

**APPENDIX 1
SUMMARY OF HEIGHT, BULK, DENSITY, AREA AND SETBACK REQUIREMENTS**

<i>Zoning</i>	<i>Minimum Lot Size</i>	<i>Lot Width</i>	<i>Maximum Height of Buildings and Structures</i>		<i>Setbacks in Feet</i>		
			<i>Stories</i>	<i>Feet</i>	<i>Front</i>	<i>Side</i>	<i>Rear</i>
A-1 Agricultural	65,340 square feet	150 feet	2	30	*	20	40
R-1 Single-Family Residential	43,560 square feet	130 feet	2	30	*	10	35
RM Multiple-Family Residential *A	12,000 square feet	100 feet	2	32	120	50	50
MHC Manufactured Housing Community	-	-	-	-	-	-	-
O-1 Professional Office *B	21,780 square feet	100 feet	2	25		20	20
C-1 Local Commercial *B	21,780 square feet	100 feet	2	25		20	20
C-2 General Commercial *B	43,560 square feet	150 feet	2	30	*	20	20
M-1 Light Industrial	43,560 square feet	150 feet	2	35			20
M-2 Heavy Industrial	43,560 square feet	200 feet	3	35	*	20	20

* Front and street side setbacks shall be measured from the centerline of each road right-of-way in accordance with the Township's Master Plan designation and the Macomb County Road Departments as follows:

Road Designation	Distance from Center Line of Road
Major	100 feet
Local (including subdivisions)	90 feet

When structures have been built upon a majority of the parcels in a block with a lesser setback than permitted in this Section, a structure may be built to the setback of the mean average of

the structures in the block provided further that the setback on corner lots on the side streets shall not reduce the buildable width on parcels of land to less than a twenty-four (24) foot wide building.

*A Landscaped setback must be provided adjacent to, and surrounding each building on the following basis:

	Required Setback
Front	30 feet
Rear	40 feet
Side	15 feet

- Landscape setbacks utilized for one building shall not be utilized to fulfill the setback requirement for any other building. Such landscape setback shall be exclusive to the building it surrounds.
- Where a side of a building is adjacent to and parallel to a side of an adjacent building and where such sides of the buildings have no doors or windows, the side yard requirement may be reduced by five (5) feet for each building. The total distance allowable between such buildings shall not be less than twenty (20) feet.
- Buildings which include attached garages may eliminate the required setback on sides of the building where garages are located in order to permit a parking apron and paved access to garages. However, pavement shall not surround more than forty (40) percent of the overall perimeter of the building.
- Each square foot of pavement which encroaches into a required setback must be replaced on another side of the same building. Site plans must clearly dimension landscaped greenbelts and provide calculations in instances of setback transfer.
- In no case shall any building encroach closer than thirty (30) feet to a road, drive, access lane, or parking area.
- Yard areas used to facilitate utilities must maintain a thirty (30) foot greenbelt.

*B Side Yard: Twenty (20) feet. If an exterior side yard borders any residential district, there shall be provided a yard setback of not less than fifty (50) feet.

Rear Yard: Twenty (20) feet. If an exterior rear yard borders any residential district, there shall be provided a yard setback of not less than fifty (50) feet.

*C Side Yard: No side yard is required along one interior side lot line, except as otherwise specified in the Building Code and provided, further, that no side yard of less than five (5) feet in width shall be left between the lot line and building. The openings (windows and doors) side or other side of the lot shall have a side yard of not less than twenty (20) feet. Corner lot side yards must equal the setback required for the front yards on the street to which they side. If an exterior side yard borders any residential district there shall be provided a yard setback of not less than one hundred (100) feet.

Rear Yard: Twenty (20) feet. No building shall be closer than one hundred (100) feet to the outer perimeter (property lines) of this district where said rear property lines abut any residential district.

ARTICLE 1
SHORT TITLE

Section 1.00 – Short Title

This ordinance shall be known and may be cited as the Richmond Township Zoning Ordinance and shall be referred to herein as “this ordinance”.

**ARTICLE 2
APPLICATION AND INTERPRETATION**

Section 2.00 – Application

No building or structure, or part thereof, shall be hereinafter be moved into the Township erected, constructed, reconstructed, or altered and maintained, and no use or change shall be made or maintained of any structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

Section 2.01 – Interpretation

In interpreting and construing the respective provisions of this Ordinance, they shall be interpreted and construed to be the minimum requirements for the promotion of public health, safety, convenience, comfort, prosperity and general welfare. Wherever any provision of this Ordinance imposes more stringent requirements, restrictions or limitations than are imposed or required by the provisions of any other ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of this Ordinance shall govern.

Section 2.02 – Vested Right (Structures under Construction)

Any structure for which a building permit has been issued and construction begun, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of this Ordinance, may be completed and used in accordance with the plans and applications upon which said building permit was granted. Any such permit for a use which would be nonconforming under this Ordinance, or any amendment hereto, shall not be renewed in the event construction pursuant to such permit is not commenced within one (1) year from the date of issuance of the permit.

ARTICLE 3
SITE PLAN REVIEW PROCEDURES

Section 3.00 – Intent

Site plan review provides the Township with an opportunity to review the proposed use of a site in relation to all applicable provisions of the zoning ordinance and Township planning. Site plan review also provides the Township with an opportunity to review the relationship of the plan to surrounding uses, accessibility, on and off-site pedestrian and vehicular circulation, off-street parking, public utilities, drainage, natural features, screening, and other relevant factors which may have an impact on the public health, safety and general welfare.

Section 3.01 – Planning Standards

In reviewing all applications for site plan approval, the Planning Commission shall consider the plan in relation to the following standards:

A. Vehicular Access and Circulation

1. *Access.* The location and design of driveways providing vehicular access to the site shall be arranged to promote the safety and convenience of vehicles and pedestrians and to provide access in a manner that promotes proper internal circulation. The Planning Commission shall require public streets adjacent or through a proposed development when it is necessary for the public health, safety and welfare, and/or provide continuity to the public road system. In those instances where the Planning Commission determines that there are an excessive number of curb-cuts in relation to abutting public roads, thereby diminishing the capacity of the road or creating excessive points of conflict, a reduction in the number of driveways shall be required.
2. *Circulation.* On-site circulation shall be clearly indicated on the plan. Access lanes, maneuvering lanes, parking stalls, stacking lanes, loading/unloading bays and doors, shall be designed in a manner that promotes the general safety promotes the general safety, convenience, and interaction of both vehicles and pedestrians. The relationship to and the impacts upon adjacent properties shall also be considered.

B. Relationship to surrounding property. All site development features shall be arranged to minimize the potential for negatively impacting surrounding

property. In making this determination, the Planning Commission shall review the plan for negative conditions, such as, but not limited to:

1. Channeling excessive traffic onto local residential streets.
2. The lack of adequate screening of parking, maneuvering, or areas.
3. Excessive visual pollution caused from lighting and debris.
4. The building structure and use shall be generally consistent in size, scale, and intensity with the adjacent uses.
5. The impediments to the access of emergency vehicles.
6. Relationship of natural features. All buildings, driveways, parking lots, and site improvements shall be designed to be compatible with all-natural features on site. The site buildings and improvements shall not encroach into the physical characteristics of the site, such as wetlands, floodplains and natural drainage ways, and shall minimize the impact on environmental features, including, but not limited to, woodlands, slopes, and sensitive soils. The proposed development shall not needlessly have an adverse impact on the natural environment of the site or the surrounding area. In no way shall natural drainage ways or other natural water retention bodies be altered in a manner that reduces or significantly alters the current drainage location, patterns or volumes.
7. Infrastructure. The Planning Commission shall consider the Township Engineer's evaluation of the adequacy of public or private utilities proposed to serve the site, including water, sanitary sewers and stormwater retention.

Section 3.02 – Submission Requirements

- A. A site plan shall be submitted for review by the Planning Commission whenever one (1) or more of the following conditions apply:
 1. Whenever a building permit is required for the erection or structural alteration of a building (other than one-family homes, farm buildings, or accessory structures to these uses).
 2. For construction, use, or establishment of a new or additional parking or storage area.
 3. For all special land uses.
 4. For any change in use or class of use.

5. The erection of, or addition to, any major utility service facilities, including towers, substations, pump stations, and similar facilities.
 6. The development of any public road not otherwise regulated by Township ordinances.
 7. Sites being developed for mitigation purposes (i.e. wetland mitigation).
 8. For any non-residential drive.
 9. The Planning Commission may delegate authority to the building administrator, Township engineer, and Township planner to waive, upon unanimous consent, the site plan submission requirement when the proposed building or site change is obviously minimal.
- B. A required site plan shall include the entire site under the control or ownership of the applicant with all areas proposed for improvement and all unplanned areas also included. All site plans submitted for consideration shall include the following information:
1. General site data
 - a. The site plan shall be prepared and carry the seal and signature of the registered architect, landscaped architect, community planner, land surveyor or professional engineer who prepared it, and shall consist of one (1) or more sheets necessary to adequately provide the required data.
 - b. The dimensions of all improvements and yards shall be labeled in a manner that clearly indicates the plan's compliance with the applicable zoning ordinance standards and requirements.
 - c. Northpoint and scale should customarily be provided at one (1) inch= twenty (20) feet, or one (1) inch = thirty (30) feet. For large-scale development, one (1) inch = fifty (50) feet or one (1) inch= one hundred (100) feet may be acceptable, provided all-important typical areas and Ordinance requirements are thoroughly detailed in clearly recognizable form and presented at the customary scale.
 - d. Complete legal description.
 - e. Size of the site expressed in acres.
 - f. Location map (4) inches = one (1) mile), showing major roads, nearby cross-streets and property lines, where necessary.

- g. Zoning of site and all surrounding property. If the site has split zoning, show the line between the districts.
- h. Propose address, if available
- i. Location of existing structures and improvements.
- j. Location of proposed structures and improvements.
- k. Yards/setbacks and critical dimensions between buildings and other site improvements.
- l. Existing improvements (buildings, parking, driveways, sidewalks, signs, fences, walks etc.) within two hundred (200) feet of all property lines.
- m. Topography at two-foot contours (existing and proposed).
- n. Benchmarks with USGS Reference Points
- o. Recorded easements and rights-of-way with liber and page numbers.

2. Building Plans

- a. All architectural building elevations (front, side, and rear).
- b. Types of surface material and design of all exterior surfaces.
- c. Dimensioned floor plans (principal and accessory buildings).
- d. Decks and/or patios (dimensions, location, height, and material).
- e. All exterior appliances, such as cooling towers, dust collectors, condensers, evaporators and the like, and method of screening.

3. Access, parking, and circulation

- a. Existing and proposed rights-of-way for all abutting roads.
- b. Location and dimensions of all driveways and street approaches.
- c. Indicate the type of surface (paving).
- d. Parking spaces (location, number, dimensions, aisle dimensions and surface material).

- e. Site circulation pattern (direction of pedestrian and vehicular traffic flow if one-way or not obvious from the arrangement).
 - f. Identification of all fire lanes.
 - g. Sidewalks, interior walks and their connection. Interior sidewalks shall provide a connection to the eight-foot exterior sidewalk.
 - h. Sidewalks, eight-foot asphalt along all exterior roadways.
 - i. Carport locations and details (including architectural elevations).
 - j. Location of emergency access roads.
4. Environmental Features
- a. Complete landscaping plan, including ground cover and the location, type and size of all proposed plantings.
 - b. Indications of trees and shrubs shall only be used on the site plan where trees and shrubs exist, or where such vegetation will be planted prior to occupancy. All such trees and shrubs shall be labeled as to size, type and whether existing or proposed.
 - c. Whenever a tree or group of trees of five-inch caliper or greater is to be removed as part of the planned improvements, their location shall be shown on the site plan in dotted outlined and noted "to be removed."
 - d. Greenbelts, walls and/or berm details. (Provide at least one (1) cross-section for each type used.)
 - e. Site irrigation (sprinklers). Indicate all areas to be irrigated.
 - f. Treatment of all undeveloped areas (such as seeded, sodded, plantings, maintenance or other).
 - g. Trash receptacles and method of screening.
 - h. Site lighting details (location, height, type, intensity, method of shielding, and a ground level illumination plan).
 - i. Freestanding sign location. (Dimension setback from the centerline of the road or highway.) Simultaneous sign approval shall be accompanied

by a separate application for a sign permit meeting the requirements of Section 11.09.

- j. Wetlands, as determined by a wetland's consultant, shall be indicated on the plan if wetlands are suspected or known to exist on a site, or if a general wetlands map indicates the potential presence of a wetland in the area of the site. A level 3 wetland assessment from the Michigan Department of Environmental Quality will be required prior to final approval.

5. Other information

- a. Location of all site utilities including fire hydrants and Fire Department connections (if applicable) as approved by the Fire Chief.
- b. Site drainage characteristics and improvements.
- c. Park and/or recreation areas (show boundary and size in square feet).
- d. Fences, screen walls, or other similar structures (location and details).
- e. Statistical data shall be furnished, including number of dwelling units; size of dwelling units (i.e., 1-bedroom, 2-bedrooms and 3-bedrooms), if any; and the total gross acreage involved. (In the case of mobile home parks, the size and location of each mobile home site shall be shown.)
- f. Where large equipment or machinery is to be installed as part of the development, the location, type, horsepower, fuel, dimensions, and other data of all such equipment and/or machinery shall be indicated.
- g. Location of storage use and disposal areas, if any, for hazardous substances, and evidence of approval by the applicable federal, state or local review agency.
- h. List of hazardous substances used, stored or generated at the proposed facility, in accordance with procedures of the Planning Commission.
- i. If phasing is proposed or intended, it shall be clearly shown on the site plan.
- j. Development impact statement (DIS), as defined in Section 3.04.

- k. Where it is determined by the Planning Commission that certain requirements of this section are not necessary to the review and understanding of the site, the Planning Commission may waive the requirements. Any and all waivers shall be recorded in the commission's minutes, together with the unique circumstances and reasons for such waiver.

Section 3.03 – Review Procedures

- A. Submission. The proposed site plan shall be submitted to the Planning and Zoning Department or other designated representative, who shall check the submission data and transmit it to the following departments, agencies, and consultants:
 1. Macomb County Department of Roads, or Michigan Department of Transportation, whichever is appropriate.
 2. Macomb County Public Works Commissioner
 3. Macomb County Health Department
 4. Fire Department
 5. Building Department
 6. Assessor's Office
 7. Township Engineer
 8. Township Planner
 9. Township Attorney
 10. Planning Commission (one (1) for each)
 11. Appropriate School District (residential plans)

Each department, agency or professional shall acknowledge the date of its receipt of the site plan for its inspection and comments. The Planning and Zoning Department shall next submit the site plan with the available written comments from the various agencies and departments to the Planning Commission for review at the meeting at which the site plan is placed on the agenda.

- B. Planning Commission Review. The site plan shall be reviewed by the Planning Commission with reference to the specific requirements of the ordinance, including those items listed

above and other factors to be considered by the Township in planning and establishing Zoning District(s) as authorized under this Ordinance. The Commission shall also require review and comment from the Township Planner, Township Engineer, and Township Attorney, where appropriate.

Approval of the site plan (as submitted, or with additions, corrections or alterations) by the Planning Commission shall satisfy the requirements of this Zoning Ordinance for the issuance of a zoning compliance permit. It shall not, however, exempt the petitioner from compliance with other Township Ordinances. If a site plan is not approved by the Planning Commission, the reasons shall be stated in writing and a copy of said reasons supplied to the applicant. The approved site plan shall be part of the record of approval and subsequent actions relating to the activity authorized shall be consistent with the approved site plan unless a change conforming to the Zoning Ordinance receives the mutual agreement of the landowner and the Planning Commission.

- C. Approval Period. A site plan approval shall be valid for twelve (12) months from the date of approval. If physical improvement of the site is not in actual progress at the expiration of the approval and diligently pursued to completion, the approval shall be null and void, unless renewed or extended by specific Planning Commission action. Any request, for an extension shall be made in writing. If approval is not extended before expiration of the 12-month period, then a new application and a new approval shall be required before a building permit may be issued.
- D. Performance Bonds. The Planning Commission may require a cash deposit or irrevocable bank letter of credit acceptable to the Township, covering the estimated cost of improvements associated with a project for which the site plan approval is sought, be deposited with the Clerk of the Township to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project.
- E. Appeals. An applicant for a site plan approval may appeal the decision of the Planning Commission to the Township Zoning Board of Appeals.
- F. Review Fees. A site plan fee shall be required to cover the cost of review by the Township's engineer, planner, and other professional and Township services, in accordance with a schedule of fees as determined by resolution of the Township Board.
- G. Compliance. Any construction, development and/or activity approved by the Township, by and through the site plan review process, shall be undertaken and completed in strict compliance with the approved site plan or record.

The approved site plan of record shall include any properly recorded plan(s), map(s), drawings(s), photograph(s), specification(s), documents(s), and audio/video transcription(s)

which serve to describe or illustrate any specific development, construction and/or activity approved by the Township, by and through the site plan review process.

Section 3.04 – Development Impact Statement

- A. Statement of Intent. The purpose of the development impact statement is to provide the Township with relevant information on the anticipated impact of a proposed development on public utilities, public services, traffic, the economy, environmental conditions, and adjacent land uses. This process recognizes that many development proposals have impacts on existing site conditions and that these impacts often extend beyond the boundaries of the site. The intent of these standards is to identify and assess these impacts and, thereby, provide the Township with information necessary to understand and address these impacts.
- B. Submission Requirements. Qualifications of preparer: Name(s) and address(s) of person(s) or firm(s) responsible for the preparation of the impact statement and a brief description of their qualifications.
- C. A development impact statement containing all the required information specified herein shall be required whenever one (1) or more of the following conditions apply:
 - 1. For request for site plan review, special approval land use, or rezoning having an area of five (5) acres or more.
 - 2. For any proposal for residential development (site plan, subdivision or site condominium) of fifty (50) or more units and/or resulting in a density of more than five (5) units per acre.
 - 3. Any application for commercial rezoning shall be accompanied by a market study demonstrating that there is sufficient demand to support the project. The market study shall take into consideration the availability of existing retail and service businesses within the trade area and retail vacancy rates, as well as stating reasons why currently vacant buildings or properties are not a viable option.
- D. Information and data required.
 - 1. The development impact statement shall include all applicable information as normally required for site plan review, rezoning, subdivision review, site condominium review, or special land use, as specified in the zoning ordinance and subdivision ordinance, and, in addition, the following supplemental information shall be required:
 - a. Location map at one (1) inch = two hundred (200) feet, indicating the location of the subject property in relation to the Township's thoroughfare system.

- b. Zoning Map, indicating the subject property and the zoning of adjacent properties for a radius of one half (1/2) mile, measured from the boundaries of the site plan.
 - c. Land Use Map, indicating the subject property and adjacent land uses by type for a radius of one half (1/2) mile, measured from the boundaries of the site. An aerial photograph may be used to illustrate this information.
 - d. Site conditions of the subject property, indicating the following information. All information shall be depicted graphically on an existing conditions map and accompanied by the most recent aerial photography supplied by the Macomb County Department of Planning and Economic Development, or by the Southeast Michigan Council of Governments (SEMCOG)
 - (1) Location and size of existing natural features, such as streams, bodies of water, floodplains, soil types and conditions, topography, ground water table, and vegetation inventory (classification of existing types by general location and numbers or density as appropriate). If the possibility of wetlands exists on-site, an official Level III wetlands assessment conducted by the Michigan Department of Environmental Quality shall be conducted.
 - (2) A woodlands map identifying the location, size and type of site vegetation, as required by the Richmond Township Zoning Ordinance.
 - (3) Location and size of existing facilities and utilities (thoroughfares, water service, sanitary sewer, storm drains, gas lines, electric lines, etc.) on the site or available to serve the site.
 - (4) Improvements adjacent to and directly across the street, i.e., driveway approaches, passing lanes, curb-cuts, etc.
 - (5) Conceptual plan, showing how the proposed development relates to the above-referenced conditions.
 - (6) Other information, as determined by the Planning Commission, that may be necessary to assess the impact of the proposed development.
2. Impact assessment. The applicant shall provide information assessing the impact of the proposed development as it pertains to the following factors. The required information shall be provided in narrative and graphic formats, as appropriate.
- a. Land use impacts
 - (1) Brief description of the proposed land use

- (2) Hours of operation, if applicable.
- (3) Identify whether the proposed use will create dust, noise, odor or glare that may impact abutting property.
- (4) Project phasing plan or schedule
- (5) Describe how existing natural features identified in Section 5.04 will be preserved.
- (6) Describe any impact on ground water quality or quantity.

B. Impact on public utilities

1. Describe how the site will be provided with water and sanitary sewer facilities, including the adequacy of the existing public utility system to accommodate the proposed new development.
2. General calculations for water flows and water demands and how they relate to sewer line capacity.
3. For sites to be served by wells and septic systems, documentation of the adequacy and/or permits from the Macomb County Health Department shall be required.
4. Describe the methods to be used to control storm water drainage from the site. This shall include a description of measures to control soil erosion sedimentation during construction. Correspondence from the Macomb County Drain Commissioner stating their initial concerns and recommendation shall be attached.

C. Impact on public services.

1. Describe the number of expected residents, employees, visitors, or patrons, and the anticipated impact on public schools, police, fire and other emergency services. Particular attention to the relationship of the proposed development to the municipal fire stations. Letters from the appropriate agencies shall be provided, as appropriate.

D. Traffic Impacts

1. Description of existing traffic conditions:
 - a. Traffic counts. Existing conditions, including existing peak-hour traffic volumes and daily volumes, if applicable, on street(s) adjacent to the site. Traffic count data shall not be over two (2) years old, except the community or road agency may permit 24-hour counts up to three (3) years old to be increased by a factor supported by

documentation or a finding that traffic has increased at a rate less than two (2) percent annually in the past three (3) to five (5) years.

- b. Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include land configurations, geometrics, signal timing, traffic control devices, posted speed limits, average running speeds and any sight distance limitations. Existing levels of service shall be calculated for intersections included within the study area.
- c. Existing driveways and potential turning movement conflicts in the vicinity of the site shall be illustrated and described.
 - (1) The existing right-of-way shall be identified, along with any planned or desired expansion of the right-of-way requested by the applicable road agency.
 - (2) Approved developments within the study area shall be part of any calculations for anticipated traffic.
- d. Trip Generation
 - (1) Forecasted trip generation of the proposed use for the a.m. (if applicable) and p.m. peak hour and average day. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation, published by the Institute of Transportation engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least three (3) similar projects in Michigan.
 - (2) The rezoning request where a traffic study is required, the study should contrast the traffic impacts of typical uses permitted in the requested Zoning District with uses permitted in the current Zoning District. The determination of typical uses shall be made by the Planning Commission.
 - (3) Any trip reduction for pass-by trips, transit, ride sharing, other modes, internal capture rates, etc. shall be based both on ITE findings and documented survey results acceptable to the agency reviewers. The community may elect to reduce the trip reduction rates used.
 - (4) For projects intended to be developed in phase, the trip generation by phase shall be describe.
- e. Trip distribution. The projected traffic generated shall be distributed (inbound vs. outbound, left turn vs. right turn) onto the existing street network to project turning movements at site access points and nearby intersections, where required. Projected turning movements shall be illustrated in the report.

- f. Impact analysis. Level of service or “capacity” analysis at the proposed access points using the procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board.
- g. Access design / Access management standards. The report shall include a map and description of the location and design of proposed access (driveways or new street intersections) including any sight distance limitations, dimensions from adjacent driveways and intersections within two hundred fifty (250) feet on either side of the main roadway, data to demonstrate that the number of driveways proposed are the fewest necessary, support that the access points will provide safe and efficient traffic operation, and be in accordance with the standards of Richmond Township, and the Macomb County Department of Roads (not required for rezoning applications).
- h. Other study items. The traffic impact study shall include:
 - (1) Need for, or provision of, any additional right-of-way where planned or desired by the applicable road agency.
 - (2) Changes which should be considered to the plat or site plan layout.
 - (3) Description of any needed non-motorized facilities.
 - (4) If the use involves a drive-thru facility the adequacy of the (queuing and/or stacking) area should be evaluated.
 - (5) If a median crossover is desired, separate analysis should be provided.
 - (6) If a traffic signal is being requested, the relationship of anticipated traffic to traffic signal warrants in the Michigan Manual or Uniform Traffic Control Devices. Analysis should also be provided on the impacts to traffic progression along the roadway through coordinated timing, etc.
 - (7) Description of site circulation and available sight distances at site driveways.
 - (8) Conflicts with pedestrian traffic within the development and along all site boundaries which require sidewalk access.
- i. Mitigation / Alternatives. The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements should be described. The mitigation measures may include items such as roadway widening, need for bypass lanes or deceleration tapers / lanes, changes to signalization, use of access management techniques, or a reduction in the propose intensity of use. Proposed

mitigation measures should be discussed with the applicable road agency. The responsibility and timing of roadway improvements shall be described.

- j. Preparation. All traffic impact studies shall be prepared by a registered professional engineer specializing in the preparation of traffic studies. The preparer shall have a minimum of three (3) years of recent experience in the preparation of traffic impact analyses and proved evidence of ongoing familiarity with the Highway Capacity Manual.

ARTICLE 4 GENERAL PROVISIONS

Section 4.00 – Accessory Buildings in Nonresidential Districts

In commercial or industrial districts, accessory buildings shall only occupy any of the ground area which the principal building is permitted to cover. Accessory buildings, such as buildings for parking attendants, guard shelters, gate houses and transformer buildings, may be located in the front or side yard setback in non-residential districts, upon Planning Commission approval. All such buildings or structures shall be architecturally and aesthetically compatible with the principal building and be located and landscaped to reduce the visual impact from surrounding properties and from public streets.

Section 4.01 – Appearance Requirements

- A. The facades of all buildings constructed outside of the single-family residential districts shall be constructed of face brick or other decorative materials with similar durability, as approved by the Planning Commission.
- B. The approved exterior treatment shall be uniform on all sides of the building that are visible from a public right-of-way or abut a single-family residential district or use.
- C. Any ancillary buildings or out-lots shall be architecturally compatible with the principal building.
- D. All buildings that front on a public street shall be oriented in such a manner that the main facade and architectural features are parallel to the street. The actual building entrance is not required to front the street.

Section 4.02 – Approval of Plats

No proposed plat of a new or redesigned subdivision shall hereafter be approved by the Township Board or the Planning Commission, unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this Ordinance. Such plat shall fully conform with the statutes of the State of Michigan, as amended.

Section 4.03 – Building Grades

When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building, and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off of surface water to flow onto the adjacent property. If necessary, drain systems will be installed to provide water run-off solutions from new buildings or existing buildings onto existing areas at the new building owner's expense. Final grades shall be approved by the Building Inspector. A "certificate of grading and location of building" shall be duly completed and certified by a registered engineer or land surveyor before construction begins.

Section 4.04 – Buildings to be Moved

- A. Any building or structure which has been wholly or partially erected on any premises, located either within or outside of this Township, shall not be moved to and placed upon any other premises in this Township until a permit for such removal shall have been secured. Any such building or structure shall fully conform to all the provisions of this Ordinance in the same manner as a new building or structure. Accessory buildings may be moved on the same property without permit provided its location and construction meets all Township Ordinances.
- B. Before a permit may be issued for moving a building or structure, the Building Inspector shall inspect same and shall determine if it is in a safe condition for moving, whether it may be reconditioned to comply with the current building code and other Township requirements for the use and occupancy for which it is to be used. Provided these conditions can be complied with, a permit shall be issued for the moving of said building or structure.

Section 4.05 – Dwellings in other than Main Structures

No single-family residential structure shall be erected upon the rear yard of a lot or upon a lot with another dwelling, except for seasonal farm labor housing approved by the Planning Commission.

Section 4.06 – Excavation or Holes

The construction, maintenance or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a

permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Building Inspector. Such excavations and holes shall not be permitted beyond a 60-day duration. This section shall not apply to drains created or existing by the authority of any governmental agency.

Section 4.07 – Fences in other than Single-Family Residential Zoning Districts

- A. All fences erected in multiple-family, manufactured housing, commercial and industrial districts shall require approval by the Planning Commission as part of site plan review. Such fences shall not be located in the front yard.

- B. All fences hereafter erected shall be of an enclosure type. Barbed wire, spikes, razor wire, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in said fences, are prohibited, except barbed wire cradles may be placed on top offences enclosing permitted rear or side yard storage in the general commercial, light industrial and general industrial districts and public utility buildings, as deemed necessary in the interests of public safety by the Planning Commission.

Section 4.08 – Front Yard Setback Requirements

- A. Front and street side setbacks shall be measured from the centerline of each road right-of-way in accordance with the Township’s Master Plan designation and the Macomb County Road Department:

Road Designation	Distance from Centerline
Major	100 feet
Local	90 feet
Local (Subdivision)	90 feet

- B. When structures have been built upon a majority of the parcels in a block with a lesser setback than permitted in this section, a structure may be built to the setback of the mean average of the structures in the block provided further that the setback on corner lots on the side streets shall not reduce the buildable width on parcels of land to less than a 24-foot wide building.

Section 4.09 – Locations of Structures in a Public Easement

No structure, other than a fence, walk or parking lot, may be erected in a public easement.

Section 4.10 – Lot, Minimum, and Frontage

For purposes of this Ordinance, a lot is a parcel of land of at least sufficient size to meet the minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as herein required. Such lot shall have full frontage on an improved public street. Modifications to this requirement may be made by the Building Inspector in cases of unusual topographic or geographic conditions. In all instances, frontage shall equal the lot width requirements established by this Ordinance. However, in cases of cul-de-sacs, frontage shall be measured at the two (2) points where the minimum building line, or setback, intersects the side lot lines.

Section 4.11 – Measuring Setback Requirements

The measurement for determining rear and side yard setback requirements shall be made from the exterior wall of the principal building to the nearest applicable property line. The measurement for determining the front yard setback requirement shall be made from the exterior wall of the principal building to the road centerline.

Section 4.12 - Nonresidential Driveways

- A. Nonresidential driveways, entrances and exits shall be subject to approval by the Macomb County Road Commission, the Michigan Department of Transportation, where applicable, and by the Planning Commission after considering the effects on surrounding property, pedestrian and vehicular traffic and the movement of emergency vehicles.
- B. All nonresidential sites may be permitted one (1) access drive onto the abutting public thoroughfare. Additional driveways may be permitted subject to special land use approval by the Planning Commission. All commercially and industrially zoned non-residential sites may be permitted one (1) access drive onto the abutting public thoroughfare. Additional driveways may be permitted subject to special land use approval by the Planning Commission. Any non-residential drive installed on and agriculturally or residentially zoned piece of land shall require special land use review and approval from the Planning Commission. When reviewing a special land use for a non-residential drive, the following criteria shall be utilized:
 - 1. The Planning Commission shall consider the request for special land use approval after a traffic study has been submitted by the applicant which substantiates the need for additional access drives.
 - 2. Tapers and bypass lanes shall be required, as determined by the Planning

Commission. In making the determination as to whether or not additional access drives are necessary, the Planning Commission shall consider the location of driveways on adjacent sites and across the street, turning movements and traffic volumes.

3. In the case of a corner lot or double frontage lot, the site may be allowed the permitted number of driveways on each road frontage.

Section 4.13 – Outdoor Merchandising

No person or business shall use any sidewalk or that space between the sidewalk and curb or any planted strips or park in sidewalks, or any parking area, or any area of a road right-of-way for displaying for sale, or for any other purpose, any goods or any other articles; or leave any goods, boxes, trucks, barrels, trunks or any other article or thing in or on such areas for a longer time than is necessary for the removal thereof from the transporting vehicle, into the place of business or residence to the transportation vehicle to which the sale is intended to be removed.

Section 4.14 – Outdoor Storage and/or Display Lots

- A. When permitted in a particular Zoning District, an outdoor storage use shall be enclosed by an approved masonry wall or obscuring fence, as approved by the Planning Commission. The extent of such a wall or fence shall be determined by the Planning Commission on the basis of usage. Such wall or fence shall not be less than four (4) feet six (6) inches in height and may, depending upon land usage, be required to be ten (10) feet in height. An earth-toned, vinyl coated, chain link fence, or a landscaped earth mound (berm), both with intense evergreen shrub planting, may be required by the Planning Commission. Open storage areas shall be paved to parking lot standards and drained to meet Township engineering requirements. In instances where the proposed storage items would place an excessive amount of stress on the paved surface, the Planning Commission may approve an alternative method of surfacing.
- B. Whenever a storage, display, or sales lot or area does not meet the specifications hereinafter set forth, the Building Inspector shall give notice to the property owner to repair same within a specified time. If such repairs are not made in accordance with such notice, he shall order the lot or area closed forthwith; such lot or area shall not be used for such purposes until repairs have been approved by the Building Inspector.

Section 4.15 – Pathways

- A. An 8-foot concrete pathway shall be required across the frontage of all properties abutting major roadways. Pathways shall be constructed in the proposed right-of-way, one (1) foot from the outermost edge.
- B. An on-site sidewalk shall be required as a means of connecting the principal building with the road frontage sidewalk. The Planning Commission shall determine if a proposed sidewalk system has provided an adequate connection between the site and the road frontage.

Section 4.16 – Private Ponds

- A. Private ponds for other than required storm water retention or detention purposes, shall be located on a parcel having a minimum land area of at least three (3) acres (one thousand thirty-six hundred eighty (130,680) square feet) and shall be located at least fifty (50) feet from any property line or, beyond any minimum applicable yard setback requirement, whichever is the greater distance. All such ponds shall be provided with a minimum side slope of at least four (4) to one (1) and shall be located at least fifty (50) feet from any principal building. Such ponds shall be designed to continuously circulate or otherwise maintain a level of water quality acceptable to public health standards.
- B. All ponds shall be subject to review and approval by the Building Inspector before issuance of a permit. Plans submitted for review shall include:
 - 1. A contour drawing (USGS drawing) showing slopes at a ratio of at least every ten (10) feet, and indicating drainage flow conditions.
 - 2. A cross section of the side slope of the pond.
 - 3. Information relative to depth (at deepest point), cubic feet of content, the manner by which water shall be circulated or otherwise maintained at a water quality level acceptable to public health officials.
 - 4. A soil erosion permit from the Macomb County Public Works Commission.
 - 5. Provisions for the placement of life rings, preservers, or other acceptable life saving devices.
 - a. A minimum of two (2) life saving devices shall be provided for each pond. The devices shall be placed on opposite sides of the pond and attached to a rope with enough length to make all points of the pond accessible.
- C. No private pond intended for the storage of water for use by any livestock or poultry shall be used

for human recreation, i.e.; swimming, boating, fishing, etc., and no water body intended for human recreation shall be used for the watering of livestock or poultry.

Section 4.17 – Prohibited Occupancy

In no case shall a travel trailer, motor home, automobile chassis, tent or portable building be considered a dwelling. Mobile homes shall not be used as dwellings, except when located in, and as part of, a mobile home park; or when located in Zoning Districts set forth in this Ordinance. All travel trailers, motor homes and mobile homes parked or stored on lands not approved for such use as herein set forth shall not be occupied. In the case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

Section 4.18 – Receiving and Broadcasting Antennas

Any exterior receiving or broadcasting antenna shall not be located in the yard between the building and the street and shall be screened from public view.

Section 4.19 – Sites Fronting on Two (2) Streets

A front yard shall be maintained on each street in accordance with the minimum front yard setback requirements established in Section 4.08.

Section 4.20 – Storage, Accumulation, Dumping, and/or Collection of Waste, Junk, Garbage, and other Similar Materials

- A. No site shall be used for the storage, accumulation, dumping and/or collection of waste, junk, garbage and other similar materials, except upon approval by the Planning Commission in compliance with Article 12 or as otherwise permitted under this Ordinance.
- B. The owner or occupant of all land, structures and/or every part thereof shall have the duty to maintain same in a clean and sanitary condition, free from any accumulation of dirt, filth, rubbish, garbage and vermin, and the duty not to act or omit to act so as to create or permit the existence of a nuisance as defined in this Ordinance. This duty shall extend to any area of land between the site line and adjoining streets and curbs.
- C. The depositing of dirt, sand or earth materials shall be permitted in any district in

accordance with the following requirements:

1. Any finish grade to be established shall be approved by the Township Engineer.
2. The finish grade shall be graded not later than sixty (60) days after completion of the deposits on the land, in a manner so as to prevent the collection of water and which will leave the ground surface in a condition suitable for other permitted uses within the district in which the site is located.

Section 4.21 – Utility Approval

Except as provided elsewhere in this Ordinance, the erection, construction, alteration, maintenance, addition, reconstruction or replacement by public utilities of underground, surface or overhead distribution of gas, electricity, communications (except transmitting or receiving towers), steam or water transmission or distributing systems, collection, supply or disposal system, including poles, mains, drains, sewers, pipes, conduits, wires, cables, high voltage transmission lines, towers in connection with such lines, and other similar equipment and accessories in connection therewith shall require Township Board approval, after review and recommendation by the Planning Commission based on the standards outlined in Article 12, Subsection 12.00.A. of this Ordinance.

Section 4.22 – High Volume Water Well or Water Well System

A high-volume water well or water well system shall be permitted in any use district, provided the following conditions are met:

- A. A written statement detailing the need for the well or well system and what it will supply water to, shall be submitted by the applicant.
- B. A written statement by the applicant verifying that the operation of a high-volume water well, or well system will not restrict or diminish in any way, the availability of potable water to residents, businesses or property owners within the area of a high-volume water well or well systems once of influence.
- C. The facility shall have direct frontage access to a major or secondary thoroughfare as designated on the Township's Master Plan Map.
- D. The well or well system shall be fully enclosed within a building or structure and shall not have any outdoor storage.
- E. No building or structure shall exceed the height limitations of the district, except a water

storage tank or tower may exceed the height limitations of the district provided the tank or tower sits back one (1) additional foot on all sides for each foot it exceeds the maximum height limitation of the district.

- F. Notwithstanding any other provisions of this Ordinance, all buildings or structures shall be setback at least fifty (50) feet from all property lines.
- G. A high-volume water well or well system located in Richmond Township shall not supply water to any property beyond the corporate limits of the Township, unless agreement to do so is reached between the Richmond Township Board of Trustees and the legislative board of the other municipality.
- H. Surety in the form of a performance bond in an amount agreed to between the applicant and the Township Board shall be provided by the applicant to ensure protection and preservation of acceptable water levels and of safe health water standards in wells located within the cone of influence of any high-volume water well or well system.
- I. Application to install and operate a high-volume water well or well system shall include the following information:
 - 1. A study of the hydrology of all of the area within the cone of influence of the proposed high-volume water well or well system, or within two thousand (2,000) feet in all direction of it, whichever encompasses the greater distance. The study shall be prepared by a registered engineer qualified to conduct such studies. The study shall include at least the following information:
 - a. The number and location of all wells within the study area.
 - b. The gallons of average and peak water flow the well or well system is expected to pump on a daily basis.
 - c. A textual description of any anticipated or potential negative impacts that operation of a high-volume water well system could have on individual wells within the cone of influence.
 - d. A textual description of how any negative impacts on individual well owners will be resolved, including a plan for mitigating any such impacts.
 - e. A textual explanation of how one (1) of the following alternatives will be carried out in the event that operation of a high-volume water well or well system results in the failure of other individual wells within the cone of influence.
 - (1) Connection of any individual failed well or wells within the established cone of

influence to the proposed high-volume water well or well system at no cost to the individual well owners and for the connection of vacant land to a high-volume water well or well system should that land come under development and it can be shown that an individual well would likely fail on the property, or;

- (2) The installation of new, deeper individual wells as required at no cost to the individual owners of failed wells.
- f. A map drawn to an engineer scale and prepared by a registered civil engineer or and surveyor, showing all existing land use, well sites and current zoning within two thousand (2,000) feet of the site of a proposed high volume well water or well system.
- g. The Planning Commission upon review of such information may increase the distance or decrease it depending conclusions drawn after review of hydro-logical study. The map shall include at least the following information:
- (1) Name, address and phone, fax number of the applicant;
 - (2) North arrow and the scale of the map;
 - (3) The location of the proposed high-volume water well or well system;
 - (4) The location of any test well or wells;
 - (5) The location of all individual wells within the study area;
 - (6) The location and identified of all land usage on all land within the study area, including the identification of vacant land and crop land;
 - (7) The location and identification of al real or possible areas of contamination;
 - (8) The location and identification of all Zoning District s within the study area.
- h. Application for a permanent high-volume water well or well system may be preceded by application to the Richmond Township Zoning Board of Appeals to establish a temporary test well as set forth in this Ordinance. The sole purpose of a temporary well will be for collecting data necessary to complete a full application and to help determine the feasibility of establishing a permanent well or well system on the site.
- i. Approval of an application to establish a permanent high-volume water well or well system shall require review by the Township Planning Commission and recommendation

to the Township Board in the manner set forth in this Ordinance. Approval shall be granted for one (1) year commencing on the date of approval. Annual permits may be granted thereafter by the Township Board after Planning Commission recommendation. The Planning Commission or the Township Board may, when deemed appropriate, require submittal of well log data, including average and peak flow data on a monthly basis as well as the results of any water quality test conducted at the well site during the preceding permit year.

Section 4.23 – Keeping of Animals

In all districts, the minimum required area of pastureland or open space for the keeping of hoofed animals shall be five (5) acres. The maximum number of hoofed animals kept on a single property shall be as follows: one (1) animal shall be permitted for the first five (5) acres of property and one (1) additional animal shall be permitted for each whole one (1) acre (forty-three thousand five hundred sixty (43,560) square feet) above and beyond the initial five (5) acres.

Section 4.24 – Commercial Dumpsters in a Residential District

Dumpsters of a commercial nature, not larger than six (6) cubic yards, shall not be permitted on any residentially zoned property, except when permitted as a part of a residential or accessory building permit. The Building Department may establish the length of time that a dumpster may be permitted on a residential site. Further, if permitted as a part of such permit, the dumpster shall not be located within required front, side or rear yard setback. Finally, all materials shall be contained within the dumpster and the dumpster shall be emptied or otherwise removed from the site as needed to prevent overflow.

Section 4.25 – Wind Energy Conversion Systems

A. Definitions

1. Wind Energy Conversion Systems (hereinafter referred to as WECS). Any device that converts wind energy to mechanical or electrical energy.
2. Wind Rotor. The blades plus hub to which the blades are attached use to capture wind for the purpose of energy conversion.
3. Tower Height. The height of the actual tower, plus one-half the rotor diameter on the horizontal axis installations, and on vertical axis installations, the distance from the base of the tower to the top of the unit.

4. Survival Wind Speed. The maximum wind speed a WECS in automatic unattended operation (not necessarily producing power) can sustain without damage to structural components or loss of the ability to function normally.
- B. Applicable Zones. WECS may be permitted in any zoning district subject to Special Land Use Approval and the following exceptions:
1. The erection of one (1) windmill on a single parcel of land at a height equal to or less than fifty (50) feet shall be considered a permitted use in the Agricultural Residential Zoning District and shall not require special land use approval and Planning Commission approval. The approval of the windmill under this requirement shall be subject to administrative approval through the Building Department, as well as all other application provision of the Zoning Ordinance.
 2. Wind energy conversion systems mounted on a principal or accessory structure shall be considered a permitted use in any zoning district and shall be subject to building department review and approval. In no instance shall the height of a structure mounted WECS be permitted to exceed fifteen (15) feet above the minimum height of the district in which it is located.
- C. Applicability of Ordinance. The standards that follow shall apply to systems intended for the provision of the electrical or mechanical power needs of the owner/operator of the system; also, such a system shall be for one main building and its accessory buildings only. For systems intended for uses other than the above, Planning Commission approval shall be required. Said approval shall cover the location of the system (shown on a survey of the property) on the site, the noise generated by the system, assurances as to the safety features of the system, and compliance with all applicable state and federal statutes and regulations. Planning Commission approval shall specifically be required for arrays of more than one WECS and for systems wherein one WECS is intended to provide electric power for more than one main building.
- D. Standards for and Regulation of WECS.
1. Construction. Tower construction shall be in accordance with the latest edition of the Michigan Building Code, and any future amendments and/or revisions.
 2. Electric-Magnetic Interference (EMI). WECS generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio frequency energy which would cause harmful interference with the radio and/or television broadcasting or reception, and shall comply with the provisions of Title 47, Chapter 1, Part 15 of the Federal code of Regulations and subsequent revisions governing said emissions.
 3. Setbacks. The structural design shall be signed and sealed by a professional engineer, registered in the State of Michigan, certifying that the structural design complies with all

of the standards set forth for safety and stability in all applicable codes then in effect in the State of Michigan and all sections referred to herein above. The minimum setbacks for such towers from all abutting streets or adjacent property shall be a distance equal to one and one-half (1 ½) times the height of the tower, except that no tower shall be located within the front yard.

- a. The WECS shall be located a sufficient distance from any overhead utility lines, excluding service drops, such that a structural failure of any portion of the WECS or its supporting structure will not cause any portion of it to fall within five (5) feet of utility lines.
4. Maximum Height. The maximum height permitted as a special land use shall be one hundred and fifty (150) feet, unless otherwise prohibited by any state or federal statute or regulation.
 5. Minimum Blade Height. The minimum distance between the ground and any protruding blades utilized on a WECS shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades.
 6. Labeling Requirements. A minimum of one sign shall be posted near ground level on the tower structure warning of high voltage. In addition, the following information shall be posted on a label or labels on the generator or alternator of the WECS.
 - a. The maximum power output of the system and the wind speed at which it is achieved.
 - b. Nominal voltage and maximum current.
 - c. Manufacturer's name and address, serial number and model number.
 - d. Maximum survival wind speed and the emergency and normal shut down procedures.
 7. Utility Company Notifications. The appropriate utility company shall be notified in writing of any proposed interface with that company's grid prior to installing such interface and shall conform with any legislated requirements governing installations of WECS so as to comply with the Utility Tariff specifications.
 8. Safety. The WECS manufacturers shall document that the WECS model has been tested and certified by Underwriter's Laboratory, or other such applicable independent accrediting agency, and that when installed in accordance with the recommended specifications shall have a maximum survival wind speed of not less than eighty (80) miles per hour.

9. Noise. The maximum level of noise to be generated by a WECS shall be fifty (50) decibels, as measured on the dBA scale, measured at each property line at any time.

E. Submission Requirements

1. For WECS that require Building Department review only, the following information shall be submitted with any application:
 - a. Name of property owner, address, and parcel number.
 - b. A plot plan or mortgage survey showing the proposed location of the WECS.
 - c. Detailed specifications of the WECS proposed, including the type, model number, dimensions of tower and rotor, and noise generated from the unit.
 - d. Other relevant information as may be reasonably requested.
2. For all other WECS applications, site plan approval and special land use approval shall be required from the Planning Commission. In addition, to provide the information outlined above, all applicable submission requirements of Section 3.02 of the Zoning Ordinance shall be include.

F. Miscellaneous

1. The temporary use of an anemometer for three (3) months or less shall be exempt from the requirements of this ordinance. Any proposed anemometer that occupies a site for greater than three (3) months shall not be considered exempt , and shall be subject to all requirements of this ordinance.
2. All electric line / utility wires shall be buried underground, except in AR – Agricultural Residential Districts.
3. No tower shall be permitted to maintain lighting of any kind.
4. Guy wires shall not be permitted as part of any proposed WECS.
5. When a building is necessary for storage of cells or related mechanic equipment, the building may not exceed on hundred forth (140) square feet in area not twelve (12) feet in height, and must be located at lest the number of feet equal to the height of the tower from any property line.

6. The tower and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the tower and related structure shall be dismantled and removed from the property within sixty (60) days.
 - a. The WECS shall be designed in such a manner as to minimize shadow flicker on a roadway and an existing structures. The Planning Commission may require the applicant to conduct an analysis of potential 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 problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems. If necessary, to prevent shadow flicker from crossing occupied structures, the wind turbine generator may be programmed to stop rotating during times when the wind turbine generator shadow crosses these structures. The wind turbine generator operator may obtain written agreements which allow shadow flicker to cross an occupied structure.
7. Any mechanical equipment associated with and necessary for operation, including a building for batteries and storage cells shall be enclosed with a six (6) foot fence. The supporting tower shall also be enclosed with a six (6) foot fence, unless the base of the tower is not climbable for a distance of twelve (12) feet.
8. An operator shall remove any and all parts associated with a WECS within six (6) months once the device has become inoperable. The applicant shall submit a plan describing the intended disposition of the WECS at the end of its useful life, and if the property is not owned by the applicant, shall describe any agreement with the landowner regarding equipment removal upon termination of the lease.

Section 4.26 – Medical Marijuana

- A. Unless otherwise provided for in this Ordinance, all districts shall meet the following standards:
 1. Intent
 - a. It is the intent of this section to provide appropriate locations and reasonable restrictions for the cultivation and transfer of marijuana allowed by the Michigan Medical Marijuana Act, MCL 333.26421 et. Seq. This is a unique land use with ramifications not addressed by more traditional zoning district and home occupation regulations. Although some specific uses of marijuana are allowed by the Michigan Medical Marijuana Act, marijuana continues to be classified as a Schedule 1 controlled substance under federal law making it unlawful under federal law to use,

manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense marijuana.

- b. It is the intent of this section to promote the health, safety, and general welfare of persons and property by limiting land uses related to marijuana to districts that are compatible with such uses. Additional regulations in this section are intended to provide reasonable restrictions within districts so that these uses do not compromise the health, safety, and general welfare of persons in the district, or other uses allowed in each district.

2. Definitions

“Act” means the Michigan Medical Marijuana Act of 2008, MCL 333.26421, et seq., as amended, and the applicable Michigan Administrative Rules, R 333.101, et seq.

“Cultivation of Medical Marijuana” means growing medical marijuana as defined under the Michigan Medical Marijuana Act, MCL 333.26421 et seq, as amended.

“Distribution” means the physical transfer of any amount of marijuana in any form by one person to any other person or persons, regardless of whether any consideration is paid or received.

“Enclosed Locked Facility” means a facility as defined in Section 3(d) of the Act [MCL 333.26423(d)].

“Marijuana” means the substance or material defined in Section 7106 of the Public Health Code, Public Act 368 of 1976, as amended (MCL 333.7106).

“Medical Marijuana Cultivation at Principal Residence” means the cultivation of marijuana by a registered patient within a single-family dwelling that is the registered patient’s principal residence and which cultivation is in conformity with the restrictions and regulations contained in the Act.

“Primary Caregiver or Caregiver” means a person as defined in Section 3(g) of the Act [MCL 333.26423(g)] and who has been issued and possesses a Registry Identification Card under the Act.

“Qualifying Patient or Patient” means a person as defined in Section 3(h) of the Act [MCL 333.264(h)] who has been issued and possesses a Registry Identification Card under the Act.

“Registry Identification Card” means the document defined in Section 3(i) of the Act [MCL 333.26423(i)].

“Principal Residence” means the place where a person resides more than half of the calendar year.

3. Locations Primary Caregiver Medical Marijuana Operations

- a. Purpose and Scope. The Township recognizes to the extent that Primary Caregiver Medical Marijuana Operations [herein “PCMMO”] may be lawful under state and federal laws, the Township provides the following objectives, standards, and requirements for which a PCMMO shall be located only in industrial districts of the Township.

Nothing in this ordinance shall be construed as allowing persons to engage in conduct that endangers others or causes a public nuisance, or to allow the cultivation, distribution or use of marijuana contrary to the express authorizations of the Act and this ordinance. Further, nothing in this ordinance shall be construed to undermine or provide immunity from federal law as it may be enforced by the federal or state government relative to the cultivation, distribution, or use of marijuana. Thus, the authorization of activity, and/or the approval of a license, under this ordinance shall not have the effect of superseding or nullifying federal law applicable to the cultivation, distribution, and use of marijuana.

A land use, business, or other operation that provides, sells, or involves medical marijuana in any way is prohibited in the Township except as provided in this ordinance.

- b. Location. A PCMMO shall be located in the Township only in accordance with the following:

(1) PCMMO shall only be located in a district classified Industrial.

(2) No PCMMO or other medical marijuana cultivation facility shall be located within 300 feet of a parcel on which a school or school facility is located; further PCMMO or other medical marijuana cultivation facility shall be located within 300 feet of Sacred Heart Rehabilitation Center Adult Residential facility.

- c. Primary Caregiver Medical Marijuana Operation Regulations.

(1) No person shall reside in or permit any person to reside in a PCMMO.

(2) No one under the age of 18 shall be allowed to enter a PCMMO unless accompanied by a parent or guardian.

- (3) No smoking, inhalation, or consumption of marijuana shall take place on the premises.
- (4) Drive-in PCMMO shall be prohibited.
- (5) All activities of a PCMMO shall be conducted indoors.
- (6) No equipment or process shall be used in any PCMMO which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundary.
- (7) It shall be a violation of this ordinance for any person to operate a valid license.
- (8) No more than 72 marijuana plants shall be grown on the premises of any PCMMO.
- (9) PCMMO's shall comply with all other regulations of the zoning district in which they are located, except when they are in conflict, in which this section shall prevail.
- (10) PCMMO's shall comply with all other state laws and codes.
- (11) All medical marijuana caregivers distributing medical marijuana from PCMMO must provide or otherwise make available proof of valid, unexpired registry identification cards.
- (12) PCMMO's shall have secure windows and doors and the owner shall implement security measures to deter and prevent theft of marijuana, diversion of marijuana to illicit markets, and unintended or unlawful access.
- (13) Any signs utilized in compliance with the Township's ordinances, shall not use the words marijuana, marihuana, cannabis, hash, hemp, grass, weed, ganja, reefer, sinsemilla, pot or any other phrase, word, graphic, or picture commonly understood to refer to marijuana.
- (14) All necessary building, electrical, plumbing, and mechanical permits, including inspection of the facility shall be obtained for any part of the structure in which electrical, wiring, lighting, or watering devices support the growing, storage, or distribution of medical marijuana.
- (15) Each enclosed locked facility for marijuana for medical use must contain a minimum of 200 square feet and shall not exceed 2,500 square feet.

- (16) Each enclosed locked facility must be separate from any other enclosed locked facility and maintained, enclosed, and locked.
 - (17) Marijuana plant grown outdoor in an enclosed, locked facility shall submit a site plan for review and approval by the Building Official.
 - (18) Each individual enclosed locked facility; including any outdoor areas, shall receive a Certificate of Zoning Compliance before the presence of marijuana is allowed. The documents submitted for the Certificate of Zoning Compliance shall include a floor plan for the enclosed, locked facility that defines the areas designated for the grow area, work area, storage area, and office area, if any.
 - (19) A violation of any section of this article is a civil infraction.
- d. Registered Qualifying Patient without a Care Giver, Cultivation other than Principal Residence.
- (1) A patient without a caregiver may decide to grow (cultivate) medical marijuana for the patient's own use at a facility other than at the patient's principal residence.
 - (2) A patient may grow up to 12 plants in only the Industrial District in an enclosed locked facility as defined by the Act.
 - (3) The registered patient is responsible for utilizing at a parcel, an enclosed locked facility, compliant with state law for cultivating, growing, manufacturing, processing, and storing marijuana for medical use only.
 - (4) The enclosed locked facility utilized by the registered patient, shall provide separation by fully enclosed walls or fences, for plants so it is accessible only to the registered patient.
 - (5) The processing and storing of medical marijuana under this section, is permitted only by registered qualifying patients.
 - (6) The patient shall file for a Certificate of Zoning Compliance and, where necessary, obtain permits for the following building and fire code requirements; electrical wiring, lighting, ventilation, mechanical equipment, and/or watering devices that support the production of marijuana.

- (7) If the patient chooses to grow medical marijuana in an industrial district as referenced above, that patient shall not be permitted to grow medical marijuana at his/her principal residence.
- e. Medical Marijuana Facilities Licensing Act. Nothing in this ordinance authorizes or is to be construed to authorize Medical Marijuana Facilities as described in the Medical Marijuana Facilities Licensing Act, Public Act 281 of 2016. All Medical Marijuana Facilities as described in Public Act 281 of 2016 are not permitted in any zoning district in Richmond Township.
- f. No Vested Rights. A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment of this ordinance.

Section 4.27 – Streets, Private Roads, and Parking Lot Surfacing

It is essential that existing and proposed streets and roadways provide for the continuity of the public street system and maintain minimum standards that will enhance and maintain property values and protect the rights of residents. To accomplish this purpose, the following is required:

- A. The location and dimensions of all streets and roadways must comply with the Township’s adopted Master Thoroughfare Plan.
- B. All residential developments shall be served by concrete paved roadways having a width (back to back of curbs) of 28 feet for local streets and 36 feet for collector streets.
- C. All commercial and industrial developments shall be served by concrete paved roadways having a width (back to back of curbs) of 26 feet.
- D. Unless a determination by the Planning Commission is made that a local street may be “private”, all streets shall be “public” and dedicated to the Macomb County Department of Roads.
- E. The Planning Commission’s standards for determining whether a street may be “private” are as follows:
 - 1. The street is not needed for continuity of the public street system,
 - 2. The street is located within a multiple family, mobile home, commercial or industrial development,

3. The street provides public utility easements that are at least sixty (60) foot feet wide for residential, seventy (70) feet wide for commercial, industrial and other non-residential uses,
 4. Dead-end or cul-de-sac streets shall not exceed a length of 800 feet, as measured from the center of the intersecting street to the end of the cul-de-sac or dead-end street. This requirement may be waived upon concurrence of the Richmond Township Fire Department, Township Engineer, and Planning Commission, provided that a boulevard having a minimum length of 75 feet is constructed at the entrance from the intersecting street.
- F. If the Planning Commission allows a “private” road, it must meet the following conditions:
1. “Private” roads must be developed with similar standards required by the Macomb County Department of Roads for “public” roads.
 2. Permits for any dwelling or building on any parcel served by the private road shall not be issued until the Township’s engineer determines that the road was constructed and completed in accordance with this ordinance.
 3. A Private Road Maintenance Agreement, in a form approved by the Richmond Township Board, shall be recorded as a part of the deed or land contract for every parcel of property to which the road provides access. The Maintenance Agreement shall be binding on all parties and shall guarantee a financial mechanism for the maintenance of the private road by all benefited property owners. Neither Richmond Township nor the Macomb County Department of Roads has any responsibility or legal authority to maintain private roads. In addition, the Maintenance Agreement shall include each owner's written approval for the establishment of a Special Assessment District, for maintenance of the “private” road by the Township, upon failure of the owners to maintain the “private” road.
- G. Where the Township Zoning Ordinance requires off-street parking, the parking areas shall be paved with either concrete pavement or a bituminous pavement and shall meet the requirements of the Richmond Township Engineering Standards Ordinance.

ARTICLE 5 GENERAL EXCEPTIONS

The regulations of this Ordinance shall be subject to the following interpretations and exceptions:

Section 5.00 – Access through Yards

For the purpose of this Ordinance, access drives may cross a required front yard setback or be placed in the side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, driveway or other pavement servicing a like function shall, for the purpose of this Ordinance, not be considered to be a structure and shall be permitted in any required yard.

Section 5.01 – Essential Services

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services which primarily serve Richmond Township from the application of this Ordinance.

Section 5.02 – Height Limit

No building shall be converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building. Fire or parapet walls, skylights, towers, steeples, silos, stage lofts and screens, flagpoles, chimneys, smokestacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures, excluding light poles, may be erected above the limits herein prescribed. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than ten (10) percent of the roof area of the building; nor shall such structure be used for any residential purpose other than a use incidental to the main use of the building. The Zoning Board of Appeals may specify a height and setback limit for the erection of commercial, radio and television transmitting, cellular telephone, relay or other types of antenna towers. Height restrictions for all buildings, structures and appurtenances erected beneath established aircraft approach lanes shall be established by the Zoning Board of Appeals after consultation with the appropriate aeronautical agency.

Section 5.03 – Porches/Terraces, At-Grade Patios, Steps, Stairs, and Decks

- A. At-grade patios may be constructed within required front, side and rear yard setbacks. Unenclosed and uncovered access porches (i.e., one which is not roofed over) or paved terraces may project into a required front or rear yard setback for a distance not exceeding four (4) feet.
- B. Patio and porches covered or partially covered by permanent construction (awnings excepted) shall not project into any required setback, but this shall not be interpreted to include or permit fixed canopies or awnings.
- C. Decks may be allowed to project not more than ten (10) feet into the required rear yard setback, provided that the following conditions are met:
 - D. The deck does not encroach into any easement.
 - E. The deck is not located facing any street.
 - F. The deck conforms with applicable side yard setback requirements.
 - G. The deck is located not less than ten (10) feet from any detached accessory building. (This separation shall not apply to any accessory structure.)
 - H. The deck elevation shall be no greater than eight (8) inches over the first-floor grade elevation of the main structure. (Exception: a deck around a pool may match the height of the pool.)
 - I. Any additional structures attached to the deck, such as a gazebo or pool, shall be located at least ten (10) feet from any structure.

Section 5.04 – Projections into Yards

Architectural features, such as, but not limited to, window sills, cornices, eaves, bay windows (not including vertical projections), may extend or project into a required side yard setback not more than two (2) inches for each one (1) foot of width of such required side yard, and may extend or project into a required front or rear yard setback not more than three (3) feet.

Section 5.05 – Sale of Natural - Seasonal Items

The sale of natural (non-manufactured) seasonal items such as Christmas trees, pumpkins, and certain fruits and vegetables shall be permitted by obtaining a permit through the Township in the appropriate commercial or agricultural district by established businesses as outdoor display items. Such display and sale shall observe the setbacks of the respective district in which they are located.

Section 5.06 – Residential Driveways, Curb Cuts, and Culverts

- A. No residential driveway shall serve more than one (1) single family dwelling.
- B. For all residential driveways, road culvert permits shall be obtained from the Macomb County Department of Roads, as applicable. If it is determined that a culvert permit is not required, the location of the driveway entrance to the road must be approved by the Township Engineer.
- C. Residential driveways shall be further regulated with respect to entrance design, drainage, surface material, relationship to other drives on adjacent parcels, and distance to intersections of public or private roads by the Land Development and Engineering Standards Ordinance No. 02-2005.
- D. Driveways designed to serve agricultural properties, where residential structures do not exist, are not considered to be residential driveways if they are not paved, and are less than twelve (12) feet in width.

ARTICLE 6
ZONING DISTRICTS AND ZONING MAP

Section 6.00 - Zoning Map

The Zoning Map of Richmond Township, which together with all explanatory matters thereon, is hereby adopted and declared to be a part of this Ordinance.

Regardless of the existence of purported copies of the Zoning Map which may from time-to-time be made or published, the Zoning Map, which shall be located in the office of the Township Clerk, shall be the final authority as to the current status of zoning in the Township.

In the event that the Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Township Board may, by resolution, adopt a new Zoning Map. The new Zoning Map may correct drafting or other errors or omissions in the prior Zoning Map, but no such corrections shall have the effect of amending the original Zoning Map or any subsequent amendment thereof.

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

Section 6.01 – Zoning Districts

For the purpose of this Ordinance, Richmond Township is hereby divided into the following districts:

A-1	Agricultural Residential
R-1	Single-family Residential
RM	Multiple-family Residential
MHC	Manufactured Housing Community
O-1	Professional Office
C-1	Local Government
C-2	General Commercial
M-1	Light Industrial
M-2	General Industrial

Section 6.02 – District Boundaries

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- A. Unless shown otherwise, the boundaries of the districts are lot lines; the centerlines of streets, alleys, roads or such lines extended; railroad right-of-way lines; and the Richmond Township limits. Dimensions shown are to the center of the adjacent road or street.
- B. Where, due to the scale, lack of detail or illegibility of the Zoning Map for this Ordinance, there is any uncertainty or contradiction as to the location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application or upon its own motion, by the Zoning Board of Appeals. The Zoning Board of Appeals, in arriving at a decision on these matters, shall apply the following standards:
 - 1. The district boundaries, as set forth in this section, shall first be considered with reference to the standards cited in Subsection 1., above.
 - 2. Where a district boundary divides a site, the location of any such boundary, unless the same is indicated by dimensions shown on said map, shall be determined by the use of the map scale shown thereon.
 - 3. If, after the application of the foregoing standards, uncertainty, contradiction or dispute remains as to the exact location of a district boundary, the Zoning Board of Appeals shall determine and fix the location of said boundary line as all of the facts and circumstances shall require.

Section 6.03. District Regulations

- A. No structure or land shall be used, occupied, erected, constructed, moved or altered, except in conformity with the regulations specified for that Zoning District . Unless a use is permitted in a particular Zoning District, it shall be prohibited in that Zoning District.
- B. Except as otherwise provided, regulations governing land and building use, minimum lot size, lot area per dwelling unit, building height, building placement, required yards and other pertinent factors are hereby established as stated in the detailed provisions for each of the Zoning District s. In each Zoning District, a “permitted use” shall be a use of land or buildings subject to the minimum requirements specified for such use in the Zoning District in which such use is located, plus applicable requirements found elsewhere in this Ordinance. A special land use shall be a use of land or buildings which may be permitted in that district only after following special procedures designed to ensure site and use compatibility with existing or proposed surrounding land uses. In evaluating and deciding each application for such permission, the Planning Commission shall apply the standards contained in Article 12 of this Ordinance and any special conditions imposed for that use.

Section 6.04 – Zoning of Vacated Areas

Whenever any street, alley or other public way within Richmond Township is vacated by official government action, and when the lands within the boundaries thereof attach to and become a part of the land adjoining such street, alley or other public way, such lands formerly within such vacated street, alley or public way shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which same shall attach.

**ARTICLE 7
RESIDENTIAL DISTRICTS**

Section 7.00 – Provisions Applicable to Residential Districts

- A. Unless otherwise provided for in this Ordinance, accessory buildings and structures in all residential zoning districts shall meet the following standards:
1. Accessory buildings over 200 square feet shall require a building permit. A zoning compliance permit shall be required for all accessory buildings under 200 square feet.
 2. Detached accessory buildings shall be located only in the rear yards. No accessory building shall be located closer than five (5) feet to any main building unless permitted by any other appropriate code. In platted or condominium subdivisions with lot sizes under one (1) acre in size, no accessory building shall be closer than five (5) feet to any rear or side lot line. Outside of platted or condominium subdivisions, or in subdivisions (platted or condominium) with lot sizes exceeding one (1) acre in size, side and rear yard setbacks shall be forty (40) feet. Structures with a height greater than twenty-five (25) feet shall be setback a minimum of twenty (20) feet from a rear or side lot line.
 3. Where the accessory building is structurally attached to the main building, it shall be subject to, and must conform to, all regulations of this ordinance applicable to the main building.
 4. Accessory buildings on corner lots shall maintain the specific front setback from both streets, as required for main buildings in the same zoning district.
 5. No accessory building shall be erected prior to the enclosure of the main building, except as provided herein. The Building Official may allow the construction of an accessory building prior to the construction of the principal building subject to all of the following:
 - a. The applicant shall obtain a building permit for the principal building prior to or simultaneous with obtaining the building permit for the accessory building.
 - b. The applicant shall deposit a cash performance guarantee with the Township to ensure completion of the main building. The guarantee shall be in an amount equal to the cost of completing the principal structure.
 6. One (1) non-enclosed awning, lean-to, or overhang may be attached to or may be part of the accessory building. The area under the awning, lean-to, or overhang shall not count as accessory building floor area; however, the area of such awning, lean-to, or overhang shall not exceed twenty-five (25) percent of the accessory structure and shall not extend

beyond twelve (12) feet outward from the accessory structure wall. All such awning, lean-to or overhangs shall be open with no walls on three (3) sides.

7. All accessory buildings with two hundred (200) square feet or less of floor area shall have a floor elevation at least eight (8) inches above grade and/or rat-wall.
8. The maximum size permitted for attached residential garages shall not exceed $\frac{1}{2}$ of the floor area of the home or eight hundred fifty (850) square feet, whichever is less, with a maximum height of eighteen (18) feet. In order to de-emphasize the prominence of the garage and to maintain the residential character of the principal building, residential garages that exceed 660 square feet (2 $\frac{1}{2}$ car or more) must utilize one of the following design techniques:
 - a. The vertical plane of the front wall and doors of the attached garage shall be setback at least five (5) feet behind the vertical plane of the front wall of the residence.
 - b. A side or rear entry garage design with residential architectural details such as windows or roof gables oriented toward the street.
9. The occupants of each residential dwelling may keep not more than one (1) commercial vehicle, not larger than a regularly manufactured pickup or panel truck, which must be housed in a garage or similar accessory building when not in use, provided the commercial vehicle is owned and operated by a resident of the dwelling.
10. Accessory buildings shall be incidental to the principal permitted use and shall not involve any business, profession, trade, or occupation, unless specifically approved as part of a special land use permit.
11. Vehicles and Containers Prohibited as Accessory Buildings
 - a. Over-the-road truck trailers, shipping containers, other enclosed trailers, and similar vehicles and containers shall not be permitted as permanent accessory buildings in any zoning district.
 - b. The Building Inspector may permit the use of trailers, shipping containers, and similar enclosed vehicles for temporary storage at new building construction sites for periods not to exceed six (6) months, and may grant not more than one (1) six (6) month extension. A valid building permit shall be in place during the entire time the temporary storage unit is in use. A cash performance guarantee, in an amount established by resolution of the Township Board, shall be deposited with the Building Department Clerk to guarantee removal of the temporary storage unit upon expiration of the building permit and/or as a condition for issuance of a Certificate of Occupancy.

12. Accessory buildings in Agricultural (A-1), Single Family (R-1), and Multiple Family Residential (RM) districts shall comply with the following:

- a. All buildings accessory to the operation of a farm, other than those usually incidental to the dwelling, shall be located not less than one hundred (100) feet from any swelling and not less than twenty-five (25) feet from any property boundary, with the exception that the main farm building shall not be less than one hundred and fifty (150) feet from the front property line. This requirement shall not apply to the alteration or addition to an existing barn or other farm buildings, which are located closer to the road and which existed prior to the adoption of this Ordinance, if approved by the Zoning Board of Appeals.
- b. Accessory buildings and structures used solely in an agricultural or farm operation shall be regulated by the criteria below:
 - (1) No number, size, or height restrictions apply where an accessory building or structure is utilized solely for activities directly related to agriculture or farm operation on the same parcel. This provision shall apply to property which has filed a claim for Farmland Exemption with the Michigan Department of Treasury under P. A. 237 of 1994, as amended, and where the owner has agreed with Richmond Township in writing that the property shall be actively maintained for agricultural use for a minimum of three years from the time the Farmland Exemption is claimed.
 - (2) Where the accessory building or structure is partially or wholly accessory to a single-family residence, the accessory building shall meet all criteria specified in Subsection 3.
- c. Detached Accessory buildings and structures, which are accessory to single-family residences in the A-1, R-1, and RM districts shall comply with the following:

Parcel Size	Total Allowable Area of all Detached Accessory Structures ^{1,2,3}	Maximum Height of Detached Accessory Structures
2.0 acres or less	1,400 square feet or 2.1 percent of the land area of the parcel, whichever is greater.	Twenty-five (25) feet.
2.01 – 3.00 acres	1,800 square feet or 2.0 percent of the parcel, whichever is greater.	Twenty-five (25) feet.

3.01 – 4.99 acres	2,600 square feet or 2.0 percent of the parcel, whichever is greater.	Twenty-five (25) feet.
5.00 acres or more	No Limit	Thirty-five (35) feet.

1. One (1) attached or detached garage not to exceed eight hundred (800) square feet shall be permitted on an individual lot or parcel in addition to the total allowable of all detached accessory buildings specified above. Excess floor area for garages that exceed eight hundred (800) square feet shall be included in the calculations used to determine maximum allowable size of accessory buildings. Attached garages must comply with the requirements of Section 7.00 A. (Therefore, they cannot exceed 850 square feet or ½ of the floor area of the home, whichever is less.)
2. Existing accessory buildings may limit future lot splits if the accessory building exceeds the maximum allowable area for accessory buildings on the proposed lot. The Zoning Board of Appeals shall not grant variances for existing accessory building which exceed the maximum allowable area in order to facilitate a proposed lot split.
3. Second story floor area shall not count toward the allowable square footage of the structure.

13. Buildings accessory to residential buildings in Multiple-Family (RM), and Manufactured Housing Community (MHC) districts on lots less than .25 acre shall be limited to one (1) attached or detached garage, and one (1) storage shed or similar structure under two hundred (200) square feet. Any such accessory structure shall still be subject to site plan approval.

B. Design standards

In any Single-family Residential District, there shall be variation in the appearance of dwelling units using the following as minimum standards. The foregoing standards shall not apply to a manufactured home located in a licensed Manufactured Housing Community, except to the extent required by State or Federal law or otherwise specifically required in the Zoning Ordinance of the Township pertaining to such parks.

1. The front elevation of single-family detached dwelling units shall not recur in the same or a substantially similar structural form on another dwelling within the same block frontage, without there being at least three (3) other dwellings with a different building elevation between the dwellings that repeat the front elevation. Different colors alone will not constitute different front elevations.

2. Plans for modular homes, prefabricated units and similarly constructed units shall be approved by the State of Michigan Construction Code Commission as meeting the State Construction Code (Public Act 230 of 1972 and Public Act 371 of 1980, as amended) prior to the issuance of a building or occupancy permit.
3. Manufactured/mobile homes or trailers shall meet or exceed the requirements imposed by the United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards (24 CFR 3280 and as, from time to-time, such standards may be amended). The Planning Commission shall be furnished a certificate stating that such dwelling meets the minimum building code requirements applicable to such structure or shall include a seal attached to the unit. Any addition to such manufactured home must be designed and constructed by the manufacturer of such home or must be based upon an architectural plan deemed compatible with the overall design of the manufactured home and approved by the Planning Commission.
4. All one-family dwelling units shall have a minimum width across any front, side or rear elevation of twenty-four (24) feet.
5. All dwelling units shall be attached to a permanent foundation constructed on the site in accordance with the building code and shall have a wall of the same perimeter dimensions of the dwelling and additions thereto and constructed of such materials and type as required in the building code. In the event that the dwelling is a manufactured home, as defined herein, such dwelling shall also be installed pursuant to the manufacturer's set-up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a continuous perimeter wall, as required above.
6. Single-family dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. In making such determination of compatibility, the Planning Commission or Building Inspector may consider the following factors; total square footage; length-to-depth proportions; value and quality of construction; exterior building materials; architectural style and design and roof line; as well as the character, design and appearance of a majority of the residential dwellings (excluding manufactured housing communities) within two thousand (2,000) feet of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the standard designed home.

C. Dwellings per lot or parcel.

No more than one (1) single-family residential dwelling shall be permitted per lot or parcel, except as provided for in site condominium developments.

D. Dwellings without basements

Each one-family and two-family dwelling unit without a basement shall provide not less than an additional one hundred (100) square feet of floor area for utility rooms and/or storage space greater than the minimum floor area per dwelling unit.

E. Fences, walls, hedges, and protective barriers.

- a. The erection, construction, or alteration of any fence, wall, hedge, or other type of protective barrier in a single-family district shall be reviewed by the Building Inspector. The Building Inspector shall approve all fences that conform to the requirements of the Zoning District wherein they are proposed and the requirements of this Section.
- b. In any residential district, fences and walls are permitted along any lot line.
- c. Unless otherwise stated, fences shall be a maximum of six (6) feet in height.
- d. No fence located in the front yard, or the area of the side yard between the rear building line of the primary structure and the front yard lot line, shall be greater than forty-two (42) inches in height. Fences located in the area described herein shall be picket or wrought iron in nature.
- e. No fencing shall have sharp design features, and shall not contain barbed wire or razor wire.
- f. All fences in multiple family residential districts shall be subject to site plan review procedures.
- g. For all fences hereinafter erected, the finished side of the fence shall face the property adjacent to the proposed fence.

F. Measuring minimum floor space requirements

Minimum floor space requirements as established by the various provisions of this Ordinance for residential dwellings shall be measured from the exterior surface of enclosing walls and centerline of common partition walls for each dwelling unit. Minimum floor area shall not include cellars or basements, attached garages or attics, unheated breezeways, porches or decks.

G. Residential open space development

1. Residential open space developments, as defined by the regulations of this section, shall be considered a permitted use in all Single-Family Residential Zoning Districts.

In no circumstance shall multiple-family residential development (attached units) of any type be permitted in a Residential Open Space Development.

2. The intent of this Section is to provide a preferable alternative to conventional single-family development regulations. All Residential Open Space Developments shall promote the following objectives:
 - a. Maintain the Township's open space and rural setting.
 - b. Preserve the Township's natural resources, including woodlands, wetlands, topography, floodplains, and similar assets.
 - c. Preserve open space and productive agricultural land.
 - d. Achieve a balance between open space and growth and agriculture.
 - e. Encourage a creative approach to the development of parcels exhibiting unusual characteristics and/or land use relationships.
 - f. Provide alternatives to conventional residential developments.
3. Submission and preservation requirements:
 - a. All-natural assets and cultural/historic features on the site must be identified on the plan. Such assets shall include natural stands of trees, wetlands, floodplains, topography, bodies of water (i.e. streams, rivers), land which serves as natural habitat for wildlife, or other natural assets which should be preserved. Regulated natural features such as, but not limited to, wetlands and floodplains must be identified through documentation from the appropriate federal, state and/or local authorities. Cultural and historic features may include farmhouses, stone fence lines, and buildings of historic value. Residential Open Space Developments shall preserve all of the above amenities to the extent feasible and desirable to the Township.
 - b. A detailed map of the parcel, identifying soil conditions shall be provided.
 - c. All open space developments shall include an improved trailway system throughout the Residential Open Space Development and open space areas.
 - d. A preservation and maintenance agreement for all open space areas and common elements, reviewed and approved by the Township Attorney shall be submitted. Approval of the development shall be conditioned upon the recording of appropriate conservation easements and/or other irrevocable instruments for the purpose of providing for maintenance and preservation of

common elements, open space areas, wooded areas and/or other areas with natural resources or features to be preserved. All such maintenance agreements, deed restrictions, and approved plans from the Township shall clearly indicate that open space maintenance shall be the responsibility of the homeowners or condominium association.

4. Density

- a. The maximum number or units allowed shall be determined by the submission of a “yield plan”. The yield plan shall be provided by the developer and shall be a feasible development under the requirement standards of the specified Zoning District with regard to lot width, lot area, width-to-depth ratios, setbacks, frontage, and other applicable provisions of such district. The yield plan shall meet all applicable requirements of the State Land Division Act and all applicable Township ordinances. The yield plan shall also meet the Richmond Township Subdivision Regulations Ordinance and Zoning Ordinance as applicable to the type of development.
- b. The Planning Commission may require soil and ground water perk tests for lots of a suspect nature. They may also require test wells if adequate well water is questionable. If it is determined through these tests that the number of housing lots proposed is unfeasible, the site plan will be revised and resubmitted, minus the number of house lots that failed the perk and/or water test. Detailed engineering is not required at this stage.

5. Open Space Requirements

- a. A minimum of fifty (50) percent of the development shall be set aside for common open space as defined below. The open space shall be irrevocably reserved for open space.
- b. The developer may, at his election, choose to deed such land to Richmond Township for public playgrounds, parks, or recreation areas subject to Township acceptance of such property. The Township shall only consider acceptance of a minimum of five (5) acres of contiguous active open space. The failure of the Township to accept such property shall not relieve the developer from the open space requirements. Open space shall be defined as follows: All areas within the Open Space Development, not individually owned or part of a limited common area, which are designed and intended to preserve open land resources for the common use and enjoyment of the residents of the entire development for any of the following uses; recreation, forest land and/or open space conservation, prairies, meadows, and community gardens. The open space requirements shall not be met by land uses such as rights-of-way or easements designated for road or utility purposes, areas within

- lots, detention/retention ponds (and associated land surrounding the ponds), aesthetic ponds, golf courses or other commercial recreational uses, or land area dedicated as limited commons.
- c. A minimum of fifty (50) percent of all dwelling units within the development shall abut the dedicated open space.
 - d. Trailways shall be located throughout the open space and shall link the internal sidewalk/walking path system of the housing development with the open space areas. Such trailways shall be a minimum of five (5) feet in width and constructed of asphalt or other approved material in upland areas, and pressure treated wood plank decking (or other similar durable material) in wetland areas.
 - e. A minimum of one (1) access point to the open space, being a minimum of fifty (50) feet in width, shall be provided for each twelve (12) households. These access points shall link the open space to the sidewalks and the remainder of the development.
 - f. The development shall include a minimum of a 210-foot roadway setback-buffer measured from the road centerline along any regional, major, secondary, or collector road. A minimum of a 180-foot roadway setback-buffer measured from the road centerline shall be provided along all local roadways.
 - g. A minimum buffer width of thirty (30) feet shall be provided adjacent to streams, lakes, ponds or wetlands and similar man-made features such as detention/retention basins. Residential lots shall not encroach within thirty (30) feet of such waterbody/waterway buffer.
 - h. Open space areas designated for passive recreation shall be planted with native prairie grass or similar types of ground cover. In addition, ten (10) trees shall be planted for each one (1) acre of such open space area. Deciduous trees shall be a minimum size of two and one-half (2½) inches caliper and evergreen trees shall be a minimum of six (6) feet in height.
6. Utilities. All utilities shall be placed underground when feasible. The applicant shall provide adequate sanitary sewage treatment, water supply and storm water drainage systems to serve the development. Evidence shall be submitted indicating that all such systems have received preliminary approval from appropriate county or state authorities. The Township shall have sole authority for final approval of any utility system. In the absence of a Township Utility System, all utilities to serve the site shall be constructed and maintained by the applicant and any successors. A maintenance agreement, approved by the Township, shall be required.

7. Roads. Roadways shall conform to the Macomb County Department of Roads standards.
8. Street trees. The entrance and all roadways shall be landscaped and planted with street trees, to create an attractive vista. Such trees shall be planted no more than thirty (30) feet on center and shall be located outside of the road right-of-way and utility easements. The trees shall be meet the size and species requirements of this Ordinance.
9. Setbacks. The following building setbacks shall be required:
 - a. All structures shall meet the setback requirements for the Zoning District which they are located.
 - b. Rear yard setbacks may be reduced to twenty (20) feet for lots with rear yards which abut open space or alleys. All other lots shall meet the rear yard setback of the zoning district for the site.
 - c. No lot, property, or building site shall be located within an exterior roadway setback/buffer.
10. Dedication of open space and/or development rights. The dedicated open space shall be set aside in an irrevocable conveyance that is acceptable to the Township Attorney and approved by the Township Board, such as the following:
 - a. A conservation easement as established by the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L. 399.251).
 - b. Master deed as established by the State of Michigan Condominium Act, Act 59 Public Act of 1978, as amended.
 - c. Distribution, gift or sale of the development rights to all property owners within the Open Space Community.
 - d. The above conveyance shall indicate all proposed uses of the dedicated open space, which shall also be shown on the approved open space community. The Township Attorney shall review the conveyance and assure the Township that such lands shall remain as open space for perpetuity. The conveyance shall also detail a maintenance schedule and funding for operation, maintenance and insurance for all common areas, facilities, projects and programs of the open space community, and shall include methods of payments and collection. The homeowner or condominium association shall be responsible for maintenance of all open space areas. At the time the property is turned over to the association it shall be clean and free of debris.

- e. Unless other provided for in this Ordinance, all other applicable Zoning Ordinance provisions shall apply
- H. Private pools. Private pools shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements:
- a. Private pools shall not require Planning Commission review and approval.
 - b. The outside edge of the pool wall shall be set back from any side or rear lot line a distance at least equal to the side yard setback as specified in the district in which the pool is located. In no instance shall this setback be less than ten (10) feet.
 - c. There shall be a distance of not less than ten (10) feet between the outside pool wall and any building located on the same lot.
 - d. No swimming pool shall be located in the front or street side yard.
 - e. No swimming pool shall be located in an easement.
 - f. For protection of the general public, all areas containing swimming pools shall be completely enclosed by a fence not less than four (4) feet in height. The gates shall be a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods.
 - g. Swimming pools are governed by both the Richmond Township Zoning Ordinance and the Michigan Building Code. Both codes recognize above ground pools and in-ground pools as swimming pools.
 - h. Use of an automatic safety cover that complies with ASTM 1346, does not negate the fence requirement in Subsection f. on this Section.
 - i. Exempt from the definition in the zoning code is a temporary structure holding less than 300 gallons, and the building code also exempts any structure having a depth of less than twenty four (24) inches.
 - j. Spas or hot tubs may be equipped with a safety cover which complies with ASTM F-1346-91 and bears a tag stating compliance, instead of a fence described in Subsection f. of this Section.

Section 7.01 – Agricultural Residential District, A-I

The A-I, Agricultural District is applicable to those areas of the Township that are expected to remain in active farming. The Agricultural District is primarily composed of large open land areas and wooded lands. The following provisions of this Article are intended to retain, insofar as is practicable and desirable, the open character of the land. It is also the primary purpose of this district to permit those uses customarily considered agricultural operations, thereby preserving and maintaining this natural resource. Residential uses, while permitted, are considered secondary to the agricultural activities and objectives of this district.

A. Permitted uses:

1. Agriculture
2. Agri-Business
3. Single-family dwellings
4. Stables for the keeping of horses for residents of the premises or for boarding and/or training but not for rent shall comply with the applicable conditions set forth below:
 - a. Facilities which provide stables and permit horses to pasture on the premises shall provide a minimum site area of five (5) acres for the first horse and one (1) acre for each additional horse.
 - b. In no instance locate a stable or confined paddock area nearer than thirty (30) feet to any property line. Any horse may, however, be pastured to the property line provided it is properly fenced.
 - c. No stable or confined paddock area shall be located closer than fifty (50) feet to any dwelling on the premises.
 - d. Stables and confined paddock areas shall be kept clean, and manure handled in such a manner to control odor and flies.
5. Facilities which keep their horses within a building, unless they are specifically being ridden or trained under supervision are not subject to the provisions of 4-a-i above but shall:
 - a. Provide a minimum site of five (5) acres
 - b. In no instance locate a stable or paddock area nearer than thirty (30) feet to any property line.

- c. No stable or confined paddock area shall be located closer than fifty (50) feet to any property line.
 - d. Stables and training areas shall be kept clean, and manure handled in such a manner as to control odor and flies.
 - e. Provide acreage and pasturage in accordance with items 4-a-i and ii above.
6. Family day care (one (1) to six (6) children).
 7. Neighborhood public parks
 8. Public schools
 9. Home occupations, Type 1
 10. Accessory Buildings
 11. Wetland and Floodplain Mitigation Plans and the like
- B. Special land uses: The following special land uses and any use similar to those uses set forth in this Section may be granted approval by the Planning Commission if determined to be in accordance with the provisions of Article 12 of this Ordinance.
1. Agri-business (Subsection 12.02.C).
 2. Airports and private airstrips (Section 12.03).
 3. Bed and breakfasts (Section 12.06).
 4. Cemeteries (Section 12.08).
 5. Churches (Section 12.09).
 6. Commercial animal feed lots (Section 12.11).
 7. County, state, or federal uses (Section 12.13).
 8. Day care centers and nursery schools (Section 12.14).
 9. Golf courses, ball fields and athletic fields (Section 12.20).
 10. Greenhouses and nurseries selling products not produced on-site (Section 12.21).

11. Group day care (seven (7) to twelve (12) children) (Section 12.22).
12. Home occupations Type II (subsection 12.23.B).
13. Landfills (section 12.26).Mining and extraction (Section 12.27).
14. Public library, public museum.
15. Public utility buildings (Section 12.32).
16. Raising of fur bearing animals, including kennels (Section 12.33).
17. Stables for the renting of trail and/or riding horses for riding on the premises (Section 12.34).
18. Wireless communication towers (Section 12.35).
19. Shooting and gun ranges.

C. Area, height, bulk, and placement regulations:

1. Minimum site size: One and one-half (1½) acres (sixty-five thousand, three-hundred forty (65,340) square feet).
2. Minimum lot width: One hundred fifty (150) feet.
3. Minimum yard setback requirements shall be:
 - a. Front yard: See Section 4.08.
 - b. Side yard: Twenty (20) feet.
 - c. Rear yard: Forty (40) feet.

D. Building requirements:

1. Maximum height (stories/feet): 2/30
2. Maximum lot coverage: Ten (10) percent
3. Minimum floor area (square feet):
 - a. 1-story: First floor/Total 1,200/1,200

b. 1 ½-story: First floor/Total 800/1,200

c. 2-story: First floor/Total 650/1,300

NOTE: Tri-level structures shall meet the minimum floor area requirements for story and one-half (½) buildings and quad-levels shall meet the minimum floor area requirements for the two-story buildings.

Section 7.02 – Single-Family Residential District, R-I.

The Single-Family Residential District has been established to provide principally for one-family dwellings. The specific interest of this district is to encourage the use of single-family dwellings, prohibit land use which would substantially interfere with the development of one-family dwellings and to discourage any land use which, because of its character and size, would result in the depreciation of property values.

A. Permitted uses:

1. Single-family dwellings
2. Family day care (one (1) to six (6) children).
3. Neighborhood public parks.
4. Public schools.
5. Home occupations Type I (Subsection 12.23.A).
6. Accessory buildings (Subsection 7.00.A).

B. Special land uses: The following special land uses and any use similar to those uses set forth in this section may be granted approval by the Planning Commission if determined to be in accordance with the provisions of Article 12 of this Ordinance:

1. Bed and breakfasts (Section 12.06).
2. Cemeteries (Section 12.08).
3. Churches (Section 12.09).
4. County, state, or federal uses (Section 12.13).

5. Golf courses, ball fields and athletic fields (Section 12.20).
6. Group day care (seven (7) to twelve (12) children) (Section 12.22).
7. Home occupations Type II (Subsection 12.23.B).
8. Public library, public museum.
9. Public utility buildings (Section 12.32).
10. Wetland and Floodplain Mitigation Plans and the like.

C. Area, height, bulk, and placement regulations:

1. Minimum lot area: One (1) acre (forty-three thousand five hundred sixty (43,560) square feet)
2. Lot width: One hundred thirty (130) feet.
3. Front yard setback: See Section 4.08.
4. Rear yard setback: Thirty-five (35) feet.
5. Side yard: Ten (10) feet.

D. Building requirements:

1. Maximum height (stories/feet): 2/30
2. Maximum lot coverage: Twenty-five (25) percent
3. Minimum floor area (square feet):
 - a. 1-story: First floor/Total 1,200/1,200
 - b. 1½- story: First floor/Total 960/1,340
 - c. 2-story: First floor/Total 750/1,500

NOTE: Tri-level structures shall meet the minimum floor area requirements for story and one-half (½) buildings and quad-levels shall meet the minimum floor area requirements for the two-story buildings.

Section 7.03 – Multiple-Family Residential District, RM

The RM, Multiple-Family Residential District is designed to provide sites for multiple-family dwelling structures and related uses which will generally serve as zones of transition between the nonresidential districts and lower-density Single-Family Districts. The Multiple-Family District is further provided to serve the limited needs for the apartment type of unit in an otherwise Low Density, Agricultural, Single-Family Community.

A. Permitted uses:

1. Single-family dwellings subject to the requirements of the R-I District.
2. Multiple-family dwellings.
3. Family day care (one (1) to six (6) children).
4. Neighborhood public parks.
5. Public schools.
6. Home occupations Type I (Subsection 12.23.A).
7. Accessory buildings (Section 7.00.A).

B. Special land uses: The following special land uses and any use similar to those uses set forth in this Article may be granted approval by the Planning Commission if determined to be in accordance with the provisions of Article 12 of this Ordinance.

1. Churches (Section 12.09).
2. Colleges and universities (Section 12.10).
3. Convalescent, nursing homes or hospices (Section 12.12).
4. County, State, or Federal uses (Section 12.13).
5. Day care centers and nursery schools (Section 12.14).
6. General hospitals (Section 12.19).
7. Golf courses, ball fields and athletic fields (Section 12.20).

8. Group day care (seven (7) to twelve (12) children) (Section 12.22).
9. Home occupations, Type II (Subsection 12.23.B).
10. Housing for the elderly or senior citizen housing (Section 12.24).
11. Noncommercial recreation (Section 12.28).
12. Private clubs, fraternal organizations, etc. (Section 12.31).
13. Public utility buildings (Section 12.32).

C. Minimum site and building requirements:

1. No project site shall have less than twelve thousand (12,000) square feet of area and one hundred (100) feet of frontage.
2. Minimum gross site area in square feet, per dwelling unit for each multiple-family district:
 - a. Efficiency units: Three thousand nine hundred (3,900) square feet.
 - b. 1 bedroom: Three thousand nine hundred (3,900) square feet.
 - c. 2 bedrooms: Four thousand three hundred (4,300) square feet.
 - d. 3 bedrooms: Four thousand eight hundred (4,800) square feet.
 - e. Units with more than three (3) bedrooms shall provide an additional one thousand (1,000) square feet of site area for each additional bedroom.
3. All sites used for multiple-family dwellings or two-family dwellings in these districts must be provided with an approved water and sewage system. Plans a den, library or extra room shall have such extra room counted as a bedroom for purposes of this Ordinance.
4. Each development shall be limited to a maximum often (10) percent efficiency units.
5. Well-defined and improved recreation areas and facilities, such as parks, play grounds, swimming pools and community buildings, shall be provided. At a minimum, these parks shall include amenities such as picnic tables, benches and paved walking paths. The minimum number of square feet of recreation area

and/or facilities shall be provided in addition to all required setbacks and greenbelts and shall be provided on a per unit basis according to the following schedule:

	<u>Minimum Square Feet</u>
1 Bedroom	500
2 Bedroom	600
3 Bedroom	800
4 Bedroom	1,000

6. Regulated wetlands, floodplains, detention ponds, lakes, rivers and other such areas may not be included in the calculations towards required recreation areas.
7. Natural open space, excluding the types of areas mentioned above, may be included and credited for up to one-half (½) the requirement upon Planning Commission approval.
8. Recreation facilities generally shall be provided in a central location and should be convenient to all units within the development. In larger developments, however, recreation facilities may be decentralized or part of an approved open space area plan.
9. Landscaped setbacks must be provided adjacent to, and surrounding each building on the following basis:

	<u>Required Setback</u>
Front	30 Feet
Rear	40 Feet
Side	15 Feet

10. Setbacks utilized for one (1) building shall not be utilized to fulfill the setback requirement for any other building. Such landscape setback shall be exclusive to the building it surrounds.
11. Where a side of a building is adjacent to and parallel to a side of an adjacent building and where such sides of the buildings have no doors or windows, the side yard requirement maybe reduced by five (5) feet for each building. The total distance allowable between such buildings shall not be less than twenty (20) feet.
12. Buildings which include attached garages may eliminate the required setback on sides of the building where garages are located in order to permit a parking apron and paved access to garages. However, pavement shall not surround more than forty (40) percent of the overall perimeter of the building.

13. Each square foot of pavement which encroaches into a required setback must be replaced on another side of the same building. Site plans must clearly dimension landscaped greenbelts and provide calculations in instances of setback transfer.
14. In no case shall any building encroach any closer than thirty (30) feet to a road, drive, access lane or parking area.
15. Yard areas used to facilitate utilities must maintain a 30-foot greenbelt.
16. No multiple-family building shall exceed one hundred fifty (150) feet in length along any one (1) face of the building.

D. Building requirements:

1. Maximum height of each building:
 - a. In stories: Two (2).
 - b. In feet: Thirty-two (32)
2. Minimum yard setback from the project's perimeter: Perimeter setbacks shall not be based on building orientation. Front yards shall be all yards located between buildings and public roads.
3. Front yard. One hundred twenty (120) feet shall be required from the centerline of all abutting public roads to the nearest building on the site. No parking shall be permitted in the first eighty-five (85) feet of required front yard space, as measured from the centerline of the right-of-way.
4. Side and rear yard. No building shall be closer than fifty (50) feet to any property line.
5. Minimum floor areas for multiple family shall be as follows:
 - a. Efficiency unit. The term "efficiency unit" shall mean a dwelling unit containing a minimum of four hundred fifty (450) square feet of floor area and consisting of not more than one (1) room in addition to kitchen, dining and necessary sanitary facilities.
 - b. One-bedroom unit. The term "one-bedroom unit" shall mean a dwelling unit containing a minimum floor area of at least six hundred (600) square feet per unit, consisting of not more than two (2) rooms in addition to kitchen, dining and necessary sanitary facilities.

- c. Two-bedroom unit. The term “two-bedroom unit” shall mean a dwelling unit containing a minimum floor area of at least eight hundred (800) square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining and necessary sanitary facilities.
- d. Three (3) or more bedroom unit. The term “three (3) or more bedroom unit” shall mean a dwelling unit wherein for each room, in addition to the three (3) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of two hundred (200) square feet to be minimum floor area of eight hundred (800) square feet.
- e. In addition to the above minimum floor area per unit, thirty-two (32) square feet shall be provided in each unit for utilities space (washer, dryer and workspace). Buildings with enclosed common tenant or occupant hallways, such as apartment structures, may provide central utility rooms in lieu of the individual unit spaces required above. In each building where a central utility room is permitted, internal access shall be provided from each dwelling unit; the central utility room shall contain twenty (20) square feet for each dwelling unit in the building; and there shall be one (1) washer and one (1) dryer for every four (4) dwelling units or fraction thereof.

E. Off street parking requirements:

- 1. Where any recreation vehicles are permitted in the development by the Township Planning Commission, adequate fenced, locked or secured and visually buffered parking and storage spaces shall be provided in addition to those required elsewhere in this Ordinance. Such parking shall be collective and in a central location. In no case, however, shall a recreation vehicle be parked or stored closer than thirty (30) feet to any building or site boundary line.
- 2. Storage of commercial vehicles or trailers on the premises is prohibited.

Section 7.04 – Manufactured Housing Community District, MHC

The Manufactured Housing Community District is a Residential District. The rules are those set forth by the Mobile Home Commission, except for the following regulations designed to provide adequate space and land use separation in harmony with the Township’s other Zoning Districts.

A. Permitted uses:

- 1. All principal and special land uses permitted and as regulated in the Multiple-Family Residential District.
- 2. Mobile home parks, as defined and subject to the requirements as established and regulated by Act 96 of the Public Acts of 1987, as amended.

3. Accessory commercial uses may be conducted in a manufactured housing community in separate, permanent structures and for such purposes as the office of the manager, laundry and dry-cleaning facilities, or other services for the residents of the park. Accessory uses may also include clubhouses and recreational facilities. Adequate parking for such services shall be provided. All accessory uses shall require full site plan review and approval. "For sale" signs (no larger than two (2) square feet in area) may be placed on homes or lots.

B. General site regulations:

1. Building height. The maximum height of service buildings and permitted office structures shall be two (2) stories or thirty-five (35) feet.
2. Reference is hereby made to Sections 11, 12 and 13 of the Mobile Home Commission Act (No. 419, P.A. 1976) which required, among other things, that a person who desires to develop a manufactured housing community shall submit a preliminary plan to the Richmond Township Planning Commission for approval. The preliminary plan shall include the location, layout, general design and a general description of the project (see Article 3) for submission requirements and procedures). The preliminary plan shall not include detailed construction plans.

ARTICLE 8
OFFICE AND COMMERCIAL DISTRICTS

Section 8.00 – Professional Office District, O-I

The O-I, Professional Office District is designed to accommodate uses such as offices, banks and business services which can serve as transitional areas between Residential and Commercial Districts or provide a transition between major thoroughfares and residential districts. Permitted uses are oriented to those occurring entirely within a building with a landscaped setting and, therefore, more in harmony with adjacent residential areas.

- A. Permitted uses: In a Professional Office District, no building or land shall be used and no building shall be erected except for one (1) or more of the following specified uses unless otherwise provided in this Ordinance:
1. Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and other uses similar to those listed as determined by the Planning Commission.
 2. Banks, credit unions, savings and loan associations, and similar uses; with drive-in facilities as an accessory use only.
 3. Medical and dental offices (but not including those offering industrial clinic emergency room services).
 4. Municipal facilities and buildings.
 5. Offices of non-profit professional, civic and religious organizations.
 6. Accessory structures and uses customarily incidental to the above permitted uses.
- B. Special land uses: The following use(s) shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission in accordance with the public hearing requirements set forth in this Ordinance.
1. Churches (Section 12.09).
 2. Day care centers and nursery schools (Section 12.14).
 3. Funeral homes and mortuaries (Section 12.17).

4. Private clubs, fraternal organizations, lodge halls, cultural centers and union halls (Section 12.31).
5. Private/charter schools (section 12.09).

C. Required conditions:

1. Permitted uses shall contain all storage of goods and materials for sale and/or distribution within the building. Such storage is to be accessory in nature and is not intended to include warehousing or storage other than that normally incidental to the above permitted uses. The outdoor storage of goods and materials shall be specifically prohibited.
2. The overnight storage of vehicles on a regular basis is prohibited.
3. No display(s) of any merchandise or products shall be visible from the exterior of the building.
4. The parking of any commercially used or licensed vehicle with a rated capacity of one (1) ton or more is not permitted other than for normal deliveries of short duration.

D. Site, area and placement requirements:

1. Minimum size each lot:
 - a. Lot area (square feet): Twenty-one thousand seven hundred eighty (21,780)
 - b. Lot width (linear feet): One hundred (100)
2. Minimum yard setback per lot:
 - a. Front yard: See section 4.08. Parking shall not be permitted within the required front yard setback.
 - b. Side yard: Twenty (20) feet. If an exterior side yard borders any residential district, there shall be provided a yard setback of not less than fifty (50) feet.
 - c. Rear yard: Twenty (20) feet. If an exterior rear yard borders any residential district, there shall be provided a yard setback of not less than fifty (50) feet.

E. Building requirements:

1. Maximum building height: Twenty-five (25) feet.
2. Maximum number of stories: Two (2).

Section 8.01 – Local Commercial District, C-1

The C-1, Local Commercial District, as herein established, is designed to meet the limited day-to-day convenience shopping and service needs of persons residing in nearby residential areas. To this end, local commercial districts will be located to provide convenient access to those served. Such districts should be so situated as to provide concentrations of such limited businesses and avoid inefficient and undesirable strip commercial development.

A. Permitted uses:

1. Any office or professional use permitted in the O-1, Office Service District [Professional Office District] subject to the regulations applicable in this Article.
2. Generally recognized retail businesses which supply commodities on the premises, including but not limited to; groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing and hardware.
3. Dry cleaning establishments, or pick up stations, dealing directly with the consumer. This does not include central dry-cleaning plants serving more than one (1) retail outlet.
4. Municipal facilities and buildings.
5. Personal service establishments which perform services on the premises, including but not limited to repair shops (watches, radio, television, shoe, etc.), tailor shops, beauty parlors or barber shops, and self-service laundries and dry cleaners.
6. Post office and similar governmental office buildings, serving persons living in the nearby residential area.
7. Private clubs, fraternal organizations, lodge halls, cultural centers and union halls.
8. Other uses similar to the above uses.

9. Accessory structures and uses customarily incident to the above permitted uses.

B. Special land uses: The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission in accordance with the requirements set forth in Article 12.

1. Publicly owned buildings, public utility buildings, telephone exchange buildings; electric transformer stations and substations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations.

2. Churches (Section 12.09).

3. Day care centers and nursery schools (Section 12.14).

4. Drive-thru facilities (Section 12.15).

5. Funeral homes and mortuaries, not including crematoriums (Section 12.17).

C. Required conditions:

1. Permitted uses shall contain all storage of goods and materials for sale and/or distribution within the building. Such storage is to be accessory in nature and is not intended to include warehousing or storage other than that normally incidental to the above permitted uses. The outdoor storage of material shall be specifically prohibited. The overnight storage of any vehicles on a regular basis is prohibited.

2. The parking of any commercially used or licensed vehicle with a rated capacity of one (1) ton or more is not permitted, other than for normal deliveries of short duration.

D. Site, area and placement requirements:

1. Minimum size each lot:

a. Lot area (square feet): Twenty-one thousand seven hundred eighty (21,780).

b. Lot width (linear feet): One hundred (100).

2. Minimum yard setbacks per lot:

- a. Front yard: See section 4.08. Parking shall not be permitted within the required front yard setback.
- b. Side yard: Twenty (20) feet. If an exterior side yard borders any residential district, there shall be provided a yard setback of not less than fifty (50) feet.
- c. Rear yard: Twenty (20) feet. If an exterior rear yard borders any residential district, there shall be provided a yard setback of not less than fifty (50) feet.

E. Building requirements:

1. Maximum building height: Twenty-five (25) feet.
2. Maximum number of stories: Two (2).

Section 8.02 – General Commercial District, C-2

The C-2, General Commercial Districts are designed to provide areas served typically by a more intense variety of thoroughfare oriented commercial uses which would be incompatible with uses permitted in local commercial districts. The General Commercial District is characterized by more diversified business types that are often located so as to serve large traffic volumes.

A. Permitted uses:

1. All permitted uses in the O-I Districts and C-I Districts.
2. Bowling alleys, pool or billiard parlor or club, indoor archery and indoor tennis clubs, and other similar indoor commercial recreation establishments.
3. Clinics and veterinary facilities provided no outdoor runs or kennels are proposed.
4. Eating and drinking establishments, excluding fast-food restaurants with drive-thru windows.
5. Funeral homes.
6. Municipal facilities and buildings, governmental offices or other governmental uses; public utility offices, exchanges, transformer stations, pump stations, and service yards, but not including outdoor storage.

7. Physical fitness facilities.
8. Private clubs or lodge halls.
9. Retail cold storage establishments.
10. Self-service laundry and dry-cleaning establishments.
11. Other uses which are similar to the above uses.
12. Accessory structures customarily incident to the above permitted uses.

B. Special land uses: The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission in accordance with the requirements set forth in Article 12.

1. Adult entertainment and business uses (Section 12.01).
2. Automobile repair and service centers excluding paint and collision shops (Section 12.05).
3. Commercially used outdoor recreational space for miniature golf courses, driving ranges and similar type uses.
4. Drive-thru facilities (Section 12.15).
5. Full and self-service car wash (Section 12.16).
6. Gasoline service stations (Section 12.18).
7. Hotels and motels.
8. Outdoor sales lot for the sale of automobiles, boats, manufactured housing or trailers (Section 12.29).
9. Raising of fur-bearing animals, including kennels (Section 12.33).
10. Wireless communication towers (Section 12.35).

C. Site, area and placement requirements:

1. Minimum size each lot:

- a. Lot area (square feet): Forty-three thousand five hundred sixty (43,560).
- b. Lot width (linear feet): One hundred fifty (150).

2. Minimum yard setbacks per lot:

- a. Front yard: See Section 4.08. Parking shall not be permitted within the required front yard setback.
- b. Side yard: Twenty (20) feet. If an exterior side yard borders any residential district, there shall be provided a yard setback of not less than fifty (50) feet.
- c. Rear yard: Twenty (20) feet. If an exterior rear yard borders any residential district, there shall be provided a yard setback of not less than fifty (50) feet.

D. Building requirements:

- 1. Maximum building height: Thirty (30) feet.
- 2. Maximum number of stories: Two (2)

**ARTICLE 9
INDUSTRIAL DISTRICTS**

Section 9.00 – Provisions Applicable to Industrial Districts

A. Performance standards

1. General regulations and limitations on use.

a. *Sound Levels.* Sound pressure levels resulting from any use of a site which exceed the maximum sound pressure levels established by this section for the designated land use districts shall be prohibited.

(1) The maximum slow response steady sound pressure levels for the following octave band center frequencies, as measured in accordance with this subsection shall be as follows:

Maximum Sound Pressure Level (dB)			
Octave Band Center Frequency (Cycles per Second)	At the Residential, Commercial District Boundary	M-1 District	M-2 District
31.5	72	79	80
63	71	78	79
125	65	72	74
250	57	64	69
500	51	58	63
1000	45	52	57
2000	39	46	52
4000	34	41	48
8000	32	39	45

(2) The maximum A scale (slow response) steady sound pressure levels as measured in accordance with this subsection, of any site shall be as follows:

Maximum Sound Pressure Level	
Abutting Zoning District	[dB(A)]
Residential, and Commercial	55 (At District Boundary)
M-1 Light Industrial	62 (Along District Boundary)
M-2 General Industrial	66 (Along Property Line)

(3) The octave band center frequency levels shall be applied in order to determine compliance with this subsection whenever the measured A scale

(slow response) steady sound pressure levels do not exceed the applicable fifty-five (55) [dB(A)], sixty-two (62) [dB(A)] and sixty (66) [dB(A)] levels.

- (4) Sound pressure levels shall be measured along both the Zoning District boundary and along the property line of the site where the site is located within one hundred twenty-five (125) feet of a Zoning District other than heavy industrial. The sound pressure levels shall be measured along the property line of the site where the site is not located within one hundred twenty-five (125) feet of a Zoning District other than heavy industrial.
 - (5) Maximum steady sound pressure levels for all land use districts between the hours of 10:00 p.m. and 7:00 a.m. shall be seven (7) dB(A) lower than the levels set forth above. Maximum repetitive impulse sound pressure levels shall be ten (10) dB(A) lower than the values established for steady sound pressure levels in all land use districts. Sound pressure level measurements shall be made with a sound level meter and an octave band analyzer conforming to the specifications of the American National Standards Institute.
- b. Odors and gases. No obnoxious odors or gases shall be emitted which may be harmful to public health and/or safety.
 - c. Glare and heat. Glare and heat from arc welding, acetylene torch cutting or similar processes shall be deflected in such a manner as to prevent any danger to persons outside of any building where such operation is being conducted.
 - d. Exterior lighting. Any lights used for exterior illumination shall comply with the requirements of Section 11.08 of this Ordinance.
 - e. Vibration. Shall not cause a ground displacement exceeding .003 inch as measured at any property line of the premises.
 - f. Smoke. Emission of smoke shall not exceed the Number 2 standard as established by the Ringelmann Chart for periods aggregating three (3) minutes in any fifteen (15) minutes when starting a new fire.
 - g. Dirt, dust and fly ash. The emission of dirt, dust and fly ash shall not exceed three-tenths (.3) grains per cubic foot of flue gas as measured at stack temperature of five hundred (500) degrees Fahrenheit with not to exceed fifty (50) percent excess air. No haze shall be caused by such emission which would impair visibility.
 - h. Radioactive materials. No radioactive materials shall be emitted in excess of standards established by the U.S. Bureau of Standards for human safety.

- i. Power. Power utilized in any industrial activity shall be derived only from electrical energy or smokeless fuels containing less than twenty (20) percent volatile content on a dry basis. Bituminous coal shall be fired only by mechanical equipment.
 - j. Electrical radiation. Electrical radiation shall not adversely affect at any point any operations or any equipment other than those of the creator of the radiation. Avoidance of adverse effects from electrical radiation by appropriate single or mutual scheduling of operations is permitted.
 - k. Waste. All sewage and industrial wastes shall be handled, stored, treated, and/or disposed of in compliance with all Federal, State of Michigan and Township laws and regulations.
2. Bulk Storage of Flammable Liquids, Liquified Petroleum Gases, and Explosives.
- a. Above ground. Not permitted in the M-1 District. Bulk storage of flammable liquids shall not be permitted in the M-2 District unless a special permit is obtained under Section 12.00 of this Ordinance.
 - b. Underground bulk storage is permitted in the M-1 District as an accessory use to the principal use provided that storage tanks shall be located not less than thirty (30) feet from any site line on the premises and fifty (50) feet from any residential use or district line.
 - c. Underground storage is permitted in the M-2 District provided that storage tanks for explosives shall be located not less than one hundred fifty (150) feet from any site line of the premises and liquefied petroleum gas and flammable liquid storage tanks shall be located not less than thirty (30) feet from any site line of the premises.
3. Storage in the M-2 District
- a. Inside and underground storage, other than junk, is permitted provided compliance is made with all applicable fire and safety and health regulations.
 - b. Outside storage, other than junk, is permitted in connection with or part of any industrial use. Such use shall be stored, located or deposited in a manner so as not to obstruct or interfere with any roadway on the premises which could be used as a means of access for fire-fighting equipment.
 - c. Outside storage of junk and/or industrial waste incident to an industrial use shall not exceed ten (10) days and shall be completely enclosed within a tight, unpierced masonry, wood or metal fence and shall comply with the requirements of this Ordinance.

4. Requirements and Limitations on Equipment and Machinery.
 - a. Automatic screw machines. Such machines must be equipped with noise silencers or other sound absorbing devices and must not be located closer than two hundred (200) feet to any Residential Zoned District.
 - b. Stamping machines, punch presses, press breaks and hydraulic presses shall not be located closer than two hundred (200) feet to any district zoned for residential use nor closer than two hundred (200) feet to any one-family, two-family, or multiple-family dwelling or mobile home or other structure for permanent residential use. All such machines shall be placed on shock absorbing mountings located on suitable reinforced concrete footings.
 - c. Hammers, steam or board and hot forgings in the M-2 District. No such machine or operation permitted closer than one thousand (1,000) feet to any Residential Zoned District. Such machine or operation is otherwise permitted when placed on shock absorbing mountings located on a suitable reinforced concrete footing, all of which shall be completely enclosed within a masonry type building. Hammers, steam or board and hot forgings shall not be permitted in the M-1 Zoning District.
5. The site plan shall contain a signed certified statement by the owner of the property indicating compliance with all performance standards.

Section 9.01 – Light Industrial District, M-1

The M-1, Light Industrial District is established so as to primarily accommodate wholesale activities, warehouses and industrial operations whose external, physical effects are restricted to the lot or parcel and in no manner affect in a detrimental way any of the surrounding lots or parcels. The M-1 District is so structured as to permit, along with specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material.

A. Permitted uses.

1. Warehousing and wholesale establishments, storage and mini warehouses.
2. The compounding, processing, packaging, or treatment of such products as: bakery goods, candy, toiletries, food products, hardware and cutlery.
3. The manufacture, compounding, assembling, or improvement of articles or merchandise from the following previously prepared materials: canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or

semi-precious metals or stones, shells, textiles, tobacco, wax, wire, wood and yarns or such other similar materials as approved by the Planning Commission.

4. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
5. Manufacture of musical instruments, toys, novelties, and metal, plastic or rubber stamps, or other small molded products.
6. Manufacture and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
7. Utility service buildings, water supply and water and gas tanks.
8. Accessory uses and accessory outside storage customarily incidental to any of the above uses. Outside storage shall be limited to currently licensed and operable cars, trucks, and recreation vehicles, finished and semi-finished manufactured materials produced on the premises and equipment necessary as an accessory to the principal use, in accordance with Section 4.14.
9. Existing single-family homes may be reconstructed, expanded, and modified provided the requirements of the R-1 zoning district are met.

B. Prohibited Uses:

1. Junkyards, including the storage of wrecked motor vehicles or mobile equipment.
2. Used auto parts and used building materials.
3. Storage of loose minerals, including soil, stone, sand, gravel, coal, cinders, and similar materials.
4. Incubation, raising, killing, or storage of poultry.
5. Residential uses, including dwelling units.
6. No use shall be permitted within the district when such operation may violate the performance standards set forth in this Section of the ordinance.
7. No outdoor storage shall be permitted, unless it is part of an approved site plan. If no outdoor storage will be created, then the site plan shall contain a signed certified statement to that effect by the owner of the property.

C. Special Land Uses. The special land uses and any use similar to those set forth in this Article as

permitted uses shall be permitted in this district only after proper notice has been given as required by State law and when determined by the Planning Commission to be in compliance with the provisions of this section, the Articles of this Ordinance, of no more objectionable character than permitted uses, and which, in the opinion of the Planning Commission, meet the standards of the Special Land Use section (Article 12) of this Ordinance.

1. Airports (Section 12.03)
2. Automobile heavy repair garage (Section 12.04).
3. Outdoor storage (Section 12.30).
4. Manufacture or assembly of electrical appliances, electronic instruments and devices, telecommunications equipment and products (excluding large stamping).
5. Contractors offices with garages for maintenance and storage of equipment.
6. Wireless communication towers (Section 12.35).
7. Various retail uses to serve the needs of persons working in the industrial district or otherwise associated with industrial uses such as eating and drinking establishments; banks; automobiles service stations; other retail uses, medical clinics and/or offices.
8. Yard waste composting facilities (Section 12.36)
9. Racetracks, motocross tracks, tractor pulls, mud bogs for motorized vehicles and similar. (Section 12.37)

D. Site, Area and Placement Requirements

1. Minimum size each lot:
 - a. Lot area (square feet): Forty-three thousand five hundred sixty (43,560).
 - b. Lot width (linear feet): One hundred fifty (150).
2. Minimum yard setbacks per lot:
 - a. Front yard: See Section 4.08. Parking shall not be permitted in the required front and street side setback(s).
 - b. Side yard: No side yard is required along one (1) interior side lot line, except as otherwise specified in the building code and provided, further, that no

side yard of less than five (5) feet in width shall be left between the lot line and building. The openings (windows and doors) side or other side of the lot shall have a side yard of not less than twenty (20) feet. Corner lot side yards must equal the setback required for the front yards on the street to which they side. If an exterior side yard borders any residential district there shall be provided a yard setback of not less than one hundred (100) feet.

- c. Rear yard: Twenty (20) [feet]. No building shall be closer than one hundred (100) feet to the outer perimeter (property lines) of this district where said rear property lines abut any residential district.

E. Building Requirements

- a. Building height: Thirty-five (35) feet.
- b. Number of stories: Two (2) stories.

Section 9.02 – General Industrial District, M-2

The M-2, General Industrial District is established primarily for manufacturing, assembling and fabrication activities including large scale or specialized industrial operations whose external physical effects will be felt to some degree by surrounding districts. The district is so structured as to permit, in addition to M-1, light industrial uses, the manufacturing, processing and compounding of semi-finished or finished products from raw materials.

A. Permitted uses.

1. Any principal and special land use permitted in the M-1, Light Industrial District, (with the exception of any commercial uses allowable in the M-1 District, wireless communication towers, racetracks, motocross tracks, tractor pulls, mud bogs for motorized vehicles, and similar).
2. Industrial uses to be conducted wholly within a building or within a building and/or an area enclosed within a chain-link fence; the fence shall be not less than six (6) feet high, located not less than fifty (50) feet from the front property line or side street property line; outside of the fence shall be planted a 20-foot greenbelt planting strip, which shall be not less than eight (8) feet or more in height, to screen view of storage materials from the street and adjacent properties. On a side and/or rear property line abutting residential, the fence shall be located on the property line and a 20-foot greenbelt planting strip, not less than eight (8) feet in height, shall be planted and maintained along the fence inside of the property to screen view of storage materials from adjacent properties.

3. Building materials storage yards.
4. Equipment rental or storage yards.
5. Feed and fuel yards.
6. Trucking terminals and transfer warehouses with outside storage for trucks, trailers, etc., when direct access is available to county or state highways.
7. Industrial uses conducted wholly within a building, with a landscaped front yard and with the side or rear yard used for loading and unloading and parking.
8. No use in this District shall be permitted whose operation may violate the performance standards set forth in this section of this Ordinance.
9. No outdoor storage shall be permitted unless it is part of an approved site plan. If no outdoor storage will be created, then the site plan shall contain a signed certified statement to that effect by the owner of the property.

B. Special Land Uses. The special land uses and any use similar to those set forth in this article as permitted uses shall be permitted in this District only after proper notice has been given as required by state law and when determined by the Planning Commission to be in accord with the provisions of this section, the Articles of this Ordinance, of no more objectionable character than permitted uses, and which, in the opinion of the Planning Commission, meet the standards of the special land use Section (Article 12).

1. Bulk storage of flammable materials (Section 12.07).
2. Junk yards (Section 12.25).
3. Landfills (Section 12.26).
4. Public utility buildings (Section 12.32).
5. Wireless communication towers (Section 12.35).
6. Any lawful use of land or buildings not expressly prohibited or provided for (as a permitted or special approval use) shall be a lawful use in all M-2, General Industrial District when such uses comply with this chapter and the following sections of this Article.
7. Various retail uses to serve the needs of persons working in the industrial district or otherwise associated with industrial uses such as eating and drinking establishments; banks; automobiles service stations; other retail uses, medical

clinics and/or offices.

8. Storage of used rags, wastepaper or similar combustible materials, as a business, shall be permitted when enclosed within a masonry building of four-hour fire construction and no part of which shall be located closer than one hundred (100) feet from any adjoining property line. The storage of lumber, coal or other combustible materials shall not be less than twenty (20) feet from any interior lot line. A roadway shall be provided, graded and maintained from the street to the rear of the property to permit free access of fire trucks at all times.

C. Site, Area and Placement Requirements

1. Minimum size each lot:

a. Lot area (square feet): Forty-three thousand five hundred sixty (43,560).

b. Lot width (linear feet): Two hundred (200).

c. Minimum yard setbacks per lot:

(1) Front yard: See section 4.08.

(2) Side yard (linear feet): Twenty (20). Corner lot side yards must equal the setback required for the front yards on the street to which they side. If an exterior yard borders a Residential District, there shall be provided a yard setback of not less than one hundred (100) feet.

(3) Rear yard (linear feet): Twenty (20).

(4) No building shall be closer than one hundred (100) feet to the outer perimeter (property lines) of this district where said property lines abut any residential district and such space shall only be used for the parking of individual passenger vehicles and/or small trucks.

D. Building requirements.

1. Building height: Thirty-five (35) feet.

2. Number of stories: Three (3) stories.

3. The distance, at the closest point, between any two (2) buildings on the same site shall not be less than forty (40) feet.

ARTICLE 10
OFF-STREET PARKING REQUIREMENTS

Section 10.00 – Intent

There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed:

- A. Off-street parking spaces may be located within a rear yard or within a side yard which is in excess of the minimum side yard setback unless otherwise regulated in this Ordinance. Off-street parking shall not be permitted within a required front yard nor within a required side yard setback unless otherwise provided in this Ordinance.
- B. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership shall be shown of all the lots or parcels intended for use as parking by the applicant.
- C. Required off-street parking for single-family and two-family dwellings may be provided in a stacking configuration in a driveway or garage or combination thereof.
- D. Required off-street parking for all other uses shall consist of an unencumbered parking stall or strip, parking bay, vehicle maneuvering space or driveway, garage or combinations thereof. All residential parking shall be located on the premises it is intended to serve.
- E. Minimum required off-street parking spaces shall not be replaced by any other use unless and until adequate parking facilities as required by this Ordinance are provided for both uses.
- F. Off-street parking existing at the effective date of this Ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
- G. Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. In the instance of dual function off-street parking spaces where operating hours of buildings do not overlap, the board of appeals may grant an exception.
- H. The sale or storage of construction trailers, merchandise, motor vehicles or trailers for

sale or rent, trucks, or the repair of vehicles is prohibited on off-street parking lots.

- I. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers is similar in type.
- J. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one (1) parking space.
- K. For the purpose of determining off-street parking requirements for all uses, floor area shall mean one hundred (100) percent of the gross floor area as measured from the interior of all exterior walls.
- L. In no circumstance shall any use provide a number of surface parking spaces which exceeds the required minimum amount defined in this Section by more than ten (10) percent.
- M. Whenever drive-thru or vehicle stacking lanes are provided, such lanes shall be located so as not to impede pedestrian or vehicular circulation on the site or on abutting sites, nor shall any drive-through lane cross a vehicle maneuvering lane or aisle or block any space used for parking.

Section 10.01 – Minimum Number of Off-Street Parking Spaces

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which is most similar in type as determined by the Planning Commission.

A. Residential:

- 1. The off-street parking area required for single-family dwellings shall be located on the same lot or plot of ground of the building they are intended to serve and shall consist of a paved or gravel driveway, parking apron, carport and/or garage on the basis of two (2) parking spaces for each dwelling unit. Parking shall be restricted to paved or gravel areas.
- 2. Multiple-family residential dwellings shall have two (2) paved off-street parking spaces for each one-bedroom dwelling unit. For each additional bedroom per unit, one-half ($\frac{1}{2}$) additional parking space shall be provided.

3. Housing for the elderly. Two (2) spaces for each three (3) dwelling units, and one (1) for each employee. Should the dwelling units revert to general occupancy, then two (2) spaces per unit shall be provided. The location of this reserved parking area shall be shown on the site plan at the time of the original approval.
4. Manufactured homes. Two (2) spaces per unit, plus one (1) space for every three (3) manufactured home sites for visitor parking. Visitor parking shall be located within three hundred (300) feet of the manufactured home sites they are intended to serve.
5. Community buildings (Multiple-Family and Manufactured Housing Community). One (1) space for each four (4) persons allowed within the maximum occupancy load, as determined by the Fire Department.

B. Institutional:

<i>Use</i>	<i>Minimum Spaces Required</i>
Auditoriums (incidental to churches, schools, and hospitals)	One space for every three seats; plus one for every two employees. If no seats, one for every 50 square feet of floor area.
Churches or temples	One space for every three seats or six feet of pew in the main worship area.
Convalescent homes	Two spaces for every three beds; plus one for each staff member.
Elementary and junior high schools	One space for every employee; plus auditorium requirements.
Hospitals	One space per bed; plus one space per employee and doctor on peak employment shift. Parking for emergency facilities shall be provided on the basis of one space per 100 square feet of floor area of the emergency room, patient treatment areas and waiting areas.
Libraries/museums	One space for every 500 square feet of floor area.
Nursery schools, day nurseries or childcare facilities	One space for each employee; plus one space for every four students on the premises at one time.

Private clubs and lodges	One space for every 200 square feet of floor area.
Senior high schools and colleges	One space for every one employee; plus one space for every four students; plus the requirements of the auditorium.

C. Recreational:

<i>Use</i>	<i>Minimum Spaces Required</i>
Bowling alleys	Five spaces per lane; spaces required for ancillary uses, such as lounges or restaurants, shall be determined on the basis of the individual requirements for each use as specified herein.
Dance halls, amusement device centers, ice skating rinks, indoor shooting and archery ranges, and exhibition halls	One space per three persons allowed at maximum occupancy load, as determined by the fire department.
Miniature golf, par 3 courses and driving ranges	Two spaces per each golf hole; plus one space for each driving range tee; plus one space per employee.
Private golf, swimming or tennis clubs and similar uses	One space for every three member families; plus one per employee.
Private parks	One space for every two individual members.
Public golf courses (not including miniature golf, driving ranges or par 3 courses)	Six spaces for each golf hole.
Public recreation (other)	One space for every two users at maximum capacity; plus one space for each employee.
Stadiums and sports arenas or similar places of assembly	One space for every four seats or every ten feet of bench.
Racquet/tennis and exercise clubs	One space for every two persons allowed within maximum occupancy, as determined by the fire department.

Theaters	One space for every three seats; plus one space for every employee. If no seats, then one space for every 75 square feet of floor space.
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D. Office uses:

<i>Use</i>	<i>Minimum Spaces Required</i>
Banks	One space for every 200 square feet of floor area. Stacking lanes for drive-through tellers shall be provided.
Business and professional offices or freestanding administrative offices, except as indicated below.	One space for every 250 square feet of usable floor area.
Clinics, medical, dental, veterinary	One space for each employee; plus one space for every 150 square feet of floor area.

E. Auto-related uses:

<i>Use</i>	<i>Minimum Spaces Required</i>
Auto wash, hand or coin-operated	Four exterior waiting spaces at entry, plus two exterior drying spaces for each bay; plus one space for each employee.
Full-service auto wash	One space for each employee, plus 20 exterior spaces at entry.
Auto service stations and auto repair services, excluding heavy and major repair	In addition to a service space to be provided at each pump, the following additional requirements shall apply: three spaces for each service bay; plus one space for every 200 square feet of retail floor area; plus one space for each employee.
Self-service gasoline stations (gasoline and convenience retail; no repair or fast food restaurants)	In addition to a service space to be provided at each pump, the following additional requirements shall apply; one space for every 250 square feet of retail floor area; plus one space for each employee.

Heavy and major auto repairs	Three spaces for each service bay. No wrecked vehicles to be parked or stored outside.
Quick oil changes	Two spaces per bay; plus one space for each employee at the peak shift; one space for every 200 square feet of floor area used for retail sales.
Vehicle sales/rental establishments	One space for every 300 square feet of sales area; one space for every 200 square feet of office area; and two spaces for each service bay.

F. Commercial uses:

<i>Use</i>	<i>Minimum Spaces Required</i>
Banquet/catering halls	One space for every two persons allowed within maximum occupancy, as determined by the fire department.
Beauty parlors/barber shops	Three spaces for the first two chairs, plus one space for each additional chair; or one space for every 75 square feet of floor area, whichever is less.
Dry cleaners	One space for every two employees, with a minimum of four spaces.
Funeral homes/mortuaries	One space for every 75 square feet of assembly room floor space, parlors, and slumber rooms.
Furniture and appliance retail stores; household equipment repair shops; showroom of a plumber, decorator, electrician or similar trade; clothing and shoe repair and other similar uses.	One space for every 500 square feet of floor area. For floor area used in processing or storage, one additional space shall be provided for each two persons employed within or each 1,000 square feet, whichever is greater.
Greenhouses and nurseries	One space per employee; plus one space for every 200 square feet of actual permanent or temporary areas devoted primarily to sales.

Laundromats and coin-operated dry cleaners	One space for every three machines.
Motel, hotel, or other transient uses.	One space for each occupancy unit, plus one space for each employee; spaces required for ancillary uses, such as lounges, restaurants or conference areas, shall be determined on the basis of the individual requirements for each use as specified herein.
Open air businesses	One space for every 500 square feet of lot area used for retail sales, services, and uses.
Retail stores, except as otherwise specified herein	One space for every 250 square feet of floor area.
Restaurants/lounges (excluding fast-food or carry-out establishments)	One space for every 150 square feet of floor area, or one space for every three persons allowed within the maximum occupancy, whichever is greater.
Restaurants—fast-food and drive-ins	One space for every two employees; plus one space for every three seats intended for patrons within the restaurant building; plus one space for every 20 square feet of building floor area available in the order-waiting area.
Restaurants—carry-out only	One space per employee plus 50 percent of the minimum parking requirement for restaurants with permanent seating.
Specialty shops	One space for every 300 square feet of floor area.

G. Industrial:

<i>Use</i>	<i>Minimum Spaces Required</i>
Industrial and wholesale	One space for every 500 square feet of floor area.
Warehouse	One space for every 1,700 square feet of usable floor area.

Office-research	One space for every 300 square feet of floor area.
Mini-warehouses or self-storage units	Two spaces for the residential caretaker's unit; plus one space per 50 square feet of floor area used for office purposes.

Section 10.02 – Off-Street Parking Space Layout Standards, Construction and Maintenance

Wherever the requirements in Section 10.01 require the construction of an off-street parking area, such off-street parking area shall be laid out, constructed and maintained in accordance with the following standards and regulations unless otherwise noted in this Ordinance:

- A. No parking lot shall be constructed unless and until a permit therefore is issued by the Building Inspector. Applications for a permit shall be submitted as per the requirements of site plan review.
- B. Plans for the layout of off-street parking facilities shall be in accord with the following minimum requirements:

<i>Parking Pattern</i>	Maneuvering Lane Width	Parking Space Width	<i>Parking Space Length</i>
0° (parallel parking)	12 ft.	10 ft.	23 ft.
30° to 53°	12 ft.	10 ft.	20 ft.
54° to 74°	15 ft.	10 ft.	20 ft.
75° to 90°	22 ft.	10 ft.	20 ft.

- C. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- D. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles.
- E. Ingress and egress to a parking lot lying in an area zoned for multiple-family residential use shall not be across land(s) zoned for single-family residential use. Further, ingress and egress to a parking lot lying in an area zoned for nonresidential use shall not be across land(s) zoned for residential use, nor shall access to a local residential

street be permitted.

- F. All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.
- G. Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least twenty-five (25) feet distant from adjacent property located in any Single-Family Residential District.
- H. The entire parking area, including parking spaces and maneuvering lanes, required under this section shall be provided with asphaltic or concrete surfacing in accordance with the specifications approved by the Township Engineer.
- I. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.
- J. Curbed landscaped islands shall be placed at the ends of parking space groupings to separate parking spaces from maneuvering aisles and provide for safe traffic flow.
- K. In any area where front-end parking abuts a curbed area or raised walk, a two (2) foot vehicle overhang shall be required.
- L. The Planning Commission may require an access easement to provide for vehicular access to existing or contemplated adjacent parking areas to minimize the need for driveways to each facility and thereby decreasing hazards to vehicular traffic. In such instances, a reciprocal use agreement shall be signed by each owner.
- M. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
- N. The Planning Commission, upon application by the property owner of the off-street parking area, may modify the yard or wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.

Section 10.03 - Off-Street Loading and Unloading

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way All spaces shall be provided as follows:

- A. Loading and unloading uses, spaces and docks shall be provided in such a manner that no backing in from a major, secondary or collector street will occur and, further, no loading or unloading space shall be provided within the front or street side yard space. For the purposes of this Ordinance, overhead doors shall be considered loading and unloading areas.
- B. Within the Office District, loading space shall be provided in the rear yard or in the case of a double frontage lot, in the interior side yard.
- C. Within the Commercial Districts, loading/unloading space shall be provided in the rear yard except in the case of a double frontage lot, loading/unloading, as well as trash receptacles may be located in an interior side yard provided such are not located within the minimum side yard setback requirement of the district.
- D. Within the Industrial Districts, all loading and unloading operations shall be conducted in the rear yard, except in those instances where an interior side yard is located adjacent to an Industrial District, loading, unloading may be conducted in that interior side yard when located near the rear of the building. When loading, unloading is to be conducted within an interior side yard.
- E. All loading/unloading spaces shall be laid out in the dimension of at least ten (10) x fifty (50) feet and shall be provided in the following ratio of spaces to floor area:

Gross Floor Area (square feet)	Loading, Unloading Space Required
0-1,400	Zero
1,401 – 20,000	One (1) space
20,001 – 100,000	One (1) space for each 20,000 square feet in excess of 20,001 square feet
100,000 and over	Five (5) spaces

- F. The area required for loading, unloading and trash receptacles shall be computed separately from the off-street parking requirements and shall be laid out in such a way that when in use it shall not cut off or diminish access to off-street parking spaces or to service drives.
- G. No openings other than windows and pedestrian doors shall be provided in the front of any building permitted in any Nonresidential District.

ARTICLE 11
ENVIRONMENTAL PROVISIONS

Section 11.00 Intent

The intent of the environmental provisions is to preserve the quality and character of the Township's environment by regulating man-made development and by conserving natural resources. The requirements of this section are designed to achieve the following objectives:

- A. Uphold the Township's right and duty to protect its natural resources and amenities, as established within the State Constitution and the enabling legislature.
- B. To protect the existing natural environment to the greatest extent possible. By protecting the existing natural environment, the Township is protecting the existing natural systems, which include the following:
 - 1. Unique wildlife habitat and habitat transition, including, without limitation, feeding, nesting, resting, and traveling areas for numerous species.
 - 2. Existing natural drainage ways which filter out particulates and other sediments which would otherwise pollute the state waterways and groundwater.
 - 3. Preserve the existing soil stability to reduce soil erosion and contamination.
 - 4. Preserving the existing water quality.
 - 5. Maintaining a reasonable micro-climate.
 - 6. Filtering pollution from the atmosphere.
- C. To enhance the visual quality of the Township while preserving and/or enhancing each individual property's economic value.
- D. To provide protection in a natural manner for adjacent property owners, persons passing by, and the Township as a whole, from activities and unintentional side effects of new development.
 - 1. Reduce or eliminate glare into and from adjacent sites and activities.
 - 2. Reduce dust and other pollutants from the air.
 - 3. Control noise and provide acoustical modification into and from adjacent sites.

4. Control the direction and velocity of surface water runoff and minimize soil erosion.
 5. Reduce views of undesirable elements contained within the site.
- E. Recognizing the above-cited benefits of vegetation and woodlands, it is important to integrate these natural features into future development to improve the community's environmental qualities and to enhance the visual character of the constructed environment.

Section 11.01 – Landscaping Requirements

A. General Requirements

1. Whenever any yard (front, side or rear) is not designated for building, off-street parking, loading and unloading, storage, or other purpose within the terms and requirements of a given Zoning District, it shall be landscaped in an aesthetically pleasing condition.
2. Whenever, in this Ordinance, a landscape treatment is required, it shall be in accordance with the specific use as mentioned in this section. All landscaping shall consist either of approved natural materials or living plant materials. All landscaped areas shall be protected from the encroachment of vehicles by concrete curbing or other suitable device as approved by the Township Engineer.
3. A detailed landscape plan, prepared by a landscape architect, for all unpaved areas shall be submitted to the Planning Commission, showing the names, location, spacing, starting size, and planting and staking details of all plantings to be installed, and the location and types of all natural materials proposed to be included in the landscape treatment of the yard areas. This provision shall apply to all landscape yards, including those expanded beyond the minimum setback requirements of this Ordinance. This landscape plan shall be reviewed and approved by the Planning Commission as a part of the original site plan submission.
4. Existing significant trees, tree stands, natural vegetation, and wildlife habitat shall be integrated into the site landscape plan to the maximum extent possible.
5. Undeveloped portions and subsequent phases of the site shall be seeded, mowed and maintained.
6. The Planning Commission may approve constructed features of other materials, such as brick, stone and cobblestone pavement, as a supplement or substitute, upon a showing by the applicant that general plantings will not proper at the intended location, or is otherwise a desirable landscape treatment.
7. Landscaping shall be planted, landscape elements shall be installed, and earth moving, or

grading performed in a sound workmanlike manner and according to accepted good planting and grading procedures, with the quality of plant materials and grading as hereinafter described.

8. The owner of property required to be landscaped by this section shall maintain such landscaping in good condition so as to present a healthy, neat and orderly appearance, free from refuse and debris. All plant materials shall be continuously maintained in a sound, weed-free, healthy and vigorous growing condition and shall be kept free of plant diseases and insect pests. All unhealthy and dead material shall be replaced within one (1) year or the next appropriate planting period, whichever comes first.
9. Plant and grass materials shall be of acceptable varieties and species, free of pests and diseases, hardy in Macomb County, and shall conform to standards of the American Association of Nurserymen and the Township, and shall have passed any inspections required under state regulations.
10. No plant materials used to satisfy some, or all planting requirements of this section shall be compromised of non-living materials.
11. Approved ground cover used in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season.
12. Grass areas shall be planted in species normally grown as permanent lawns in Macomb County. Grass may be plugged, sprigged, seeded or sodded, except that rolled sod, erosion reducing net or suitable mulch shall be used in swales, berms or other areas subject to erosion. Grass, sod and seed shall be clean and free of weeds and noxious pests or diseases.

Section 11.02 – Walls, Berms, & Greenbelts

Walls, berms, greenbelts or various combinations thereof fulfill several different functions in terms of this Ordinance and desirable community development. Essentially these devices provide various forms of transition which contribute to a more compatible, safer, attractive, functional and ecologically balanced community. In some situations, these alternatives provide a definite physical improvement which functionally and visually separates various land uses and minimizes adverse effects such uses may have on another. In other instances, such an improvement may provide primarily a spatial separation with less intensive planting requirements.

The minimum standards applicable to these various improvements, when required, are as follows:

A. Walls. For those Zoning Districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall as required below. An earthen berm and/or obscuring greenbelt may be utilized in place of a wall subject to the review and approval of the Planning Commission.

1. Wall Height:

Use	Requirements
Off-street parking areas in all residential districts	4' – 6' high wall
O-1, C-1, and C-2 districts	4' – 6' high wall
M-1 and M-2 districts open storage areas (when permitted)	6'-0" high wall or fence
Special Use Permits	Variable depending on use

2. Required walls shall be located on the lot line except where underground utilities interfere or where this Ordinance requires conformance with front yard setback lines in abutting residential districts. Upon review of the site plan, the Planning Commission may approve an alternate location for the wall or may waive the requirement if, in specific cases, it would not serve the purposes of screening effectively.
3. Such walls and screening barriers shall have no openings for vehicular traffic with the exception of pedestrian access. All walls herein required shall be of a decorative masonry material.
4. The Planning Commission may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served. In consideration of request to waive wall requirements between nonresidential and residential districts, the Planning Commission shall determine whether the residential district is considered to be an area in transition and will become nonresidential in the future or whether other physical features provide necessary screening.

B. Berms. When berms are proposed to be used as part of the required transitional areas, they shall be subject to the following conditions:

1. Required berms shall be constructed as landscaped earth mounds with a crest area at least four (4) feet in width. The exterior face of the berm shall be constructed as an earthen slope. The interior face of the term may be constructed as an earthen slope, or retained by means of a wall, terrace, or other means acceptable to the Planning Commission. Whenever an earthen slope is provided, it shall be constructed with an incline not to exceed one (1) foot of vertical rise to three (3) feet of horizontal

distance.

2. A planting plan and grading plan shall be prepared for the berm. Plant materials within the berm area shall be installed in accordance with the requirements for greenbelts and plant material contained in this Section.
3. After reviewing the proposed berm, the Planning Commission shall determine whether the proposed berm is at least comparable to a wall in affording necessary screening.

C. Greenbelts. A greenbelt shall meet the following minimum conditions:

1. Non-obscuring greenbelt landscape areas shall be provided along the entire perimeter of a nonresidential or multiple family site and shall comply with the following requirements:
 - a. Such greenbelts shall not be considered as a substitute for a wall or obscuring screen or earth berm as required elsewhere in this Section.
 - b. Such greenbelts shall be a minimum often (10) feet in width.
 - c. Any such greenbelt shall be improved and maintained as required and shall contain at least one (1) tree for each twenty (20) lineal feet of greenbelt. All such trees shall be six (6) feet in height for evergreens or a minimum caliper of two and one-half (2½) inches for deciduous trees at the time of planting.
 - d. A minimum of five (5) shrubs per twenty (20) feet which have an average height of three (3) feet are required.
 - e. Greenbelts shall be so designed as to avoid creating obstacles to proper sight distances between vehicles and pedestrians of three (3) feet are required.

D. Greenbelts (Obscuring)

1. The intent of the screening requirements where major impacts are anticipated is to obscure the view of obtrusive or undesirable visual elements, exclude all contact between such uses, and create a strong impression of spatial separation. Major impacts are considered to occur in instances where a non-residential use abuts a residential use. Obscuring screening is also required whenever a multiple-family or manufactured housing community abuts a single-family residential use. Screening in these situations shall conform to the following minimum standards:
 - a. A minimum greenbelt of thirty-two (32) feet shall be maintained between the

protected use and the more intense use. The greenbelt shall be developed with a five-foot high continuous, decorative masonry wall.

- b. One deciduous tree, not less than two and one-half (2½) inches in caliper, shall be planted within the greenbelt for every twenty (20) lineal feet of mutual property line.
 - c. Groupings of evergreens consisting of four (4) to five (5) trees, not less than eight (8) feet in height, shall be dispersed within the twenty (20) lineal feet.
 - d. If a decorative masonry wall is utilized, additional low-level plant material shall be required along the entire length of the wall to provide continuous coverage. All such plantings shall meet the height and spacing requirements specified herein; or
 - e. Two (2) continuous rows of evergreens (spruce or pine), measuring at least eight (8) feet in height, evenly staggered, each row planted at intervals not exceeding twenty (20) feet on center.
 - f. A naturally rolling landscaped berm averaging four (4) feet in height.
2. Greenbelts, as required, shall meet the following basic conditions:
- a. A detailed plan for the greenbelt, together with an accurate cost estimate, shall be approved prior to the issuance of a building permit.
 - b. A required greenbelt or planting area shall be planted and approved prior to the release of any required escrow monies. Any such areas shall be completed prior to the issuance of an occupancy certificate, unless the buildings, structures or paving construction is completed in an off-planting season, in which case a temporary extension will be issued which shall expire within one (1) year or the next planting season, whichever comes first. Any balance remaining in the escrow fund will be returned to the developer upon completion of the necessary improvements.
 - c. All required planting materials shall be maintained in good condition by mowing and watering, by tilling and watering, or by mulching and watering, so as to present a healthy, neat, and orderly appearance free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year or the next appropriate planting season. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.
 - d. Plant materials shall be selected so as to ensure that the root system will not interfere with underground or overhead utilities and that fruit and other

debris (other than leaves) will not constitute a nuisance within public rights-of-way or to abutting property owners.

- e. Plant materials shall be so located and installed as to provide proper surface area and subsurface conditions necessary to provide proper growing and irrigation of root systems.
- f. The following trees shall not be permitted: Black Locust, Horse Chestnut, Box Elder, Osage Orange, Catalpa, Silver Maples, Cottonwoods, Tree of Heaven, Elms, Willows, Ash.
- g. Required trees shall have a minimum height of eight (8) foot at planting, and a minimum caliper of two (2) inches at planting.
- h. Required shrubs shall have a minimum height of three (3) feet at planting.

Section 11.03 – Parking Lot Landscaping Requirements

The intent of these requirements is to enhance the aesthetic appeal of the Township; to promote public safety; to moderate heat, wind and other local climatic effects produced by parking lots; and to minimize nuisances, particularly noise and glare.

- A. Interior Parking Lot Landscaping. All unpaved areas between a commercial or office building and a facing street shall be landscaped and maintained to include grass and/or placement of shrubbery. All off-street parking areas shall incorporate and provide curbed tree planting spaces to be laid out square and constructed to provide not less than one hundred eighty (180) square feet of land area for each tree planting. These curbed islands shall be planted with sod (landscape rock, gravel, or other similar material is prohibited). Curbed, landscaped islands shall be placed at the ends of all parking space groupings to separate the parking spaces from the maneuvering lanes and to provide for safe traffic flow. These planting areas shall not be less than seven (7) feet in width. Trees shall be planted throughout the parking area. Trees shall be a minimum of two and one-half (2½) inches caliper at the time of planting and shall be provided at a ratio of one (1) tree for each five (5) parking spaces or fraction thereof. These trees shall not be counted towards street frontage tree requirements.

The following trees or similar types are suitable for parking lot and urban conditions: Ginkgo (male only), Norway Maple, Red Oak, Tulip Tree, White Fir (only when clear vision is maintained).

- B. Entry Drives. The maneuvering lane which is directly connected with an entry drive shall be designed to provide a continuous, uninterrupted curbed landscaped island on both sides of said drive for a minimum of one-third (⅓) of the total distance from the

road right-of-way to the established building line of the principal building, but in no case less than twenty (20) feet. These islands shall provide trees every thirty (30) feet of said island, which are a minimum of two and one-half (2½) inches caliper at the time of planting. These trees shall not count towards meeting parking lot trees. In no case shall parking be permitted to back directly onto a maneuvering lane which is directly connected to an entry drive.

- C. **Parking Lot Screening.** A three-foot high (as measured from the parking lot curb grade) naturally rolling berm shall be provided between the outer edge of all parking lots and the road right-of-way. The slope of such berm shall be no steeper than 3:1 (a maximum slope ratio of three (3) feet horizontal to one (1) foot vertical).
- D. **Frontage Landscaping.** Street trees shall be provided within every Zoning District. The trees shall be spaced evenly in a linear fashion along all road rights-of-way. One (1) tree shall be planted for each twenty-five (25) feet of road frontage and shall be planted five (5) feet outside of the road right-of-way. In no way shall the plantings impair the clear vision triangle. The trees shall be a minimum of two and one-half (2½) inch caliper at the time of planting. These trees may not be counted towards parking lot tree requirements.
- E. **Landscaping of Buildings.** Wherever a building is constructed which abuts a drive, service aisle, road, or other means of access or maneuvering, a minimum of seven (7) feet of landscaped area shall be provided around the equivalent of three (3) sides or seventy-five (75) percent of the building. Landscaping shall not include walkways or paved service areas. One (1) small deciduous tree shall be provided for each twenty (20) feet of building length of the such building.
- F. **Roadways and Access Drives.** Whenever a roadway or other access drive abuts an exterior property line of a development, a row of evergreens within a twenty (20) foot landscape easement, planted not more than fifteen (15) feet on center, shall be planted along such roadway or access drive for the length of such abutment.

Section 11.04 – Screening of Trash Storage Areas

Any new or altered use which requires site plan review and is required to have an outdoor trash storage area shall comply with the following requirements:

- A. Any such area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly and sanitary condition.
- B. In no instance shall any such refuse be visible above or around the required enclosure.
- C. A decorative masonry wall of six (6) feet in height shall enclose three (3) sides of the storage area.

Bollards and/or other protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the screening walls. The surface under any such storage area shall be constructed of concrete which complies with local building requirements.

- D. Any storage area shall be located in a rear yard and/or be so located and arranged as to minimize its visibility from adjacent streets and uses. Further, the storage area shall not be located within a required rear or side yard. In no instance shall any such area be located in a front yard.
- E. All trash receptacles shall be located on site to be as accessible as possible without interfering with vehicular circulation patterns.
- F. The storage area shall also be screened with evergreen shrubs and trees. Such plantings shall be shown on the overall site plan.

Section 11.05 – Roof-Mounted Fixture Screening

Roof-mounted appliances, including, but not limited to, air conditioners, heating apparatus, dust collectors, filters, transformers, and any other such appliance or apparatus, shall be enclosed on all sides by view-obscuring screening equal to the height of the rooftop unit so as not to be visible from off the site. The design of the screening shall be approved by the Planning Commission as being compatible with the architectural design of the building upon which it is located. Where such equipment is located on the ground, it shall be shown on the site plan and screened in accordance with this Section.

Section 11.06 – Clear Vision

To ensure that landscape materials do not constitute a driving hazard, clear vision site triangles shall be established at all street intersections and at the intersection of site driveways and streets. No fence, wall, shrubbery, sign, or other obstruction to vision above a height of thirty (30) inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance of twenty-five (25) feet from their point of intersection. Internal parking lot landscaping improvements should be located to avoid blocking the vision of drivers within the parking lot.

Section 11.07 – Natural Resource Greenbelt

The Township recognizes the fragility and benefits of certain natural features within the Township such as wetlands, marshes, bogs, streams, inland lakes, ponds, and drains. These features help regulate storm water drainage, water quality, help control erosion and sediment disposition, as well as provide for wildlife and plant habitat. In an effort to help preserve these environmental features and the benefits in which they provide, the Township shall require natural resource buffers or greenbelts around natural features located on site. These buffers will help ensure that no damage, impairment, or other intrusion occurs to the natural habitat and that contaminants, or pollutants do not degrade or destroy these areas.

1. A 25-foot undisturbed greenbelt shall be preserved around the boundary of any state regulated wetland and all other flagged wetlands which are intended to remain onsite, and from the ordinary high-water mark of any inland lake or pond, streams, creeks or drains (improved or unimproved). These areas shall be conspicuously noted on the site plan and before any land clearing activities are commenced, the developer shall erect and maintain a suitable barrier between such environmental feature greenbelt and lands which are intended to be cleared.
2. There shall be no construction, removal, or deposit of any structures or soils, including dredging, filling, or land balancing within a required natural resource greenbelt.
3. These requirements may be modified by the regulating State or County agency.

Section 11.08 – Exterior Lighting

1. All outdoor lighting in all use districts used to light a site shall be shielded downward or below horizontal (maximum of eighty-five (85) degrees from vertical) to reduce glare and shall be so arranged as to reflect lights away from all adjacent residential districts of adjacent residences.
2. Outdoor lighting poles or standards shall not exceed the maximum height limitation of the district in which they are located, except that no lighting pole or standard shall exceed twenty (20) feet in height. The lighting sources (bulbs or lenses) for nonresidential properties, shall not be visible from adjoining properties or rights-of-way.
3. No light measured (at eye level) at the property line between any use and any other use shall be greater than one-tenth ($\frac{1}{10}$) foot candle at the side and rear property line. Lighting along roadways shall not have an average maintained illuminance greater than point five (0.5) foot-candles.
4. All lighting in nonresidential districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or roads or property.

5. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on adjacent streets or roads or adjacent property.
6. Artificial light shall be stationary and constant in intensity and color at all times when in use. There shall be no flashing, oscillating, moving or intermittent type of lighting or illumination. In addition, there shall be no bare bulb illumination of any kind exposed to public view.
7. A ground level illumination plan (in foot-candles) which demonstrates compliance with the standards of this Ordinance may be required for each site or development if determined necessary by the Planning Commission.
8. The intensity of outdoor lighting in all use districts shall be limited to the following amounts, unless otherwise noted above:

Schedule of Illumination (in foot-candles measured at the surface)

Use	Average Illumination Level (Foot-candles)	Uniformity Ratio
Residential, Church, School, and Child Care Facility		
All parking, drive or maneuvering areas	0.8	4:1
Nonresidential		
Small (5-15 spaces)	0.8	4:1
Large (16-above)	2.4	4:1

Section 11.09 – Signs

- A. Intent. The intent of this Ordinance is to create a comprehensive, balanced system of regulating signs and, thereby, to facilitate easy and pleasant communication between people and their environment, to enhance the physical appearance of the Township, to make the Township a more enjoyable and pleasing community, and to create a more attractive economic and business climate. It is intended by the provisions of this Ordinance to reduce signage and advertising distractions, to eliminate hazards caused by signs being too close to the public rights-of-way, to avoid the confusion of conflicting adjacent signs, to protect property values, and to eliminate obsolete, irrelevant, nonconforming and deteriorated signs. With these purposes in mind, it is the intention of this Ordinance to authorize the use of signs which are:
1. Compatible with their surroundings.
 2. Appropriate to the type of activity to which they pertain.
 3. Expressive of the identity of individual proprietors or of the development as a whole.
 4. Legible in the circumstances in which they are seen.
 5. Enables freedom of speech
 6. That all sign regulations within the Township are content neutral, and are consistent in size and aesthetic character.
- B. Submission and permit requirements.
1. Permit required. No person shall alter, relocate, erect, re-erect or construct any sign, except those which are exempted, unless a permit for same has been issued by the Township pursuant to this Ordinance. Signs which are approved as part of a site plan do not require a separate application and sign fees for Planning Commission review. This does not include building permit fees.
 2. Application for permit. Written application shall be made on forms provided therefore by the Township. Such application shall be accompanied by a site plan, sign drawing, and sign data presented in accordance with the following requirements and showing the information hereinafter required:
 - a. The site plan shall be drawn to a scale not less than fifty (50) feet to the inch.

- b. The site plan shall show the location of all existing and proposed sign(s) on the site.
 - c. The site plan shall show the location of existing and proposed streets, roadways, parking areas, entrances and exits within fifty (50) feet of the proposed sign(s). Clearly indicate the setback and clear vision triangle.
 - d. Drawings of the proposed sign(s) to be erected or installed on the site shall be submitted with the site plan and shall include all of the following detailed information:
 - (1) Height of the sign above the ground.
 - (2) Surface of the sign (material, color, and dimensions).
 - (3) Area of sign surface. Clearly outline the areas computed as sign area on an illustration.
 - (4) Lettering of sign drawn as it will appear on the erected sign. It does not need to be in the style of the finished sign, but must be neatly printed in the size and weight approximating that of the final constructed sign.
 - (5) Method and color of illumination, if any.
 - (6) Logos, emblems, or additional features.
 - (7) Such additional information as the Planning Commission deems necessary and/or pertinent to the application.
 - e. A drawing of the total building wall upon whose face the sign is to be displayed at a reasonable scale, preferably one-quarter ($\frac{1}{4}$) inch = one (1) foot.
 - f. Copies of the application and all plans and supplemental statements of information required therewith shall be filed with the Planning Department, together with the fee therefore as shall be established by resolution of the Township Board and which shall be sufficient to cover the cost of administration and the reasonable expenses incurred by and for inspection and review by the Township and its consultants.
3. Granting and issuance of permit. All new signs, which are not exempt, shall be reviewed by the Planning Commission. Signs may be, and are encouraged to be, reviewed, and approved by the Planning Commission as part of the site plan review process. The Planning and Zoning Administrator or the Building Inspector, at his/her

discretion, may order any sign to be reviewed by the Planning Commission.

4. Upon receipt of all necessary submissions required by this Ordinance, the Planning and Zoning Administrator shall forward the application to the Planning Commission. The Planning Commission shall either approve or disapprove the application within a reasonable time based upon the standards set forth in this Ordinance. If the application is approved by the Planning Commission and conforms to building code requirements, the Building Inspector shall issue a permit.
- C. Zoning District regulations. For the purposes of this Ordinance, the term site shall be defined as all land in a development which is necessary or indicated as part of the development proposal to meet parking requirements, setback requirements, landscape requirements, drainage requirements (i.e., retention or detention basin), and lot coverage requirements.
1. Residential Zoning Districts (all Residential Zoning Districts)
 - a. One (1) identification sign or nameplate is permitted for each dwelling unit with a permitted home occupation.
 - b. One (1) monument sign is permitted for each approved nonresidential building site.
 - c. One (1) double-faced subdivision entrance sign placed parallel to the entrance road or two (2) single-faced subdivision entrance signs placed perpendicular or within forty-five (45) degrees of the entrance road shall be permitted for each major entrance to a residential subdivision, mobile home park and multiple-family development, as approved in the site plan or subdivision approval.
 - d. One (1) wall and one (1) monument sign, each not to exceed thirty-two (32) square feet, may be permitted on farm property. Office and Local Commercial Zoning Districts (O-1 and C-I Zoning Districts)
 - a. One (1) identification sign or nameplate is permitted for each office unit within a Multi-Tenant Professional Office Development.
 - b. For professional office uses in O-1 or C-I Districts, one (1) wall sign and one (1) monument sign shall be permitted for each site.
 - c. For general office uses and retail uses in the C-I District, one (1) wall sign shall be permitted for each tenant which has both a separate unit within a

building and has an individual exterior public entrance to a building. In those cases where multiple tenants share an entrance, one (1) wall sign shall be permitted to include all tenants. In addition, one (1) monument sign shall be permitted for each site.

- d. In shopping centers with multiple tenants, all signage shall be coordinated as to size, location, color, and character. A coordinated sign package shall be submitted for the entire complex or center prior to individual permits being granted.

2. Commercial Zoning Districts (C-2 Zoning District)

- a. One monument sign shall be permitted for each site.
- b. One (1) wall sign shall be permitted for each tenant having an individual public entrance to a building. In those cases where multiple tenants share an entrance, one (1) wall sign shall be permitted to include all tenants.
- c. One (1) additional wall sign shall be permitted on buildings which front on two (2) major streets. Only one (2) wall sign shall be placed on each street facade. The sum of the two (2) signs shall not exceed the permitted individual wall sign area allowance.
- d. In shopping centers with multiple tenants, all signage shall be coordinated as to size, location, color and character. A coordinated sign package shall be submitted for the entire complex or center prior to individual permits being granted.

3. Industrial Zoning Districts (M-1 and M-2 Zoning Districts)

- a. One (1) monument sign shall be permitted for each site.
- b. One (1) wall sign shall be permitted for each tenant having an individual public entrance to a building.
- c. One (1) subdivision entrance sign shall be permitted for each major road entrance to identify an industrial or technical park.

D. Specific regulations

1. Awning or canopy signs

- a. An awning or canopy sign may be placed only on the principal front of the building.

- b. An awning or canopy sign shall be permitted in lieu of a permitted wall sign.
- c. An awning or canopy sign shall not exceed one (1) square foot for each linear foot of store frontage on which the sign is to be placed, or fifteen (15) square feet, whichever is greater. In no case shall an awning or canopy sign exceed sixty (60) square feet.
- d. A minimum vertical clearance of fourteen (14) feet shall be provided beneath any awning or canopy sign which projects over a parking area or driveway. In all other areas, a minimum vertical clearance of eight (8) feet shall be provided beneath an awning or canopy.

2. Directional signs

- a. Directional signs shall not exceed two (2) square feet in area, and shall not exceed three (3) feet in height. No more than one (1) such sign shall be located at each drive location.
- b. At-grade directional signs painted on or adhered to the surface of paved areas are exempt from these standards.
- c. All directional signs required for the purpose of orientation, when established by the Township, county, state or federal government, shall be permitted.

3. Identification signs. Identification signs shall be limited to:

- a. One (1) unlit wall-mounted sign for a permitted home occupation.
- b. One (1) unlit wall-mounted identification sign shall be permitted for each approved professional office or each exterior entrance for a multiple tenant office. Such sign shall be located at the entrance of the office to which it refers.
- c. An identification sign shall not exceed one (1) square foot in sign area. Such wall-mounted signs shall not extend outward more than two (2) inches from the surface of a wall on the subject structure.

4. Monument or ground signs

- a. Monument or ground signs shall not exceed sixty-four (64) square feet in sign area in the C-2 Zoning District; forty (40) square feet in the O-1 and C-1 Zoning District(s); and twenty-four (24) square feet in all residential Zoning District(s) and in the M-1 or M-2 Zoning Districts. Retail establishments with over eighty thousand (80,000) square feet of gross floor area and over three hundred (300) feet of road frontage on a single thoroughfare shall be permitted two (2) ground signs with forty (40) square feet of sign area each. The signs shall be evenly spaced along the frontage of the site and shall not in any case abut each other. If the Planning Commission determines that architectural features of the sign, such as wood, rock, or brick framing, are in harmony with the surrounding area and the principal structure, the architectural features of the sign shall not count as part of the display area.
- b. Monument signs, including the architectural features, shall not exceed six (6) feet in height. Monument signs shall not have more than one (1) foot of clearance between the bottom of the sign and the established grade.

5. Portable signs

- a. Portable signs are hereby prohibited, regardless of form, size, character or placement, unless otherwise specifically permitted within this Ordinance.

6. Projecting signs

- a. Projecting signs are hereby prohibited, regardless of form, size, character or placement, unless otherwise specifically permitted within this Ordinance.

7. Pylon signs

- a. Pylon signs are hereby prohibited, regardless of form, size, character or placement.

8. Subdivision or apartment entrance signs

- a. A subdivision or apartment entrance sign shall not exceed thirty-two (32) square feet in sign display area. If the Planning Commission determines that architectural features of the sign are in harmony with the surrounding area and the principal structure, the architectural features of the sign shall not count as part of the display area.
- b. A subdivision entrance sign, including its architectural features, shall not exceed six (6) feet in height.

- c. A subdivision entrance sign may be located in a traffic island at the entrance of a subdivision, if the Planning Commission determines that the sign will not obstruct motorist vision.

9. Temporary Signs

- a. A business or organization shall be permitted one (1) temporary banner or A-Frame sign, not exceeding twenty (20) square feet in display area or six (6) feet in height. A maximum of two temporary sign permits shall be permitted for one (1) business or organization during a calendar year, with a combined permitted display time not exceeding thirty (30) days. Only one (1) such sign shall be permitted at the same time on a site. Signs shall include the permit number and date of issue, written in indelible ink on the face of the sign.
- b. The Building Inspector may issue a permit for temporary signs to businesses, organizations, or groups to display a banner or A-Frame sign for a specific cause, function, or activity.

10. Wall signs

- a. A wall sign shall not project more than twelve (12) inches horizontally beyond the wall of a building.
 - b. A wall sign shall be used to display the name of the firm, the address or a symbol, or type of business.
 - c. Wall signs shall not project above the roof line (eave) of a building or structure.
 - d. Wall signs shall not exceed one (1) square foot for each linear foot of store front on which the sign is to be placed, or fifteen (15) square feet, whichever is greater. In no case shall a wall sign exceed sixty (60) square feet (except as permitted below in [paragraph] e. below).
 - e. Large, multi-department stores and uses with over one hundred fifty thousand (150,000) square feet of floor area may be permitted a wall sign area equal to one (1) square foot for each linear foot of store frontage up to a maximum of two hundred (200) square feet.
- E. General regulations. No sign may be erected, displayed or substantially altered or reconstructed, except in conformance with the regulations specified in this Ordinance. The following conditions shall apply to all signs regardless of use district, unless otherwise specified in this Ordinance:

1. Exemptions. The following signs, as defined herein, shall be exempt from procedural, review and approval requirements as specified in the following sections. The signs shall, however, conform to all applicable regulations specified within this Ordinance.

(1) Address numbers consistent with Township policy.

(2) Handicap signs.

(3) Historical marker signs (official).

(4) Identification signs or nameplates.

(5) "Open" and "Closed" signs (not exceeding two (2) square feet in area).

f. Temporary signs not exceeding 12 square feet.

g. The refacing an existing sign frame (shall not include any changes to the frame or structure). Such a change shall require a building permit when applicable.

h. Wall signs of three (3) inches in height or less. No more than three (3) per building.

i. Warning signs and other non-advertising signs.

j. Township, county, state or federal road or traffic control signs shall be exempt from the provisions of this Ordinance.

k. Signs not visible beyond the boundaries of the lot or parcel upon which they are situated, or from any public thoroughfare or right-of-way, shall not be counted toward the maximum number of signs permitted on the subject lot or parcel. These signs shall remain subject to Planning Commission approval, permit requirements, inspections, and height and setback requirements.

l. In all Zoning Districts, flags of the United States, the State of Michigan, any political subdivision of the State of Michigan, or other flags or banners specifically approved by the Township Board for general display, are permitted as long as the size or number of such flag or flags are not of such nature that it would be commonly understood that their display was primarily intended to be a commercial advertisement to attract the attention of the general public.

2. Prohibited signs. Unless otherwise specifically permitted under this Ordinance, the

following signs and/or sign parts shall not be permitted or erected in the Township:

- a. Cloth signs, balloon signs or displays, streamers, windblown devices, spinners, portable signs, trailer signs and pennants.
 - b. No flashing, animated, moving or bare bulb-type signs or displays unless otherwise permitted within this Ordinance.
 - c. Changeable copy signs, except as part of a permanent freestanding sign. No more than twenty (20) percent of a permanent freestanding sign shall be utilized for changeable copy unless otherwise specified in this Ordinance. Schools, churches and public buildings may utilize up to fifty (50) percent of the sign face for changeable copy.
 - d. Signs painted directly onto wall surfaces.
 - e. Vehicle business signs and trailer signs.
3. Locational requirements.
- a. No sign, except as otherwise permitted herein, shall be located in, project into, or overhang a public right-of-way or dedicated public easement, or be attached to a utility pole.
 - b. No sign, except those established and maintained by the Township, county, state or federal governments, shall be located within the triangle formed by the intersection of any road rights-of-way and/or access drive at points thirty (30) feet distant from the point of their intersection.
 - c. No signs shall be located so as to impede pedestrian or automobile traffic.
 - d. In no case shall a sign be closer than ten (10) feet to any property line. All signs shall meet the following minimum setbacks as measured in feet from the centerline of each road right-of-way (ROW) in accordance with the Township's Master Plan. An additional ten-foot setback from road centerlines and property lines shall be required for all nonresidential signs constructed in residential Zoning District.

<i>Road Type (see Master Plan)</i>	<i>Distance in Feet</i>
32 Mile Road	85
Major (120' R.O.W.)	70
Local	70

4. Illumination

- a. Illumination of signs shall be positioned and shielded so that the light shines away from adjoining properties and the eyes of motorists or pedestrians. The light source of such illumination shall be shielded from public view.
 - b. Specialty lighting, such as neon accent lighting, may be permitted by the Planning Commission on a finding that the proposal is in character with the use and not detrimental to other uses in the vicinity. This regulation does not apply to lighted window signs.
 - c. A lighted display of time, temperature, or other scrolling information shall be permitted as part of a sign subject to Planning Commission review and approval. The sign information must be accessory to the use on site and shall not include any off-site advertising. The size of such lighted, sign shall not exceed fifty (50) percent of the total permitted sign area.
5. Width-to-depth ratio. In no case shall any sign exceed a maximum width-to-height ratio of six (6) to one (1), unless otherwise provided for within this Ordinance.
6. Landscape requirements. A monument sign shall be located within a landscaped area. Such landscaping shall include evergreen shrubs and other landscape amenities.
7. Maintenance of signs. If, upon inspection by the Building Inspector, a sign is found to be unsafe, insecure, corroded, subject to corrosion, or otherwise poorly maintained, then the owner shall make the sign safe and secure by completing any necessary reconstruction, repairs, painting, or other improvements in accordance with the following timetable, unless the sign is required to be removed by the nonconforming sign regulations herein:
- a. If the Building Inspector determines that the sign is an immediate threat to the safety of persons or property nearby, all required action to correct the defect shall be taken within forty-eight (48) hours (two (2) working days) from the time of notification in writing from the Township, provided that the sign can be cordoned off or adequately secured during the intervening time so as to remove any immediate threat to safety. If such sign cannot be cordoned off or secured so as to eliminate any immediate threat to the safety of persons or property, then all required action to correct the defect shall be made forthwith.
 - b. If the Building Inspector determines that the sign is not an immediate threat to the safety of persons or property, all required action to correct the defect shall be made within thirty (30) days after notification in writing from the Township. The Building Inspector may extend the 30-day timetable (until the Building Inspector deems conditions are suitable for repair) if temperatures below twenty-five (25)

degrees Fahrenheit prevent painting, or if the defects involved are minor, not generally noticeable to the public, and not a hazard to public safety (such as replacement of burned out light bulbs).

8. Nonconforming signs. Any sign already established by the effective date of this Ordinance which is rendered nonconforming by the provisions of this Ordinance, and any sign which is rendered nonconforming as a result of subsequent amendments hereto, shall be subject to the regulations concerning nonconforming signs as follows:
 - a. Any sign which advertises a business or industry no longer being conducted, or a product no longer being manufactured or sold on the property, shall be considered nonconforming. Such signs shall be taken down and removed by the owner, agent or person having the beneficial use of the building, structure, or land within one (1) month from the date of written notice from the Township. However, where such a sign structure and frame are typically reused by the current occupant or business in leased or rented buildings, the building owner shall not be required to remove the sign structure and frame in the interim periods when the building is not occupied, provided that the sign structure and frame are maintained in accordance with this chapter and other relevant Township Ordinances and Codes, and provided, further, that the time period of non-use does not exceed ninety (90) days.
9. Removal of signs. Whenever a sign is removed, or is required to be removed, by this Ordinance or by order of the Building Inspector, the entire sign structure, including fastenings and anchorages, shall be removed.
10. Measurement of sign area.
 - a. Sign area, unless otherwise noted herein, shall include the total area within any circle, triangle, rectangle, or other geometric shape or envelope enclosing the extreme limits of writing, representation, emblem, logo, graphic or any similar figure or element of the sign, together with any frame or other material forming an integral part of the display, if any, or used to differentiate such sign from the background against which it is placed.
 - b. In the case of a wall sign in which there is no frame or other material forming an integral part of the display or used to differentiate such sign from the background against which it is placed, the envelope shall be around the full perimeter of any grouping of letters, logos, emblems, figures, pictures, etc.
 - c. In the case of an awning or canopy sign, where there is no design or envelope forming an integral part of the display which differentiates the sign from the background of the awning material or color, the envelope shall be around the full perimeter of any grouping of letters, logos, emblems, figures, stripes, etc.

Transparent or translucent awnings or canopies which have internal lighting, the entire surface of the awning or canopy shall be considered as the sign.

- d. For a single-faced sign, the area shall be computed as the total exposed exterior surface in square feet.
 - e. The area of a double-faced freestanding sign shall be computed using only one (1) face of the sign, provided that the outline and dimensions of both faces are identical and that the faces are back-to-back so that only one (1) face is visible at any given location. In all other cases, the sum of both faces shall be computed for the sign area.
- F. Appeals procedure. Any party who had a sign denied by the Planning Commission or a sign permit denied by the Building Department may seek a variance of the provision(s) of this Ordinance by filing an appeal application to the Richmond Township Zoning Board of Appeals. Such a variance request must be applied for within thirty (30) days of such denial.
1. At the hearing for a variance, the Zoning Board of Appeals may grant a variance from the provisions of this Ordinance upon a finding of all of the following:
 - a. The particular physical surroundings, shape or topographical conditions of the property would render compliance with the provisions of this Ordinance difficult and would likely result in a particular hardship on the owner, as distinguished from inconvenience of the Ordinance requirements or a desire to increase financial gain or avoid the financial expense of compliance.
 - b. Strict enforcement of the provisions of this Ordinance would serve no useful purpose.
 - c. The type of sign structure and the location proposed would not pose a significant risk to the public health, safety and welfare.
 - d. The benefit of the sign to the general public and/or applicant under the circumstances outweighs any risk to traffic safety and the Township's desire to eliminate the accumulation of visual clutter in accordance with the stated purpose of this Ordinance.
 - e. A variance would be in the interest of the Township and not against the spirit and intent of this Ordinance.

2. In issuing a variance from the strict letter of the provisions of this Ordinance, the Zoning Board of Appeals may grant a variance of any sign requirement or place reasonable conditions or restrictions upon issuance of a permit.

ARTICLE 12
SPECIAL LAND USE APPROVAL

Section 12.00 – Special Land Use Review Requirements

In all cases, the power to grant special land use approval is vested in the Planning Commission. All applications for special land use approval shall first be forwarded by the Planning Department to the Planning Commission for review and processing. The application shall be submitted in the number of copies required and accompanied by the same number of site plans, all prepared and filed to meet the requirements of Article 3.

The Planning Commission shall review the application after proper notice has been given as required by State law and approve or deny the application. Approval may require conditions the Commission may find necessary; disapproval of the application will be accompanied by reasons in writing. If a public hearing is to be held as provided by State law, then the Planning Commission, after proper notice, shall hear any person wishing to express an opinion on the application.

The Planning Commission shall review each case individually as to its applicability and must find affirmatively to each of the following standards of the proposed land use if it is to be approved.

A. Standards

1. The proposed use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the Zoning District in which it is to be located.
2. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing pedestrian-vehicle conflicts.
3. The proposed use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby uses permitted, whether by reason of dust, noise, fumes, vibration, smoke or lights.
4. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent

land and buildings or unreasonably affect their value.

5. The proposed use shall relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Township.
6. The proposed use is necessary for the public convenience at the proposed location.
7. The proposed use is so designated, located, planned and operated so that the public health, safety and welfare will be protected.
8. The proposed use shall not cause substantial injury to the value of other property in the vicinity in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the Zoning District.

B. Decision

1. Approval. If the Planning Commission determines that the particular special land use(s) should be allowed, it shall endorse its approval thereof on the written application and clearly set forth in writing thereon the particular use(s) which shall be allowed. Thereafter, the enforcing officer may issue a building permit in conformity with the particular special land use(s) so approved. In all cases where a particular special land use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the Township not later than three hundred sixty-five (365) days thereafter, or such approval shall automatically be revoked. The Planning Commission may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding another three hundred sixty-five (365) days as it shall determine to be necessary and appropriate.
2. Denial. If the Planning Commission shall determine that the particular special land use(s) requested does not meet the standards of this Ordinance, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial.

C. Record. The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision and any conditions imposed.

1. Hearings. The Planning Commission shall investigate the circumstances of each such case and give notice of the time and place of any hearing, meeting or review which may be held relative thereto as required by state law and/or its rules or procedure.

2. Conditions. The Planning Commission may impose such conditions or limitations in granting approval as may be permitted by state law and this Ordinance which it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all of the following:
 - a. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - b. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - c. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration; and be necessary to ensure compliance with those standards.
 - d. Once a special land use has been approved, no Zoning Board of Appeals requests shall be permitted. Any changes in the development plans must be made in accordance with revision procedures contained herein.

Section 12.01 – Adult Entertainment and Business Uses

In the development and execution of this Ordinance, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. In addition to the review standards contained in this Article, additional special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in anyone (1) area (i.e., not more than two (2) such uses within one thousand (1,000) feet of each other) which would create such adverse effects.

- A. The Planning Commission may waive the locational requirement established in Subsection A. herein for adult entertainment and business establishments if the following findings are made:

1. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Ordinance will be observed.
 2. That the proposed use will not enlarge or encourage the development of a “skid row” area.
 3. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation.
 4. That all applicable regulations of this Ordinance will be observed.
- B. For establishments for the sale of beer or intoxicating liquor for consumption on the premises, the Township Board may waive the locational requirements if the findings required in subsection B. can be made and after receiving a report and recommendation from the Planning Commission.
- C. It shall be unlawful to hereafter establish any adult bookstore, adult motion picture theater, adult novelty store, or class “D” cabaret within five hundred (500) feet of any building containing a residential dwelling or rooming unit. This prohibition may be waived if the person applying for the waiver shall file with the Township Planning Commission a petition which indicates approval of the proposed regulated use by fifty-one (51) percent of the persons owning, residing or doing business within a radius of five hundred (500) feet of the location of the proposed use. The petitioner shall attempt to contact all eligible locations within this radius and must maintain a list of all addresses where no contact was made.
- D. The Township Clerk shall adopt rules and regulations governing the procedure for securing the petition of consent provided for in this section of the Ordinance. The rules shall provide that the circulation of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the rules of the Township Clerk and that the circulation personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon.
- E. The Planning Commission shall not consider the waiver of locational requirements set forth in subsections A., B. and C. until the above-described petition shall have been filed and verified.

Section 12.02 – Agri-business (Value Added Farming Operations)

- A. Intent. The Township recognizes the need for farming and its ancillary uses to evolve as the broader market and economic conditions of farming evolve. Further that, to maintain the remaining farms within the Township, it may be necessary to allow ancillary uses connected with the typical farm and farm operations. This section of the Ordinance is

intended to provide a mechanism to allow value added farming while protecting the long-term interests of the Township. As part of the approval process, a farm must produce some form of recognition from the State of Michigan that the subject site is a bona fide farm. These methods may include tax records, enrollment in State or Federal programs, or other acceptable means. Bona fide farms shall not be subject to the full extent of the site plan review requirements set forth in this Ordinance due to the size and large frontage associated with these parcels. However, a site plan of all ancillary activity areas shall be provided and shall be subject to the site plan review process and/or public hearing requirements for special land use approval.

B. Permitted uses—Site Plan Only

1. The following uses listed below shall be considered permitted uses in the Agricultural Zoning District and shall be subject to site plan review requirements, as outlined in Article 3 of this Ordinance, and shall not require special land use approval:
 - a. Agricultural products grown onsite.
 - b. Cider mills or wineries derived from produce grown primarily onsite (a minimum of fifty-five (55) percent grown onsite).
 - c. Bakeries selling baked goods containing produce grown primarily onsite (a minimum of fifty-five (55) percent grown onsite).
 - d. Children play areas (not including motorized vehicles or rides).
 - e. Petting zoos (limited to farm animals) and pony rides.

C. Uses Permitted after Special Land Use Approval

1. The following uses may be determined acceptable as part of a bona fide farming operation after special land use approval:
 - a. Animated barns (fun houses, haunted house, or similar).
 - b. Gift shops for the sale of crafts and antiques.
 - c. Kitchen facilities (only accessory to farm markets or cider mill activities).
 - d. Small scale entertainment (not including permanent seating areas).
 - e. Storage facilities for the storage of automobiles, recreational vehicles and items similar in nature.

D. Minimum Site Requirements - These ancillary uses may only be considered for farms with a minimum land area of forty (40) acres or more.

1. Setbacks:

a. Front yard: The minimum requirements for that district.

b. Side yard: A minimum of fifty (50) feet.

c. Rear yard: A minimum of fifty (50) feet.

2. Pedestrian Circulation:

a. Dedicated pedestrian walkways or pathways shall be provided from all parking areas to the designated activity or shopping area. Walkways shall incorporate some form or combination of fencing, curbing, landscaping, etc., as a method of separation.

3. Parking:

a. Permanent parking areas shall be provided for farm stands. Parking shall be provided at a rate of one (1) space for each seventy-five (75) square feet of farm stand area. Such parking areas shall be paved or gravel.

b. The applicant shall provide estimates for seasonal parking. Overflow parking areas shall be provided which can accommodate seasonal parking peaks. Such parking areas are not required to be paved or gravel. There shall be no parking within the road right-of-way.

c. Parking for other types of uses shall be provided as required by this Ordinance.

d. Parking shall be properly screened from adjacent residential uses. Screening shall consist of a landscaped greenbelt consistent with the standards of Section 11.02.

e. No parking shall occur within the required side or rear yard setbacks.

4. Conditions:

a. As a part of the special land use approval the applicant shall provide an emergency reaction plan if the uses being proposed call for such.

- b. All proper permitting and licensing records (as required) shall be submitted to the Township.
- c. Noise emanating from such use shall meet the acceptable decibel requirements set forth in this Ordinance.
- d. Lighting shall be shielded downward away from adjacent residences.
- e. Signs shall meet the requirements of Section 11.09.
- f. No outdoor storage.

Section 12.03 – Airports and Private Airstrips

- A. Commercial airports including runway(s), landing platforms, taxiway(s), terminals, hangars, communication facilities, beacons, service facilities and similar uses ancillary to the operation of a commercial airport; may be permitted provided all such uses shall be at least five hundred (500) feet from a residential district and provided further that all applicable state and federal codes pertaining to the location, development and operations of a commercial airport shall be fully complied with.
- B. Privately owned and operated airstrips may be permitted provided the following conditions are met:
 - 1. No such facility shall be located on land incapable of containing one (1) runway of at least two hundred fifty (250) feet in width and two thousand (2,000) feet in length. Except, a shorter runway length and width may be permitted provided approval for same has been granted by the proper Federal or State bureaus, for the type of aircraft to be kept at the airstrip.
 - 2. No such facility shall be located closer than three hundred fifty (350) feet from an existing permitted dwelling or any other Residential District.
 - 3. No such facility shall contain fuel storage capability nor equipment to dispense fuel.
 - 4. All exterior lighting shall be located so as not to shine on adjacent property.
 - 5. One hangar structure shall be permitted in which privately owned aircraft may be stored and within which light mechanical service may be performed on that aircraft.
 - 6. Because of the potentially hazardous impact such uses can have on adjacent land use, the following additional conditions shall apply:

- a. All applicable State and Federal Codes shall be met and all plans shall have been reviewed and approved by the appropriate state and/or federal agencies prior to approval of such plans by the Township Planning Commission.
- b. The Township Planning Commission may grant temporary approval to establish a private airstrip for a period not to exceed two (2) years in developed or developing areas and five (5) years in undeveloped areas.

Section 12.04 – Automobile Heavy Repair Garage

A. Specific Requirements and Conditions:

1. All repair activities shall be confined to the interior of the building.
2. No outdoor storage shall be permitted.
3. An adequate means of waste disposal shall be provided.
4. The use shall not abut a residential district.

Section 12.05 – Automobile Repair and Service Centers, excluding Paint and Collision Shops

A. Specific Requirements and Conditions:

1. All repair activities shall be confined to the interior of the building.
2. No outdoor storage shall be permitted.

Section 12.06 – Bed and Breakfasts

A. Specific Requirements and Conditions:

1. The room utilized for lodging purposes shall be part of the primary residential use and shall not have been specifically constructed for rental purposes.
2. There shall be no separate cooking facilities used for the bed and breakfast rooms.
3. The residence shall be occupied at all times by the owner or a staff member.
4. Adequate lavatory, bathing facilities and kitchen facilities for the lodging room shall be provided, as per the requirements of the Macomb County Health Department.

Section 12.07 – Bulk Storage of Flammable and Raw Materials

A. Specific Requirements and Conditions:

1. All such uses shall be located on a parcel of land which is surrounded by abutting land zoned M-2 General Industrial.
2. All access to the parking areas shall be provided from a major thoroughfare.
3. All sides of the development not abutting a major thoroughfare shall be provided with a 20-foot wide greenbelt planting and fence or wall so as to obscure from view all activities within the development. Said screening shall be in accord with Section 11.02.
4. No building, structure or tanks or containers for storage or part thereof shall be erected closer than one hundred (100) feet from any property line.
5. Outdoor storage requirements of Section 12.30 shall be met.

Section 12.08 – Cemeteries

A. Specific Requirements and Conditions:

1. A greenbelt and decorative fence or wall (as specified in section 11.02 of this Zoning Ordinance) shall be installed along the perimeter boundaries of the site. Along those boundaries of the site abutting a road, the greenbelt or wall shall not be located in the front yard. Along all other site boundaries, the greenbelt or wall may be placed on the property line.
2. Suitable gates for ingress and egress shall be provided, and the principal entrance shall not be closer than two hundred (200) feet to an adjoining residential site.
3. If the applicant desires to install a cyclone wire fence (or other type of fencing) instead of a masonry wall, this shall be described on the application, and it may be approved in the discretion of the Planning Commission if the fence will be substantially compatible and harmonious with existing, adjacent types of installations.
4. No building shall be erected closer than one hundred (100) feet to an adjacent site line, nor such building cover more than ten (10) percent of the site on which it is to be constructed.
5. Any such use shall not be permitted in a floodplain.

6. The applicant shall show with reasonable certainty that the elevations of the site when finished will provide adequate drainage.
7. Minimum cemetery site shall be eight (8) acres. Where a state law specifically permits a smaller size, or sets a maximum size less than eight (8) acres, this regulation shall not apply to an addition to the site of a use existing at the time of adoption of this Ordinance.

Section 12.09 – Churches and Private/Charter Schools

A. Specific Requirements and Conditions:

1. The site shall be a minimum of two (2) acres in size on a continuous parcel.
2. The site shall abut a public road having a right-of-way of not less than that of a collector thoroughfare (eighty-six (86) feet).
3. The site shall maintain a minimum 50-foot wide greenbelt around all property lines abutting a residential use.

Section 12.10 – Colleges, Universities, and Similar Institutions

A. Specific Requirements and Conditions:

1. Any use permitted herein shall be developed on sites of at least fifteen (15) acres in area.
2. All ingress to and egress from the site shall be directly onto a major thoroughfare having an existing or planned right-of-way width of at least one hundred twenty (120) feet.
3. No building shall be closer than fifty (50) feet to any property line when said property line abuts or is adjacent to land zoned for residential purposes.
4. The site shall maintain a minimum 50-foot wide greenbelt around all property lines abutting a residential use.

Section 12.11 – Commercial Animal Feed Lots

A. Specific Requirements and Conditions:

1. Open animal feed lots shall maintain a front and rear yard setback of four hundred (400) feet and a side yard setback of five hundred (500) feet.
2. The emission of obnoxious odors shall be prohibited when same shall affect adjacent properties.
3. The use shall be conducted in a manner as to not cause groundwater pollution problems, as determined by the Macomb County Health Department.

Section 12.12 – Convalescent and Nursing Homes or Hospices

A. Specific Requirements and Conditions:

1. All such facilities shall have ingress and egress from a site directly onto a major or secondary thoroughfare.
2. All such facilities shall be developed only on sites consisting of at least three (3) acres in area.
3. There shall be provided at least eight hundred (800) square feet of lot area per bed.

Section 12.13 – County, State, or Federal Uses

A. Specific Requirements and Conditions:

1. The site shall not abut a Residential Zoning District on more than two (2) sides.
2. No outdoor storage is permitted unless in the M-1 or M-2 District.

Section 12.14 – Day Care Centers and Nursery Schools

A. Specific Requirements and Conditions:

1. The site shall contain a minimum of two hundred (200) square feet of outdoor play area per child and not less than five thousand (5,000) square feet in total area.
2. All outdoor play areas shall be fenced and screened from any abutting residentially developed sites.
3. Designated child drop-off areas shall be shown on the plan.
4. No playground or equipment fencing shall be allowed in the front yard.

Section 12.15 – Drive-through Facilities

A. Specific Requirements and Conditions:

1. The site and use shall be located on a major thoroughfare having a right-of-way equal to, or greater than, one hundred twenty (120) feet.
2. Any freestanding drive-through facility located in a shopping center shall be aesthetically compatible in design and appearance with the other buildings and uses located in the shopping center. In making this determination, the Planning Commission shall consider the architectural design of the building, the signage and the landscaping to ensure that the design and appearance of the developed site is compatible with the design and appearance of the remainder of the shopping center.
3. Drive-through service shall be permitted only if the development is located in a freestanding building and a satisfactory traffic pattern for the drive-through lane can be established to prevent traffic congestion and the impairment of vehicular circulation for the remainder of the development. Vehicle stacking lanes shall not cross any maneuvering lanes, drives or sidewalks.
4. In no instance shall multiple drive-throughs be permitted unless all drive-through on the site are controlled and operated by a single tenant. Multiple businesses, each having a distinct advertising identity, which are owned by the same parent company, shall not be considered a single tenant.
5. Devices for electronically amplified voices or music shall be directed or muffled to prevent any such noises from being audible at any lot line.

Section 12.16 – Full and Self-Service Car Washes

A. Specific Requirements and Conditions:

1. Vehicular ingress and egress from the site shall be directly onto a major thoroughfare, except that it may be permissible to allow vehicles to exit from the facility onto a public alley.
2. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space, and no vehicle shall be permitted to wait on the public right-of-way as part of the traffic approach.

3. An on-site, 50-foot long drying lane shall be required at the exit point of the car washing facility.
4. A 25-foot greenbelt in accordance with section 11.02 shall be provided between all property lines.

Section 12.17 – Funeral Homes and Mortuaries, not including Crematoriums

A. Specific Requirements and Conditions:

1. Sufficient off-street automobile parking and assembly area is provided for vehicles to be used in a funeral procession. The assembly area shall be provided in addition to any required off-street parking area. A circulation plan identifying the arrangement of the vehicular assembly area shall be provided as part of the required site plan.
2. The site shall be located so as to have one (1) property line abutting a major thoroughfare of at least one hundred twenty (120) feet of right-of-way, existing or proposed.
3. No building shall be located closer than thirty (30) feet to the outer perimeter (property line) of the district when said property line abuts any Single-Family Residential District.
4. Loading and unloading area used by ambulances, hearses or other such service vehicles shall be obscured from all residential view by a wall six (6) feet in height.

Section 12.18 – Gasoline Service Stations

A. Specific Requirements and Conditions:

1. The site shall be located at the intersection of two (2) public roads with at least one (1) of the roads having a proposed right-of-way of one hundred twenty (120) feet.
2. Not more than fifty (50) percent of all lots located at the intersection of two (2) roads shall be occupied by a gasoline service station.
3. The site for the gasoline service station shall have one hundred twenty (120) feet of frontage on the principal street serving the station.
4. The site shall contain an area of not less than one half ($\frac{1}{2}$) of an acre.
5. All buildings shall observe front yard setbacks plus ten (10) feet. For purposes of this Section, gasoline pumps and pump islands shall not be considered buildings.

6. In order to facilitate pedestrian circulation and safety, no parking or standing of customer vehicles shall be permitted in the area immediately adjacent to any customer entrance or payment window.

Section 12.19 – General Hospitals

A. Specific Requirements and Conditions:

1. All such hospitals shall be developed only on sites consisting of at least ten (10) acres in area and providing a minimum of one thousand five hundred (1,500) square feet of lot area per bed.
2. All ingress and egress from the site shall be directly onto a major thoroughfare having an existing or planned right-of-way width of at least one hundred twenty (120) feet.
3. Ambulance delivery and service areas, when visible from adjacent land zoned for residential purposes, shall be obscured from view by a wall at least six (6) feet in height.
4. The minimum distance between any structure and a property line shall be fifty (50) feet.
5. Maximum lot coverage shall not exceed forty (40) percent.
6. No hospital shall be permitted unless its size is at least fifty (50) in-patient beds.

Section 12.20 – Golf Courses, Ball Fields, Athletic Fields, and Stadiums

A. Specific Requirements and Conditions:

1. The site shall be a minimum of three (3) acres in size.
2. All ingress and egress from the site shall be directly onto a major thoroughfare having an existing or planned right-of-way width of at least one hundred twenty (120) feet.
3. The site shall not abut a Residential Zoning District on more than two (2) sides.
4. A minimum 30-foot wide landscaped greenbelt shall be provided along all property lines abutting a Residential Zoning District.

Section 12.21 – Greenhouses and Nurseries

A. Specific Requirements and Conditions:

1. Items accessory and incidental to nursery operations shall be permitted for retail sale, such as; shovels, hoes, rakes and planting pots. Craft items shall not be considered accessory and incidental to a nursery or greenhouse.

Section 12.22 – Group Day Care (seven (7) to twelve (12) children)

B. Specific Requirements and Conditions:

1. The proposed use shall not be located closer than one thousand five hundred (1,500) feet to any of the following facilities, as measured along a street, road or other thoroughfare, excluding an alley:
 - a. Another licensed group day care home.
 - b. Another adult foster care (small group or large group) home, licensed by the State of Michigan.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people, whether or not it is licensed by the State of Michigan.
 - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population, under the jurisdiction of the Department of Corrections or a similar governmental authority.
2. Fencing shall be required next to residential uses or districts in accordance with Section 4.07. All outdoor play areas shall be enclosed.
3. The requested site and building shall be consistent with the visible characteristics of the neighborhood. The group day care home shall not require the modification of the exterior of the dwelling nor the location of any equipment in the front yard.
4. The proposed use, if approved, may have one (1) non-illuminated sign that complies with Richmond Township Sign Regulations and shall display only the name and address of the family day care home.
5. Operating hours shall be limited from 7:00 a.m. to 11:00 p.m. daily.
6. The proposed use, if approved, shall be inspected for compliance with these standards prior to occupancy and at least once each year thereafter within ten (10) days of the anniversary of the certificate of occupancy.

Section 12.23 – Home Occupations

- A. Type I Home Occupations may be permitted in the Agricultural and Single-Family Residential Districts. Home offices that do not result in more traffic than is normal for residential districts shall be considered Type I Home Occupations and do not require special land use approval. All other home occupation requests shall be subject to the requirements of Subsection 12.23.B. In addition, no person other than members of the family residing on the premises shall be engaged in such occupation.
- B. Type II Home Occupation Site Requirements:
1. The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and, not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used for the purposes of the home occupation and shall be carried out completely within such dwelling.
 2. There shall be no change in the outside appearance of the structure or premises or other visible evidence of the conduct of such home occupation.
 3. Such home occupation shall not require internal alterations or construction, equipment, machinery, or outdoor storage not customary in residential areas.
 4. One (1) non-illuminated nameplate, not more than two (2) square feet in area, may be permitted, which shall contain only the name and occupation of the resident of the premises and mounted flat against the wall of the dwelling.
 5. No home occupation shall be conducted, in whole or in part, in any accessory structure, attached or detached, including garages, breezeways, porches, patios and the like.
 6. There shall be no sales of any goods, articles or services on the premises, except such as is produced by such approved home occupation.
 7. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided by an off-street area, located other than in a required front yard.
 8. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises, or cause fluctuations in line voltage off the premises.

9. Handicapped persons applying for home occupation permits may be excused from certain provisions of this section by the Planning Commission, based on necessity.

Section 12.24 – Housing for the Elderly

A. Specific Requirements and Conditions:

All housing for the elderly shall be constructed on parcels of at least five (5) acres and may provide for the following:

1. Cottage-type dwellings and/or apartment-type dwelling units.
2. Common services containing, but not limited to, central dining rooms, recreational rooms, central lounge and workshops.
3. All dwellings shall consist of at least four hundred (400) square feet per unit (not including kitchen and sanitary facilities).
4. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed forty (40) percent of the total site, exclusive of any dedicated public right-of-way.
5. Business uses shall be permitted on the site when developed as retail or service uses clearly accessory to the main use, within the walls of the main structure, and totally obscured from any exterior view. No identifying sign for any such business or service use shall be visible from any exterior view. Such businesses or services shall not exceed twenty-five (25) percent of the floor area at grade level.
6. All proposals for housing for the elderly shall be reviewed against the standards for such housing as published by the Michigan State Housing Development Authority. The MSHDA standards shall be used only as a general guide for the review to assure minimum adequacy and shall not limit the requirements placed on the use by Richmond Township.

Section 12.25 – Junk Yards, Auto Wrecking Yards, and the Storage of Industrial Wastes

A. Specific Requirements and Conditions:

1. Such use shall be completely enclosed by a fence constructed of unpierced wood or metal

vertical boards or panels not less than eight (8) feet in height, which shall be maintained in a condition of good repair.

2. The area between the front fence and the front site line shall be completely landscaped and maintained with lawn and coniferous trees and shrubs.
3. Parking shall only be permitted within the fenced enclosure.
4. The site shall not abut property zoned for residential use.

Section 12.26 – Type II and Type III Landfills

A. Disposal Sites (Type II Landfill)

1. Disposal area activity shall be allowed as a special land use activity only within those Zoning Districts where it is clearly shown that it will not in any way be in conflict with the provisions of this Article. Disposal areas shall not be located in areas where the primary use of land is for production agriculture, nor on land which is composed of prime agricultural soils and that have been declared essential agricultural land by the local Soil Conservation District, nor on land within or adjacent to land developed or under development with residential land use.
2. The location of all disposal areas within said districts shall be sufficiently distant from pre-existing development so as not to be injurious to public health, safety and welfare, and in no instance shall the operation of a landfill be less than five hundred (500) feet from any residential district. Except where otherwise required herein, the following minimum yard setbacks shall be provided:
 - a. Front yard: Two hundred (200) feet (measured from road right-of-way).
 - b. Side yard: One hundred (100) feet.
 - c. Rear yard: One hundred (100) feet.
3. The purpose of these procedures is to provide for the use of lands as disposal areas and to regulate and control said use for the preservation of public health, safety and welfare.
4. Disposal areas are considered to be a temporary use of land only; therefore, it shall be the further intent of these provisions that such operations shall be conducive to and result in, the reclamation of the land for other purposes. The requirements of this section shall be in addition to the requirements of Act 641 of the Michigan Public Acts of 1978, as amended.
5. Licensing procedures.

- a. An application for the approval of a disposal area license shall be made by all parties having ownership interest in the land on which the disposal area is to be located, to the Township Clerk and said application shall be processed in accordance with the procedures for amending the Richmond Township Zoning Ordinance. The application shall be accompanied by information and documents as required by Act 641 of the Michigan Public Acts of 1978, as amended and the regulations promulgated in conjunction therewith. Further, each application shall include a description of existing development within a one-half (½) mile radius of the proposed disposal area.
- b. All applications shall be accompanied by a fee of two thousand dollars (\$2,000.00) to defray the costs of processing the same. Provided that the Richmond Township Board can require additional deposit for administrative costs, over and above the said two thousand dollars (\$2,000.00) to cover any cost incurred such as not limited to engineering, legal and planning expenses. Provided further that at any time the monies deposited fall below the sum of one thousand dollars (\$1,000.00), the licensee or applicant shall post additional monies to maintain at least two thousand dollars (\$2,000.00) on account with the Township of Richmond as an escrow account for payment of the expenses incurred by the Township of Richmond in processing of said license or the operations of the licensee after issuance of license.
- c. All licenses issued hereunder shall expire December 31 of each year but may be renewed upon payment of an annual fee of one thousand two hundred dollars (\$1,200.00) if the licensee has complied with all of the requirements of the conditional license issued. The Richmond Township Board may revoke any license upon breach of any condition, safeguard or requirement provided for in this Ordinance or in the license issued and the licensee's bond would be forfeited.
- d. A license shall not be assignable.
- e. Each licensee shall submit a corporate surety bond for a sanitary landfill in an amount equal to twenty thousand dollars (\$20,000.00) per acre of disposal area, but not less than twenty thousand dollars (\$20,000.00) nor more than one million dollars (\$1,000,000.00). Each bond shall provide assurance for the maintenance of a finished landfill site for a period of five (5) years after the landfill is completed.
- f. This Ordinance does not prohibit an individual from disposing of refuse from his own household upon his own land as long as such disposal does not create a nuisance or hazard to health. Rubbish accumulated as a part of the improvement of the planting of privately-owned farmland may be disposed of on the property provided the method used is not injurious to human life or property or

unreasonably interferes with the enjoyment of life and property.

- g. No license shall be issued until a certification of insurance is filed with the Township Clerk indemnifying the Township of Richmond in the amount of two hundred fifty thousand dollars (\$250,000.00) for each person and one million dollars (\$1,000,000.00) for each occurrence, from any claim or loss incurred by the Township of Richmond as a result of the issuance of this license in the operation of the landfill pursuant to said license.
 - h. No individual, sole proprietorship, partnership, corporation, association or other entity granted a license hereunder may sell, lease, transfer or assign the control of the license without prior notice to and approval by the Township Board which shall not be unreasonably refused. The notice shall include full identifying particulars of the proposed transaction, and the Township Board shall act by resolution. The Township Board shall have ninety (90) days from date of notice within which it shall approve or disapprove a transfer of license.
 - i. A rebuttable presumption that a transfer of control has occurred where ownership or control of more than twenty-five (25) percent of the right of control of the individual, sole proprietorship, corporation, association or other entity granted such special land use is acquired by a person, or group of persons, corporation or other entity acting in concert one (1) of whom own or control twenty-five (25) percent or more of such right of control, singularly or collectively.
 - j. For purposes of this section, the term "control" shall not be limited to majority stock ownership but shall include actual working control in whatever manner exercised.
 - k. The holder of any license approval shall have the responsibility to establish to the satisfaction of the approving authority that the proposed transferee possesses the necessary qualifications, legal, financial, technical and otherwise, to be able to maintain and operate the special land use in the manner prescribed in this Ordinance.
6. Any disposal area licensed under this Ordinance shall be available to the residents of Richmond Township for disposal of the refuse of their business and/or residence at a reasonable charge established by the Richmond Township Board.
7. General requirements for licensing. Where refuse is removed from premises to a location other than its point of origin for disposal, or where refuse is not removed from the premises but disposed of at the point of origin in such quantities as to become a public health concern, the following conditions shall apply.
- a. *Access.* Access to a sanitary landfill site shall be directly from a major thoroughfare as designated on the Township's Master Plan or from a designated secondary thoroughfare, routing along which shall intersect a major thoroughfare not more than one-half (½) mile

from the principal entrance to the site. Access routes shall be hard surfaced roads and shall be constructed and maintained at the operator's expense to County Road Commission standards. Routing of vehicles to and from a sanitary landfill site shall be designated on a map of the Township accurately depicting all roads involved with vehicle routing to the site throughout the Township. Routing of vehicles along thoroughfares through concentrations of residential development shall be avoided. Failure to adhere to the routes designated on an approved routing plan or subsequently approved by the Township Board, shall result in the issuance of tickets to violators.

- b. *Plans and specifications.* Refuse disposal facilities shall be designed in accordance with this article by a registered professional engineer. Detailed plans, specifications, and necessary reports shall be submitted in triplicate to the Richmond Township Planning Commission and the Richmond Township Board for review. Alterations or deviations from these plans shall also be submitted for review.
- c. *Reuse plans.* A statement along with a general development plan, when applicable, which specifies in detail the proposed use or reuse of land after landfill operations are concluded shall be submitted as a part of the application. Reuse of the site shall be by a use permitted in the district in which the site is located. The final grades presented shall be consistent with the purposes for which the property is to be used after completion of a landfill operation.
- d. *Inspections and evaluations.* The Building Inspector shall make frequent routine inspections and evaluations of sanitary landfill operations. Upon examination of the site should the Building Inspector determine that a first time deficiency or violation of local codes and ordinances exists, the inspector shall submit a written notice of each such deficiency or violation to the operator, or appropriate individual, firm or corporation responsible for the operation of the sanitary landfill. If within ten (10) working days from receipt of a written notice, the deficiency or violation is not corrected, the Building Inspector, upon re-examination of the site, shall issue a citation. The Township Clerk shall keep current and accurate records of any sanitary landfill operations and violations in order to provide current data for assessments by the Richmond Township Board at any time of the overall quality of the total landfill business operations.

8. Sanitary landfills shall be governed by the following requirements:

- a. *Maps.* The design of the sanitary landfill shall include one (1) or more topographic maps at a scale of not over one hundred (100) feet to the inch with contour intervals which clearly show the character of the land. These maps and accompanying data shall indicate the following: the proposed fill area; any borrow

area; access roads; on-site roads; grades for proper drainage of each lift required and a typical cross-section of lift; special drainage devices if necessary; fencing; screening structures on the site; existing and proposed utilities; and all other pertinent information to indicate clearly the soil characteristics, water table, orderly development, operation and completion of the sanitary landfill. A sanitary survey and a land use plan of adjacent areas may be required.

b. *Background data.* Background data shall include:

- (1) Present and estimated future contributory populations for the life of the operation.
- (2) Estimated per capita daily domestic waste quantities in weight and volume.
- (3) Anticipated weights and volumes of other wastes including, but not limited to, industrial, agricultural, medical and demolition wastes and street cleanings.
- (4) Ratio of the maximum daily volume anticipated to be the average daily volume anticipated and shall be left undisturbed.
- (5) Geology. The geological characteristics of the site shall be determined by on-site testing or from earlier reliable survey data to indicate soil conditions, water tables and subsurface characteristics.
- (6) Characteristics of cover materials. Cover material shall be of such character that it can be compacted to provide a tight seal and shall be free of putrescible materials and large objects.
- (7) Water pollution control. Sanitary landfill operations shall be so designed and operated that conditions of unlawful pollution will not be created and injury to ground and surface waters avoided which would interfere with legitimate water use in the area of the site. To avoid such hazards, the following precautions shall be taken:
 - i. Borings and wells shall be drilled five (5) feet into the ground water or twenty (20) feet below the base of the proposed landfill, whichever is the deeper.
 - ii. One well shall be drilled near the point of highest ground surface elevation, ten (10) feet into the ground water.
 - iii. A minimum of two (2) ground water elevation and quality monitoring wells shall be drilled in each dominant direction of ground water movement, down-gradient of refuse placement. One (1) monitoring well shall be installed up-gradient of refuse placement. Ground water monitoring well screens shall be set so that the top of the screen is five (5) feet below the yearly low ground water table

elevation in unconfined aquifers.

- iv. All usable aquifers (both confined and unconfined) underlying the landfill site and within one-quarter ($\frac{1}{4}$) mile of the site shall be delineated.
 - v. Quarterly inspections in testing for purity of surrounding area wells, if requested by Richmond Township homeowners, shall be done by a laboratory selected by Richmond Township and at the operator's expense. If a well is contaminated after a landfill begins operation, the operator will, within ten (10) days of written notice by the laboratory sent to: the owner of the well; the Richmond Township Clerk; the landfill operator; Initiate whatever measures are necessary to keep the well in question in the equivalent amount of pure and usable water and the operator shall within thirty (30) to sixty (60) days after notification do whatever is necessary, at the operator's expense, to replace that well owner's water supply. If not completed within sixty (60) days, the operator shall receive a ten (10) day notice of violation of this order and that the landfill operator will be assessed a cost of one hundred dollars (\$100.00) per day for every day the well owner's water supply remains disturbed, interrupted, contaminated, impure, etc., seventy-five dollars (\$75.00) per day of said cost shall be paid to the well owner and twenty-five dollars (\$25.00) per day of said fine shall be paid to Richmond Township to cover the costs of handling enforcement of this Ordinance. If the problem is not corrected and all violations and costs paid within a total time period of ninety (90) days from the date of the written notice by a laboratory as provided herein, the Township shall cause the entire operation of the sanitary landfill to cease until the operator applies for and appears before the Richmond Township Board and is granted a permit to start up operations again.
 - vi. Water filled areas not directly connected to natural lakes, rivers or streams may be filled with specific inert materials not detrimental to legitimate water use and which will not create a nuisance or hazard to health. Special approval of the inert material to be used in this manner shall be required in writing from the Township Board. Such approval shall be filed with the Township Clerk. Inert material shall not include residue from refuse incinerators, unless evidence, satisfactory to the Township Board is submitted by the licensee substantiating that such residue will not create a nuisance or a hazard to health. Sand and gravel shall not be removed below a level established by the Township Board upon recommendation of its consulting engineers to ensure that the water tables in the area of the site are not adversely affected.
- (8) Equipment. Adequate numbers, types and sizes of properly maintained equipment shall be used in operating the landfill in accordance with good engineering practice. Emergency equipment shall be available on the site or suitable arrangements made for such equipment from other sources during equipment breakdown or during peak loads.

c. *Sanitary landfills; preparation of the site.*

- (1) *On-site roads.* On-site roads shall be designed and constructed so that traffic will flow smoothly and will not be interrupted by ordinary inclement weather. On-site roads shall be maintained and kept dust free at all times.
- (2) *Fire protection.* Suitable measures shall be available to extinguish accidental fires, as required by Local, County and State fire codes.

d. *Sanitary landfills; operations.*

- (1) *Supervised access.* The unloading of refuse shall be continuously supervised in full accordance with the landfill design and planned progress of the site. Access to the site and the unloading of refuse shall be limited to those times when responsible supervision with authority is on site.
- (2) *Personnel.* Sufficient numbers and trained personnel shall be available at the site to ensure capability of operation in accordance with the requirements set forth herein. Competent supervision of personnel shall also be provided at all times during the working hours of the operation.
- (3) *Unloading of refuse.* Unloading of refuse shall be continuously supervised, as set forth above. Tipping fees may be established by resolution of the Township Board.
- (4) *Site maintenance.* Measures shall be provided to control dust and blowing paper. The entire area shall be kept clean and orderly.
- (5) *Adjacent public roads.* Major thoroughfares or secondary thoroughfares adjacent to said premises used as approved haul routes, shall be maintained at the operator's expense. The owner or permit holder shall take necessary measures to prevent any motor vehicle from carrying or tracking any mud, dirt, clay, refuse or other litter on to a public road from the site and to prevent any refuse or other litter from being blown or thrown from motor vehicles into trenches or ditches along haul routes. Should such litter be dropped or otherwise tracked on to a public road from the site, or into trenches or ditches along haul routes, the owner or permit holder shall clean or otherwise clear the public road, trenches or ditches, at its expense as often and as thoroughly as deemed necessary by the Building Inspector to avoid creating a hazard to the safe and efficient movement of traffic on the road. In no case shall any owner or permit holder leave any such debris or litter within a public right-of-way or in trenches or ditches along the haul routes after the end of any working day. When notified during any working day by the

Building Inspector of a condition within the public rights-of-way which, in the opinion of the inspector, requires cleaning, the matter shall be taken care of within eight (8) hours from notification by the owner, or permit holder. If a nuisance or hazard continues thereafter, the Building Inspector shall issue a citation to the owner or permit holder.

- (6) *Spreading and compacting of refuse.* Refuse shall be spread so that it can be compacted in layers not exceeding a depth of two (2) feet of compacted material. Large and bulky items when not excluded from the site, shall be disposed of in a manner approved by the Building Inspector.
- (7) *Volumes of cells.* Volumes of individual cells shall not exceed the daily quantity of wastes.
- (8) *Daily cover.* A compacted layer of at least six (6) inches of suitable cover material shall be placed on all exposed refuse by the end of each working day.
- (9) *Mulch and seeding.* The application of mulch and seeding shall be completed as shown on the engineering plans to be submitted with the license as soon as possible to prevent soil erosion and dust.
- (10) *Final cover.* A layer of suitable cover as approved by the Township Board shall be compacted to a minimum thickness of three (3) feet and shall be placed over the entire surface of each portion of the final lift, except that in the case where reuse of the site will be for agricultural purposes, replacement soils shall be of the original or soils of like quality suited for the growing of crops. In any case, the top layer shall be in place within one (1) week following concluding use of that portion of the site.
- (11) *Maintenance of cover.* All daily cover depths must be continually maintained, and final cover depths shall be maintained for a period of five (5) years.
- (12) *Hazardous materials, including liquids and sewage.* Hazardous materials, including liquids and sewage, shall not be disposed of in a sanitary landfill. This provision in no way precludes the right of a landfill operator to exclude any materials.
- (13) *Burning: prohibited.* No burning shall be permitted at any sanitary landfill.
- (14) *Salvage.* Salvaging, if permitted, shall be organized so that it will not interfere with prompt sanitary disposal of refuse or create unsightliness or health hazards. This provision in no way precludes the right of a landfill

operator to prevent salvaging as a part of his operational standards. Scavenging shall not be permitted.

- (15)*Insect and rodent control.* Conditions unfavorable for the production of insects and rodents shall be maintained by carrying out routine landfill operations promptly in a systematic manner. Supplemental insect and rodent control measures shall be instituted whenever necessary. Inspections shall be made quarterly by appropriate state agency.
- (16)*Drainage of surface water.* The entire site, including the fill surface, shall be graded and provided with drainage facilities to minimize runoff onto and into the fill, to prevent erosion or washing of the fill, to drain off rainwater falling on the fill, and to prevent the collection of standing water.
- (17)*Completion of landfill.* An inspection of the entire site shall be made by the Building Inspector to determine compliance with approved plans and specifications before the earthmoving equipment is removed from the site. Any necessary corrective work shall be performed before the landfill project is accepted as completed. Arrangements shall be made for the repair of all cracked, eroded, and uneven areas in the final cover during the first five (5) years following completion of the fill.
- (18)*Hours of operation.* Disposal facilities shall conduct operations during the following days and hours only: Weekdays—7:00 a.m. to 5:00 p.m. Saturdays—7:00 a.m. to 12:01 p.m. All disposal operations will be closed on Sundays and on legal holidays. Other reasonable restrictions on hours of operation may be included in or added to the conditions of individual licenses.
- (19)*Fencing and screening.* The entire site shall be completely screened from view by an earth berm extending entirely around the site, the height of which shall be no less than fifteen (15) feet. All berms shall be landscaped with appropriate plant materials i.e.: deciduous trees, first and ground cover. Both berms and landscaping shall be furnished at the operator's expense and prior to beginning of operations. The slope of the earth berm shall be in accordance with the requirements of Article 11 of this Ordinance. Such earthen berms shall be covered with an adequate ground cover to prevent erosion
- (20)*Chain link fence.* A chain link type fence, the wire openings of which shall be no greater than two (2) square inches, shall be erected around the entire perimeter of the site. The fence shall be no less than six (6) feet in height and shall be located inside of and adjacent to the earth berm.

(21)*Control of noise.* At no point on the boundary of any nonindustrial district shall the sound pressure level of any operation exceed the described levels in the designated octave bands below:

<i>Octave Band in Cycles per Second</i>	<i>Maximum Permitted Sound Level in Decibels</i>
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
Above 4800	32

(22)*Control of odors.* There shall be no emission of odorous matter in such quantities as to be offensive at lot boundary lines.

(23)Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.

(24)There is hereby established as a guide in determining such quantities of offensive odors, Table III, (Odor Thresholds) in Chapter 5 "Air Pollution Abatement Manual" copyright 1951, by Manufacturing Chemists' Association, Inc., Washington, D.C.

e. *Other required conditions.*

(1) Control of gases. To ensure that methane gases, as well as any other decomposition gases generated within a sanitary landfill do not present a hazard or nuisance to those operating the fill or living or working nearby, or who may occupy a closed sanitary landfill site thereafter, an approved means of assuring that such gases shall not or cannot travel laterally from the site, generate sub-surface pressure which may cause mounding or heaving of the topsoil surfaces, or accumulate in structures, shall be designed, approved, installed and operated on the site. Gases may be vented into the air through cutoff trenches, force ventilation systems, or other suitable methods approved by the state or by the Township Engineers. The ventilation system shall be maintained during operation of the site and for a period of five (5) years thereafter or longer when deemed necessary by the Township Board.

- (2) *Communication equipment.* Telephone and radio communication equipment, suitable shelter for transmitting and sanitary facilities shall be provided on site for employees.
- (3) The Township Board, after Planning Commission recommendation, may impose such other reasonable and timely restrictions as it deems appropriate and necessary as conditions to the issuance of landfill license.
- (4) Open dumps shall be prohibited.

f. *Violations and Penalties.*

- (1) Any person violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment in the county jail for a period of not to exceed ninety (90) days, or both, such fine and imprisonment at the discretion of a court of competent jurisdiction together with costs of said prosecution for each occurrence.
- (2) In addition to such fine and/or imprisonment as above stated, the Township Board may, in its discretion, notify the owner and/or operator of any violation of the permit and/or this section and upon failure of the owner and/or operator to abate said violation within five (5) days after mailing or delivery of said notice, said operation may be summarily closed and the permit suspended or revoked and resort had to the bond or bonds for restoration. Any owner and/or operator aggrieved of any notice sent pursuant to this section, may request a hearing before the Township Board if the request is submitted in writing and delivered to the Township's attention. The request should set forth why the operation should not be summarily closed, the permit suspended or revoked, and resort had to the bond or bonds for site restoration. If a request for a hearing is received, the Township Board shall hold a hearing within seven (7) days and may, after the hearing, continue the suspension or revocation of the permit (license), or take such other reasonable action as appears appropriate under the circumstances. In any case, if the Township Board determines the operation of the landfill would be detrimental to the health and safety of persons or property, the board may summarily and within five (5) days' notice, suspend or revoke the permit, but shall grant a hearing upon request as provided herein.
- (3) Failure to adhere to routes designated on an approved routing plan or routes subsequently approved by the Township Board shall be considered a violation of this Ordinance and shall be punishable by a cost of fifty dollars (\$50.00) for the first violation and punishable hereafter by costs of one hundred dollars (\$100.00) for any and all subsequent violations. All such costs shall be paid within ten (10) days of each

violation. Any driver receiving a second violation while having any unpaid costs outstanding shall have his or her vehicle impounded until said costs are paid. If the vehicle consists of a cab, tractor and trailer rig, all will be impounded. Any driver having received a total of three (3) or more violations within a 12-month period, shall be prohibited access within Richmond Township's limits for a period of ninety (90) days to haul any refuse. Any driver found hauling refuse within the Township limits during any ninety (90) day restriction shall have his vehicle impounded for thirty (30) days. If the vehicle consists of a cab, tractor and trailer rig, all will be impounded.

g. The requirements for a Type III landfill shall comply with the applicable requirements of a Type II Landfill and Act 641 of the Michigan Public Acts of 1978, as amended, associated applicable rules and the following specific standards.

- (1) Such landfill shall be located at least one thousand five hundred (1,500) feet from any residential dwelling unit in order to isolate and minimize the impact of air pollution stemming from a landfill operation.
- (2) No landfill shall be permitted on land that contains a natural resource, i.e.: prime essential agriculture soils, land which is identified as wetlands under the MDNR guidelines, or land which serves as a water retention area during high water levels, except when it can be demonstrated that provisions can be satisfactorily made on site to provide water retention or detention capacity equal to the natural retention capacity of the site.

Section 12.27 – Mining and Extraction

The purpose of these requirements is to provide for the use of lands which have significant gravel and/or sand deposits and which, if mined for such deposits under the regulations of this Article and this Ordinance, would not constitute a hazard to the public health, safety and welfare. The regulations set forth herein are intended to result in: mining, excavation or similar operations that will not be detrimental to the public health, safety, and welfare; and operations which will be conducive to, and result in, the reclamation of the land so that it will be suitable for other purposes, including single-family residential purposes.

A. Permit procedures and regulations.

1. An application for the approval of a mining and extractive permit shall be made by an owner of an interest in the land on which the use is to be located, to the Township Clerk accompanied by the necessary fees, financial guarantees and documents as provided herein.
2. The application shall be accompanied by a site plan drawn to a scale of one (1) inch = fifty (50) feet and placed on a standard sheet and containing the following information:

- a. Name of the owner, or owners, of land from which removal is to be made.
 - b. Name and address of applicant making a request for such permit.
 - c. Name and address of the person, firm, or corporation who or which will be conducting the actual removal operation.
 - d. Location, size, and legal description of the total land area proposed for such use.
 - e. Location of the processing plant.
 - f. Type of materials or resources to be removed.
 - g. Proposed method of removal, general haul route, and whether blasting or other use of explosives will be required.
 - h. General description of equipment to be used.
 - i. The estimated time to complete total operations.
 - j. The total area (expressed in acres) proposed to be excavated or mined in the first year of operation, said period to commence from the date of issuance of the mining and extractive industry permit, and the location of said area in relation to the total land area described above.
 - k. A reuse plan, drawn to a scale of one (1) inch = fifty (50) feet placed on a standard sheet and containing the following information:
 - (1) A description of the land use activities proposed to be located on the site upon completion of mining and extraction operations.
 - (2) A description of the Zoning District classification required for use of the site for the uses intended and described above.
 - (3) A description and location of the street, drainage, water and sanitary sewer facilities required to serve the uses intended and described above.
 - (4) Descriptive material indicating compliance with the reuse plan standards contained in these regulations.
2. The application for a permit shall be accompanied by the fee established by the Township Board.

3. The application shall be referred within thirty (30) days after the receipt by the Township Clerk to the Township Planning Commission for its review and recommendation.
4. The Planning Commission shall hear any person wishing to express an opinion on the application and review the application at its next regular meeting, following receipt of the application, provided such regular meeting provides adequate time to notify adjacent property owners and post a notice of public hearing, as required.
 - a. The Township Clerk shall publish a notice of such public hearing in a newspaper of general circulation within the Township in accordance with the public notice requirements set forth in Act 184 of the Public Acts of 1943, as amended.
 - b. The Township Clerk shall mail, by certified mail, return receipt requested, a copy of such notices to each resident and owner of all properties as listed on the tax roll and located within three hundred (300) feet from the property involved in the application.
 - c. The Planning Commission shall, within two (2) weeks after the public hearing at which the application was considered, advise the applicant, Building Inspector, and the Township Clerk of its findings regarding problems which can be anticipated from the proposed activity, and of its recommended approval, with any condition the Planning Commission may find necessary, or of its recommended disapproval, with its reasons in writing. The Planning Commission or Zoning Board of Appeals may direct the applicant to comply with any condition which it deems necessary to provide for the public health, safety, and welfare of present or prospective occupants of the site or of any lands contiguous to the proposed use.
5. Financial guarantees shall be furnished to the Township insuring the proper rehabilitation and reclamation of the mined and excavated areas in accordance with subsection c. of these requirements and the applicant's filed reuse plan prior to the commencement of any such mining or excavating operation. The amount of the guarantee shall not be less than one thousand dollars (\$1,000.00) per acre for the land area proposed to be mined or excavated in the following year, the area stripped of overburden, the area being mined, the area used for structures and stockpiling and the area which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with sub-section c. of these requirements and the applicant's filed reuse plan. Mined areas resulting in a water depth of five (5) feet or more shall be reclaimed areas to within fifteen (15) feet of any vertical shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade of not more than one (1) foot vertical to four (4) feet horizontal, for the purpose of this financial guarantee. Such financial guarantee shall

be reviewed annually on or about the anniversary date of the mining and extraction permit, for adjustment and compliance with the foregoing requirements by the Planning Commission. Such financial guarantee may be in any one (1) of the following forms: cash, certified check, irrevocable bank letter of credit, or corporate surety bond of a licensed insurance company. In no event shall such financial guarantee be less than ten thousand dollars (\$10,000.00) in amount.

6. The Building Inspector, upon receipt of notice of authorization by the Township Clerk and verification by the Township Treasurer that all required fees have been paid and the required financial guarantee for performance has been furnished, shall issue a mining and extraction permit to the applicant. Permits issued pursuant to this section shall be valid for one (1) year from the date of issuance and shall be nontransferable.
7. The permit holder shall, on or about the annual anniversary date of the issued mining and extraction permit, file a current report with the Planning Commission and Township Board disclosing the land area (expressed in acres) stripped of overburden, the area being mined, the area used for structures and stockpiling and the area which has previously been mined or excavated during any preceding period and has not been reclaimed and rehabilitated in accordance with subsection c. of these regulations and the applicant's filed reuse plan. The report shall also contain a description of the total area (expressed in acres) proposed to be excavated or mined during the following year and the location of said area in relation to the total land area described in subsection a.(2)(d) of these regulations. Based upon inspection of the site by the Building Inspector, the inspector shall advise the Planning Commission and the Township Board as to whether the mining operation conforms with the provisions of this Ordinance and the reuse plan on file. If the Planning Commission and Township Board shall determine that the mining operation is in violation of the provisions of this Ordinance, persons conducting the mining operation shall be ordered to immediately cease all activity. In such event, the mining and extraction permit shall not be renewed unless and until all violations of the ordinance have been corrected and/or satisfactory evidence has been presented to the Planning Commission and Township Board that all rehabilitation and reclamation conforms with the reuse plan on file.

B. *Regulations.* All mining and extraction is subject to the following requirements and regulations:

1. No mining, stockpiling of material, or processing shall take place closer than fifty (50) feet to any property line provided, however, that the Township Planning Commission may approve a reduction in this setback requirement for mining or

stockpiling where the Planning Commission and Township Board finds that proposed lateral support will adequately protect abutting property. If the circumstances of the site indicate that the fifty (50) foot setback requirement would not be adequate to protect abutting property, the Planning Commission and Township Board shall require such greater distance of adjacent property. If deemed necessary to protect adjacent property, the Planning Commission and Township Board may require a five-foot fence along such property.

2. No mining shall be carried on closer than seventy-five (75) feet of the right-of-way of a dedicated street, road or highway, or the edge of the traveled portion of an existing and non-dedicated street, road or highway, except that mining may be conducted within such setback area in order to reduce or raise the final elevation thereof to be in substantial conformity to the existing elevation of such street, road, or highway. Any area excavating along a street, road, or highway within the 75-foot setback area shall be back-filled within twelve (12) months after completion of excavation to result in elevation in substantial conformity to the adjoining street, road or highway.
3. Site barriers shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one (1) of the following:
 - a. Earth berms constructed to a height of six (6) feet above the mean elevation of the centerline of the adjacent public highway or six (6) feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one (1) foot vertical to four (4) feet horizontal, and shall be planted with grass, trees or shrubs.
 - b. Planting of evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than four (4) feet in height at the time of planting and which grow to not less than six (6) feet in height at maturity and sufficiently spaced to provide effective site barriers when six (6) feet in height.
 - c. Both permanent and/or temporary processing plants and their accessory structures shall not be located closer than two hundred fifty (250) feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower elevation than the surrounding terrain to lessen visual and noise impact. The foregoing shall not apply to the digging or excavating apparatus nor to the stockpiling or loading and transportation equipment.

C. *Pit operations.*

1. Where an excavation in excess of five (5) feet will result from such operations, the applicant shall erect a fence completely surrounding the portion of the site where the excavation extends said fence to be not less than five (5) feet in height complete with gates, which gates shall be kept locked when operations are not being

carried on.

2. All roads used for the purpose of ingress and egress to said excavation site shall be kept dust free by hard topping with cement, bituminous substance or chemical treatment.
3. The slopes of the banks of the excavation shall in no event exceed a minimum of seven (7) feet to one (1) foot (seven (7) feet horizontal to one (1) foot vertical). When pond water results from the operation, this slope must be maintained and extended into the water to a depth of five (5) feet.
4. Where quarrying operations result in a body of water, the owner or operator shall place appropriate "KEEP OUT" "DANGER" signs around said premises not more than two hundred (200) feet apart. In order to protect water wells and the water supply of the Township, the pumping or draining of water from such quarrying operations is absolutely prohibited. A drag line or other method of quarrying approved by the Planning Commission and Township Board shall be followed.
5. The Planning Commission and Township Board shall require such other performance standards where because of peculiar conditions they deem it necessary for the protection of health, safety, morals and wellbeing of the citizens of the Township.
6. Dust and noise emitted from said operations shall be controlled by the following provisions;
 - a. Airborne matter: There shall not be discharged from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment or nuisance to the public or which endanger the comfort, repose, health or safety of persons or which cause injury or damage to business or property.
 - b. Noise: The emission of measurable noises from the premises shall not exceed 65 decibels as measured at the boundary property lines, except that where normal street traffic noises exceed sixty-five (65) decibels during such periods, the measurable noise emanating from premises may equal, but not exceed, such traffic noises. In M-1 and M-2 Districts the following maximum noise levels may be permitted:

<i>Area</i>	<i>6:00 AM. to 11:00 P.M.</i>	<i>11:00 P.M. to 6:00 AM.</i>
M-1	75	70
M-2	80	75

In addition, objectionable sounds of an intermittent nature, or characterized by high frequencies even if falling below the aforementioned decibel readings shall be controlled so as not to become a nuisance to adjacent uses.

7. All equipment and facilities used in the production, processing, or transporting of sand, gravel, or stone shall be constructed, maintained, and operated in such manner as to eliminate, insofar as practicable, noise, vibrations, or dust which are injurious or unduly annoying.
8. Temporary stockpiling of topsoil or overburden near road intersections and similar operational problems shall be subject to approval of the Township Planning Commission.

D. *Reclamation and rehabilitation.* Reclamation and rehabilitation of mining areas in accordance with the reuse 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 affected within two (2) years after termination of mining or excavation activity. Inactivity for a 12-month consecutive period shall constitute for this purpose, termination of mining activity. The following standards shall control reclamation and rehabilitation.

1. All excavations shall be either to a water producing depth of not less than eight (8) feet below the average summary level of water in the excavation, or shall be graded or back filled with non-noxious, non-flammable and non-combustible solids to ensure:
 - a. That the excavated area shall not collect stagnant water and not permit the same to remain therein; or
 - b. That the surface of such area which is not permanently submerged is graded or back filled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
2. The banks of all excavations shall be sloped to the water line in a water producing excavation, and to the pit floor in a dry operation, at a slope which shall not be steeper than one (1) foot vertical to four (4) feet horizontal.
3. Topsoil of a quality equal to that concurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are desired. Where used, topsoil shall be applied to a minimum depth of four (4) inches sufficient to support vegetation.
4. Vegetation shall be restored by the appropriate seeding of grasses or the planting of

trees and shrubs, to establish a permanent vegetative cover on the land surface and to minimize erosion.

5. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed twelve (12) months thereafter, shall remove all plant structures, buildings, stockpiles, and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of

the Zoning District in which they will be located and under such plan, may be retained.

E. Stripping operations.

1. No soil, sand, gravel, clay or similar materials shall be removed below a point six (6) inches above the mean elevation of the centerline of the nearest existing or proposed street or road established or approved by the Macomb County Department of Roads, except as required for the installation of utilities and pavements.
2. No soil, sand, clay, gravel or similar materials shall be removed in such manner as to cause water to collect or to result in a place of danger or a menace to the public health. The premises shall at all times be graded so that surface water drainage is not interfered with.
3. Sufficient topsoil shall be stockpiled on said site so that the entire site will be able to be covered with a minimum of at least four (4) inches of topsoil, immediately following the termination of stripping operations. In the event, however, that such stripping operations continue over a period of time greater than thirty (30) days, the operator shall replace the stored topsoil over the stripped areas as he progresses.
4. The Planning Commission shall require such other and further requirements as is deemed necessary in the interest of the public health, safety, morals and general welfare of the citizens of the Township.

Section 12.28 – Non-Commercial Recreation

- A. Private non-commercial recreation areas, institutional or community recreation centers and non-profit swimming pools are included under this Section.
- B. Specific Requirements and Conditions:
 1. The proposed site for any of the community-servicing uses permitted herein (i.e., those which would attract persons from beyond the immediate neighborhood) shall have one

(1) property line abutting a major or secondary thoroughfare, and the site shall be so planned as to provide vehicular ingress and egress directly onto said major or secondary thoroughfare.

2. No building shall be located, nor activity take place, within thirty (30) feet of the perimeter of the recreation area. All such activities shall be adequately screened from abutting residentially zoned property by means of a protective wall or greenbelt as described in Article 11 of this Ordinance.
3. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6) feet in height and entry shall be by means of a controlled gate or turn-style.

Section 12.29 – Outdoor Sales Lots for the Sale of Automobiles, Boats, Manufactured Housing, and Trailers

A. Specific Requirements and Conditions:

1. The lot or area shall be provided and maintained with a permanent, durable and dustless surface constructed of either asphalt or concrete and shall be so graded and drained as to dispose within the site of all surface water accumulated within the area.
2. The location of the site shall be upon a street with a right-of-way of at least one hundred twenty (120) feet (existing or proposed) and shall contain no fewer than forty thousand (40,000) square feet.
3. Such use shall be located no closer than five hundred (500) feet from any Single-Family Zoning District.
4. Ingress and egress points shall be located at least sixty (60) feet from the intersection of any two (2) streets.
5. No vehicle repair, bumping, painting or refinishing shall be done on the site. Cleaning and refurbishing of vehicles or units shall be permitted if done completely within an enclosed building.
6. Devices for the transmission or broadcasting of voices and/or music shall be prohibited.
7. If such a use abuts a street of less than one hundred twenty (120) feet of right-of-way located abutting a Residential District, a berm and landscaping in the front yard on such street shall be provided to screen all outdoor facilities, including storage and display areas, from adjacent residential property. In addition, all other areas of the site shall be fully landscaped.

8. The applicant shall be required to meet all parking standards set forth in Article 10 unless one (1) of the following standards has been met:
 - a. A decorative masonry wall or fence has been provided around all outdoor vehicle sales areas. In addition, landscaping in accordance with section 11.02 shall be located around the exterior of such wall or fence, or;
 - b. A three-foot high landscaped berm has been provided along all road frontages. Said berm shall be landscaped in accordance with Section 11.02.

Section 12.30 – Outdoor Storage

A. Specific Requirements and Conditions:

1. Any such use must be completely enclosed with screening in accordance with the requirements of Section 4.14 and subsection 2. below.
2. No improvements for such use shall be erected closer to the site boundary lines than permitted in Subsection 9.02.C.2. of the M-2 General Industrial District. No storage use shall be closer than one hundred (100) feet to the outer perimeter (property lines) of the district where said property lines abut any Residential District or border other than an Industrial District, and such space shall be fully landscaped and fenced at the setback line. Corner lot side yards must equal the setback requirements for the front yard on the street side as referenced herein.
3. Whenever a different material is to be stored other than what was approved in the original request, a new approval shall be required from the Planning Commission.
4. Uses expressly prohibited under this section include the following:
 - a. Junkyards, including used auto parts.
 - b. Used building materials.
 - c. Storage of combustible or odoriferous materials.

Section 12.31 – Private Clubs, Fraternal Organizations, Lodge Halls, Cultural Centers, and Union Halls

A. Specific Requirements and Conditions:

1. All such uses shall have ingress and egress directly onto a major thoroughfare having an existing or planned right-of-way width of at least one hundred twenty (120) feet.
2. All activities, other than parking of motor vehicles and loading and unloading, shall be conducted within a completely enclosed building, except for outdoor activity specifically approved and/or licensed by the Township.
3. No building shall be closer than twenty-five (25) feet to any property line.
4. No such uses shall abut an existing Single-Family Residential District on more than one (1) side.

Section 12.32 – Public Utility Buildings

A. Specific Requirements and Conditions:

1. The maximum height of the structure shall be twenty (20) feet.
2. No antenna or other exterior transmitting and receiving devices shall be permitted.
3. All driveways or maneuvering areas servicing the facility shall be hard surfaced, installed and maintained by the public utility in accordance with all applicable Township standards.
4. The parking of vehicles pertaining to said use shall be limited to the use of such vehicles in the performance of ongoing service work or repairs to the facility for the period of time necessary to complete such service or repairs.
5. The structure shall be maintained against deterioration and/or damage from the elements or from any other cause by prompt and appropriate repairs, painting, and other protective measures.
6. Outdoor storage shall not be permitted unless the site is located in the M-1 or M-2 District.

Section 12.33 – Raising of Fur-Bearing Animals, including Kennels

A. Specific Requirements and Conditions:

1. Minimum site size: Five (5) acres.
2. The site shall abut a roadway designated as a major thoroughfare in the Richmond

Township Master Plan.

3. There shall be provided an area of at least one hundred (100) square feet for each animal, including the area devoted to interior kennel space and runs.
4. All interior building areas used for the keeping of animals shall be soundproofed.
5. All animals shall be kept in soundproofed buildings between 8:00 p.m. and 8:00 a.m.
6. Exterior dog runs and non-soundproofed interior buildings shall not be located closer than two hundred (200) feet to any lot line.
7. Soundproofed interior buildings shall be located at least one hundred (100) feet from any property line.
8. Exterior areas for the keeping of dogs shall be provided with fencing capable of confining the animals.
9. All exterior dog runs shall be screened from view by adjoining parcels and the public road.
10. The design and appearance of buildings used as animal boarding places shall be consistent with surrounding uses.
11. One parking space shall be provided for every five (5) kennel runs.
12. All kennel runs and interior building areas shall have concrete floors or a suitable equivalent that can be easily cleaned.

Section 12.34 – Stables for the Renting of Trail and/or Riding Horses on the Premises

C. Specific Requirements and Conditions:

1. The minimum site area required shall be not less than one hundred (100) acres.
2. No more than one (1) horse may be boarded or housed for each one (1) acre of land.
3. In no instance shall a stable or paddock area be located nearer than seventy-five (75) feet to any property line nor closer than one hundred (100) feet to any dwelling on the premises. Any horse may, however, be pastured to the property line.
4. Stables and confined paddock areas shall be kept clean and manure shall be handled

in such a manner as to control odor and flies.

5. Persons renting horses shall be instructed and supervised so as to avoid conflicts with other property owners in the area.

Section 12.35 – Wireless Communication Towers

Wireless communication towers, including their respective transmission towers, relay and/or receiving antennas, and normal accessory facilities involved in television, radio, microwave, cable systems, cellular, personal communication, and similar communication services and facilities, shall be permitted as a special land use in the A-1, Agricultural District, the C-2 General Commercial District, the M-1, Light Industrial District, and the M-2, General Industrial District when found to be essential or desirable to the public convenience or welfare and in conformance with the following requirements:

- A. The applicant shall submit a written statement and technical verification regarding the nature of any transmissions, electromagnetic fields, or any other radiation emitted from the facility, and any potential hazards to humans, animals, and/or any other materials or property in the area. Further, communication towers and facilities shall be designed and operated to prevent broadcast interference with any equipment located on nearby properties.
- B. A written explanation of the design characteristics and ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards shall be submitted. This information shall also address the potential for the tower or other mounting structure and/or antennae to topple over or collapse, and what tower configuration should be expected in such an event. Technical documentation of any information regarding these concerns shall also be provided. Monopole (stealth or equivalent type) antenna structures shall be required where such are technologically feasible. In all cases, communication towers shall be designed to blend into the surrounding environment to the maximum extent feasible.
- C. In order to maximize the efficiency of providing such services, while minimizing the negative impact of such facilities on the Township, collocation of such facilities on an existing tower or other existing structure is required, when feasible. An applicant shall furnish written documentation as to why a collocation at another site is not feasible and whether they have, in fact, contacted the owners of existing facilities to determine if collocation is possible. If the application represents a new tower/antenna facility, the applicant shall provide a letter of intent to lease any excess space on a tower facility and shall commit itself to:
 1. Promptly responding to any requests for information from a potential co-user of their tower/antenna;

2. Negotiate in good faith and allow for leased, shared use of the facility, when it is technically practical; and,
 3. Make no more than a reasonable charge for a shared use lease.
- D. If the application involves collocation on an existing tower or structure, the public hearing requirements shall be waived, and approval shall only include a site plan and documentation by the co-user as to their compliance with all of the terms and conditions required of the host applicant. Collocation may be permitted by the Planning Commission, after site plan review, on all existing towers and existing similar structures, regardless of the Zoning District in which it is located.
- E. Approval of a communication tower facility shall not be granted until such time that the applicant has demonstrated all of the following:
1. The proposed facility is needed because of proximity to an interstate highway or major thoroughfare, or is in proximity to areas of population concentration, or concentration of commercial, industrial, and/or business centers; or
 2. The proposed facility is needed because there are areas where signal interference has occurred due to tall buildings, masses of trees or other obstructions; and
 3. The proposed facility is needed because the telecommunications provider is unable to collocate its facility with another provider or other structure; and The proposed facility is needed to complete its grid as it relates to the needs of Richmond Township, and its surrounding communities and that there are no suitable sites in any of said surrounding communities; and
 4. The proposed facility is designed and operated to operate within the requirements for radio frequency emissions of the Federal Communications Commission and applicant has operated similar facilities within these requirements consistently.
- F. The development of any such facility, together with accessory uses, shall be in such a location, size and character as to be compatible with the orderly development of the Zoning District s in which it is situated and shall not be detrimental to the orderly and reasonable development or use of properties in the adjacent areas or the community at large. Furthermore, the location and improvement of facilities, as provided for herein, shall also be subject to the following additional requirements.
1. Towers may be located in the A-1, C-2, M-1 and M-2 Zoning District s after special land use approval, and provided the location of such facilities do not represent a hazard to the use and/or development of other uses on the site and in the area. The development of new towers is specifically prohibited in all other Zoning District s in the Township. The Township strongly encourages the development of required

towers on suitable Township property. Consult with the Township Planning Department with regard to Township property locations prior to submittal of an application.

- a. Further, not more than two (2) such support structures shall be located in the Memphis Ridge Road (M-19) corridor; being sections 1, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 36.
 - b. Further, not more than one (1) such support structure shall be located in the southwest quarter of the Township; being sections 19, 20, 21, 28, 29, 30, 31, 32, 33.
 - c. Further, not more than one (1) such support structure located in the northwest quarter of the Township; being sections 4, 5, 6, 7, 8, 9, 16, 17, and 18.
2. The site shall be of such size and shape (no less than two (2) acres) that the proposed tower facility may be developed in compliance with all requirements of the Township, and any such tower/antenna shall not exceed one hundred ninety-nine (199) feet in height above the average grade around the structure it is mounted upon. Within that maximum structural height there shall exist sufficient support structure to accommodate no less than seven (7) additional antennas of licensed carriers in a collocation arrangement.
 3. The tower site shall meet all Township standards relating to drainage, lighting, landscaping, general safety and other applicable standards. All landscaping shall be placed in an aesthetically pleasing and functional manner. Such landscaping shall be incorporated along access drives servicing the tower site.
 4. All communication towers and facilities shall be surrounded by a six-foot fence to prevent unauthorized access and vandalism. Such fenced compound shall not be less than one hundred (100) feet by one hundred (100) feet. Further, six-foot high evergreen trees shall be placed at intervals of ten-foot on center outside of said fence to screen the tower base and ancillary facilities.
 5. Lighting associated with communication towers and facilities shall comply with all applicable FAA regulations. Where tower lighting is required, it shall be shielded or directed to the maximum extent possible to minimize the amount of light that falls onto nearby properties.
 6. A 12-foot wide access road shall be provided and maintained in a good condition to provide access for service and emergency vehicles. Such access road shall meet all Township engineering design requirements.
 7. Setback requirements will be determined in relation to the tower/antenna design and collapse data previously required in this section. Minimum setback requirements,

unless otherwise provided for, are as follows:

- a. When adjacent to a nonresidential Zoning District, the setback shall not be less than the overall height of the tower/antennas. This setback requirement shall also apply to any accessory buildings. If the design and collapse data for the tower properly documents its ability to collapse down upon itself, the setback requirements to any side or rear yard property line abutting a Nonresidential Zoning District may be reduced to one-half ($\frac{1}{2}$) the overall height of the tower. In no instance shall any tower facility be located within a front yard. Accessory buildings shall be screened from view by an obscuring greenbelt.
 - b. When adjacent to any residential Zoning District, the tower setback shall not be less than the overall height of the tower/antennas, plus one-half ($\frac{1}{2}$) of the proposed tower height. If the design and collapse data for the tower properly documents its ability to collapse down upon itself, the setback requirement to any side or rear yard property line abutting any Residential District may be reduced to the overall height of the tower/antenna. In no instance shall any tower be located within a required front yard. Accessory buildings and uses shall be screened from the view of any public right-of-way and Residential Zoning District by an obscuring greenbelt.
 - c. Further modifications to the side and rear yard setbacks may be considered when it is documented that the adjacent property is non-buildable due to wetlands, floodplains or other significant limitations. It shall also be found that no adverse effects on reasonable development patterns in the area would be created by developing the tower.
8. Cellular antennae and supporting structures shall be permitted to be attached to buildings and structures in all Zoning Districts whether or not they are accessory to the building use, subject to the following conditions:
- a. The principal use is a conforming use and the building is a conforming structure.
 - b. If connected directly to the main building, antennae may be attached to any portion of the building. Such antennae or antennae with supporting structure may not exceed twenty (20) feet in height.
 - c. The structure that supports antennae may not exceed ten (10) feet in height.
 - d. Such antennae with supporting structure shall not be credited to the overall height of the building.
 - e. Any structure that supports antennae shall be setback from the outermost

- vertical wall or parapet of the building, a distance equal to at least two (2) times the height of such supporting structure.
- f. In addition to site plan review, the Commission, with a majority vote, may require an independent third-party review of an application. Such review shall be conducted by a Professional Engineer specializing in this type of communication technology and will be paid for by the applicant. The requirement for such a review shall be based on one (1) or more of the following findings:
- (1) The applicant has not substantiated a need for a proposed tower to the satisfaction of the Commission.
 - (2) The applicant has been unable to disprove the ability to collocate on an existing tower or structure to the satisfaction of the Commission.
 - (3) The applicant has not substantiated the structural safety of a structure to be commensurate with the requested setback.
 - (4) The data supplied by the applicant is determined to be disorganized, confusing or misleading by the Commission.
 - (5) The applicant has not substantiated that alternative technology cannot be utilized as a substitute to the proposed tower construction.
- g. All structures, buildings and required improvements shall comply with all other applicable codes and ordinances and shall be continuously maintained in a safe, healthful and complying condition. Every telecommunication provider with sites located in Richmond shall provide the Township with an annual report disclosing the radio frequency emissions of each tower or antenna it has within the Township, and require annual inspections of radio frequency emissions of each tower or antenna by the Township to ensure that they are being operated within the requirements of the Telecommunications Act of 1996, as amended. The permit may include a requirement for periodic structural and safety inspections and reports, as deemed necessary by the Township Board. The Township shall charge a fee for the annual inspection to cover its costs.
- h. A condition of every approval of a wireless communication facility shall be adequate provision for the removal of the facility by users and owners when the facility has not been used for one hundred eighty (180) days or more. Removal of the tower/antenna and its accessory use facilities shall also include removing the top three (3) feet of the caisson upon which the tower is located and covering the remaining portion with top soil. For purposes of this section, the removal of towers, antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as

the beginning of a period of non-use.

- i. The applicant shall deposit with the Township, in a form which is satisfactory to the Township, a performance guarantee in an amount established by the Township Board resolution as security for the removal of tower if abandoned for use of cellular facilities.

Section 12.36 – Yard Waste Commercial Composting Facilities

- A. The uses or sites which accept yard waste and other organic matter (for compensation) for the purpose of conducting a yard waste commercial composting facilities, (those that manage the biological decomposition of organic matter under controlled, aerobic conditions), may be permitted in industrial districts only, subject to this issuance of a special land use permit by the Planning Commission and compliance with the following conditions and standards:
 1. Only yard wastes shall be composted at such facilities, typically including leaves, grass clippings, brush, and tree or shrub trimmings. Material shall only be accepted in clear bags; tan, cornstarch-based compost bags; or unbagged.
 2. The decomposition process shall be properly managed and maintained in an aerobic condition to prevent all unnecessary odors.
 3. Ponded water shall not be permitted to collect on a yard waste composting site. A plan for collection, retention and drainage of storm water shall be provided for review and approval. The Planning Commission shall require that the plan provide a settling basin/detention pond and vegetation filtration of runoff prior to discharge off-site. Vegetation filtration shall be accomplished by use of a 50-foot wide perimeter strip of grass, or a similar measure.
 4. The operator shall provide sufficient equipment on-site to properly manage the composting process. At a minimum, this shall include a front-end loader or similar machinery for loading, unloading, turning, and aeration operations; a shredder for reducing new material to a smaller particle size for faster decomposition; a source of water or watering trucks; and a screen to improve the quality and marketability of the final product.
 5. The site shall be level and well-drained. If the site abuts property shown as residential on the Township Zoning Map or Master Plan, a buffer zone shall be maintained where no composting, storage, transfer or loading activities will take place equal to five hundred (500) feet from existing residences and fifty (50) feet from adjoining property lines. All buffer areas shall be maintained as vegetative strips to facilitate the filtration of pollutants.
 6. All site access roads or drives and all areas for employee parking shall be paved with asphalt or concrete.

7. The volume of yard wastes handled by the facility shall not exceed five thousand (5,000) cubic yards of incoming yard wastes per acre of active composting area on-site, exclusive of access roads, service areas, parking areas, required buffer zones, and similar areas.
8. The operator shall provide a name, address, and phone number of the person responsible for operation of the site and who is also responsible for correcting all operational problems that may result in complaints being made to the Township.
9. The operator understands and agrees that failure to maintain and operate the site in a responsible manner that minimizes the potential for adverse impacts on neighboring properties shall constitute grounds for revocation of the permit by the Planning Commission.
10. Access to the site shall be controlled to prevent unauthorized dumping during non-business hours. The operator shall establish a procedure and mechanism for proper disposal of non-yard wastes at an approved sanitary landfill.
11. Treated yard wastes shall be actively rotated, that is, they shall not be allowed to accumulate for longer than three (3) years before being finished and removed from the site.
12. The operator shall provide plans showing all equipment maintenance and storage areas. Plans shall show the location of all fuel storage facilities and shall detail primary and secondary containment for all hazardous materials, including product-tight containers for primary containment.
13. The operator shall submit a bond, in an amount established by resolution of the Township Board, to guarantee restoration in the event of abandonment, clean-up of chemical or other hazardous spills, and the like.
14. An annual inspection/permit fee for all yard waste composting facilities shall be established by resolution of the Township Board.
15. Copies of all Michigan Department Natural Resources applications/permits, where required, shall be provided to the Planning Commission as part of the application package.
16. A semi-annual inspection for rodents shall be performed by a license[d] pest control company. Copies of the report shall be transmitted to the Township. If rodents are detected, appropriate measures shall be taken to capture or exterminate the rodents in an environmentally safe manner.
17. A semi-annual test shall be performed to ensure that on-site soils and surface

waters leaving the site are not contaminated by a concentration of nitrogen, phosphorus, phenols, pesticides and/or herbicides. Soil samples shall be taken from the windrow area and the settling basin/detention pond and surface water samples shall be taken at the outlet from the detention pond. Tests shall be performed for concentrations of listed substances adopted by resolution of the Township Board.

Section 12.37 – Racetracks, Motocross Tracks, Tractor Pulls, Mud Bogs for Motorized Vehicles, and Similar Uses

- A. Racetracks, Motocross Tracks, Tractor Pulls, Mud Bogs for Motorized Vehicles and Similar Uses shall be permitted as a special land use approval in the M-1 Light Industrial District, and the M-2 General Industrial District.
- B. A site for any racetrack, motocross track, tractor pull, mud bog, or similar use shall be no less than thirty (30) acres.
- C. The minimum setback from any property line shall be one hundred (100) feet for any area site improvement. The Planning Commission may increase the setback requirement based on expected external impacts from the use. The Commission shall examine all of the following factors when considering impacts on surrounding parcels and the area in general. Will impacts such as, but not limited to light, noise, dust and/or negative visual impact be more severe based on the existing physical conditions, the proposed topography, existing surrounding land uses, planned surrounding uses, the existing zoning and/or Master Plan designation for surrounding parcels. The Commission may require studies to clarify the extent of impacts on surrounding parcels.
- D. The site shall have direct access to a major thoroughfare as defined in the Richmond Township Master Land Use Plan.
- E. The general layout of the site shall be provided depicting specific areas for racing (activity) as well as the “pit”, staging, spectator viewing and walking/maneuvering areas, vehicular parking and maneuvering areas. Particular attention shall be given to the separation of the activity and pit areas from those areas dedicated to parking and spectators. The spectator areas shall be clearly noted and shall provide and acceptable means of ensuring such separation.
- F. Due to the presence of, but not limited to noise, dust, odor, and light, the Planning Commission may limit the number of days and hours of operation that the event may be held, including all ancillary aspects of the event. The noise levels generated from the site shall not exceed 65 decibels at the property line. Adequate screening and site planning in an amount necessary to ensure appropriate noise levels are maintained shall be employed.
- G. An emergency action plan, including emergency access routes shall be in place. The action plan shall include the provision of emergency vehicles to be located onsite or on standby during event

times, as determined appropriate by the Township EMS and Law Enforcement Agency. The cost of this shall be the responsibility of the applicant.

- H. A plan delineating staffing operation and procedures as well as a safety plan shall be provided for all workers onsite. These plans may include, but are not limited to clarification on the number of employees dedicated to certain areas of the site, their roles in the operation, their training and/or certifications. All staff members shall wear appropriate marked clothes (such as day glow orange vests or similar) identifying them as official staff.
- I. The storing of any fuels or other hazardous materials as defined by MDOT, MDEQ, or NFPA, which may cause the risk of fire or contamination shall be noted for the record and the method of storing and containing such fuels and fluids shall also be provided for review and approval by the Fire Department.
- J. A written plan for how spilled or lost fluids will be recovered from the track, driving, or pit areas if such fluids are lost as a result of an engine break, or other issue which releases fluid onto the track or any dirt surface.
- K. If any event is to be run at night and lighting is necessary, particular attention shall be given to the placement, intensity, and angle of lights to ensure light pollution onto adjacent roadways and properties is eliminated.
- L. The ticket or admission area shall be placed in such a manner that allows for the stacking of vehicles attending the event on the site and does not require stacking, stopping, or staging of vehicles on the adjacent roadways at any time.
- M. The location of acceptable restroom facilities shall be shown, either temporary or permanent. If permanent, the location hookup to an approved public system or septic field as approved by the Health Department shall be shown. If temporary, a written plan for cleaning, emptying, and the removal of the temporary facilities on a regular basis should be provide.
- N. The use and location of a speaker or public address system shall be reviewed as part of special land use approval. The method of limiting the projection of audible noise from the speaker or address system shall be clearly noted and may be further restricted by the Township in order to minimize potential adverse effects on surrounding property owners.
- O. Only active vehicles shall be within the defined race or activity area. All other vehicles shall be kept either in the defined staging or pit areas.
- P. Proof of insurance shall be provided as follows: comprehensive general liability in the amount of \$1,000,000 per occurrence, and \$2,000,000 in the aggregate. The policy shall also include an umbrella or excel liability policy in the amount of \$1,000,000 per occurrence and in excess of the aggregates. These terms shall be considered minimums. These policies shall be provided for each event. Finally, the Township shall be noted as an additionally insured entity as a part of all

policies.

- Q. A plan shall be provided which indicates how the abutting public roads will be kept clean and free of debris. This could include, but is not limited to, aggregate stabilized entrances of at least fifty (50) feet, car/truck washing areas, the trailering of competition vehicles.
- R. The Township may waive the requirement (based on the Township Engineer) for the surface materials for all or portions of the parking area due to the seasonal and potential limited use of these types of facilities. The Township may approve alternate surface materials which may include, but are not limited to, grass gravel, and milled or crushed asphalt and concrete.
- S. As a condition of waiving the requirement for paved parking and maneuvering area, the Township may reevaluate the waiver and require the property owner to pave the parking and all maneuvering areas compliant with the Township requirements should the operation of the site consistently draw one hundred (100) vehicles or more for a total of seventy five (75) percent of the events conducted in a calendar year.
- T. For those tracks or facilities that don not require the construction of physical structures, a written plan or statement shall be provided which indicates how the site will be returned to its previous state as determined necessary by the Township Planning Commission to ensure the site is in a safe condition and adequate drainage is maintained.
- U. There shall be no overnight stays or comping in tents, vehicles, campers, or other recreational type vehicles at the event site.
- V. All Township, County, and State reviews and permits shall be obtained prior to the commencement of the activity. This potentially includes, but is not limited to, roadway permits, soil erosion permits, sedimentation permits, and health department permits.

ARTICLE 13
NONCONFORMING LOTS, USES AND STRUCTURES

Section 13.00 - Intent

- A. It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed, and to provide for their gradual elimination. It is recognized that there exists within the districts established by the Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under this Ordinance or future amendments.

- B. Such uses are declared by this Ordinance to be incompatible with permitted uses in the district involved. It is further the intent of this Ordinance that non-conforming uses shall not be enlarged, expanded, or extended. Moreover, a nonconforming use of a structure, a nonconforming uses of land, or a nonconforming use of structure and land shall not be extended or enlarged after passage of this Ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would not be permitted in the district involved.

- C. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

Section 13.01 – Nonconforming Lots

In the event that any lot of record (regardless of ownership) on the date of enactment of this subsection does not meet the minimum area and bulk requirements of this Ordinance, such lot may receive a building permit under hardship conditions. In the event that any lot or lots, or any portion or portions thereof, are included within the boundaries of a building site for the purpose of securing issuance of a building permit under this subsection, no portion thereof shall at any time thereafter be taken into consideration in the calculations of minimum area and bulk requirements under this Ordinance for any other building.

Section 13.02 – Nonconforming Uses of Land

- A. Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
 2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
 3. If such nonconforming use of land ceases for any reason for a period of more than three hundred sixty-five (365) consecutive days, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

Section 13.03 – Nonconforming Structures

- A. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No such structure may be enlarged or altered in a way which increases its nonconformity. Such structures may be enlarged or altered in a way which does not increase its nonconformity.
 2. Should such structure be destroyed exclusive of the foundation, by any means to an extent of more than fifty (50) percent of its replacement costs it shall be reconstructed only in conformity with the provisions of this Ordinance.
 3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 13.04 – Nonconforming Uses of Structures and Land

- A. If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.
1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
 2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
 3. If no structural alterations are made, any nonconforming use of a structure, or structure and land in combination, may be changed to another nonconforming use of the same or more restricted classification provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. Where a non-conforming use of a structure, land, or structure and land in combination is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
 4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
 5. When a nonconforming use of a structure, or structures and land in combination, is discontinued or ceases to exist for twelve (12) consecutive months or for eighteen (18) months during any three-year period, the structures, or structure and land in combinations, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision, unless such a use(s) are not utilized during a normal seasonal use period.
 6. Where nonconforming use status applies to a structure and land in combination,

removal or destruction of the structure shall eliminate the nonconforming status of the land.

Section 13.05 – Repairs and Maintenance

- A. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.
- B. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 13.06 – Change of Tenancy or Ownership

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, of structures, or of structures and land in combination.

Section 13.07 – Purchase or Condemnation of Nonconforming Uses

The Township may acquire, by purchase, condemnation, or otherwise, private property or an interest in private property for the removal of nonconforming uses. The cost and expense, or a portion thereof, of acquiring the private property may be paid from general funds or assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts for public improvements in the Township. The elimination of the nonconforming uses and structures in a Zoning District is declared to be for a public purpose and for a public use. the Township Board may institute and prosecute proceedings for condemnation of nonconforming uses and structures under the power of eminent domain in accordance with Act No. 149 of the Public Acts of 1911, as amended, being Sections 213.21 to 213.41 of the Michigan Compiled Laws or other applicable statute.

ARTICLE 14
ZONING BOARD OF APPEALS

Section 14.00 – Creation and Membership

- A. There is hereby established a Zoning Board of Appeals, which shall perform such duties, and exercise such powers as provided in the Michigan Zoning Enabling Act, Act 110 of 2006, as amended, in order to ensure the purposes and objectives of this Ordinance shall be observed, public safety secured, and substantial justice done.

The Zoning Board of Appeals shall consist of three (3) members, appointed by the Township Board, as follows:

1. The first member shall be a member of the Planning Commission.
 2. The remaining members shall be electors of the Township residing outside of incorporated cities and villages, and shall be representative of the population distribution and of the various interests present in the Township.
 3. Of the remaining members, one (1) may be a member of the Township Board.
 4. No employee or contractor of the Township Board may be a member or employee of the Board of Appeals.
 5. No elected officer of the Township may serve as chairman of the Board of Appeals.
- B. The total amount allowed the board of appeals in any one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum which sum shall be determined by the Township Board and appropriated annually in advance by the Township Board.
- C. Members of the Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute misconduct in office.
- D. The term of each member shall be for three (3) years, except that of the members first appointed, one (1) shall serve for one (1) year, one (1) shall serve for two (2) years and one (1) shall serve for three (3) years. Terms of the Planning Commission and Township Board representatives shall not exceed their official membership of those respective bodies. A successor shall be appointed not more than one (2) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the

remainder of the term.

- E. The Board of Appeals shall not conduct business unless a majority of the members of the Board are present.

Section 14.01 – Meetings

- A. All meetings of the Board of Appeals shall be in accordance with an adopted schedule or may be held at the call of the Chairman, and at such times as the Board may determine. All meetings of the Board of Appeals shall be open to the public. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the Township Clerk and shall be a public record.
- B. The Chairman of the Board of Appeals or in his absence the Acting Chairman shall have the power to compel the attendance of witnesses and administer oaths.

Section 14.02 – Appeal Procedures

- A. These procedures are instituted to hear and decide appeals from and review an order, requirement, decision or determination made by an administrative official charged with the administration or enforcement of the Township Zoning Ordinance.
- B. An appeal shall be filed with the officer from whom the appeal is taken and with the Zoning Board of Appeals specifying the ground for the appeal. The applicant shall file with the Zoning Board of Appeals, in writing or on forms furnished by the Planning Department, giving notice of appeal and specifying the grounds thereof.
- C. The officer from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all papers constituting the record upon which the appeal is taken.
- D. Such appeal may be taken by any person aggrieved by any officer, department, commission, board or agency of the Township charged with the administration or enforcement of this Ordinance.
- E. The Board shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as, in its opinion, ought to be

made in the premises, and, to that end, shall have all the power of the officer from whom the appeal was taken and may issue or direct issuance of a permit. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of such Ordinance, the Board shall have the power in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of the Ordinance shall be observed, public safety secured and substantial justice done. The decision of such Zoning Board of Appeals shall be final. However, a person may appeal to the circuit court which shall review the record consistent with the provisions of the Michigan Zoning Enabling Act 110 of 2006, as amended.

- F. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or commission.
- G. All actions of the Board shall be stated in writing.

Section 14.03 – Variance Review Procedures

- A. These variance review procedures are instituted to provide an opportunity for the relaxation of the terms of the Zoning Ordinance where a literal enforcement of the Ordinance would result, through no fault of the applicant, in practical difficulties or unnecessary hardship. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the Zoning District or uses in adjoining Zoning Districts.
 - 1. An application for the approval of a variance shall be made by an owner of an interest in the site to the Planning Department, accompanied by the necessary fees and documents, as provided in this Ordinance.
 - 2. The application shall be accompanied by a site plan drawn to the scale of one (1) inch = twenty (20) feet and placed on a standard sheet and containing the following information:
 - a. Dimensional elements for which a variance is requested.
 - b. Dimensional relationships of the subject lot to the structure on all adjacent lots.
 - 3. The application shall be accompanied by an affidavit by the applicant explaining:
 - a. How the strict enforcement of the provisions of the Township Zoning Ordinance would cause practical difficulty and/or unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same Zoning District.

- b. The conditions and circumstances unique to the property which are not similarly applicable to other properties in the same Zoning District.
 - c. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.
 - d. Why the requested variance will not confer special privileges that are denied other properties similarly situated in the same Zoning District.
 - e. Why the requested variance will not be contrary to the spirit and intent of this Zoning Ordinance.
4. The Planning Department shall notify the applicant and all owners of an interest in lots, as recorded on the Township Tax Roll, and within three hundred (300) feet of the subject lot upon which a variance is requested, of the time and place of the Zoning Board of Appeals meeting at which such application will be considered, provided, however, such notice shall be given not less than seven (7) days before such meeting.
5. The Board shall consider the application for variance at its next regular meeting, which provides sufficient time for notice as required heretofore, or within not more than forty-five (45) days after receipt of the application by the Planning Department and hear and question any witness appearing before the board. Applications for ZBA review shall be submitted to the Planning Department a minimum of thirty (30) days prior to the date of the meeting to qualify for said meeting's agenda.
6. The Board shall approve, with or without conditions, or disapprove the application and shall communicate its action, in writing, to the Planning Department within one (1) week from the time of the meeting at which it considered the application.
7. The Board shall not approve an application for a variance unless it has been found positively that:
 - a. The strict enforcement of the Zoning Ordinance would cause practical difficulty and/or unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same Zoning District.
 - b. The conditions and circumstances are unique to the subject property and are not similarly applicable to other properties in the same Zoning District.
 - c. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective

date of the provisions alleged to adversely affect such property.

- d. The requested variance will not confer special privileges that are denied other properties similarly situated and in the same Zoning District.
 - e. The requested variance will not be contrary to the spirit and intent of the Township Zoning Ordinance.
8. The Building Department shall, upon receipt of the notice of approval and upon application by the applicant, collect all required fees and issue a building permit or such other approval permitting the variance, subject to all conditions imposed by such approval.

Section 14.04 – Fees

The Township Board may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Board of Appeals. At the time the notice for appeal is filed said fee shall be paid to the Township Clerk, which shall forthwith pay over to the Township Treasurer to the credit of the general revenue fund of the Township.

Section 14.05 – Jurisdiction

- A. The Board of Appeals shall have the following powers and it shall be its duty:
1. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Building Department or Planning Commission in the administration or enforcement of this Ordinance.
 2. To grant variances from the provisions of this Ordinance as may be in harmony with its general intent so that the function of this Ordinance is observed, public safety and welfare secured, and substantial justice done, including the following:
 - a. Interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the plan as shown in the use districts accompanying the Zoning Map.
 - b. Permit such modification of the height, setback and area regulations as may be necessary to secure and appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be improved without such modification.
 - c. Permit the phasing of required site plan improvements where the cost of the

required improvements are relatively high in relation to the total cost of the applicant's development or addition. Planning Commission recommendations shall be required, together with a bond in the amount of the deferred improvements.

- d. The Zoning Board of Appeals shall not have the right to review an appeal to a decision made by the Township Planning Commission for cases involving special land use or planned unit development.
- e. The ZBA shall not have the right to review use variance requests.

Section 14.06 – Orders

In exercising the above powers, the Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Building Inspector from whom the appeal is taken.

ARTICLE 15
ADMINISTRATION AND ENFORCEMENT

Section 15.00 – Enforcement

The provisions of this Ordinance shall be administered and enforced by the Building Inspector or other Township personnel the Township Board may delegate to enforce the provisions of this Ordinance.

Section 15.01 – Duties of Building Inspector

- A. The Building Inspector shall have the power to grant building and occupancy permits, to make inspections of buildings or premises to carry out his/her duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve any plans or issue a building permit for any excavation or construction until he/she has inspected such plans in detail and found the plans/use to be in compliance with this Ordinance. To this end, the Building Inspector shall require that every application for a building permit for excavation, construction, moving, alteration, or minor change in type of use or the type of occupancy be accompanied by written statement and plans or plats drawn to scale and showing the following in sufficient detail to enable the Building Inspector to ascertain whether the proposed work or use is in conformance with this Ordinance:
1. The actual shape, location and dimensions of the lot.
 2. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already on the lot.
 3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
 4. The signature of the fee holder owner of the premises concerned.
 5. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.
- B. The Building Inspector under no circumstances is permitted to grant exceptions or vary the terms of this Ordinance.
- C. The Building Inspector is authorized to issue a stop order and/or revoke the license or permit of any person whom he finds in violation of this Ordinance in any case he may find necessary, where there is imminent peril to the public health, safety, welfare or

morals. Any person aggrieved by such action may appeal to the Township Board in accordance with the following procedure:

1. File a written claim of appeal fifteen (15) days after receipt of such order of revocation with the Township Clerk setting forth therein reasonable detail for the claimed grounds of appeal.
2. The Township Clerk shall then cause the appeal to be placed on the agenda of a regular or special Township Board meeting within twenty (20) days after receipt of such claim of appeal.
3. The Township Board shall conduct a hearing on the claim of appeal at which time the applicant and his attorney, if any, may appear to present his case.
4. The Board shall render its decision on the appeal within fifteen (15) days after the aforesaid hearing.

Section 15.02 – Plot Plan

The Building Inspector shall require that all applications for permits for uses not covered in Article 3 shall be accompanied by plans and specifications including plot plan information as hereinafter required.

- A. The actual shape, location, and dimensions of the lot. The applicant shall identify the front lot line.
- B. The shape, size, location and setbacks of all buildings or other structures to be erected, altered, or moved and of any building or other structure already on the lot.
- C. The existing and intended use of the lot and of all such structures upon it, including in residential areas, the number of dwelling units the building is intended to accommodate.
- D. A plan, drawn to scale showing the manner in which the site will be drained. The site shall be graded so that no run-off will flow onto adjacent land, except into an authorized drain system. Site drainage plans shall include a statement describing in detail the method of drainage proposed on the plan.

Section 15.03 – Permits

The following shall apply in the issuance of any permit:

- A. *Permits not to be issued.* No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land, which is not in accordance with all provisions of this Ordinance.
- B. *Permits for new use of land.* No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use. Any use of the land shall be in accordance with all provisions of this Ordinance.
- C. *Permits for new use of buildings.* No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- D. *Permits required.* No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms “altered” and “repaired” shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the Township, except for minor repairs or changes not involving any of the aforesaid features.
- E. *Permits, temporary.* A temporary permit issued by the Township Clerk shall be required for any short-term outdoor sale including the sale of merchandise by a commercial outlet or for a lawn, attic or garage sale conducted on residential property, but not including bona fide flea markets or auctions. A temporary permit shall be required for the following short-term sales and shall be obtained not fewer than ten (10) days prior to the first day of each sale.
 1. Sidewalk sales for commercial outlets provided:
 - a. All such sales shall be conducted on the same premises with the commercial outlet.
 - b. If conducted on a public sidewalk located within a public right-of-way, permission shall first be gained in writing from the agent or agency in control of the right-of-way and all applicable conditions and controls set forth by the agent or agency shall apply. All such sales may be conducted not more than two (2) times in one (1) calendar year.
 - c. Each sale shall not be conducted for more than three (3) consecutive days.

- d. No sale shall be conducted within ninety (90) consecutive days from the last day of the last such sale.
 - e. All sale items shall be placed back inside the building at the end of each day.
 - f. Food or beverages sold in conjunction with a sale shall comply with all applicable health codes. Trash containers shall be strategically provided throughout the sales area.
 - g. Temporary signs advertising the sale may be erected up to twenty-four (24) hours before commencement of the sale and shall be removed within twenty-four (24) hours following the end of the last day of each sale.
 - h. All flammable materials or liquids kept or used during a sale shall be stored in approved containers.
2. Parking lot sales conducted in an outdoor parking lot of a nonresidential use shall:
- a. Comply with the requirements set forth in subsection a.(1), subsections a.(3) through (5) and subsections a.(7) through (9) of this section;
 - b. Not extend into any minimum required front or exterior (street side) side yard setback;
 - c. Not cover more than twenty-five (25) percent of the surface area of the parking lot and shall be set up in a manner that will allow convenient and safe access to the remaining parking spaces; and
 - d. Place all sale items back inside the building at the end of each day, except, in those instances where a tent is used, items may be left overnight in the tent for the duration of the sale.
3. Garage, attic or lawn sales conducted on the premises of a residential home shall comply with the following standards:
- a. All such sales shall comply with the regulations set forth in subsections a.(3) through (6) and subsection a.(9) of this section.
 - b. No sale shall be conducted, or merchandise kept within the minimum front or exterior side yard setback requirements of the Zoning District in which the premises are located.
 - c. When possible, adequate area shall be provided off-road on the premises for vehicular parking.

d. Signs advertising a garage, attic or lawn sale shall be:

- (1) Posted only on private property and not within any public right-of-way;
- (2) Freestanding signs supported by their own structure and shall not be attached to any off-premises fence post, or to any utility pole or signpost; and
- (3) Shall be removed within twenty-four (24) hours after the concluding date of a sale.

4. *Permits for manufactured homes as temporary use.* The owner of any premises may move not more than one (1) manufactured/mobile home upon such premises and utilize the same for residence purposes, which does not include storage, during the actual construction of a permanent dwelling thereon, but not to exceed six (6) months beginning with the issuance of a permit for the construction of said dwelling. Application may be made for one (1) six-month extension. The Township Board shall require said owner to furnish a financial guarantee in a sum equal to the cost of removing said manufactured home from the premises and completion of the permanent structure. Such financial guarantee may be in the form of a corporate surety bond, irrevocable bank letter of credit or cash.

Section 15.04 – Certificates of Occupancy

- A. No land, building, 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:
- B. *Certificates not to be issued.* No certificates of occupancy shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Ordinance.
- C. *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.
- D. *Certificates for existing buildings.* Certificates of occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such certificate of temporary occupancy shall not remain in force more than thirty (30) days, nor more than five (5) days after the building or structure is fully completed and ready for occupancy; and provided, further, that such portions of the building or structure are in conformity with the provisions of this Ordinance.

- E. *Record of certificates.* A record of all certificates issued shall be kept on file in the office of the Building Inspector and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
- F. *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.
- G. *Application for certificates.* Application for certificates of occupancy shall be made in writing to the Building Inspector on forms furnished by that department, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance. If such certificate is refused for cause, the applicant thereafter shall be notified of such refusal and cause thereof, within the aforesaid five-day period.

Section 15.05 – Final Inspection

The recipient of site plan approval, or any building permit for the construction, erection, alteration, repair or moving of any building, structure, or part thereof, shall notify the Building Department immediately upon completion of the work authorized by such permit for a final inspection.

Section 15.06 – Planning Commission

The Richmond Township Planning Commission, as established under Act 168 of the Michigan Public Acts of 1959, as amended, shall perform all of the duties of such commission in accordance with the law in such case made and provided, relating to amendments of this Ordinance, and such other duties as are established in this Ordinance.

Section 15.07 – Amendments and Changes

Amendments to this Ordinance may be made in the manner provided in Act 184 of the Michigan Public Acts of 1943, as amended, and in accordance with the initiatory procedure set forth hereinafter. Amendments may be initiated by the Township Board upon written request to the Planning Commission, or the Planning Commission may initiate amendments upon its own motion.

Any person, firm or corporation affected by the provisions of this Ordinance may initiate a text amendment hereto by submitting the necessary forms, obtainable from the

Township, to the Township Clerk. An amendment to the Zoning Map may only be initiated by a person, firm or corporation with a proprietary interest in the site proposed for rezoning. The petition shall be processed according to the procedures adopted by the Township.

Section 15.08 – Fees

- A. Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance shall be collected by the Building Inspector or the Township Clerk in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance. In addition, the applicant shall file with the Township Clerk a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Township Board. The Township Board may also accept, at their discretion, a bond or other guarantee furnished by a subcontractor or a lending institution when the Township is listed as an interested body of such a guarantee. The amount of such guarantee shall cover all improvements not normally covered in the building permit, i.e., berms, walls, landscaping, lighting, surfacing of drives, parking, service drives, acceleration/deceleration lanes, bypass lanes and other traffic control devices, reclamation, etc. The guarantee shall include a schedule of costs assigned to the different improvements. Monies may be released to the applicant in proportion to work completed on the different elements after inspection of work and approval of the Building Inspector. Any partial release of funds shall be less than ten (10) percent which shall be retained by the Township until all work has been completed and subsequently inspected and approved by the Building Inspector.

If more than one (1) bond or guarantee is involved in construction of the improvements required in this section, each such assurance shall be treated as a separate agreement.

ARTICLE 16
PLANNING COMMISSION AND TOWNSHIP BOARD APPROVAL

Section 16.00 – Approval

- A. In cases where the Planning Commission and Township Board is empowered to approve certain use of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans or other information as may be reasonably required for the proper consideration of the matter.
- B. The Planning Commission and Township Board shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedures.
- C. The Planning Commission and Township Board may impose such conditions or limits in granting approval as may in its judgment be necessary to fulfill the spirit and purpose of this Ordinance.
- D. Any approval given under which premises are not used, or work is not started within twelve (12) months or when such use or work has been abandoned for a period of twelve (12) months, shall lapse and cease to be in effect.

ARTICLE 17
ENFORCEMENT, PENALTIES, AND OTHER REMEDIES

Section 17.00 – Violations

Any person, corporation or firm who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Building Inspector, Board of Appeals, Planning Commission, or the Township Board issued in pursuance of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not to exceed ninety (90) days, or both. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance. The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

Section 17.01 – Public Nuisance

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this Ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

Section 17.02 – Fines, Imprisonment

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

Section 17.03 – Separate Offense

A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

Section 17.04 – Rights and Remedies are Cumulative

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

ARTICLE 18
CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Section 18.00 – Construction of Language

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

1. The particular shall control the general.
2. In 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 words “shall” and “will” are always mandatory and not discretionary. The word “may” is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural and the plural the singular, unless the context clearly indicates the contrary.
5. A “building” or “structure” includes any part thereof.
6. The term “lot” includes any site or parcel comprising an individual piece of land, whether created by platting, splitting, condominium or other legal process.
7. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for”, or “occupied for.”
8. The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
9. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunctions “and,” “or,” “either/or,” 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.
 - c. “Either/or” indicates that the connected items, conditions, provisions or events shall apply but not in combination.

10. Terms not herein defined shall have the meaning customarily assigned to them.

Section 18.01 – Definitions

ABUTTING: Having a common border or property line.

ACCESSORY BUILDING (ACCESSORY STRUCTURE): A subordinate building or structure detached from, but located on the same lot as, the principal structure, the use of which is customary, clearly incidental, and accessory to that of the principal structure.

ACCESSORY USE: A use that is clearly incidental to, customarily found in connection with, and generally located on the same lot as the principal use to which it is related.

ADULT BOOK STORE: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” or an establishment with a segment or section devoted to the sale or display of such material.

ADULT MOTION PICTURE THEATER: An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons therein.

ADULT VIDEO STORE: An establishment having as a substantial or significant portion of its stock in trade, pictures, films or videotapes which are characterized or distinguished by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” (as further defined).

AGRICULTURAL USE: Farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, farm forestry, and other similar enterprises, or uses, but no farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animal as have been raised on the premises or have been maintained on the premises for at least a period of one (1) year immediately prior thereto and for the use and consumption of persons residing on the premises.

AGRI-BUSINESS (VALUE ADDED FARMING): A commercial use ancillary to the general operation of a farm.

AIRPORT, COMMERCIAL: A facility from which public and privately-owned aircraft may

take off and land, and at which facility such aircraft may be kept and serviced for remuneration.

AIRSTRIP: A privately owned facility from which only the fixed wing aircraft owned and operated by the owner of the facility and the land upon which the facility is located, may land and take off and at which facility that same fixed wing aircraft may be parked, stored and serviced.

ALLEY: Any dedicated public way affording a secondary means of access to abutting property and not intended for general traffic.

ALTERATIONS: Any change, addition or modification in construction in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

ANIMALS, PRIVATE OWNERSHIP OF: The keeping of no more than three (3) household pets, typically a member of the canine or feline species, which are in the ownership of the principal resident.

ANTENNA: A wire or set of wires used in transmitting and receiving electromagnetic waves and including the supporting structure including, but not limited to, amateur radio antennas, television antennas, satellite receiving dishes, cellular phones, and similar uses.

APARTMENT (HOUSE): A building containing three (3) or more dwelling units whose entrances are from a common hallway or area or series of hallways or areas.

ARCHITECTURAL FEATURES: Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

AUTOMOBILE HEAVY REPAIR GARAGE: Truck repair, collision service (such as body, frame, or fender straightening and repair), overall painting and vehicle rust proofing.

AUTOMOBILE REPAIR: General repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service (such as body, frame or fender straightening and repair), overall painting, and vehicle rust proofing.

AUTOMOBILE WRECKING YARD: (also see JUNKYARD) The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two (2) or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be

removed for reuse or sale, shall constitute prima-facie evidence of an automobile wrecking yard.

BASEMENT (CELLAR): A basement is that portion of a building partly below grade but so located that the average vertical distance from the grade to the floor is greater than the average vertical distance from the grade to the ceiling; provided, however, that if the average vertical distance from the grade to the ceiling is five (5) feet or more, such areas shall be considered as a story.

BEDROOM: A room in a dwelling unit planned and intended for sleeping, separable from other rooms by a door.

BERM: An earthen mound graded, shaped and improved with landscaping, in such a fashion as to be utilized for screening purposes.

BLOCK: The property abutting one (1) side of a street and lying between the two (2) nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, un-subdivided acreage, lake, river or live stream, or between any of the foregoing and any other barrier to the continuity of development or boundary lines of the Township

BUILDABLE AREA: The buildable area of a site or lot is the space remaining after the minimum yard and space requirements of this Ordinance have been deducted.

BUILDING: A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels in a building. This shall include tents, awnings or vehicles situated on private property and use for purposes of a building. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

BUILDING HEIGHT: The vertical distance from the average elevation of the street curb paralleling the front, or if on a street corner the front and side of the building, to the highest point of the roof surface if the roof is flat; to the deck line if the roof is of the mansard type; or to the average height between the eaves and the ridge if the roof is gable, hip or gambrel type. For buildings set back from the street line, this vertical distance shall be taken above the average elevation of the ground along the front of this building, provided its distance from the street line is more than the average height of such ground above the established curb elevation. Total height is measured from the ground to the highest point of the structure.

BUILDING INSPECTOR: The Building Inspector (building official) of the Township, or his/her authorized representative.

BUILDING LINE: A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.

BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated.

BUILDING, MULTIPLE-FAMILY: A building, or portion thereof, used or designed as residence for three (3) or more families living independently of each other and doing their own cooking in said building. This definition includes three-family building, four-family building, and apartment building, but does not include trailer camps or mobile home parks.

BUILDING PERMITS: A building permit is the written authority issued by the Building Inspector permitting the construction, removal, moving, alteration or use of a building in conformity with the provisions of this Ordinance.

BUILDING, SINGLE-FAMILY: A detached building designed or occupied exclusively by one Family.

BUILDING, TEMPORARY: A structure without permanent foundation erected or devoted to the development of, or in connection with, the principal site used for a limited period of time.

BUILDING, TWO-FAMILY: A detached building designed for or occupied exclusively by two (2) families living independently of each other, such as a duplex dwelling unit.

CAR WASH, FULL SERVICE: An area of land and/or structure with machine- or hand-operated facilities used principally for the cleaning and washing of motor vehicles. In no instance shall a commercial car wash so defined be considered an accessory use.

CAR WASH, SELF-SERVICE: A building that provides facilities for washing and cleaning motor vehicles, which uses production line methods with a conveyor, blower or other mechanical devices, and which may employ some hand labor for drying, polishing or waxing.

CARPORT: A partially open structure for sheltering vehicles erected in conformity with the site requirements for garages.

CARRY-OUT RESTAURANT: See RESTAURANT, FAST-FOOD.

CEMETERY: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.

CHURCH OR PLACE OF RELIGIOUS WORSHIP: An institution that people regularly attend to participate in or hold religious services, meetings and other activities. The term “church” shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. The word “church” shall not include or mean an undertaker’s chapel or funeral building.

CLINIC: A place for the care, diagnosis and treatment of sick or injured persons and those in need of medical or minor surgical attention. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of its patients, but may not include facilities for in-patient care or major surgery.

CLUB, LODGE OR FRATERNITY: An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit.

COMMERCIAL USE: An occupation, employment or enterprise dealing with the public that is carried on for profit by the owner, lessee or licensee.

COMMISSION: The word “commission” shall mean the Richmond Township Planning Commission.

COMMUNITY CENTER: A place, structure, area or other facility used for and providing religious, fraternal, social and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

COMPOSTING: A yard waste management alternative to burning and/or landfilling, in which compostable yard waste is collected, processed and recovered as a resource rather than disposed of. Composting involves the biological decomposition of organic matter under controlled conditions characterized by piles that generate heat under aerobic conditions. Sheet composting shall not be considered a permitted use.

CONDOMINIUM: An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space. A condominium may include, in addition, a separate interest in other portions of such real property. A site condominium is the same as a condominium subdivision plan.

CONDOMINIUM ACT: Act 59 of 1978, as amended.

CONDOMINIUM SUBDIVISION PLAN: The site plan illustrating the existing site features and all proposed improvements pursuant to the requirements of site plan review. A means of subdividing land and sharing ownership through the Condominium Act.

CONSERVATION EASEMENT: An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open or wooded condition, retaining such areas as suitable habitat for fish, plants or wildlife, or maintaining existing land uses.

CONVALESCENT OR NURSING HOME: A convalescent home or nursing home is a home for the care of children or the aged or infirmed, or a place of rest for those suffering bodily disorders, wherein two (2) or more persons are cared for. Said home shall conform and qualify for license under state law, even though state law has different size regulations.

DECK: A wooden platform which is above the mean yard grade.

DENSITY: The number of families residing on, or dwelling units developed on, an acre of land.

DISTRICT (Zoning District): A portion of the Township of Richmond within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

DRIVE-IN ESTABLISHMENT: A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle (i.e., restaurants, cleaners, banks, theaters, etc.).

DRIVE-THRU: A maneuvering lane established for the sole purpose of directing traffic to a service window which is intended to be used for sales and/or service to patrons who remain in their vehicles.

DRIVEWAY: A private access from a public road to a building or buildings.

DWELLING UNIT: A dwelling unit is any house or building, or portion thereof, having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, automobile chassis, tent or portable building be considered a dwelling unit.

EASEMENT: The right of a person, government agency or public utility company to use public or private land owned by another for a specific purpose.

ERECTED: The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage and the like shall be considered a part of erection.

ESSENTIAL SERVICES: The term “essential services” means the erection, construction, alteration, maintenance addition, reconstruction or replacement by public utilities or municipal departments or commissions of underground, surface or overhead distribution of gas, electricity, communications (excluding commercial radio, television and other transmitting or relay antenna towers or monopoles), steam or water transmission or distributing systems, collection, supply or disposal system including poles, mains, drains, sewers, pipes, conduits, wires, cables, high voltage transmission lines, towers in connection with such lines, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service to this municipality and immediate surrounding territory. Such facilities both above and below ground, including storage fields and high-pressure mains designated to serve users outside of this municipality and immediate surrounding territory, shall not be considered essential services under this definition.

EXCAVATION: Any breaking of ground, except common household gardening and ground care.

FAMILY: One (1) or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit; provided that a group of four (4) or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

Notwithstanding the definition of the preceding paragraph, a family shall be deemed to include four (4) or more persons not within the second degree of kinship occupying a dwelling unit and living as a single, non-profit housekeeping unit, if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as defined in the first paragraph of this definition.

FAMILY DAY-CARE: A private residence where care, protection and supervision are provided, for a fee, to at least one (1) and no more than six (6) children, including children of the adult provider.

FARM: All of the contiguous neighboring or associated land operated as a single unit on which bona fide traditional farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include the active use of ten (10) acres or more in area; provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries; but establishments keeping or operating fur-bearing animals, public riding or boarding stables, commercial dog kennels, shall not be considered farm hereunder unless combined with bona fide farm operations on the same continuous tract of land.

A bona fide traditional farm includes those farm buildings, activities and equipment essential to such farming activities; it is not intended and not implied to permit trucking, equipment and/or vehicle repair(s) and/or sales, contractor yards or any other activities other than those incidental to the bona fide farm.

FARM BUILDINGS: Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms for the pursuit of their agricultural activities.

FARM POND OR FISHPOND: A water impoundment made by constructing a dam or embankment, or by excavating a pit or dugout to provide water for livestock, fish and wildlife, fish production, recreation, fire control, crop and orchard spraying and related uses. Such ponds shall meet the minimum standards set by the Soil Conservation Service (SCS) for design, engineering, construction and maintenance.

FEED LOT: A lot or area in which cattle, livestock or hogs or similar animals are confined in high densities or numbers which require feed areas, corrals or holding pens, feed storage and diversion channels or detention ponds to process, treat or store animal waste and water runoff. Any such feed lot shall meet the minimum standards set by the Extension Agricultural engineer at Michigan State University or the Macomb County Cooperative Extension Service.

FENCE: Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

FILLING: Shall mean the depositing or dumping of any matter onto or into the ground, except common household gardening.

FLEA MARKET: An occasional or periodic sales activity within a building or open area in which stalls or sales areas are set aside and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete or antique, and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

FLOOR AREA, GROSS (for the purpose of computing parking): Floor area is the sum of the gross horizontal areas of the several floors of the building measured from the exterior walls or from the centerline of walls separating two (2) buildings. "Floor area" shall include elevator shafts and stairwells at each floor or story, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven (7) feet ten (10) inches or more, interior balconies and mezzanines.

FLOOR AREA, RESIDENTIAL: For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

FOOT CANDLE: The unit of illumination when the foot is taken as the unit of length. It is the illumination on a surface one (1) square foot in area on which there is a uniformly distributed flux of one (1) lumen, or the illumination produced on a surface all points of which are at a distance of one (1) foot from a directionally uniform point source of one (1) candela.

FRONTAGE: The front or frontage is that side of a lot abutting on a street or way.

FRONT SETBACK LINE: The minimum required setback from the centerline of the street right-of-way to the principal structure.

FUNERAL HOME: A building, or part thereof, used for human funeral services. Such building may contain space and facilities for:

1. Embalming and the performance of other services used in preparation of the dead for burial.
2. The performance of autopsies and other surgical procedures.
3. The storage of caskets, funeral urns, and other related funeral supplies.
4. The storage of funeral vehicles, but shall not include facilities for cremation.
5. Where a funeral home is permitted, a funeral chapel shall also be permitted.

GARAGE, PRIVATE: An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory, with no facilities for mechanical service or repair of a commercial or public nature.

GARBAGE: Garbage shall mean all wastes, animal, fish, fowl or vegetable matter or household waste.

GASOLINE SERVICE STATION: A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair as herein defined for automobile repair stations.

GRADE: The elevation of the surface of the ground. The established grade of the street or sidewalk shall be the elevation of the curb, or the centerline of the road if there is no curb, at the midpoint of the front of the lot.

GRADE, BUILDING: The average of finished grade at each side of the building shall be the building grade.

GREENBELT: A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

GROSS FLOOR AREA: The total area of a building measured with reference to the outside walls thereof and including all levels or stories.

GROUP DAY-CARE: A private residence where care, protection and supervision are provided, for a fee, to at least seven (7) and no more than twelve (12) children, including children of the adult provider.

HAZARDOUS SUBSTANCES: Hazardous substances include hazardous chemicals as defined by the Michigan Department of Public Health and the Michigan Department of Labor; hazardous materials are defined by the U.S. Department of Transportation; critical materials and polluting materials as defined by the Michigan Department of Natural Resources, and hazardous waste as defined by the Michigan Department of Natural Resources.

HOOFED ANIMALS: shall be defined as but not limited to horses, ponies, cattle, alpaca, llamas, sheep, goats, pigs, deer, or other similar animals.

HOME OCCUPATION: An activity carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes, and is such that it does not generate additional vehicular traffic to or from the dwelling unit.

HOSPITAL: A building, structure or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the Health Department and the State of Michigan, and is used for primarily in-patient services, and including such related facilities as laboratories, out-patient departments, central service facilities, and staff offices.

HOUSE, BOARDING: A residential structure in which non-family members are sheltered and fed for a fee.

HOUSE, ROOMING: A residential structure in which non-family members are sheltered for a fee.

INDIRECT ILLUMINATION: Illumination from a concealed light source.

INTERNAL ILLUMINATION: Illumination from a light source concealed or contained within the sign and which is transmitted through a translucent surface.

JUNK: For the purpose of this Ordinance, the term “junk” shall mean any motor vehicles, machinery, appliances, product, merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

JUNKYARD: An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A “junkyard¹¹ includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

KENNEL: Any lot or premises on which four (4) or more dogs six (6) months old or over are kept either temporarily or permanently for personal use or for boarding, breeding, training, competition, hunting, showing, or for sales.

LANDFILL: The orderly deposit of earthen and/or non-earthen materials for the purpose of elevating the grade to develop the site for specific use.

LOADING SPACE: An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOT: A parcel of land occupied or intended to be occupied by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. Each such parcel shall also have its front lot line abutting a public street.

LOT AREA: The total horizontal area within the lot lines of a lot.

LOT, CONDOMINIUM: That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed. A condominium lot shall be of sufficient size and area of the Zoning District within which it is located to accommodate a structure observing all required yard setbacks.

LOT, CORNER: A lot where the interior angle of two (2) adjacent sides at the intersection of both streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curbed street or streets shall be considered a corner lot for the purposes of this Ordinance if the are

if of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

LOT COVERAGE: The percent of the lot occupied by buildings or structures, including accessory buildings or structures (except swimming pools).

LOT DEPTH: The mean horizontal distance measured from the front property line to the rear lot line.

LOT, DOUBLE FRONTAGE: Any interior lot having frontage on two (2) more-or-less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

LOT, FRONT, REAR AND DEPTH: The front of a lot is that boundary line which borders on a street other than an alley. In case of a corner lot, the side which has the narrowest dimension bordering on a street shall be deemed to be the front of such lot. In the case of a double frontage lot, both lot lines abutting on streets shall be treated as front lot lines. The rear of a lot is the side opposite to the front. In the case of a triangular or irregular lot, the rear is the boundary line not bordering on a street. The depth of a lot is the dimension measured from the front of the lot to the mean depth.

LOT, INTERIOR: Any lot other than a corner lot.

LOT LINES: The lines bounding a lot as defined herein:

1. *Front Lot Line*: In the case of an interior lot, is that line separating said lot from the street. In the case of a through-lot, is the line separating said lot from both streets.
2. *Rear Lot Line*: That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.
3. *Side Lot Line*: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT OF RECORD: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or a system of registration used by Township or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

LOT, SUBSTANDARD: A lot or parcel of land that has less than the required minimum

area, depth or width as established by the zone in which it is located, and provided that such lot or parcel was of record as a legally created lot on the effective date of this Ordinance.

LOT WIDTH: The horizontal straight-line distance between the side lot lines, measured between the two (2) points where the front setback line intersects the side lot lines.

MAJOR THOROUGHFARE: An arterial street which is intended to serve as a large volume trafficway for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, freeway, or equivalent term in the Township's Master Plan.

MANEUVERING LANE: A paved lane designed to accommodate the on-site circulation of motorized vehicles.

MANUFACTURED HOME: Shall mean a structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Manufactured housing does not include a recreational vehicle.

MANUFACTURED HOUSING COMMUNITY: A parcel or tract of land under the control of a person upon which two (2) 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 mobile home and which is not intended for use as a temporary trailer park and licensed pursuant to the provisions of Act 419, Public Acts of 1976, as amended.

MASTER DEED: The condominium document recording the condominium project as approved by the Township, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium plan for the site.

MASTER PLAN: The Township's Master Land Use Plan, including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the municipality, and includes any unit or part of such plan and any amendment to such plan or parts thereof. Such plan shall be adopted by the Planning Commission.

MEAN GRADE: Mean grade is defined as the arithmetic average of elevations of points on the boundary lines of a site (parcel of land) uniformly spaced and not more than one hundred (100) feet apart.

MOTEL: A series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation.

MUNICIPALITY: Richmond Township.

NONCONFORMING BUILDING: A building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto and that does not conform to the provisions of this Ordinance in the district in which it is located.

NONCONFORMING USE: A use that lawfully existed before the enactment of the zoning ordinance and that is maintained at the effective date of the ordinance even though it does not comply with the restrictions applicable to the district in which it is situated wrongfully.

NON-RESIDENTIAL DRIVEWAY: Any driveway constructed which is not designed to provide access to the primary or accessory structure(s) located on a parcel of land occupied by a single-family residential structure. Driveways designed for the purpose of servicing agricultural properties where no residential structure exists shall not be considered a non-residential driveway if such driveways are not paved and less than twelve (12) feet in width when located outside of the road right-of-way.

NUISANCE: The word "nuisance" shall be held to embrace public nuisance as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; and any dwelling or building which is overcrowded with occupants or is not provided with adequate ingress or egress to or from the same, or is not sufficiently supported, ventilated, sewered, drained, cleaned or lighted in reference to its intended or actual use; and whatever renders the air or human food or drink unwholesome, are also severally, in contemplation of this Ordinance, nuisances and all such nuisances are hereby declared illegal.

NURSERY SCHOOL, DAY SCHOOL, CHILD CENTER: An establishment wherein seven (7) or more children, not related by bonds of consanguinity or fostership to the family living on the premises, are for remuneration cared for. Such schools or centers need not have a resident family on the premises.

NURSING HOME (also see CONVALESCENT OR NURSING HOME): A home, whether operated for profit or not, for the care of the aged, infirmed, or those suffering from bodily disorders, wherein seven (7) or more persons are housed or lodged and furnished with nursing care.

OCCUPANCY LOAD: The number of persons that a building can hold, as determined by the Fire Marshall or as determined by the Township Building Code.

OCCUPIED: The word "occupied" includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

OFF-STREET PARKING LOT: A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

OPEN AIR BUSINESS USES: Open air business uses not conducted from a wholly enclosed building, if operated for profit, may include, by way of example:

1. Mobile homes, motor vehicles, farm implements, boats, or home equipment sale or rental services;
2. Swimming pools;
3. Sales of fruits, vegetables, trees, shrubbery, plants, and other home garden supplies and equipment;
4. Miniature golf, golf driving range, children's amusement park or similar recreation uses.

OPEN FRONT STORE: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patrons to enter said structure.

OPEN SPACE: Land used for recreation, resource protection, amenity and/or buffers. In no event shall any area of a lot constituting the minimum lot area, nor any part of an existing or future road or right-of-way be counted as constituting open space.

OPEN SPACE, COMMON: Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

OUTDOOR STORAGE: The keeping, in an unroofed area, of any goods, junk material, merchandise or vehicles in the same place for more than twenty-four (24) hours.

PARCEL: A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

PARK: Any public or private improved land available for recreational, educational, cultural or aesthetic use, or scenic purposes.

PARKING SPACE: An area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, and full accessibility for the parking of permitted vehicles. Tandem parking stalls in single-family detached, single-family attached, and townhome residential uses shall be considered to be fully accessible for the purpose of this definition.

PERFORMANCE GUARANTEE (Maintenance Guarantee): Any financial guarantee accepted by the Township in the form of cash, letter of credit or performance bond, provided that the Township shall not require that a financial guarantee more than ten (10) percent of the total performance costs to ensure that all improvements, facilities or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and the approved plans and specifications of a development.

PLANNING COMMISSION: The Township of Richmond Planning Commission.

PORCH, ENCLOSED: A covered entrance to a building or structure which is totally enclosed and projects out from the exterior wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

PORCH, OPEN: A covered entrance to a building or structure which is un-enclosed, except for columns supporting the porch roof, and projects out from the exterior wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

PRINCIPAL BUILDING: A building which contains the primary use of the lot.

PRINCIPAL USE: The main use of land or structures, as distinguished from a secondary or accessory use.

PRIVATE STREET OR ROAD: A street or road which is not under public ownership or control serving two (2) or more lots.

PUBLIC ROAD: All public property reserved or dedicated for street traffic.

PUBLIC UTILITY: Any persons, firm, corporation, governmental unit or other entity duly authorized to furnish to the public, electricity, gas, sanitary sewers, water, communications, transportation or other services or commodities pursuant to Federal, State or Municipal Regulations, excluding commercial radio, television and other transmitting or relay antenna towers or monopoles.

RECREATION VEHICLES:

1. A "travel trailer" is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently

identified as a “travel trailer” by the manufacturer.

2. A “pick-up camper” is a structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.
3. A “motorized home” is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
4. A “folding tent trailer” is a metal, plastic or canvas folding structure, mounted on wheels and designed for travel and vacation use.
5. “Boats” and “boat trailers” shall include boats, jet skis, floats and rafts, plus the normal equipment to transport the same on the highway.
6. “Snowmobiles” and “all-terrain vehicles,” plus the normal equipment to transport the same on the highway.

RECYCLING CENTER: A facility that is not a junk yard and in which recoverable resources, such as newspapers, plastics, glassware and metal cans, are collected, stored, flattened, crushed or bundled within a completely enclosed building.

RESTAURANT: A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

RESTAURANT, DRIVE-IN: An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

RESTAURANT, FAST-FOOD: Any establishment whose principal business is the sale of foods, frozen desserts or beverages in ready-to-consume individual serving, for consumption either within the restaurant building or for carry-out, and where either:

1. Foods, frozen desserts or beverages are usually served in paper, plastic or other disposable containers, and where customers are not served their food, frozen desserts or beverages by a restaurant employee at the same table or counter where the items are consumed; or
2. The establishment includes a drive-up or drive-through service facility or offers window or curbside service.

RIGHT-OF-WAY: The right-of-way line shall be the line established by the Township of Richmond, Macomb County Road Commission, or Michigan Department of Transportation in their right-of-way requirements.

ROADSIDE STAND: A roadside stand is a temporary or existing permanent building operated for the purpose of selling only produce raised or produced by the proprietor of the stand or his family on the premises, and its use shall not make into a Commercial District land which would otherwise be an Agricultural or Residential District, nor shall its use be deemed an approved commercial activity.

RUBBISH: Waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices.

SCREENING: The method by which a view of one (1) site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms or other features. Screening may include one (1) or a combination of the following materials of sufficient mass to be opaque or that shall become opaque after twelve (12) months and which shall be maintained in an opaque condition: walls, berms or plantings.

SELF-SERVICE STORAGE FACILITY: A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

SEPARATE OWNERSHIP: Ownership of a parcel of property wherein the owner does not own adjoining property.

SETBACK: The minimum horizontal distance between any face of the building (excluding only steps, porches, chimneys and decks) and the adjoining property lines.

SIGN DEFINITIONS:

Sign: The use of any word, numeral, figure, object, device, letter, symbol, insignia, illustration, design, trademark, or combination of these, by which anything is made known to the general public, or which is commonly understood to be used to attract the attention of the general public, irrespective of where it is visible from off the site or lot. Customary displays of merchandise or objects and material within a building without lettering shall be considered as a sign nor shall the customary non-communicative architecture of a building be considered as a sign.

Accessory sign: A sign which is accessory to the principal use of the premises. A sign which directly relates to the business activity or service conducted on the

premises upon which the sign is placed.

Alter: A change to the physical component of the sign, including but not limited to the structural size, height or width of the sign. Such definition shall not include resurfacing the face of an existing sign with a new sign face of equal size and shape.

A-Frame: A temporary sign with two (2) panels attached at the top with hinges.

Awning: A metal, wooden, fiberglass, canvas, or other fabric cover fastened to a building, which extends over a porch, patio, deck, balcony, window, door or open space.

Awning sign: An accessory sign that is printed on, or otherwise affixed to, an awning.

Balloon sign: One (1) or more balloons, or any other air-filled or gas-filled object used as a sign or as a means of directing attention to any business or profession, or to a commodity or service sold, offered or manufactured, or to any entertainment.

Banner sign: A sign or display constructed of paper, plastic or fabric of any kind, intended to be hung, either with or without frames.

Billboard sign: An off-site or non-accessory outdoor sign which advertises a business use or service not conducted on the premises upon which the sign is placed. Billboard structures are generally leased or rented and designed with changeable copy.

Bulletin board or announcement sign: A business sign of the following types:

1. Announcing existing religious services or activities;
2. A directory of offices or activities for a building or group of buildings.
3. Announcing employment opportunities.

Business sign: An accessory sign which relates to the business, activity or service conducted on the site upon which the sign is located.

Canopy sign: An accessory sign that is printed on or otherwise affixed to a canopy.

Directional sign: An accessory sign directing vehicular traffic to parking or loading areas and pedestrians to specified locations.

Flag: A rectangular piece of fabric fastened to a pole on one (1) end and free on the other. A series of flags on a single pole or pole string, or similar type of mount, shall be considered a pennant.

Flashing, animated or moving sign: A sign which intermittently reflects lights from either an artificial source or the sun; a sign which has movement of any illumination such as intermittent, flashing, scintillating or varying intensity; or a sign which has any visible portion in motion, either constantly or intermittently.

Freestanding sign: A sign located in or upon the ground or to something requiring location on the ground which is not attached to any principal or accessory structure.

Garage sale sign: A sign relating to a garage sale, rummage sale, craft sale or show, and similar activities.

Ground or monument sign: A freestanding sign with less than four (4) feet of clearance between the bottom of the face of the sign and the finished grade.

Identification sign and nameplate: A wall sign stating the name of a person or the name or description of a certain permitted use.

Inflatable sign: A sign that is inflated by a gaseous substance before use.

Marquee sign: A display sign attached to or hung from a marquee canopy or other covered structure projecting from and supported by the building and extending beyond the building wall or building line.

Maximum size of sign: The total area of a sign included within the rectangle, triangle, circle, or other geometric shape caused by encompassing the outermost portions of the sign or the outermost edges of a sign formed of letters or symbols only.

Mechanical movement: Any animation, revolution, vertical or horizontal movement.

Memorial sign: A sign containing the name of the building and date of construction cut into its masonry surface or on a bronze or other non-combustible place permanently fixed or attached to the building (also includes historical sign).

Non-accessory sign: A sign which is not accessory to the principal use of the site.

Off-site signs: A sign which is not accessory to the principal use of the premises. Any card, cloth, paper, metal, painted glass, wood, plastic, stone, or other object of any kind or character whatsoever, placed for non-accessory advertising purposes on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever. The term "placed" as used in this definition shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving or other fastening, affixing, or making visible in any manner whatsoever to the public.

Political sign: A temporary sign relating to the election of a person to public office, a political party, or a matter to be voted upon at an election called by a public body.

Portable sign: A sign not permanently anchored or secured to either a building or the ground, such as, but not limited to, trailers, "A" frame, T shaped, inverted T" shaped, or message or sandwich board signs.

Projecting sign: A sign affixed to a building or part thereof, which extends beyond the building wall or parts thereof, by more than twelve (12) inches.

Pylon sign: A freestanding sign with not less than ten (10) feet clearance between the bottom of the face of the sign and the finished grade.

Real estate development sign: A business sign placed on the site of a subdivision or other real estate development to indicate a proposed start of construction or to inform relative to availability.

Real estate development sign (non-accessory): A sign placed on a site to indicate proposed start of construction or to inform relative to the availability of another site or sites.

Real estate sign: A business sign placed upon a site advertising that particular site is for sale, rent or lease.

Real estate sign (non-accessory): A sign placed upon a site advertising that another site or sites is for sale, rent or lease.

Resurface: The replacement or restoration of a previously approved sign which does not include alteration to the existing structure or brackets.

Roof sign: A sign constructed, erected or maintained upon the roof or parapet of a building.

Sign height: The vertical distance from the uppermost portion of a sign or sign structure to the grade at the base of the sign.

Subdivision entrance sign: A sign depicting the name of a residential, office/service, commercial, or industrial subdivision, and which sign is located at the entrance to said subdivision.

Temporary sign: A business sign with or without letters and numerals, and made or constructed of lightweight cardboard, cloth, plastic, paper or other such materials, which are not permanently fastened to any structure, including posts with permanent footings.

Vehicle business sign: Any sign which is painted, affixed or attached to a motor vehicle, whether licensed or not, parked or placed upon a site primarily for advertising purposes, except signs on licensed commercial vehicles in daily off-site use are not included in this definition.

Wall sign: A sign attached to and placed flat against the exterior wall or surface of a building.

Window sign: A temporary sign attached to or painted on a window by which anything is made known to the general public and is visible and discernible off the site or from a public right-of-way.

SITE: A parcel of land.

SOIL REMOVAL: Shall mean removal of any kind of soil or earth matter, including topsoil, sand, gravel, clay, rock or similar materials, or combination thereof.

SPECIAL LAND USE: A use that, owing to some special characteristics attendant to its operation or installation (for example, potential danger, smoke or noise) is permitted in a district, subject to approval by the Township and subject to special requirements, different from those usual requirements for the District in which the special land use may be located.

SPECIFIED ANATOMICAL AREAS:

1. Less than completely and opaquely covered: human genitals, public region; buttock; and female breast below a point immediately above the top of the areola; and,

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES:

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts of human masturbation, sexual intercourse or sodomy.
3. Fondling or other erotic touching of human genitals, public region, buttock or female breast.

STABLE, PRIVATE: A structure or shelter with capacity for not more than three (3) horses which are not boarded and are not for hire or sale and are owned by the immediate family.

STABLE, PUBLIC: A structure or shelter where horses are boarded or are kept for hire.

STORY: That portion of a building, other than a cellar or mezzanine, included between the surface of any floor and floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A "mezzanine" shall be deemed a full story when it covers more than fifty (50) percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.

STORY, HALF: An uppermost story lying under a sloping roof, having an area of at least two hundred (200) square feet, with a clear height of seven (7) feet six (6) inches. For the purposes of this Ordinance, the usable floor area is only that area having at least five (5) feet clear height between floor and ceiling.

STREET: A public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare, except an alley.

STRUCTURAL ALTERATION: Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, stairways, or any change in the width or number of exits, or any substantial change in the roof.

STRUCTURE: Anything constructed or erected on the ground or attached to the ground, including, but without limitation to, buildings, factories, sheds.

SWIMMING POOL: The term "swimming pool" shall mean any structure or container intended for swimming, located either above or below grade designed to hold water to

a depth of twenty-four (24) inches or greater.

TEMPORARY USE OR BUILDING: A use or building permitted by the Building Inspector or Clerk to exist during periods of construction of the main building or use, or for special events or purpose. Tents or similar enclosures used in Residential Zoning Districts for short-term events, not exceeding three (3) days, shall not be defined as a temporary use or building.

TENTS: Tents as used in this Ordinance shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of tents used solely for children's recreational purposes.

USE: It is the purpose for which land, or a building is designed, arranged or intended to be used, or for which land or a building is or may be occupied.

UTILITY ROOM: A utility room is a room used primarily for storage, for housing a heating unit, or for laundry purposes.

VARIANCE: A relaxation by the Zoning Board of Appeals of the dimensional regulations of the Ordinance where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this Ordinance would result in practical difficulty or unnecessary and undue hardship.

VERTICAL PROJECTION: Any architectural feature which projects into the yard space from the ground up through the first story.

VETERINARIAN CLINIC: A place for the care, diagnosis and treatment of sick or injured animals and those in need of medical or surgical attention. A veterinarian clinic may include customary pens or cages which are permitted only within the walls of the clinic structure.

WALLS, OBSCURING: An obscuring structure of definite height and location constructed of wood, masonry, concrete or similar material.

WOODLAND OR WOODLOT: A tract of land dominated by trees, but usually also containing woody shrubs and other vegetation.

YARD: An open space, unoccupied and unobstructed from the ground upward, except as otherwise provided herein, and being on the same lot with a building. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building or structure. A "required yard" is that portion of any lot on which the erection of a main building is prohibited.

1. Front yard is a yard on the same lot with a building between the front line of the building and the front lot line and extending from one (l) side lot line to the other side lot line.
2. Rear yard is an open space extending 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 main building. In the case of a corner lot, the rear yard may be opposite either street frontage.
3. Side yard is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

ZONE: See: DISTRICT (Zoning District).

ZONING BOARD OF APPEALS: Shall mean the Zoning Board of Appeals of the Township of Richmond.

ZONING ORDINANCE: The Zoning Ordinance of the Township of Richmond.

ARTICLE 19
REPEAL OF PRIOR ORDINANCE

The Zoning Ordinance, adopted by the Township of Richmond, known as the Township Zoning Ordinance of 1977, as amended, and all amendments thereto, are hereby repealed. The repeal of the above Ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted or inflicted.

ARTICLE 20 INTERPRETATION

In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above described Zoning Ordinance or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing Ordinance or by rules, regulations, or permits, the provisions of this Ordinance shall control.

ARTICLE 21
VESTED RIGHT

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

ARTICLE 22
SEVERANCE CLAUSE

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

ARTICLE 23
EFFECTIVE DATE

Public hearing having been held hereon, the provisions of this Ordinance are hereby given immediate effect from and after the date of its passage by the Township Board and subsequent publication as required by law.