the site improvement priorities listed in section 22.04 (nonconforming sites).
 - 4. *Other conditions.* The planning commission may attach conditions to the approval to assure that the use does not become contrary to the purpose of this article and ordinance, or the public health, safety and welfare.
- C. *Effect of approval of a preferred class designation.* Preferred class nonconformities shall be permitted to be perpetuated and expanded in accordance with an approved site plan, subject to the provisions of this section and any conditions of approval. Preferred class nonconforming structures shall be permitted to be perpetuated, expanded, improved or rebuilt if damaged or destroyed in accordance with an approved site plan, subject to the provisions of this section and any conditions of approval.
- D. *Effect of denial of a preferred class designation.* An application for a preferred class designation that has been denied by the planning commission may not be appealed to the board of zoning appeals, but may be resubmitted for planning commission consideration after a minimum of 365 days have elapsed from the date of denial.
- E. *Cessation of preferred class nonconforming uses.* The preferred class designation shall be deemed removed when the primary structure occupied by a preferred class nonconforming use is permanently

removed, or when a preferred class nonconforming use is replaced by a conforming use. All subsequent uses shall conform to the use provisions of this ordinance.

- F. *Rescinding approval of a preferred class designation.* Failure of the owner, operator or person having beneficial use of a lot occupied by a preferred class nonconforming use to maintain the use or improve the site in accordance with the provisions of this section, an approved site plan or any conditions of approval shall be grounds for the planning commission to rescind the preferred class designation. Such action shall be subject to the following:
1. *Public hearing.* Such action may be taken only after a public hearing has been held in accordance with the procedures set forth in section 1.12 (public hearing procedures), at which time the owner, operator or person having beneficial use occupied by a preferred class nonconforming use shall be given an opportunity to present evidence in opposition to rescission.
 2. *Determination.* Subsequent to the hearing, the decision of the commission with regard to the rescission shall be made, and written notification provided to said owner, operator or person having beneficial use occupied by a preferred class nonconforming use.
- G. *Existing residential dwellings in non-residential districts.* Single-family and two-family (duplex) dwellings that are so existing and used in non-residential zoning districts before the effective date of adoption or amendment of this ordinance, are hereby designated as preferred class nonconforming uses. Such dwellings and accessory structures may be used, repaired, expanded, altered or replaced if destroyed, subject to the following conditions:
1. Use, repair, expansion, alteration, or replacement of the dwelling or accessory structures shall conform with all applicable lot, yard and setbacks requirements of this ordinance, as follows:
 - a. Single-family dwellings and accessory structures shall conform to the requirements of the R-3 district.
 - b. Two-family (duplex) dwellings and accessory structures shall conform to the requirements of the R-T district.
 2. The use, dwelling and accessory structures shall be maintained in conformance with all other applicable federal, state, and local laws, ordinances, regulations and codes.

Sec. 22.07. Nonconforming use determinations.

This section is intended to provide reasonable standards for determining whether a use is nonconforming, and whether a nonconforming use has been removed, discontinued or otherwise ceased to occupy the land or structure in question. When there is a question or dispute about the status of a particular use, such determinations shall be made in writing by the city planner, with specific findings identified and a copy placed in the property file. Such determinations shall be subject to the following:

- A. *Standards for determining that a use is nonconforming.* The city planner shall determine that a use is nonconforming upon finding that the following three statements are true:
1. The use does not conform with the purpose and use regulations of the district where it is located.
 2. The use is in compliance with all other applicable federal, state, and local laws, ordinances, regulations and codes.
 3. Evidence from a minimum of three of the following sources demonstrates that the use was lawfully established prior to the effective date of adoption or amendment of this ordinance:

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- a. Local, county or state government files or records, including but not limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.
 - b. Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number.
 - c. Utility records, including but not limited to providers of water, sewer, electric, natural gas or telecommunications service.
 - d. Dated advertising or other information published in a newspaper or magazine including but not limited to advertisements, articles, features or photographs that address the use of the land in question.
 - e. Dated aerial photos from Macomb or St. Clair counties, the Southeastern Michigan Council of Governments (SEMCOG) or other sources accepted by the city planner.
 - f. Other relevant information, including but not limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.
- B. *Standards for determining that a nonconforming use has ceased.* The city planner shall determine that a nonconforming use has been removed, discontinued or otherwise ceased to occupy the land or structure in question upon finding that a minimum of three of the following six statements are true:
1. Local, county or state government files or records show that the nonconforming use has ceased. Such evidence may include, but shall not be limited to permits, inspection reports, dated photographs or notarized statements of government officials, agents, representatives or employees.
 2. Dated telephone directories, or similar dated records that provide information about the occupants or uses located on a street by address or lot number, show that the nonconforming use has ceased. Such evidence may include, but shall not be limited to entries that show the address associated with the use as vacant or occupied by another use, or show the telephone number associated with the use as disconnected or in use at another location.
 3. Utility records, including, but not limited to providers of water, sewer, electric, natural gas or telecommunications service, show that the nonconforming use has ceased. Such evidence may include, but shall not be limited to records indicating that the address of the use is vacant or occupied by another use, the utility service associated with the use has been disconnected or the business, organization or individual associated with the use has moved to another location.
 4. Dated advertising or other information published in a newspaper or magazine show that the nonconforming use has ceased. Such evidence may include, but shall not be limited to advertisements, articles, features or photographs that address the use of the land in question.
 5. Dated aerial photos from Macomb or St. Clair counties, the Southeastern Michigan Council of Governments (SEMCOG) or other sources as accepted by the city planner show that the nonconforming use has ceased.
 6. Other relevant information shows that the nonconforming use has ceased. Such evidence may include, but shall not be limited to date-stamped photographs, diary or log entries, affidavits or notarized statements.

Sec. 22.08. Unlawful uses.

Any use that is not a conforming use in the district where it is located, or determined to be a nonconforming use, shall be considered an unlawful use established in violation of this ordinance.

Sec. 22.09. Change of tenancy or ownership.

There may be a change of tenancy, ownership or management of any existing nonconforming lot, structure, site or use.

Sec. 22.10. Cessation of a nonconforming use by city action.

The elimination of nonconforming structures and uses shall be considered to be for a public purpose and for a public use. The city council shall have the authority to institute and prosecute proceedings for the condemnation of nonconforming uses and structures under the power of eminent domain, in accordance with the Charter of the City of Richmond. The city council may, at its discretion, acquire private property by purchase, condemnation or otherwise for the purpose of removing a nonconforming use or structure, provided that the cost of acquiring such private property be paid from general funds or assessed to a special district established for that purpose.

ARTICLE 23. PLANNING COMMISSION

Sec. 23.01. Authority.

The planning commission is hereby established in accordance with the Municipal Michigan Planning Enabling Act (P.A. 33 of 2008, as amended), the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), and Chapter 62 (Planning) of the City of Richmond Code of Ordinances; all of which enable and govern the activities and procedures under this article.

(Ord. No. 156-14, 3-17-14)

Sec. 23.02. Jurisdiction.

The planning commission shall have such powers, duties, and responsibilities as are expressly provided for in this article, chapter 62 (planning) of the City of Richmond Code of Ordinances, the Michigan Planning Enabling Act (P.A. 33 of 2008, as amended), the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended).

(Ord. No. 156-14, 3-17-14)

Sec. 23.03. Rules of procedure.

The planning commission shall conduct business, organize meetings, and perform its duties as provided for in this article, chapter 62 (planning) of the City of Richmond Code of Ordinances, the Michigan Planning Enabling Act (P.A. 33 of 2008, as amended), the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), and the adopted City of Richmond Planning Commission By-Laws and Rules of Procedure.

(Ord. No. 156-14, 3-17-14)

Sec. 23.04. Jurisdiction.

The planning commission shall discharge the following duties pursuant to this article:

- A. *Zoning ordinance.* The planning commission is hereby designated as the commission specified in the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), and shall perform the zoning duties of said commission as provided in the statute in connection with the amendment of this article.

The planning commission shall be responsible for formulation of the zoning ordinance, review of amendments to the zoning ordinance, holding hearings on a proposed zoning ordinance or amendments, and reporting its findings and recommendations concerning the zoning ordinance or amendments to city council.

- B. *Site plan review.* The planning commission shall be responsible for reviewing site plans, and making determinations to approve, approve subject to conditions, or deny applications for site plan approval in accordance with article 18 (site plan review).
- C. *Special condition use review.* The planning commission shall be responsible for holding hearings, reviewing, and making determinations to approve, approve subject to conditions, or deny applications for special condition uses in accordance with article 17 (special condition uses).
- D. *Planned unit development review.* The planning commission shall be responsible for holding hearings and reviewing all applications for planned unit development approval in accordance with article 20 (planned unit developments). The planning commission shall be responsible for making a recommendation to city council to grant approval, approval with conditions, or denial of a proposed planned unit development.
- E. *Master plan.* The planning commission is hereby designated as the commission specified in the Michigan Planning Enabling Act (P.A. 33 of 2008, as amended), and shall perform the planning duties of said commission as provided in the statute.
- F. *Other duties and responsibilities.* Consistent with the City of Richmond Code of Ordinances, the planning commission shall be responsible for review of plats and any other matters relating to land development referred to the commission by city council. The planning commission shall recommend appropriate regulations and action on such matters.

(Ord. No. 156-14, 3-17-14)

ARTICLE 24. BOARD OF ZONING APPEALS

Sec. 24.01. Authority.

The board of zoning appeals (BZA) is hereby established, which shall perform its duties as provided for in this article and the Michigan Zoning Enabling Act (P.A. 110 of 2006) in such a way that the objectives of this article shall be served, public health, safety and welfare protected, and substantial justice done.

(Ord. No. 156-14, 3-17-14)

Sec. 24.02. Membership.

The board of zoning appeals shall consist of five members and up to two alternates appointed by the city council for three-year terms.

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1. One member may be a member of the planning commission, and one member may be a member of the city council.
 2. Members of the board of zoning appeals may be removed from office for neglect of duty or malfeasance in office, including failure of a member with a conflict of interest to abstain from deliberations or voting on the matter, after written charges have been filed with the city clerk and a public hearing has been held by city council. Vacancies shall be filled by resolution of the city council.
 3. In the event a board of zoning appeals member is elected to city council and such election increases the number of city council members serving on the BZA to more than one, then such member's seat on the BZA shall be deemed vacant. Such vacancy shall be filled for the remainder of the un-expired term by appointment in the same manner as for regular appointments for full terms.

(Ord. No. 156-14, 3-17-14)

Sec. 24.03. Alternates.

Alternate members may be called on a rotating basis to sit as members of the board of zoning appeals in the absence of regular members. An alternate member may also be called on to serve in the place of a BZA member, with the same voting rights, for the purpose of reaching a decision on a case in which the member has abstained because of a conflict of interest.

(Ord. No. 156-14, 3-17-14)

Sec. 24.04. Rules of procedure.

The board of zoning appeals shall conduct business, organize meetings, and perform its duties as provided for in this article, the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended), and the adopted City of Richmond Board of Zoning Appeals By-Laws and Rules of Procedure.

(Ord. No. 156-14, 3-17-14)

Sec. 24.05. Applications.

Applications to the board of zoning appeals shall be filed with the city, with payment of the appropriate review fee established by city council. At a minimum, applications shall include the following:

1. The applicant's name, address, and contact information; and the address and location of the property involved in the request.
2. Zoning classification of the subject parcel(s) and all abutting parcels.
3. A plot plan of the site, drawn to scale with a north-arrow, showing all lot lines, street rights-of-way, easements, structures, setback dimensions, parking areas, driveways, sidewalks and other site improvements.
4. A letter from the applicant stating the reasons for the request, and addressing the applicable review criteria specified in this article for the type of request.
5. Any additional information deemed necessary by the board of zoning appeals to make a determination on the issue in question.

(Ord. No. 156-14, 3-17-14)

Sec. 24.06. Administrative appeals.

The board of zoning appeals shall hear and decide appeals where it is alleged there is error of principle in any order, requirement, decision or determination made by the person or body charged with administration or enforcement of the zoning ordinance. Consideration of administrative appeals shall be subject to the following:

- A. *Standing to appeal.* Such appeals may be taken to the BZA by the person, firm or corporation aggrieved, or by an official, department, board or commission of the city affected by the order, requirement, decision or determination. Applications for administrative appeals shall be filed with the city within 21 calendar days of the order, requirement, decision or determination.
- B. *Stay of proceedings.* An appeal shall stay all administrative or enforcement proceedings associated with the appeal, unless the building official or city planner certifies to the BZA that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.
- C. *Review criteria for administrative appeals.* The BZA shall reverse an administrative decision only upon determining that the order, requirement, decision or determination:
 1. Constituted an abuse of discretion;
 2. Was arbitrary or capricious;
 3. Was based upon an erroneous finding of a material fact; or
 4. Was based upon an erroneous interpretation of the zoning ordinance.

After making such a determination, the BZA may reverse or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as, in its determination, ought to be made under the provisions of this article. In doing so, the BZA shall exercise all authority granted by this article to the person or body from whom the appeal is taken.

(Ord. No. 156-14, 3-17-14)

Sec. 24.07. Interpretation of zoning district boundaries.

Where an ambiguity exists as to zoning district boundaries, the BZA shall have the power to interpret the zoning map in such a way as to carry out the intents and purposes of the City of Richmond Zoning Ordinance and master plan. The following rules shall apply to such interpretations:

1. Boundaries indicated as approximately following the centerlines of streets, highways, alleys, watercourses, lot lines, or municipal boundaries shall be construed to follow such lines.
2. Boundaries indicated as following railroad lines or utility easements shall be construed to be midway between the main tracks, or along the centerline of such easements.
3. Boundaries that parallel or are extensions of features indicated in this Section shall be so construed.
4. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
5. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, the BZA shall interpret the district boundaries.

(Ord. No. 156-14, 3-17-14)

Sec. 24.08. Interpretation of zoning ordinance provisions.

- A. *Interpretations.* The BZA shall have the power to hear and decide requests for interpretations of zoning ordinance provisions in such a way as to preserve and promote the character of the zoning district in question, and carry out the intent and purpose of this article and master plan.
- B. *Determinations of similar uses.* In recognition that every potential use cannot be addressed in this article, the BZA shall have the authority to determine whether a proposed use not listed in this article is similar to a principal or special condition use permitted by this article, subject to the following:
1. Prior to making such a determination, the BZA must find that the principal or special condition use closely resembles the proposed use in terms of characteristics, intensity, nature and other applicable common elements of such uses.
 2. The BZA may determine that the use is (or is not) similar to a use listed in this article, or may recommend to the city council that the proposed use be addressed through an amendment to this article.
 3. If it is determined that there is no similar use listed in this article, the use shall be prohibited.
 4. If it is determined that the proposed use is similar to a use listed in this article, the proposed use shall comply with any conditions or special condition use standards that apply to the listed use.
 5. The BZA may impose additional conditions or limitations upon the proposed use necessary to satisfy the intent and purposes of this article, to protect the health, safety, or welfare, or to preserve the social and economic wellbeing of adjacent residents and landowners, or the city as a whole.

(Ord. No. 156-14, 3-17-14)

Sec. 24.09. Variances.

The board of zoning appeals shall have the authority to grant variances from specific requirements of this article in accordance with the City and Village Zoning Act (Public Act 207 of 1921, as amended) and the provisions of this article.

The BZA shall state the grounds upon which it justifies the granting or denying of a variance, and may consider lesser variances than that requested by an applicant. In granting a variance, the BZA may impose conditions or limitations as it may deem reasonable in furtherance of the intent and purposes of this article.

- A. *Dimensional variances.* The granting of a variance from particular area, setback, frontage, height, bulk, density or other dimensional (non-use) standards of this article shall require a finding of practical difficulties, based upon the following criteria:
1. Strict compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted purpose.
 2. The variance will do substantial justice to the applicant, as well as to other property owners, and a lesser variance than requested will not give substantial relief to the applicant or be consistent with justice to other property owners.
 3. The need for the variance is due to unique circumstances peculiar to the land or structures involved, that are not applicable to other land or structures in the same district.

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4. The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors.
 5. The variance will not cause significant adverse impacts to adjacent properties, the neighborhood or the city, and will not create a public nuisance or materially impair public health, safety, comfort, morals or welfare.
 6. The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than mere inconvenience, or an inability to attain a higher financial return.
- B. *Use variances.* The granting of a variance from the use provisions of this article shall require a finding of unnecessary hardship, based upon the following criteria:
1. The current zoning ordinance prohibits the property owner from securing any reasonable economic return or making any reasonable use of the property. Under this standard, the BZA must find that the property (land, structures and other improvements) is not suitable for uses permitted in the zoning district.
 2. The landowner's plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions. Circumstances common to the larger neighborhood may reflect the unreasonableness of the zoning itself, which should be addressed through a rezoning or other legislative action.
 3. The use variance, if granted, would not alter the essential character of the neighborhood. This standard requires consideration of whether the intent and purpose of the ordinance and zoning district will be preserved, and the essential character of the area will be maintained.
 4. The hardship is not the result of the applicant's actions. Under this standard, the BZA must determine that the hardship that led to the use variance request was not self-created by the applicant. Purchase of a property with a pre-existing hardship does not constitute a self-created hardship. Financial hardships that would prevent reasonable use of the property shall be considered, but shall not be the only determining factor in granting a use variance.

(Ord. No. 156-14, 3-17-14)

Sec. 24.10. Exceptions.

To hear and decide requests for exceptions and other matters upon which this article specifically authorizes the board of zoning appeals to act. Any exception shall be subject to such conditions as the BZA may require to preserve and promote the purpose of this article, and the character of the zoning district in question.

(Ord. No. 156-14, 3-17-14)

Sec. 24.11. Hearings and decisions.

The board of zoning appeals shall make no determination on a specific case until after a public hearing conducted in accordance with section 1.12 (public hearing procedures). Each decision shall include a written record of the specific findings and determinations made by the BZA in the case.

(Ord. No. 156-14, 3-17-14)

Sec. 24.12. Limitations of authority.

The following specific limitations shall apply to the authority of the board of zoning appeals:

- A. *Expiration of approval.* No order of the BZA permitting the erection or alteration of a structure, or use of a structure or land, shall be valid for a period longer than 365 days, unless a building permit for such erection or alteration is obtained within such period, or the use is lawfully established within such period.
- B. *Limitations on review.* The BZA shall not have the authority to consider appeals of any decisions by the planning commission or city council regarding amendments to this article, special condition uses, preferred class nonconforming designations, or planned unit developments. BZA jurisdiction to consider appeals of site plan determinations shall be limited to the following:
 1. Appeals of administrative decisions of the planning commission or city planner regarding approval or denial of site plans.
 2. Cases referred by the planning commission, where the planning commission has approved a site plan contingent upon approval of one or more variances by the BZA. In such cases, the planning commission secretary shall provide copies of the site plan, application materials and planning commission meeting minutes to the BZA, and consideration shall be limited to the specific variances identified as conditions of site plan approval by the planning commission.
- C. *Ordinance changes prohibited.* The board of zoning appeals shall not have the authority to alter this zoning ordinance or map.

(Ord. No. 156-14, 3-17-14)

ARTICLE 25. DEFINITIONS

Sec. 25.01. Rules of construction.

The following rules of construction apply to the text of this ordinance:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary; the word "may" is permissive and discretionary.
4. Words used in the present tense shall include the future; words used in the singular number shall include the plural; and words used in the plural shall include the singular, unless the context clearly indicates the contrary.
5. The word "building" includes the word "structure." The word "build" includes the words "erect" and "construct." A "building" or "structure" includes any part thereof.
6. The word "dwelling" includes "residence." The word "lot" includes the words "plot" and "parcel."
7. The term "act" or "action" includes "omission to act."
8. The word "used" includes "arranged," "designed," "intended," or "occupied."

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9. The terms "zoning ordinance" or "this ordinance" includes the Zoning Ordinance of the City of Richmond and any amendments thereto.
 10. The terms "abutting" or "adjacent to" includes land across a zoning or governmental boundary, property line, street, alley, dedicated right-of-way or access easement.
 11. The phrase "such as" shall mean "such as but not limited to," and the words "include" or "including" shall mean "including but not limited to."
 12. The word "person" includes an individual, firm, association, organization, corporation (public or private), partnership or co-partnership, limited liability company, incorporated or unincorporated association, trust or any other entity recognizable as a "person" under the laws of Michigan.
 13. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions or provisions connected by one of the following conjunctions, the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 14. Words or terms defined in this article shall be construed as defined herein. Words or terms not defined in this article shall be defined in terms of their common or customary usage.
 15. Terms referred to in the masculine gender include the feminine.
 16. Unless otherwise stated, the word "days" shall mean calendar days; "month" shall mean any consecutive period of 30 calendar days; and "year" shall mean any consecutive period of 365 calendar days.

Sec. 25.02. Definitions.

Whenever used in this ordinance, the following words and phrases shall have the meaning ascribed to them in this section:

Access drive. A private street designed to provide vehicular access from a public road.

Access management. A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for lots adjacent to, and across from, one another; and the promotion of alternatives to direct access.

Access, reasonable. A property owner's legal right, incident to property ownership, to access a public road right-of-way. Reasonable access may be indirect and certain turning movements may be prohibited for improved safety and traffic operations.

Accessory structure and accessory use. See "building" and "use."

Addition. Any construction or alteration that increases the bulk or extent of a structure.

Adult day care facility. A facility which provides daytime care for any part of a day but less than 24 hours for functionally impaired elderly persons through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home.

Adult foster care facility. An establishment that provides supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks for compensation for adults over 18 years of age. It includes facilities and foster care homes for adults who are

aged, mentally ill, developmentally disabled or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care.

These facilities may be licensed and regulated by the state under Michigan Public Act 218 of 1979, as amended. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation centers or residential center for persons released from or assigned to a correctional facility. Adult foster care facilities are classified as follows:

- a. *Adult foster care congregate facility.* An adult foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.
- b. *Adult foster care small group home.* An adult foster care facility with the approved capacity to receive 12 or fewer adults to be provided with foster care.
- c. *Adult foster care large group home.* An adult foster care facility with approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.
- d. *Adult foster care family home.* A private residence with the approved capacity to receive six or fewer adults to be provided with foster care for 24 hours a day for five or more days a week and for two or more consecutive weeks. The adult foster care family home licensee is a member of the household and occupant of the residence.

Adult regulated uses. Any business which primarily features sexually stimulating material or performances, including the following uses:

- a. *Adult arcade.* Any place to which the public is permitted or invited wherein coin-operated or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities" or "specified anatomical areas."
- b. *Adult book or video store.* An establishment having a substantial portion equaling more than 20 percent of its stock in trade in books, magazines, periodicals or other printed matter, photographs, drawings, slides, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, recording tapes and novelty items which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities" or "simulated nudity," which are offered for sale or rental or an establishment with a segment or section devoted to the sale, rental or display of such material, which segment or section exceeds ten percent of the usable floor area of the establishment. This does not include items used for conception control or for protection from sexually transmitted diseases.
- c. *Adult entertainment cabaret.* A nightclub, bar, lounge or similar commercial establishment, whether licensed by the Michigan Liquor Control Commission to offer beer or intoxicating liquor for consumption on the premises or not, which provides or features to customers live performances by employees or entertainment personnel which are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas;" an emphasis on "specified sexual activities;" an emphasis on "nudity," "state of nudity," or "simulated nudity;" or a combination of any of the above.
- d. *Adult model studio.* Any place where models who display "specified anatomical areas" are present to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons who pay some form of compensation or gratuity. This definition shall not apply to any accredited art school or similar educational institution.

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- e. *Adult motel.* A hotel, motel or similar commercial establishment which rents or otherwise permits a room to be occupied in exchange for any form of consideration, and also:
- (1) Offers accommodations to the tenant or occupier of the room for any television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities" or "specified anatomical areas," and has a sign visible from the public right-of-way or otherwise advertises the availability of this type of adult accommodations; or
 - (2) Offers a sleeping room(s) for rent for a period of time that is less than ten hours; or
 - (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

Evidence that a sleeping room in a hotel, motel or similar commercial establishment has been rented and vacated two or more times in less than a ten-hour period creates a rebuttable presumption that the establishment is operated as an adult motel.

- f. *Adult personal service business.* A business having as its principal activity a person, while nude or while displaying specified anatomical areas, providing personal services for another person. Such a business includes, but is not limited to, modeling studios, body-painting studios, wrestling studios and conversation parlors. An adult personal service establishment may include, but is not limited to, establishments commonly known as massage parlors, health spas, sauna baths, Turkish bathhouses, and steam baths.

The following uses shall not be included within the definition of an adult personal service establishment:

- (1) Any establishment, club or business by whatever name designated, which offers or advertises or is equipped or arranged to provide as part of its services, massages, body rubs, body painting, alcohol rubs, physical stimulation, baths or other similar treatment by any person.
 - (2) Establishments which routinely provide such services by a licensed physician, a licensed chiropractor, a licensed physical therapist, a licensed practical nurse practitioner or any other similarly licensed or certified medical or healing arts professionals;
 - (3) Establishments which offer massages performed by certified massage therapists;
 - (4) Gymnasiums, fitness centers and health clubs;
 - (5) Electrolysis treatment by a licensed operator of electrolysis equipment;
 - (6) Continuing instruction in martial or performing arts or in organized athletic activities;
 - (7) Hospitals, nursing homes, medical clinics or medical offices;
 - (8) Barber shops, beauty parlors, hair stylists and salons which offer massages by certified massage therapists;
 - (9) A bar, nightclub or lounge or other non-sexually oriented business that occasionally promotes a swimsuit or similar contest in which the contestants do not appear "nude" or in "a state of nudity;"
 - (10) Adult photography studios whose principal business does not include the taking of photographs of "specified anatomical areas" as defined herein.
- g. *Adult theater.* A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or features live performances which are distinguished

or characterized by an emphasis on the exposure of "specified anatomical areas" or by an emphasis on "specified sexual activities."

- (1) *Adult motion picture arcade or miniature-motion picture theater.* Any place where motion picture machines, projectors or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images displayed depict, describe or relate to "specified sexual activities" or "specified anatomical areas."
 - (2) *Adult motion picture theater.* A commercial establishment which regularly features non-live performances or entertainment such as films, motion pictures, video cassettes, slides or similar photographic reproductions which are distinguished or characterized by an emphasis on matters exhibiting, depicting or describing "specified sexual activities or "specified anatomical areas."
 - (3) *Adult outdoor motion picture theater.* A drive-in theater where a substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons of the theater. Such establishment is customarily not open to the public generally, but only to one or more classes of the public, excluding any minor by reason of age.
- h. *Escort service.* An establishment that provides the services of escorting members of the opposite sex for payment of a fee.
- i. *Nude modeling business.* An establishment where an employee or entertainment personnel performs a massage or "specified sexual activities" while appearing in a "state of nudity," "simulated nudity" or while displaying "specified anatomical areas," and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted to customers.
- j. *Nude modeling studio.* An establishment where an employee or entertainment personnel appears in a "state of nudity," "simulated nudity" or displays "specified anatomical areas," and is also provided or allowed to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted to customers.
- k. *Sexually oriented encounter center.* A commercial enterprise that, for any form of consideration or prize, offers physical activities, contact, wrestling or tumbling between male and female persons or between persons of the same sex, when one or more of the persons is in a "state of nudity" or "simulated nudity" and the activity is intended to provide sexual stimulation or sexual gratification to its customers.
- l. *Sexual paraphernalia store.* An establishment having a substantial portion of its stock-in-trade devoted to the distribution, display or storage, of instruments, devices or paraphernalia designed for use related to "specified anatomical areas" or as part of, in connection with or related to "specified sexual activities" (as defined herein) or an establishment with a segment or section devoted to the sale or display of such material.
- m. *Special definitions.* With respect to adult uses or sexually oriented businesses, the following terms and phrases shall have the following meanings:
- (1) *Buttock.* The anus and perineum of any person.
 - (2) *Massage parlor.* An establishment wherein private massage is practiced or made available as a principal use of the premises.
 - (3) *Nudity or state of nudity.* Appearing while any of the following portions of the human body are less than completely and opaquely covered:
 - (a) Genitals, whether or not in a state of sexual arousal;
 - (b) Pubic region or pubic hair;

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- (c) Buttock(s);
 - (d) The portions of the female breast(s) beginning from a point immediately above the top of the areola and continuing downward to the lowest portion of the breast(s); or
 - (e) Any combination of the above.
- (4) *Nudity, simulated.* A state of dress in which any artificial device of covering is worn on a person and exposed to view so as to simulate an actual "state of nudity."
- (5) *Sexual intercourse.* Fellatio, cunnilingus, anal intercourse or any other intrusion, however slight, of any part of a person's body or of any object, into the genital or anal openings of another's body.
- (6) *Sodomy.* Sexual bestiality.
- n. *Specified anatomical areas.* Portions of the human body defined as follows:
- (1) Less than completely and opaquely covered;
 - (a) Human genitalia and pubic region;
 - (b) Buttock and anus; or
 - (c) Female breast below a point immediately above the top of the areola.
 - (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- o. *Specified sexual activities.* The explicit display of one or more of the following:
- (1) Human genitals in a state of sexual stimulation or arousal;
 - (2) Fondling or other erotic touching of human genitalia, pubic region, buttocks, anus or female breast;
 - (3) Human sex acts, normal or perverted, actual or simulated including, but not limited to human masturbation oral copulation, sexual intercourse or sodomy;
 - (4) Human excretory functions as part of or as related to, any of the activities described above;
 - (5) Physical violence, bondage, mutilation or rape, actual or simulated, as part of or related to, any of the activities described above.
- p. *Substantial portion.* A use of activity accounting for more than 20 percent of any stock-in-trade, sales revenue, display space, floor space, viewing time, movie display time or entertainment time measured per month.

Alley. A right-of-way that affords only a secondary means of access to adjacent land.

Alterations.

- a. *Structural.* A change, addition or modification to; or enlargement, rearrangement, replacement or removal of the construction of structural parts, means of egress or supporting members of a building, such as bearing walls, columns, beams, girders, roof or exterior walls.
- b. *Building.* A change, addition or modification to; or enlargement or rearrangement of the type of occupancy, height, area, location, design or approved method of functioning.
- c. *Sign.* A change, addition or modification to; or enlargement, rearrangement, replacement or removal of any part of any sign, including the sign copy area.

Amusement business. Business from which the proprietor's primary income is derived from the operation of pool tables, billiard tables, or coin-operated amusement devices, or equipment of a similar nature, as distinguished

from those businesses wherein such tables, devices or similar equipment are clearly accessory uses and do not generate the proprietor's primary income.

- a. *Arcade.* A place of business that has in operation an excess of five mechanical amusement devices; electronic tables featuring pool, billiards, bowling, basketball, football, or the like; or electronic games of skill or dexterity utilizing video tapes or video screen or T.V. adaptations; or similar activities for hire or amusement.
- b. *Mechanical amusement device.* A pinball machine, video game, ski-ball machine, air-hockey machine, motion picture machine, shuffleboard, miniature pool table or any other similar machine, instrument or contrivance which may be operated or set in motion upon the insertion of a coin or where the proprietor charges a flat rate to use the device.

Animal, wild or exotic. Any animal not domesticated by humans or any animal that a person is prohibited from possessing by law. Wild or exotic animals shall include, but shall not be limited to, the following: alligator and crocodile (family); deer (family); opossum (family); badger; wild dog or wolf (family); primate excluding humans (family); bear; raccoon; ferret; skunk; wild cat (family); lemur; spider (poisonous); coyote; lizard, snake, and other reptile (poisonous); weasel (family); wild boar or swine (family); and marten.

Appeal. An entreaty or petition for a hearing or review of facts or actions in connection with the public enforcement of this ordinance.

Awning. Any overhead protective structure that is constructed in such a manner as to allow pedestrians or vehicles to pass under.

Balcony. An exterior floor projecting from and supported by a structure without additional independent supports.

Basement. That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling (see illustration).

Bed and breakfast inn. A dwelling in which overnight accommodations are provided or offered for transient guests for compensation as an accessory use, including provisions for a morning meal for overnight guests only.

Bedroom. A room in a dwelling used for or intended to be used solely for sleeping purposes by human beings.

Berm. A mound of soil graded, shaped and improved with landscaping in such a fashion so as to be utilized for screening purposes.

Block. The property abutting one side of a street and lying between the two nearest intersecting streets; railroad right-of-way; alley; un-subdivided acreage; lake, river or stream; boundary lines of the city; or any other barrier to the continuity of development.

Board of zoning appeals. The appointed board authorized to hear and decide administrative appeals and requests for interpretations, variances, and exceptions under this ordinance for the City of Richmond, Michigan.

Brewpub. A restaurant or tavern (as defined within this ordinance) licensed by the State of Michigan to produce and manufacture not more than 5,000 barrels of beer per calendar year in Michigan, and sell at retail on the premises the beer produced and manufactured for consumption on or off the premises, as provided for in MCLA 436.31b and 436.31c.

Building. A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, materials, equipment or similar items. This shall include tents, awnings or vehicles situated on private land and used for purposes of a building.

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- a. *Accessory structure.* A structure or portion of a principal building, subordinate to and on the same premises as the principal building(s) and use(s), the use of which is incidental to, customarily associated with, and subordinate to that of the principal building and use. Accessory structures shall include garages, garden equipment sheds, small greenhouses and swimming pools (see illustration).
 - b. *Principal building.* A building in which is conducted the principal use of the lot on which said building is situated.
 - c. *Building setback or building line.* The line which pertains to and defines those minimum (building) setback lines which are established parallel to the front road or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided in this ordinance. Such line, when adjacent to a building, is normally formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjoining ground.

Caliper. The diameter of a tree trunk measured 18 inches above the ground level. The caliper of a multiple-trunk tree is determined by the full caliper of the largest trunk plus half the caliper of the other trunks.

Car wash. A commercial establishment contained within a building or premises or portion thereof where the exterior or interior of automobiles, trucks or other motor vehicles or recreational vehicles are automatically or manually cleaned.

Cemetery. Land used or intended to be used for burial of the human dead and dedicated for such purpose.

Child care organization. A governmental or nongovernmental organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. These facilities care for children under the age of 18 years of age, and are licensed and regulated by the State under Public Act 116 of 1973, as amended or Public Act 218 of 1979, as amended, and the associated rules promulgated by the state department of consumer and industry services. Such care organizations are classified below:

- a. *Child day care center.* A facility, other than a private residence, receiving one or more preschool or school age children for group day care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility that provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. This facility is also described as a childcare center, day care center, day nursery, nursery school, parent cooperative preschool, play group or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
- b. *Child caring institution.* A child care facility which is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24 hour basis, in a building maintained for that purpose, and operates throughout the year. It includes a maternity home for the care of unmarried mothers who are minors, an agency group home, and institutions for mentally retarded or emotionally disturbed minor children. It does not include hospitals, nursing homes, boarding schools or an adult foster care facility in which a child has been placed.
- c. *Family child day care home.* A private home, as licensed by the State of Michigan, in which up to six minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption.
- d. *Foster family home.* A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

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- e. *Foster family group home.* A private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
 - f. *Group child day care home.* A private home, as licensed by the State of Michigan, in which up to 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian except children related to an adult member of the family by blood, marriage or adoption.

Church, temple, place of worship or religious institution. A type of institutional use or site used for the regular assembly of persons, for the conducting of religious services, and for related accessory uses, including offices and living quarters for church ministry and other members of the religious order who carry out their duties primarily on the site, religious education classes, day care and limited recreation facilities. Rescue missions, tent revivals and other temporary assemblies are not included in this definition.

City. The geographical area and governmental entity encompassing the City of Richmond, Michigan.

City council. The City Council for the City of Richmond, Michigan.

City engineer. The person, persons or firm designated by the city to advise the city on drainage, grading, paving, storm water management and control utilities, and other related site engineering and civil engineering issues. The city engineer may be a consultant or employee of the city, or the responsibilities of this position may be divided between more than one person or firm.

City planner. The person, persons or firm designated by the city to administer and enforce this zoning ordinance on a day-to-day basis; provide staff support to the city council, planning commission or board of zoning appeals; or advise the city on community planning, zoning, land use, housing, and other related planning and development issues. The city planner may be a consultant or an employee of the city, or the responsibilities of this position may be divided between more than one person or firm.

Class C liquor license establishment. A class C liquor establishment shall mean any place licensed by the State of Michigan Liquor Control Commission to sell at retail beer, wine, and spirits for consumption on the premises.

Clinic. Offices for one or more health practitioners engaged in treating the sick or injured on an outpatient basis.

Civic club. A type of institutional use or organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit. See also "lodge."

Cocktail lounge or night club. An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where more than 30 percent of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including areas dedicated for the use of stages, dance floors, standing-room areas, pool tables and similar mechanical amusement devices.

Commercial vehicle. Any one of a class of vehicles and similar vehicles whose characteristics are described below which have or require commercial license plates and have a gross vehicle weight in excess of 6,500 pounds. Any commercially licensed vehicle that does not possess the characteristics of a commercial vehicle, as defined below, shall not be subject to the restrictions applying to commercial vehicles.

- a. *Semi-trailer.* A trailer unit customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone, including trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies and full or partial box-type enclosures, any of which above units exceeds 12 feet in height.

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- b. *Truck tractor.* A commercial vehicle capable of attaching to and propelling semi-trailers, manufactured homes, modular homes, boat trailers and similar units, and which is not customarily operated without an attached trailer.
 - c. *Other commercial vehicles.* Any truck or motor vehicle with a cab and chassis with a stake, rack, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof by more than eight inches. This shall include any vehicle which has a commercial license plate and which is designed to accommodate a body length in excess of nine feet. This term does not include motor homes or recreational vehicles, but does include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, and similar vehicles.

Common land. A parcel or parcels of land with the improvements thereon, the use, maintenance and enjoyment of which are intended to be shared by the owners or occupants of individual building units in a subdivision or a planned unit development.

Common open space. An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners and occupants, and generally owned and maintained in common.

Condominium. A condominium is a system of separate ownership of individual units or multiple-unit projects according to the state Condominium Act (Public Act 59 of 1978, as amended). In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.

- a. *Condominium Act.* State of Michigan Public Act 59 of 1978, as amended.
- b. *Convertible area.* A unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this ordinance and the Condominium Act.
- c. *General common element.* The common elements other than the limited common elements intended for the common use of all co-owners.
- d. *Limited common element.* A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
- e. *Site condominium.* All allocation or division of land permitted under the Condominium Act, which permits single-family detached housing pursuant to a master deed.
- f. *Site condominium project.* A condominium project designed to function in a similar manner or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this ordinance.
- g. *Condominium subdivision plan.* Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of the Condominium Act.
- h. *Site condominium lot.* The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot" for purposes of determining compliance of a site condominium subdivision with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage and maximum floor area ratio. Condominium setbacks shall be measured as described below:
 - (1) *Front yard setback.* The distance between the public road right-of-way or private road easement line and the foundation of the unit site. Where there is no public right-of-way or access

easement, the front yard setback required in the district shall equal 200 percent of the minimum required setback for the zoning district, and shall be measured from the nearest pavement edge to the foundation of the unit.

- (2) *Side yard setback.* The distance between the side of a condominium building unit and the side unit (lot) line. Where no unit (lot) lines are provided, the distance between the closest points of two units shall be double the side yard setback required in the zoning district.
 - (3) *Rear yard setback.* The perimeter shall be the distance between the limit of the development and the rear of the unit; within the development rear yards setbacks shall be measured as the distance between the rear building line and the rear site (lot) line or where lot lines are not defined, the space between the rear building lines of two buildings shall be double the rear yard setback required in the zoning district.
- i. *Condominium master deed.* The condominium document recording the condominium project as approved by the city, including attached exhibits, and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan.
 - j. *Condominium unit.* The portion of the condominium project designed and intended for separate ownership as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit or any other type of use.
 - k. *Contractible condominium.* A condominium project from which any portion of the submitted land or building may be withdrawn per provisions of the condominium documents, this ordinance, and the Condominium Act.
 - l. *Condominium conversion.* A condominium project containing condominium units that were occupied before the establishment of the condominium project.
 - m. *Expandable condominium.* A condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this ordinance and the Condominium Act.

Conservation easement. A legal agreement in which the landowner retains ownership of private property, but conveys certain specifically identified rights to a land conservation organization or a public body.

Corner clearance area. A triangular area, formed at an intersection of road rights-of-way by a straight line drawn from one right-of-way line to the other at points set a specific distance from the intersection point.

Cul-de-sac. A dead-end public or private road that terminates in a circular or semicircular section of road that allows for vehicle turnaround.

Dealership. A building or premises used primarily for the sale of new or used automobiles, trucks, boats, motorcycles, or other motor vehicles or recreational vehicles. A "dealership" may include an indoor showroom, outdoor display areas or sales lots, or both.

Deck. An exterior floor system or platform typically attached to a dwelling unit and used for outdoor leisure activities, which is supported on at least two opposing sides by an adjoining structure, posts, piers or other independent supports, and which may be connected by stairs to the ground.

Demolition. An act or process which destroys a site or structure in its entirety, or which destroys a part of a site or structure and permanently impairs its structural, historic or architectural integrity.

Density. The number of dwelling units per net acre of land.

Detention basin. A facility designed for holding stormwater runoff for a limited period before releasing it to a natural watercourse.

Development. The construction of new structures or other site improvements on a zoning lot; relocation, alteration or expansion of an existing building; or the use of open land for a new use.

Diameter breast height (D.B.H.). The diameter of a tree measured in inches at four and one-half feet above the existing ground level.

District. A portion of the City of Richmond within which certain uses of land or buildings are permitted and within which certain regulations and requirements apply under this ordinance. This term is synonymous with the term "zoning district."

Drive-in establishments. A business establishment that provides facilities or spaces for the purpose of serving patrons in or momentarily stepped away from their motor vehicles, to facilitate consumption within motor vehicles.

Drive-through lanes or establishments. Facilities or spaces for the purpose of serving patrons from a window or booth while in their motor vehicles, rather than within a structure, to facilitate consumption within motor vehicles.

Driveways. A hard-surfaced access connecting parking space for motor vehicles with a road or alley, and permitting ingress and egress of a motor vehicle.

Dumpster enclosure. Any exterior space that secures or screens containers, structures or other receptacles intended for temporary storage of solid waste materials.

Dwelling. A residential unit providing complete, independent living facilities for one family, including permanent living, sleeping, cooking, eating, and sanitation facilities.

- a. *Apartment.* A suite of rooms or a room in a multiple-family or commercial building arranged and intended as a place of residence for one family or a group of individuals living together as a single housekeeping unit.
- b. *Accessory dwelling.* A dwelling for one family located within a principal building occupied by a permitted use in the district, with separate and individual kitchen, bath and toilet facilities, and a separate and distinct private entrance (i.e. "mother-in-law" apartment).
- c. *Efficiency apartment.* A dwelling unit with a bathroom and principal kitchen facilities designed as a self contained unit for living, cooking, and sleeping purposes, and having no separate designated bedroom.
- d. *Attached dwelling.* A dwelling unit attached to one or more dwelling units by common major structural elements.
- e. *Detached dwelling.* A dwelling unit that is not attached to any other dwelling unit by any means.
- f. *Manufactured dwelling.* A building or portion of a building designed for long-term residential use and characterized by all of the following:
 - (1) The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended.
 - (2) The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities.
 - (3) The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on the site.
- g. *Manufactured home.* A type of manufactured housing structure, transportable in one or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-

conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered manufactured homes for the purposes of this ordinance.

- h. *Modular dwelling.* A dwelling which consists of prefabricated units transported to the site in two or more sections on a removable undercarriage or flat-bed and assembled for permanent location upon a permanent foundation on the lot, and to which such major elements as the heating system or a substantial portion of the siding are installed after transport.
- i. *Multiple family building.* A building divided into apartments, townhouses or stacked flats and designed for residential occupancy by three or more families and so designed and arranged as to provide cooking and kitchen accommodations and sanitary facilities for three or more families.
- j. *Site built dwelling.* A dwelling unit that is substantially built, constructed, assembled, and finished on the lot intended to serve as its final location. Site-built dwelling units shall include dwelling units constructed of precut materials, and paneled wall, roof and floor sections where such sections require substantial on-site assembly and finishing.
- k. *Single-family dwelling.* A building designed exclusively for residential occupancy by not more than one family.
- l. *Stacked flats.* Attached dwelling units divided by party walls in the horizontal plane and floor-ceiling assemblies in the vertical plane. Each dwelling unit is capable of individual use and maintenance; and access, utilities, and service facilities are independent for each dwelling.
- m. *Townhouses.* Attached dwelling units divided by party walls extending the full height of the building. Each townhouse dwelling is capable of individual use and maintenance; and access, utilities, and service facilities shall be independent for each dwelling.
- n. *Two-family (duplex) dwelling.* A building designed exclusively for residential occupancy by two families, where dwellings are divided by party walls in the horizontal plane or floor-ceiling assemblies in the vertical plane.

Easement. A grant of one or more of the property rights by a property owner to or for use by the public or another person or entity.

Elderly housing. An institution other than a hospital or hotel, which provides housing or room and board to non-transient persons primarily 60 years of age or older. Housing for the elderly may include:

- a. *Dependent elderly housing.* A multiple-family housing form with central dining facilities provided as a basic service to each dwelling unit. Each dwelling unit may not contain cooking facilities, but must contain sanitary facilities.
 - (1) *Assisted living:* A dependent elderly housing facility without cooking facilities and only central dining service. Limited medical care is available.
 - (2) *Congregate care:* A dependent elderly housing facility with cooking facilities within the unit, but with a central dining service option. Limited medical care is available.
- b. *Independent elderly housing.* A multiple-family housing form with full facilities for self-sufficiency in each individual dwelling unit.
- c. *Senior housing.* Multiple-family dwelling units for independent living.

Erect. To build, construct, reconstruct, move, attach, hang, place, suspend, affix, paint or undertake any physical operation on the premises required for development of a building, sign, site or structure; including, but not limited to construction, grading, excavations, fill, and drainage activities.

Essential services. The erection, construction, alteration or maintenance, by public utilities or municipal departments, of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution

systems or collection, communication, supply or disposal systems therewith that are reasonably necessary for the furnishing of adequate service for the general health, safety and welfare.

- a. Poles, wires, mains, drains, sewers, pipes, conduits, transformers, splice boxes, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants or similar equipment and accessories associated with an essential service shall be considered essential services under this ordinance.
- b. Wireless communication towers or antennas, utility buildings and storage yards shall not be considered essential services under this ordinance.

Estate sale. The sale of used personal property belonging to the occupants of a residential dwelling and conducted on the residential lot to liquidate an estate.

Excavation. The removal, movement or breaking of ground, soil, gravel, stone or fill dirt, except common household gardening, farming, and general ground care of a residential or agricultural character.

Exception. An exclusion from the normal zoning ordinance rules and regulations allowed by the board of zoning appeals under certain conditions.

Exterior architectural feature. The architectural style, design, general arrangement, and components of all of the outer surfaces of a structure, as distinguished from the interior surfaces enclosed by such outer surfaces. Such exterior architectural feature shall include, by way of example but not by limitation, the kind, color, texture of the building material and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such structure, such as cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments.

Facade. The vertical plane of the exterior surface of a building, including all visible architectural, decorative, and structural features.

Family. Means either of the following:

- a. A domestic family, that is, one or more persons living together and related by the bonds of consanguinity (blood), marriage, or adoption, together with servants of the principal occupants and not more than one additional unrelated person, with all of such individuals being domiciled together as a single, domestic, housekeeping unit in a dwelling.
- b. The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family with a demonstrable and recognizable bond that constitutes the functional equivalent of the bonds that render the domestic family a cohesive unit. All persons of the functional equivalent of the domestic family must be cooking and otherwise housekeeping as a single, nonprofit unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group where the common living arrangement or the basis for the establishment of the functional equivalency of the domestic family is likely or contemplated to exist for a limited or temporary duration. There shall be a rebuttable presumption enforceable by the city planner in the first instance that the number of persons who may reside as a functional equivalent family shall be limited to six. Such presumption may be rebutted by appeal of the city planner's determination to the Board of Zoning Appeals, subject to the standards of this ordinance for such appeals.

Farming and active agricultural uses.

- a. *Farm.* The land, buildings, and machinery used in the commercial production of farm products. Farm products are plants and animals useful to human beings, including forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine, and other similar animals and products.

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- (1) Farms shall not include establishments for keeping or raising fur-bearing animals, private stables, commercial dog kennels, livestock production facilities, greenhouses or stockyards, except where such animal and agricultural uses are permitted by this ordinance.
 - (2) A farm permitted by this ordinance is not intended nor implied to permit storage or use of the site for trucking, equipment, vehicle repairs or sales, contractor yards, stump removal or processing, snow removal businesses, lawn maintenance businesses or any other activities other than those animal and agricultural uses permitted by this ordinance or incidental to the active agricultural use.
- b. *Farm buildings.* Any structure, other than a dwelling, which is constructed, maintained, and used on a farm, and which is essential and customarily used for agricultural operations.
 - c. *Livestock or farm animals.* Animals used for human food and fiber or animals used for service to humans, including cattle, swine, sheep, llamas, goats, bison, equine, poultry, and rabbits. Farm animals do not include companion animals, such as dogs and cats, which are capable of being trained and adapting to living in a human environment.
 - d. *Livestock production facility.* The concentrated feeding of farm animals within a confined area or feedlot, including beef and dairy cattle, goats, hogs, horses, poultry, sheep, and other livestock or fur-bearing animals.

Fence. Linear structures or partitions of definite height and location erected upon or near the dividing line between adjoining owners intended to serve as: a physical barrier to ingress or egress; a screen from objectionable vista or noise; a marker; an enclosure in carrying out the requirements of this ordinance; or for decorative use.

- a. *Chain-link fence.* A fence constructed of galvanized steel or similar materials as approved by the building inspector for the purpose of enclosing or securing an area.
- b. *Ornamental fence.* A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood or similar materials fabricated into a design with specific pattern elements or ornamentation, and which does not block vision to an extent greater than 50 percent. Ornamental fences shall not include chain-link or wire fences or fences of similar construction.
- c. *Privacy fence.* A fence constructed of wood, vinyl or similar materials that blocks vision to an extent greater than 50 percent for the purpose of obscuring or screening an area from public view.
- d. *Rail fence.* A fence constructed of wood, vinyl or similar materials and consisting of one to four horizontal rails connecting to vertical posts spaced a minimum of six feet apart, and which does not block vision to an extent greater than 50 percent.
- e. *Temporary fence.* A fence constructed of canvas, plastic, chain-link, wood or similar material for the purpose of enclosing or securing an area for a limited period of time; for securing a construction site against unauthorized access; or for public safety at a special event.

Filling. Filling shall mean the depositing or dumping of ground, soil, gravel, stone or fill dirt, except common household gardening, farming, and general ground care of a residential or agricultural character.

Floodplain. Any land area susceptible to being inundated by floodwaters when high amounts of precipitation are experienced or natural cyclic conditions raise the water levels. Determinants of a floodplain are as follows:

- a. That area which typically is adjacent to a river, stream, or other body of water, and is subject to flooding from a 100-year base flood.
- b. Principal estuary courses of wetland areas that are part of the river flow system.
- c. Contiguous areas paralleling a river, stream, or other body of water that exhibit unstable soil conditions for development.

Floor area. The sum total of the area of all buildings on a site excluding utility rooms and mechanical rooms, measured between the outer perimeter walls of the buildings, provided that space in a structure used for parking of motor vehicles shall not be computed in the floor area (see illustration).

- a. **Gross floor area (GFA).** The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, not including any basements, utility rooms, breezeways, unfinished attics, porches or attached garages.
- b. **Residential floor area.** The sum of the horizontal areas of each story of the dwelling, as measured from the exterior faces of the exterior walls or from the centerline of walls separating dwellings units. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, or porches.
- c. **Usable floor area (UFA).** That portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or to customers, patrons, clients or patients, including areas occupied by fixtures or equipment used for the display or sale of goods or merchandise, but not including areas used or intended to be used for the storage of merchandise, utility or mechanical equipment rooms or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it of four feet or more.

Frontage. A linear measurement of the lot line(s) abutting a road right-of-way, as measured along the right-of-way line, or at the front yard setback line for lots on cul-de-sacs.

Garage sale. The sale of used tangible personal property and household personal belongings of the householder, conducted on an individual lot occupied by the householder's dwelling; and not for the sale, display or trading of manufactured or processed goods or articles of commerce obtained either new or used for the purpose of sale or resale.

Garage, private. An accessory structure that is used for storage and maintenance of occupant-owned motor vehicles as an accessory use.

Garbage. Refuse, accumulation of all waste, animal, fish, fowl, fruit or vegetable matter incident to the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit and vegetables; including spoiled food, dead animals, animal manure and fowl manure.

Garden center. An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies, landscaping materials, and equipment.

Grade. A reference plane representing the average of the finished ground level adjoining the building at all exterior walls established for the purpose of regulating the number of stories and the height of buildings. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

- a. **Grade, average.** The arithmetic average of the lowest and highest grade elevations in an area within five feet of the foundation line of a structure.
- b. **Grade, finished.** The lowest point of elevation between the exterior wall of the structure and a line five feet from the exterior wall of the structure.
- c. **Grade, natural.** The elevation of the ground surface in its natural state, before construction begins.

Greenbelt. A strip of land, not less than five feet in width, which is planted with trees or shrubs in compliance with the requirements of this ordinance.

Height. The vertical distance measured from the grade of the building to the top of the highest roof beams of a flat roof, to the deck line for mansard roofs and to the mean height level (between eaves and ridges) for gable,

hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average grade of the terrace at the building wall. When a building faces on more than one road, the height shall be measured from the average of the grades at the center of each road front (see illustration).

Hazardous materials. Pursuant to the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended), "hazardous substance" shall include one or more of the following, but not including fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that are applied to the land for an agricultural use or for use as an animal feed, if the use is consistent with generally accepted agricultural management practices developed pursuant to the Michigan Right to Farm Act (P.A. 93 of 1981, as amended):

- a. Any substance that is demonstrated, on a case by case basis, to pose an unacceptable risk to the public health, safety, welfare, or the environment, considering the fate of the material, dose-response toxicity, or adverse impact on natural resources.
- b. "Hazardous substance" as defined in the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Public Law 96-510, 94 Stat. 2767).
- c. "Hazardous waste" as defined in the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).
- d. "Petroleum" as defined in the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).

Home occupation. Any business, occupation or activity undertaken for compensation within a dwelling unit that is incidental and secondary to the use of the structure as a dwelling unit.

- a. *Hobby.* An incidental activity carried on by the occupant of the premises for personal enjoyment, amusement or recreation, where the articles produced or constructed are not sold and the activity is not obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.
- b. *Home office.* An activity by the occupant of the premises within a dwelling unit that is incidental and secondary to the use of the structure as dwelling unit, in which work for compensation may include receiving or initiating telephone calls, mail, facsimiles or electronic-mail; preparing or maintaining business records; word or data processing; and similar activities.

Hospital. An institution providing in-patient or out-patient medical or surgical care for the acutely sick or injured, who are generally confined for relatively short periods of time, plus such accessory uses as laboratories, educational facilities, food services, and staff offices.

Hotel or inn. One or more buildings containing individual living or sleeping units primarily designed as temporary quarters for transient guests.

Improvements. Those features and actions associated with a project which are considered necessary to protect natural resources or the health, safety and welfare of the residents of the city, and future users or inhabitants of the proposed project or project area; including parking areas, landscaping, roadways, lighting, utilities, screening, and drainage. Improvements do not include the entire project subject to zoning approval.

Institutional uses. The following specific uses of an educational, social, or religious character, as defined or used in this ordinance:

- a. Public and private elementary and secondary schools, business schools or private schools operated for profit, and institutions for higher education.
- b. Auditoriums, theaters, concert halls, and similar places of assembly.
- c. Libraries, museums, and similar centers for cultural activities.
- d. Churches, temples, and other places of worship.

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- e. Post offices.
 - f. Private clubs, fraternal organizations, and lodge halls.

Junk. Any motor vehicle, machinery, appliance, product, merchandise with parts missing, scrap metal or other scrap material that is damaged, deteriorated or in a condition which cannot be used for the purpose for which the product was manufactured.

Kennel. Any building, lot or premises where four or more dogs or cats over 12 weeks of age are kept, or any structure, lot or premises where animals are kept or housed for remuneration. This definition shall not include premises used for residential purposes, where the occupant keeps personal pets.

Laboratory. A facility devoted to experimental study such as testing and analyzing, but not devoted to the manufacturing of a product or products.

Landfill. A tract of land that is used to collect and dispose of "solid waste" as defined and regulated under the Natural Resources and Environmental Protection Act (P.A. 451 of 1994, as amended).

Lighting. The following definitions are related to lighting:

- a. *Fixture.* The assembly that holds the lamp in a lighting system. The fixture includes the elements designed to give light output control, such as a reflector, lens, ballast, housing, and attachments.
- b. *Floodlight.* A fixture or lamp designed to direct light over a broad area.
- c. *Footcandle.* Illuminance produced on a surface one foot from a uniform point source of one candela, or when one lumen is distributed into an area of one square foot.
- d. *Fully shielded fixture.* An outdoor lighting fixture shielded or constructed so that all light emitted is projected onto the site and away from adjoining properties. Light from a fully shielded fixture is not visible from adjoining properties, and does not cause glare or interfere with the vision of motorists.
- e. *Glare.* An intense and blinding light that results in reduced visual performance and visibility, and is often accompanied by discomfort.
- f. *Lamp or bulb.* The source of electric light (to be distinguished from the whole assembly, which is called the luminaire). "Lamp" is often used to denote the bulb and its housing.
 - (1) *High pressure sodium (HPS) lamp.* High-intensity discharge lamp where radiation is produced from sodium vapor at relatively high partial pressures.
 - (2) *Incandescent or tungsten-halogen lamp.* A lamp that produces light by a filament heated to a high temperature by electric current.
 - (3) *Low pressure sodium (LPS) lamp.* A discharge lamp where the light is produced by radiation from sodium vapor at a relatively low partial pressure.
 - (4) *Mercury vapor lamp.* A high-intensity discharge lamp where the light is produced by radiation from mercury vapor.
 - (5) *Metal halide lamp.* A high-intensity discharge lamp where the light is produced by radiation from metal-halide vapors.
- g. *Laser source light.* An intense beam of light, in which all photons share the same wavelength.
- h. *Light trespass.* Light falling where it is not wanted or needed (also called spill light).
- i. *Lumen.* Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one candela. One footcandle is equal to one lumen per square foot. One lux is one lumen per square meter.

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- j. *Luminaire*. The complete lighting unit, including the lamp, fixture, and other parts.
 - k. *Non-essential lighting*. Outdoor lighting that is not required for safety or security purposes.
 - l. *Recessed fixture*. An outdoor lighting fixture recessed into a structure so that the bottom of the fixture is flush with the ceiling or underside of the structure.

Loading space. An off-road space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lodge. An association of persons meeting regularly for their mutual benefit or for the promotion of some common purpose, supported jointly through payment of membership dues, all members having the right to vote on club policies and business.

Lot. A parcel of land consisting of one or more lots of record occupied or intended to be occupied by a principal building or use and any accessory structures, and having frontage upon a public or private road (see illustration).

- a. *Corner lot*. A lot located at the intersection of two roads or a lot bounded on two sides by a curving road, where any two chords of which form an angle of 135 degrees or less.
- b. *Double frontage or through lot*. A lot other than a corner lot having frontage on two more or less parallel roads.
- c. *Interior lot*. A lot other than a corner lot with only one lot line fronting on a road.
- d. *Zoning lot*. A parcel or tract of land under single ownership or control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, access, and open space as required herein. "Single ownership" may include ownership by an individual, a corporation, a partnership, an incorporated association, joint tenancy, or any similar entity. A zoning lot may consist of any one of the following:
 - (1) Single lot of record.
 - (2) Portion of a lot of record.
 - (3) Combination of lots of record, or portion(s) thereof.
 - (4) Condominium lot.
 - (5) Parcel or tract of land described by metes and bounds.

Lot area.

- a. *Gross lot area*. The total area of land contained within the boundaries of a zoning lot, including rights-of-way, easements, floodplains, wetlands and waterbodies.
- b. *Net lot area*. Gross lot area minus any portions of the zoning lot located within dedicated rights-of-way, drainage easements or bodies of water.
- c. *Lot coverage*. A ratio, expressed as a percentage, of the lot area covered or occupied by buildings or structures to the net lot area of the zoning lot.

Lot depth. The mean horizontal distance measured from the front road right-of-way line to the rear lot line.

Lot line. Any line dividing one lot from another lot or from a road right-of-way or from any public place.

Specifically:

- a. *Front lot line*. The line separating a lot from a road right-of-way.
 - (1) In the case of a private road that does not have a dedicated right-of-way, this line shall be parallel to and 33 feet back from the centerline of the pavement.

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- (2) Where lots border upon waterbodies, the front lot line shall be designated as that line fronting on the water.
 - (3) On a flag lot, the front lot line shall be the interior lot line most parallel to and nearest the street from which access is obtained
 - b. *Rear lot line.* The boundary that is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an assumed line parallel to the front lot line not less than ten feet long lying farthest from the front lot line and wholly within the lot.
 - c. *Side lot line.* Any lot line not a front lot line or a rear lot line.

Lot of record. A parcel of land, the dimensions of which are shown on a subdivision plat recorded with the county register of deeds and the city assessor, or a lot or parcel described by metes and bounds, and accuracy of which is attended to by a land surveyor registered and licensed in the State of Michigan and is recorded with the county register of deeds and the city assessor.

Lot split or consolidation. The dividing or uniting of lots by virtue of changes in the deeds recorded with the county register of deeds and the city assessor.

Lot width. The horizontal distance between the side lot lines, measured at the two points where the building line or setback line intersects the side lot lines.

Manufactured home. A structure, transportable in one or more sections, which is built on a non-motorized chassis and designed to be used with or without a permanent foundation as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. A manufactured home shall not include modular homes, motor homes, house trailer, trailer coach or travel trailers.

- a. *Manufactured home, HUD-code.* A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 CFR § 3282.8(g).
- b. *Manufactured home site.* An area within a manufactured housing park that is designated for the exclusive use of a specific manufactured home.

Manufactured housing park. A parcel or tract of land under the control of a person upon which three or more manufactured homes are located on a continual, non-recreational basis; and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a manufactured home; subject to the rules and requirements of the Mobile Home Commission Act (Public Act 96, of 1987, as amended) and the Manufactured Housing Commission General Rules.

Marquee. A structure of a permanent nature projecting from the wall of a building.

Massage. The manipulation of body muscle or tissue, by rubbing, stroking, kneading, tapping or vibrating, through the use of a physical, mechanical or other device, of the body of another for a fee.

- a. *Massage therapist.* An individual specifically trained and licensed or certified in therapeutic massage by the American Massage and Therapy Association, International Myomassethics Federation or successor organizations.

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- b. *Therapeutic massage.* A method by which a person utilizes his or her hands, feet or an instrument for treating the superficial parts of a customer's body for medical, hygienic, relaxation or therapeutic purposes by rubbing, stroking, kneading, tapping, pounding or vibrating.

Master plan. The adopted Comprehensive Plan of the City of Richmond, including graphic and written text indicating the city's development goals and objectives, planned future use of all land within the city, general location for roads, parks, schools, public buildings, and all physical development, and any portion or amendment to such plan.

Medical marihuana dispensary, compassion center, or other similar operation for the consumption of medicinal marihuana. Any facility or location where medical marihuana is grown or possessed, or where a means is provided for the purpose of distributing or facilitating the distribution to a nonqualified patient, an entity, or registered primary caregiver who does not reside at the location where the medical marihuana is grown, cultivated, or possessed, or any facility or location where medical marihuana is grown, processed, possessed, or where a means is provided for the purpose of distributing or facilitating the distribution of medicinal marihuana to more than five qualified patients.

Mezzanine. An intermediate or fractional story between the floor and ceiling of any story occupying not more than one-third of the floor area of such story.

Microbrewery. A brewer licensed by the State of Michigan that produces and manufactures in total less than 30,000 barrels of beer per year, and who may sell at the licensed brewery premises the beer produced and manufactured to consumers for consumption on or off the licensed brewery premises. In determining the 30,000 barrel threshold, all brands and labels of a brewer, whether brewed in this state or outside this state, shall be combined and all facilities for the production and manufacture of beer that are owned or controlled by the person(s) shall be treated as a single facility.

Mining. The development or extraction of one or more minerals, including topsoil, sand and gravel, from its natural occurrence on or in land or waters. The term mining shall not apply to on-site activities of a fully permitted and lawful construction project.

Mixed use. A structure or project containing residential and non-residential uses.

Motor vehicle fueling station. A place used for the retail sale and dispensing of fuel together with the fixed equipment from which the fuel is dispensed directly into motor vehicles.

Motor vehicle repair station. An enclosed building where minor and major motor vehicle repair services may be carried out.

Motor vehicle service center. A place where motor oil and lubricants are sold directly to the public on the premises for the purposes of operation of motor vehicles; including the sale of minor accessories (such as tires, batteries, brakes, shock absorbers, window glass) and the servicing of and minor repair of motor vehicles.

- a. *Minor repair.* Engine tune-ups and servicing of brakes, air conditioning exhaust systems; oil change or lubrication; wheel alignment or balancing; steam cleaning, undercoating and rust-proofing; or similar servicing or repairs that do not normally require any significant disassembly.
- b. *Major repair.* Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; and similar servicing, rebuilding or repairs.

Natural area. A land area or body of water which is generally not occupied by structures, roads, or other manmade elements, and which contains flora, fauna, biotic, geologic or other similar features having scenic, educational, or scientific value to residents. An area may be considered "natural" even though excavation, filling or other similar activity may have previously occurred.

Natural resources. Natural resources include land, soils, wetlands, floodplains, surface and ground water, topography, trees and other types of vegetative cover, subsurface strata, geologic formations, animal life, and naturally occurring substances and living organisms that can be useful to people. Natural resources are of two types; renewable (e.g., plants and trees) and nonrenewable (e.g., mineral resources). Natural resources may also be referred to as "natural features" in this ordinance.

New construction. Structures for which the "start of construction" commenced on or after the effective date of this ordinance.

Noise. Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

- a. *A-weighted sound level.* The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read may be designated dB(A).
- b. *Day-night average sound level.* The 24-hour energy average of the A-weighted sound pressure level, with the levels during the period of 10:00 p.m. to 7:00 a.m. the following day increased by ten dB(A) before averaging.
- c. *Emergency.* Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate attention.
- d. *Impulsive sound.* Sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and discharge of firearms.
- e. *Noise disturbance.* Any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures personal or real property.
- f. *Noise sensitive zone.* An area which contains noise-sensitive activities such as but not limited to, operations of school libraries, churches, hospitals, and nursing homes.
- g. *Pure tone.* Any sound that can be distinctly heard as a single pitch, or a set of single pitches.
- h. *Sound.* An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium.
- i. *Sound level.* The weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network (for the purposes of this ordinance an A-weighted network), as specified by the *American National Standards Institute*.
- j. *Vibration.* An oscillatory motion of solid bodies of deterministic or random nature described by displacement, velocity, or acceleration with respect to a given reference point.

Nonconformities.

- a. *Cease.* To terminate, abandon or discontinue a use of land for a period of time that, under the provisions of this ordinance, would prevent the use from being resumed.
- b. *Nonconforming lot.* A platted or unplatted parcel of land lawfully existing at the effective date of this ordinance or amendments thereto that does not conform to Ordinance provisions for the district in which it is located.
- c. *Nonconforming sign.* See "signs."
- d. *Nonconforming site.* A parcel of land that was developed or improved with structures and other site improvements prior to the date of adoption of current ordinance provisions for site design, landscaping, pedestrian access, exterior lighting, paving or other site elements.

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- e. *Nonconforming structure.* A structure or portion thereof lawfully existing at the effective date of this ordinance or amendments thereto that does not conform to ordinance provisions for the district in which it is located, but is otherwise in compliance with all other applicable federal, state, county, and city laws ordinances, regulations and codes.
 - f. *Nonconforming use of land.* A use that lawfully occupied a parcel of land or structure and land in combination at the effective date of this ordinance or amendments thereto that does not conform to the use regulations of the district in which it is located or does not have special use approval (where provisions of this ordinance require such approval), but is otherwise in compliance with all other applicable federal, state, county, and city laws, ordinances, and regulations.
 - g. *Preferred class nonconforming designation.* A nonconforming structure or use of land that has been designated by the planning commission to be allowed to be perpetuated and improved in accordance with the provisions of this ordinance and an approved site plan.
 - h. *Unlawful structure.* A structure or portion thereof, which is not a conforming or a nonconforming structure or is not in compliance with all applicable federal, state, county and city laws ordinances, regulations, and codes.
 - i. *Unlawful use of land.* A use that occupies one or more contiguous parcels of land or structures and land in combination, which is not a conforming or a nonconforming use or is not in compliance with all applicable federal, state, county, and city laws, ordinances, regulations, and codes.

Noxious. An element creating an impact that may interfere with the enjoyment and use of property, including smoke, odors, noise, vibration, glare or heat.

Nuisance. Any offensive, annoying, unpleasant or obnoxious object or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a lot line that prevents the free use of property or renders normal use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts that give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, or endangers life and health.

Nursery. A space, structure or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this ordinance does not include any space, structure used for the sale of fruits, vegetables or Christmas trees.

Obscene material. As defined in the State of Michigan Public Act 343 of 1984; any "material" [as defined in MCL 752.362.2(4), as amended] found to be "obscene" [as defined in MCL 752.362.2(5), as amended].

Occupancy or occupied. The purpose for which a building or part thereof is used or intended to be used. The term "occupied" includes "arranged," "designed," "built," "altered," "converted to," "rented," "leased" or "intended to be inhabited."

Occupancy load. The maximum capacity of a structure or building space, expressed in the number of individuals normally permitted to occupy the structure or building space.

Open air business. Any business that is conducted primarily out-of-doors. Unless otherwise specified by this ordinance, "open air business" shall include:

- a. Outdoor dealership sales and display lots.
- b. Retail sales of garden supplies and equipment, including but not limited to trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.
- c. Roadside stands for the sale of agricultural products.

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- d. Various commercial outdoor recreation uses, including, but not limited to tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.
 - e. Outdoor display and sale of garages, swimming pools, playground equipment, and other equipment or merchandise.

Open space. All land within a development that has been set aside as common land, under public or private ownership or control, for recreation, conservation, agricultural uses, preservation in an undeveloped state or similar use.

Outdoor sales or display. The placement or exhibition of products or services on a lot outside of a building. See also "open air business."

Outdoor storage yard. An open area where including but not limited to scrap iron and other metals, paper rags, rubber tires, and bottles. The term includes automobile wrecking yards and any area of more than 200 square feet used for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings or drop-off stations for recyclables.

- a. *Outdoor motor vehicle storage or dismantling yard or junk yard.* An open area used for any of the following purposes:
 - (1) Purchase, sales, exchange, storage, baling, packaging, disassembly or handling of used parts of motor vehicles, old iron, metal, glass, paper, cordage or other waste, used or secondhand material;
 - (2) Any business and any place of storage or deposit which includes two or more motor vehicles that are unfit for reconditioning or use on the public highways or used parts of motor vehicles, but excluding vehicles in operable condition specially adapted or constructed for racing, and vehicles retained by the owner for antique collection or transportation purposes.

Outlot. A parcel of land designated on a site plan for future development.

Package liquor store. A retail establishment licensed by the State of Michigan where more than ten percent of the gross floor area is utilized for the storage, display, and sale of alcoholic liquor, wine, beer, and other alcoholic beverages in the original package for consumption off the premises.

Park. Any developed park, playground, beach, outdoor swimming pool, golf course, tennis courts or otherwise intended for active or passive recreational pursuits.

Parking lot. A facility located outside of the road right-of-way providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided for unrestricted access and egress.

- a. *Parking space.* A space set aside for the sole purpose of parking an automobile on a temporary basis.

Pavement or hard surface. Plant-mixed bituminous material, concrete, brick, masonry pavers or similar durable materials approved by the city.

Performance guarantee. A financial guarantee to ensure that all improvements, facilities, or work required by this ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications of the development.

Person. An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

Pet. A domesticated dog, cat, bird, gerbil hamster, guinea pig, turtle, fish, rabbit, or other similar animal that is commonly available and customarily kept for pleasure or companionship.

Planning commission. The planning commission for the City of Richmond, as authorized by the Municipal Planning Act (P.A. 285 of 1931, as amended) and the City and Village Zoning Act (P.A. 207 of 1921, as amended).

Plat. A map of a subdivision of land.

Pond. An substantial accumulation or impoundment of surface water exceeding 1,000 square feet in surface area and two feet in depth; or any soil excavation, digging, or grading resulting in a substantial accumulation or impoundment of surface water or pumped water.

Porch. A stoop, terrace or similar un-enclosed (other than mesh screening and any necessary structural supports or architectural or safety features) exterior structure, with or without a roof, that serves as an entrance to a structure and a transition zone between indoor and outdoor areas.

Premises. A single zoning lot or multiple adjacent lots under common ownership occupied by a single principal use or integrated principal uses that are not separated by intervening roads, alleys, utility or railroad rights-of-way or other interruptions.

Private club. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics or the like, but not operated for profit.

Recognizable and substantial benefit. A clear benefit, both to the ultimate users of the property in question and to the community, which would reasonably be expected to accrue, taking into consideration the reasonably foreseeable detriments of the proposed development and uses. Such benefits may include long-term protection or preservation of natural resources and natural features, historical features, or architectural features; or, elimination of a nonconforming use or structure.

Recreation establishment, indoor. A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.

Recreation establishment, outdoor. A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and children's amusement parks.

Recreation area. Any public or privately owned outdoor space that is made available and maintained in a suitable condition for passive and active recreational activities, such as swimming, picnicking, hiking, nature study, hunting, boating, fishing or other recreational purposes.

Recreational vehicle. A vehicle which is self-propelled or permanently towable by motor vehicle; designed primarily for use as temporary living quarters, or for recreational, camping, travel or seasonal use; and required by Michigan law to have a valid vehicle registration when traveling upon public roads. Recreational vehicles shall include the following:

- a. *Boats and boat trailers.* Motorized or floatation equipment which may be used on the water, plus the normal equipment used to transport the same on the highway. "Boats and "boat trailers" shall include jet skis and other personal watercraft, floats, rafts, and similar devices and equipment.
- b. *Folding tent trailer.* A folding structure, mounted on wheels and designed for travel and vacation use.
- c. *Motor home.* A portable dwelling designed and constructed as an integral part of a self-propelled vehicle, built on a single chassis of 600 square feet or less, and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.
- d. *Pickup camper.* A portable dwelling designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation uses.

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- e. *Travel trailer.* A portable dwelling built on a single chassis of 400 square feet or less, constructed to be towed on its own chassis, and designed primarily for use as temporary living quarters for recreational, camping, travel or seasonal use.
 - f. *Horse trailer.* A structure, mounted on wheels and designed primarily to be used for the transportation of horses.
 - g. *Snowmobiles, go-carts, motorcycles, mopeds, dirt-bikes, or dunebuggies.* Motorized vehicles designed primarily for recreational travel or off-road use.
 - h. *Utility trailers.* A vehicle used to transport boats, motorcycles, snowmobiles, go-carts, and similar devices and equipment.

Repair and maintenance, ordinary. Any work to correct deterioration or decay of or damage to a structure or site improvement, which is intended to restore the structure or site improvement to its original condition, as nearly as feasible. Ordinary repair and maintenance does not include a change in design, material or outward appearance, but does include in-kind replacement or repair.

Restaurant. Any establishment whose principal business is the sale and serving of food and beverages to the customer in a ready-to-consume state that is open regularly for the service of food to customers for compensation, and whose design and method of operation include suitable seating for customers or a service counter for carry-out orders; adequate and appropriate commercial kitchen and food storage facilities for preparation and service of an assortment of foods commonly ordered at various hours of the day or night; and serving of food and beverages by a restaurant employee at the table where such items will be consumed or at the counter where such items are ordered.

- a. *Carry-out restaurant.* Any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose design and method of operation include:
 - (1) Food and beverages are usually served in edible containers or in paper, plastic or other disposable containers.
 - (2) The consumption of food and beverages within the restaurant building, within a motor vehicle parked upon the premises or at other facilities in the premises outside the restaurant building is posted as being prohibited, and such prohibition is strictly enforced by the restaurateur.
- b. *Restaurant, drive-in.* Any establishment whose principal business is the sale of food and beverages to the consumer in a ready-to-consume state, and whose design and method of operation include:
 - (1) Food and beverages are served directly to the customer in a motor vehicle either by a car-hop or by other means that eliminates the need for the customer to exit the motor vehicle.
 - (2) The consumption of food and beverages within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building is allowed, encouraged or permitted.
- c. *Drive-through restaurant.* A restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off of the premises.

Retail stores and retail sales. A showroom, sales floor, display area or similar facility for the selling, trading and exchanging of goods, wares or merchandise for direct consumption (not for resale) directly to the consumer and completely within an enclosed building.

- a. Such goods, wares or merchandise shall include appliances, bicycles, books, clothing, crafts, drugs and pharmaceutical items, dry goods, electronics, flowers, home furnishings, gifts, grocery and produce items, hardware, jewelry, musical instruments and supplies, optical goods, paint or wallpaper, pets, photographic supplies, recorded music, sporting goods, toys, and similar items.

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- b. Included in this definition are convenience stores, department stores, variety stores, "big-box" stores, supermarkets, wholesale club stores, shopping centers and shopping malls.
 - c. Also included in this definition are mail-order sales, Internet sales and similar activities, provided such activities are accessory to the principal use of retail sales to the customer in the building.
 - d. This definition does not include temporary uses, outdoor display or sales areas or adult uses and sexually-oriented businesses.

Retention basin. A pond, pool, or basin used for the long-term storage of water runoff.

Right-of-way. A road, alley, railroad or similar easement or dedication of land permanently established for passage of persons or vehicles or placement of public and semi-public utilities under the legal authority of the agency with jurisdiction.

Roadside stand. A temporary structure or use operated for the purpose of seasonally selling agricultural products, a portion of which are raised or produced on the same premises by the proprietor of the stand. A roadside stand shall not include small operations consisting of a portable table that are operated intermittently.

Room. For the purpose of determining lot area requirements and density in a multiple-family district, a living room, dining room and bedroom, equal to at least 80 square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one-, two- or three-bedroom units and including a "den," "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.

School, nonpublic. A nonpublic school is any school other than a public school giving instruction to children below the age of 16 years and not under the exclusive supervision and control of the officials having charge of the public schools of the state. Nonpublic schools include private, denominational, and parochial schools.

School, public. A public school is a public elementary or secondary educational entity or agency that has as its principal mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, local act school district, special act school district, intermediate school district, public school academy corporation, public state university or by the department or state board.

Self-storage warehouse. A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

Separate ownership. Ownership of a lot wherein the owner does not own adjoining lot(s). Such ownership may include dual or multiple ownership by a partnership, corporation or other group, provided that any number of contiguous lots of record may be considered as a single lot of record, for the purpose of this ordinance.

Setback. The minimum horizontal distance required to exist between any building line and all adjacent lot boundaries or road rights-of-way (see illustration).

- a. *Parking lot setback.* The minimum horizontal distance between the road right-of-way or lot line and the near edge of pavement in an off-road parking lot.
- b. *Maximum setback.* The maximum permitted horizontal distance between a front lot line or street right-of-way and a building line required to comply with required yard provisions of this ordinance. Also called a "build-to-line."
- c. *Minimum setback.* The minimum required horizontal distance between a front, rear or side lot line and a building line required to comply with required yard provisions of this ordinance.

Shopping center. A group of commercial establishments, owned and managed as a unit; and related in location, size, and type of shops to the trade area it serves.

Sign. Any surface, fabric, device, display, structure, fixture, placard, or similar visual medium, including all component parts, which bears writing, representations, emblems, graphic designs, logos, trademarks, pictorial forms, sculptured matter or any figures of similar character or the purpose of conveying information, or informing or attracting the attention of persons. Signs shall include banners, bulbs, other lighting devices, streamers, pennants, balloons, propellers, flags or similar devices.

Unless otherwise indicated, the definition of "sign" includes interior or exterior signs that are visible from any public street, sidewalk, alley, park or public property, but not signs that are primarily directed at persons within the premises where the sign is located.

- a. *Abandoned sign.* A sign accessory to or associated with a use that has been discontinued or terminated for more than 180 days.
- b. *Accessory sign.* A sign that pertains to the principal use of the premises.
- c. *Billboard or non-accessory signs.* Signs that do not pertain to the principal use of the premises, or that advertises businesses, products, services, facilities or events not sold, distributed or furnished on the premises on which the sign is located. Also referred to as "outdoor advertising," or "off-premises signs."
- d. *Building-mounted sign.* A display sign that is painted on, adjacent to or attached to a building wall, door, window or related architectural feature.
 - (1) *Awning sign.* A sign that is painted or printed on, or attached to an awning or canopy.
 - (2) *Building directory.* A wall sign where individual occupants of a building whose space is not located on the street level facade may display information directing visitors to their portion of the building.
 - (3) *Nameplate.* A small wall sign accessory to the address numbers of a building, which may display additional identifying information for the building, occupants or uses.
 - (4) *Projecting sign.* A display sign attached to or hung from a structure projecting from and supported by the building, and extending beyond the building wall, building line or road right-of-way line.
 - (5) *Wall sign.* A sign painted on, or attached parallel to the exterior surface of a building wall, door, window or related architectural feature and extending not more than 18 inches from the wall with no copy on the sides or edges.
 - (6) *Window sign.* A sign affixed to or installed inside a window so as to be observable from the exterior of the building.
- e. *Clearance.* The vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework and embellishments.
- f. *Color value.* The perception of an internally illuminated color's lightness or darkness or a description of the overall intensity or strength of the light through the illuminated color, expressed as a ratio or percentage.
 - (1) *Saturation.* The dominance of hue in the color, expressed as a percentage of the dominant wavelength to other wavelengths in the color.
- g. *Damaged sign.* A sign or supporting structure that is torn, defaced, dented, smashed, broken, vandalized or destroyed.
- h. *Decorative display.* A decorative, temporary display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.

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- i. *Ground sign.* A freestanding sign supported by one or more columns, uprights or braces in the ground surface, or mounted directly to a base with no clearance between the established grade and the bottom of the sign.
 - j. *Noncombustible material.* Any material that will not ignite at or below a temperature of 1,200 degrees Fahrenheit and will not continue to burn or glow at that temperature.
 - k. *Nonconforming sign.* A sign which was erected legally, but which is not in compliance with current Ordinance provisions for signs. The definition of "nonconforming sign" shall not include any sign located within a street right-of-way, or any sign that is missing necessary structural and functional components.
 - l. *Portable sign.* A sign that is not permanently affixed to the ground or structure and is capable of being easily moved from one location to another.
 - m. *Roof sign.* Any sign erected or maintained on or above the roof of the building, or that extends above the roofline.
 - n. *Sign area.* The gross surface area within a single continuous perimeter enclosing the extreme limits of all sign copy or surface of any internally-illuminated sign, awning or canopy. Such perimeter shall not include any structural or framing elements lying outside the limits of such sign and not forming an integral part of the display.
 - o. *Signable area.* The area of the street level portion of a principal building's front facade wall, including doors and windows, facing a public street where the address or primary public entrance is located.
 - p. *Sign copy.* Writing, representations, emblems, logos, pictorial forms, sculptured matter or any figures of similar character, together with any frame, tower or other materials, color or internally-illuminated area forming an integral part of a display to convey information or attract attention.
 - (1) *Animated copy.* Sign copy that flashes, moves, revolves, or is otherwise altered or changed by mechanical or electrical means.
 - (2) *Changeable copy.* Moveable letters or other forms of static sign copy, not including animated copy, which can be altered by mechanical or electrical means without replacing the sign copy area.
 - q. *Sign height.* The vertical distance measured from the average grade at the sign location to the highest point of the sign.
 - r. *Site entry feature with signage.* A sign located at the entrance to a residential development, industrial park or similar development for the purpose of identifying an entrance, defining a gateway or creating a common identity for the development.
 - s. *Temporary sign.* Display signs, banners, balloons, festoons or other advertising devices constructed of cloth, canvas, fabric, plastic or other light temporary material, with or without a structural frame or any other sign intended for a limited period of display, but not including decorative displays for holidays or public demonstration.
 - (1) *Balloon.* Any air filled or gas filled object tethered to a fixed location and used as a means of directing attention to any business, profession, commodity, service, product or entertainment.
 - (2) *Banner.* A temporary sign made of fabric or other non-rigid material with no enclosing framework.
 - (3) *Festoons.* A string of ribbons, tinsel, small flags or pinwheels.

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- t. *Unlawful sign.* A sign for which no valid permit was issued by the city at the time such sign was erected or a sign that is not in compliance with the current zoning ordinance and does not meet the definition of a nonconforming sign.
 - u. *Unsafe sign.* A sign that is not properly secured, in danger of falling or otherwise in a condition that is hazardous to the public health, safety or welfare.

Site plan. A scaled drawing illustrating existing conditions, detailing the proposed use and development of a zoning lot, and including all required elements applicable to the proposed development to ensure compliance with this ordinance.

Soil. The word soil as used herein shall be topsoil, subsoil, sand, gravel, muck or any other type of natural earthy material.

Stable, private. An accessory structure used for stabling, feeding, and exercising of horses and other livestock owned by the occupants or boarded by private agreement.

State licensed residential facility. A structure or facility constructed for residential purposes to provide resident services and 24-hour supervision or care for six or fewer persons in need of supervision or care, or as licensed by the State of Michigan under the Adult Foster Care Facility Licensing Act (P.A. 218 of 1979, as amended) or Child Care Organizations Act (P.A. 116 of 1973, as amended).

Steep slopes. Slopes with a grade of 12 percent or more.

Story. That part of a building, except a basement or mezzanine as defined herein, included between the upper surface of any floor and the upper surface of the floor or roof next above it (see illustration).

- a. A mezzanine shall be deemed a full story when it covers more than one-third of the area of the story underneath, or, if the vertical distance from the floor next below the mezzanine to the floor above it is 24 feet or more.
- b. A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is half than the vertical distance from the average grade to the ceiling.

Story, half. An uppermost story lying under a sloping roof having an area of at least 200 square feet in area with a clear ceiling height of seven feet six inches. For the purposes of this ordinance, the usable floor area is only that area having at least five feet clear height between floor and ceiling (see illustration).

Street. A public or private thoroughfare or way, other than public alley, which affords principal means of access to adjacent land.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to, buildings, manufactured homes, aboveground swimming pools, radio towers, sheds, signs, and storage bins, but excluding sidewalks and paving on roads, driveways, parking areas, and patios.

Subdivision. A type of development and method of dividing real property, as defined in the Land Division Act (P.A. 288 of 1967, as amended) and Chapter 82 (Subdivisions) of the City of Richmond Code of Ordinances.

Swimming pool. Any structure or container located above or below grade designed to hold water to a depth of greater than two feet and intended for swimming or bathing. A swimming pool is an accessory structure for purposes of this ordinance.

- a. *Wading pool.* Any receptacle utilized for holding water that has a water depth not exceeding two feet and intended for swimming or bathing.

Tavern (pub). An establishment licensed by the State of Michigan to sell at retail and serve alcoholic beverages on the premises where less than 30 percent of the gross floor area is made up of a bar, being a barrier or counter at which any alcoholic beverages are sold or served to and consumed by customers, and also including

areas dedicated for the use of stages, dance floors, standing-room areas, pool tables, and other mechanical amusement devices.

Temporary structure. A structure permitted to exist during periods of construction, special events, and other limited time periods.

- a. *Tent.* A shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground.

Tract. Two or more parcels that share a common property line and are under the same ownership.

Truck terminal. The use of land or buildings for the temporary parking of motor freight vehicles or trucks of common carriers, during loading and unloading and between trips, including necessary warehouse space for storage of transitory freight.

Undeveloped state. Land in a natural condition; preserving natural resources, natural features or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state shall not include a golf course, but may include passive recreational facilities; including recreational trails, picnic areas, children's play areas, greenways or linear parks. Land in an undeveloped state may be, but it not required to be, dedicated to the use of the public.

Use. The purpose for which land or premises or a building thereon, is designed, arranged or intended or for which it is occupied maintained, let or leased.

- a. *Accessory use.* A use naturally and normally incidental to, subordinate to and devoted exclusively to the principal use or building of the premises.
- b. *Permitted use.* A use permitted in each zoning district by right subject to site plan review approval.
- c. *Principal use.* The main or primary use of the land or structures; or an activity permitted by right in the district, subject to the standards of this ordinance.
- d. *Seasonal use.* A temporary use permitted and regulated pursuant to this ordinance for a limited period of time conducted every year at the same time of year, such as, but not limited to, the sale of Easter flowers or Christmas trees.
- e. *Special condition use.* An activity that may be detrimental to other land uses permitted within the same district, but that may be permitted subject to certain conditions or limitations designed to insure that the use is compatible with other permitted uses in the district.
- f. *Temporary use.* A use permitted and regulated pursuant to this ordinance for periods of time that are limited in duration as specified by this ordinance.

Utility, public or private. A person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing, under federal, state or municipal regulations or franchise agreements, to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water. Wireless communications towers or antennas shall not be considered public or private utilities under this ordinance.

Variance. A modification of the literal provisions of this ordinance granted by the board of zoning appeals.

Veterinary clinic or hospital. An office of a duly licensed veterinary professional for diagnosis, treatment, surgery and other veterinary care of domestic animals, horses, livestock and other animals.

Walls.

- a. *Decorative.* A screening structure walls of definite height and location constructed of an aesthetically pleasing masonry or rock material, such as face brick, stone or decorative block.
- b. *Obscuring.* An obscuring structure of definite height and location constructed of masonry, concrete or similar material.

Wetland. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the land surface or the land is saturated with or covered by water. Some wetland areas are more commonly referred to as bogs, swamps or marshlands. Wetlands shall also have one or more of the following attributes:

- a. At least periodically, the land supports predominantly hydrophytes.
- b. The substrate is predominantly un-drained hydric soil.
- c. The substrate is saturated with water or covered by shallow water at some time during the growing season of each year.

Wetland, regulated. Certain wetlands as regulated by the Michigan Department of Environmental Quality (MDEQ) that are contiguous to an inland lake, pond, river or stream; or are more than five acres in size but not contiguous to an inland lake, pond, river or stream. This definition shall also include other wetlands where the MDEQ determines, with notification to the landowner, that protection is essential to preserve natural resources of the state from pollution, impairment or destruction.

Wireless communications facility. All structures, equipment and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals.

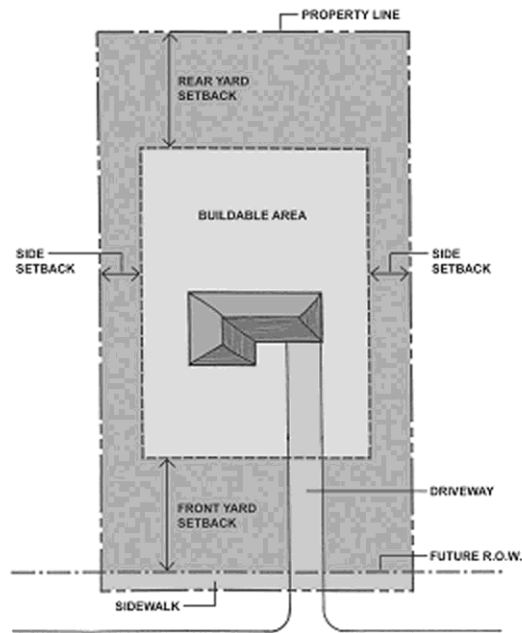
- a. *Abandoned tower or antenna.* An antenna that is not operated for a continuous period of twelve months or a tower constructed or maintained without an operational antenna shall be considered abandoned.
- b. *Amateur radio antenna.* An antenna and associated support structure that is owned and operated by a federally licensed amateur radio station operator for personal use.
- c. *Antenna.* Any exterior transmitting or receiving device mounted on a tower, structure and used in communications that radiate or capture electromagnetic waves, digital or analog signals, radio frequencies (except radar) or other wireless communication signals.
- d. *Backhaul network.* The lines that connect a provider's towers or antennas to one or more switching offices, long-distance providers or public-switched telephone network.
- e. *Co-location.* The location of two or more wireless telecommunication facilities on a common structure, tower or building.
- f. *Equipment enclosure.* A dedicated and secured area for the placement of accessory structures and equipment associated with a wireless communications facility.
- g. *Satellite dish.* An antenna structure designed to receive from or transmit to orbiting satellites.
- h. *Stealth tower.* Man-made trees, clock towers, bell steeples, utility poles, flagpoles and similar decorative structures that camouflage or conceal the presence of antennas or towers.
- i. *Tower.* A structure, and any support thereto, designed primarily for the purpose of supporting one or more antennas for wireless communication purposes, including, but not limited to monopoles, lattice towers, light poles, wood poles and guyed towers and other structures.

Yard. An open space of prescribed width or depth on the same zoning lot with a building or group of buildings between the building or group of buildings and the nearest lot line, and is unoccupied from the ground upward except as otherwise provided herein (see illustration).

- a. *Front yard.* An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between any front lot line or road right-of-way and the nearest point of the principal building.

- b. *Rear yard.* The yard directly opposite the designated front yard; or an open space extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building.
- c. *Required yard.* An open space or yard area that conforms to the requirements of this ordinance for yard, setback or other open space requirements.
- d. *Side yard.* An open space extending from the front yard to the rear yard on the side of the principal building between the building and the side lot line, the width of which is the minimum horizontal distance between the side lot line and the nearest point of the principal building.

Zoning permit. Authorization given by the City of Richmond to use land or structures for uses permitted under this ordinance; to erect, construct or alter structures in the city in conformity with this ordinance; or to maintain or conduct other specified activities permitted by this ordinance.



Building Envelope

(Ord. No. 156-13, 11-21-11; Ord. No. 156-21, § I, 1-3-18)

ARTICLE 26. SEVERABILITY, REPEAL, EFFECTIVE DATE, AND ADOPTION

Sec. 26.01. Severability.

If any part, sentence, paragraph, section or provision of this ordinance or application thereof is adjudged unconstitutional or invalid, such invalidity shall not affect the remaining portion or application, or validity of this ordinance as a whole. It is hereby declared that the legislative intent would have been to adopt this ordinance as if the invalid provision had not been included.

Sec. 26.02. Repeal of previous ordinances.

All previous zoning ordinances adopted by the City of Richmond, and all amendments thereto, are hereby repealed as of the effective date of this ordinance, together with all other ordinances, or parts thereof, that conflict with this ordinance.

However, no offense committed nor penalty incurred prior to the effective date of this ordinance shall be affected or impaired:

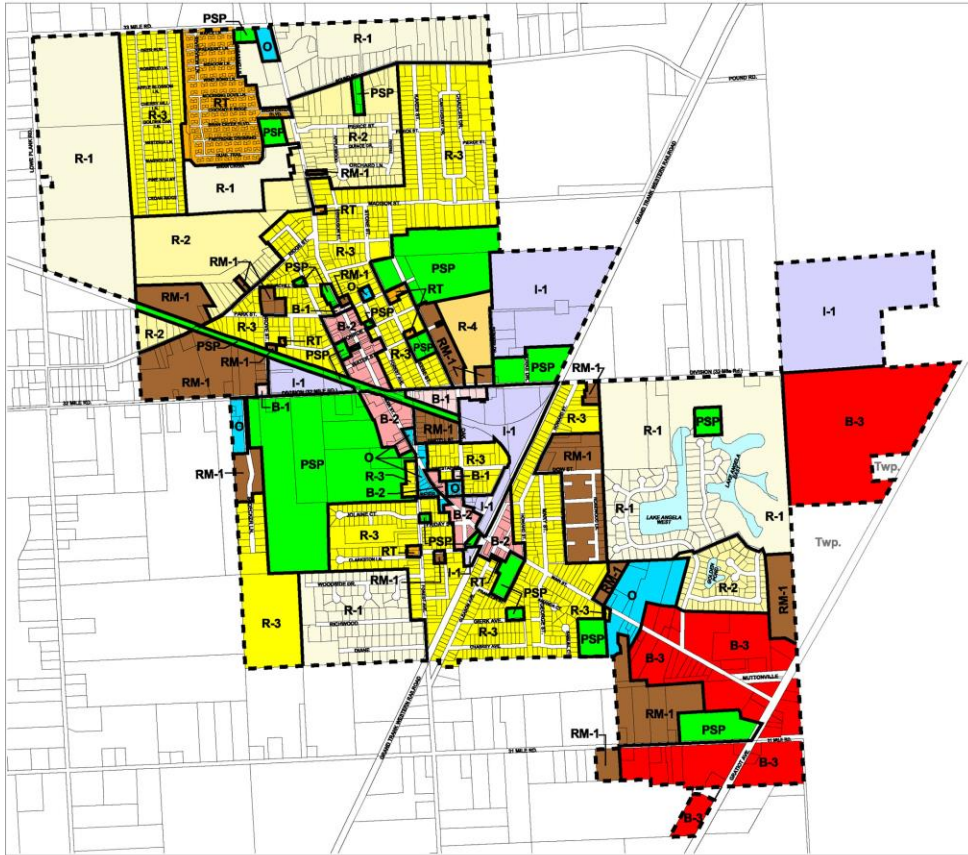
1. Any prosecution pending at the time this ordinance becomes effective may be tried and determined exactly as if such ordinance has not been repealed.
2. Any prosecution started within 365 calendar days after the effective date of this ordinance in consequence of any violation of any ordinance repealed herein, which was committed previous to the effective date of this ordinance, may be tried and determined exactly as if such ordinance has not been repealed.

Sec. 26.03. Adoption.

This ordinance was adopted as Ordinance No. 156 by the City Council of the City of Richmond at its regular meeting duly held on the eighteenth day of April, 2005 following compliance with all procedures required by the City and Village Zoning Act (P.A. 207 of 1921, as amended), and ordered to be given publication in the manner prescribed by law.

Sec. 26.04. Effective date.

This ordinance is hereby declared to be effective as of the third day of May, 2005, following publication of the notice of adoption in accordance with the City and Village Zoning Act (P.A. 207 of 1921, as amended).



Zoning Districts

- R-1 Single-Family Residential
- R-2 Single-Family Residential
- R-3 Single-Family Residential
- R-T Two-Family Residential
- RM-1 Multiple-Family Residential
- R-4 Manufactured Housing Park
- O Office
- B-1 Local Business
- B-2 Downtown Business
- B-3 General Business
- I-1 Limited Industrial
- I-2 General Industrial
- PSP Public/Semi-Public Services
- - - City Boundary

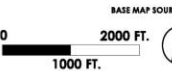
REVISION DATES

The parcel lines of this map are representational of the actual boundary and are not intended to be substituted for an official survey of boundary or area discrepancies. Consult official City of Richmond for precise distances, boundaries and areas of parcels.

CERTIFICATION
I, Karen M. Stagl, City Clerk, City of Richmond, do hereby certify that this is a true copy of the map adopted by the City Council for the City of Richmond, on the eighteenth day of April, 2005, as well as the amendments made as of the revision dates shown.

Karen M. Stagl, Clerk, City of Richmond

Official Zoning Map



**CODE COMPARATIVE TABLE
ORDINANCES**

This is a chronological listing of the ordinances of the city used in this Code. Repealed or superseded laws at the time of the codification and any omitted materials are not reflected in this table.

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