

Richland Township Zoning Ordinance

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1. GENERAL PROVISIONS

Richland Township Hereby ordains these regulations for the use of land and structures within the Township.

SECTION 101. SHORT TITLE

This Ordinance shall be known as the Richland Township Zoning Ordinance.

SECTION 102. PURPOSE AND OBJECTIVE

It is the general purpose of this Ordinance to promote the public safety, health, morals, convenience and general welfare. To accomplish this purpose, the Ordinance will address the following objectives.

- (1) Guide the use and development of land, buildings and natural resources according to their suitability for particular activities.
- (2) Protect the Community’s quality of life and enhance the social and economic stability of the Township.
- (3) Reduce congestion on public streets and highways and facilitate safe and convenient access to buildings and land use.
- (4) Guide efforts to provide, public services, such as water supply, sewers, storm drainage, waste disposal, transportation, education, recreation and public safety.
- (5) Establish standards to guide physical development of each zoning district and of the Township as a whole, and provide for enforcement of said standards.
- (6) Educate citizens and public officials about their shared responsibilities for wise use of community resources.
- (7) Strive to balance one property owner’s right to the peaceful use and enjoyment of his or her parcel with the rights of neighboring property owners to the peaceful use and enjoyment of theirs.

SECTION 103. INTERPRETATION

Where this Ordinance imposes a greater restriction upon the use of land or buildings than is imposed by other laws or ordinances, or by rules, regulations, permits, easements, covenants or agreements that may be in force, the provision of this Ordinance shall control. Where provisions of any other Ordinance or Regulation of Richland Township impose stricter requirements for the use of land or buildings, the provisions of the other Ordinance or regulation shall govern.

SECTION 104. SEVERABILITY

It is the legislative intent that this Ordinance be liberally construed and should any provision or section of this Ordinance be held unconstitutional or invalid, such ruling shall not affect the validity of the remaining portions of the Ordinance. It is intended that this Ordinance shall stay notwithstanding the invalidity of any part thereof.

SECTION 105. REPEAL

The existing zoning regulations of Richland Township as amended are hereby repealed. However, said repeal shall not abate any action now pending by virtue of ordinance herein repealed. Nor shall said repeal discontinue, abate modify, or alter any penalty accrued or to occur. Nor shall it affect the rights of any person, firm, or corporation. Nor shall said repeal waive any right of the Township under any section or provision of the ordinance hereunder repealed that was existing at the time of the passage and effective date of this Ordinance.

SECTION 106. EFFECTIVE DATE

The Ordinance shall take effect upon September 11, 2007, the date specified by the Richland Township Board at its meeting of September 11, 2007.

2. Definitions

SECTION 201. RULES APPLYING TO THE TEXT

For the purpose of this Ordinance, certain rules of construction apply to the Text as follows:

Words used in the present tense include the future tense; and, the singular includes the plural, unless the context clearly indicates the contrary.

The word “person” includes a corporation or firm as well as an individual.

The word “structure” includes the word “building.”

The word “lot” includes the words “plot,” “tract,” or “parcel.”

The terms “shall” is always mandatory and not discretionary; the words “may” is permissive.

The words “used” or occupied” as applied to any land or structure shall be construed to include the words “intended, arranged or designed to be used or occupied.”

Any word or term not herein defined shall be used with a meaning of common standard use.

The term “he” shall be read as he she, or they.

SECTION 202. DEFINITIONS

ABUT to physically touch or border upon; to share a common property line.

ACCESSORY OCCUPATION. An accessory occupation is an occupation carried on within the walls of an accessory building and not visible from outside the accessory structure.

ACCESSORY BUILDING OR ACCESSORY STRUCTURE Any unattached subordinate building or structure, such as a private garage which is incidental to that of the main building, located on the same lot with the main building, or any portion of the main building if that portion is occupied or devoted exclusively to an accessory use. When an **ACCESSORY BUILDING** or **ACCESSORY STRUCTURE** is attached to a main building by a wall or roof, the building shall be considered part of a main building for the purpose of determining the required dimensions of a yard. Manufactured homes, premanufactured homes, mobile homes or trailers, recreational vehicles whether used for dwelling purposes or for storage and shipping containers or other such similar items are not considered a permitted accessory structure.

ACCESSORY USE. Any use customarily incidental and subordinate to the main use of the premises but does not include residential or home occupation.

ACTIVITY. See “Use”

ADJACENT. A lot or parcel of land which shares all or part of a common lot line with another parcel of land.

ADULT BUSINESS. For the purpose of this Ordinance the following definitions shall apply:

ADULT BOOKSTORE. An establishment permitting physical access by customers to floor area or shelf space totaling more than ten (10%) percent of the gross floor area of the store itself which is devoted to the display of books, magazines or other periodicals, video tapes, DVD, photographs, or motion picture films which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “Specified Sexual Activities.” or “Specified Anatomical Areas” as defined by this Ordinance. This definition also includes any establishment, which indicates the availability of such material by any sign advertisement, or other device audible or visible from anywhere outside the principal building, regardless of the amount of area devoted to said materials.

ADULTS-ONLY BUSINESS. Any business, club, or other organization wherein one or more persons display “Specified Anatomical Areas” or engage in “Specified Sexual Activities” as defined by this Ordinance, either in person or by photograph, internet, digital transmission, motion picture, television, or other type of image. Further, this definition includes the following terms as defined by this Ordinance: “Adult bookstore”, “Adult Theater”, “Massage Parlor”, “Public Bath”, and “Taxi Dance Hall”.

ADULT-RELATED BUSINESS. Any activity described in any of the paragraphs of this subsection and any other business having an employee or entertainer, in person or by motion picture, television, videotape, DVD, hologram, magazine or other type of image, including the internet or other web-based technology, displaying any “specified anatomical area” or engaging in any “specified sexual activity.”

ADULT THEATER. Any establishment presenting material or activity distinguished or characterized by an emphasis on matter depicting, describing, or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” as defined by this Ordinance for Observation by patrons or customers.

ADULT FOSTER CARE FACILITY. A governmental or non-governmental establishment having its principal function as the receiving adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but do not require continuous nursing care.

Adult foster care facility does not include the following: a nursing home, or hospital as defined by Act 368 of 1978; a hospital for the mentally ill as defined by Act 258 of 1974; a county infirmary as defined by Act 280 of 1939; a child caring institution, children's camp, foster family home, or foster family group home for children as defined by Act 166 of 1973; as amended being sections 722.111 to 722.128 of the Michigan Compiled Laws; an establishment commonly described as an alcohol or a substance abuse rehabilitation center; a Veterans facility as defined by Act 152 of 1885; a residential facility for persons released from or assigned to adult correctional institutions; a maternity home, a hotel or rooming house; a residential facility licensed by the State to care for four (4) or fewer minors.

ANIMAL UNITS. Measure of the relative volume of waste material produced by various types of animals. All animal classes or types of animals are as contained in the Michigan Right to Farm Act or described in the Michigan Commission of Agriculture Policy. Specific livestock or animals not listed in the above mentioned references shall be calculated at 1,000 pounds live weight equals one animal unit. See also Intensive Livestock Operation.

ANIMALS, EXOTIC. "Exotic animal" means those species of animals that are exotic to humans. Exotic animals include, but are not limited to, any or all of the following orders and families, whether bred in the wild or in captivity, and any or all hybrids. The animals provided in italics are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

1. Class Mammalia
 - (a) Order Artiodactyla *hippopotamuses, giraffes, camels, deer, not cattle, swine, sheep or goats*
 - (b) Order Carnivora
 - (i) Family Felidae *lions, tigers, cougars, leopards, ocelots, servals, not domestic cats*
 - (ii) Family Canidae *wolves, coyotes, foxes, jackals, not domestic dogs*
 - (iii) Family Ursidae *all bears*
 - (iv) Family Mustelidae *weasels, skunks, martins, minks, not ferrets*
 - (v) Family Procyonidae *raccoons, coatis*
 - (vi) Family Hyaenidae *hyenas*
 - (vii) Family Viverridae *civets, genets, mongooses*
 - (c) Order Edentalia *anteaters, armadillos, sloths*
 - (d) Order Marsupialia *opossums, kangaroos, wallabies, not sugar gliders*

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- (e) Order Perissodactyla *rhinoceroses, tapirs, not horses or donkeys or mules*
- (f) Order Primates *lemurs, monkeys, chimpanzees, gorillas*
- (g) Order Proboscidae *elephants*
- (h) Order Rodentia *squirrels, beavers, porcupines, not guinea pigs, or rats, or mice, or gerbils, or hamsters*

2. Class Reptilia

- (a) Order Squamata
 - (i) Family Varanidae *only water monitors and crocodile monitors*
 - (ii) Family Iguanidae *only green iguanas and rock iguanas*
 - (iii) Family Boidae *all species whose adult length has the potential to exceed eight (8) feet in length*
 - (iv) Family Colubridae *only boomslangs and African twig snakes*
 - (v) Family Elapidae *coral snakes, cobras, mambas - All species*
 - (vi) Family Nactricidae *only keelback snakes*
 - (vii) Family Viperidae *such as copperheads, cottonmouths, rattlesnakes - All species*

3. Order Crocodilia *such as crocodiles, alligators, caimans, gavials - all species*

ANTENNA, PRIVATE. A single pole or structure designed to be used for one family private residential TV reception, or for non-commercial radio signal sending and reception. On parcels used for one or two family homes; one such antenna is permitted per parcel.

APARTMENT. One of multiple rooms or suites of rooms in a building, leased or rented for a period of one month or greater for occupancy as a living area. A house rented or leased as a single unit is not considered an apartment.

AREA. The total size of a parcel or building, measured in square feet.

AVERAGE DAILY TRAFFIC. The average number of vehicles passing in both directions along a road or to and from a specific location over the course of 24 hours. In the case of accessory occupations, average daily traffic count shall be the average number of vehicles entering and existing the site during its hours of operation.

BANK. See “Financial Business.”

BAR. A structure or part of a structure used primarily for the sale or dispensing of alcohol by the drink. Includes Tavern.

BASE AREA. The area, which is the length times the width, in square feet as of the effective date of this Ordinance.

BASEMENT. Any portion of a dwelling that is more than forty-two (42") inches below grade.

BUFFER. A strip of land used to separate incompatible uses.

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

BUILDING, FRONT LINE. The line that coincides with the face of the building nearest the front of the lot. The face includes sun parlors and enclosed porches but does not include steps. Said line shall be parallel to the front property line and measured as a straight line between the intersecting points with the side yard.

BUILDING, HEIGHT OF. The vertical distance measured from the mean elevation of the finished grade line of the ground above the front of the building to the highest point on the roof. For flat roofs; to the deck line of mansard roofs; and to the mean height level between eave and ridges for gable, hip and gambrel roofs.

BUILDING LINE. A line defining the minimum front, side or rear yard requirement outside of which no building or structure may be built.

BUILDING, PRINCIPAL. A building in which the main or principal use of the lot on which it is located is conducted.

BULK STATION. A place where crude petroleum, gasoline, naphtha, benzene, kerosene, liquid fertilizer or other flammable liquid is stored for wholesale purposes only, where the aggregate capacity for all storage tanks is more than six thousand (6000) gallons.

BUSINESS SERVICES. A business service establishment provides services to other businesses as their primary clientele, and may involve some outside storage of equipment or vehicles, but not of inventory. Business services include, but are not limited to, employee training, audio or visual communication media (including broadcast antennas, sign production and installation, equipment rental or repair, building maintenance, and self-service storage.

CHANGE OF USE. When the proposed or new use of a building or lot changes in a way that would be regulated differently than the current use or most recent legal use.

CHILD CARE CENTER – FAMILY. a private home in which 1 (one) but fewer than 7 (seven) minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian,

except children related to an adult member of the family by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than 4 (four) weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual. As used in this subparagraph, "providing babysitting services" means caring for a child on behalf of the child's parent or guardian when the annual compensation for providing those services does not equal or exceed \$600.00 or an amount that would according to the internal revenue code of 1986 obligate the child's parent or guardian to provide a form 1099-MISC to the individual for compensation paid during the calendar year for those services.

CHILD CARE CENTER – GROUP. A private home in which more than 6 (six) but not more than 12 (twelve) minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group child care home includes a home in which care is given to an unrelated minor child for more than 4 (four) weeks during a calendar year.

CHILD CARE CENTER – COMMERCIAL. A facility, other than a private residence, receiving one or more preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, pay group, or drop-in center. "Child care center" or "day care center" does not include a Sunday School conducted by a religious institution or a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.

CLINIC. An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professionals. This does not include treatment for alcohol and drug abuse.

CLUB. An organization catering exclusively to members and their guests, or premises and buildings for recreational, artistic, political, or social purposes, which are not conducted primarily for gain and which do not provide merchandise, vending, or commercial activities except as required incidentally for the membership, and purpose of the club.

COMMERCIAL CENTER, REGIONAL. A group of retail stores or service establishments, including malls, planned, developed, owned and managed as an integral unit, with off-street parking provided on the property, and related in location, size, and type of shops to the trade area which the unit serves.

COMMERCIAL RECREATION. Commercial Recreation facilities are for-profit establishments providing recreational activities for a fee. Commercial recreational facilities include such uses as bowling alleys, roller rinks, etc.

COMMERCIAL SCHOOL. A commercial school is a private education facility not operated as a not for profit entity and offering instruction in art, business, music, dance, trades, continuing professional education or other subjects.

COMMON LAND. A parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in the associated development.

CONVALESCENT OR NURSING HOME. A building wherein infirm and incapacitated persons are furnished shelter, care, food, lodging, and needed attention for a compensation.

CONVENIENCE STORE. A retail operation selling a variety of items which are primarily grocery products. They include items that may be required by neighborhoods residents on a day-to-day basis. Non-grocery items frequently sold in this kind of establishment include newspapers, magazines, seasonal needs, etc.

COVERAGE LOT. That percent of the plot or lot covered by buildings or structures, not including decks, patios or driveways.

CUL-DE-SAC. A street with only one outlet having sufficient space at the closed end to provide vehicular turning area.

DAY NURSERY. Includes day care centers, nursery schools, child care centers, all private establishments enrolling four or more children where tuition, fees, of other forms of compensation for the care of children is charge, which is licensed or approved to operate as a child care center.

DENSITY. The number of residential dwelling or commercial units permitted per acre of land, excluding land for street right-of-way, drainage ditches, etc.

DEVELOPER. Any person, including a governmental agency, undertaking any development or subdivision of land.

DEPTH. For the purposes of use within this ordinance, depth is the distance from a property line to a structure.

DISTRICT REGULATIONS. Regulations for properties within each Zoning District, are classified by their respective zoning district, and found in Chapters 7 through 13.

DRIVE-IN. A business establishment so developed that its retail or service character is dependent on providing a driveway approach of parking space for motor vehicles so as to serve patrons while in the motor vehicles or within a building on the same premises and devoted to the same purpose as the drive-in service. Drive-in is also interpreted to include “fast food” operations which serve food in disposable containers.

DWELLING. A building, or portion thereof, designed for occupancy by one family for residential purposes.

DWELLING TYPES. For the purpose of this Ordinance, dwellings are separated into the following categories:

SINGLE FAMILY DWELLING. A detached building containing one (1) dwelling unit only.

TWO FAMILY DWELLING. A building containing not more than two (2) dwelling units.

MULTIPLE DWELLING. A building or portion thereof containing three (3) or more dwelling units.

DWELLING UNIT. One or more rooms including a single kitchen designed for occupancy by one family for living and sleeping purposes.

ELECTRONIC MESSAGE BOARD. Changeable copy signs in which the copy consists of an array of lights activated and deactivated simultaneously or an electronic display.

ENTERTAINMENT. For the purposes of this ordinance “entertainment” means live performance. Video machines, billiards, etc. are not considered entertainment.

ESSENTIAL SERVICES. The erection, construction, alteration or maintenance of underground, surface, or overhead electrical, gas, water, and sewage transmission and collection systems and the equipment and appurtenances necessary for such systems to furnish an adequate level of public service.

FAMILY. An individual, or two or more persons related by blood, marriage, or adoption, living together in a dwelling unit, or group of not more than four (4) persons who need not be related, living together in a single dwelling unit.

FARM. A tract of land which is directly devoted to agriculture purposes, provided further that farms may be considered as including establishments operated as greenhouses, nurseries, orchards, chicken hatcheries, and apiaries; but establishments keeping furbearing animals, riding or boarding stables, kennels, quarries or gravel or sand pits, shall not be considered farms hereunder, unless combined with a

bonafide farm operation on the same contiguous tract of land of not less than ten (10) acres.

FARMING, GENERAL. The practice of agriculture on a farm as defined above.

FAST FOOD RESTAURANT. See Drive-in

FEEDLOT. A small, confined area for the concentrated feeding of animals or holding them temporarily for shipment. SEE ALSO HIGH IMPACT LIVESTOCK.

FINANCIAL INSTITUTION. Any business, the primary function of which is the receipt, exchange or distribution of cash or financial instruments for deposit, investment, loan, check cashing or currency exchange.

FRUIT ORCHARD. A planting of fruit trees for the purpose of harvesting fruit.

FUNERAL HOME. A building used for the preparations of the deceased for burial and the display of the deceased, and ceremonies connected therewith before burial or cremation for human remains.

GARBAGE. Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.

GREENHOUSE. A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate, out of season plants for subsequent sale or personal use.

GROSS FLOOR AREA. For the purpose of calculating parking and loading requirements and for determining the floor space for display of adult-related materials, the gross floor area is the floor area used for service to the public. It shall not include floor area used solely for storage or processing and/or packaging of merchandise.

GROUND WATER. Water occurring in the ground within the zone of saturation (the zone within which permeable soil and rock materials are saturated with water under hydrostatic pressure, Meinzer, 1949).

HAZARDOUS WASTE PRODUCING USE. Any use, that appears likely in the opinion of the Township, that wastes associated with the development may include substances, materials, waters or waste that can or will harm the sewage treatment process or equipment or have an adverse effect on the receiving stream, or can otherwise endanger life, limb, health or constitute a nuisance.

HIGH IMPACT OF LIVESTOCK. Any farm with a sufficient number of animals on the premises to equal or exceed a total of twenty (20) "Animal Units", as defined below. It is characterized by the continual, year-round confinement of

livestock or poultry where the confinement area accumulated manure that must be removed, or where a sustained ground cover (crops, vegetation, forage growth or post-harvest residue) cannot be maintained over the normal growing season throughout the area where animals are confined. This does not include livestock operations during which animals are confined as described above only during the winter months.

HOME OCCUPATION. Any business carried on by one or more members of a family residing on the premises and operating entirely within the principle dwelling.

HOSPITAL. An institution for the diagnosis, treatment or care of aged, sick or injured people. The term “hospital shall include sanatorium, rest home, nursing home, and convalescent home, but shall not include any institution for the care of mental disorders or the treatment of alcoholics or drug addicts.

HOUSE TRAILER OR TRAVEL TRAILER. A vehicular portable structure designed as a temporary dwelling for travel, and recreation and vacation uses. This includes recreational vehicles, “pop-up” campers, fifth wheels and other such similar vehicles or units. This does not include a mobile home or a manufactured home as otherwise defined within this ordinance.

INCARCERATION FACILITY. Any jail, prison, holding facility, work camp or detention center of any kind.

INCINERATOR. An engineered apparatus used to burn waste substances and in which all the combustion factors, temperature, retention time, turbulence and combustion air, can be controlled.

JUNK/SALVAGE YARD. A licensed open area where waste, used or second hand materials are bought, 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 Junk/Salvage Yard includes automobile-wrecking yards, and two or more inoperative, unlicensed vehicles located on a single lot. Operations with characteristics of salvage yards are called recycling centers, junk yards, scrap yards, etc., shall be considered as salvage yards.

KENNEL. A kennel is any facility where more than two (2) dogs or two (2) cats over four (4) months old are kept, or any building, lot, or premises where dogs or cats are kept or housed, for which payment is received. A place where services and facilities are provided for keeping, maintaining or harboring more than two (2) dogs or two (2) cats over four (4) months old for any of the following:

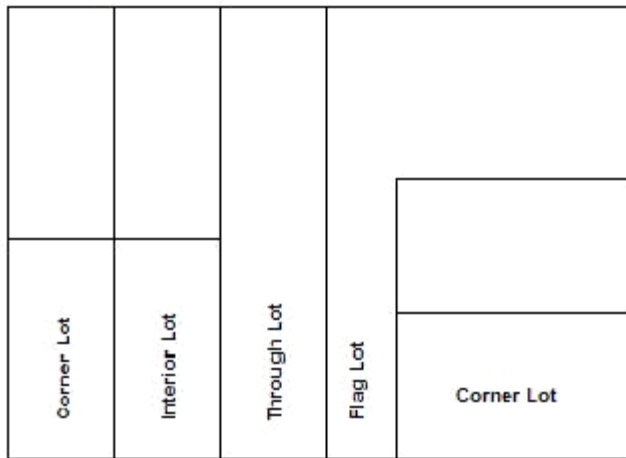
1. Boarding
2. Training (two or fewer dogs trained for use by police officers, search and rescue teams, or other similar organizations; two or fewer dogs trained for use by handicapped persons or trained to assist persons in wheelchairs are exempt)
3. Breeding (Except occasional breeding of family pets)

This shall not include residentially or agriculturally zoned premises or premises that are used for residential purposes, at which the occupant is keeping his or her own dogs or cats.

LOADING/BERTH SPACE. An off-street space at least ten (10) feet wide, twenty-five (25) feet long and fifteen (15) feet high, either within a building or outside on the same lot, provided, maintained and available for the loading or unloading of goods or merchandise, and having direct and unobstructed access to a public street or alley.

LOT. A parcel of land occupied or intended for occupancy by a main building and accessory buildings thereto, together with such open spaces as are required under the provisions of this Ordinance. Every lot shall abut upon and have permanent access to a public street.

Lot Types



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

LOT: CORNER, FLAG, INTERIOR AND THROUGH

CORNER LOT. A lot which has at least two contiguous sides abutting upon a street for their full length, and provided the two sides intersect at an angle of not more than one hundred thirty-five (135) degrees.

FLAG LOT. A lot which does not meet the minimum street frontage requirements, but is connected thereto by an access strip of less

than the required minimum width.

INTERIOR LOT. A lot other than a corner lot.

THROUGH LOT. An Interior Lot having frontage on two streets which do not intersect at a point contiguous to such lot.

LOT LINES. The lines abutting a lot as defined herein:

LOT LINE, FRONT. That line separating the lot from a street right-of-way. In case of a corner lot or through lot the lines separating the lot from each street.

LOT LINE, REAR. Lot line which is opposite the front lot line. In the case of a corner lot, the rear lot line may be opposite either front lot line, but there shall only be one rear lot line. In the case of a lot with side lines converging at the rear, the rear lot line shall be an imaginary line parallel to the front lot line,

not less than twenty (20) feet long, lying farthest from the front lot line and wholly within the lot.

LOT LINE, SIDE. Any lot line not a front lot line or not a rear lot line.

LOT, WIDTH OF. The width measured along the front lot line or street 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 in a common use by County and Community officials and which actually exists as shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

LUMBER YARD. A lumber yard is a business which emphasizes the sale of lumber and wood products where material may be stored or displayed in the principal building or in accessory shed-type structures.

MANUFACTURED HOME OR MANUFACTURED HOUSING. Includes the terms HUD-Code manufactured home and mobile home detailed below, and collectively means and refers to both.

MANUFACTURED HOME, HUD-CODE. A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 CFR § 3282.8(g).

MOBILE HOME. A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

MODULAR HOME. A fabricated, transportable building unit designed to be incorporated at a building site into a structure on a permanent foundation for residential use. Modular homes are subject to the same regulations and building code requirements as traditional or stick built homes.

MANUFACTURED HOME PARK. A parcel of land fifteen (15) acres or more intended and designed to accommodate sixty (60) or more mobile homes for residential use, which is offered to the public for that use along with any structure,

facility, gear or equipment permitted and incidental to the residential use. Referred to also as “Park.”

MANUFACTURED HOME SPACE. A plot or parcel of land within the Manufactured Home Park designed to accommodate one (1) Manufactured home or mobile home.

MANUFACTURED HOME STAND. That part of a Manufactured Home Space which has been reserved for the placement of the Manufactured Home or Mobile Home, appurtenant structures, or additions.

MEETING HALL. A facility used for meetings of its membership and/or general purpose. Kitchen facilities and other such similar uses are considered an accessory use. This may include special events, or availability of the hall for use by members of the organization.

MOTEL. A building or group of buildings where individual spaces are offered for occupancy as temporary accommodations on a day-to-day basis. The term “motel” shall include buildings designated as auto courts, tourist courts, motor hotels, hotels and similar names.

NONCONFORMITY. Any use of land or a building, any parcel of land, or any building or other structure which does not comply with all of the District Regulations for the Zoning District in which it is located.

NONCONFORMING USE. Any use of building, structure, or land existing at the time of enactment of this Ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

OFFICE. An office is a place of business in which professional services are rendered or management activities of an enterprise are carried out. All such activities take place inside a building. Office activities include, but are not limited to, law, medicine, dentistry, accounting or bookkeeping, tax preparation, insurance, securities brokerage, executive or managerial functions for any type of enterprise, workshop or studio for a graphic artist or photographer, studio for broadcast media, all aspects of a newspaper or publishing business except actual printing, binding or distribution centers, and a base of operation for salespeople which does not include storage or display of merchandise.

OPEN SPACE. An open area which is designed and intended to provide light and air, and is designed for providing separation of uses, or for environmental, scenic or recreational purposes. An area of usable open space shall have a slope not exceeding ten percent (10%), shall have no dimension of less than ten feet (10'), and may include, but is not limited to, landscaping, walks, active and passive recreation areas, playground, wooded areas, water features and decorative objects such as art work or fountains. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

OUTSIDE STORAGE. An uncovered area where large bulk goods are stored, such as lumber, building supplies, animal feed, fencing, piping, etc.

PARCEL. A parcel is a continuous piece of land under uniform ownership which is occupied or intended for occupancy by principal building or use and any accessory building or uses thereto.

PARKING SPACE. An off-street space of at least two hundred (200) square feet exclusive of necessary driveways, aisles or maneuvering areas suitable to accommodate one (1) motor vehicle and having direct unobstructed access to a street or alley.

PERSONAL SERVICE BUSINESS. A personal service business primarily serves needs of individual people or families, including but not limited to hair or skin care, grooming dry cleaning, millinery or tailoring, shoe repair, and repair of small appliances, watches or jewelry.

PLANNED UNIT DEVELOPMENT. An area of minimum size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of non-residential uses to residential uses as shall be specified.

POND. An open water body either natural or created as a result of excavation.

POND, LARGE. A pond which is more than one acre of water surface area.

POND, SMALL. A pond which is one acre or less of water surface area.

POND, DECORATIVE. A pond of less than 500 square feet of water surface area.

PRINCIPAL BUILDING. A building in which is conducted the principal use of the lot on which it is located.

PRINCIPAL USE. The main use to which the premises are devoted and the principal purpose for which the premises exist.

PRIVATE ROAD. Any alley, street, road or driveway, other than a dedicated and accepted public road, alley or easement, that provides access for vehicular traffic and utilities and/or from two or more parcels that do not front on a public street.

PUBLIC STREET/ROAD. Any vehicular way which: (1) is an existing state, county, or municipal roadway; or (2) is shown upon a plat approved pursuant to law; or (3) is approved by other official action; and includes the land between the street or right-of-way lines, whether improved or unimproved. A public thoroughfare which affords the principal means of access to abutting property.

PUBLIC UTILITY. Any person, firm, corporation, municipal department or board fully authorized to furnish to the public electricity, gas, steam, telephone, telegraph, transportation or water service.

PUBLIC UTILITY AND SERVICE INSTALLATIONS. For the purpose of this ordinance and for classifying uses subject to the requirements of Section 1417, public utility and service installations includes transformers and pump stations and meters and those aspects of electric, telephone, water and sewer tanks and pump stations, cable television, gas and other similar services that provide direct service to the ultimate consumer and shall include warehousing, storage yards and similar industrially oriented facilities of utility companies. Certain utilities and services shall be exempt, for the purposes of this ordinance, from this definition and the requirements of Chapter 14. These include: traffic signals, fire hydrants, telephone booths and pedestals, mailboxes; wires, poles, pipes and meters and similar facilities which provide service connections between primary distribution lines or mains and individual residential, commercial or industrial customers; railroad tracks, signals, bridges and other similar facilities and equipment located on a railroad right-of-way.

RIGHT-OF-WAY. Land dedicated, deeded, used, or to be used, for a street, alley, walkway, boulevard, drainage facility, access for ingress or egress, or other purpose by the public, certain designated individuals, or governing bodies.

ROADSIDE STAND. A “roadside stand” is a structure for the display of agricultural products, with no space for customers within the structure itself.

RUBBISH. A general term for solid waste, excluding food waste and ashes taken from residences, commercial establishments and institutions.

SALE, GARAGE (INCLUDING RUMMAGE SALE, BASEMENT SALE, YARD SALE.) A temporary sale of used personal items.

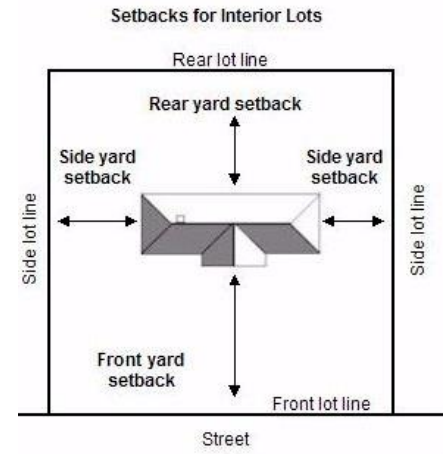
SALES AREA. The area open to the public of a retail or wholesale establishment used for the display or transaction of goods.

SANITARY LANDFILL. A tract of land developed, designed, and operated to accommodate general types of solid waste including but not limited to garbage, rubbish, soils, and concrete, but excluding hazardous waste.

S.E.V. The State Equalized Valuation of the property in question, as determined by the ownership Assessor. This is presumed to be fifty percent (50%) of the property’s true cash value.

SERVICE BUSINESS. A service business is an enterprise which deals in the performance of work for hire. No outdoor activity takes place on the premises. All work is performed either at the customer’s place of business or residence or within the building occupied by the service business. See also “Office”, “Personal Service Business”.

SETBACK. A distance measured from the outer boundary of a parcel in which erection of a structure, including a sign, is not permitted. A Front Setback is measured from the edge of the right of way and any abutting roadway. A Rear Setback is measured from the rear property line. A Side Setback is measured from any other abutting property line. Corner lots shall require two front setbacks, but only once rear setback.



SIGN. A name identification, description, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or piece of land and which is intended to direct attention to an object, product, place, activity, person, institution, organization or business. However, a “sign” shall not include a sign located completely within an enclosed building.

For the purpose of this ordinance the following sign or sign-related terms are defined:

AREA, OR SURFACE AREA, OF SIGN. That area per face enclosed by one outline, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display.

OFFSITE SIGN. A freestanding outdoor sign which advertises something not located on the immediate premises.

COMMUNITY SPECIAL EVENT. Signs for specific and temporary purposes requiring approval of the Township Board.

CONSTRUCTION SIGNS. Signs which identify architects, engineers, contractors and other individuals or firms involved with a construction project, but not including advertisement of any product. These include signs announcing the character of the building enterprise or the purpose for which the building is intended.

ELECTRONIC MESSAGE BOARD. Changeable copy signs in which the copy consists of an array of lights or similar technology, activated and deactivated simultaneously to display messages or pictures.

FREESTANDING/MONUMENT. A sign which is affixed to a permanent foundation, but not attached to the building proper. (Also “Ground Mounted” sign).

GROUND LEVEL. The elevation to be used for computing the height of the signs. Defined as the roadway centerline grade elevation at its intersection with the centerline of the driveway serving the parcel which is located nearest to the sign location.

ILLUMINATED SIGN. A sign that provides artificial light directly or through any transparent or translucent material.

INTEGRAL SIGN. Names of buildings or farm, date of erection, monumental citation, commemorative tablets and the like when made an integral part of the walls of the structure (or roof for farm buildings).

LAND DEVELOPMENT PROJECT SIGNS, TEMPORARY. Signs pertaining to the sale, lease, rent or development of a subdivision, planned shopping center, office building, industrial park or similar land parcel.

LOCATION. A lot, premise, building, wall or any place whatsoever upon which a sign is located.

MARQUEE. An identification sign attached to or made a part of a marquee, canopy, or awning projecting from and supported by the building.

POLITICAL CAMPAIGN SIGNS. Signs announcing candidates for public political office and other data pertinent to an upcoming election.

PRIVATE TRAFFIC DIRECTION. Signs directing traffic movement or giving instructions, located within a parcel.

PROJECTION. The distance by which a sign extends over public property or beyond the building line.

PROJECTING SIGN. A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

PROPERTY RENTAL SIGNS. Signs on the premises announcing rooms, apartment or house for rent, not to exceed 4 square feet.

PUBLIC SIGNS. Signs of a governmental nature and in the public interest, erected by, or on the order of, a public officer in the performance of his or her public duty.

REAL ESTATE SIGNS. Signs advertising the sale, rental or lease of the premises or part of the premises on which they are displayed.

ROOF LINE. This shall mean either the high point of the roof or the top of the parapet, whichever forms the top line of the building silhouette and where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

ROOF SIGN. Any sign erected, constructed, and maintained wholly upon or over the roof of any building.

SIZE OF SIGN. The size of a sign is computed as the product of its height and its width expressed in square feet. A sign shall be considered to have not more than two (2) sides, i.e., a 3-sided sign equals two (2) signs.

SPECIAL PURPOSE SIGNS. Any other temporary signs.

STREET BANNERS. Fabric signs, suspended across public streets advertising a public entertainment or event. The location and contents of each street banner must be specially approved by the Saginaw County Road Commission.

TEMPORARY SIGN. A display, informational sign, banner, or other advertising device intended for a limited period of display, including any sign which can be physically lifted, pulled, carried or wheeled from one located to another.

WALL SIGN. One affixed directly to or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from the surface less than twelve (12) inches at all points.

SITE, AREA of. The total area within the property lines excluding rights-of-way, easements, etc.

SPECIAL USE. The term applies to a use which may be permitted by the issuance of a Special Use Permit by the Township Planning Commission. Specified procedures and requirements, as outlines in cited sections must be complied with prior to final issuance of said permit.

SPECIALITY CONSTRUCTION. A business use that involves the limited manufacturing or creation of certain equipment or elements, including but not limited to flooring, cabinet marking, fire prevention, and other such similar uses but only when associated with office space and/or showroom space. This is not

intended to include areas for manufacturing or staging of equipment only. All construction and storage must be within a wholly enclosed building.

SPECIFIED ANATOMICAL AREAS. (1) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola. (2) Human genitals in a discernable turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES. (1) Human genitals in a state of stimulation or arousal. (2) Acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual), or sodomy. (3) Fondling of or erotic touching of human genitals, pubic region, buttock or female breast. (4) Bestiality. (5) Fellatio and cunnilingus. (6) Human excretory function.

STABLE, PRIVATE. An accessory building in which horses are kept for private use and not for hire, remuneration, or sale, and further that not more than three (3) horses are boarded.

STATE LICENSED RESIDENTIAL FACILITY. A State Licensed Residential Facility is a private residence licensed by the State of Michigan to receive not more than six (6) aged, emotionally disturbed, developmentally disabled or physically handicapped adults who require ongoing supervision but not continuing nursing care. Note that the licensee must be a member of the household and an occupant of the residence. Note also that none of the following may be construed to be a State Licenses Residential Facility: a nursing home, home for aged, or hospital as defined by Act 368 or 1978; a hospital for the mentally ill as defined by Act 258 of 1974; a county infirmary as defined by Act 280 of 1939; a child caring institution, children's camp, foster family home or group home as defined by Act 116 of 1983; a Veterans' facility as defined by Act 152 of 1885; an alcohol or substance abuse rehabilitation center; a residential facility for persons released from or assigned to adult correctional institutions; a maternity home, or hotel or a rooming house; or a residential facility licensed by the State to care for four (4) or fewer minors.

STORY, HALF. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level and in which space not more than two-thirds (2/3) of the floor area is finished off for the use. A half-story (1/2) containing independent apartments or living quarters shall be counted as a full story.

STREET, FUNCTIONAL, CLASSIFICATION. Functional classification is the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide. Three basic groups include: (1) Arterials primarily for mobility, (2) Collectors for both mobility and land access, and (3) Locals primarily for land access.

PRINCIPAL ARTERIAL. Serves the major centers of activity of the region, the highest traffic volume corridors, and the longest trip desire.

MINOR ARTERIAL. Interconnects with and augments the principal arterial system and provides service to trips of moderate length at a somewhat lower level of travel mobility than principal arterials.

COLLECTOR. Collector system provides both land access service and for local traffic movements within residential neighborhoods, commercial areas and industrial areas.

LOCAL. Serves as direct land access and access to higher systems.

STREET LINE. The legal line of demarcation between a street right-of-way and land for service, benefit or enjoyment.

TAVERN. An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.

TEMPORARY OUTDOOR USE. A use carried out in an open area or uncovered or temporary structure, which is disbanded when the designated time period, activity, or use for which the temporary structure was erected, has ceased.

TOWER, COMMUNICATION. A radio, telephone, cellular telephone or television relay structure of skeleton framework, or monopole attached directly to the ground or to another structure, used for the transmission or reception of radio, telephone, cellular telephone, television, microwave or any other form of telecommunication signals.

USE. The purpose for which land or buildings are or may be occupied in a zoning district.

VARIANCE. A modification of the literal provisions of this Ordinance granted when strict enforcement thereof would cause undue hardship owing to circumstances unique to the specific property on which the modification is granted by the Board of Appeals on Zoning.

VEHICLE CAR WASH. An establishment being housed in a building or portion thereof together with the necessary mechanical equipment used for washing automobiles and using production line methods.

VEHICLE REPAIR SHOP. A repair business is an establishment engaged in the business of performing repairs on such vehicles, including work which requires the engine to be removed, replacement or modification of the frame, body, transmission or suspension systems, glass or upholstery replacement, or the painting or

undercoating of vehicles. A vehicle repair shop may be an accessory use to vehicle sales and vehicle service stations, in accordance with all other applicable regulations.

VEHICLE SALES. A business engaged in the sales, leasing or rental of new and used vehicles, including an open area or lot used for the display or sale of vehicles. Vehicle repair may be permitted as an accessory use to the primary use of the vehicle sales, however no dismantling of cars or sale or keeping of used car parts or junk on the premises is allowed.

VEHICLE SERVICE STATION. A service station is any establishment engaged in the direct retail sale of gasoline or other engine fuel, motor oil or lubricants, or performing interior or exterior cleaning, sale of tires, parts or accessories, inspection, lubrication, engine tuning, or minor repair for automobiles, vans or pickup trucks. Vehicle repair may be permitted as an accessory use to the service station, however no dismantling of cars or sale or keeping of used car parts or junk on the premises is allowed. A service station may include food service and convenience stores as a permitted accessory use.

VETERINARIAN. On qualified and authorized to treat diseases and injuries of animals.

VISUAL SCREEN. A method of shielding or obscuring one abutting structure or use from another by fencing, walls, berms or densely planted vegetation.

WASH BAY. A partially enclosed structure for washing vehicles in which the vehicle is driven into the structure, and hand washed with a wand-type apparatus by depositing coins or tokens into a machine.

WHOLESALE BUSINESS. A wholesale business is an enterprise which buys and/or repackages products for sale to retail businesses. Inventory of a wholesale business is stored within an enclosed building.

YARD. An open space on the same lot with a building, which may not be occupied by buildings, structures or parking areas, except as otherwise provided. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the nearest part of the building.

YARD, FRONT. A yard between the front lot line and the nearest point of the main building.

YARD, REAR. A yard between the rear lot line and the nearest point of the main building.

YARD, SIDE. The yard between the nearest point of the main building and any side line.

YARD, MINIMUM REQUIRED. That area located between the lot line and a line parallel to the lot line set at a distance from the lot line equal to the minimum setback for that side of the lot as defined for each zoning district.

ZONING ADMINISTRATOR. The zoning administrator is a person employed by the Township and duly authorized to carry out the functions of this ordinance. For the purposes of this ordinance, the zoning administrator includes the specific employee as well as any other duly directed township employee or other designee so authorized by the Township Board, the Township Planning Commission or Township Manager to administer and enforce the ordinance in order to provide for the health, safety and public welfare.

ZONING COMPLIANCE CERTIFICATE (a.k.a. Zoning Permit). A document authorized and issued by the Zoning Administrator, which verifies that the project or property was examined and found to be in compliance with the Richland Township Ordinances at the time the Zoning Compliance Certificate was issued.

ZONING DISTRICT. Zoning Districts are those areas of the community within which similar land use activities are permitted and for which the regulations contained within this Ordinance are the same. Zoning Districts are identified by Section 301. Their purpose is outlined in each respective zoning district chapter.

ZONING ENABLING ACT. Michigan Public act 110 of 2006.

3. Districts

SECTION 301. DIVISION OF THE TOWNSHIP

For the purposes of this Ordinance, all land within Richland Township, excepting streets and alleys, is divided into the following Zoning Districts. The districts as listed here are presumed to be in ascending order of permissiveness and land use intensity, or in descending order of restrictiveness as on proceeds from top to bottom.

- A-1 Agricultural
- A-2 Agricultural Dispersed Residential
- R-1 Residential Single-Family
- R-2 Residential Multi-Family
- C-1 Downtown Commercial
- C-2 General Commercial
- M-1 Industrial

SECTION 302. OFFICIAL ZONING MAP

The boundaries of Zoning District are defined and established as shown on a map entitled “Richland Township Zoning Map” which accompanies this Ordinance. This map, with all explanatory matter thereon, is hereby made part of this Ordinance.

SECTION 303. INTERPRETATION OF BOUNDARIES

Where uncertainty exist with respect to the boundaries of any of the districts indicated on the official Zoning Map, the following rules shall apply.

- (1) Boundaries indicated as approximately following streets or highways shall be presumed to follow the centerline of said roadways.
- (2) Boundaries indicated as approximately following Township boundary lines or property lines shall be presumed to follow said lines.
- (3) Boundaries indicated approximately parallel to the center lines of streets or highways shall be interpreted as being parallel thereto and at such distance there from as indicated by given distance or scaled dimension.

SECTION 304. SCOPE OF REGULATIONS

No building or structure or part thereof shall be hereafter erected, moved, constructed, or altered, and no new use or change in use of a parcel or structure shall be made unless it conforms with the provisions of this Ordinance, including the regulation for the Zoning District in which it is located.

The regulations applying to Zoning districts include specific limitation on the use of land and structures, height and bulk of structures, parcel area and dimensions, setback

of structures from public thoroughfares and neighboring properties, and area of a parcel that can be covered by structures.

The Zoning Board of Appeals shall have the power to classify a use which is not specifically mentioned by this Ordinance. Said use shall be treated in a like manner with a comparable permitted or prohibited use for the purpose of clarifying the District regulations of any Zoning District.

SECTION 305. APPROVAL OF PLATS

No proposed plat of a new or redesigned subdivision shall hereinafter be approved by either the local governing body or its agents unless the lots within the plat equal or exceed the minimum size and width requirements of this Ordinance and all other applicable codes or Ordinances.

SECTION 306 – PERMITTED USES

The following table lists the uses permitted for each zoning district. A use which is a use by right is designated with R in the column. A use which requires a special use permit is designated with S in the column. Uses which are not listed are not permitted. Uses which are not designated as a use by right or use by special use permit are not permitted in that zoning district. Proposed uses which are not listed but are similar to a listed use may be approved by the Richland Township Planning Commission under the rules of the most similar listed use.

If there is a discrepancy between the table in this section and the lists in sections 308 to 314, the lists in sections 308 to 314 shall prevail.

All listed uses are subject to the restrictions and limitations defined within the Richland Township Zoning Ordinance for the use and the zoning district.

RICHLAND TOWNSHIP ZONING ORDINANCE

Planned Use	ZONING DISTRICT						
	A1	A2	R1	R2	C1	C2	M1
Accessory Occupation.	S	S	S	S			
Accessory Uses to any of the permitted uses.	R	R	R	R	R	R	R
Adults only business						S	
Airports and commercial landing strips	S	S					S
Airstrip - Private	S	S					
Agriculture – Auction Yard	S						
Agriculture – Bulk Storage	R	S					R
Agriculture – Commercial Grain and seed elevators	S	S					R
Agriculture - High Impact Livestock Raising.	S						
Agriculture - Low impact livestock or poultry raising.	R	R					
Agriculture and Forestry - General, including field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, greenhouses, tree nurseries and similar agricultural enterprises. Includes storage of crops produced by property owner.	R	R					
Archery Range – Commercial, Indoor	S	S				R	
Archery Range – Commercial, Outdoor	S	S				S	
Automobile/Car Wash						R	

R – Use by Right S – Special Use Permit Required (blank) – Use not permitted in district

RICHLAND TOWNSHIP ZONING ORDINANCE

Planned Use	A1	A2	R1	R2	C1	C2	M1
Bus station.						R	
Campgrounds, expositions, day camps, as well as, nature centers and other similar uses.	S	S					
Care facilities – Adult (required by ZEA)	R	R	R	R			
Care facilities – Commercial Child Care	S	S	S		R	R	
Care facilities – Family Child Care (required by ZEA)	R	R	R	R			
Care facilities – Group Child Care (required by ZEA)	R	R	R	R	R	R	
Cemeteries, Public or Private, subject to the conditions specified for R-1 Districts.	R	R	S				
Conservation areas and structures for the conservation of water, soil, open space, forest or wildlife resources provided removal of any soil off site complies with the requirements contained in Large Ponds, Sec. 405 and Chapter 14.	R	R					
Contractor - Landscaping						R	R
Contractor – Heavy equipment storage	S						R
Contractor – Without heavy equipment storage	S					R	R
Cremation system.						S	R
Drive-in theaters and similar uses						S	
Dwellings - Apartments				R			
Dwellings - Multiple Family				R	S	S	
Dwellings - Single family	R	R	R	S			
Dwellings - Single Family Dwelling located on the same parcel with a religious institution.			R				
Dwellings - Townhouses				R			
Dwellings - Two Family	S	S		R			
Financial Institutions					R	R	
Fuel Sales/Storage – other than vehicle service station						S	S
Funeral home or mortuary.					R	R	
Golf - Driving Range	S	S				S	
Golf - Miniature golf courses or similar uses						S	
Golf courses, or Country Clubs.	S	S					
Government office or public safety facility.					R	R	

R – Use by Right S – Special Use Permit Required (blank) – Use not permitted in district

RICHLAND TOWNSHIP ZONING ORDINANCE

PLANNED USE	A1	A2	R1	R2	C1	C2	M1
Grain and Seed Sales, Cold Storage for cooperative and/or Wholesale Agricultural Products; and Similar Enterprises when directly related to agriculture, and PROVIDED the use does not create harmful or nuisance conditions for adjacent areas and uses therein. Agri-business processing and storage facilities used to serve farm products grown in the vicinity.	S	S					
Greenhouse and Nursery, Retail	S	S			S	R	
Greenhouses not selling retail on premise.	R	R					
Hazardous waste producing use.							S
Home Occupations. See section 402(5)	R	R	R	R	R	R	R
Hotels or motels.						R	
Incarceration facility and facilities for the treatment of drug and alcohol abuse.							S
Industrial, commercial, construction or farm equipment sales and repair.						S	
Junk yard.							S
Kennels	S	S					
Laboratories, research and testing.							R
Libraries.		R	R	R	R	R	
Licensed Type II landfill, resource recovery or incinerator.							S
Lighted outdoor court or field sports.	S	S	S				
Lumber yard, as defined, including up to five thousand (5,000) square feet for mill work.						R	
Lumber yard, as defined, when the area used for millwork is more than five thousand (5,000) square feet but no more than ten thousand (10,000) square feet.						S	
Lumber yard, as defined, when the area used for millwork is more than ten thousand (10,000) square feet.							R

R – Use by Right S – Special Use Permit Required (blank) – Use not permitted in district

RICHLAND TOWNSHIP ZONING ORDINANCE

PLANNED USE	A1	A2	R1	R2	C1	C2	M1
Manufactured Housing Community.				S			
Manufactured housing or Mobile home sales.						R	
Manufacturing - Tool and die shop or machine shop, inclusive of any raw materials, under 5,000 square feet – all activities must be completely enclosed in a building.						S	R
Manufacturing, processing, fabrication, packaging or assembly of goods. Natural, man-made, raw, secondary or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the whole market, for transfer to other plants or to order. Goods are generally not displayed or sold on site but if so, they are a subordinate part of sales.							R
Medical Care Facilities - Hospitals, assisted living, nursing or convalescent homes and clinics, excluding incarceration facilities and facilities for the treatment of drug and alcohol abuse.			R			S	
Meeting hall.				S	S		
Mini-storage business						S	
Municipal sewage treatment facility.							S
Museum or gallery - Commercial					R	R	
Museums or gallery - Public			R	R	R	R	
Nature preserve	S						
Office buildings for executive, administrative and professional uses					R	R	
Oil or gas processing facilities serving more than one well	S	S					
Open Space Residential Development, subject to the standards of Section 1412.	R	R	S				
Park - Outdoor court or field sports, without lights	R	R	R				
Park – Outdoor court or field sports, Lighted	S	S	S				
Park.					R	R	
Parks, Public Playgrounds, Public Recreational Grounds, and Grounds for Games and Sports, except those carried on as a business. See section 402(5).	S	S	R	R			
Personal Service Establishments which perform services on the premises, such as barber or beauty shops, repair shops for shoes, radio, television, jewelry, self-service laundries and photographic studios.					R	R	

R – Use by Right S – Special Use Permit Required (blank) – Use not permitted in district

RICHLAND TOWNSHIP ZONING ORDINANCE

PLANNED USE	A1	A2	R1	R2	C1	C2	M1
Planned Unit Development – Commercial Or Mixed Use	S	S			S	S	
Planned unit development - Residential		S	S	S	S		
Pond - Small, see Section 404 (5) general requirements.	R	R	R				
Pond - Decorative	R	R	R	R	R	R	R
Ponds - Large	S	S	S				
Printing and publishing.						R	R
Private club or meeting hall						R	
Public utility and service installations, subject to the requirements of Section 1417.	S					S	R
Race tracks						S	
Rail freight yard.							S
Recreational facilities, such as an arcade, bingo hall, bowling alley, or skating rink.						R	
Religious Use.	S	R	S	S	S	R	
Renting of rooms to not more than two (2) non-transient persons in a dwelling unit which is otherwise occupied in a manner permitted in the district in which located. See section 402(5).	R	R	R	R	R	R	
Restaurants, taverns or bars.					R	R	
Retail establishments					R	R	
Riding Stables.	S	S					
Roadside stands selling products grown or produced by the owner of the property upon which the stand is located.	R	R	S				
Roadway or utility service yard.							S
Soil, sand, clay or gravel extraction or quarries.	S	S					S
Schools – Non-commercial		R	S			R	
Schools - Commercial, including art, business, music, dance, professional and cosmetology.					R	R	
Shooting Clubs.	S						
Shooting Range – indoor	S	S				S	
Shooting Range - Outdoor	S						
State licensed residential facility and associated accessory structures.		R					

R – Use by Right S – Special Use Permit Required (blank) – Use not permitted in district

RICHLAND TOWNSHIP ZONING ORDINANCE

PLANNED USE	A1	A2	R1	R2	C1	C2	M1
Temporary Outdoor Uses such as displays, if the display relates directly to the typical sales and business conducted on the site and is set back either a minimum of twenty (20') feet from the right of way line in the area in which it is displayed or does not encroach the public right of way.					R	R	
Theater						R	
Truck terminal						S	
Vehicle Sales.					S	S	
Vehicle Service Station.					S	S	
Vehicle service, sales and repair, subject to the standards contained in Chapter 14.						S	
Veterinary Hospitals and clinics		S			S	S	
Warehouse and Storage Buildings and Yards.					S	R	R
Wholesale business.					S	R	R
Wireless Communication Facilities	S	S					

R – Use by Right S – Special Use Permit Required (blank) – Use not permitted in district

SECTION 307 – RESTRICTIONS ON PERMITTED USES

ACCESSORY OCCUPATION. In all zoning districts, an accessory occupation shall comply with the following restrictions:

1. It shall not be visible from outside the accessory structure.
2. The entire parcel shall be a minimum of three acres in size.
3. Be secondary to the use of the property as a rural agriculture or residential activity
4. Any outside storage must be screened from view from the public street and any neighborhood properties.
5. Shall be operated in such a way that as not to create a nuisance to neighboring properties or to the welfare of the township. This includes average daily traffic to and from the site, operations that may require specialized waste facilities or storage of hazardous materials and/or wastes.
6. Be confined to reasonable hours of operation.

ACCESSORY USE (includes accessory building). Manufactured homes, premanufactured homes, mobile homes or trailers, recreational vehicles whether used for dwelling purposes or for storage and shipping containers or other such similar items are not considered a permitted accessory use and may not be used as an accessory structure.

ADULT CARE FACILITIES – ADULT. State licensed adult care facilities are considered residential uses as defined in the Zoning Enabling Act.

CHILD CARE FACILITIES – FAMILY. Family child care facilities are considered a residential use in all residential zones as defined in the Zoning Enabling Act.

CHILD CARE FACILITIES – GROUP. Group child care facilities are allowed on any residential dwelling in any district. These facilities must comply with the requirements of the Zoning Enabling Act.

ELECTRONIC MESSAGE BOARD. An electronic message board shall have a frequency of message change not less than five (5) seconds

HOME OCCUPATION. A home occupation shall abide by the following rules:

- Shall be operated in its entirety within the principal dwelling;
- Shall not have a separate entrance from outside the building;
- Shall not involve alteration or construction not customarily found in dwellings;
- Shall not use any mechanical equipment except that which is used normally for purely domestic or household purposes;
- Shall not use more than twenty-five (25) percent of the total actual floor area of the dwelling;
- Shall not display, or create outside the structure any external evidence of the operation of the home occupation, except as permitted by Chapter 6, Signs.

ROADSIDE STANDS – Roadside stands shall provide contiguous space for the parking of customer’s vehicles off the public right-of-way at the ratio of one (1) parking space for each fifteen (25) square feet of roadside stand floor area.

SOIL, SAND, CLAY OR GRAVEL EXTRACTION OR QUARRIES. - Soil, sand, clay or gravel extraction or quarries shall not significantly decrease the value of the property.

TOWNHOUSES - Townhouses are not to exceed a density factor of eight (8) units per acre. There is a minimum site of one (1) acre and minimum lot area per unit equals eight thousand four hundred fifty (8,450) square feet for the first unit and three thousand seven hundred seventy (3,770) square feet for each additional unit. Minimum lot width of one hundred fifty (150’) feet is required and all units shall be connected to public water and sanitary sewer facilities.

SECTION 308. List of Permitted Uses - Agricultural

A1 - Agricultural	
Use by Right	Special Use Permit Required
Accessory Uses to any of the permitted uses.	Accessory Occupation.
Agriculture – Bulk Storage	Agriculture – Auction Yard
Agriculture - Low impact livestock or poultry raising.	Agriculture – Commercial Grain and seed elevators
Agriculture and Forestry - General, including field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, greenhouses, tree nurseries and similar agricultural enterprises. Includes storage of crops produced by property owner.	Agriculture - High Impact Livestock Raising.
Care facilities – Adult (required by ZEA)	Airports and commercial landing strips
Care facilities – Family Child Care (required by ZEA)	Airstrip - Private
Care facilities – Group Child Care (required by ZEA)	Archery Range – Commercial, Indoor
Cemeteries, Public or Private, subject to the conditions specified for R-1 Districts.	Archery Range – Commercial, Outdoor
Conservation areas and structures for the conservation of water, soil, open space, forest or wildlife resources provided removal of any soil off site complies with the requirements contained in Large Ponds, Sec. 405 and Chapter 14.	Campgrounds, expositions, day camps, as well as, nature centers and other similar uses.
Dwellings - Single family	Care facilities – Commercial Child Care
Greenhouses not selling retail on premise.	Contractor – Heavy equipment storage
Home Occupations. See section 402(5)	Contractor – Without heavy equipment storage
Open Space Residential Development, subject to the standards of Section 1412.	Dwellings - Two Family
Park - Outdoor court or field sports, without lights	Golf - Driving Range
Pond - Decorative	
Pond - small, see Section 404 (5) general requirements.	Golf courses, or Country Clubs.
Renting of rooms to not more than two (2) non-transient persons in a dwelling unit which is otherwise occupied in a manner permitted in the district in which located. See section 402(5).	Grain and Seed Sales, Cold Storage for cooperative and/or Wholesale Agricultural Products; and Similar Enterprises when directly related to agriculture, and PROVIDED the use does not create harmful or nuisance conditions for adjacent areas and uses therein. Agri-business processing and storage facilities used to serve farm products grown in the vicinity.

RICHLAND TOWNSHIP ZONING ORDINANCE

A1 - Agricultural	
Roadside stands selling products grown or produced by the owner of the property upon which the stand is located.	Greenhouse and Nursery, Retail
	Kennels
	Lighted outdoor court or field sports.
	Nature preserve
	Oil or gas processing facilities serving more than one well
	Park – Outdoor court or field sports, Lighted
	Parks, Public Playgrounds, Public Recreational Grounds, and Grounds for Games and Sports, except those carried on as a business. See section 402(5).
	Planned Unit Development – Commercial Or Mixed Use
	Ponds - Large
	Public utility and service installations, subject to the requirements of Section 1417.
	Religious Use.
	Riding Stables.
	Shooting Clubs.
	Shooting Range – indoor
	Shooting Range - Outdoor
	Soil, sand, clay or gravel extraction or quarries.
	Wireless Communication Facilities

SECTION 309. List of Permitted Uses – Agricultural Disbursed Residential

A2 - Agricultural Disbursed Residential	
Use by Right	Special Use Permit Required
Accessory Uses to any of the permitted uses.	Accessory Occupation.
Agriculture - Low impact livestock or poultry raising.	Agriculture – Bulk Storage
Agriculture and Forestry - General, including field crop and fruit farming, truck gardening, horticulture, aviaries, hatcheries, apiaries, greenhouses, tree nurseries and similar agricultural enterprises. Includes storage of crops produced by property owner.	Agriculture – Commercial Grain and seed elevators
Care facilities – Adult (required by ZEA)	Airports and commercial landing strips
Care facilities – Family Child Care (required by ZEA)	Airstrip - Private
Care facilities – Group Child Care (required by ZEA)	Archery Range – Commercial, Indoor
Cemeteries, Public or Private, subject to the conditions specified for R-1 Districts.	Archery Range – Commercial, Outdoor
Conservation areas and structures for the conservation of water, soil, open space, forest or wildlife resources provided removal of any soil off site complies with the requirements contained in Large Ponds, Sec. 405 and Chapter 14.	Campgrounds, expositions, day camps, as well as, nature centers and other similar uses.
Dwellings - Single family	Care facilities – Commercial Child Care
Greenhouses not selling retail on premise.	Dwellings - Two Family
Home Occupations. See section 402(5)	Golf - Driving Range
Libraries.	Golf courses, or Country Clubs.
Open Space Residential Development, subject to the standards of Section 1412.	Grain and Seed Sales, Cold Storage for cooperative and/or Wholesale Agricultural Products; and Similar Enterprises when directly related to agriculture, and PROVIDED the use does not create harmful or nuisance conditions for adjacent areas and uses therein. Agri-business processing and storage facilities used to serve farm products grown in the vicinity.
Park - Outdoor court or field sports, without lights	Greenhouse and Nursery, Retail
Pond - Decorative	
Pond - small, see Section 404 (5) general requirements.	Kennels
Religious Use.	Lighted outdoor court or field sports.

RICHLAND TOWNSHIP ZONING ORDINANCE

A2 - Agricultural Disbursed Residential	
Renting of rooms to not more than two (2) non-transient persons in a dwelling unit which is otherwise occupied in a manner permitted in the district in which located. See section 402(5).	Oil or gas processing facilities serving more than one well
Roadside stands selling products grown or produced by the owner of the property upon which the stand is located.	Park – Outdoor court or field sports, Lighted
Schools – Non-commercial	Parks, Public Playgrounds, Public Recreational Grounds, and Grounds for Games and Sports, except those carried on as a business. See section 402(5).
State licensed residential facility and associated accessory structures.	Planned Unit Development – Commercial Or Mixed Use
	Planned unit development - Residential
	Ponds - Large
	Riding Stables.
	Shooting Range – indoor
	Soil, sand, clay or gravel extraction or quarries.
	Veterinary Hospitals and clinics
	Wireless Communication Facilities

SECTION 310. List of Permitted Uses – Residential Single Family

R1 - Residential	
Use By Right	Requires Special Use Permit
Accessory Uses to any of the permitted uses.	Accessory Occupation.
Care facilities – Adult (required by ZEA)	Care facilities – Commercial Child Care
Care facilities – Family Child Care (required by ZEA)	Cemeteries, Public or Private, subject to the conditions specified for R-1 Districts.
Care facilities – Group Child Care (required by ZEA)	Lighted outdoor court or field sports.
Dwellings - Single family	Open Space Residential Development, subject to the standards of Section 1412.
Dwellings - Single Family Dwelling located on the same parcel with a religious institution.	Park – Outdoor court or field sports, Lighted
Home Occupations. See section 402(5)	Planned unit development - Residential
Libraries.	Pond - Large
Medical Care Facilities - Hospitals, assisted living, nursing or convalescent homes and clinics, excluding incarceration facilities and facilities for the treatment of drug and alcohol abuse.	Religious Use.
Museums or gallery - Public	Roadside stands selling products grown or produced by the owner of the property upon which the stand is located.
Park - Outdoor court or field sports, without lights	Schools – Non-commercial
Parks, Public Playgrounds, Public Recreational Grounds, and Grounds for Games and Sports, except those carried on as a business. See section 402(5).	
Pond - Decorative	
Pond - Small	
Renting of rooms to not more than two (2) non-transient persons in a dwelling unit which is otherwise occupied in a manner permitted in the district in which located. See section 402(5).	

SECTION 311. List of Permitted Uses – Residential Multi-Family

R2 - Residential Multi-Family	
Use By Right	Requires Special Use Permit
Care facilities – Adult (required by ZEA)	Accessory Occupation.
Accessory Uses to any of the permitted uses.	Dwellings - Single family
Care facilities – Family Child Care (required by ZEA)	Manufactured Housing Community.
Care facilities – Group Child Care (required by ZEA)	Meeting hall.
Dwellings - Apartments	Planned unit development - Residential
Dwellings - Multiple Family	Religious Use.
Dwellings - Townhouses	
Dwellings - Two Family	
Home Occupations. See section 402(5)	
Libraries.	
Museums or gallery - Public	
Parks, Public Playgrounds, Public Recreational Grounds, and Grounds for Games and Sports, except those carried on as a business. See section 402(5).	
Pond - Decorative	
Renting of rooms to not more than two (2) non-transient persons in a dwelling unit which is otherwise occupied in a manner permitted in the district in which located. See section 402(5).	

SECTION 312. List of Permitted Uses – Downtown Commercial

C1 - Downtown Commercial	
Use by Right	Special Use Permit Required
Accessory Uses to any of the permitted uses.	Dwellings - Multiple Family
Care facilities – Commercial Child Care	Greenhouse and Nursery, Retail
Care facilities – Group Child Care (required by ZEA)	Meeting hall.
Financial Institutions	Planned Unit Development – Commercial Or Mixed Use
Funeral home or mortuary.	Planned unit development - Residential
Government office or public safety facility.	Religious Use.
Home Occupations. See section 402(5)	Vehicle Sales.
Libraries.	Vehicle Service Station.
Museum or gallery - Commercial	Veterinary Hospitals and clinics
Museums or gallery - Public	Warehouse and Storage Buildings and Yards.
Office buildings for executive, administrative and professional uses	Wholesale business.
Park.	
Personal Service Establishments which perform services on the premises, such as barber or beauty shops, repair shops for shoes, radio, television, jewelry, self-service laundries and photographic studios.	
Pond - Decorative	
Renting of rooms to not more than two (2) non-transient persons in a dwelling unit which is otherwise occupied in a manner permitted in the district in which located. See section 402(5).	
Restaurants, taverns or bars.	
Retail establishments	
Schools - Commercial, including art, business, music, dance, professional and cosmetology.	
Temporary Outdoor Uses such as displays, if the display relates directly to the typical sales and business conducted on the site and is set back either a minimum of twenty (20') feet from the right of way line in the area in which it is displayed or does not encroach the public right of way.	

SECTION 313. List of Permitted Uses – General Commercial

C2 - General Commercial	
Use By Right	Special Use Permit Required
Accessory Uses to any of the permitted uses.	Adults only business
Archery Range – Commercial, Indoor	Archery Range – Commercial, Outdoor
Automobile/Car Wash	Cremation system.
Bus station.	Drive-in theaters and similar uses
Care facilities – Commercial Child Care	Dwellings - Multiple Family
Care facilities – Group Child Care (required by ZEA)	Fuel Sales/Storage – other than vehicle service station
Contractor - Landscaping	Golf - Driving Range
Contractor – Without heavy equipment storage	Golf - Miniature golf courses or similar uses
Financial Institutions	Industrial, commercial, construction or farm equipment sales and repair.
Funeral home or mortuary.	Lumber yard, as defined, when the area used for millwork is more than five thousand (5,000) square feet but no more than ten thousand (10,000) square feet.
Government office or public safety facility.	Manufacturing - Tool and die shop or machine shop, inclusive of any raw materials, under 5,000 square feet – all activities must be completely enclosed in a building.
Greenhouse and Nursery, Retail	Medical Care Facilities - Hospitals, assisted living, nursing or convalescent homes and clinics, excluding incarceration facilities and facilities for the treatment of drug and alcohol abuse.
Home Occupations. See section 402(5)	Mini-storage business
Hotels or motels.	Planned Unit Development – Commercial Or Mixed Use
Libraries.	Public utility and service installations, subject to the requirements of Section 1417.
Lumber yard, as defined, including up to five thousand (5,000) square feet for mill work.	Race tracks
Manufactured housing or Mobile home sales.	Shooting Range – indoor
Museum or gallery - Commercial	Truck terminal
Museums or gallery - Public	Vehicle Sales.
Office buildings for executive, administrative and professional uses	Vehicle Service Station.
Park.	Vehicle service, sales and repair, subject to the standards contained in Chapter 14.

RICHLAND TOWNSHIP ZONING ORDINANCE

C2 - General Commercial	
Personal Service Establishments which perform services on the premises, such as barber or beauty shops, repair shops for shoes, radio, television, jewelry, self-service laundries and photographic studios.	Veterinary Hospitals and clinics
Pond - Decorative	
Printing and publishing.	
Private club or meeting hall	
Recreational facilities, such as an arcade, bingo hall, bowling alley, or skating rink.	
Religious Use.	
Renting of rooms to not more than two (2) non-transient persons in a dwelling unit which is otherwise occupied in a manner permitted in the district in which located. See section 402(5).	
Restaurants, taverns or bars.	
Retail establishments	
Schools - Commercial, including art, business, music, dance, professional and cosmetology.	
Schools – Non-commercial	
Temporary Outdoor Uses such as displays, if the display relates directly to the typical sales and business conducted on the site and is set back either a minimum of twenty (20') feet from the right of way line in the area in which it is displayed or does not encroach the public right of way.	
Theater	
Warehouse and Storage Buildings and Yards.	
Wholesale business.	

SECTION 314. List of Permitted Uses – Industrial

M1-Industrial	
Use By Right	Special Use Permit Required
Accessory Uses to any of the permitted uses.	Airports and commercial landing strips
Agriculture – Bulk Storage	Fuel Sales/Storage – other than vehicle service station
Agriculture – Commercial Grain and seed elevators	Hazardous waste producing use.
Contractor – Heavy equipment storage	Incarceration facility and facilities for the treatment of drug and alcohol abuse.
Contractor - Landscaping	Junk yard.
Contractor – Without heavy equipment storage	Licensed Type II landfill, resource recovery or incinerator.
Cremation system.	Municipal sewage treatment facility.
Home Occupations. See section 402(5)	Rail freight yard.
Laboratories, research and testing.	Roadway or utility service yard.
Lumber yard, as defined, when the area used for millwork is more than ten thousand (10,000) square feet.	Soil, sand, clay or gravel extraction or quarries.
Manufacturing - Tool and die shop or machine shop, inclusive of any raw materials, under 5,000 square feet – all activities must be completely enclosed in a building.	
Manufacturing, processing, fabrication, packaging or assembly of goods. Natural, man-made, raw, secondary or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the whole market, for transfer to other plants or to order. Goods are generally not displayed or sold on site but if so, they are a subordinate part of sales.	
Pond - Decorative	
Printing and publishing.	
Public utility and service installations, subject to the requirements of Section 1417.	
Warehouse and Storage Buildings and Yards.	
Wholesale business.	

4. GENERAL REQUIREMENTS

SECTION 401. NONCONFORMITIES

- (1) Intent. It is the intent of this Section to permit the continuation of any lawful use of a building or land existing as of the effective date of this Ordinance. However, it is hereby declared that nonconformance with the provisions of this Ordinance is contrary to the best interests of the citizens of the Township and ought to be discontinued as circumstances permit.

- (2) Authority to Continue. Except as otherwise provided in this article, any nonconforming lot, use, sign or structure lawfully existing on the effective date of this Ordinance or subsequent amendment thereto may be continued so long as it remains otherwise lawful. All nonconformities shall be encouraged to convert to conformity wherever possible and shall be required to convert to conformity status as required by this chapter. The burden of establishing that any nonconformity is a legal nonconformity as defined by this article shall in all cases be upon the owner of such nonconformity and not upon the Township of Richland.

- (3) Historic Properties. Any nonconforming property in Richland Township which is listed on the State or National Register of Historic Places is specifically excluded from any requirement of this Section which would damage the historic character of the property. When any such property is the subject of any administrative decision, the input of Michigan’s State Historic Preservation Officer shall be requested in writing not less than thirty (30) days before any regulatory action may take effect.

- (4) Legality of Nonconformities. Legal nonconformities are presumed to have existed before the adoption of zoning regulation in Richland Township and illegal nonconformities to have been developed in conflict with zoning regulations through oversight or error.
 - a. The nonconformity existed before the effective date of this ordinance.

 - b. The use, parcel, building or structure in question meets one of the following standards.
 - (1) It complied with the District Regulations of the previous zoning ordinance at any point in time.

 - (2) The nonconformity was allowed under the previous zoning ordinance due to granting of a variance or special use permit.

 - (3) It had been recognized as a “legal nonconforming use” under the previous zoning ordinance.

- (4) The nonconformity resulted from land acquisition by a government agency, such as for a road right-of-way (Applies to nonconforming setback or lot size only).
 - (5) Area, width, and depth of parcel and the number of off-street parking spaces provided are at least ninety percent (90%) of minimum requirements for its zoning districts (Nonconforming Parcel only).
- (5) Inventory of Nonconformities. The Township Zoning Administrator is hereby required to establish and maintain an Inventory of Legal Nonconformities known to exist in Richland Township. Listed properties shall be arranged in the order of the Township Assessor's parcel identification numbers

All listed properties shall also be identified on a large scale map of the Township which shall be available for public inspection.

Properties shall be added to or deleted from the inventory as circumstances change or as Township officials become aware of previously unlisted situations.

Each listing in the Inventory of Nonconformities shall include the following information.

- a. Parcel identification number
 - b. Property address (if one is assigned)
 - c. Current owner(s)
 - d. Property description
 - e. Parcel dimensions
 - f. Sketch showing dimensions and setbacks of any structures and parking areas on the parcel.
 - g. Current zoning district
 - h. Current use of property
 - i. Number of off-street parking spaces provided
 - j. Description of all nonconformities
 - k. Criteria met by the property allowing its listing as a legal nonconformity
 - l. (Uses only) Base area of nonconforming use
 - m. (Uses only) any expansion of the base area of use made since the effective date of this ordinance.
- (6) RECONSTRUCTION AND RESTORATION
- a. No nonconformity shall be enlarged upon, expanded (including extension of hours of operation) unless such alteration is in full compliance with all requirements of this Ordinance. Normal maintenance and incidental repair of a legal nonconformity shall be permitted, provided that this does not violate another section of this article.

- b. Nothing in this article shall be deemed to prevent restoring a structure to a safe condition in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition, provided that such restoration is not otherwise in violation of the various provisions of this section prohibiting the repair or restoration of partially damaged or destroyed structure or signs.
 - c. No nonconformity shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved, unless changes are being made to the site in conformance with other sections of this part.
 - d. No use, structure or sign which is an accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless it shall thereafter conform to all regulations of this Ordinance.
 - e. Any lawful nonconforming use damaged by fire, explosion, an act of God or by other causes may be restored, rebuilt or repaired provided that the reconstruction or restoration work does not increase the gross floor area or value of the structure to more than which is permitted in other sections of this part.
- (7) Repair. Nothing in this Ordinance shall prohibit the improvement or modernization of a lawful nonconforming building to allow for facility improvement provided that such repair does not exceed 50% of the true cash value as determined by the State Equalized Value or increase the size of the primary structure by more than 30%. All improvements must be presented on a site plan developed in accordance with the data requirements of Section 1506 and approved by the Board of Appeals.
- (8) Changing Uses.
- a. The Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, provided the proposed use would be more suitable to the zoning district in which it is located than the nonconforming use which is being replaced. Whenever a nonconforming use has been changed to a more nearly conforming use or to a conforming use, such use shall not revert or be changed back to another nonconforming use unless such change shall be more nearly conforming.
 - b. Transfer of Ownership and Use. Any nonconforming use status may be transferred with the same rights guaranteed the new owners as those belonging to the owners of record on the effective date of this Ordinance.
- (9) Prior Construction Approval. Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of this Ordinance, provided that construction

is commenced within thirty (30) days after the date of issuance of the permit and that the entire building shall have been completed according to plans filed with the permit application within one (1) year after the issuance of the permit.

- (10) Nonconforming Lots.
 - a. A nonconforming lot of record may be used for any principal use permitted in the zone in which the lot is located, provided that for any use which is to be served by an individual well and/or septic system, the nonconforming lot shall be of a size and design to meet the minimum requirements of the Saginaw County Health Department for such well or septic systems.
 - b. If the proposed use is to be a single residential dwelling such that the lot is physically unable to provide the open space or yard requirements of this Ordinance, those yard requirements shall be waived.

SECTION 402. SUPPLEMENTARY USE REGULATIONS

- (1) Building Permits Required. Any construction related to any type of zoning administrative approval shall be commenced only after a building permit has been obtained.
- (2) Prior Building Permits. Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of this Ordinance, provided that construction is commenced within ninety (90) days after the date the permit was issued and that the building is completed according to the plans filed with the permit application within one (1) year of the date of issuance.
- (3) Required Water Supply and Sanitary Sewer Facilities. No structure shall be erected, altered, or moved upon any parcel for use as a dwelling, office, business, industry or public facility unless it is provided with a safe, sanitary, and potable water supply and with a safe and effective means of collections, treatment, and disposal of human, domestic, commercial, and industrial waste. All such installations and facilities shall conform with all requirements of the Saginaw County Health Department and applicable State agencies.
- (4) When public sewer is available or becomes available in the street, connection to the public sewer system shall be made within one hundred eighty (180) days.
- (5) Accessory Uses. Nothing in this Ordinance shall be construed to prohibit the following accessory uses.
 - a. Customary refreshment and service uses and buildings which are incidental to the recreational use of any park or recreational area.

- b. Buildings or structures necessary for provision of essential services.
 - c. Gardens, garden ornaments and usual landscape features within required yard space.
 - d. Fences within required yard space, provided they meet the standards cited in subsection 6, below.
 - e. Retaining walls.
 - f. Public playgrounds
 - g. Off-street parking for licensed motor vehicles and recreational equipment, not including trucks over one (1) ton rated capacity.
 - h. Accessory Occupations, in accordance with all other applicable regulations of this ordinance.
 - i. Home Occupations
 - j. Use of premises as a voting place.
 - k. The renting of rooms to not more than two (2) non-transient persons in a dwelling unit which is otherwise occupied in a manner permitted in the district in which is located.
- (6) Fences, Walls and Screens.

In residential or commercial districts, no fence, wall or hedge plantings shall exceed a height of three (3) feet within twenty (20) feet of any street right-of-way line. Fences, walls or structural screens shall not exceed three (3) feet in any front yard, and must be chain link or constructed in such a way that they can be seen through for the length of the fence in any Residential Zoning District.

Fences, other than those in front yards, shall not exceed six (6) feet in height in any Residential Zoning District. (In-ground swimming pools shall be installed pursuant to manufacturer's instructions and fenced at a height on no less than four (4) feet.)

All fences must be maintained in good condition and well maintained, which if wood or otherwise appropriate, includes regular painting. All fences shall be constructed with the preferred side towards the neighboring property.

Electric fences are permitted only in conjunction with permitted agricultural uses in agricultural districts.

- (7) Buffering of More Intense Uses. Whenever a more intensive use locates directly adjoining or adjacent to a less restrictive use, the more restrictive use shall be screened by a solid masonry wall or uniformly treated wood fence not less than five (5) feet high, or by a maintained evergreen planting strip. The planting strip shall provide a solid visual barrier at least five feet high and may include a berm. The Planning Commission and/or Zoning Administrator may allow and/or require the retention of a wooded or treed area as a visual screen and buffer to a residential area or other less restrictive use instead of a planting strip or other such visual barrier.
- (8) Storage of Garbage. All garbage and rubbish must be stored in close containers or within a building until the time of collection. No garbage or rubbish may be stored for a period of more than two weeks, or so as to cause hardship, health hazard, or annoyance to adjoining properties.
- (9) Inoperative or Dismantled Vehicles. The storage of dismantled, wrecked and/or unlicensed vehicles, including recreational equipment, in any Zoning district is expressly prohibited unless contained within a licensed junk yard or wholly within an enclosed structure. A dismantled, wrecked and/or unlicensed vehicle may be permitted to be stored outdoors provided said storage does not exceed one week. Note that the storage period may be extended with written permission of the Zoning Enforcement Officer, not to exceed thirty (30) days.
- (10) Parking of Licensed Recreation Vehicles. Parking of recreational equipment owned by and licensed to an occupant of the dwelling unit is permitted within any Residential or Agricultural Zoning District, except as follows:
- a. Within the road right-of-way.
 - b. Within any area that qualifies as a clear vision area.
 - c. In multi-family developments, all parking and storage of recreation vehicles must be in a rear yard and approved by the owner of the property.
 - d. Within side and rear setback requirements for accessory structures.

Recreational vehicles include all those small mobile units typically designed for recreational pastime, including boats, motor homes, camper trailers, jet skis, snowmobiles and similar vehicles and trailers. Each vehicle shall be considered one recreational vehicle, except in the case of jet skis, snowmobiles and other similar vehicles which when stored on a trailer each trailer can be considered one unit.

- (11) One commercial vehicle regardless of weight may be parked overnight and on Saturdays, Sundays and holidays OFF THE STREET AND ON THE PROPERTY OF THE VEHICLE'S OWNER OR CUSTODIAN provided that once it is parked it is not moved or operated. Parking of a semi-trailer or a tractor/trailer combination is prohibited. No tractor shall operate nor run its engine for any purpose.

- (12) Garage/Yard Sales. Sales of used material from a single family dwelling’s side yard, rear yard or garage may occur twice a year for a period not to exceed three days for each occurrence.
- (13) Auto Repair. Repair of vehicles not owned by a resident of the parcel on which such activity is occurring is expressly prohibited in any Residential Zoning District.
- (14) Exotic Animals. This ordinance prohibits any person to own, possess, keep, or harbor, an exotic animal, as defined in Chapter 2, except in compliance with 14b..
 - a. It shall be unlawful for a person to breed an exotic animal.
 - b. This section shall not apply to:
 - (1) Duly incorporated non-profit animal protection organizations housing an exotic animal at the written request of the animal control authority.
 - (2) Animal control or law enforcement agencies or offices acting under the authority of this section.
 - (3) Licensed veterinary hospitals or clinics.
 - (4) Any lawfully operated circus, rodeo, zoo or preserve.

SECTION 403. SUPPLEMENTARY DWELLING REGULATIONS

- (1) Must Comply with Code Requirements. Every dwelling must comply with all adopted construction codes. This includes meeting or exceeding all applicable roof snow loads and strength requirements. If the dwelling is a manufactured home, all construction, insulation, plumbing, or electrical apparatus shall conform to the “Mobile Home construction and Safety Standards” of the United States Department of Housing and Urban Development. Where any state or local regulation sets a more stringent standard than the “Mobile Home Construction and Safety Standards”, then the state or local standard shall apply.
- (2) Manufactured Home Installation. In the event that a dwelling is a manufactured home, it must be installed pursuant to the manufacturer’s setup instructions with the wheels removed. It also must be secured to the ground by an anchoring system or device complying with the township Building Code and the rules and regulations of the Michigan Mobile Home commission. Each manufactured home must have a perimeter wall or skirting which has the same dimensions as the dwelling. No manufactured home shall have any towing mechanism, undercarriage or chassis exposed.
- (3) One Single Family Dwelling Per Parcel. No building in the rear of or on the same lot with a principal building shall be used for residential purposes except for elderly or handicapped family members.

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- (4) Structures to be of Uniform Quality. Any additions, rooms or other areas of a dwelling must be constructed using workmanship and materials similar in quality to the original structure. Such additions, rooms or other areas must be permanently attached to the principal structure and must be supported by a foundation as required herein.
- (5) Maintenance. A dwelling must be properly maintained and protected against deterioration and damage from the elements or the passage of time, by prompt and appropriate repairs, surfacing, coating and any other necessary protective measures.
- (6) Use of Manufactured Home for Temporary Dwelling. A temporary dwelling may be authorized by the Planning Commission for a time period of one (1) year to house family members as provided in Section 403 (3), to house the owner and immediate family during construction of a single family home, and to house the owner and immediate family during the repair of a single family home that has been damaged to the degree that it cannot be occupied.

Any manufactured home intended for temporary use as a dwelling must meet the standards of this Ordinance and the Township Building code. No structure, fixed or portable, shall be erected or moved onto a parcel and used for dwelling for any length of time unless authorized by the Planning Commission. Temporary dwelling structures may not be occupied by more than one family.

An extension to the one (1) year allowance may be permitted when authorized by the Planning Commission in one year increments.

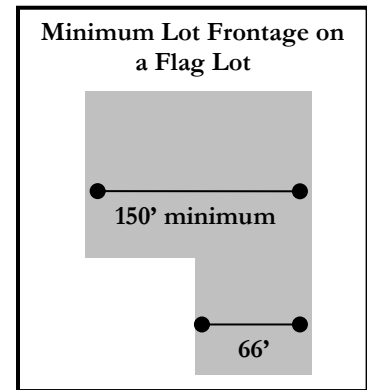
- (7) Storage Area. Every dwelling unit must contain a storage area equal to ten (10) percent of the square footage of the dwelling or one hundred (100) square feet, whichever is less, in a basement located under the dwelling, an attic area, closet areas, or in a separate structure which meets all requirement of the Township Building Code.
- (8) Foundation. All single-family dwellings, except mobile homes located in mobile home parks, must be firmly attached to a permanent foundation meeting the Township Building code requirements for such dwelling the walls of which have the same perimeter dimensions as the dwelling.
- (9) Dimensions. All single family dwellings must have a minimum width across front, side, and rear elevations of twenty-four (24) feet and comply in all respects with the Township Building Code, including minimum heights for habitable rooms.
- (10) Roof. All one or two-family dwellings, other than mobile homes or manufactured homes located inside manufactured home or mobile home parks, must have a pitched roof, the principal portion of which has a slope of no less than one (1) vertical unit to

four (4) horizontal units, the eaves of this roof must project no less than six (6") inches beyond the walls.

- (11) Exterior Doors. Every single family dwelling must have exterior doors on not fewer than two sides with steps and porches connected to said doors where required due to a difference in elevation.

SECTION 404. SUPPLEMENTARY PARCEL REGULATIONS

- (1) Minimum Lot Frontage. The front lot lines of all parcels shall abut a public street and shall have a contiguous permanent frontage at the front lot line for the required width. Planning Commission may permit frontage with a sixty-six foot (66') width on a parcel within an A-1 or A-2 district whose principal building site is more than three hundred feet (300') from the road right-of-way and which site has one dimension of at least one hundred fifty feet (150'). The lot line that is parallel to the public road or dedicated private street must be a minimum of one hundred and fifty (150') feet.



- (2) Access to a Street. Any parcel created after the effective date of this Ordinance shall have improved access to a public street or a private road, in compliance with Section 407.
- (3) Space Used Once. Any yard or other open space provided about any building or structure for the purpose of complying with the provisions of this Ordinance shall not again be used as a yard or other required open space for another building or structure except where one is to be demolished upon completion of the other.
- (4) Additional Front Setback. Where the current right-of-way width of an arterial or collector street is less than its future right of way width as determined by the Saginaw County Road Commission, an additional front yard setback from said street is required. The front yard setback for properties fronting on such a street shall be measured from a line which lies a distance of one half of the future right of way width from the centerline of the current right of way. This line shall be used for computing the front yard setback only. The current parcel dimensions shall be used for all other purposes under this Ordinance.
- (5) **Ponds.** Ponds are permitted as a landscaping enhancement, subject to the following and all other restrictions in this ordinance:
 - a. Ponds are allowed, subject the all other regulations, if one or more of the following apply:

- (1) It meets the definition for a Decretive Pond as defined in Chapter 2
 - (2) It is a use by right or by special use permit as defined in Chapter 3
 - (3) It is included as part of a legally approved subdivision plat
 - (4) It is included as part of a legally approved commercial or industrial site plan
 - (5) It is included as part of a legally approved Planned Unit Development
- b. In the R-1 Single Family Residential zoning district, Small Ponds are allowed, subject to the restrictions in this ordinance, only if the parcel or adjoining parcels under same ownership have a minimum 3 acres.
- c. In the R-1 Single Family Residential zoning district, Large Ponds are allowed only if the parcel or adjoining parcels under same ownership have a minimum 5 acres.
- d. Excavation Guidelines.
- (1) Soils excavated for the creation of these ponds may not be taken off the parcel site without a special use permit for that purpose.
 - (2) Sites of ecological significance, such as wetlands, should be avoided.
 - (3) Ponds should be located in areas which will minimize the chance of pollution from sources such as feedlots, farmsteads, corrals or septic tanks.
 - (4) Excavations may not extend closer than fifty (50') feet to a power line or property line.
 - (5) Excavations may not extend closer than one hundred twenty-five (125) feet to an existing leach field or closer that two hundred fifty (250) feet to an existing sewage retention or treatment pond.
 - (6) Small and Large Ponds shall have a designed minimum water depth of fifteen (15) feet to insure proper aeration and circulation of water.
 - (7) All Ponds shall have an escape ramp extending below the water's surface to a depth of a least eight (8) feet with a minimum slope of one (1) foot vertical to four (4) feet horizontal.
- e. A Zoning Compliance Certificate is required for all ponds.
- f. No Zoning Compliance Certificate will be issued for any pond unless and until the property owner can produce an approved permit from Saginaw County Department of Public Works for soil erosion control and can demonstrate that this pond is not a regulated wetland, as identified by the State of Michigan.
- g. Ponds requiring a special use permit are subject to the requirements defined in chapter 14.

SECTION 405. ACCESSORY BUILDINGS

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- (1) Accessory building not for Dwelling Use. No portion of an accessory building in any Zoning district is to be used as a dwelling.
- (2) Manufactured homes, pre-manufactured homes, trailers, recreational vehicles, shipping containers and other such similar items, whether they are used for dwelling purposes or not, are not considered an accessory building.

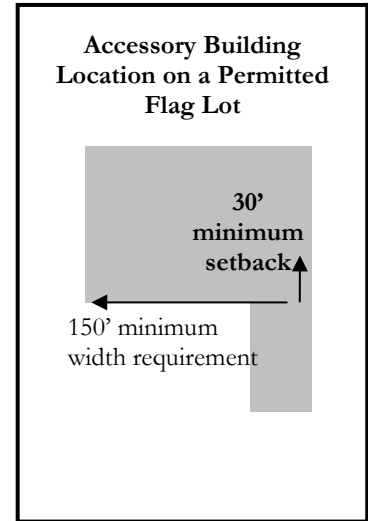
(3) Required Yards.

a. Front yard. All accessory buildings must be located a minimum of thirty (30') feet from the road right-of-way, or in the case of a flag lot, a minimum of thirty (30') feet from the front portion of the parcel which meets the minimum lot requirement.

b. Rear yard. No accessory building, including attached or detached garages shall be closer than five (5') feet to the rear lot line.

c. Side yard. No accessory building, including garages shall be erected closer to any side lot line than the permitted distance within the district for principal buildings except in a residential district. In cases in a residential district where an accessory building is located ten (10') feet or more from the rear of the principal building, then the accessory building shall be no closer than eight (8') feet from the side lot line.

d. Corner lot. No accessory building shall be closer to the side lot line than the side yard setbacks of the principal building on the lot. Where the rear line of a corner lot coincides with the sideline of an adjoining lot in a residential district, an accessory building shall not be closer than eight (8') feet to common lot line.



(4) Detached Accessory Buildings. In any R or C District detached accessory buildings shall comply with the following regulations:

- a. They shall not be used in any part for dwelling purposes.
- b. They shall not be more than one (1) story or twenty (20') feet.
- c. They shall not occupy more than thirty (30%) percent of the required rear yard area.

SECTION 406. SUPPLEMENTARY STRUCTURE REGULATIONS

- (1) Permitted Yard Encroachments. The following items shall be considered to be accessory structures, even though they may be attached to a principal building, and may project into required side or rear yards for the principal building. Setbacks for accessory structures as identified in Section 405 must be adhered to, as must also any requirements listed herein.
 - a. Open porches, paved terraces and patios provided the following restrictions apply. NOTE: Enclosed porches are considered to be part of the principal building, subject to all yard setback and area requirements.
 - (1) The highest finished elevation of the paved area or porch is not over three (3') feet above the average surrounding finished grade.
 - (2) If roofed a porch is enclosed and the roof is not higher than one (1) story
 - (3) If unroofed, paved areas or porches may provide non-continuous wind breaks or walls not over six (6') feet high and not enclosing more than one half (1/2) the perimeter of the paved area or porch.
 - b. Structural elements such as cornices sills chimneys gutters and similar features projecting a maximum of two and on-half (2 1/2') feet.
 - c. Fire escapes outside stairways and balconies, if of open construction projecting a maximum of five (5') feet.
 - d. Signs subject to provisions of Chapter 6.
- (2) Permitted Height Exceptions. The following exceptions shall be permitted to height limitations in the as provided in Section 405 of this Chapter. These permitted exceptions shall not be for human occupancy or dwelling. No exceptions are permitted to exceed the height limitations imposed by the Tri-City Area Joint Airport Zoning Ordinance.
 - a. Appurtenances to mechanical or structural functions, such as elevator and stairwell penthouses, ventilators, heating or air conditioning equipment, water storage tanks, and safety equipment shall be permitted to a maximum height of fifty-five (55') feet in any Commercial Zoning District and sixty (60') feet in any Industrial Zoning District.

- b. Special structures, such as chimneys or smoke stack, radio or television transmitting towers or antennas, or microwave relay towers shall be permitted to a maximum height of one hundred seventy five (175') feet in the A-1 Zoning District or in any Industrial Zoning District, excepting wireless communication towers.
- c. Water towers or standpipes shall be permitted to a maximum height of one hundred fifty (150') feet in any Zoning District.
- d. Residential television antennas or flagpoles shall be permitted to a maximum height of forty-five (45') feet in any Residential Zoning District. However, in no case shall the height of such antenna or flagpole exceed the height of the roof peak by more than fifteen (15') feet.
- e. Flagpoles in any C or M Zoning District are permitted to a maximum height of sixty (60') feet.

SECTION 407. PRIVATE ROAD REGULATIONS

- (1) Required Dimensions and Specifications. Any driveway or private road which serves or is intended to serve more than one (1) parcel or unit of ownership, shall consist of an easement and right-of-way of not less than sixty-six (66) feet in width. Such width shall include not less than twenty (20) feet of improved roadbed width with not less than three (3) feet of shoulder width on each side and adequate drainage ditches and necessary culverts on both sides to accumulate and contain surface waters from the road area. The roadbed shall be improved with not less than six (6) inches of a surface material of equal or superior quality to processed and stabilized gravel over a base of six (6) inches of granular soil. The private road shall have a grade of not more than seven percent (7%) and if dead-ended, shall have a cul-de-sac with a radius of not less than fifty (50) feet of improved roadbed for the accommodation of emergency, commercial, and other vehicles.
- (2) Construction Permits. Prior to the construction of any private road, detailed plans of the private road, including survey drawings showing the road location and easement, shall be submitted to the township for review and approval. The construction of any such private road or driveway shall not be approved unless such plans demonstrate satisfactory compliance with the requirements of subparagraph above. Approval of the plans shall be indicated by the issuance of a preliminary permit. Within sixty (60) days of the satisfactory completion of construction of a private road, the township shall issue a final permit. The township shall assess reasonable fees for the issuance of permits.

- (3) Easement and Maintenance Agreement. For each such private road or driveway subject to subparagraph above a document acceptable to the township shall be recorded with the County Register of Deeds and filed with the zoning administrator, specifying the legal descriptions of the easement and right-of-way and the legal descriptions of each parcel or unit of ownership served by the private road. The document must run with the land and bind each of the parcels or units of ownership served. The document shall further set forth an agreement between the owners of the properties served with respect maintenance of the private road, improvements thereto, and snow removal. The agreement shall provide for apportionment of the costs for such matters, and may provide for voting rights of the property owners with respect to decisions on such matters. The agreement shall also provide the township with the right to access and maintain the private road and charge the owners, in accordance with their agreement for apportionment of costs, all costs incurred plus a twenty-five (25%) percent administrative fee, in the event that the property owners fail to perform the agreed upon duties.
- (4) Clear Vision Area. Any intersection between private and public roads shall contain a clear vision triangular are of not less than twenty (20') feet along each right-of-way line as measured from the intersecting right-of-way lines.
- (5) Limitations, length. No driveway or private road that serves or is intended to serve more than one (1) parcel or unit of ownership shall extend for more than two thousand six hundred forty (2,640) feet from a public road. Any driveway or private road that serves or is intended to serve one or more parcels or units of ownership and extends for more than two thousand six hundred forty (2,640) feet from a public road must have a right-of-way not less than sixty six (66) feet in width and must be dedicated by the owner(s) as a public road.
- (6) Limitations, Parcels. No driveway or private road shall serve more than thirty (30) parcels. Any driveway of private road that serves or is intended to serve more than thirty (30) parcels must have a right-of-way not less than sixty six (66) feet in width and must be dedicated by the owner(s) as a public road.

5. Parking Requirements

SECTION 501. PURPOSE AND INTENT

It is the purpose and intent of this Ordinance that parking and loading areas be provided and adequately maintained in every zoning district for the purposes of promoting safe and efficient storage of motor vehicles; to avoid unnecessary congestion and interference with public use of streets; and to provide for sound and stable environmental conditions, the prevention of future blighted areas and to promote the ease of access to businesses.

SECTION 502. OFF STREET PARKING AND LOADING REQUIREMENTS

- (1) In all zoning districts, off street parking and loading requirements shall be provided in amounts not less than those specified for the various uses.
- (2) In no case shall on street parking or municipal/public parking lots or areas be counted toward off street parking requirements.
- (3) Requirements for a use not mentioned shall be the same for that use which is most similar to the use not listed.
- (4) Additional parking shall be provided and maintained in proper ratio to any increase in floor area or building use capacity.
- (5) For the purposes of determining off-street parking and loading requirements, the following provisions shall apply:
 - a. In mercantile establishments, gross floor area shall mean the floor area used for service to the public. It shall not include floor area used for storage or the processing and packaging of merchandise where it is carried on in a room in which service to the public is not involved.
 - b. In hospitals, bassinets shall not be counted as beds.
 - c. Where benches, pews or other similar facilities are used as seats, each twenty (20") inches of such seating facilities shall be counted as one (1) seat.
 - d. The landscaping must be maintained and kept alive.
- (6) In the case of mixed uses in the same building, each which occupies at least twenty percent (20%) of the floor area of a building, the total off-street parking requirement for the building shall be reduced to ninety percent (90%) of the sum of parking spaces required for the individual uses computed separately.

- (7) It shall be unlawful to use any of the off-street parking or loading areas established to meet the requirements of this Ordinance for any purpose other than the parking of licensed vehicles of the loading or unloading of necessary service truck.
- (8) Parking and loading is not allowed in the required front yard setback, or in the case of a corner lot, in the required setback for the side street. Off street parking shall be no closer to any principal building than five (5') feet. Bumper guards or curbs shall be installed to prevent yard encroachment.
- (9) Parking and loading areas may be extended to the property line except as herein specified by Section 502 (8).

SECTION 503. OFF STREET PARKING REQUIREMENTS

The suggested minimum and maximum number of off-street parking areas by type of use shall be determined in accordance with the following schedule.

USE	REQUIRED PARKING SPACES	MAXIMUM PARKING SPACES
RESIDENTIAL		
Residential, one-family and two family	One (1) for each dwelling unit.	N/A
Residential, Multiple-family	Two (2) for each dwelling unit.	Two (2) for each dwelling unit.
Manufactured Home Parks	Two (2) for each manufactured home unit.	Two (2) for each manufactured home unit.
INSTITUTIONAL		
Religious Institutions	One (1) for each five (5) fixed seats.	One (1) for each three (3) fixed seats.

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USE	REQUIRED PARKING SPACES	MAXIMUM PARKING SPACES
Libraries, museums, and post office buildings	One (1) for each six hundred (600) square feet of gross floor area, plus one (1) space for each employee employed therein.	One (1) for each six hundred (600) square feet of gross floor area, plus one (1) space for each employee employed therein.
Private golf clubs, swimming pool clubs, tennis clubs, or other similar uses	One (1) for each two (2) member families or individuals.	One (1) for each two (2) member families or individuals.
Golf courses open to the general public, except miniature or “par-3” courses	Six (6) for each one (1) golf hole and one (1) for each one (1) employee on largest shift.	Six (6) for each one (1) golf hole and one (1) for each one (1) employee on largest shift.
Theaters and auditoriums	One (1) for each four (4) seats, plus one (1) for each employee on maximum working shift.	One and a half (1½) for each four (4) seats, plus one (1) for each employee on maximum working shift.
Stadium, sports arena, or similar place or outdoor assembly	One (1) for each three (3) seats or six (6) feet of benches and one (1) for each employee on a maximum work shift.	One (1) for each three (3) seats or six (6) feet of benches and one (1) for each employee on a maximum work shift.
Auto wash	One (1) for each employee during busiest shift. In addition, adequate waiting space for autos shall be provided on the premises to accommodate twenty-five percent (25%) of the hourly rate of capacity. Plus one (1) space for each vacuuming space.	One (1) for each employee during busiest shift. In addition, adequate waiting space for autos shall be provided on the premises to accommodate fifty percent (50%) of the hourly rate of capacity.
Beauty parlor or barber shop	Two (2) spaces for each of the first two (2) beauty or barber chairs and one and one half (1 ½) spaces for each additional chair.	Two (2) spaces for each of the first two (2) beauty or barber chairs and two (2) for each additional chair.

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USE	REQUIRED PARKING SPACES	MAXMUM PARKING SPACES
Bowling Alleys	Three (3) for each one (1) bowling lane. Plus add one (1) space for each employee on a maximum shift.	Four (4) for each one (1) bowling lane. Plus add one (1) space for each employee on a maximum shift.
Assembly halls, without fixed seats, for commercial recreation including dance halls, pool or billiard parlors, skating rinks, and exhibition halls or buildings for similar assembly uses	One (1) space for each fifty (50) square feet of gross floor area used for permitted use.	One (1) space for each one hundred (50) feet of gross floor area used for permitted use.
Establishments for sale and consumption on the premises of beverages, food or refreshments	One (1) for each one hundred (100) square feet of gross floor area, except as otherwise specified herein.	One (1) for each fifty (50) square feet of gross floor area, except as otherwise specified herein.
Drive-in restaurants or similar drive-in uses for the sale of beverages, food or refreshment	One (1) for each fifty (50) square feet of gross floor area.	One (1) for each twenty-five (25) square feet of gross floor area.
Furniture and appliances, household equipment, repair shops showrooms and other similar uses	One (1) for each eight hundred (800) square feet of gross floor area used in processing, one (1) additional space shall be provided for each person employed therein on maximum working shift.	One (1) for each six hundred (600) square feet of gross floor area used in processing, one (1) additional space shall be provided for each person employed therein on maximum working shift.
Automobile service establishments	Two (2) for each lubrication stall, rack or pit; and one (1) for each service bay or fueling station.	Two (2) for each lubrication stall, rack or pit; and one (1) for each service bay or fueling station.
Laundromats and coin operated dry cleaners	One (1) for each two (2) washing machines.	One and a half (1½) for each two (2) washing machines.
Miniature or “Par-3” golf courses	Two (2) for each one (1) hole plus one (1) for each employee.	Three (3) for each one (1) hole plus one (1) for each employee.

RICHLAND TOWNSHIP ZONING ORDINANCE

USE	REQUIRED PARKING SPACES	MAXIMUM PARKING SPACES
Mortuary establishment	One (1) for each fifty (50) square feet of parlor or chapel space, plus one (1) for each employee on maximum working shift.	One (1) for each forty (40) square feet of gross floor area, plus one (1) for each employee on maximum working shift.
Motel, hotel, or other commercial lodging establishments	One (1) for each one (1) occupancy unit, plus one (1) for each employees on maximum working shift, plus extra spaces for any assembly rooms, ballrooms, or meeting rooms where the capacity of such areas exceeds the number of beds in the building.	One (1) for each one (1) occupancy unit, plus one (1) for each employees on maximum working shift, plus extra spaces for any assembly rooms, ballrooms, or meeting rooms where the capacity of such areas exceeds the number of beds in the building.
Retail stores less than five thousand (5000) square feet of gross floor space, as otherwise specified herein	One (1) for each three hundred (300) square feet of gross floor area plus one (1) for each employee on maximum working shift.	One (1) for each two hundred and fifty (250) square feet of gross floor area plus one (1) for each employee on maximum working shift.
Retail stores less than fifteen thousand (15000) square feet of gross floor space, as otherwise specified herein	One (1) for each two hundred and fifty (250) square feet of gross floor area plus one (1) for each employee on maximum working shift.	One (1) for each two hundred (200) square feet of gross floor area plus one (1) for each employee on maximum working shift.
Retail stores more than fifteen thousand (15000) square feet of gross floor space, as otherwise specified herein	One (1) for each two hundred and fifty (250) square feet of gross floor area plus one (1) for each employee on maximum working shift.	One (1) for each two hundred and twenty-five (225) square feet of gross floor area plus one (1) for each employee on maximum working shift.

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USE	REQUIRED PARKING SPACES	MAXIMUM PARKING SPACES
Financial Institutions	One (1) for each four hundred (400) square feet of gross floor area	One (1) for each two hundred (200) square feet of gross floor area.
Automatic Teller Machines (ATM) when not incorporated in a drive thru or when located outside or separate from a financial institution or other facility	Two (2) spaces for each one ATM machine.	Two (2) spaces for each one ATM machine.
Business offices or professional offices except as indicated in the following item	One (1) for each six hundred (600) square feet of gross floor space.	One (1) for each three hundred (300) square feet of gross floor space.
Professional offices of doctors, dentists or similar professions	One for each twenty (20) square feet of gross floor area in waiting rooms, and two (2) for each examining room or dental chair, plus one (1) for each employee at maximum shift.	One for each twenty (20) square feet of gross floor area in waiting rooms, and two (2) for each examining room or dental chair, plus one (1) for each employee at maximum shift.
Livestock Auction Yard and other such similar agricultural related use	One (1) for each employee plus one for each three (3) patrons to the maximum capacity of the facility. Parking area available along private drives may be used to meet this provision.	One (1) for each employee plus one for each three patrons to the maximum capacity of the facility. Parking area available along private drives may be used to meet this provision.
INDUSTRIAL		
Industrial or research establishments	Five (5) visitor spaces plus one (1) for each employee on maximum working shift.	Five (5) visitor spaces plus one (1) for each employee on maximum working shift.
Wholesale establishments	Five (5) visitor parking spaces plus one (1) for each employee in the largest working shift.	Five (5) visitor parking spaces plus one (1) for each employee in the largest working shift.

SECTION 504. AUTHORITY TO EXCEED PARKING MAXIMUM

- (1) Authority. The Zoning Administrator and/or the Planning Commission may require or allow the installation of more than the maximum number of parking stalls if the Zoning Administrator determines that:
 - a. Such additional parking is necessary to meet the parking demand for a specified use; and
 - b. Cooperative use of parking is not available or adequate to meet demand; and
 - c. Any required transportation management program will remain effective.

SECTION 505. EXISTING PARKING EXCEEDING MAXIMUM

- (1) **Spaces Serving Another Use.** Parking spaces in excess of the maximum number allowed which serve a use located on another property through a cooperative parking agreement or other document may remain so as long as the written, recorded obligation to supply that parking remains effective.
- (2) **General.** Any other parking spaces in excess of the maximum number allowed may remain until there is a substantial remodel of the structure or change in use or business use for which the parking is provided. At the time of a substantial remodel or change in use, the number of parking stalls must conform to the requirements of this section and the design of all new or modified parking and circulation areas must conform to the requirements of this section.
- (3) **Exception.** If a substantial remodel results in a total gross floor area for the entire development of ten thousand (10,000) square feet or less, parking spaces in excess of the maximum allowed may remain in reserve, if it is land banked and properly landscaped, subject to the approval of the Zoning Administrator.

SECTION 506. SHARED USE OF PARKING

- (1) **General.** The Zoning Administrator may approve shared use of parking facilities located on separate properties if:
 - a. The properties are within five hundred (500') feet and do not require pedestrians to cross M-46 or Hemlock Road.
 - b. The availability of all affected properties is indicated by directional signs as permitted by the sign ordinance.

- c. **Number of Spaces Required.** If the uses sharing parking have the same hours of operation, the parking provided shall total the individual parking requirements. If the hours of operation differ, the Zoning Administrator will work with the property owners to determine the number of spaces required. If the following criteria are met, that total is reduced by ten percent (10%):
 - 1. The availability of parking for all affected properties is indicated by direction signs, as permitted by the sign ordinance.
 - 2. **Documentation Required.** Prior to establishing shared use of parking, the property owner or owners shall file with Richland Township a written agreement approved by the Zoning Administrator providing for the shared parking use. The agreement shall be recorded on the title records of each affected property.

(2) **Parking in the Downtown Commercial District.** The dense development within the Township's established Downtown Commercial district may prevent a development from providing the required amount of parking on site. In order to accurately calculate and provide for off street parking in these districts, the following provisions apply:

- a. Off street parking may be located on another parcel within one thousand five hundred feet (1,500') of the use in question provided that there is a written agreement approved by the Zoning Administrator providing for the shared parking use. The agreement shall be recorded on the title records of each affected property.
- b. Required off street parking for employees may be at locations greater than one thousand five hundred feet (1,500') of the use in question provided that there is a written agreement approved by the Zoning Administrator providing for the shared parking use. The agreement shall be recorded on the title records of each affected property.

SECTION 507. PARKING AREA AND CIRCULATION DESIGN REQUIREMENTS

- (1) **Surface Material.** Off street parking, loading and circulation areas for all uses shall be surfaced with a material that shall provide a durable, smooth and dustless surface and shall be graded and provided with adequate drainage to dispose of all collected surface water. Surface material shall be with concrete or asphalt, or another such pavement system, approved by the Township. Typical surfacing shall take place with either:
 - a. Six (6") inches of Portland cement concrete, or:

- b. Two (2") inches of asphalt surface laid over a base of crushed stone with a compacted thickness of six (6") inches.
 - c. Except that for the following uses, parking spaces, strips or aprons can be asphalt, concrete or six (6") of stone mix or gravel, which must be maintained and clearly defined:
 - 1. Single family dwellings
 - 2. Campground/RV Park
 - 3. Animal boarding
 - 4. Riding Stable
 - 5. Roadside produce stand
 - 6. Grain elevator
 - 7. Cemetery
 - 8. Game Area/Nature Preserve
 - 9. Picnic Area
 - 10. Park
 - 11. Gun Club
 - 12. General Aviation
- (2) **Marking Required.** The property owner shall delineate car stalls, directional arrow and crosswalks within parking areas using paint or other methods approved by the Zoning Administrator.
- (3) **Drainage.** Storm water collection, drainage and retention structures meeting all requirements of the Saginaw County Road Commission and the Saginaw County Public Works office shall be installed for all off street parking areas. Care should be taken to integrate any required detention or retention into the site during the design process.
- (4) **Driveways and Aisles.** Adequate ingress and egress to the parking areas by means of clearly marked and limited drives shall be provided. Driveways and aisles for any off street parking area built to accommodate more than twenty (20) vehicles shall comply with the following requirements:

- a. Aisle Width. Aisles in off-street parking areas shall be at least twenty (20') feet wide.
 - b. Driveway Configuration. Each driveway shall be a minimum of fifteen (15') feet and a maximum of twenty (20') feet in width per direction. Lanes for entering and exiting traffic shall be clearly marked on the pavement. The driveway shall include on-site stacking area, which does not function as an access aisle for parking spaces, equivalent to five percent (5%) of the total number of spaces in the parking area. The driveway shall intersect the abutting street at a ninety (90) degree angle.
 - c. Driveway Spacing. Each parcel shall have no more than one driveway entrance and exit opening to an abutting public thoroughfare for each three hundred (300') feet of frontage, or fraction. Where more than one driveway is allowed, the driveways shall be located at least one hundred fifty (150') feet apart. No driveway shall be located within thirty (30') feet of a neighboring property line or within fifty (50') feet of a street intersection.
 - d. Deceleration Lane. Where the speed limit posted for a public thoroughfare is in excess of thirty (30) miles per hour, driveway opening onto said thoroughfare must be served by a right turn deceleration lane at least two hundred (200) feet long in advance of the driveway.
- (5) Loading Space. A property owner shall provide an off-street loading space that can access a public street. The number and size of loading spaces must be equal to the maximum number and size of vehicles that would be simultaneously loaded or unloaded in connection with the business conducted on the property.
- a. Standard Requirement. Each loading space must be a minimum of ten (10') feet wide and fifty five (55') feet long. Where a loading space is adjacent to an arterial road, the property owner shall provide an additional forty (40') feet in maneuvering length.
 - b. Reduction. The Zoning Administrator may reduce the required stall length and maneuvering length if the property owner demonstrates that known delivery vehicles can park and maneuver within the proposed loading and maneuvering spaces so that no part of a vehicle using or maneuvering into the loading space projects into a public right-of-way, access easement or private road.
 - c. Waiver. If the property owner demonstrates that the development has and will have no loading needs, the Zoning Administrator may waive the requirements of paragraphs 1 through 3 of this section.

- (6) Setbacks. Parking and loading areas shall conform to a twenty (20') foot front yard setback from any street and to side yard setback requirements for accessory buildings. Further, off-street parking areas shall be no closer than five (5') feet to any principal building. Bumper guards, curbs or other such grade changes shall be installed or employed to prevent yard or walkway/sidewalk encroachment.
- (7) Screening for Residential Areas. Where a required parking area of more than ten (10) spaces adjoins a parcel zoned for residential use, the parking area shall be screened by a solid masonry wall or uniformly treated wood fence not less than five (5) feet high, or by a maintained evergreen planting strip. The planting strip shall provide a solid visual barrier at least five feet high and may include a berm. The Planning Commission and/or Zoning Administrator may allow and/or require the retention of a wooded or treed area as a visual screen and buffer to a residential area instead of a planting strip or other such visual barrier.
- (8) Permit. No parking lot shall be constructed unless and until a Building Permit for it has been issued.
- (9) Drive-Through Facility Stacking Lanes. A property owner proposing a drive-through facility shall provide seven stacking spaces for each drive-through station in addition to the parking required by this section. Each lane of stacking space must be at least nine (9') feet wide and must be delineated with pavement markings. Each stacking space must be at least twelve (12') feet long; however, individual spaces within the lane need not be delineated with pavement markings. Stacking lanes may not be located within required driveway, internal circulation drive or parking aisle widths.
- (10) Size of Spaces.
 - a. Standard. Parking spaces constructed to meet the requirements of this Ordinance shall be nine (9') feet wide by twenty (20') feet long.
 - b. Handicapped. Spaces designated for use by handicapped persons shall be twelve (12') feet wide by twenty (20') feet long.
 - c. In the case of uses serving large trucks, parking spaces shall be twelve (12') feet wide by seventy (70') feet long
- (11) Solid Waste Collection Facilities. The following rules are intended to prevent unhealthful or unsightly conditions regarding solids waste handling facilities. These rules apply to any solid waste container large enough to require a mechanical device to empty it.

- a. Enclosure. Each such container must be located in an enclosure which is screened on at least three (3) sides by a solid wood or metal fence (excluding chain link) or masonry wall at least as high as the container. The fourth side of said enclosure may be left open if the container has a lid which is kept locked except when waste is being deposited or removed.
- b. Paving. Said enclosure and an approach area for trucks shall be paved with reinforced concrete not less than nine (9) inches thick.
- c. Location. Said enclosure and container shall be so situated that trucks collecting waste from the container shall not conflict with the orderly flow of traffic onto or through the parcel or any parking spaces thereon. Said enclosure or container shall be located so that trucks collecting waste will not block any portion of a public street or alley.

SECTION 508. LANDSCAPING

Landscaping is intended to provide visual separation of uses from streets and visual separation of compatible uses so as to soften the appearance of street, parking areas and building elevations.

- (1) Required Amount. If the parking area contains no more than fifty (50) parking spaces, at least twenty (20) square feet of landscape development must be provided for each parking stall proposed.
- (2) If the parking area contains more than ninety-nine (99) parking spaces, at least forty (40) square feet of landscape development must be provided as for each parking stall proposed.
- (3) If the parking area contains more than fifty (50), but less than one hundred (100) parking spaces, the Building and Zoning Administrator shall determine the required amount of landscaping by interpolating between twenty (20) and forty (40) square feet for each parking stall proposed.
- (4) Landscaping Material and Standards. Each area of landscaping must be at least one hundred (100) square feet of area in size and must be at least four (4) feet in any direction. The area must contain at least one (1) tree at least six (6) feet in height. A minimum size of one and one-half (1.5) inches in caliper must be met if it is deciduous. The remaining ground area must be landscaped with plant materials, grass, decorative mulch or unit pavers, as approved by the Zoning Administrator.
- (5) A landscaped area must be placed at the interior end of each parking row in a multiple lane parking area. This area must be at least four (4) feet wide and must extend the length of the adjacent parking stall.

- (6) Plantings used to buffer a parking area, access, or site development other than a building, may use any of the following alternative unless otherwise noted:
- a. Shrubs, a minimum of three and one-half feet (3 ½') in height and living ground cover must be planted so that the ground will be covered within three years.
 - b. Earth-mounding, an average of three and one-half (3 ½') feet in height, planted with shrubs or living ground cover so that the ground will be covered within three years.
 - c. A combination of earth-mounding and shrubs to produce a visual barrier at least three and one-half (3 ½') feet in height.
 - d. Retention of wooded areas or mature trees which, by their nature, provide a visual screen.

SECTION 509. LIGHTING

Off-street parking provided for multiple family housing, or for any commercial, industrial or institutional use shall be provided with sufficient lighting to allow safety for users at any time. Lighting fixtures shall comply with height and setback requirements for accessory structures for the applicable Zoning District and shall be so designed and arranged that light is not directed at adjacent properties or public thoroughfares.

6. Signs

SECTION 601. PURPOSE AND INTENT

These sign standards are being ordained pursuant to MCL 252.304 of the Highway Advertising Act of 1972 to preserve the public health, safety and welfare of Richland Township.

These sign standards are adopted to:

- (1) Maintain and enhance the aesthetics of our community
- (2) Minimize the adverse effects of signs on nearby public and private property.
- (3) Minimize driver distraction.
- (4) Avoid excessive signage.
- (5) Avoid obstacles, distractions or traffic hazards which impair a traveler’s ability to see pedestrians, traffic signs or vehicles.
- (6) Enhance the effectiveness of necessary directional and warning signs.
- (7) Preserve property values.
- (8) Provide for the effectiveness of permitted signs.

The standards in this ordinance are determined to be the minimum necessary to achieve the above stated purposes.

SECTION 602. PROHIBITED SIGNS

The following signs are considered to be unsafe, dangerous, and hazardous or an attractive nuisance, further these signs are determined to be a detriment to the Township’s protection of public health, welfare and safety; and aesthetics; therefore these signs shall not be permitted, erected or maintained in any zoning district.

- (1) Any sign for which a Permit has not been issued and which is not a Permitted Sign is prohibited, excluding any existing legal non-conforming sign.
- (2) Signs which incorporate in any manner any flashing or moving lights.
- (3) Banners, pennants, spinners and streamers, and inflatable figures except as specifically permitted in accordance with this Ordinance. (Portable Signs)
- (4) Any sign which moves or has any moving or animated parts, or images, whether the movement is caused by any mechanical, electronic or electrical device or wind or otherwise, including swinging signs and strings of flags or streamers, or cloth flags moved by natural wind. Such a prohibition shall not pertain to public message signs on governmental property and those on private

property that display time, temperature or stock market quotation signs, nor to electronic display signs as defined in Chapter 2. Further, banners, pennants, streamers etc., are permitted when used as temporary, portable signs.

- (5) Any sign or sign structure which (a) is structurally unsafe, or (b) constitutes a hazard to the safety or health of person or property by reason of inadequate design, fabrication, mounting or maintenance or by abandonment thereof or (c) is not kept in good repair, or (d) is capable of causing electrical shocks to persons that may come in contact with it.
- (6) Any sign which by reason of it size, location, content, coloring, intensity, or manner of illumination constitutes a traffic hazard or a detriment to traffic safety by obstruction of visibility of any traffic sign or control device on any public street or road.
- (7) Any sign which obstructs free ingress or egress from a required door, window, fire escape, driveway or other required access route.
- (8) Signs which make use of words such as “stop”, “look”, “danger”, or any other words phrases, symbols or characters in such a manner as to interfere with, mislead or confuse drivers of vehicles traveling upon any highway, driveway or parking area.
- (9) Any sign or other advertising structure or display which conveys, suggests, indicates or otherwise implies by pictures, drawings, words, emblems, logos, or other communication methods including, but not limited to the following:
 - a. Human genitalia.
 - b. Sexual acts.
 - c. Adult nude human bodies.
 - d. Obscene words.
 - e. Obscene gestures.
- (10) Any sign hereafter existing which no longer advertises a bona fide business or product sold. Said signs shall be removed by the property owner within thirty (30) calendar days after a business closes or vacates the premises.
- (11) Any sign, except traffic or other municipal approved signs, as permitted in Section 7 of this Ordinance that is located in or projects into or over a public right of way or dedicated easement.
- (12) Any sign that exceeds the height limitation for structures in the zoning district in which it is located, or a wall sign that extends beyond or above the structure

to which such sign is affixed except as may specifically be provided for in other provisions.

- (13) Placards, posters, circulars, show bills, handbills, political signs, cards, leaflets or other advertising matter, except as otherwise provided herein, shall not be posted, pasted, nailed, placed, printed, stamped or in any way attached to any fence, wall, post, tree, sidewalk, pavement, platform, pole, tower, curbstone or surface in or upon any public easement, right of way or any public or private property whatsoever. Provided, however, nothing herein shall prevent official notices of the Township, school districts, County, State, or Federal Government from being posted on any public property deemed necessary. All placards, posters, circulars, show bills, handbills, political signs, cards, leaflets or other advertising matter posted, pasted, nailed, placed, printed, stamped on any right of way or public property may be removed and disposed of by the Richland Township Code Zoning Administrator, Township Code Enforcement Officers, the Township Police and/or other staff so designated by the Township Board or Township Manager without regard to other provisions of this Ordinance.
- (14) Display or parking a motor vehicle or trailer, boat or other similar lot upon a lot or premises in a location visible from a public right of way, for the primary purpose of displaying a sign attached to, painted on or placed on the vehicle or object, with the exception of vehicles used regularly in the course of conducting the principle use located on the premises.
- (15) Roof Signs.
- (16) No portion of a privately-owned Sign, or its supporting structures, such as poles or cables, shall be placed on, or within the air space above, publicly owned property, a public right-of-way (such as a street or sidewalk), or a proposed public right-of-way.
- (17) Signs which obstruct free use of a roadway, required door, window, fire escape or other required exit way. No sign may obstruct the Clear Vision Area.

SECTION 603. SIGNS ALLOWED WITHOUT A PERMIT

The following signs are permitted without a sign permit in all zoning districts where the principle permitted use to which they are related is a permitted use in that district.

- (1) Address numbers, name plates (including apartment units and office suites) identifying the occupant or address of a parcel of land.
- (2) Memorial signs or tablets, not to exceed 8 square feet in area, containing the name of the building and date of erection, when cut into any masonry surface or constructed of bronze or other incombustible material and affixed to the exterior wall of the building.

RICHLAND TOWNSHIP ZONING ORDINANCE

- (3) Signs painted on or permanently attached to legally licensed vehicles which are used upon the highways for transporting persons, goods or equipment.
- (4) Traffic or other municipal signs including, but not limited to, the following, legal notices, historic site designations, municipal facility directional signs, street or traffic signs, railroad crossing signs, danger and other emergency signs as may be approved by the Township Board or any Federal, State or County agency having jurisdiction over the matter of the sign. Such signs may be located in any zoning district.
- (5) Community special event signs approved by the Township Board.
- (6) One sign advertising parcels of land or building for rent, lease or sale, when located on land or building intended to be rented leased or sold, not exceeding twelve (12) square feet in area, four (4) feet in height in residential districts, and twenty four (24) square feet in area and six (6) feet in height in office, commercial and industrial districts. Such signs shall be removed no more than seven (7) days after the sale, rental or lease.
- (7) Flags of government, civic, philanthropic, educational, religious organizations and other public or private corporations or entities. Provided, however that only one flag bearing the seal or trade mark of a private organization may be displayed by an individual establishment or proprietor of any single building or parcel of land.
- (8) Signs of a decorative nature, not used for any commercial purpose and commonly associated with any national, local or religious holiday; provided that such signs shall be displayed for a period of not more than sixty (60) consecutive days, nor more than sixty (60) days in any one year.
- (9) Political signs, not to exceed one sign per candidate or issue, and not to exceed thirty two (32) square feet of area per parcel, shall be permitted on all lots, regardless of zoning, provided such sign is located and placed with the permission of the owner of the lot or parcel where such sign is located, and provided that such sign is removed within two days after receiving a written notice from the Township. Political signs may not be displayed more than thirty (30) days before the election for which they are related and up to seven (7) days afterward.
- (10) Garage sale signs not exceeding five (5) square feet in area and not displayed in excess of three (3) days.
- (11) Sign(s) identifying on site construction activity, during the time of construction, not to exceed a total of twenty (20) square feet in area. Such signs shall not exceed eight (8') feet in height and shall be removed no more than four (4) days after the beginning of the intended use of the project.

- (12) Help wanted signs not exceeding six (6) square feet in area and four (4) feet in height may be displayed on private property for a period of up to four (4) weeks at a time and not more than four (4) times within each calendar year.
- (13) Crop identification signs in the agricultural districts, no more than six (6') feet high and no more than six (6) square feet in height.
- (14) Private traffic control on private property such as directional signs. Such signs may not exceed 1.5 square feet or three (3') feet in height.

SECTION 604. SIGNS ALLOWED WITH A PERMIT

The Township may issue a Permit for Signs in accordance with the following provisions.

- (1) Omissions. If a new zoning district is created after the enactment of this ordinance, no new signs shall be permitted therein until this ordinance shall be amended to include said district.

A. AGRICULTURAL, A-1 AND A-2 ZONING DISTRICTS.

Wall, residential: One (1) wall sign is permitted on a dwelling structure. The sign may be up to six (6) square feet in size and be placed anywhere on the wall of the structure.

Wall, nonresidential: wall sign is permitted on the principal structure of a non-residential use, including a barn. The sign may be up to thirty-two (32) square feet in size and be placed anywhere on the wall of the structure.

Freestanding/Monument nonresidential use: One (1) freestanding or monument sign is permitted for each parcel. The freestanding or ground sign may not exceed a height of five (5) feet above the uniform finished grade or twenty-four (24) square feet in size and must meet the following setback requirements:

Front: ten (10) feet but cannot obstruct the view of drivers as determined by the zoning administrator

Side: ten (10) feet

Rear: ten (10) feet

Neighborhood: A single family residential neighborhood, manufactured housing community or park or multiple family residential development is permitted to have two (2) monument Residential Neighborhood Identification Signs for each street entrance. Such signs shall not extend into any public right-of-way or proposed right-of-way. The face of each sign shall not exceed twenty-four (24) square feet. Both signs must be the same size. The height of the signs may not exceed five (5) feet above the uniform finished grade size and must meet the following setback requirements:

Front: ten (10) feet but cannot obstruct the view of drivers as determined by the zoning administrator

Side: ten (10) feet

Rear: ten (10) feet

Portable: One (1) portable sign is permitted per parcel. The sign shall not to exceed fifty (50) square feet and shall not be displayed more than forty-five (45) days in any calendar year. There shall not be more than one portable sign displayed at any one time on each property.

Electronic Message Boards: Electronic Message boards are not permitted in the A-1 and A-2 zoning districts.

Off-site Sign: Off-site signs are permitted with written permission from the property owner. Each parcel is limited to one freestanding or ground mounted off site sign, not exceeding five (5) feet in height from the uniform finished grade or six (6) square feet in size and must meet the following setback requirements:

Front: ten (10) feet but cannot obstruct the view of drivers as determined by the zoning administrator

Side: ten (10) feet

Rear: ten (10) feet

B. RESIDENTIAL, R-1 AND R-2 ZONING DISTRICTS

Wall, residential: One (1) wall sign is permitted on a dwelling structure. The sign may be up to six (6) square feet in size and be placed anywhere on the wall of the structure.

Wall, Nonresidential: wall sign is permitted on a non-residential use. The sign may be up to thirty-two (32) square feet in size and be placed anywhere on the wall of the structure.

Neighborhood: A residential neighborhood is permitted to have two (2) monument Residential Neighborhood Identification Signs for each street entrance. Such signs shall not extend into any public right-of-way or proposed right-of-way. The face of each sign shall not exceed twenty-four (24) square feet. Both signs must be the same size. The height of the signs may not exceed five (5) feet above the uniform finished grade and must meet the following setback requirements:

Front: ten (10) feet but cannot obstruct the view of drivers as determined by the zoning administrator

Side: ten (10) feet

Rear: ten (10) feet

Freestanding/Monument, nonresidential use signs. A nonresidential use in a residential area, is permitted to have one freestanding/monument sign, not to exceed twenty-four (24) square feet in area. The height of the sign shall not exceed five (5') feet above uniform finished grade. Non-dwelling uses on corner lots may have up to

two (2) signs, each no more than twenty-four (24) square feet. If only one sign is used on a corner lot, each sign face may be forty (40) square feet. All signs must meet the following setback requirements:

Front: ten (10) feet but cannot obstruct the view of drivers as determined by the zoning administrator

Side: ten (10) feet

Rear: ten (10) feet

Portable: One (1) portable sign is permitted per parcel. The sign shall not to exceed fifty (50) square feet and shall not be displayed more than forty-five (45) days in any calendar year. There shall not be more than one portable sign displayed at any one time on each property.

Electronic Message Boards: Electronic Message Boards are not permitted in the R-1 and R-2 zoning districts.

Offsite Sign: Not permitted.

C. DOWNTOWN COMMERCIAL, C-1 ZONING DISTRICT

Freestanding/Monument: One (1) freestanding or monument sign is permitted for each C-1, Village Commercial developed parcel. Such signs shall not exceed forty (40) square feet in size, limited to two faces back to back and a height of seven (7) feet above the uniform finished grade. If the parcel exceeds four hundred (400) lineal feet, one sign of up to fifty (50) square feet in size, limited to two faces back to back and a height of seven (7) feet above the uniform finished grade, is permitted. All signs must meet the following setback requirements:

Front: three (3) feet but cannot obstruct the view of drivers as determined by the zoning administrator

Side: ten (10) feet

Rear: ten (10) feet

Wall/Marquee Sign: A wall sign may not project more than twelve (12") inches from the surface of the building to which it is mounted and may not exceed the height of the top of the wall to which it is attached. The sign must be a minimum of ten (10) feet above the ground or fifteen (15) feet above an active driveway.

Awning or Canopy Signs. Awning or canopy signs shall not project more than seven (7") feet from the surface to which it is attached nor less than nine (9") feet above the average grade of a walking surface. Awning or canopy signs shall not extend more than twenty-four (24") inches above the roof line.

Portable: One (1) portable sign is permitted per parcel. The sign shall not to exceed fifty (50) square feet and shall not be displayed more than forty-five (45) days in any

calendar year. There shall not be more than one portable sign displayed at any one time on each property.

Electronic Message Boards: (Amended April 2010) The portion of a sign that is an electronic message board may not exceed twenty-four (24) square feet, including the support structures.

Off-site Sign: Off-site signs are permitted with written permission from the property owner. Each parcel is limited to one freestanding or ground mounted off site sign, not exceeding six feet (6') in height from the uniform finished grade or six (6) square feet in size and must meet the following setback requirements:

Front: ten (10) feet but cannot obstruct the view of drivers as determined by the zoning administrator

Side: ten (10) feet

Rear: ten (10) feet

D. C-2, GENERAL COMMERCIAL ZONING DISTRICT.

Freestanding/Monument: One (1) freestanding or monument sign is permitted for each C-2, Commercial developed parcel. Such signs shall not exceed forty (40) square feet in size, limited to two faces back to back and a height of seven (7) feet above the uniform finished grade. All signs must meet the following setback requirements:

This regulation applies to the total frontage on corner lots and through lots.

Front: three (3) feet but cannot obstruct the view of drivers as determined by the zoning administrator

Side: ten (10) feet

Rear: ten (10) feet

Wall/Marquee Sign: A wall sign may not project more than twelve (12") inches from the surface of the building to which it is mounted and may not exceed the height of the top of the wall to which it is attached.

Awning or Canopy Signs. Awning or canopy signs shall not project more than seven (7') feet from the surface to which it is attached nor less than eight (8') feet above the average grade of a walking surface. Awning or canopy signs shall not extend more than twenty-four (24") inches above the roof line.

Portable: One (1) portable sign is permitted per parcel. The sign shall not to exceed fifty (50) square feet and shall not be displayed more than forty-five (45) days in any calendar year. There shall not be more than one portable sign displayed at any one time on each property.

Electronic Message Boards: (Amended April 2010) The portion of a sign that is an electronic message board may not exceed twenty-four (24) square feet, including the support structures.

Offsite Sign: Off-site signs are permitted with written permission from the property owner. Each parcel is limited to one freestanding or ground mounted off site sign, not exceeding six feet (6') in height from the uniform finished grade or six (6) square feet in size and must meet the following setback requirements:

Front: ten (10) feet but cannot obstruct the view of drivers as determined by the zoning administrator

Side: ten (10) feet

Rear: ten (10) feet

REGIONAL COMMERCIAL CENTERS: Regional commercial centers greater than ten (10) acres in size, one (1) sign, not to exceed two hundred and fifty (250) square feet and twenty-one (21') feet in height. One (1) ground mounted entrance sign is permitted, up to twenty-four (24) square feet and five (5') feet in height, for each entrance from a public road if the other signs on the parcel are farther than one hundred (100') feet from the main entrance.

Plaza or Center Identification signs: An additional sixteen (16) square feet of signage is permitted to identify the name of a plaza or center where multiple tenants are located. Lettering on this portion of the sign must be at least twelve (12") inches in height.

Wall/Marquee Sign: A wall sign may not project more than twelve (12") inches from the surface of the building to which it is mounted and may not exceed the height of the top of the wall to which it is attached.

Awning or Canopy Signs. Awning or canopy signs shall not project more than seven (7') feet from the surface to which it is attached or less than nine (9') feet above the average grade of a walking surface. Awning or canopy signs shall not extend more than twenty-four (24") inches above the roof line.

Portable: One (1) portable sign is permitted per parcel. The sign shall not to exceed fifty (50) square feet and shall not be displayed more than forty-five (45) days in any calendar year. There shall not be more than one portable sign displayed at any one time on each property.

Electronic Message Boards: (Amended April 2010) The portion of a sign that is an electronic message board may not exceed twenty-four (24) square feet, including the support structures.

E. INDUSTRIAL, M-1 ZONING DISTRICT

Freestanding/Monument: One (1) freestanding or monument sign is permitted for each M-1 Industrial developed parcel. Such signs shall not exceed forty (40) square feet in size, limited to two faces back to back and a height of ten (10) feet above the uniform finished grade.

For parcels with greater than four hundred (400') lineal feet of frontage one (1) fifty (50) square foot sign is permitted.

Front: ten (10) feet but cannot obstruct the view of drivers as determined by the zoning administrator

Side: ten (10) feet

Rear: ten (10) feet

Off-site Sign: Off-site signs are permitted with written permission from the property owner. Each parcel is limited to one freestanding or ground mounted off site sign, not exceeding six feet (6') in height from the uniform finished grade or six (6) square feet in size and must meet the following setback requirements:

Front: ten (10) feet but cannot obstruct the view of drivers as determined by the zoning administrator

Side: ten (10) feet

Rear: ten (10) feet

Industrial Centers. Industrial centers greater than ten (10) acres in size, one (1) sign, not to exceed two hundred and fifty (250) square feet and twenty one (21') feet in height. One (1) ground mounted entrance sign is permitted, up to twenty-four (24) square feet and five (5') feet in height, for each entrance from a public road if the other signs on the parcel are farther than one hundred (100') feet from the main entrance.

Monument signs: A monument sign may not exceed a height of ten (10') feet above the uniform finished grade.

Portable: One (1) portable sign is permitted per parcel. The sign shall not to exceed fifty (50) square feet and shall not be displayed more than forty-five (45) days in any calendar year. There shall not be more than one portable sign displayed at any one time on each property.

SECTION 605. NONCONFORMING SIGNS

This Ordinance is intended to encourage the eventual elimination of Signs which do not comply with the Ordinance. The elimination of non-conforming Signs is as much a subject of health, safety, and welfare as is the prohibition of new Signs in violation of this Ordinance. Signs not conforming to the provisions of this Ordinance shall be considered to be nonconforming structures and regulated as described in Sec. 401. Note that temporary signs are not considered to be legal nonconforming structures.

SECTION 606. ILLUMINATION

- (1) Any electrical illumination of a sign shall be done in full compliance with the appropriate electrical code, as amended, and adopted by Richland Township.
- (2) The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to occupants of surrounding properties, and so that no direct rays from the light source are visible from any public right-of-way or from abutting property.

- (3) No sign shall have blinking, flashing or fluttering lights or other illuminating devices, such as changing light intensity, brightness or color. No sign shall utilize moving patterns of light so as to convey an illusion of motion or animation. Beacon lights are not permitted. This section shall not be interpreted to prohibit electronic message boards as defined in Chapter 2.
- (4) No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
- (5) Neither the direct, nor the reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public streets.
- (6) No exposed reflective type bulbs, no strobe lights, and no incandescent lamps which exceed 15 watts shall be used so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

SECTION 607. STRUCTURAL REQUIREMENTS

All signs and sign structures shall be designed and constructed to meet the requirements of the Richland Township Building and Electrical Codes, and shall be constructed to withstand a 30 pound per square foot wind-stress factor. Signs larger than 100 square feet must be erected on structural or tubular steel supports. Where the back of a sign is visible, it should be suitably painted or otherwise covered to present a neat and clean appearance. No guy wires are permitted.

SECTION 608. FIRST AMENDMENT PROTECTION

The placement of Directional Signs, Residential Neighborhood Signs, Historical Site Signs, and Flags is specifically authorized in this Ordinance. All other Signs allowed under this Ordinance may contain any lawful message.

SECTION 609. PERMITTING PROCESS

- (1) Permit. A Permit is not required for "Signs Authorized Without a Permit." A Permit must first be obtained from the Township for all other Signs.
- (2) Prior to construction or establishment of any sign, except as otherwise specifically noted in this ordinance, a permit shall be obtained from the Township Zoning Administrator. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of twelve (12) months after the date of the permit.
- (3) The following operation shall not be considered as creating a sign and therefore shall not require a sign permit.
 - a. Replacing Copy. The changing of the advertising copy of an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.

- b. Maintenance. Painting, repainting, cleaning, light bulb replacement, and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.

SECTION 610. INSPECTION, REMOVAL AND SAFETY

- (1) Inspection Process. Signs may be inspected periodically by the building official to assure compliance with this and other codes of Richland Township.
- (2) Display of Permits. All signs requiring permits shall display, in a place conspicuous to inspectors, the name of the permit holder and the permit number.
- (3) Maintenance of Sign. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.
- (4) Painting, re-painting, cleaning, maintenance, repair, and change of sign message or graphics shall not be considered erection or alteration of a sign which requires issuance of a sign permit, provided that no structural alterations or additions to the display area are made.
- (5) Removal of Sign. The Zoning Administrator may order the removal of any sign erected or maintained in violation of this code. Said order shall be made in writing, delivered personally or by certified mail, and shall allow the person receiving it thirty (30) days to remove the sign or to bring it into compliance. Said order shall be served upon the owner of such sign, or to the owner or manager of the building, structure, or premises on which such sign is located. The Zoning Enforcement Officer may remove a sign immediately and without notice, at cost to the owner or lessee, if it is the Enforcement Officer's opinion that the condition of the sign presents an immediate threat to the safety of the public.
- (6) Abandoned Signs. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove it within 180 days of the termination of business, the Zoning Enforcement Officer, or a duly authorized representative, may remove the sign at the cost to the property owner. When a successor to a defunct business agrees to maintain the signs as provided in this code, this removal requirement shall not apply.
- (7) Traffic Safety. No sign shall be placed so as to obstruct the view of approaching vehicular or pedestrian traffic from any direction or present a hazard to the safe flow of traffic. In the event that any sign violates this requirement, the Zoning Enforcement Officer may remove such sign to protect traffic. The owner of the property, or business operator where such sign is located, shall first be notified of its impending removal. The property owner or business operator shall be given opportunity to alter or replace such a sign within 24 hours to make it comply with this Section.

7.A-1 Agricultural Farmland Preservation

SECTION 701. PURPOSE AND INTENT

To preserve and promote the use of land for food and fiber production. To reinforce the continued agricultural use of property as encouraged by the Farmland and Open Space Preservation Act.

SECTION 702. USES PERMITTED BY RIGHT

Uses are permitted as defined in Section 306 – Permitted Uses.

SECTION 703. USES PERMITTED BY SPECIAL USE PERMIT

Uses are permitted as defined in Section 306 – Permitted Uses.

SECTION 704. DIMENSIONAL REQUIREMENTS

- (1) Minimum Lot Size.
 - a. Each lot shall contain a minimum of forty-four thousand (44,000) square feet per dwelling unit.
 - b. Each lot shall be a minimum of one hundred fifty (150') feet in width at the front of the building. Planning Commission may permit frontage with a sixty-six foot (66') width on a parcel whose principal building site is more than three hundred feet (300') from the road right-of-way and which site has one dimension of at least two hundred feet (200').
- (2) Minimum Yard Requirement
 - a. Each lot shall have a minimum front yard of forty (40') feet.
 - b. Each side yard shall be a minimum of ten (10') feet.
 - c. Each lot shall have a minimum rear yard of forty (40') feet.
 - d. In the case of a corner lot the side yard on the street side shall not be less than twenty-five (25') feet, and the remaining side yard shall be not less than ten (10') feet.
- (3) Minimum Floor Area per Dwelling Unit.
 - a. Each dwelling unit shall have a minimum floor area of one thousand (1,000) square feet per dwelling unit.
- (4) Maximum Building Height

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- a. Two and one-half stories or thirty-five (35') feet for residence.
 - b. Agricultural silo operations may not exceed ninety-five (95') feet.
- (5) Maximum Lot Coverage
- a. No maximum coverage in A-1 Districts.

8.A-2 Agricultural Dispersed Residential

SECTION 801. PURPOSE AND INTENT

To permit appropriate non-farm use of land while preserving the rural nature of the area. To permit a gradual transition from agricultural preservation areas to more intensive use without giving way to urban sprawl.

SECTION 802. USES PERMITTED BY RIGHT

Uses are permitted as defined in Section 306 – Permitted Uses.

SECTION 803. USES PERMITTED BY SPECIAL USE PERMIT

Uses are permitted as defined in Section 306 – Permitted Uses.

SECTION 804. DIMENSIONAL REQUIREMENTS

- (1) Minimum Lot Size
 - a. Each lot shall contain a minimum of thirty thousand (30,000) square feet per dwelling unit.
 - b. Each lot shall be a minimum of one hundred fifty (150') feet in width at the front of the building. Planning commission may permit frontage with a sixty-six foot (66') width on a parcel whose principal building site is more than three hundred feet (300') from the road right-of-way and which site has one dimension of at least two hundred feet (200').
- (2) Minimum Yard Requirement.
 - a. Each lot shall have a minimum front yard of forty (40') feet.
 - b. Each side yard shall be a minimum of ten (10') feet.
 - c. Each lot shall have a minimum rear yard of forty (40') feet.
 - d. In the case of a corner lot the side yard on the street side shall not be less than twenty-five (25') feet and the remaining side yard shall be not less than ten (10') feet.
- (3) Minimum floor Area per Dwelling Unit.
 - a. Each dwelling unit shall have a minimum floor are of one thousand (1000) square feet per dwelling unit.
- (4) Maximum Building Height.
 - a. Two and one-half stories or thirty-five (35') feet for residence.

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- b. Agricultural silo operations may not exceed ninety-five (95') feet.
- (5) Maximum Lot Coverage
- a. No maximum lot coverage in A-2 Districts.

9.R-1 Residential Single Family

SECTION 901. PURPOSE AND INTENT

To encourage and preserve attractive neighborhood environments consisting of Single Family Dwellings on individual lots and compatible uses. To create residential areas that will maintain their quality of life for future inhabitants.

SECTION 902. USES PERMITTED BY RIGHT

Uses are permitted as defined in Section 306 – Permitted Uses.

SECTION 903. USES PERMITTED BY SPECIAL USE PERMIT

Uses are permitted as defined in Section 306 – Permitted Uses.

SECTION 904. DIMENSIONAL REQUIREMENTS

- (1) Minimum Lot Size
- (2) Each lot when connected to a public sanitary sewer shall contain a minimum of nine thousand five hundred (9,500) square feet per dwelling unit with a minimum of eighty (80') feet of frontage.
- (3) When not connected to a public sanitary sewer, each lot shall contain a minimum of twelve thousand five hundred (12,500) square feet with a minimum of eighty (80') feet of frontage.
- (4) Minimum Yard Requirement.
 - a. Each lot shall have a minimum front yard of thirty (30') feet.
 - b. Each side yard shall be a minimum of ten (10') feet.
 - c. Each lot shall have a minimum rear yard of thirty (30') feet.
 - d. In the case of a corner lot the side yard on the street side shall not be less than twenty-five (25') feet and the remaining side yard shall not be less than ten (10') feet.
- (5) Minimum Floor Area per Dwelling Unit. Each dwelling unit shall have a minimum finished living area of one thousand (1,000) square feet of floor area per dwelling unit.
- (6) Maximum Building Height.
 - a. Two and one-half (2½) stories or thirty-five (35') feet.
- (7) Maximum Lot Coverage. A maximum of twenty-five (25%) percent of the lot may be covered by all buildings.

10. R-2 Residential Multiple Family

SECTION 1001. PURPOSE AND INTENT

To permit development of moderate density residential areas and provide space for multiple family residential uses together with certain institutional and other compatible uses under specified conditions.

It is the express purpose of these regulations to provide opportunities for multiple family dwellings, both low and high rise, ranging from moderate to higher density character where adequate public and private services and facilities are available to accommodate higher population concentrations. The following are minimum criteria for multi-family sites:

- (1) Sites must have access to a principal arterial, minor arterial or collector street as to avoid adverse traffic impacts in surrounding low density residential areas.
- (2) The site must be served by essential public facilities and services, such as water and sewer facilities, drainage structures, refuse disposal, police, fire protection and schools.
- (3) Parcels must be conveniently located near existing development in the township.

SECTION 1002. USES PERMITTED BY RIGHT

Uses are permitted as defined in Section 306 – Permitted Uses.

SECTION 1003. USES PERMITTED BY SPECIAL USE PERMIT

Uses are permitted as defined in Section 306 – Permitted Uses.

SECTION 1004. DIMENSIONAL REQUIREMENTS

- (1) Minimum Lot Size
 - a. For Single Family Dwellings, each lot shall contain a minimum lot area of seven thousand two hundred (7,200) square feet with sixty-five (65') feet of frontage. When not connected to a public sanitary sewer, each lot shall contain a minimum of twelve thousand five hundred (12,500) square feet with eighty (80') feet of frontage.
 - b. For Two Family Dwelling, each two unit structure shall have a minimum lot area of ten thousand (10,000) square feet with seventy-five (75') feet of frontage.

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- c. Multiple Family dwelling, such lot shall contain four thousand (4,000) square feet for the first unit and two thousand six hundred (2,600) square feet minimum for each additional unit.
- d. Each lot, unless otherwise cited, shall at the front building line be a minimum of sixty-five (65') feet in width for single family and seventy-five (75') feet in width for two family and multiple family.

(2) Minimum Yard Requirement.

- a. Each lot shall have a minimum front yard of twenty-five (25') feet.
- b. Side yards shall be a minimum of ten (10') PROVIDED there shall be a minimum of twenty (20') feet between contiguous dwelling structures.
- c. Each lot shall have a minimum rear yard of thirty (30') feet.
- d. In the case of a corner lot the side yard on the street side shall not be less than twenty-five (25') feet and the remaining side yard shall not be less than ten (10') feet.

(3) Minimum Floor Area per Dwelling Unit. Each dwelling unit shall have a minimum floor area per dwelling unit in accord with the following schedule:

<u>Structure</u>	<u>Area per unit</u>
Single Family detached	Each dwelling unit shall have a minimum finished living area of one thousand (1,000) square feet of floor area per dwelling unit.
Attached Single Family Including two family and Townhouses.	Each dwelling unit shall have a minimum living area of one thousand (1,000) square feet of floor area per dwelling unit.
Multiple Family Dwelling.	
0 bedrooms	550 square feet
1 bedrooms	650 square feet
2 bedrooms	750 square feet
3 bedrooms	850 square feet
4 bedrooms or more	1,000 square feet

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- (4) Maximum Building Height.
 - a. Three (3) stories or forty (40') feet.
- (5) Maximum Lot Coverage. A maximum of fifty (50%) percent of the lot may be covered by all buildings.

11. C-1 Downtown Commercial

SECTION 1101. PURPOSE AND INTENT

To accommodate commercial activities that meet the day-to-day convenience shopping and service needs of Township residents. To promote development of commercial, office and appropriate residential uses in a manner that will complement surrounding neighborhoods and enhance the design and standards of the existing village core.

SECTION 1102. USES PERMITTED BY RIGHT

Uses are permitted as defined in Section 306 – Permitted Uses.

SECTION 1103. USES PERMITTED BY SPECIAL USE PERMIT

Uses are permitted as defined in Section 306 – Permitted Uses.

SECTION 1104. DIMENSIONAL REQUIREMENTS

- (1) Minimum Lot Size
 - a. No minimum lot size required.

- (2) Minimum Yard Requirement.
 - a. No minimum front yard required.

 - b. No minimum side yard setback required.

 - c. In the case of a corner lot the side yard on the street side shall not be less than ten (10') feet.

 - d. No minimum rear yard required.

- (3) Maximum Building Height.
 - a. Three (3) stories or forty feet (40').

- (4) Maximum Lot Coverage. No maximum lot coverage.

SECTION 1105. GENERAL REQUIREMENTS

- (1) Fencing and Screening. All land uses shall be required to install and maintain a fence or screen, as required by the Planning Commission, along every property line which abuts residential uses. See Chapter 4, Sec. 402.5 for setback requirements, and Chapter 5, Parking, for regulations regarding screening of parking areas.
 - a. Fences shall be constructed of the following materials: treated wood, brick, stone, reinforced concrete, or other masonry materials, redwood, cedar, preservative treated wood or other equivalent materials approved by the Zoning Administrator.
 - b. Fence posts shall be constructed of rust resistant metal parts, concrete based masonry or concrete pillars of sound structural integrity.
 - c. Fence panels shall be bottom and/or top capped. All fences shall provide a finished face abutting the residential use.
 - d. The Planning Commission and/or Zoning Administrator may allow and/or require the retention of a wooded or treed area as a visual screen and buffer to a residential area instead of a planting strip or other such visual barrier.

12. C-2 General Commercial

SECTION 1201. PURPOSE AND INTENT

To preserve and enhance business areas serving a regional market including those traveling arterial streets, and other area businesses. Development in this district is focused on the regional needs of the area and the convenience needs of automobile travelers.

SECTION 1202. USES PERMITTED BY RIGHT

Uses are permitted as defined in Section 306 – Permitted Uses.

SECTION 1203. USES PERMITTED BY SPECIAL USE PERMIT

Uses are permitted as defined in Section 306 – Permitted Uses.

SECTION 1204. DIMENSIONAL REQUIREMENTS

- (1) Minimum Lot Size: Each lot shall be a minimum of fifteen thousand square feet (15,000) and a minimum width of one hundred (100') feet.
- (2) Minimum Yard Requirement.
 - a. Each lot shall have a minimum front yard of forty (40') feet.
 - b. No side yard required except when abutting a residential district or use, then the abutting side yard shall not be less than twenty (20') feet.
 - c. In the case of a corner lot the side yard on the street side shall not be less than thirty feet (30').
 - d. Each lot shall have a minimum rear yard of twenty (20') feet.
- (3) Maximum Building Height.
 - a. Three (3) stories or forty feet (40').
- (4) Maximum Lot Coverage. No maximum lot coverage in a C-2 district.

SECTION 1205. GENERAL USE REQUIREMENTS

- (1) Enclosed Buildings and Storage. Activities in this district shall be carried on in completely enclosed buildings. Storage may be permitted out-of-doors PROVIDED that within two hundred (200') feet of any other district or use said storage shall be in completely enclosed buildings.
- (2) Fencing and Screening. When abutting a residential use or district, the Planning Commission may require the installation and maintenance of a screen, to include an opaque hedge, evergreen planting, solid masonry fence or combination thereof to effectively screen the commercial use from the residential use. The fence and/or screen must be in accordance with Chapter 4, Section 402.5.

13. M-1 Industrial

SECTION 1301. PURPOSE AND INTENT

To encourage attractive industrial development that is in keeping with the Township’s character. To permit manufacturing, processing, assembling, packaging or treatment of products when these activities take place only inside a building. To permit compatible sales or service uses. To prohibit residential or intensive retail uses in industrial locations.

SECTION 1302. USES PERMITTED BY RIGHT

Uses are permitted as defined in Section 306 – Permitted Uses.

SECTION 1303. USES PERMITTED BY SPECIAL USE PERMIT

Uses are permitted as defined in Section 306 – Permitted Uses.

SECTION 1304. DIMENSIONAL REQUIREMENTS

- (1) Minimum Lot Size
 - a. None required if sewer is available.
 - b. If no public sanitary sewer is available, the minimum lot area shall be determined by the government agency and/or agencies having jurisdiction and licensing authority over the disposal of sewerage in this Township and not less than one (1) acre. Each lot shall be a minimum of one hundred twenty (120') feet in width at the front building line.

- (2) Minimum Yard Requirements.
 - a. All uses permitted by right are required to have a minimum front, side and rear yard of ten (10') feet. Where a lot in this District abuts a residential use or a lot in any residential district, no building in the M-1 District shall be closer than one hundred (100') feet to the property line of such residential lot.

- b. All special land uses are required to have a minimum front and rear yard setback of thirty (30') feet and minimum side yard setback of twenty (20') feet. Where a lot in this District abuts a residential use or a lot in any residential district, no building in the M-1 District shall be closer than one hundred (100') feet to the property line of such residential lot.
 - c. For all industrial developments, minimum yard requirements must conform to the following provisions:
 - i. Side and rear yards except for a landscape strip along the lot boundary ten (10') feet in width, may be used for parking and loading but not for storage. The side or rear yard may be eliminated where a railroad service to the site is obtained at the edge of the lot.
 - ii. Structures and solid fences or walls shall be ten (10') feet from the property line.
 - iii. When the side or rear yard areas abut land within a residential district and when such yard areas are to be used for parking, loading, unloading or servicing, then such side and rear yard areas shall be effectively screened by a solid, uniformly finished wall or fence. Such wall or fence shall be at least six (6') feet in height, but in no case shall the fence or wall be lower than the enclosed parking, loading or servicing activity to be screened. The fence shall be located in accordance with Chapter 4, Section 402.5.
- (3) Maximum Building Height.
- a. Three and one-half (3 ½) stories or forty five feet (45').
- (4) Maximum Lot Coverage. No maximum lot coverage in a M-1 district

SECTION 1305. GENERAL USE REQUIREMENTS

- (1) Enclosed Buildings and Storage.
- a. Activities in this District shall be carried on in completely enclosed buildings. Storage may be permitted out-of-doors PROVIDED that within two hundred (200') feet of any other district or use said storage shall be in completely enclosed buildings.

- b. All outdoor storage shall be effectively screened by a solid, uniformly finished wall or fence with solid entrance and exit gates, which fence or wall shall be at least four (4') feet in height, but in no case shall the fence be lower than the enclosed storage up to a maximum of eight (8') feet in height. Such storage shall be deemed to include the parking of licensed motor vehicles over one and one-half (1½) tons rated capacity. The fence shall be located in accordance with Chapter 4, Section 402.5.
- (2) Uses in this District shall conform to the following standards:
- a. Emit no obnoxious, toxic or corrosive fumes or gases which are harmful to the public health, safety or general welfare; except those produced by internal combustion engines under design operating conditions.
 - b. Emit no smoke, odorous gases or other odorous matter in such quantities as to be offensive at or beyond any boundary of the parcel.
 - c. Produce no heat or glare to such an extent to be detrimental to the health, safety and general welfare at or beyond the lot boundaries.
 - d. Produce no physical vibrations to such an extent to be determined detrimental to the health, safety and general welfare at or beyond the lot boundaries.
 - e. Does not include in the manufacturing process any production or storage of any material designed for use as an explosive or in the use of any such material in production.
 - f. Shall conform to the Michigan Department of Environmental Quality standards for industrial operations including any pollutant discharge.

14. SPECIAL USES

SECTION 1401. PURPOSE AND INTENT

It is the intent of this Section to provide a set of procedures and standards for special uses of land or structure, which because of their unique characteristics, require special consideration in relation to the welfare of adjacent properties and the community as a whole.

It is the expressed purpose of the regulations and standards to allow practical latitude for the developer and at the same time maintain adequate provision for the protection of the health, safety, convenience and general welfare of the community.

For the purposes of this Ordinance the following Special Use Categories are identified.

- (1) Institutional Uses
- (2) Agricultural Uses
- (3) Golf Courses, Shooting Clubs and Country Clubs
- (4) Manufactured Home Developments.
- (5) Planned Unit Developments.
- (6) Open Space Development.
- (7) Day Nursery.
- (8) Automotive Service Stations.
- (9) Public Utility and Service Installations
- (10) Miscellaneous Special Uses.

The following, together with previous references in other chapters of this Ordinance, designate the requirements, procedures and standards, which must be met before a Special Use Permit can be issued.

SECTION 1402. STANDARDS

The application for a Special Use Permit includes two separate steps. First is the review of the Site Plan for the proposed use. Second is the decision of whether or not a Special Use Permit will be granted.

- (1) **Standards.** During the Special Use Permit Process, various considerations will be explored before approval for the Site Plan or the Special Use Permit. Some of these are defined in this Chapter as additional site plan review standards for various Special Uses. These standards are intended to reduce the impact of a Special Use on surrounding properties. They are minimum requirements and must always be met.
- (2) **Conditions.** The Planning Commission may attach additional conditions to the approval of the Site Plan or the Special Use permit. These conditions must be based on requirements or concerns defined by this Ordinance.
- (3) **Precaution.** No person should conclude that compliance with the standards defined by this Chapter automatically grant the right to establish a special Use in a given Zoning District. Rather, the privilege of establishing a Special use is granted or denied by the Planning Commission following the process outlined in this Chapter. This process includes notification of nearby residents and property owners who may voice their opinions at a public hearing before a decision is made to grant a Special Use Permit. Since Special Uses generally impose physical, visual or psychological impacts on neighboring parcels, the input of neighboring residents or property owners is a legitimate factor for the Planning Commission to consider when deciding whether to allow such uses.
- (4) **Permanence.** Once a Special use Permit has been granted it may only be revoked if the conditions mentioned above, or other requirements of this ordinance have been violated. Otherwise, the Special Use Permit “runs with the land” and is one of the rights that is transferred when the parcel is rented or sold. Therefore, this Ordinance does not provide for placement of any time limit on a Special Use Permit, except that the Special Use Permit may expire or be revoked as noted in Section 1403 (6).

SECTION 1403. PERMIT PROCEDURES

The application for a Special use permit shall be submitted and processed under the following procedures.

- (1) **Submission of Application.** An application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board.
 - (a) **Contents.** The application package consists of a Zoning Permit Application for completed in full but the applicant, accompanied by a fee as established by the Township and a site plan meeting the requirements of Chapter 15.
 - (b) **Application Deadline.** The complete application package must be submitted to the Zoning Administrator at least twenty (20) days before the Planning Commission meeting at which it will be considered.

- (2) **Simultaneous Consideration of Rezoning and Special Use Permit.** In the event that allowance of a desired use requires both a rezoning (change in Zoning District designation for the parcel) and a Special Use Permit, both requests may be submitted jointly and considered at a single meeting of the Planning Commission, subject to the following requirements.
 - (a) **Separate.** The rezoning shall be considered separately from the Special Use Permit.
 - (b) **Procedures.** The Ordinance procedures for each decision shall be followed as specified. However, any Special Use Permit approval must be conditioned upon adoption of the rezoning by the Township Board.
 - (c) **Standards.** All standards required by this Ordinance shall be observed for each action.
 - (d) **Public Hearings.** The public shall be given the opportunity for input on both the rezoning and Special use decisions. Thus, two (2) separate public hearings shall be held at the same meeting.

- (3) **Planning Commission Review and Hearing.** The Special Use Permit application package shall be the subject of both a Site Plan Review and a public hearing conducted by the Planning Commission. If the applicant wishes to have the Site Plan review and Special Use Permit considered at a single Planning Commission meeting:
 - (a) **Site Plan Review.** The Planning Commission shall conduct a Site Plan Review for the proposed use, using the procedure and standards presented in Chapter 15 and any specific standards identified for a Special Use by this Chapter. The Planning Commission may approve the site plan as presented,

approve it with conditions, deny it, or table approval of it to a specific meeting date.

1. **Public Input.** The Site Plan Review may be completed before public input is heard on the question of granting the Special Use Permit. This is because the Site Plan Review process is intended to be an objective review of factual information to determine whether precise standards have been met. However, the Planning Commission may choose to accept public comments or questions relating only to design considerations of the site plan.
2. **If the Site Plan is Denied.** In the event the site plan is denied, consideration of the Special Use Permit shall still occur, including the public hearing. The Special Use Permit may still be approved with the condition that site approval must be obtained before the Special Use Permit is valid.

(b) **Public Hearing on Special Use.** The Planning Commission shall hold a public hearing on the application as part of the meeting, which the Special Use Permit is considered.

1. **Notice.** A notice of public hearing meeting the requirements of Section 1403 2 d, shall be mailed to all parties specified by Section 1509.18.c., and published in a newspaper of general circulation in the Township not less than five (5) nor more than fifteen (15) days before the date of such hearing.
2. **Delay at Applicant's Request.** If a site plan for a Special Use has been denied, the applicant may ask for a consideration of the Special Use Permit, including the public hearing to be postponed. However, postponing the hearing requires an additional notification of neighboring property owners and newspaper publication of another notice. Therefore, the applicant will be required to pay an additional application fee to offset the Township's added cost.

(c) **Consideration of a Special Use Permit.** Following the public hearing, the Planning Commission Chairman shall accept a motion for approval, conditional approval, or denial of the Special Use Permit. Planning Commission members shall then discuss the motion and vote upon it.

1. **Open Meeting.** Note that the Open Meeting Act requires this vote to take place in an open public meeting.
2. **Prompt Decision.** In the interest of fairness and a timely response for all concerned parties, the Planning Commission shall render its decision on the Special Use Permit during the same meeting in which the public hearing is held, unless further information must be

obtained before a decision can be made. In such cases, action upon the Special Use Permit may be tabled to a public meeting of the Planning Commission to be held on a specific date which is identified in the motion to table.

3. **Issuance of a Zoning Compliance Certificate.** If the special use is a change in use or some other use that does not require construction, the Zoning Compliance Certificate may be issued immediately upon approval of the special use and site plan. Otherwise, the Zoning Compliance Certificate must be issued upon certification by the Zoning Administrator that the structure and associated site was constructed according to the approved site plan.
- (4) **Reapplication.** An application for a Special Use Permit which has been denied by the Planning Commission may not be resubmitted for one (1) year after the date of such denial.
- (5) **Terms of Permit.** A Special Use Permit issued pursuant to this Chapter consists of a site plan approval and the subsequently issued occupancy permit which specifies the Special Use which is to be allowed and any conditions which were attached by the Planning Commission. Validity of this Occupancy Permit, and consequences of any voiding of said permit are described by Section 1403.6. If a use established under a Special Use Permit is discontinued for a period of one (1) year, the Special Use Permit shall expire. To reestablish the use after such expiration will require granting of a new Special Use Permit, starting with a new application.
- (6) **Revocation.** The privilege of a Special Use Permit is subject to all conditions that have been attached to it during the process described above. Except as noted in paragraph (e), the permit remains valid as long as all of those conditions are met. However, the Planning Commission shall revoke any Special Use Permit after it has been proved that the permit conditions have been violated. The Special use Permit is a condition of the approval of the Occupancy permit, and revocation of it shall void the Occupancy Permit.
 - (a) **First Notice.** The Zoning Administrator shall send written notice of a violation to the holder of the Occupancy Permit by certified mail. The notice shall state that correction must be made within thirty (30) days or the Planning Commission will revoke the Special Use Permit and order the use to cease.
 - (b) **Considered Nonconforming.** From the time the Zoning Administrator's notice of violation is issued, until compliance with all Special Use Permit conditions is restored, the use in question shall be treated as an Illegal Nonconforming Use.
 - (c) **Planning Commission Action.** The Zoning Administrator shall notify the Planning Commission of the violation of conditions of the Special use

Permit at the next regular Planning Commission meeting, and revocation of the Special Use Permit shall be considered then. The Planning Commission's meeting will usually occur before the thirty (30) day period for the first notice has expired. In that case, the resolution to revoke the Special use Permit should be worded to that it takes effect only if compliance with all requirements is not restored. It shall also include authorization for the Zoning Administrator to order the permit holder to cease the permitted use if the violation are not corrected by the end of the first notice period.

- (d) **Second Notice and Order.** After expiration of the thirty (30) day period, the Zoning administrator shall notify the permit holder by certified mail that the Special Use Permit has been revoked, and the use for which the permit was granted must cease within sixty (60) days from the date of this second notice.
- (e) **Enforcement of Order.** Failure to comply with the order to cease an activity for which a Special use Permit has been revoked is a violation of this Ordinance, subject to all penalties thereof.

SECTION 1404. PERMIT STANDARDS

- (1) **Standards Attached to the Site Plan Review.** Before approving or denying a Special Use Permit Application, the Planning Commission reviews the site plan for said use to establish that all applicable standards are satisfied. The Site Plan review shall determine compliance with the applicable District Regulations, the Site Plan Review Standards from Chapter 15, and any applicable standards from this Chapter.
- (2) **Additional Conditions.** The Planning Commission may stipulate any additional conditions or safeguards deemed necessary to achieve the objectives of this Ordinance. These may be defined during the Site Plan Review process or during consideration of whether to grant the Special Use Permit. All conditions attached to the approval of the site plan are also conditions of the Special Use Permit. These conditions, and the reasoning behind them, must be documented in the Planning Commission's Minutes and communicated to the applicant in writing.
- (3) **Enforcement of Conditions.** The breach of any condition shall be cause for the Planning Commission to revoke a Special Use Permit as described in Section 1403(6).

SECTION 1405. INSTITUTIONAL USES

- (1) **Authorization.** In recognition of the many institutional types of non-residential functions that have been found compatible and reasonably harmonious with residential uses, certain institutional uses specified in this Section may be authorized by the issuance of a Special Use Permit. Such permit shall not be issued unless all the procedures and applicable requirements stated herewith, together with the additional requirements of this Section can be complied with.

- (2) **Uses.** The following uses may be authorized in those districts as noted under the respective Zoning Districts, and provided the applicable conditions are complied with:
 - (a) **Institutions for Human Care.** Hospitals, Day Care, Sanitariums, Nursing or Convalescent Homes, Assisted Living Homes, Homes For The Aged and Philanthropic and Charitable Institutions. Camp or Correctional Institutions are prohibited.

 - (b) **Religious Institutions.** Churches, synagogues, mosques or similar places of worship, convents, parsonages and parish houses, and other housing for clergy.

 - (c) **Educational and Social Institutions.** Public and private elementary and secondary schools, and institutions for higher education, auditoriums and other places of assembly, and centers for social activities, including charitable and philanthropic activities. Camp or correctional institutions are prohibited.

 - (d) **Cemeteries, public or private.**

- (3) **Site Location Principles.** The following principles shall be utilized to evaluate the proposed location of any institutional use within a permitted district. These principles are alterable depending upon the specific conditions of each situation, but they shall be applied by the Planning Commission as general guidelines to help assess the impact of an institutional use upon the District in which such use is proposed to be located.
 - (a) Motor vehicle entrance should be made on a Principal Arterial or immediately accessible from a Principal Arterial as to avoid the impact of traffic generated by the institutional use upon a residential area.

 - (b) Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of the intrusion of the institutional use into a residential area.

- (4) **Hospitals.** (for overnight stay)

- (a) The proposed site shall be at least five (5) acres in area.
 - (b) The proposed site shall have at least one (1) property line abutting a principal or minor arterial.
 - (c) No more than twenty-five percent (25%) of the gross site shall be covered by structures.
- (5) Religious Institutions.
- (a) The proposed site shall be at least one (1) acre in size plus one-half (1/2) acre per hundred (100) seats in the main auditorium.
 - (b) No building shall be closer than forty (40') feet to any property or street line.
 - (c) No more than twenty-five (25%) percent of the gross site area shall be covered by structures.
- (6) **For All Other Uses That May Be Permitted**
- (a) All buildings shall be of an appearance that shall be harmonious and unified as a group of buildings and shall blend appropriately with the surrounding area.
 - (b) Except public utility transformer stations and substations, gas regulator stations and housing for religious personnel attached to a church or school function:
 - 1. No building shall be closer than forty (40') feet to any property or street line.
 - 2. No more than twenty-five (25%) percent of the gross site area shall be covered by structures.

SECTION 1406. AGRICULTURAL USES

- (1) **Intent and Authorization.** Certain agricultural uses, due to their intensity and potential impact on surrounding uses and the environment, require additional consideration. The protection of the ground water and aquifers in Richland Township is of the utmost importance as this is the areas drinking water source. Further, this provisions is intended to protect and preserve surface water quality and the waters of the State. These provisions apply when a new feedlot is proposed for a lot or a site on a lot where a feedlot does not exist at the time of application for a permit nor at which site a feedlot previously existed. Further, these provisions are applicable in the following conditions:
- (a) Intensive Livestock Operations. Animal feedlot confined feeding operation,

including dairy operations, livestock auction yard or stockyard. Expansion of an existing animal feedlot or Livestock Auction Yard by twenty five (25%) or more.

- (b) An existing feedlot or auction yard is restocked after being abandoned or unused for twenty four (24) consecutive months or more.

(2) **Uses:**

- (a) Livestock Auction Yards.

- (b) Within an A-1, Agricultural Preservation District:

1. High Intensity Livestock Operations with fifty (50) or fewer animal units are permitted by right and are not subject to the provisions of this chapter.
2. High Intensity Livestock Operations with fifty one (51) to three hundred (300) animal units are permitted by right, subject to the requirements of this section except for Section 1406 (3) e, setbacks.
3. High Intensity Livestock Operations with more than three hundred (300) animal units are permitted by special land use and subject to all provisions of this chapter.

- (c) Within an A-2, Agricultural Dispersed Residential District:

1. High Intensity Livestock Operations with fifty (50) or fewer animal units are permitted by right and are not subject to the provisions of this chapter.
2. High Intensity Livestock Operations with fifty one (51) to one hundred (100) animal units are permitted by right, subject to the requirements of this section except for Section 1406 (3) e, setbacks.
3. High Intensity Livestock Operations with more than one hundred (100) but no more than two hundred (200) animal units are permitted by special use and subject to all the requirements of this chapter.

(3) **Site Location Principles:**

- (a) New or expanding feedlots are prohibited in the one hundred (100) year flood plain.
- (b) New or expanding feedlots shall not be located closer than one hundred (100) feet from any existing well.
- (c) New or expanding feedlots must be setback a minimum of one

hundred (100) feet from any public or private drainage system.

- (d) New or expanding feedlots must be setback a minimum of one hundred (100) feet from any wetland as defined by Part 303 of Act 451, Michigan’s Natural Resource and Protection Act, as amended.
- (e) New or expanding feedlots must be setback from non-farm dwellings other than those occupied by the owners, operators of family members of the feedlot that are in existence at the time of the application for a new or expanded feedlot operation. All setbacks must be done in accordance with the following:

CATEGORY	101-200 AU	300 - 999 AU	1000 + AU
Public parks	100 feet	500 feet	¼ mile
Residential Dwelling	100 feet	250 feet	¼ mile
Property lines	100 feet	100 feet	100 feet

- (f) Designed and constructed so that no livestock waste is carried into any roadway ditch, drainage area, or sanitary lagoon disposal system; and,
- (g) Designed and constructed so as not to be in violation of applicable federal, state or local sanitation and environmental control laws, rules, and regulations.

(4) Development Requirements:

- (a) Manure shall be removed or disposed of in accordance with the Michigan Department of Agriculture’s most recent Generally Accepted Agricultural and Management Practices (GAAMP) for Manure Management Practices.
- (b) Insect and rodent control:
 1. Removal of manure and disposal as outlined above.
 2. Use of chemical sprays and poisons in accordance with procedures and recommendations of a biologist experienced in insect and rodent control.
- (c) Drainage:
 1. All ground surfaces within pens shall be so graded and compacted to insure positive drainage to an approved collection point.
 2. Surface runoff shall be so controlled that no appreciable amount of soil or manure is carried into any roadway ditch or off site drainage

area where it will deposit and form sludge bands where flies and mosquitoes can breed or create water pollution.

3. A minimum of a twenty (20') foot vegetative buffer with native species (not turf grass) shall be maintained adjacent to all private or public drainage ditches. Row cropping is not permitted within the buffer strip. Adequate vegetative cover or other erosion control practices are required to be maintained within the buffer strip.
4. Developments must use Best Management Practices that will interface with or be consistent with any Watershed Management Plans or Total Maximum Daily Loads (TMDL's) developed or established in the Swan Creek Watershed.

(5) Submittal Requirements

- (a) Special Land Use permit and application fee as stated in Chapter 14.
- (b) A statement as to the maximum number of animals, by average weight range, that will be confined at the feedlot at one time.
- (c) A description of the geological condition and soil types.
- (d) A map and/or aerial photo indicating dimensions of the feedlot, showing all existing homes, buildings, lakes, ponds, watercourses, roads, wells, land contours and surface water drainage within one-half (1/2) miles of the feedlot.
- (e) A manure management plan to contain the following information:
 1. The location of all manure application sites.
 2. Manure handling and spreading techniques to be used by the feedlot.
 3. Plans for proposed manure storage facilities and/or pollution abatement structures.
- (f) If the operation is regulated and/or permitted by the State of Michigan as an intensive livestock operation or confined feeding operation, it may choose to submit its approved Comprehensive Nutrient Management Plan instead.
- (g) A scaled map of the proposed development to include:
 1. The locations and dimensions of all animal confinement buildings including outside lots.

2. The locations, dimensions and design criteria of any manure storage facilities.
 3. The location of any well, active or abandoned, and its distance to the nearest confinement building or outside lot.
 4. The drainage patterns on the site.
 5. The location of all structures within the setback area of the proposed facility.
 6. Proof of ownership or control and timeline for construction.
- (6) **Livestock Auction Yards and Feedlots Declared to be Agricultural Use.** All feedlots and livestock auction yards operated pursuant to a special use permit under this ordinance are considered to be an agricultural use of land.
- (7) **Entry Afforded to the Township Zoning Administrator as Permit Condition.** Each special land use permit for construction and operation of a feedlot shall be subject to the requirement that the owner of the lot on which it is located together with the occupant, if operated by someone other than the owner, shall constitute a right of entry to the Township Zoning Administrator or other Township designee to entry to all parts of the feedlot and the lot on which it is located, excepting any residence or dwelling unit, for inspection purposes relating to conformity of its construction in operation to the terms of this Ordinance. Such inspections shall, except for emergencies, take place between 8:00 a.m. and 5:00 p.m., Monday through Saturday. Before entering upon the land, the Zoning Administrator or designee shall make a reasonable attempt to contact the owner or occupant by telephone or in person at least 24 hours in advance of the proposed inspection.
- (8) **Township Intervention to Prevent or Limit Pollution from Leaking Lagoon or Manure Storage System.** If a feedlot, whether operated pursuant to a permit issued under this Ordinance or not, contains a lagoon or other storage system for the retention of animal manure, which lagoon or other storage system is in a state of disrepair or is otherwise neglected or has been abandoned by its owner or operator and if upon inspection by the Township it is determined that manure is leaking into the groundwater or onto the surface of the ground or into adjacent surface waters via drainage or other means, the Township may, with or without notice to the owner or operator, take such steps as are necessary to drain or contain said manure so as to prevent or limit pollution resulting from such a release. If the Township, through its own resources and employees or through a contractor, is forced to take such steps, it shall collect the costs thereof against the owner and/or operator of the leaking lagoon or manure storage system. If necessary, legal action shall be commenced to compel reimbursement to the Township.

- (9) **Owner/Operator Responsibility for Leaking Lagoon or Manure Storage System not to be Limited by Intervention under Section 1406 (9).** The decision of whether or not to intervene under Section 1406 (9) to prevent or limit pollution from a leaking lagoon or manure storage system shall be vested in the sound discretion of the Township and the Zoning Administrator. Even in the event, however, that the Township engages in such a process it shall not, as a result thereof, be held to assume any responsibility for the negligence or failure of the owner or operator to properly maintain and operate the lagoon or manure storage system in question.

SECTION 1407. GOLF COURSES, SHOOTING CLUBS AND COUNTRY CLUBS

- (1) **Authorization.** In recognition of the basic open space and recreation character of golf courses and shooting or country clubs and compatibility within agricultural and residential areas, these uses may be permitted.
- (2) **Uses:**
- (a) Golf Courses.
 - (b) Shooting Clubs.
 - (c) Country Clubs.

Accessory uses for a permitted use shall be construed to include restaurant and other eating or drinking establishments and such retail sales directly connected with the conduct of the principal use.

- (3) **Site Location Principles.**
- (a) Site location should be allowed which enhances the natural environment and amenities for community life.
- (4) **Development Requirements.** The following standards shall be applicable as basic requirements for the use of land or for the erection, reconstruction or alteration of permitted structures.
- (a) Minimum site shall be ten (10) acres or more and access shall be so designated as to provide all ingress and egress directly onto or from a public street.
 - (b) Lighting shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from all residential lands which adjoin the site.

- (c) Minimum yard and height standards require that no building shall be closer than fifty (50') feet to any property or street line.

SECTION 1408. MANUFACTURED HOUSING DEVELOPMENT

- (1) **Authorization.** Manufactured housing developments are herein recognized as fundamentally a multiple residential use and that allowing in a residential classification, subject to particular conditions and standards, will best promote the public health, safety, comfort, convenience, prosperity and the general welfare as set out in this comprehensive zoning ordinance.

The special features and demands of manufactured housing require full considerations of their site location, design and improvement; their demands upon public services and utilities; and their relationship to and effect upon adjacent land uses.

- (2) **Uses.** A Manufactured Housing Development may include any or all of the following uses, PROVIDED that a plan of the proposed development is approved by the Mobile Home Commission of the State of Michigan in accordance with Act 243, Public Acts of 1959, as amended and PROVIDED further that said development proposal meets the standards and conditions and all other provisions as herein established.

- (a) Manufactured homes are designed for occupancy as a dwelling unit, and containing a minimum of one thousand (1000) square feet of living area.

- (b) Accessory buildings and services required for normal operation. Such establishments or service facilities shall be designed and intended to serve frequent trade of needs of persons residing within the park and may be permitted PROVIDED that such uses:

- 1. Shall not occupy more than five (5%) percent of the area of the park.
- 2. Shall be subordinate to the residential character of the park.
- 3. Shall present no visible evidence of commercial character to any area outside of the park boundaries.

- (c) Maintenance building for conducting the operation and maintenance of a mobile home park. Only one (1) permanent building can be established, however, a caretaker's residence may be established within or in addition to said permanent building.

- (3) **Uses Specifically Prohibited.** The sales, display or storage of manufactured homes for such uses within any portion that is expressly prohibited.

- (4) **Development Requirements.** The following minimum requirements, guidelines and standards shall be used in considering the issuance of a special use permit.

- (a) In addition to the provisions of this Ordinance, all parks shall comply with Act 243, Public Acts of 1959, as amended, proof of which shall be established by presentation of a certified copy of construction permit issued by the State of Michigan prior to final approval of special use permit.
- (b) **If any of the requirements of this section are less restrictive than the State Act (Act 243, Public Acts of 1959, as amended), the State requirements shall prevail.**
- (c) **Park Site Standards.**
 - 1. Manufactured homes intended for residential use must be located within a properly authorized Manufactured Home Park.
 - 2. Minimum site size for Manufactured Home Park shall be forty (40) acres.
 - 3. Minimum number. At least sixty (60) spaces shall be completed and ready for occupancy along with related park improvements before first occupancy.
 - 4. Minimum site location standards require each proposed site to have at least one (1) property line not less than two hundred (200') feet in length abutting a principal or minor arterial or collector street. The arterial or collector street shall be paved and of sufficient design capacity as required by the Saginaw County Road Commission to safely and effectively handle any increased traffic generated.
 - 5. Minimum site access standards require a minimum of two (2) site access points and all points of entrance or exit from the Park are to be paved to a minimum width of twenty-four (24') feet for a two-way or one-way. All street entrance or exit drives shall not be located closer than three hundred and fifty (350') feet from the intersection of any two (2) arterial streets, and no street parking shall be allowed within one hundred (100') feet of intersection with the public street.
 - 6. Minimum Side Yard dimensions require that no building upon the premises shall be located closer than one hundred (100') feet from any property line.
 - 7. Maximum height for any building or structure shall not exceed two and one-half (2 1/2) stories or thirty-five (35') feet.
 - 8. Minimum Open Space Standards. At least ten (10%) of the entire park must be preserved in open space. Open space does not include roads.

(d) **Manufactured Home Space Standards**

1. Minimum space shall be five thousand five hundred (5,500) square feet square feet and the lot shall not be less than fifty (50') feet in width. The minimum space of five thousand five hundred (5,500) square feet may be reduced by twenty (20%) percent provided that each individual site shall be equal to at least four thousand four hundred (4,440) square feet and further provided that each square feet of land gained through the reduction of the lot bed dedicated as open space.
2. Minimum space yard dimensions for front yards and rear yards shall be ten (10') feet and for the side yards shall be a minimum of (10') feet from the nearest space line.

The front yard is the yard which runs from the hitch end of the stand to the nearest space line. The rear yard is the opposite end of the stand and the side yards are at right angles to the ends.

Yard area shall not be encroached upon by enclosed buildings or structures, except that surfaced parking area or surfaced patio area may be provided in yard areas but in all cases shall not be closer than five (5') feet from a space side yard line.

3. Space improvement standards require that each stand consisting of a solid reinforced concrete slab at least four (4") inches in depth. All off-street parking spaces provided on individual mobile home space or on the mobile home park site shall be clearly defined and hard surfaced with bituminous or concrete surfacing which shall be durable and well drained under normal use and weather conditions.

An outdoor concrete surfaced patio area of not less than two hundred (200) square feet shall be provided at each mobile home site, conveniently located to the entrance of the mobile home.

4. Storage facilities shall be provided for each site, and further shall be waterproof and provide a maximum space of five hundred (500) cubic feet for each mobile home space.

(e) Utilities Standards

1. Sanitary sewer and water facilities to all manufactured homes shall be connected to public facilities.
2. Utility lines to each manufactured home park space shall be installed underground and specially designed for that purpose. When separate meters are installed, each meter shall be located in a uniform manner.

When natural gas is unavailable, fuel oil or gas shall be furnished and distributed in a uniform manner in accord with an approved plan by the Planning Commission.

- (5) **Parking, Streets and Walkways.** All driveways, streets, parking areas and walkways within the mobile home park shall be provided with surfacing of bituminous or concrete (see construction standards in Chapter 5) which shall be durable and well drained, and adequately lighted with lighting units so spaced and of such capacity and height for safety and ease of movement of pedestrians and vehicles at night.
 - (a) Minimum parking standards are specified in Chapter 5, and required parking shall be off-street parking and shall be so located as to be convenient to residents and visitors.
 - (b) Park street standards provide that each mobile home space shall have access to a street which shall meet the following specifications where appropriate to its character:

Minimum Pavement Widths

<u>Parking Allowance</u>	<u>Traffic Flow</u>	<u>Min. Paved Width</u>
No Parking	1 or 2 Way	24 feet
Parking 1 side	1 or 2 Way	30 feet
Parking 2 sides	1 or 2 Way	38 feet

All on-street parking shall be parallel and so arranged as not to impair the free movement of traffic or the safety of residents or visitors.

- (c) Curb and gutter shall be provided for on all streets and all street construction shall be in accordance with specifications as required by the Saginaw County Road Commission.
 - (d) Walkway standards provide that walks be provided from mobile homes to service buildings and mobile home facilities shall be at least four (4') feet in width and walks used in common by 1 to 3 mobile homes shall be at least thirty (30") inches in width.
 - (e) Lighting. The developer shall submit a park lighting scheme previously approved by the utility company supplying power.
- (6) **Buffers, Landscaping and Recreation**
 - (a) Greenbelt buffer of thirty (30') feet in width shall be located within the fifty (50') feet yard area as established herein.

This greenbelt shall be established and continually maintained and shall consist of trees and shrubs, or grassed berm, to protect privacy for the mobile home residents and to shield the mobile homes from surrounding areas.

The greenbelt shall contain at least one (1) row, either straight or staggered, of deciduous and/or evergreen trees spaced not more than forty (40') feet apart and at least three (3) rows of deciduous and/or evergreen shrubs, spaced not more than eight (8') feet apart. In the case of a berm, said berm shall be a minimum of five (5') feet in vertical height.

- (b) Recreation space standards provide that common recreation space of not less than twenty (20%) percent of the gross park area shall be developed and maintained by the park owner. This area shall not be less than one hundred (100') feet in its smallest dimensions and its boundary no further than five hundred (500') feet from any mobile home space within its service area. Yard requirements as set out in this Ordinance are not to be defined as recreational areas in obtaining the minimum area of twenty (20%) percent as set forth herein.

(7) Public Health and Safety

- (a) Storage, collection and disposal of refuse and garbage, shall be so conducted as not to create health hazards, rodent harborage, insect breeding area, fire hazards, or pollution of air or water bodies. All refuse and garbage shall be collected at least once weekly through a suitable public or private agency, if available. The park owner shall provide this service. Garbage containers shall be located in a uniform manner at each space and so designed to be of a permanent character or located out of general view. Dumpsters are expressly prohibited.
- (b) Suitable fire hydrants shall be installed in all parks as required by the fire chief.
- (c) To aid protection of the public safety, an orderly street name system and numbering system shall be established by the mobile home park owner and a plan of this system shall be verified by the local Post Office department and filed with the community fire and police department. Mobile home space numbers shall be located uniformly on each space throughout the mobile home park and street names shall be adequately marked.
- (d) Manufactured Housing. Installation of manufactured homes upon each site shall be accomplished in accordance with Part 6 of the Manufactured Housing Commission Rules. All manufactured housing shall be connected to utilities and shall be skirted and anchored in accordance with Part 6 of the Manufactured Housing Commission rules.

(8) Miscellaneous Provisions

- (a) Resident supervision and maintenance. The park shall be operated in compliance with the provisions of this Ordinance and the manufactured home park owner (s) shall provide a designated individual, in residence, to adequately supervise and maintain the park, its facilities and its equipment in good repair and in a clean and sanitary condition.

- (b) Performance bond. Upon granting a special use permit, a bond executed by any surety company authorized to do business in the State of Michigan, may be required to be delivered to the Township Board by the applicant for the faithful performance of the provisions of this Ordinance and conditions of the special use permit. Said Bond shall be in an amount to be determined by the Township Board and shall be conditioned upon the completion of all acts relative to the construction, alteration or extension of any mobile home park within a period of time to be determined as a condition of the special use permit.

- (c) Inspection of manufactured home parks is authorized and the Building Inspector is directed to make at least yearly inspections of the premise to insure conformance with these Ordinance provisions and all other applicable codes and regulations. The Chief of the local fire department or his designated representative, is directed to make at least yearly inspections of the premises to insure adequate provisions for fire protection are being observed in the interest of the public safety.

SECTION 1409. PLANNED RESIDENTIAL UNIT DEVELOPMENT

It is the purpose of this section to encourage more imaginative and livable housing environments within the Residential Districts, as noted, through a planned reduction, or averaging, of the individual lot and/or area requirements for each zone district PROVIDING the overall density requirements for each district remains the same. Such averaging or reduction of lot area requirements shall only be permitted when a land owner, or group of owners acting jointly, can plan and develop a tract of land as one complex land use unit, rather than an aggregation of individual buildings located on separate, unrelated lots. Under these conditions, a special use permit may be issued for the construction and occupancy of a planned unit development PROVIDING the standards, procedures and requirements set forth in this section can be complied with.

- (1) **Objectives.**
 - (a) To provide a more desirable living environment by preserving the natural character of open fields, stands of trees, brooks, ponds, floodplains, hills and similar natural assets.
 - (b) To encourage the preservation of open space and the development of recreational facilities in a generally central location and within reasonable distance of all living units.
 - (c) To encourage developers to use a more creative and imaginative approach in the development of residential areas.
 - (d) To provide for more efficient and aesthetic use of open areas by allowing the developer to reduce development costs through the bypassing of natural obstacles in the residential site.
 - (e) To encourage variety in the physical development pattern of the community by providing a variety and mixture of housing types.

- (2) **Qualifying Conditions.** Any application for a special use permit shall meet the following conditions to qualify for consideration as planned unit development.
 - (a) All planned unit developments shall be under the control of the one owner or group of owners, and shall be capable of being planned and developed as one integral unit.
 - (b) Public water and sewer facilities shall be available or shall be provided as part of the site development. The developer must demonstrate ability to provide water and sanitary sewer services, including all required County approvals and permits, or show connection to the public system.

- (c) For each square foot of land gained through the reduction or averaging of lot sizes, equal amounts of land shall be dedicated to the public or shall be set aside for the common use of the home or lot owners within the planned unit development under legal procedures which shall also give the public a covenant or interest herein, so that there are assurances that the required open space shall remain open or a minimum of 25% of total legally described development.
 - (d) The proposed planned unit development shall meet all of the general standards outlined herein.
- (3) **Uses That May Be Permitted.** The following uses of land and structures may be permitted within planned residential unit development, subject to the district limitation as therein after listed:
- (a) Single family dwellings. In any R-District and/or in an A-2 district, when located on a County Primary Road or on a state highway.
 - (b) Two family dwellings. In R or C District.
 - (c) Townhouses, row houses, or other similar housing types which can be defined as a single family attached dwelling with no side yards between adjacent dwelling units in R Districts PROVIDED that there shall be no more than a length of one hundred fifty (150') feet in any contiguous group allowed within an R District, nor shall there be more than a length of two hundred in C Districts.
 - (d) Apartments. In R-2 or C Districts.
 - (e) Recreation and open space, as defined, (in any R-District), PROVIDED that only the following land uses may be set aside as common land for open space or recreational use under the provisions of the Section.

Private recreation facilities, such as golf courses, swimming pools or other recreation facilities which are limited to the use of the owners or occupants of the lots located within the planned unit development.

Historic building sites, or historical sites, parks and parkway areas, ornamental parks, extensive areas with tree cover, low lands along streams or areas of rough terrain when such areas have natural features worthy of scenic preservation.
 - (f) Planned neighborhood shopping centers in an R -2 or C Districts.

(4) **Lot Variation and Development Regulations.** The lot area for planned unit developments within Residential R-Districts may be averaged or reduced from those sizes required by the applicable zoning district within which said development is located by compliance with the following requirements:

(a) Site acreage computation. The gross acreage proposed for a planned unit development shall be computed to determine the total land area available for development into lots under the minimum lot size requirements of the applicable zoning district in which the proposed planned unit development is located.

In arriving at a gross acreage figure, the following lands shall not be considered as part of the gross acreage in computing the maximum number of lots and/or dwelling units that may be created under this procedure:

Land utilized by public utilities as easements, for major facilities such as electric transmission lines, sewer lines, water mains or other similar lands which are not available to the other because of such easement. Lands within floodways.

(b) Maximum number of lots and dwelling units: After the total gross area available for development has been determined by the above procedure, the maximum number of lots and/or dwelling units that may be approved within a planned unit development shall be computed by subtracting from the total for street right-of-way purposes, and dividing the remaining net area available by the minimum lot area requirements of the zoning district in which the planned unit development is located.

(c) The fixed percentages for street right-of-way purposes to be subtracted from the total gross area available for development shall be determined according to the following schedule:

<u>District Use</u>	<u>% of Project Area</u>
R-1 and R-2 (Single family detached)	25%
R-1, R-2, C (Single family attached Two family and multiple family)	20%

(d) These percentages shall apply regardless of the amount of land actually required for street right-of-way.

- (e) Under this procedure, individual lots may be reduced in area below the minimum lot size required by the zone district in which the planned unit development is located, PROVIDED that the total number of dwelling units and/or lots created within the development is not more than the maximum number that would be allowed if the tract were developed under the minimum lot area requirements of the applicable zone district in which it is located.
- (f) Recognizing that good project planning, provision of adequate and developed open space and sound site design, minimize the effects of crowding associated with higher densities, the developer at the time of a special use permit may also request a maximum of up to twenty (20%) percent increase in permitted dwelling unit density as above computed.
- (g) Said request may be granted as a condition of special use permit PROVIDED increased density does not result in creation of any of these conditions:
 - 1. Inconvenience or unsafe access to the planned development.
 - 2. Traffic congestion in streets which adjoin the planned development.
 - 3. An excessive burden on public service or utilities including schools which serve the planned development.
- (h) Permissive minimum lot area. Notwithstanding other procedures set forth in this section, lot sizes within planned unit developments shall not be varied or reduced in area below the following standards:
 - 1. One family detached dwelling structure: Four thousand eight hundred (4,800) square feet of lot area.
 - 2. Two family dwelling structure: Six thousand two hundred (6,200) square feet of lot area.
 - 3. Townhouses, row houses or other similar permitted single family attached dwelling types: Six thousand two hundred (6,200) square feet of lot area for the first dwelling unit in each structure plus two thousand (2,000) square feet for each additional dwelling unit within a structure.
- (i) Permissive minimum yard requirements. Under the lot averaging or reduction procedure, each shall have at least the following minimum yards:

1. Front Yard. Fifteen (15') feet for all dwellings, PROVIDED that front yard requirements may be varied by the Planning Commission after consideration of common green space or other common open space if such provides an average of fifteen (15') feet of Front Yard area per Dwelling unit.
 2. Side Yard. Eight (8') feet on each side for all one family and two family dwellings; none for townhouses or row houses, PROVIDED that there shall be a minimum of twenty (20') feet between end of contiguous groups of dwelling units.
 3. Rear Yard. Twenty (20') feet for all dwellings, PROVIDED that rear yard requirements may be varied by the Planning Commission after consideration of common open space lands or parks which abut the rear yard area.
 4. Perimeter Setback. The yard requirements at the exterior boundaries of the project will not be less than the minimum yards required in the District where located.
 - (j) Maximum permissive building height. Two and one-half (2 1/2) stories but not exceeding thirty-five (35') feet. Accessory buildings shall not exceed a height of fifteen (15') feet.
- (5) **Open Space Requirements.** For each square foot of land gained through the averaging or reduction of lot sizes under the provisions of this section, equal amounts of land shall be provided in open space, as defined in Chapter 2. There is no maximum amount of open space that may be set aside as open space. All open space, tree cover, recreational area, scenic vista or other authorized open land areas shall be either set aside as common land for the sole benefit, use and enjoyment of present and future lot or home owners within the development, or shall be dedicated to the general public as park land for the use of the general public. The Planning Commission shall determine which of these options is most appropriate and shall recommend to the legislative body one of the following procedures as part of its approval of a special use permit for a planned unit development:
- (a) That open space land shall be owned by the land owner or owners or a home owners association or other similar nonprofit organization so that fee simple title shall be vested in tract lot owners as tenants in common, PROVIDED that suitable arrangements have been made for the maintenance of said land and any buildings thereon, and PROVIDED FURTHER that a copy of the open space easement for said land be conveyed to the legislative body to assure that open space land remain open.

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- (b) That open space land shall be dedicated to the general public for parks or recreational purposes by the tract owner or owners, PROVIDED that the location and extent of said land conforms to the Development Plan and PROVIDED FURTHER that access to and the characteristics of said land is such that it will be readily available to and desirable for public use, development and maintenance.
 - (c) It is the intent of this section that the owners or developers of the planned unit development shall not be compelled or required to improve the natural condition of said open space lands.
- (6) Street Development Requirements. Street standards and specifications adopted by the Saginaw County Road Commission and all applicable local standards shall be complied with for all street improvements.

SECTION 1410. OPEN SPACE DEVELOPMENT

This chapter is intended to provide an optional method for residential development, as required by Act 177 (P.A. 2001), allowing for a minimum of fifty percent open space in the total proposed development. A residential development compatible with the open space preservation ordinance shall achieve economy and efficiency in the use of land and natural resources, to provide for efficiencies and economics in providing public services and utilities to encourage the development of more useful open space.

The residential development shall not detract from the surrounding rural areas in which it is located and shall be consistent with the intent of the Township to provide safe, quality housing for its residents.

- (1) **Applicability.** All lots created after the effective date of this ordinance where residences are permitted by rights at a density of two (2) dwelling units per acre or less: These provisions shall apply in the following districts:
 - (a) A-1, Agricultural
 - (b) A-2, Agricultural Dispersed Residential.
 - (c) All planned unit development (PUD) projects, as permitted in this Ordinance, subject to all the provisions of the planned unit development section and all other applicable provisions of Chapter 15 and this ordinance.

- (2) Development Standards.
 - (a) **Density.** The maximum density permitted in an open space development is equal to the density in the existing zoning district.

 - (b) **Site Development Requirements.** Site development requirements for open space developments will follow the regulations in the existing zoning districts, with the following exceptions:
 - 1. Minimum lot area: nine thousand five hundred (9,500) square feet
 - 2. Minimum lot frontage and lot width: eighty (80) feet.
 - 3. Rear yard setback: twenty (20) feet
 - 4. Maximum lot coverage: N/A

- (c) **Buffer Requirements.** When located adjacent to existing residential development, the proposed open space development shall provide a minimum of one hundred (100') feet between the property line of the adjacent residential development and the nearest structure within the open space development. This buffer does not count toward the open space requirement.

- (3) **Application Procedures.** A developer who wishes to use the open space development option shall submit two (2) concept plans for review by the Zoning Administrator and the Planning Commission. These concept plans shall be prepared in accordance with the site plan requirements in Chapter 15 and the following additional requirements:
 - (a) **Density Concept.** One concept plan shall portray the development of the dwelling units on the site according to the requirements for the zoning district in which the site is located with respect to lot area, width, setbacks, and all other dimensional requirements. The proposed density must be realistic in terms of the project area that would actually be buildable. Wetlands, floodplains, areas that are reserved for roads or utility easements, and other areas that are unbuildable shall be excluded from the project density calculations.
 - (b) **Open Space Concept.** The other concept plan shall portray the development of the dwelling units in a manner so that at least fifty percent (50%) of the land area of the site will perpetually remain in an undeveloped state. The Open Space Concept Plan shall contain the same number of dwelling units as the Density Concept Plan.
 - (c) **Project Narrative.** The applicant shall provide a written narrative that explains the project and its benefits. The narrative should specifically address all elements of the project that would not comply with the zoning district regulations that would apply to the Density Concept Plan.
 - (d) **Long Term Maintenance Plan and Maintenance Schedule.** The applicant shall provide a written narrative that details the proposed maintenance plan for the portion of the property to remain undeveloped. The plan should detail the specific maintenance that will occur, how often and how it will be perpetually funded.

- (4) **Approval Standards.** The following requirements, in addition to the general standards contained within this chapter, must be met:
 - (a) **Water Supply and Wastewater Disposal.** The proposed development will comply with all requirements of the Saginaw County Department of Public Health for residential water supply and wastewater disposal.
 - (b) **Land Division Act.** The proposed development will comply with all requirements of the Land Division Act.

- (c) **Creation of Open Space.** At least fifty percent (50%) of the project land area will remain perpetually in an undeveloped state, as previously defined in this section, by means of conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land and that is acceptable to the Township. The conservation easement, plat dedication, restrictive covenant or other legal means must include the maintenance agreement as proposed by the developer and approved by the Township. Failure to maintain the property as agreed is equal to a failure to abide by the zoning ordinance and the approval of the planning commission. Furthermore, the conveyance should provide for the assessment of the private property owners by the Township for the cost of maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.

- (5) **Maintenance of Open Space.** The open space as identified and approved in the Open Space Development must be maintained as agreed and identified in the narrative submitted under Section 1412. As part of the special land use approval, the owner or owners of the Open Space Development agree to provide access to the Township Zoning Administrator to inspect the maintenance of the open space. Approval of this Open Space Development Special Land Use provides the Township the right to, after inspection and request of the developer, to provide maintenance of the open space area as specified within the approval at a cost of the maintenance to the Township plus twenty five (25%). These costs will be distributed among the property owners within the development by special assessment.

SECTION 1411. COMMERCIAL PLANNED UNIT DEVELOPMENT

It is the purpose of this section to promote more imaginative and flexible commercial developments that will encourage open space preservation, open space amenities, landscaping, and are pedestrian-friendly.

(1) Objectives

- (a) To encourage economic development by offering developers greater flexibility in the design and location of businesses.
- (b) To encourage the provision of common open space in the development of commercial properties.
- (c) To encourage developers in the use of a more creative and imaginative approach to commercial development.
- (d) To encourage user-friendly and pedestrian-friendly commercial developments.

(2) Qualifying Conditions

In applying for a special use permit as a Planned Commercial Unit Development, applicants should keep in mind that the approval of the development, in terms of layout, design, uses and all other related site improvements runs with the property itself and not the property owner. This means that any transfer of property will require the new owner(s) to meet the provisions of the development as approved by the Township. Modifications or transfer must follow the requirements as set forth in Section 1409. To qualify for consideration as a Planned Commercial Unit Development, the following conditions shall be met:

- (a) The Lot shall be zoned C-2. When located along a state highway, the lot may be a combination of A-1 or A-2 and C-2. A commercial PUD is not permitted in on or contained within a parcel or group of parcels only zoned for agriculture or in areas shown in the Township's adopted future land use plan as agriculture only.
- (b) The proposed development shall be designed within a unified architectural treatment as provided for in Section 1809, E.
- (c) Minimum Lot size shall be five (5) acres and shall contain at least five (5) individual uses.
- (d) The Lot shall front at least one street classified as an arterial or principal collector and be provided with adequate ingress and egress, including provision of service land running the length of the property abutting the arterial or collector.

- (e) The Lot shall be zoned C-1, or a combination of A-1, and/or A-2 and C-1 and be located in an area defined for reasonable growth as defined in the Township's Master Plan, generally stretching from Geddes Road to Brennan Road.
- (f) Public water and sewer facilities shall be available or shall be provided as part of the site development.

(3) **Permitted Uses**

All cumulative uses as permitted by right and as permitted by special use permit in the C-1 and C-2 districts shall be permitted, PROVIDED such uses and structures are complementary to each other, do not cause undue overcrowding, and comply with the other provisions of this section.

(4) **Lot Variation and Development Requirements**

- (a) The common open space created under the provisions of this section shall be no less than 10% of the total Lot area. The open space may include, but not limited to, the following:
 - 1. A public plaza.
 - 2. A park.
 - 3. A public plaza or a park created in combination with the storm water retention basin.
 - 4. Area devoted exclusively to designated pedestrian walkways within the development (not including sidewalk or parking lot walkways) may be counted as part of the open space.
 - 5. Landscaped areas beyond what is required under the prevailing zoning district requirements may be counted as open space.
- (b) For each square foot of common open space created, an equal amount may be added to the bulk requirements of the prevailing zoning district.
- (c) Suggested setbacks shall be: forty (40) feet as front yard, twenty (20) feet as side yards, and thirty (30) feet as rear yard.
- (d) Maximum building height shall be three (3) stories or forty (40) feet.
- (e) Planning Commission may require the installation of sidewalks as deemed appropriate.

- (f) The Planning Commission in its review of the site plan shall determine the lot width, building setbacks, building heights and densities. In determining the appropriate requirements, the Planning Commission shall take into account:
 - 1. The nature of existing and future land uses adjacent to and near the site.
 - 2. The number, type, and size of buildings proposed for the site.
 - 3. Location of natural and cultural features on the site.
 - 4. Topography of the site.
 - 5. Provision of public utilities to the site.
 - 6. Requirements for adequate fire, police, and emergency vehicle access.
 - 7. The objectives of this section.

(5) Architectural Design Guidelines

- (a) A unified architectural design theme should be incorporated into each development.
- (b) The appearance of a “sea of asphalt” parking lot in the front of the development shall be avoided. Both perimeter and interior parking lot trees shall be provided for shade and visual relief while maintaining view corridors to the storefront areas.
- (c) A portion of the total building area should be located at the street perimeter with substantial landscaping that reinforces and strengthens the streetscape and helps screen off-street parking area.
- (d) Landscaping trees shall be allowed to achieve their natural form. Pruning to reduce the natural diameter of the trees shall not occur.
- (e) Truck delivery and circulation routes should be separated from customer circulation throughout the site. Delivery and service activities should be accessed from the least traveled route adjacent to the site.
- (f) All roof top mechanical equipment antennas, etc., shall be screened from view. Roof top lighting is strongly discouraged.
- (g) Textured or colored paving materials are encouraged to identify pedestrian circulation areas, especially within the parking lot.

- (h) Shopping cart storage areas shall be incorporated into the building design to provide a visual screen of carts from the parking area.
- (i) Outdoor gathering areas and public eating areas are encouraged.
- (j) All commercial signs shall be designed as an integral part of the development and shall be harmonious with other aspects of the development.

(6) Amending or Transferring Ownership

- (a) Prior to a transfer of ownership or a change in use, the property owner(s) of the development must contact the Township in writing to declare their intent and initiate an administrative review process.
- (b) Administrative review process shall include, but not be limited, to the following:
 - 1. During and after the establishment of the Planned Commercial Unit Development, the owner(s) or proponents of the development shall strictly adhere to conditions, schedules and development requirements recommended by the Planning Commission. The owner(s) or proponents must submit any proposed modifications to the approved plan that specifically affects established densities, uses, an increase or reduction in size and scope of the project, modifications affecting publicly dedicated open spaces, rights of way or easements, and alterations to the approved overall plan, including architectural design changes.
 - 2. Any of these modifications shall require submission of a site plan application to the Township describing the proposed changes. All proposed changes shall follow the same process as the original site plan review and approval process.

SECTION 1412. DAY NURSERY

- (1) **Authorization.** In order to facilitate the care of school children, this section provides for the inclusion of nursery schools and child care centers within Districts A-1, A-2, R-1 and R-2 and within religious institutions within any zone district. This use may be authorized by the issuance of a special use permit or as otherwise cited when all of the procedures and applicable requirements stated and the additional requirements of this section can be complied with.
- (2) **Uses That May Be Permitted.** Nursery schools, day nurseries and child care centers (not including dormitories) may be authorized, PROVIDED that there shall not be more than one (1) dwelling unit used for residential purposes on the site.

- (3) **Development Requirements.** The following requirements for site development together with any other applicable requirements of this Ordinance shall be complied with:
- (a) Pick up and drop off must be designed so as not to interfere with the function of the roadway on or adjacent to the property.
 - (b) The development must meet all applicable requirements and guidelines per state law.

SECTION 1413. VEHICLE SERVICE STATION

- (1) **Intent.** It is the intent of this section to exercise a measure of control over service stations and permitted buildings, and their sites, and to establish a basic set of standards within which individual solutions may be developed to meet the retail service needs of motor vehicles. The objectives of the regulations set forth in this section are to:
- (a) Promote the type of development which will be compatible with the other land use activities located in areas where service stations will be constructed.
 - (b) Control those aspects of service station design, site layout and operation which may, unless regulated, be damaging to surrounding uses of land.
 - (c) Minimize the traffic congestion and safety hazards which can be associated with service station activity.
- (2) **Uses That May Be Permitted.** Vehicle service stations, PROVIDED such accessory uses and services are conducted wholly within a completely enclosed building. These uses may include food service, convenience stores and auto parts and accessories. Body repair, engine overhauling, steam cleaning or other mechanical or physical modifications to motor vehicles may be considered an accessory use if identified on the site plan and performed within a wholly enclosed building and without outside storage of parts, junk vehicles, scrap tires, etc. Further, vehicle repair must provide days and hours of operation at the time of approval.
- (3) **Site Development Requirements.** The following requirements for site development, together with any other applicable requirements of this Ordinance shall be complied with:
- (a) Minimum site size. Fifteen thousand (15,000) square feet with a minimum width of one hundred fifty (150') feet.
 - (b) Site location. The proposed site shall have at least one (1) property line on a principal or minor arterial.

- (c) Building setback. The service station building, or permitted buildings shall be setback fifty (50') feet from all street right-of-way lines and shall not be located closer than fifty (50') feet to any property line in a residential district unless, separated there from by a street or alley.

No installations, except walls or fencing and permitted signs, lighting and essential services, may be constructed closer than twenty (20') feet to the line of any street right-of-way.

Hydraulic hoists, pits and all lubrication, greasing, and repair equipment shall be entirely enclosed within a building. Wash bays are permitted as an accessory use.

- (d) Access drives. No more than one (1) driveway approaches shall be permitted directly from any principal or minor arterial nor more than one (1) driveway approach from any other street, each of which shall not exceed thirty-five (35') feet in width at the property line. All State and/or County road permits as applicable, are required prior to site plan review.

If the service station or permitted building site fronts on two (2) or more streets, the driveways shall be located as far from the street intersection as practical.

No driveway or curb cut for a driveway shall be located within ten (10') feet of an adjoining property line and shall be no less than twenty-five (25') feet from any adjacent lot within an R-District as extended to a curb or pavement.

- (e) Curbing and paving. A raised curb at least six (6") inches in height shall be erected along all of the street property lines, except at driveway approaches. The entire service area shall be paved with a permanent surface of concrete or asphalt.
- (f) Fencing. A solid fence or wall six (6') feet in height shall be erected along all property lines abutting any lot with a residential use.
- (g) Lighting. Exterior lighting shall be so arranged so that it does not spill over onto adjacent properties and adjacent streets.

SECTION 1414. WIRELESS COMMUNICATION ORDINANCE

Authorization. Changing technology in the field of communications has resulted in a reliance upon more versatile convenient forms of communication. Businesses, individuals and government have all developed a strong dependence upon the ability to quickly contact others. The use of radios and cellular phones have proven themselves over and over again in emergency situations.

- (1) Qualifying conditions

- (a) The following site and developmental requirements shall apply:
1. Communication Towers shall be restricted to self-supporting structures. The use of guy wires is prohibited.
 2. The base of the tower and accessory structures shall be enclosed with a minimum six (6') foot high fence.
- (b) Special Performance Standards:
1. The tower must be setback from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by a report from a structural engineer registered in Michigan showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222 (latest revision) standards, which tower shall be a self-supporting lattice tower or a self-supporting monopole. The applicant shall incur all costs associated with the review of such a report.
 2. Towers shall be setback from property lines a minimum distance equal to its height when erected on a parcel that abuts other A-1 or residentially zoned or used parcels. This requirement is independent of Section 1912(b)(i).
 3. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than thirty (30') feet.
 4. Accessory structures shall be designed to be aesthetically compatible with the adjoining properties. This may include the construction of a brick façade and a pitched roof.
 5. Accessory structures shall not exceed four hundred (400) square feet of gross building area per structure.
 6. All buffer/yard requirements within the zoning ordinance shall be met.
 7. All towers shall be equipped with an anti-climbing device to prevent unauthorized access.
 8. The plans of the tower construction shall be certified by a Michigan registered structural engineer.
 9. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.

10. All towers must meet the standards of the Federal Aviation Administration, the Federal Communications Commission and the Tri-City Area Joint Aviation Committee.
11. Communication towers in excess of one hundred seventy-five (175') feet in height above grade level shall be prohibited within two (2) miles of a public airport property boundary or a ½ mile radius of a helipad.
12. Metal towers shall be constructed of, or treated with, corrosive-resistant material and shall be painted white or off-white. Applicant shall submit a maintenance program acceptable to the Township. The antenna shall be painted to match the exterior treatment of the tower.
13. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical wiring and connections with all applicable local statutes, regulations and standards.
14. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the current Township Building Code.
15. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and or structure, or between tower, shall be at least eight (8') feet above the ground at all points, unless buried underground.
16. Towers shall be located so that they do not interfere with reception in nearby residential areas.
17. All signals and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8') feet above the ground at all points, unless buried underground.
18. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased by the applicant.
19. The base of the tower shall occupy no more than five hundred (500) square feet.
20. Minimum spacing between tower locations shall not be less than 1 ½ mile radius to prevent a concentration of towers in one area. This shall include a distance of neighboring township towers.

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21. Height of the tower shall not exceed one hundred seventy-five (175') feet from grade within all applicable districts.
22. Towers shall not be artificially lit unless required by the Federal Aviation Administration.
23. Existing on-site vegetation shall be preserved to the maximum extent practical.
24. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
25. The antenna shall be painted to match the exterior treatment of the Tower.
26. All parking and drive areas must be paved as provided in this ordinance.
27. The developer shall plant two (2) alternating rows of evergreen trees with a minimum height of five (5') feet on twenty (20') foot centers along the entire perimeter of the tower and related structures. In no case shall the evergreens be any closer than ten (10') feet to any structure.
28. The tower and site compound shall be removed by the property owner or lessee within six months of being abandoned. The Township will require an irrevocable \$10,000.00 performance bond to ensure its removal.
29. A conceptual plan must be submitted by the applicant which indicates the contemplated areas within the Township that the communication provider may construct other towers.
30. Towers shall be designed to provide for co-location. If the applicant demonstrates that they cannot co-locate on an existing tower, applicant must provide documentation satisfactory to the Township that co-location is not possible.
31. Subject to the conditions in this subsection the Township may permit the location of Personal Wireless Communication Facilities on any Township owned and occupied land.
32. The applicant shall submit a copy of a valid FCC license for the proposed activity, or proof that the applicant or carrier is the successful bidder for an FCC license at auction and that the final issuance of the FCC license purchased at auction is pending.

- (2) Site and Development Requirements. All communication towers shall satisfy the following site and development requirements:
 - (a) A minimum site of one (1) acre with a minimum of one hundred fifty (150) feet of road frontage.
 - (b) The base of the tower and wire cable support shall be fenced with a minimum six (6) feet high fence.
 - (c) The use of guyed wires is strictly prohibited in all Districts.
- (3) Special Performance Standards. All communication towers shall satisfy and comply with the following special performance standards:
 - (a) The tower must be set back from property lines a distance equal to its height, unless engineering plans and specifications have been verified by the township engineer that structural integrity of the tower will withstand high winds and impacts, and the likelihood of a tower failure is minimal. No guyed wires are permitted. The applicant shall incur all costs associated with the township engineering review. In no case shall a tower be located within sixty (60) feet of a property line.
 - (b) Accessory structures are limited to use associated with the operation of the tower and may not be located any closer than thirty (30) feet to any property line.
 - (c) Accessory structures shall not exceed six hundred (600) square feet of gross building area. If co-location is used, one such accessory structure is allowed for each provider not exceeding five accessory structures.
 - (d) There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
 - (e) All parking and drive areas must be, at a minimum, gravel surface.
 - (f) Where the property adjoins any residentially zoned property or land use, the site shall be landscaped in accordance with the landscape requirements established by the Planning Commission. Existing mature tree growth and natural landforms on the site may be used in lieu of required landscaping where approved by the Planning Commission.
 - (g) The property owner shall remove the tower within six (6) months of being abandoned. The communications tower shall be deemed abandoned if, for a continuous period of six (6) months, none of the antenna or other communication devices attached thereto are operational.

SECTION 1415. PUBLIC UTILITY AND SERVICE INSTALLATIONS

Intent. It is the intent of this section to promote the health, safety and general welfare of the residents of Richland Township; to provide standards for the safe provision of utility distribution facilities consistent with applicable Federal and State regulations; to minimize the total number of utility distribution facilities in the community by encouraging use of such facilities and to minimize adverse visual, sound and odor effects from utility distribution facilities by requiring careful siting, visual impact assessment, and appropriate landscaping thereby protecting the natural features and aesthetic character of Richland Township.

(1) **Uses That May Be Permitted.**

(a) Utility Distribution Facilities, except those approved prior to the effective date of this section, may not continue to be used unless in conformity with these regulations. No utility distribution facility shall hereafter be erected, moved, reconstructed, changed or altered unless in conformity with these regulations. No existing structure shall be modified to serve as a utility distribution facility unless in conformity with these regulations.

(b) These regulations shall apply to all property within the following

1. Districts: A-1, A-2, C-2 and M-1 Districts. Utility distribution facilities shall be specifically excluded from all other districts.

(2) **Site Plan Review.** In addition to the requirements of Chapter 16, the following materials must be submitted:

(a) The submitted site plan shall show all existing and proposed structures including lighting and improvements including roads, buildings, tower(s), guy wires and anchors, antennae, parking and landscaping, and shall include grading plans for new facilities and roads.

(b) The plan shall ensure that the utility distribution facilities shall be in a completely enclosed structure which conforms in character and appearance to other buildings, located within 1500 feet of the proposed structure.

(c) The facility plan shall show that the facility shall be located at least two hundred (200) feet from any property boundary line and at least four hundred (400) feet from any current structure. Where such a facility is directly adjacent to other property with the same USE (e.g. Public Utility and Service Installations), the Planning Commission MAY allow for a zero foot setback from those property line(s). The Planning Commission may increase the setback requirements based upon the type of facility, its unique

characteristics and location, density of population and buildings, safety, and the general impact on the surrounding properties.

1. The facility plan shall show that it does not involve business offices, storage areas or structures requiring trucking or other truck movements.
 2. Supporting Documentation - The applicant shall submit documentation on the proposed intent and capacity of use as well as a justification for the height of any utility distribution facilities and justification for any clearing required.
- (3) **Lot Size and Setbacks.** All proposed utility distribution facilities accessory structures shall be located on a single parcel and shall be setback from abutting parcels and street lines a distance sufficient to substantially preserve the privacy of any adjoining residential properties.
- (a) Lot size of parcels containing a utility distribution facilities shall be determined by the amount of land required to meet the setback requirements. If the land is to be leased, the entire area required shall be leased from a single parcel unless the Planning Commission determines that this provision may be waived.
 - (b) Utility Distribution Facilities shall be located with a minimum setback from any property line equal to at least two hundred (200) feet and four hundred (400) feet from any existing structure. Accessory buildings shall comply with minimum setback requirements in the underlying zoning district. The Planning Commission may increase the setback requirements based upon the type of facility, its unique characteristics and location, density of population and buildings, safety, and the general impact on the surrounding properties.
- (4) **Visual/Noise/Odor Impact Assessment.** The Planning Commission may require the applicant to undertake visual and noise impact assessments which may include:
- (a) A Zone of Visibility Map and/or Zone of Noise Penetration and/or Zone of Odor Penetration Map shall be provided in order to determine where the facility may be seen and what noise or odor will be emanating from.
 - (b) Pictorial representations of before and after view from any key viewpoints both inside and outside of the Township including but not limited to: state highways and other major roads, other public lands or sites normally open to the public, and from any other location where the site is visible to a large number of visitors or travelers. If this is a requirement, the Township Zoning Administrator shall determine the key sites at a pre-submission conference with the applicant.

- (c) Assessment of the alternative designs and color schemes, as described in subsection K below.
 - (d) Engineering studies showing likely noise impacts upon properties within a two thousand (2000') feet radius of the facility as well as alternate designs to reduce or eliminate the transmission of noise to areas outside the walls of the utility distribution facilities.
 - (e) Studies to show that no odor will emanate from the facility.
- (5) **Facility Design.** Alternate designs shall be considered for new facilities, including underground. The design of a proposed new utility distribution facility shall comply with the following:
- (a) Unless specifically required by other regulations, a utility distribution facility shall have a finish that minimizes its degree of visual impact.
 - (b) The maximum height of any new utility distribution facility shall not exceed that which shall permit operation without artificial lighting of any kind or nature except as required by state, and/or federal law and/or regulation. The Board and its discretion may modify this requirement if the applicant can justify the need to exceed this height limitation.
 - (c) No lighting shall be permitted unless required by the State or Federal Law. If facility lighting is necessary, the applicant shall fully disclose to the Planning Commission all lighting options. Only the minimal amount of lighting necessary to meet state, and/or federal laws and/or regulations shall be authorized. Light pollution or light spillover to the nearby and distant properties shall be minimized to the greatest degree possible by use of shielding. The Planning Commission shall upon review approve only the lighting scheme that it determines to be least obtrusive to the affective properties.
 - (d) Accessory building shall maximize the use of building materials, colors and textures designed to blend with the natural surroundings.
 - (e) A sign shall be conspicuously placed near the base of a utility distribution facility and it shall generally state that danger exists and that no access is permitted. No portion of any utility distribution facility or accessory building shall be used for a sign other than as stated or for any other advertising purpose, including but not limited to: company name, phone numbers banners, and streamers.
 - (f) No noise shall be permitted to extend beyond the premises except at a level of no more than 45 d.b.a. for more than 30 minutes in a 24 hour period. The applicant shall fully disclose to the Planning Commission all noise options. Only the minimal amount of noise necessary shall be authorized. Noise

pollution to nearby and distant properties shall be minimized to the greatest degree possible by use of shielding, burying or noise making devices, insulation, buildings and the use of technology. The Planning Commission shall upon review approve only the noise levels and scheme that it determines to be least obtrusive to the affected properties.

- (g) No odor shall be permitted to extend beyond the premises. The applicant shall fully disclose to the Planning Commission all potential odor problems. Odor pollution to the nearby and distant properties shall be prohibited by the use of appropriate devices. The Board shall upon review approve only the odor levels and schemes that it determines to be least likely to allow odors to extend to adjacent or distant properties.
- (6) **Existing Vegetation.** Existing on-site vegetation shall be preserved to the maximum extent possible. No cutting of trees exceeding (4) inches in diameter (measured at a height four (4) feet off the ground), shall take place prior to the approval of the special permit.
- (7) **Screening.** Facades may be required to be built and deciduous or evergreen trees planting may be required to screen portions of the facility and accessory buildings from nearby residential property as well as from public sites known to include important views or vistas. Where a site abuts a residential property or public property, including streets, facades and screening shall be required where the facility is located above ground.
- (8) **Access.** Adequate emergency and service access shall be provided. Maximum use of existing roads, public or private shall be made. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion potential.
- (9) **Parking.** Parking shall be provided to assure adequate emergency and service access. The Township Zoning Administrator shall determine the number of required spaces based upon a recommendation from the applicant. Two parking spaces shall be located in any required yard.
- (10) **Fencing.** The facility shall be adequately enclosed by a fence, the design of which shall be approved by the Board. This requirement may be waived by the Board if the applicant demonstrates that such measures are unnecessary to ensure the security of the facility.

SECTION 1416. MISCELLANEOUS SPECIAL USES

- (1) Special Uses That May Be Permitted.
 - (a) Incinerators and sanitary landfills.

- (b) Junk yards.
- (c) Sewage treatment and disposal installations as an integral design of a park as permitted within a zoning district, and designed only for service to that mobile home park development.

Sewage treatment and disposal installation may also be allowed when designed only for and as part of a planned unit development as permitted within a Residential Zone District.

- (d) Drive-in theaters, race tracks, golf driving ranges and miniature golf courses or similar uses.
- (e) Special open space uses, such as private resorts, recreational camps and other open space uses operated for profit or public purposes by a municipality or other local unit of government.
- (f) Institutions for the mentally retarded and physically handicapped, drug or alcoholic patients and camps or correctional institutions.
- (g) Quarries, or sand/gravel pits.
- (h) Large Ponds (more than one acre in size)
- (i) Airports and commercial landing strips, Private Airstrips
- (j) Kennels.
- (k) Grain and Seed Sales; Cold Storage for cooperative and/or Wholesale Agricultural Products and Similar Enterprise.
- (l) Adults' only businesses.
- (m) Special industrial uses, as defined in Section 1303 (1).
- (n) Accessory Occupation.

(2) Incinerators and Sanitary Landfills.

- (a) All uses shall be enclosed by a fence six (6') feet or more in height for the entire periphery of the property. Fences shall be adequate to prevent trespassing and contain debris.
- (b) All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned so that they shall be in a condition of being entirely lacking in hazards, inconspicuous and blended with the general surrounding ground form.

- (c) The Planning Commission may establish routes for truck movement in and out of the development in order to minimize the wear on public streets, to minimize traffic hazards and to prevent encroachment of traffic, or the byproducts of traffic (such as dust and noise) upon adjacent properties.
- (d) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, an individual or to the community in general.

(3) Junk Yards.

- (a) The site shall be a minimum of twenty (20) acres in size.

As ground water is the source of drinking water in Richland Township, it is extremely important that care be taken when siting junk yards and other uses which have the potential to impact ground water sources. For this reason, the following items are site location requirements:

1. New or expanding junkyards are prohibited in the one hundred (100) year flood plain.
 2. New or expanding junkyards shall not be located closer than one hundred (100) feet from any existing well.
 3. New or expanding junkyards must be setback a minimum of one hundred (100) feet from any public or private drainage system.
 4. New or expanding junkyards must be setback a minimum of one hundred (100) feet from any wetland as defined by Part 303 of Act 451, Michigan's Natural Resource and Protection Act, as amended.
- (b) The junkyard must submit its management practices in terms of handling potentially hazardous materials, chemical and/or substances.
 - (c) The junkyard shall work to incorporate any best management practices applicable to his or her operation as a junkyard within the Swan Creek Watershed.
 - (d) A solid fence or wall at least eight (8') feet in height but no more than twelve (12') feet in height, shall be provided around the entire periphery of the site to screen said site from surrounding property. Such fence or wall shall be of sound construction, painted and otherwise finished neatly and inconspicuously, as approved by the Planning Commission.

- (e) All activities shall be confined within the fenced-in area. There shall be no stocking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs or lighting shall be used or stored outside the fenced-in area.
- (f) All fenced-in areas shall be set back at least one hundred (100') feet from any front street or property line. Such front yard setback shall be planted with trees, grass and shrubs to minimize the appearance of the installation.
- (g) No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.
- (h) Whenever the installation abuts upon property with a residential or agricultural use or abuts a parcel zoned for residential or agriculture, a transition strip at least one hundred (100') feet in width shall be provided between the fenced-in areas and the property. Such strip shall contain plant materials, grass and structural screens of a type approved by the Planning Commission to effectively minimize the appearance of the installation and to help confine odors therein.
- (i) The junkyard shall submit its hours of operation as part of the special land use approval process.
- (j) Prior to the site plan and special land use review, the junkyard shall demonstrate that it has met all applicable state and county requirements as they relate to the operation of a junkyard.
- (k) Any other reasonable provisions necessary to meet the intent of the Zoning Ordinance.

(4) Sewage treatment and disposal installations:

- (a) All operations shall be completely enclosed by a wire link fence not less than six (6') feet high and all operations and structures shall be surrounded on all sides by a transition strip at least two hundred (200') feet in width within which grass, plant materials and structural screens shall be placed to minimize the appearance and odors of the installations. The Planning Commission shall approve all treatment of transition strips.
- (b) Approval of this special land use shall provide access to the property by the Township Zoning Administrator to ensure the property is meeting the requirements of this approval.

(5) Drive-In Theaters, Race Tracks, Go Kart Tracks and other Similar Uses

- (a) All sites shall be located on a principal arterial road.

- (b) Whenever any use that may be permitted in this subsection abuts property within a residential or agricultural district, a transition strip at least one hundred (100') feet in width shall be provided between all operations and structures, including fences, and the residential or agricultural property. Grass, plant materials and structural screens of a type approved by the Planning Commission shall be placed within said transition strip.
 - (c) A minimum yard of one hundred (100') feet shall separate all uses, operations and structures permitted herein, including fences, from any public street or highway used for access or exit purposes. This yard shall be landscaped in accordance with plans approved by the Planning Commission
 - (d) Racetracks and drive-in theaters shall be enclosed for the entire used site for their full periphery with a solid screen fence at least eight (8') feet in height. Fences shall be of sound construction, painted or otherwise finished, attractively and in harmony with the surrounding environment.
 - (e) Drive-in theater ticket gates shall be provided in accordance with the following ratios: One (1) ticket gate for three hundred (300) car capacity theaters; two (2) ticket gates for six hundred (600) car capacity theaters; three (3) ticket gates for eight hundred (800) car capacity theaters; four (4) ticket gates for one thousand (1000) car capacity theaters. Vehicle standing space shall be provided between the ticket gates and the street or highway right-of-way line equal to at least thirty (30%) percent of the vehicular capacity of the theater.
 - (f) Drive- in theater picture screens shall not be permitted to face any public street and shall be so located as to be out of view from any major thoroughfare. The picture screen tower shall not exceed sixty-five (65') feet in length and forty (40') feet in height.
 - 1. All parking shall be provided as off-street parking within the boundaries of the development.
 - 2. All access to the parking areas shall be provided from major traveled roads. Ingress and egress points shall be approved by the police or sheriff authority having jurisdiction.
 - 3. All sides of the development except access points shall be provided with a twenty (20) foot wide greenbelt planting to screen from view all activities within the development.
- (6) **Golf Driving Ranges and Miniature Golf Courses or Similar Uses:**
- (a) All uses and structures must be set back a minimum of 100 feet from any property line.
 - (b) The site must be a minimum of two acres.

(7) Special Open Space Uses:

- (a) The proposed site shall be at least two (2) acres in area.
- (b) The proposed site shall have at least one (1) property line abutting a major thoroughfare or principal collector. All ingress and egress to the site shall be directly from said thoroughfare or collector street.
- (c) All buildings and structures shall be setback at least two hundred (200') feet from any property or street lines. Whenever the installation abuts upon property within a residential district or property which is residential in use, this two hundred (200') foot set back shall be landscaped with trees, grass and structural screens of a type approved by the Planning Commission to effectively screen the installation from surrounding residential properties.
- (d) No more than twenty-five percent (25%) of the gross site shall be covered by buildings.
- (e) Accessory uses for a permitted use shall be construed to include restaurant and other eating or drinking establishments and such retain sales directly connected with the principal open space use.

(8) Institutions For The Mentally Retarded and Physically Handicapped, Drug or Alcoholic Patients and Camps or Correctional Institutions:

- (a) The proposed site shall be at least five (5) acres in area.
- (b) All two (2) story structures shall be at least one hundred (100') feet from boundary lines or street lines, Buildings less than two (2) stories shall be no closer than fifty (50') feet to any property or street line. No more than twenty-five (25%) percent of the gross site shall be covered by buildings.
- (c) Outdoor recreational space or gathering space must be provided and screened from surrounding uses by a six foot solid fence, masonry wall or opaque vegetation or a combination thereof.

(9) Sand, Clay Or Gravel Pits; Quarries.

- (a) Trucks and Machinery.
 - 1. No fixed machinery shall be erected or maintained within two hundred (200) feet of any property or street line.
 - 2. Truck access to the excavation site shall be so arranged as to minimize danger to traffic and nuisance to surrounding property.

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3. No machinery or equipment shall operate, and no trucks, trailers, or other conveyances shall arrive at any excavation site before 7:00 a.m. or after 7:00 p.m.
- (b) Material Handling.
1. No excavation shall take place within fifty (50) feet of any property line or street line if below the established grade of the street.
 2. No screening, sifting, washing, crushing or other forms of processing shall be conducted upon the premises unless it is located more than five hundred (500) feet from any property line.
 3. Proper measures shall be taken to minimize the nuisance of traffic noise and flying dust or rock which is being excavated.
- (c) Excavation should not change surface drainage or underwater aquifers so as to adversely impact neighboring uses.
- (d) If an excavation results in a pond of more than one acre feet, the pond must meet all requirements set forth in Section 1408 (8).
- (e) Conditions of any required environmental permits shall be obeyed at all times. All required state and county permits must be obtained at the time of site plan approval.
- (f) Excavated material not removed from the site shall be spread to a height not exceeding three feet (3') above the original surface with the top of the fill graded to a continuous slope which does not exceed one foot (1') vertical to three feet (3') horizontal away from any water body. As an alternative, the material may be shaped in berms which assume a natural angle of repose for the material and which blend visually with the landscape. The toe of the slope of such berms shall be no closer than twelve feet (12') to the edge of the water in any pond formed by such an excavation.
- (g) At the end of each construction season, the completed portion of any excavation, including any area around it, shall be landscaped and seeded. Landscaping shall not interfere with any natural waterway or have an adverse effect on drainage of surrounding properties.
- (h) A Site Plan for any activity regulated by this Section must include the following items, in addition to all other information required by Chapter 15
1. A profile of the proposed excavation, illustrating elevations and changes in slope, with elevations noted in five (5) foot intervals. If water is expected to accumulate in the excavation, the projected water level must be shown.

2. A soil evaluation report describing the excavation site and any needed drainage or seepage corrections.
3. A report describing the specifications for any spillway or drain for the proposed pond, including the proposed methods of foundation preparation or fill placement.
4. Location of all structures within one thousand feet of the outer perimeter of the area, present owners and occupants of such structures, and purposed for which each structure is used.
5. Proposed location, aerial extend and depth of intended mine excavation;
6. Proposed location of the mining operation, stockpiles, structures or other permanent or temporary facilities used;
7. Estimated depth to ground water
8. A narrative statement detailing the following:
 - a. A description of the mining and processing equipment to be used.
 - b. A description of the measures to be taken to control noise and vibrations from the operation;
 - c. A description of the measures to be taken to screen the operation from view.
 - d. Proposed primary travel routes to be used to transport the material excavated/mined to markets away from the property.
 - e. A description of the plans for topsoil storage.
 - f. A plan detailing how, once an area is depleted of the resource being extracted, it will be restored, put to another use or otherwise reclaimed.

(10) **Ponds Greater than One Acre in Surface Area**

- (a) All ponds shall comply with the standards set forth in Section 404(5) and the following:

1. The pond shall be constructed wholly outside of the front, side and rear setbacks.
 2. No leaching field shall be located within 125 horizontal feet of the pond;
 3. No structure shall be located within 75 horizontal feet of the pond;
- (b) The pond shall be constructed and installed in compliance with the applicable regulations and provisions established by the Department of Environmental Quality and the Saginaw County Office of Public Works; and Adequate Conservation measures shall be taken to mitigate any detrimental effect of the construction. Such measures shall include, but not be limited to, protection during construction, construction of treatment swales, and creation of new wetland areas adjacent to the pond to replace any wetland compromised by the construction.
- (c) A pond and its banks shall have a minimum slope of one foot (1') vertical to one foot (1') horizontal. The excavation shall have an escape ramp extending below the water's surface to a depth of at least eight feet (8') with a minimum slope of one foot (1') vertical to four feet (4') horizontal. The escape ramp shall be a minimum of ten feet (10') wide.
1. Minimum designed water depth of pond must be at least fifteen feet (15') to insure proper aeration and circulation of the water.
- (d) A Site Plan for any activity regulated by this Section must include the following items, in addition to all other information required by Chapter 15.
1. A profile of the proposed excavation, illustrating elevations and changes in slope, with elevations noted in five (5) foot intervals. The projected water level must be shown.
 2. A soil evaluation report describing the excavation site and any needed drainage or seepage corrections.
 3. A report describing the specifications for any spillway or drain for the proposed pond, including the proposed methods of foundation preparation or fill placement.
- (e) Construction Requirements.
1. The construction and resulting pond shall not change surface drainage or underwater aquifers so as to adversely impact neighboring uses.

2. Conditions of any required environmental permits shall be obeyed at all times.
3. Excavated material not removed from the site shall be spread to a height not exceeding three feet (3') above the original surface with the top to fill graded to a continuous slope which does not exceed one foot (1') vertical to three feet (3') horizontal away from any water body. As an alternative, the material may be shaped in berms which assume a natural angle of repose for the material and which blend visually with the landscape. The toe of the slope of such berms shall be no closer than twelve feet (12') to the edge of the water in any pond formed by such an excavation.
4. Construction of a pond shall take one construction season. At the end of the construction season, the area around the pond shall be landscaped and seeded. Landscaping shall not interfere with any natural waterway or have an adverse effect on drainage of surrounding properties. Construction taking multiple years shall fall under Section 1408 (7) and meet all appropriate requirements.
5. No machinery or equipment shall operate, and no trucks, trailers, or other conveyances shall arrive at any excavation site before 7:00 a.m. or after 8:00 p.m.
6. Proper measures shall be taken to minimize the nuisance of traffic noise and flying dust or rock which a site is being excavated.
7. Where the water body is determined by the Planning Commission to be a public hazard, all uses shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the property or portion thereof. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50) feet to the top or bottom of any slope.

(11) Airports and Commercial Landing Strips.

- (a) Airports and Commercial Landing Strips.
- (b) The proposed site shall be at least two thousand six hundred forty (2,640') feet by five hundred (500') feet.
- (c) Any runway shall have a minimum length of one thousand five hundred (1,500') feet with a five hundred (500') foot clearance at each of the runway's ends.
- (d) Buildings, height limits, lighting, parking and uses and activities shall be in accordance with applicable FAA and MAC regulations.

- (e) Private Airstrips.
 - 1. The private airstrip may not be held out for public use nor shall it be displayed on aeronautical charts except as a restricted facility.
 - 2. The private airstrip must meet all applicable requirements of the Aeronautics Code of the State of Michigan (Act 327 of 1945) as amended.
 - 3. A private airstrip shall not be used for commercial activities which include the operation of aircraft for the purpose of carrying passengers, providing air charter, flight instruction, aircraft rental and/or leasing, or other operations deemed similar by the planning commission. A private airstrip may be used for the operation of the aircraft for the purpose of aerial spraying and dusting, banner towing, aerial photography or other such similar operations as approved by the Planning Commission.

(12) Kennels.

- (a) A minimum lot size of five acres shall be maintained.
- (b) Any building or fences area where animals are kept shall be located a minimum of two hundred (200) feet from any public right-of-way, one hundred (100) feet from any property line and one hundred fifty (150) feet from any residential dwelling located off the premises.
- (c) The kennel shall be established and maintained in accordance with all applicable State, County and Township sanitation regulations. Odor, dust, noise, drainage or insects shall not constitute a nuisance to adjoining properties.

(13) Adults Only Business.

- (a) Intent. In the development and execution of this Ordinance, it is understood there are some uses which, because of their very nature, have serious objectionable operational characteristics. Particularly when several of them are concentrated in certain circumstances, a deleterious effect on adjacent areas results. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of surrounding neighborhoods. These special regulations are itemized in this section. Primary control or regulation is for the purpose of preventing a concentration of these uses in any one area or next to residential zoning or certain institutional uses.
- (b) Distance Restrictions.

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1. The following listed uses shall not be permitted to be established within one thousand five hundred (1,500) feet of each other:
 - a. Adult-related businesses
 - b. Adult book stores
 - c. Adult motion picture theaters
 - d. Adult mini motion picture theaters
 - e. Exotic cabarets
 - f. Massage parlors
 - g. Public baths
 2. It shall be unlawful hereafter to establish an adult-related business within one thousand (1000) feet of any residentially-zoned property, or within one thousand (1000) feet of any religious or educational institution, public park, or recreational land use.
- (c) Signage and Exterior Display. Window displays, signs, or decorative or structural elements of buildings shall not include or display examples of actual adult uses, and are limited to the signage provisions stated in Chapter 5 of this Ordinance.

No adult use shall be conducted in any manner that permit the observation of any material depicting, describing, or relating to specific sexual activities or specified anatomical areas from any public way or from any property not registered as an adult use. This provisions shall apply to any display, decoration, sign, show window, structural element, or other opening.

- (d) Precautionary note to the Board of Appeals. When considering any appeal from adult-only business for reduction of spacing or separation standards established herein, the Board of Appeals shall address each of the following issues and include the findings regarding each point in their minutes.
1. Ordinance Intent. The proposed use shall not be contrary to the intent and purpose of this Ordinance, or be injurious to nearby properties.
 2. Blighting Influence. The proposed use shall not enlarge or encourage the development of a concentration of such uses or blighting influences.
 3. Neighborhood Conservation. The proposed use shall not be contrary to any program of neighborhood conservation, revitalization, or renewal.
 4. Other Standards. The proposed use and its principal building shall comply with all other regulations and standards of this Ordinance.

15. ADMINISTRATION

SECTION 1501. PURPOSE AND INTENT

The purpose of administration of the zoning ordinance and in particular with the issuance of building permits, zoning compliance certificates and site plan review is to ensure compliance with the provisions and intent set forth in this ordinance and to promote the orderly development of the Township and to prevent the development or alteration of land without proper attention to siting and appearance.

SECTION 1502. ZONING PERMITS

No building or structure, or part thereof, shall be hereafter erected, altered, moved, or repaired unless a Zoning Permit shall have been first issued for such work. The terms “altered” and “repaired” shall include any changes in exterior structural parts, light, ventilation, or means of egress and ingress, or other changes affecting or regulated by the applicable Building code, Housing Law of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features. A zoning permit is required for all uses in all districts.

SECTION 1503. BUILDING PERMITS

- (1) 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 exterior structural parts, light, ventilation, or means of egress and ingress, or other changes affecting or regulated by the applicable Building code, Housing Law of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features. Building permits shall not be required for the erection of farm buildings which are not for human habitation.
- (2) No lot shall be excavated or the use thereof changed, modified, or altered hereafter unless a Building Permit shall have been first issued for such work.
- (3) No Building Permit shall be issued for the excavation, alteration, movement, or repair of any building or structure or part thereof, nor for the excavation or the change, modification or alteration of the use of any lot which is not in accordance with all provisions of this Ordinance.
- (4) All Building Permits shall expire twelve (12) months from the date of issuance, but may be renewed for an additional twelve (12) months.

SECTION 1504. FINAL INSPECTION

The holder of every Building Permit shall notify the Building Inspector immediately upon the completion of the work authorized by such permit for a final inspection and application for a Zoning Compliance Certificate.

SECTION 1505. OCCUPANCY PERMIT

- (1) No land, buildings, structure, or part thereof, shall be occupied or put to any use unless and until an Occupancy Permit has been issued.
- (2) No Occupancy Permit shall be issued for any building, structure or part thereof, or for the use of any land, which is not in compliance with a previously issued Building Permit, if a building permit was required, or which is otherwise not in accordance with all the provisions of this Ordinance.
- (3) Nothing in this Ordinance shall prevent the issuance of a temporary Occupancy Permit for a portion of a building or structure in the process of erection or alteration; provided that such temporary certificate shall not be effective for a period of time in excess of six (6) months; and provided further that such portion of the building, structure, or premises is in conformity with the provisions of this Ordinance.
- (4) A record of all Occupancy Permits issued shall be kept on file in the office of the Zoning Administrator and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
- (5) Accessory buildings shall not require separate Occupancy Permit, but may be included in the certificate for the main building when shown on the site plan and when completed at the same time as such main building.
- (6) Application for a Occupancy Permit shall be made in writing to the Zoning Administrator on forms furnished by the Township; and such certificate shall be issued by the Zoning Inspector within ten (10) 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 compliance with the provisions of this Ordinance.
- (7) If such certificate is refused for cause, the applicant shall be notified of such refusal and the cause thereof, within the aforesaid ten (10) day period.

SECTION 1506. DESIGN STANDARDS

The following design standards apply to all located in the Downtown, as defined in the zoning map. These standards are intended to ensure an attractive built environment in the Village area. These standards supplement any district-specific standards. Alternative design standards may be approved by the Planning Commission in order to permit a more flexible or creative design.

- (1) Building Design. All buildings shall be designed in a style that complements the surrounding architecture.

- a. Exterior Finishes. The building materials of a project shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments. Building materials shall be harmonious and compatible with adjacent developments.
- b. Building Design Elements. All buildings shall be designed to include varied relief to provide interest and variety and to avoid monotony. This shall include details that create shade and cast shadows to provide visual relief to the buildings. Horizontal and vertical elements of exterior walls should vary in height, design and projection to provide substantial architectural interest and style. Such interest and style shall be provided through, but not limited to the following:
 - (2) Orientation Requirements. Buildings elevations that front on a public street are required to have fifteen (15%) percent window coverage.
 - (3) Signage. Signs should be in harmony with the style and character of the development and should be an integral design component of the building architecture, building materials, landscaping and overall site development.
 - a. Attached signs shall be integrated with the primary physical features of the building and shall complement the building architecture. Attached signs shall be mounted so that the attachment device is not visible or discernable. Roof mounted signs are not permitted.
 - b. Sign coverage shall not exceed 25% of the wall area located above doors and windows on a one-story building or between the 1st and 2nd floor of a two-story building. Signs attached to multi-tenant buildings shall be of a single design and scale.
 - (4) Streetscape Elements. All streetscape elements, including lighting and pedestrian walkways/circulation, must meet current township design and construction standards. This may include type and color of light fixture or improvement, as well as stamped concrete pedestrian walks.
 - (5) Administration of Design Guidelines. The guidelines apply to the entire village area and every development within the defined on the adopted zoning map.. As many developments exist and were constructed prior to the establishment of the guidelines, the following shall be used as a guide for when mandating compliance:
 - a. All new developments within the defined area.
 - b. Any redevelopment which requires a site plan review by the Planning Commission.

- c. All expansions, remodels, etc., including those reviewed administratively, shall make an effort to address the intent and purpose of these guidelines while understanding that the extent of the expansion or remodel may determine the extent to which the guidelines can be incorporated.
- d. **An addition of an accessory building containing one thousand (1,000) square feet or more along key roads.**

SECTION 1507. SITE PLAN REVIEW

Prior to the erection of any building or structure or additions thereto, change in use in any zoning district, any land use requiring special approval or any planned unit development, a site plan shall be submitted for review and approval. This review and approval shall be performed by the Zoning Administrator or by the Township Planning Commission.

At no time shall a site plan be reviewed when considering a request for rezoning. A decision to rezone property should be based on the long-term goals and the Future Land Use as determined in the Master Plan of the Township. Also, it is important to consider the timeliness of the development and the long-term use of land.

- (1) Administrative Review by the Township Zoning Administrator. The Zoning Administrator shall perform a site plan review for:
 - (a) A change in the use of a structure or land that does not require additional parking and does not involve structural alterations;
 - (b) An accessory building to a non-residential use containing one thousand (1,000) square feet or less;
 - (c) An addition to an existing non-residential structure if the addition totals twenty-five (25%) percent or less of the existing structure, and only if the addition will be surfaced with material or materials which do not differ from materials on the existing structure.
 - (d) In order to perform this review, the Zoning Administrator may require the submission of information set forth in this section.
- (2) The Zoning Administrator will transmit copies of the site plan to the departments as appropriate for review. Upon receiving recommendations from the different departments, the Zoning Administrator shall transmit the recommendations to the applicant, and if the applicant concurs with the staff recommendations, the site plan will be approved along with all the recommendations as agreed to by the applicant.
- (3) In instances where the applicant does not concur with recommendations or where the Zoning Administrator deems Planning Commission review necessary during the administrative site plan review, the applicant or the Zoning Administrator may

request the site plan be transmitted to the Township Planning Commission. The applicant will be required to pay the appropriate associated fee for site plan review.

- (4) Site Plan Review by the Township Planning Commission. All other structures and uses of land or buildings not covered in Section 1505 shall be reviewed by the Township Planning Commission, and the following site plan review procedures shall be followed:
- (a) Application Deadlines. If a zoning application requires a site plan review by the Planning Commission pursuant to Section 1505 a complete application package must be received thirty (30) days prior to the meeting of the Township Planning Commission.
 - (b) Application. The application requesting a site plan review must be accompanied by a fee, as established by the Township Board. The application will not be reviewed until all requirements, including the fee, has been paid. The site plan must include all relevant items listed below, including the seal and signature of an engineer licensed within the State of Michigan.
 - (c) Scale. The site plan must be drawn to a consistent scale of not less than one inch equals fifty feet (1" = 50') for sites of three acres or less, or one inch equals two hundred feet (1" = 200') for larger sites.
 - (d) Identification. The applicant's name. Address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.
 - (e) Property Information. The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it, including all existing and proposed easements or right-of-way. Zoning of the site, and of adjacent properties, must be identifies. A legal description and computation of the area of the property must accompany the site plan.
 - (f) Site Features. The site plan should depict existing environmental conditions, including the located of wooded areas or isolated trees over six inches in diameter, topography, drainage features, wetlands, any existing structures, including those proposed for removal, and other significant conditions. The Approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.
 - (g) Transportation Features. The site plan must show the location and surface type of all existing and proposed public roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks, loading areas or docks, truck bays, and refuse pickup stations.

- (h) Utilities. The site plan must show the location and size of all existing and proposed public utilities. Waterline information shall include location of existing and proposed fire hydrants and valves. Sanitary sewer information shall include location of any pumping station and approximate location of manholes. Storm drainage information shall include any enclosed drains, flow restrictors and on-site retention. The site plan must also including any existing or proposed private utilities, such as natural gas, electricity, telephone and cable television.
 - (i) Structures. The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structure and related features. For multi-family housing developments, the number of units in each building must be identifies. Schematic plans and elevations of all structures exceeding five thousand (5,000) square feet of total floor area must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, screening, fences, and decorative walls.
 - (j) Material Board. The Zoning Administrator and/or the Planning Commission may require the submission of a board representing the actual materials which will be used in the construction of the proposed project. The materials board will become a part of the site plan approval and remain with the Township until the completion of the project in order to ensure compliance with the approved site plan.
 - (k) Supplementary Material. The site plan shall be complemented by any additional information which, in the Zoning Administrator's discretion, is important for the Site Plan Review process. This could include, but not be limited to, an assessment include, but not be limited to, an assessment of the proposed project's impact on environmental, historic social or economic conditions; traffic studies; or proposed measures to control or mitigate such impacts as noise, smoke, particulates, vibration, odors, or fire hazards.
- (5) Decision Guidelines for Site Plan Review. In order that buildings, open space and landscaping will be in harmony with other structures and improvements in the area, and to assure that no undesirable health, safety, noise and traffic conditions will result from the development, the Township Planning Commission shall determine whether the site plan meets the following criteria, unless the Township Planning Commission determines that one (1) or more of the criteria are inapplicable:
- (a) The site plan shall comply with all requirements of the applicable zoning district and design guidelines, unless otherwise provided in this chapter;
 - (b) The site plan is consistent with the intent and purpose of the ordinance and the intent of the district in which it is located;

- (c) The vehicular transportation system shall provide for circulation throughout the site and for efficient ingress and egress to all parts of the site by fire and safety equipment;
 - (d) Recreation and open space areas shall be provided in all multiple-family developments;
 - (e) All developments occurring within the defined boundaries of Downtown Commercial District should follow the design guidelines contained in the Downtown Commercial Chapter.
 - (f) The requirements for screening, fencing, walls and other protective barriers shall be complied with;
 - (g) Pedestrian walkways and/or pathways shall be provided as deemed necessary by the Township Planning Commission for separating pedestrian and vehicular traffic.
 - (h) All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property and type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
 - (i) If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.
- (6) Approval Process. The site plan shall be reviewed by the Township Planning Commission and shall be approved, disapproved, approved with specific conditions, or tabled as may be deemed necessary to carry out the purpose of this chapter and other codes and regulations of the Township. If, during review, the Planning Commission finds a site plan not in conformance with the provisions set forth in this section it may, at its discretion, return the site plan to the applicant with a written statement of the modifications necessary to secure approval.
- (a) Approval. Following approval of the site plan, it shall become part of the record, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan unless a change or addition conforming to this chapter received the mutual agreement of the landowner and the Township Planning Commission or Zoning Administrator, as appropriate. Incidental and minor variations of the approved site plan with written approval of the Zoning Administrator shall not invalidate prior site plan approval.
 - (b) Approval with Conditions. The Planning Commission may, in accordance with this ordinance and the specific guidelines contained herein, approve the

site plan with conditions. These conditions may include the provisions of buffers, fencing, screening or other such additional items intended to protect the health, public welfare and safety of the greater Township.

- (c) Denial for Specific Requirements. In instances where specific dimensional or area requirements of this chapter are not satisfied on the site plan, requests for variance(s) may be initiated by the applicant to the Township Zoning Board of Appeals. Requirements not met are grounds for denial.
- (d) Approved Site Plan. The approved site plan shall become 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 or addition conforming to this chapter receives the mutual agreement of the landowners and the Township Planning Commission or Zoning Administrator as appropriate. Incidental and minor variations of the approved site plan with written approval of the Zoning Administrator shall not invalidate prior site plan approval.

SECTION 1508. FEES

An application or request for a Building Permit, site plan reviews, special land use applications, rezoning, and issues directed to the Zoning Board of Appeals shall be accompanied by a fee to defray the actual costs thereof the Township.

All fees shall be payable to the Township Treasurer to the credit of the general fund of the Township. The Township Board shall, by resolution, from time to time, establish the amount of such fees. The Township may retain professional assistance in performing such reviews with those costs to be passed on to the applicant, only when and if the applicant is made aware of the costs prior to the application. Only one (1) fee shall be required where an applicant's proposed use or request requires more than one action by the Township, its boards or officials.

SECTION 1509. ADMINISTRATION OF THE ORDINANCE

The provisions of this ordinance shall be carried out by the Richland Township Planning Commission, the Zoning Board of Appeals, the Township Board, and the Township Zoning Administrator in conformance with applicable State of Michigan enabling legislation.

- (1) Zoning Administrator. The Richland Township Manager with the recommendation of the Planning Commission shall employ the Zoning Administrator to carry out day-to-day administration and enforcement of this Ordinance. Condition of the Zoning Administrator's employment, including compensation, shall be established by the Township Manager. Additional staff may be employed, under the supervision of the Zoning Administrator, to assist with administration and enforcement of this Ordinance.

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The Zoning Administrator's duties shall include the following items and any other tasks that may be assigned by the Township Board or provisions of this Ordinance.

- (2) Accept And Record Applications, Issue And Record Permits. All applications for Zoning Permits shall be submitted to the Zoning Administrator who shall keep a record of all application which have been submitted and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Zoning Administrator shall consult with the applicant to determine the proper course of action. The Zoning Administrator shall maintain a record of all applications and related Zoning permits, including documentation for each.
- (3) Issue Written Denial. When any application for a Zoning Permit is denied, the Zoning Administrator shall provide the applicant with a written denial, stating the reasons for the denial.
- (4) Notice Of Hearings. Whenever a zoning matter is the subject of a public hearing before the Planning Commission or the Zoning Board of Appeals, the Zoning Administrator shall prepare notices of the hearing and disseminate said notices as required by this Ordinance.
- (5) Inspections. The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance.
- (6) Record Nonconforming Uses. The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Chapter 4, Section 401.
- (7) Record Special Use. The Zoning Administrator shall keep a record of all Special Use Permits issued under the terms of this Ordinance for the purpose of carrying out provisions of Chapter 14.
- (8) Record Interpretations Of Ordinance. The Zoning Administrator shall maintain a concise record of all interpretations of this Ordinance rendered by the Zoning Board of Appeals to fulfill requirements of Section 1507. 3. This record shall be consulted whenever questions arise concerning interpretation of any provisions of this Ordinance to determine whether any applicable precedents have been set.
- (9) Public Information. The Zoning Administrator shall respond to inquiries and dispense information or copies of this Ordinance to make public aware of and familiar with the provisions of this Ordinance. Public awareness and acceptance of the Zoning Ordinance will help to maintain compliance with it.
- (10) Respond To Complaints. The Zoning Administrator shall respond within five business days, whenever possible, to any complaint regarding an alleged violation of the terms or conditions of this Ordinance or any permit issued pursuant to it. The Zoning Administrator shall provide a report at each regular Planning Commission

meeting summarizing the nature of the disposition of complaints that have been received.

- (11) May Not Change Ordinance. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance.
- (12) Planning Commission. The Richland Township Planning Commission, established by the Township Board under the provisions of Act 184 of 1943 and Act 168 of 1959, shall be responsible for the following administrative and enforcement activities under this Ordinance.
 - (a) Site Plan Approval. The Planning Commission shall review Site Plans and issue its approval, conditional approval or denial of same as provided by Section 1505.
 - (b) Special Use Permits. The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review and approve or deny said application. The Planning Commission shall also take any necessary action to revoke a Special Use Permit as provided by Section 1403. 6.
 - (c) Rezoning Or Amendment. The Planning shall conduct public hearings for proposal to rezone property or amend the text of this Ordinance as provided by Section 1507.16. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Township Board. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing and Township Board approval.
- (13) Zoning Board Of Appeals.
 - (a) Establishment. The Township Board, exercising the authority of Act 184 of the Public Acts of 1943, as amended, hereby provides that a Township Zoning Board of Appeals be established. Upon adoption of this Ordinance, the Zoning Board of Appeals established under the terms of the previous Zoning Ordinance shall remain in office, including all members thereof.
 - (b) Membership. The Richland Township Zoning Board of Appeals shall consists of five (5) members. The first member of the Board of Appeals shall be a member of the Township Planning Commission, one member shall be a member of the Township Board, and the remaining member shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as Chairman of the Zoning Board of Appeals. An employee or contractor of the Township 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.

- (c) **Terms Of Office.** Terms of Zoning Board of Appeals members shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of said bodies and the period stated in the resolution appointing them. A successor shall be appointed not more than one month after the term for the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
- (d) **Per Diem Or Expenses.** The total amount allowed such Board of Appeals in one (1) year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum, which shall be appropriated annually in advance by the Township Board.
- (e) **Rules Of Procedure.** The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose its Chairman, and in the Chairman's absence, an acting chairman.
- (f) **Meetings.** Meetings shall be held at the call of the Chairman and at such time as the Board of Appeals may determine. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public. The Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance.
- (g) **Records.** Minutes shall be recorded of all proceedings which shall contain evidence and dated relevant to every case considered together with the voted of the members and the filed in the office of the Township Clerk and shall be public records.
- (h) **Decisions.** The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days of the filing of a request or appeal unless a further time is agreed upon by the parties concerned. Any decision of the Zoning Board of Appeals shall not take effect until the expiration of five (5) days after the date of said decision, unless the Board of Appeals certified on the record that the decision must be given immediate effect for the preservation of property or personal rights. No Zoning permit authorized by such a decision shall be issued until the decision has taken effect.
- (i) **Majority Vote.** The concurring vote of a majority of the members of the Zoning Board of Appeals present at the meeting shall be necessary to decide upon any issue brought before the Board.

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- (j) Conflict Of Interest. A member of the Zoning Board of Appeals shall disqualify himself or herself from a vote in which a member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.
- (k) Duties. The Richland Township Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Section. The Board of Appeals shall NOT have the power to alter or change the zoning district classification of any property, or to make any change in the terms or intent of this ordinance.
- (l) Administrative Review. The Zoning Board of Appeals is empowered to review and reverse or modify any order, decision or determination made by an administrative official charged with enforcing or administering this Ordinance. The Board is not empowered to overturn decisions of the Planning Commission regarding Special Use Permits, including such permits for Planned Unit Developments. The Board may not overturn the denial of a site plan in connection with any Special Use Permit proceedings. An Administrative Review by the Zoning Board of Appeals may be requested by any person aggrieved, or by any officer, department, or board of the local government. Any such request must be made in writing not more than ten (10) days after the date of the Zoning Administrator's decision.
 - 1. An administrative review shall stay all proceedings in furtherance of the action being reviewed, except as follows. If the Zoning Administrator certifies in writing to the Zoning Board of Appeals, after a request for an administrative review has been filed, that a stay would cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the Zoning Board of Appeals or by court action.
 - 2. Interpretation. The Zoning Board of Appeals may interpret provisions of this Ordinance as outlined below. Each such interpretation shall establish the precedent for future treatment of the issue being addressed. To achieve the objective of consistent enforcement of this Ordinance, whenever an interpretation question arises which has been addressed previously by the Zoning Board of Appeals, the earlier interpretation shall apply without requiring further action by the Board. Interpretation issues do not include dimensional variance issues. The Zoning Administrator shall keep a concise record of all interpretations made by the Zoning Board of Appeals to facilitate such reference.
 - 3. The Board may determine the precise location of the boundary lines between zoning districts.

4. The Board may classify any activity which is not specifically mentioned in the any Zoning District as a Use by Right or Special Use within at least one Zoning District, provided that said classification shall be consistent with the classification of similar uses and with the purpose and intent of each Zoning District.
5. The Board may determine the off-street parking and loading space requirements of any use for which these requirements are not determinable using the information provided for this purpose in Chapter 5, Parking.
6. The Board may interpret any portion of this Ordinance when unable to clearly determine its intent or effect.

(14) Variances.

The Zoning Board of Appeals is empowered to grant variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. Any requirement of this Ordinance which can be expressed in terms of numbers may be brought before the Zoning Board of Appeals to be considered for a variance. A variance may be granted when any ONE (1) of the following special conditions can be demonstrated clearly:

- (a) There are PRACTICAL DIFFICULTIES or unnecessary hardships which prevent carrying out the strict letter of the Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
- (b) There are exceptional CIRCUMSTANCES or physical conditions such as narrowness, shallowness, shape, or topography of property involved. Or, due to the intended use of the property, that will not apply to other property or uses in the same zoning district. Circumstances resulting from an act of the applicant, after the adoption of this Ordinance, shall not be allowed a variance.
- (c) Variation is necessary for the preservation of a SUBSTANTIAL PROPERTY RIGHT possessed by other properties in the same zoning district. When a variance is being considered to overcome unique circumstances or physical conditions regarding the configuration of the property involved, these circumstances or conditions must not have resulted from any act of the applicant or property owner subsequent to the adoption of this Ordinance.

(15) RULES FOR ZONING BOARD OF APPEALS ACTIONS.

- (a) A public hearing must be held by the Zoning Board of Appeals prior to making a decision on a variance, an administrative review or interpretation which relates to a specific parcel. In the case of a variance, mailed notice shall be given to all property owners and occupants within three hundred (300) feet not less than five (5) days nor more than fifteen (15) days before the date of the meeting at which the action will be considered.
 - (b) In making a decision on a variance, the Zoning Board of Appeals must endeavor to avoid causing a substantial adverse effect upon property values in the immediate vicinity of the subject property. Nor shall such actions have the effect of substantially impacting property values for land in the Zoning District in which the subject property is located.
 - (c) Any action brought before the Zoning Board of Appeals may relate only to a single parcel which must be under control of the applicant. If the applicant is not the owner of the property, evidence must be provided that the owner concurs with the request for Zoning Board of Appeals action.
 - (d) Approval by the Zoning Board of Appeals of any request may not be granted simply to prevent an economic loss. Improving an owner's chance to profit from sale of a parcel is NOT an objective of this Ordinance.
 - (e) Any request which has been denied wholly or in part by the Zoning Board of Appeals may only be appealed to the Circuit Court. However, if new evidence or changed conditions are found, the Board may elect to rehear a case.
- (16) Township Board. On recommendation of the Planning Commission, the Township Board has adopted the Zoning Ordinance, making it the enforceable policy of the Township government. Likewise, the Township Board may amend the text of this Ordinance, or the boundaries of Zoning Districts (rezoning). With accordance with 17 and 18, below.
- (17) Initiation of Amendments. Proposals for amendments, supplements, or changes may be initiated by the Township Board of its own action, by the Planning Commission or by petition of one (1) or more owners, or their agents, of property to be affected by the proposed amendment.
- (18) Amendment Procedures.
- (a) Petition to the Township Board. Each petition by one (1) or more owners, or their agents, for an amendment shall be submitted upon an application of standard from the township Clerk. A fee as established by the Township Board shall be paid at the time of application to cover costs of necessary advertising, for public hearings and investigation of the amendment request.

The clerk shall transmit the application to the Planning Commission for recommended action.

- (b) Recommendation. The Planning Commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the likely effect of such proposal upon the Master plan for the community. The Planning Commission may recommend any additions or modifications to the original amendment petition.
- (c) Public Hearing. After deliberation on any proposal the Planning Commission shall conduct at least one (1) public hearing, notice of the time and place of which shall be given by two (2) publications in a newspaper of general circulation in the community the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days before the date of such hearing. Not less than twenty (20) days' notice of the time and place of such hearing shall also be given, by certified mail, to each public utility company servicing the community, and which had registered its name and mailing address for the purpose of receiving such notice, and to each railroad company servicing the community and to each railroad within the zone affected. The notice shall include the places and times at which the tentative text and/or map amendment to the Zoning Ordinance may be examined.

The Township Planning Commission shall give a notice of the proposed rezoning to the owner of the property in question, to all persons to whom any area property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all single and two family dwellings within three hundred (300) feet per zoning law. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission before the hearing. The notice shall be made not less than eight (8) days before the hearing stating the time, place, date and purpose of the hearing. An amendment for the purpose of conforming a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for in this act.

- (d) Saginaw County Planning Commission. Following the conclusion of the Public Hearing, the Planning Commission shall submit the proposed amendments, including any zoning district map, to the Saginaw County Planning Commission for their review and recommendation. The recommendation of the County Planning Commission shall be conclusively presumed unless such Commission shall within thirty (30) days of its receipt, have notified the Township Board of its disapproval or approval.

- (e) Township Board. Upon receipt of the Planning Commission's together with the County Planning Commission's recommendation, the Township Board shall review said recommendations.

If the Township Board shall deem any amendments, changes, additions or departures are advisable to the proposed Ordinance amendment recommended by the Planning Commission, it shall refer the same back to the Planning Commission for a report thereon within a time specified by the Township Board.

After receiving the proposed amendment recommendations heretofore specified, the Township Board shall grant a hearing on the proposed amendment to any property owner who has filed a written request to be so heard and shall request the Planning Commission to attend such hearing.

Thereafter, the Township Board may deny, or adopt the amendment with or without any changes.

- (f) Re-submittal. No application for a rezoning which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Board to be valid.

SECTION 1510. ENFORCEMENT

- (1) In this section the term "violation of this Code" means any of the following:
 - a. Doing an act that is prohibited or made or declared an offense, (a municipal civil infraction, a violation) by ordinance or by rule or regulation authorized by ordinance.
 - b. Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.
 - c. Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, a municipal civil infraction, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
- (2) In this section the term "violation of this Code" does not include the failure of a township office or township employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.
- (3) Except as otherwise provided by law or ordinance, violations of the zoning ordinance are municipal civil infractions. The following provisions apply to municipal civil infraction.

RICHLAND TOWNSHIP ZONING ORDINANCE

- a. A person who violates any provision of this zoning ordinance that is a municipal civil infraction is responsible for a municipal civil infraction and is subject to a civil fine in accordance with the following schedule, with time periods determined from the date of the violation:

Violation Within Three-Year Period	Minimum Fine	Maximum Fine
First	\$50.00	\$500.00
Second	125.00	500.00
Third	250.00	500.00
Fourth or subsequent	400.00	500.00

- (4) Additionally, the person responsible for a municipal civil infraction shall pay costs. Such costs may include all direct or indirect expenses that the township has occurred in connection with the violation. In no case, however, shall costs of less than \$9.00 or more than \$500.00 be ordered.
- (5) A person convicted of a violation of this Code that is a misdemeanor shall be punished by a fine not to exceed \$500.00 or by imprisonment for a period of not more than 90 days, or by both such fine, and imprisonment; provided, however, that a violation of this Code that is a misdemeanor shall be punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both, if the violation substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days. A person convicted of a misdemeanor violation of this Code is responsible for costs of prosecution.
- (6) Except as otherwise provided by law or ordinance:
 - a. As to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.
 - b. As to other violations, each violation constitutes a separate offense.
- (7) The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.
- (8) Violation of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief or civil or quasi-judicial enforcement.

16. MISCELLANEOUS

SECTION 1601. WIND ENERGY CONVERSION SYSTEMS

1. **Intent and Purpose.** The purpose of this ordinance is to establish regulations for wind energy systems with the intention to strike an appropriate balance for the need for clean, renewable energy resources and the necessity to protect the health, safety, and welfare of the general public. This ordinance shall set standards for both large scale wind commercial energy facilities and small wind energy systems designed to serve the needs of home, small business, or farm. In addition, an “overlay zoning” technique is incorporated in to this ordinance to encourage the development of wind energy resources in the Agricultural District as well as to preserve large tracks of land within the district for future agricultural use.

2. Definitions as applied to this section:

Avian Analysis– for the purposes of this ordinance an avian study means a study of the nesting and migration patterns of birds and flyways which may affect the location of a wind energy facility.

County – shall mean the County of Saginaw.

Decommissioning – shall mean the termination of use of a wind energy facility or portion of a facility where the owner provides notice to the Township that the facility or individual wind turbine(s) are no longer used to produce electricity. Such decommissioning shall occur no less than thirty (30) days prior to actual decommissioning.

FAA – shall mean the Federal Aviation Administration.

Hub Height – shall mean, when referring to a wind turbine, the distance measured from the ground level to the center of the turbine hub.

Inhabited Structure – shall mean a permanent building existing prior to the installation of a wind energy conversion facility, which is used for human or animal habitation.

Kilowatt – a unit of electricity equal to 1,000 watts.

Large Wind Energy Conversion Facility (WECF) or Wind Energy Facility shall mean any electricity generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customer(s). It includes substations, MET Towers, cables and wires and other buildings accessory to such facility. A single turbine maybe referred to as a large-scale wind energy system.

Met (Anemometer) Tower - means a tower, including any anchor, base, base plate, boom, cable, electrical or electronic equipment, guy wire, hardware, indicator, instrument, telemetry device, vane or wiring, that is used to collect or transmit meteorological data, including wind speed and wind flow information, in order to monitor or characterize wind resources for a wind site assessment for possible installation of wind energy conversion facilities or on-site wind energy systems .MET towers and attached equipment are limited to 199 feet.

Michigan Tall Structure Act (Act 259 of 1959) – shall govern the height of structures in proximity to airport related uses and is included as a standard of this ordinance by reference.

Net Metering – net metering is an accounting mechanism in which electric utility customers who generate a portion or all of their own electricity needs are billed by their utility for only their net energy consumption during each billing period. Net Metering is allowed for turbines producing less than 30 kilowatts.

Net Energy Consumption – is defined as the amount of energy delivered by the utility and used by the customer, minus the amount of energy generated by the customer and delivered to the utility.

Non-Participating Property – shall mean real property that has no wind energy system.

On-Site Small Wind Energy System – means a small electricity –generating system consisting of one but not more than two wind turbine systems sized primarily to serve the needs of the on-site consumer for a home, farm, or small business, on whose property they are constructed and not intended to distribute electricity to a customer or customers, but maybe inter-connected to a public utility.

Owner – means the person/entity that owns a wind energy system or met tower.

Receptor – a receptor is a specific location such as an inhabited structure, or roadway from which a shadow flicker analysis study shall be completed to indicate duration of shadow flicker and total number of hours per year anticipated.

Shadow Flicker and Blade Glint – shadow flicker means a repeating cycle of changing light intensity when shadows caused by rotating blades of a wind turbine pass over an object or across a window. Blade Glint is defined as the intermittent reflection of the sun off the surface of the blades of a wind turbine.

Sound Pressure Level – means the level of sound produced by the rotating blades of a wind energy system; the spinning generator; and the moving gears as measured in dBA from a property line, specific location or distance.

Stray Voltage – means any voltage or current existing between two points, where none is expected which may be contacted by persons, animals and/or equipment.

Total Height – shall include the height of the tower including the rotor radius measured at the top of its blade in the vertical position.

Township – means the Township of Richland.

Waiver Agreement – means a signed statement between the owner of a Wind Energy Facility and a Non-Participating Property Owner releasing rights of this ordinance relating to setbacks from internal property lines.

Wind Energy Facility Site Permit – is a permit issued upon compliance with the standards of this ordinance.

Wind Energy Facility Site Plan Review – is the process used to review a proposed wind energy facility.

Wind Turbine – shall mean a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, and base and pad transformer, if any. A wind turbine, by definition, shall include a Horizontal Axis Wind Turbine (HAWT) and/or a Vertical Axis Wind Turbine (VAWT).

Wind Energy Overlay District – means a district created by the Richland Township Board, upon receiving a recommendation of the Planning Commission, by identifying specific areas within the Agricultural District best situated for development of wind energy facilities and adopting specific provisions that apply in that area in addition to other provisions of the zoning ordinance.

3. Principal or Accessory Uses

A large scale wind energy facility and related accessory uses may be considered either principal or accessory uses. A different existing use or an existing structure on the same parcel shall not preclude the installation of a Wind Energy Facility or a part of such facility on such parcel. Wind Energy Facilities that are constructed and installed in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

A small scale on-site wind energy system shall be considered an accessory use for all systems designed to serve the needs of the individual owner. Small scale on-site wind energy systems shall not be considered an expansion of a nonconforming use or structure.

4. Applicability

A. Large-Scale Wind Energy Facility: a combination of more than one wind energy system under common ownership whose main purpose is to supply the needs of off-site customers shall be permitted in Agricultural Districts with a Wind Energy District Overlay classification, as a special use approval. A large scale wind turbine is generally limited to 400 feet (121.95 meters)

in total height, but the Township Planning Commission may waive the height limitation where adjustment of the total height is in the interest of the Township and the Applicant.

B. Small-Scale Wind Turbine System: a single or combination of not more than two (2) wind turbine generators sized to serve the needs of the on-site consumer for a home, farm, or small business shall be a permitted use in all districts where the parcel size is one (1) acre or larger, and shall not be considered a special use where the wind turbine is 10kW or less of rated capacity and the wind turbine is seventy five (75') feet (22.865 meters) or less in total height. Such approvals may be administratively given subject to meeting the requirements of this ordinance. Where a wind turbine is greater than 10kW of rated capacity and/or greater than seventy five (75') feet (22.865 meters) in total height, the wind turbine shall be considered a special use approval. An on-site wind energy system with a total height of over 150 Feet (45.73 meters) shall be considered a large scale wind energy system for siting purposes.

5. Wind Energy Facilities Overlay District

A Wind Energy Facility Overlay District shall be created only within the Agricultural Zoning Districts. A "Wind Energy Overlay District" classification is a prerequisite to developing a Large – Scale Wind Energy Facility. It is the intent of this "overlay district" to identify agricultural land eligible for commercial, large-scale wind energy conversion facilities and, at the same time, provide for maximizing and preserving agricultural activity.

6. Site Plan Review Required

Wind Energy Conversion facilities shall not be located, constructed, erected, altered, or used without first obtaining a Wind Energy Facility Permit pursuant to this ordinance. Modification of development standards shall be based on a recommendation by the Planning Commission that said modifications are in the best interest of the Township and the Applicant. Where modifications of a standard are requested, the Township Board shall hold a public hearing prior for the consideration of a modified site plan. The Wind Energy Facilities Site Plan must be reviewed and approved by the Richland Township Planning Commission pursuant to the standards contained herein, and as required in Chapter 15, Section 1507 (Site Plan Review), prior to being submitted to the Richland Township Planning Commission for the special use approval.

Small – Scale "on-site" wind energy turbines shall not be located, erected, altered, or used without first submitting a site plan for zoning approval, where such approval may be administratively given, or as may be required as a special use approval.

7. Information to be submitted.

A. The following information, in addition to information as required and as may be applicable for site plan review under Section 1802 of the Richland Township Zoning Ordinance, must be submitted as part of the site plan review for Wind Energy Facilities and single wind turbine system(s) of rated capacities of more than 10 kW. The following, as applicable, shall also be submitted for MET Towers.

1. Survey of the property showing property boundaries and existing features such as land contours, large trees, buildings, structures, roads (rights-of-way), utility easements, land use, zoning district, ownership of property, and vehicular access;
2. Plan(s) showing the proposed location and number of turbine towers, Underground and overhead wiring (including depth of underground wiring), access roads (including width) substations and accessory structures;
3. Photo exhibits visualizing the proposed wind energy system;
4. A description of the large wind energy system(s)' height and design, including across section, elevation, and diagram of how the wind energy system will be anchored to the ground;
5. A signed statement indicating that the applicant has legal authority to construct, operate, and develop the wind energy system(s) under state, federal and local laws and regulations, including Federal Aviation Administration (FAA), the Michigan Tall Structures Act (Act 259 of 1959), the Airport Zoning Act (Act 23 of 1950), and state and local building codes. The FAA will issue a signed statement when the precise location(s) has been determined. Building permits will not be issued prior to receiving all signed statements, but a special use permit may be granted.
6. A description of the routes to be used by construction and delivery vehicles and any road improvements that will be necessary in the County to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads or other areas caused by construction of the Wind Energy Facility;
7. Engineering data concerning construction of the tower and its base or foundation, which must be engineered and constructed in such a manner that upon removal of said tower, the soil will be restored to its original condition to a depth of 3 feet;
8. A copy of the lease, or recorded document, with the land owner if the applicant does not own the land for the proposed large wind energy facility(s). A statement from the land owner of the leased site that he/she will abide by all applicable terms and conditions of the use permit, if approved;
9. A copy of any applicable waiver agreements;
10. A certificate of insurance with a minimum of \$1,000,000 liability coverage per incidence, per occurrence shall be required. Each renewal period will require a copy of certificate of insurance be provided to the Township. An expired insurance certificate or an unacceptable liability coverage amount is grounds for revocation of the use permit.

11. Anticipated construction schedule; and

12. Description of operations, including anticipated regular and unscheduled maintenance.

B. Information required as part of an administrative site plan review for a Small- Scale “on-site” Wind Energy Turbine with a rated capacity of 10 kW or less.

1. A site plan at an appropriate scale showing the proposed location of the wind energy system, and any structures.

2. Standard drawings of the wind turbine structure including the tower, base, footings, cross section, and connection and certification of the tower and turbine showing compliance with applicable building codes and recognized standards.

3. Plan(s) showing the proposed location of turbine tower(s), underground wiring (including depth of underground wiring), access road, if any, and accessory structures;

4. Documentation from the manufacturer, including full specifications and manufacturer recommended installation procedures.

5. Proof of applicant’s public liability insurance.

8. Wind Turbine/Tower Height (total height)

The total height of a wind turbine shall be the distance to the center of the hub of the wind turbine plus the distance to the tip of the turbine blade at its highest point. Generally, the hub height shall be limited to two hundred seventy five (275) feet from the existing grade unless modification of this maximum height is approved pursuant to the review of the Planning Commission. The applicant shall demonstrate compliance with the Michigan Tall Structure Act (Act 259 of 1959, as amended) and FAA guide lines as part of the approval process.

9. Application Material

The following shall be included and/or be utilized as standards when preparing, submitting and reviewing an application for a Wind Energy Facility. A site plan that differs from these standards can be approved only upon the review of the Planning Commission and approval from the Township Board that the modification is in the best interest of the Township and the Applicant. Such things that will be considered in addition to the site plan are as follows.

A. Avian Analysis.

The applicant may be required to submit an avian study to identify and assess the potential impact of a proposed wind energy facility upon wildlife and endangered

species. Sites requiring special scrutiny include bird refuges and other areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, sites that are frequented by federally listed endangered species of birds and bats, significant bird migration path ways, and areas that have landscape features known to attract large numbers of raptors. The analysis shall indicate whether a post construction wildlife mortality study will be conducted and, if not, the reasons why a study does not need to be conducted.

B. Obstructions to Air Traffic.

Wind turbines which exceed two hundred (200) feet in total height, are considered obstructions to air traffic and shall be subject to the approval of the Federal Aviation Administration (FAA). The FAA requires that obstructions to air traffic be illuminated with the appropriate FAA approved flashing red, flashing white, or steady burning red light lighting as described in FAA Advisory Circular AC70/7460-1K, titled Obstruction Lighting and Marking.

C. Visual Appearance, Lighting; Power lines.

- 1) Wind turbines shall be mounted on tubular towers. The appearance of turbines, towers and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards.
- 2) Blade Glint is prohibited. Wind turbines and tubular towers shall be painted a non-reflective, non-obtrusive color, such as gray, white, or off-white. The applicant shall submit a paint sample that demonstrates the color, texture and gloss of the proposed surface coating. The applicant shall also submit a certification by the manufacturer stating that the proposed surface coating will not create a reflective surface conducive to blade glint.
- 3) Wind Energy Facilities shall not be artificially lighted, except to the extent required by the FAA, the Tall Structures Act, other applicable authority, or as otherwise necessary for the reasonable safety and security thereof.
- 4) Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the Wind Energy Facility.
- 5) The electrical connection shall be placed underground within the interior of each parcel at a depth designed to accommodate the existing agricultural land use to the maximum extent practicable. The collection system maybe placed overhead adjacent to County roadways, near substations or points of interconnection to the electric grid or in other areas as necessary.

6) All electrical components of the wind energy facility shall conform to the relevant and applicable local, state, and national codes, and relevant and applicable international standards.

D. Setbacks, Separation and Security.

1) Inhabited structures: Each wind turbine or MET Tower shall be setback from the nearest residence, or other inhabited structure, a distance no less than the greater of (a) 1.5 times its hub height or (b) 1000 feet. A lesser setback may be approved if the intent of this paragraph would be better served thereby. A reduced setback shall be considered only with written approval from the owner of the inhabited structure.

2) Property line setbacks: Excepting locations of public roads, drain rights-of-way and parcels with inhabited structures, Wind Energy Facilities and MET Towers shall not be subject to a property line setback, except as provided below for a non-participating property owner. Along the border of the Wind Energy Facility Overlay District, there shall be a setback distance no less than 1.2 times the total height of the wind turbine.

Wind turbines and access roads shall be located so as to minimize the disruption to agricultural activity and, therefore, the location of towers and access routes is encouraged along internal property lines. Where a turbine location is proposed nearer to an internal property line than one and one-fifth (1.2) times the total height of the wind turbine, an easement shall be established on the abutting parcels.

3) Waiver Agreement: Where a proposed wind energy or MET tower would be located along side an internal property line adjacent to a non-participating property owner, the owner of an wind energy facility shall obtain a waiver agreement with the adjacent property owner for the siting location otherwise a setback of no less than 1.2 times the total height of the wind turbine shall apply from the non-participating property line.

4) Public Roads: Each wind turbine shall be set back from the nearest public road a distance no less than 400 feet or 1.2 times its total height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such public road.

5) Communication and electrical lines: each wind turbine shall be setback from the nearest above-ground public electrical power line or telephone line at distance no less than 400 feet or 1.2 times its total height, whichever is greater, determined from the existing power line or telephone line.

6) Tower separation: Turbine/tower separation shall be based on
a) Industry standards
b) Manufacturer recommendation

- c) Characteristics [prevailing wind, topography, etc.] of the particular site location.

At a minimum, there shall be separation between towers of not less than 2.5 times the turbine (rotor) diameter; and, the Wind Energy Facility shall be designed to minimize disruption to farm land activity.

Documents shall be submitted by the developer/manufacturer confirming specifications for turbine/tower separation.

- 7) Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Wind Energy Site Permit and, in addition, that appropriate security will be in place to restrict unauthorized access to Wind Energy Facilities.

- 8) Where a Small-Scale Wind Energy System is installed for “on-site” use, the minimum setback distance between the wind turbine tower and all surrounding property lines, overhead utility or transmission lines, other wind turbine towers, electrical substations, meteorological towers, public roads and dwellings (other than the owner), shall be equal to no less than one and one-fifth (1.2) times the sum of the tower height at its hub and the rotor radius measured at the top of its blade in the vertical position. No part of the wind energy system structure, including any guy wire anchors, may extend closer than ten (10) feet to the owner’s property lines.

E. Sound Pressure Levels.

- 1) Audible noise or the sound pressure level from the operation of the Wind Energy Facility shall not exceed fifty (50) dBA, or the ambient sound pressure level plus five (5) dBA, whichever is greater, for more than ten percent (10%) of any hour, measured at any residence, or other occupied structure, existing on the date of the approval of the Wind Energy Facility Site Permit. The applicant shall be able to provide sound pressure level measurements from a reasonable number of sampled locations at the perimeter and in the interior of the Wind Energy Facility to demonstrate compliance with this standard.

- 2) The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is exceeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at a building’s exterior of potentially affected residences or other occupied structures. Ambient noise levels shall be measured when wind velocities are sufficient to allow wind turbine operations, provided that wind velocities are less than thirty (30) mph at the ambient noise level location.

3) In the event that allowable noise levels of a Wind Energy Facility are exceeded, a waiver to said levels may be approved provided that the following has been accomplished:

a. Written statements from the affected property owner(s) has been obtained stating that they are aware of the Wind Energy Facility and the noise limitations imposed by this ordinance, and that they are not opposed to the Township's granting of a waiver to the maximum sound pressure level limits otherwise allowed.

b. A permanent noise impact statement must be recorded in the Saginaw County Register of Deeds office which describes the burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those otherwise permitted by this ordinance may exist on or at the burdened property.

4) Individual Small-Scale on-site wind turbine towers shall be located so that the level of noise produced by wind turbine operation shall not exceed 50 dB (A), measured at any site from the property line, except that the level of noise generated by a wind turbine operation may exceed 50 dB (A) during short term events such as power outages and severe wind storms. If the tower is installed in an area of already higher sound levels, the ambient sound level plus 5dB(A) shall be used.

F. Minimum Ground Clearance.

1. The vertical distance from the ground level to the tip of a wind generator blade on a Wind Turbine Facility, when the blade is at its lowest point must be at least seventy-five (75) feet.

2. The vertical distance from the ground level to the tip of a wind generator blade on a Small-Scale on-site wind turbine, when the blade is at its lowest point must be at least twenty five (25) feet.

G. Shadow Flicker.

The applicant of a large scale wind energy facility shall be required to conduct an analysis on potential shadow flicker at nearby occupied structures. Any analysis shall identify the receptor locations of shadow flicker that may be caused by the project and the expected durations of the flicker at each receptor from sun-rise to sun-set over the course of a year. All existing occupied structures, structures permitted for construction and roadways shall be identified within the model as receptors.

Wind Turbines shall be sited such that shadow flicker will not fall directly on a receptor or provide written documentation describing measures that shall be taken to eliminate or

mitigate the problem. Shadow flicker expected to fall on a roadway may be acceptable if all of the following conditions are satisfied:

- a. The flicker will not exceed 10 hours per year at any one receptor measured as the sum of those times during which shadow flicker occurs during any calendar year.
- b. The traffic volumes are less than 500 vehicles per day on the affected roadway.
- c. The flicker will not fall onto an intersection.

H. Signal Interference.

No Large-Scale Wind Energy Facility shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, or wireless phone or other personal communications systems would produce electromagnetic interference with signal transmission or reception. No Large-Scale Wind Energy facility shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.

I. Safety.

- 1) All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a failsafe mode. Stall regulation shall not be considered a sufficient braking system for over speed protection.
- 2) All collection system wiring shall comply with all applicable safety and stray voltage standards.
- 3) All wind energy towers shall have lightning protection.
- 4) Large Wind Turbine towers shall not be climbable on the exterior.
- 5) All access doors to wind turbine towers and electrical equipment shall be lockable.
- 6) Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and Wind Energy Facility entrances.
- 7) The owner/operator of a wind energy facility shall post and maintain at each wind turbine system a 24 hour a day manned telephone number in case of emergency.

8) All sub-stations shall be fenced to prevent public access and may be installed to a height of eight (8) feet.

9) A Small-Scale on-site wind energy system designed for the home, business, or farm shall have braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. All ground mounted electrical and control equipment must be labeled and secured to prevent unauthorized access. A tower may not have step bolts or a ladder within eight (8') feet of the ground that is readily accessible to the public.

10. Certification.

Any approval for Wind Energy Facilities shall require the applicant to provide a post-construction certification that the project complies with applicable codes and industry practices.

11. Inspections.

The applicant of a Wind Turbine Facility shall submit bi-annual inspection reports to the Planning Commission or its designated officer confirming compliance with applicable codes and industry practices

The applicant(s) of all on-site small-scale wind turbine systems, including towers, shall comply with all applicable State construction and electrical codes and local building permit requirements. The owner must have received the required inspections from a State licensed inspector showing that the wind energy system complies with all applicable codes before placing it into operation. Inter-connected (on-grid) systems must comply with the Michigan Public Service Commission Standards.

12. Decommissioning.

The applicant of a large scale wind energy facility shall submit a decommissioning plan. The plan shall include: 1) the anticipated life of the project, 2) the estimated decommissioning costs net of salvage value in current dollars, 3) the method of ensuring that funds will be available for decommissioning and restoration, and 4) the anticipated manner in which the project will be decommissioned and the site restored. Any foundation shall be removed to a minimum depth of three (3) feet below grade, by the owner of the facility or its assigns.

Following removal, the location of any remaining wind turbine foundation shall be identified on a map as such and recorded with the deed to the property with the Saginaw County Register of Deeds.

Any access roads shall be removed, cleared, and graded by the owner of the large wind energy facility or its assigns, unless the property owner requests in writing a desire to maintain the access road. The Township will not be assumed to take ownership of any access road unless through official action of the Township Board.

A performance bond or equivalent financial instrument shall be posted in an amount determined by the Township [to be utilized in the event the decommissioning plan needs to be enforced with respect to the tower removal, site restoration, etc.]. The bond shall be in favor of Richland Township and maybe provided jointly as a single instrument for multiple townships within a single wind farm, provided that and such single instrument shall be in an amount of at least \$1 million and shall contain a replenishment obligation.

13. Complaint Resolution

The applicant of a large wind energy facility shall develop a process to resolve complaints from nearby residents concerning the construction or operation of a project. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. The process shall not preclude the Township from acting on a complaint. During the construction process, the applicant shall maintain a telephone number during business hours where nearby residents can reach a project representative.

14. Indemnification.

The owner of a large wind energy facility shall defend, indemnify, and hold harmless the Township and their officials from and against all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever including attorney fees arising out of the acts or omissions of the operator concerning the operation of the large wind energy facility without limitation, whether said liability is premised on contractor tort.

SECTION 1602. OUTDOOR WOOD FIRED HEATERS

Use by Right in A-1, A-2, C-2 and M-1 Zoning Districts

Special Use in R-1 Zoning District with 2 (two) acre minimum parcel size

1. Definitions

- a. **CLEAN WOOD.** Wood that has not been painted, stained, coated, preserved, or treated with chemicals such as copper chromium arsenate, creosote, or pentachlorophenol. The term does not include construction and demolition debris.
- b. **EPA.** United States Environmental Protection Agency
- c. **OUTDOOR WOOD-FIRED HYDRONIC HEATER. (OWHH) or OUTDOOR WOOD BOILER.** A fuel burning device designed to burn wood or other solid fuels that the manufacturer specifies for outdoor installation or in structures not normally occupied by humans, including structures such as garages and sheds; and which heats building space and water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.
- d. **PHASE 1 OWHH.** An OWHH that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.6 pounds per million BTUs input and is labeled accordingly.
- e. **PHASE 2 OWHH.** An OWHH that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million BTUs output and is labeled accordingly.

2. General Requirements

- a. **Permit Requirements:** No OWHH may be installed or relocated from one lot to another lot in any district without first obtaining a permit from the building department. Any new installation or relocation of an OWHH must be inspected by the building department prior to use.
- b. **Unit Requirements**

No person shall from the effective date of this ordinance, operate an existing outdoor wood furnace unless such operation conforms to the manufacturer’s instruction regarding such operation and the requirements of this ordinance regarding solid fuels that may be burned in an Outdoor wood Furnace.

All new Outdoor Wood furnaces shall be constructed, established, installed, operated and maintained in conformance with the manufacturer’s instructions and the requirements of this

ordinance. In the event of a conflict, the requirements of this ordinance shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

All new Outdoor Wood Furnaces shall be laboratory tested and listed to appropriate safety standards such as UL, CAN.CSA, ANSI or other applicable safety standards.

The owner of any new Outdoor Wood Furnace shall produce a copy of the manufacturer's Owner's manual or installation instructions and a site plan of where the furnace will be located to the Building Department to review prior to installation.

2. Set back Requirements

The Outdoor wood furnace shall be located:

- a. A minimum of 15 (fifteen) feet from the property line.
- b. At least 250 (two hundred fifty) feet from any residence that is not served by the Outdoor Wood Furnace.

5. Permitted Fuels

Permitted fuels burned in an OWHH are:

- a. Clean wood;
- b. Wood pellets made from clean wood;
- c. Home heating oil, natural gas, or propane that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual fired OWHHs;.
- d. Biofuels recommended by the manufacture.

6. Prohibited Fuels

Prohibited fuels include but is not limited to:

- a. Wood that does not meet the definition of clean wood;
- b. Garbage, refuse, tires, yard waste, materials containing plastic or rubber;
- c. Newspaper, cardboard or any material with ink or dye products;
- d. Petroleum products, including asphalt products, other than those that are permitted fuels;
- e. Paints and paint thinners, chemicals, coal;
- f. Plywood, particleboard, manure or other animal products or wastes.

7. Fuel Storage

Fuel must be stored in the rear or side yard and meet the setback requirements for accessory buildings.

8. Nuisance

A nuisance is "an offensive, annoying, unpleasant, or obnoxious thing, or practice, a cause of source of annoyance, especially a continual or repeated invasion of a use or

activity which invades the property line of another so as to cause harm or discomfort, to the owner or resident to that property.”

If an existing Outdoor Wood Furnace is, through the course of a proper investigation by local authorities, creating a verifiable nuisance, the following steps may be taken by the owner and the (appropriate department) having jurisdiction:

Cease and desist operating the unit until reasonable steps can be taken to ensure that the Outdoor Wood Furnace will not be a nuisance;

Modifications made to the unit to eliminate the nuisance, such as extending the chimney/stack, or relocating the Outdoor wood Furnace, or both.

SECTION 1603. ANIMALS

1. **Intent and Purpose.** The purpose of this ordinance is to establish regulations for the keeping of animals by the residents of the township. Where this section conflicts with earlier ordinances, this section supersedes the earlier section.

2. Definitions

Animal: Any nonhuman zoological species.

Blight: Dilapidated, unsanitary, unsafe, or vermin infested

Class I Animal: Pets: Domesticated animals which are not Class II, III, IV or V animals and which are customarily considered household pets kept inside of the house with no exterior pens or holding areas.

Class II Animal: Livestock: An animal which is normally part of the livestock maintained on a farm including:

- 1) Bovine and like animals, such as the cow.
- 2) Equine and like animals, such as the horse.
- 3) Swine and like animals, such as the hog.
- 4) Ovine and like animals, such as the sheep and goat.
- 5) Other animals weighing equal to or greater than seventy-five (75) pounds and not otherwise specifically included in class II.

Class III Animal: Other Animals: Rabbits which are not maintained or kept as domesticated household pets, animals considered as poultry and other animals weighing less than seventy-five (75) pounds not specifically mentioned in this ordinance.

Class IV Animal: Wild Or Exotic Animals: Such animals include any wild or undomesticated animal which is not of a species customarily used as an ordinary household pet, but one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country. Such animals weigh less than one hundred (100) pounds and would not cause a reasonable person to be fearful of bodily harm or property damage.

Class V Animal: Dangerous Animals: Such animal includes any wild or undomesticated animal which is not of a species customarily used as an ordinary household pet, but one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country or any animal which by means of venom, poison, training or disposition create a danger. Such animals would cause a reasonable person to be fearful of bodily harm or property damage.

A person who maintains animals: Any person who owns or controls the animal or who owns, controls, or has legal possessory right in the property upon which the animal is located or maintained.

3. Animals permitted by Zoning District

(a) Class I animals may be maintained in all zoning districts, provided that they are kept according to the State and Township codes and cause no harm, health hazard or blight. Recognizing that because of availability of training, breeding, and animal husbandry, certain species of animals formerly classified as non-domesticated animals become viewed by society as domesticated animals or household pets, the Zoning Board of Appeals may declare a particular species class I animals.

(b) Class II animals may be maintained in the A-1, A-2 and R-1 Zoning Districts provided that the following guidelines are met:

(1) Generally accepted Agricultural Management Practice for the Care of Farm Animals

(2) Generally Accepted Agricultural Practices for Manure Management and Utilization

(3) In the R-1 Zoning District, a minimum of two (2) acres of land on one parcel is required for the first two animals, with an additional one acre required per additional animal provided that they cause no harm, health hazard or blight.

(4) Class II animals in A-1 and A-2 Zoning Districts are subject to the provisions of section 1406 (Agricultural Uses).

(5) Class II animals must be held in appropriate pens or fenced areas. All pens must maintain the same setbacks as accessory buildings.

(c) Class III animals may be maintained in the A-1, A-2 and R-1 Zoning Districts provided that they cause no harm, health hazard or blight and provided that the following guidelines are met:

(1) Generally accepted Agricultural Management Practice for the Care of Farm Animals

(2) Generally Accepted Agricultural Practices for Manure Management and Utilization

(3) In the R-1 Zoning District, six (6) animals are permitted on parcels of less than 1 acre. On parcels of one acre or more, twelve (12) animals are allowed for the first one acre of land area and twenty-four (24) allowed for each additional acre on the same parcel. Beekeeping is permitted in accordance with the guidelines defined in Generally Accepted Agricultural Management Practice for the Care of Farm Animals.

(4) Class III animals in A-1 and A-2 Zoning Districts are subject to the provisions of section 1406 (Agricultural Uses).

(5) Class III animals must be maintained in proper pens or cages. All pens must maintain the same setbacks as accessory buildings.

(d) Class IV animals may not be maintained in any zoning district unless they are completely confined within the same house as the residence. No animal may be brought outdoors except for disposal. These animals must be maintained in compliance with all Federal, State and County laws, and cause no harm, health hazard or blight. Class IV animals shall not be released into the local environment for any reason.

(e) Class V animals may not be maintained anywhere within the Township with the following exceptions:

(1) Duly incorporated non-profit animal protection organizations housing an exotic animal at the written request of the animal control authority.

(2) Animal control or law enforcement agencies or offices acting under the authority of this section.

(3) Licensed veterinary hospitals or clinics.

(4) Any lawfully operated circus, rodeo, zoo or preserve.

(5) There shall be no nonconforming use of land or buildings with respect to Class V animals due to health, safety, and welfare of the Township residents.

17. CONDOMINIUM REGULATIONS

SECTION 1701. PURPOSE.

The purpose of this Article is to regulate projects that involve the property arrangement of interests in real property known as a condominium, consisting of two or more "units" and "common elements" created under the Michigan Condominium Act. New and conversion condominium projects shall conform to the requirements of this Ordinance, all other applicable Township regulations, and the Condominium Act. Each condominium project shall be reviewed in a manner consistent with equivalent projects within the zoning district. Pursuant to the authority conferred by the Condominium Act, a "site condominium" shall be regulated by this Ordinance as closely as possible to a platted subdivision for purposes of enforcing the Township's site development standards. In this manner, an attempt is being made by the Township to avoid discrimination either for or against a project on the basis of the form of ownership. It is the intent of this Article to ensure that:

1. Single-family detached residential subdivision developments implemented under the provision of the Condominium Act shall be consistent with subdivision plats established in accordance with the Land Division Act and any Township subdivision regulations.
2. Review of condominium subdivision plans shall be accomplished, aside from procedural differences, with the objective and intent of achieving the same results as if the site were to be developed as a conventional subdivision plat.
3. Condominium subdivisions and all other condominium developments are to be developed in compliance with all applicable standards of this Ordinance and design standards equivalent to those found in the land Division Act and any Township subdivision regulations.

SECTION 1702. SCOPE.

The standards set forth in this Article shall be considered minimum requirements. Where the adopted Master Deed, to which are attached as exhibits and incorporated by reference the bylaws for the project and the condominium subdivision plan for the project, or other provisions of this Ordinance or other applicable state laws or Township ordinances require higher standards, such higher standards shall apply.

SECTION 1703. DEFINITIONS.

1. **CONDOMINIUM** - The individual ownership of a unit or parcel of real property within a multiunit parcel or structure located as a permitted use within a zoning classification and requirements of this Ordinance.
2. **SITE CONDOMINIUM** - A form of development in which ownership is purchased in a divided interest in a lot and building and an undivided interest in all other lands and improvements which are maintained through an association. Site condominium developments are regulated under the Condominium Act (PA 59 of 1978 as amended).
3. **Condominium Act** - means Act 59 of 1978, as amended.
4. **Condominium subdivision** - shall be equivalent to the term "subdivision" as used in this Zoning Ordinance.
5. **Condominiums subdivision plan** - the site, survey and utility plans; floor plans; and sections, as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements.
6. **Condominium unit** - that portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.
7. **Consolidating master deed** - the final amended master deed for a contractible condominium project, an expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully describes the condominium project as completed.
8. **Contractible condominium** - a condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
9. **Conversion condominium** - a condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.
10. **Convertible area** - a unit or a portion of the common elements of the condominium project referred to in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
11. **Expandable condominium** - a condominium project to which additional land may be added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
12. **Front yard setback** - the distance between the front yard area line and the condominium dwelling.
13. **Lot** - shall mean the same as "Home site" and "Condominium Unit."

14. **Master deed** - the condominium document recording the condominium project as approved by the Zoning Administrator to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved condominium subdivision plan for the project.
15. **Rear yard setback** - the distance between the rear yard area line and the condominium dwelling.
16. **Side yard setback** - the distance between the side yard area line and the condominium dwelling.

SECTION 1704. TYPES OF PERMITTED CONDOMINIUM UNITS.

The following types of condominium units shall be permitted under this Article, subject to conformance with all applicable standards of this Ordinance:

1. **Single-family detached units.** In the case of a condominium project in which the condominium units are intended for detached single-family residential purposes (site condominium), the condominium unit shall, to the extent feasible, and considering the manner in which "unit" is defined," be interpreted to be a "lot" under this Ordinance. Thus, in this Article, a site condominium unit shall be referred to as a "lot."
2. **Attached residential or multiple-family residential units.** Condominium buildings and units created by the construction of multiple or attached residential units containing individually owned condominium units, or by conversion of existing multiple-family or attached units or an existing building into residential condominium units shall conform with all requirements of this Ordinance for multiple-family dwellings.
3. **Non-residential condominium units.** A non-residential condominium project consisting of either new building construction or the conversion of an existing building into individual condominium units shall conform to all requirements of this Ordinance for the zoning district and type of land use.

SECTION 1705. CONDOMINIUM SITE PLAN REQUIREMENTS.

Prior to recording of the Master Deed of the condominium project as required by Section 72 of the Condominium Act, each condominium project shall be subject to review and approval of preliminary and final condominium site plans by the Planning Commission in accordance with this ordinance. Pursuant to authority granted by Section 141 of the Condominium Act, review and approval of site plans for all condominium developments shall be subject to the procedures and standards defined in the Township Planning Ordinance, and the following:

1. **Preliminary Condominium Site Plan Requirements.** A preliminary condominium site plan shall be filed for approval at the time the notice of proposed action is filed with the Township per Section 71 of the Condominium

Act. The preliminary site plan shall include all information required for preliminary site plans and the following:

- a. Landscaping. Proposed landscape screening, including greenbelt and berms, and screening walls and a maintenance plan detailing maintenance responsibilities.
- b. Condominium regulations. All deed restrictions or other regulations proposed to be included in the condominium documents in the nature of restrictive covenants which regulate the layout, use and maintenance of public or common areas, accessory structures, payment of assessments and enforcement of condominium regulations. These items shall be physically incorporated as part of the site plan through detail sheets attached with the plan.
- c. Common areas shown. Limited common elements, common elements, unit lots, preservation areas, convertible areas and any other designated ownership areas must be clearly delineated on the site plan.
- d. Documents. All condominium documents must be provided for review by the township attorney.
- e. Additional information. The following additional information must be submitted for township review:
 - i. Cross sections of roads, drive aisles and paved areas.
 - ii. Preliminary approval by the county health department and drain commissioner of proposed septic, sanitary, storm and/or water system locations.
 - iii. All condominium documents as defined in this chapter.
 - iv. All necessary easement documents showing the dedication of land areas for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including conveyance of sewage, water and storm water runoff across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.

2. **Final Condominium Site Plan Requirements.** The final condominium site plan shall include all information required for preliminary site plans, all information required by the Condominium Act and the following:

- a. Revised plan. A revised, dated condominium plan incorporating all of the changes, if any, required for preliminary approval.
- b. Approvals or comments. Verification of all required state and county approvals or comments.
- c. Section 71 comments. Presentation of all comments pursuant to section 71 of the Condominium Act (MCL [559.171](#)).
- d. Condominium documents. Copies of the recorded condominium documents or copies of the documents in their final recordable form, including the required condominium site plan.

3. **Site Condominium Developments.** In the case of a site condominium development that consists only of condominium lots and not buildings or other structures at the time of plan review, the location and dimensions of the condominium lots, building envelopes, and required yards shall be shown on the preliminary and final site plans. Principal buildings or detached dwellings on proposed condominium lots may be shown on the site plans, but shall not be required for site condominium development approval.

SECTION 1706. CHANGES TO AN APPROVED CONDOMINIUM.

Amendments or revisions to any condominium document or the approved final condominium site plan (Exhibit B, as required by the Condominium Act) shall be subject to review and approval.

SECTION 1707. EFFECT OF CONDOMINIUM SITE PLAN APPROVAL.

At the discretion of the Township Board, approval of a final site plan may authorize the execution of a Development Agreement between the Township and the property owner(s)/developer(s). If no Development Agreement is required by the Township Board, approval of the final site plan shall authorize issuance of a zoning compliance permit; authorizes the property owner(s)/developer(s) to submit plans for detailed engineering review; and authorizes issuance of building permits, provided all other requirements have been met.

- A. No site work or construction shall begin prior to engineering approval, required preconstruction meeting(s), and the execution and recording of a Development Agreement.
- B. If a building, structure or use to be placed on a condominium lot requires site plan approval, a site plan for that building, structure or use shall be approved by the Planning Commission before a building permit or Certificate of Zoning Compliance may be issued.

SECTION 1708. CONDOMINIUM SITE PLAN EXPIRATION.

Preliminary and final condominium site plans shall expire twelve (12) months after initial approval if no construction has commenced. The Planning Commission may issue extensions if requested prior to expiration of the site plan.

SECTION 1709. RESCINDING APPROVAL OF A CONDOMINIUM SITE PLAN.

Condominium site plan approval may be rescinded by the Planning Commission upon determination that the site has not been improved, constructed or maintained in compliance with approved permits, plans, or conditions of approval.

SECTION 1710. DENSITY REGULATIONS.

For the purposes of this Ordinance, each site condominium unit shall be interpreted to the extent feasible considering the definition of "unit," to be equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located. The dwelling unit density of the project shall be no greater than would be permitted if the parcel were subdivided and developed in accordance with the regulations of the zoning district in which it is located.

1. In the case of a site condominium containing single-family detached dwellings, not more than one (1) dwelling shall be located on a condominium lot, nor shall a dwelling be located on a condominium lot with any other principal building or use, except as permitted in a Planned Unit Development (PUD).
2. Required setbacks for individual condominium units or buildings shall be measured from the perimeter of the condominium lot or road right-of-way to the nearest part of the structure or building envelope.
3. Where detached units are not located on individual lots ("zero lot line condominium dwellings"), the following standards shall apply:
 - a. The maximum residential dwelling unit density for a site condominium development consisting all or part of zero lot line condominium dwellings shall conform to the standards for the zoning district.
 - b. Required yards shall be measured from:
 - i. The building envelope boundaries to abutting road rights-of-way;
 - ii. Required perimeter setback lines from parcel boundaries;
 - iii. Required setback lines from wetlands and watercourses; and
 - iv. The near edge of drainage easements, general common elements, dedicated open space areas, and similar site elements. In no case shall the required yard setback areas for such dwellings overlap or encroach into areas reserved for such site elements.
4. Lot coverage and floor area ratio shall be calculated using the net land area of the condominium lot.
5. Residential condominium developments shall conform to the dwelling unit density standards for the zoning district.
6. A condominium is eligible to be developed in accordance with the Residential Open Space Development Option.

SECTION 1711. DESIGN AND DEVELOPMENT STANDARDS.

The following shall apply to all condominium units and developments in the Township:

A. Use Standards.

Uses within a condominium project shall be regulated by standards of the zoning district where the project is located.

B. Condominium Unit or Site Condominium Lot.

For purposes of this Article and Ordinance, each detached condominium unit or site condominium lot shall be considered the equivalent of a platted lot of record as defined in the Township's subdivision regulations. Such units or lots shall be located within a zoning district that permits the proposed use. Such units or lots shall conform to the requirements of this Ordinance for the zoning district, except for permitted outlots provided for an indicated and approved purpose.

1. **Corner lots** shall require front yard setbacks on each adjacent street. Lots abutting a mid-block cross access pedestrian way or other right-of-way shall be treated as corner lots.
2. **Residential lots** shall not open or face directly onto lots occupied or intended to be occupied by OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, and INDUSTRIAL, RESEARCH, AND LABORATORY USES. Residential lots shall not open or face directly onto freeway rights-of-way or primary roads as defined by the master transportation plans of the Township, or county or state road authorities. In such situations, residential lots shall be laid out in one of the following ways:
 - a. Lots may back onto the above features, and corner lots may abut such features. Such lots shall be separated therefrom by a minimum 50 foot wide transition buffer with screen plantings along the abutting property line(s). The transition buffer shall not be part of the residential lot, but shall be part of the common area for the condominium development. The required transition buffer shall be located outside of any road rights-of-way and utility easements.
 - b. Lots may face onto a marginal access street.
 - c. Lots may face onto intersecting local roads with driveways opening onto the intersecting local roads.
 - d. Lots may be grouped around a cul-de-sac or loop street that opens onto a primary road or collector street.
3. **Lot frontage.** All lots shall abut, by their full frontage, on a public or private road. Lots extending through a block are prohibited except where they back directly onto freeway rights-of-way or primary roads as defined by the master transportation plans of the Township, or county or state road authorities.
4. **Lot lines.** Side lot lines shall generally be perpendicular to the right-of-way lines or radial to curved roads. All side and rear lot lines should be straight lines unless natural features or street curvature so prevent. The Planning Commission may approve lots that deviate from these requirements, upon determination that such deviations would result in better arrangement of lots.
5. **Lots to be buildable.** The lot arrangement shall be such that in constructing a building in compliance with this Ordinance, topography or other natural conditions will not create difficulties in locating the building and driveway and in providing adequate yard areas. The size, shape, and location of each lot shall have the following characteristics:
 - a. A suitable site for placing a house without excessive grading.

- b. On site suitability for either public or individual site sewer and water facilities.
 - c. A usable area for outdoor living and other outdoor activities.
 - d. Adequate surface drainage away from the house site and outdoor living areas.
 - e. Reasonable driveway grades.
 - f. Minimal general site grading with retention of significant trees and other vegetation.
 - g. Minimal use of acute angles and odd, non-geometric shapes as part of the lot.
6. **Non-residential lots.** Lots intended for uses other than residential shall be identified on the plan, and shall be specifically designed for such uses in accordance with provisions of this Ordinance.

C. Roads and Road Rights-of-Way.

The proposed development shall provide logical extensions of existing or planned roads and roads in the Township, and shall provide suitable road connections to adjacent parcels, where applicable. Street and block layout and design shall be subject to the following standards:

- 1. **Layout.** Road and street layout shall conform to the adopted Master Plan and the following:
 - a. Public and private roads in a condominium development shall be developed to the standards of the County Road Commission. Limited deviations from specific standards may be authorized for private roads only as part of a Planned Unit Development (PUD) condominium development.
 - b. The arrangement of roads in the development shall provide for the extension of an interconnected system of local and collector roads with adjacent developments where such extension is not precluded by topographic or other existing conditions.
 - i. The layout shall also provide for proper projection of roads into adjoining properties not yet developed.
 - ii. The Planning Commission may require additional street connections to adjacent parcels above minimum applicable requirements, upon determination that such connections will improve the function or design of the development or reduce traffic impacts on the Township's primary road system.
- 2. The Planning Commission may require new collector roads or road extensions within or through a condominium development upon determination that such roads will improve the function or design of the development or reduce traffic impacts on the Township's primary road system.
 - a. Local roads shall be laid out so as to discourage their use by through traffic. This may be accomplished through the use of "T" or roundabout intersections, traffic calming devices, or similar design elements.

- b. Roads shall be arranged in proper relation to topography so as to result in usable lots; safe roads and sidewalks; and reasonable street, driveway, and sidewalk grades.
 - c. All street construction shall be centered in the road right-of-way. Section line and quarter line roads shall be centered on these lines unless the Township Engineer or County Road Commission approves an exception.
- 3. **Rights-of-way.** Dedicated road rights-of-way shall be provided by the developer where necessary for new roads within the development, for changes to existing road rights-of-way mandated by the Township, or county or state road authorities with jurisdiction, and for the purposes of locating, installing, maintaining, and replacing of public utilities. Road rights-of-way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the final condominium site plan.
- 4. **Drainage.** All roads shall be provided with facilities for adequate surface drainage. Storm drains shall be underground and only curb-type design shall be permitted. Exceptions may be made for residential condominium developments with a net dwelling density of less than one (1) unit per acre.
- 5. **Special treatment along primary roadways.** When a development abuts or contains a primary roadway, as defined in the master transportation plans of the Township, or county or state road authorities, the Planning Commission may require marginal access roads, a minimum 50-foot-wide transition strip with screen plantings, or such other treatment as determined necessary for protection of residential properties, separation of through and local traffic, and preservation of the traffic-carrying capacity of the primary roadway(s).
- 6. **Marginal access roads.** Where marginal access roads are required, the proprietor shall dedicate property for the purpose of marginal access roads to the County Road Commission and shall be responsible for improving said roads according to the County Road Commission standards. A landscaped median strip at least 20 feet wide shall be provided between a marginal access street and the adjacent road.
- 7. **Other required roads.** Where a development borders or contains a railroad right-of-way or limited access highway right-of-way, the Planning Commission may require a street approximately parallel to and on one (1) or both sides of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
- 8. **Street names.** Street names shall be reviewed and accepted by the Planning Commission and outside agencies with jurisdiction. Roads shall have names, not merely numbers or letters. Roads shall not change direction by more than 90 degrees without a change in street name.
- 9. **Blocks.** Blocks generally shall be not less than 330 feet or more than 1,320 feet in length as measured from the centerlines of roads, subject to the following:
 - a. No block width shall be less than twice the normal lot depth except where lots back onto a major street, natural feature, or development boundary.

- b. For blocks exceeding 660 feet in length, a cross access pedestrian way easement shall be provided through the block for the crossing of underground utilities and pedestrian traffic. A paved pedestrian path or sidewalk shall be provided within the easement.
- c. Blocks intended for non-residential uses shall be especially designed for such purposes and in accordance with Zoning Ordinance provisions. In such cases, the above dimensions do not apply.

D. Access.

Pedestrian and vehicular access to residential lots in a condominium development shall conform to the following standards:

- 1. **Driveways.** Driveways and curb cuts shall conform to standards of the County Road Commission and the standards of all Township ordinances. The curb section of driveways and aprons shall be designed so that excessive breakover angle and vehicle dragging will be eliminated.
- 2. **Reserve strips.** Privately held reserve strips controlling access to roads shall be prohibited.
- 3. **Non-motorized transportation facilities.** Sidewalks, pedestrian pathways, and other non-motorized transportation facilities shall be developed and placed in compliance with applicable engineering standards of the Township, County Road Commission, and Michigan Department of Transportation (MDOT); and the following:
 - a. Road rights-of-way shall be sufficient to provide for sidewalks on both sides of all internal public and private roads within a condominium development.
 - b. Sidewalks shall be required along the entire length of all public road rights-of-way abutting the condominium development
 - c. Sidewalks shall be required on both sides of all internal public and private roads within a condominium development, except developments in Residential Districts with a net dwelling density of one (1) unit per acre or less.
 - d. Roads within a condominium development leading directly to a school shall have sidewalks on both sides of the street.
 - e. Logical connections to and extensions of sidewalks and pedestrian paths outside of the condominium project shall be provided, where applicable. Existing and proposed sidewalks within and along the perimeter of condominium developments shall be connected to existing public sidewalks on abutting parcels, and across road rights-of-way by crosswalks and barrier-free access ramps.
 - f. A pedestrian way shall be treated as an easement. Pedestrian ways and other non-motorized transportation facilities, other than sidewalks within road rights-of-way, shall be located within a minimum 20-foot-wide access easement.

E. Natural Features.

All condominium developments shall conform to the natural features preservation requirements of this Ordinance and other applicable Township ordinances. Lands subject to flooding, or otherwise deemed uninhabitable in their natural state shall not be developed for residential use, or for any other use that might create a danger to health, safety, or property, or which might increase the flood hazard within or outside the subdivision. Such lands shall be set aside for recreational use or shall be retained in their natural state as open space.

F. Trees.

Trees shall be provided in the margins of both sides of all roads in a condominium development, and shall be placed at the minimum rate of two (2) per single-family residential lot or at a maximum distance apart of 60 feet. The Planning Commission may also require the installation of trees according to the same distances in pedestrian ways.

1. These requirements may be relaxed by the Planning Commission if existing trees within the right-of-way or easement, or trees growing adjacent to the right-of-way or easement, satisfy the intent of this Ordinance.
2. Trees to be installed in the street margins or pedestrian ways shall be of a large deciduous type. The Planning Commission may permit substitution of deciduous ornamental trees for some or all of the required street trees.

G. Reservation of Public Use Areas.

Where a proposed park, playground, open space, public school, library, or other public use area shown in the adopted Master Plan, is located in whole or in part in a proposed development, such area or areas shall be shown on the final site plan for the development.

1. Such area or areas may be dedicated to the Township or other applicable public agency by the proprietor if the Township Board or other applicable public agency approves such dedication.
2. Such areas, if not dedicated, shall be reserved by the owner(s)/developer(s) for future purchase by the Township or other appropriate public agency.
 - a. The precise nature, location, and extent of the reservation shall be determined prior to final site plan approval by the Planning Commission.
 - b. The reservation shall be valid for a period of 545 calendar days from the date of Planning Commission approval of the final condominium site plan; or such longer period as might be agreed to in writing by the owner(s)/developer(s) as part of a Development Agreement.
 - i. Unless during such period the Township or other public agency shall have entered into a contract to purchase the reserved area or instituted condemnation proceedings according to law to acquire the fee simple or a lesser interest in the reserved area, the right to

develop the reserved area shall revert to the owner(s)/developer(s) at the end of the period.

- ii. The reservation shall freeze the price per acre of the reserved area for such period at the average value per acre on the date when the plan was first filed with the Clerk.
- iii. The plan shall include provisions for incorporating the reserved area into the overall development, if said reserved area reverts to the owner(s)/developer(s).

H. Exterior Lighting.

Exterior lighting within a condominium development shall conform to the following:

1. Exterior lighting shall be arranged and down-shielded to prevent glare or reflection, nuisance, inconvenience, or hazardous interference of any kind with adjacent roads or adjacent properties and uses.
2. Streetlighting, where required or otherwise provided as part of a condominium development, shall conform to the following:
 - a. Streetlighting shall be required for all residential developments, except developments with a net dwelling density of one (1) unit per acre or less.
 - b. The Planning Commission may require streetlighting for condominium developments consisting of OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, or INDUSTRIAL, OR RESEARCH, AND LABORATORY USES.
 - c. Streetlighting shall have underground wiring, and shall be down-shielded and designed to minimize glare.
 - d. Fixture standards shall meet the minimum specifications of the electric utility company serving that area of the proposed development.
 - e. Required streetlighting shall be installed prior to the occupancy of structures within the development.

I. Storm water Management Facilities.

Developments shall provide for management of storm water run-off from the developed site. New or expanded facilities shall be located so as to best conform to the layout of existing facilities. Drainage improvements shall conform to the Township's engineering standards and County Drain Commissioner requirements.

1. The storm water drainage system shall be separate and independent of any sanitary sewer system. A copy of design computations shall be submitted with drainage plans.
2. Adequate provisions shall be made for proper drainage of storm water runoff from individual lots. Drainage easements may be required to assure proper drainage. The Township may require that catch basins be provided in said easements, and may require that drainage tile be provided for easement drainage. The depth, grade, and outlet for said tile shall be subject to approval by the Township Engineer.

3. Where a development is traversed by a water course, drainage way, channel, or stream, a storm water easement or drainage right-of-way shall be provided, conforming substantially to the lines of such water course, and to the standards of the County Drain Commissioner. Wherever possible, drainage should be provided by an open channel with landscaped banks and adequate width for maximum potential flow. Existing drainage ways may be rechanneled, but such rechanneling shall not increase the rate or level of flow, or cause impoundment of water within the proposed subdivision, or on properties upstream or downstream there from. Exceptions may be made if such changes conform to an overall drainage plan for the drainage district.
4. Where topography or other conditions make inclusion of drainage facilities within road right-of-way impractical, perpetual unobstructed easements at least 20 feet in width for such drainage facilities shall be provided across property outside the road lines, and with satisfactory access to the road. Easements shall be indicated on the site plan. Drainage easements shall be carried from the road to a natural water course or to other drainage facilities. Such easements shall be placed so as not to interfere with the use of lots. If a proposed drainage system will carry water across private land outside the development, appropriate drainage rights shall be secured.
5. Low-lying lands along watercourses subject to flooding during storm periods, whether or not included in areas for dedication, shall be preserved and retained in a natural state as drainage ways. Such lands shall be excluded in computing the net lot area.
6. All natural water drainage ways and impoundment areas shall be preserved at their natural gradient and shall not be filled or interfered with in any way, except as approved by the County Drain Commissioner or other state or county agencies with jurisdiction. If, in the judgment of the County Drain Commissioner, a natural water drainage way or impoundment area should be reserved, a storm drainage easement acceptable to the County Drain Commissioner shall be provided.
7. The developer may be required to carry away any spring or surface water that might exist either previous to, or as a result of, the development, by pipe or open ditch, in appropriate easements.
8. A culvert or other drainage facility in a proposed development shall be in accordance with County Drain Commission standards and be large enough to accommodate potential runoff from its entire upstream drainage area, whether that area is inside or outside the development. The design and size of the facility shall be reviewed and recommended for approval by the Township Engineer.
9. The effect of the development on existing downstream drainage facilities outside the development shall be reviewed by the developer with the County Drain Commissioner. Where it is anticipated that the additional run-off resulting from development will overload an existing downstream drainage facility during a 10 year or larger storm, the Planning Commission shall not approve the development until adequate provision has been made for resolving downstream drainage problems.

10. Storm water basins may be required in order to control the discharge of storm water from a proposed development. Design criteria and engineering plans for basins shall be subject to approval by the Township Engineer.

J. Potable Water and Sanitary Sewage or Septic Facilities.

Each condominium unit shall be connected to approved potable water supply and sanitary sewage treatment and disposal systems prior to occupancy, in accordance with the requirements of this Ordinance and the following:

1. **Water supply facilities.** Water supply facilities shall be designed and located according to the applicable standards of the Township and any outside agencies with jurisdiction.
 - a. New or expanded facilities shall be located so as to best conform to the layout of existing facilities.
 - b. On-site services and private water systems shall be designed according to applicable standards of the County Environmental Health Division (CEHD) and the Township.
2. **Sanitary sewage facilities.** Where publicly owned and operated sanitary sewage facilities are available, sewers shall be installed to serve each lot. All sanitary sewer facilities shall be designed and constructed in accordance with the applicable standards of the Township and any outside agencies with jurisdiction.
 - a. New or expanded facilities shall be located so as to best conform to the layout of existing facilities.
 - b. Each lot in a development served by publicly owned and operated sanitary sewers shall be connected to a sanitary sewer line before occupancy of that lot shall be permitted.
 - c. If sanitary sewage facilities are not available, minimum lot sizes shall conform to requirements of the CEHD, and individual, on-site septic systems shall be subject to CEHD approval. In no case shall the minimum lot size be less than that required by the zoning district for the subject parcel(s).
 - d. The use of private community wastewater systems (PCWS), shall be prohibited in condominium developments, except where approved by the Township as part of a Planned Unit Development (PUD).

K. Gas, Wire, and Cable Utilities.

All lines for telephone, electrical, television, and other services distributed by wire or cable shall be placed underground throughout the development.

- a. Overhead lines may be permitted upon approval of the Planning Commission at the time of preliminary site plan approval where it is determined that such lines will not impair the health, safety, general welfare, design, appearance, and/or character of the development, and only where such overhead lines are brought to the perimeter of the development.

- b. This subsection shall not be construed to prohibit the construction above ground of surface equipment associated with an underground distribution system, such as, but not limited to, surface-mounted transformers, power terminal pedestals, meters and meter boxes, concealed wires, street lights, and street light poles.
- c. All facilities, including those for gas distribution, shall be installed in accordance with standards and specifications of the Michigan Public Service Commission. The layout of such facilities shall be submitted to the utility companies having jurisdiction in the area for their review and approval before filing for final approval of the plan.
- d. Utility placement within road rights-of-way shall not conflict with other underground lines.

L. Utility Easements.

The developer shall make arrangements for all necessary utility easements in accordance with the standards and specifications of the agency having jurisdiction over the utility lines or facilities, and the agency having jurisdiction over any road rights-of-way or publicly-owned property impacted by the utility installation. Such easements shall be so located as not to interfere with the use of any lot or other part of the development

SECTION 1712. MANUFACTURED HOUSING PARK CONDOMINIUM.

Where a manufactured housing park development falls within the definition of manufactured housing park condominium project in the Condominium Act, said development shall be developed in accordance with the Condominium Act and this Ordinance. All provisions of this Ordinance shall apply except for, or in addition to, the following:

- 1. All roads and driveways in the development shall conform to the standards set forth in Section 1710C (Roads and Road Rights-of-Way). Direct vehicular access shall be prohibited from a residential lot to a collector road. Such access shall be provided by local residential roads within the development.
- 2. Collector road dimensions shall conform to County Road Commission specifications.
- 3. Each lot shall abut and have direct access to a public or private road.
- 4. Lots should be laid out so as to provide a variety of shapes and sizes and to prevent a monotonous character.
- 5. Sidewalks and pedestrian ways shall be provided in accordance with Section 1710D (Access), except that sidewalks along roads may not be required when pedestrian ways provide acceptable alternative means of pedestrian movement.
- 6. All lots shall be connected to sanitary sewer and water systems approved by the County Environmental Health Department. Such facilities shall meet the requirements of this Ordinance and all other applicable Township ordinances and regulations.

7. Fuel oil and gas storage tanks shall be located in an inconspicuous manner either by placing the tanks underground or by enclosing them with a screen of shrubbery. All fuel lines leading to the development and to dwelling sites shall be underground and so designed as to conform to the State Construction Code and any other applicable codes and ordinances.
8. When a master satellite, wireless Internet or similar centralized antenna is provided, all lines extended to individual lots shall be underground. Such master antennae shall be so placed as not to be a nuisance to development, residents or surrounding areas, and shall comply with the zoning ordinance provisions for Wireless Communication Facilities.

SECTION 1712. NON-RESIDENTIAL CONDOMINIUM.

Condominium developments consisting of OFFICE, SERVICE, AND COMMUNITY USES, COMMERCIAL USES, or INDUSTRIAL, RESEARCH, AND LABORATORY USES shall conform to the provisions of this Ordinance, except for the following modifications provided in this subsection:

1. **Roads.** Roads in a non-residential condominium development shall be paved and shall be designed and constructed to adequately handle truck traffic. Roads and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, where applicable, and the provision of truck loading and maneuvering areas, walks, and parking areas, so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.
2. **Driveways.** Entry drives for the development shall be located and designed so as not to create congestion or hazardous conditions on public roads serving the development. Driveways from parking and loading areas shall intersect roads at a distance from intersections that is large enough to permit safe and convenient maneuvering of vehicles.
3. **Blocks.** The block size standards of this Section shall not apply to nonresidential condominium developments. Blocks shall be designed to meet the requirements of fire protection, snow removal, other service and emergency vehicles, and the specific needs of the uses that will occupy the development.
4. **Lots.** Lots shall have access from internal roads within the development, or from marginal access roads. Such lots shall not open directly onto primary roads or collector roads.
5. **Sidewalks.** Sidewalks and pedestrian ways shall be provided, except where the Planning Commission determines that such facilities are not required for the safety and convenience of pedestrians within or around the development.
6. **Transition buffers.** Transition buffers shall be provided along the perimeter of a non-residential condominium development as required by this Ordinance. The Planning Commission may require provision of a fence, wall, or screen, if it determines such is necessary to protect the adjacent areas from litter, trespass, and other nuisances.

7. **Expansion.** Any intended or contemplated future expansion of the development should be shown on the preliminary and final site plans.

SECTION 1713. RELOCATION AND SUBDIVISION OF LOT BOUNDARIES.

The relocation of boundaries, subdivision of a condominium lot, and any other change in the dimensions of a condominium unit or site condominium lot, if permitted in the condominium documents, shall be considered an amendment to the condominium documents and condominium site plan. Relocation of condominium lot boundaries, as permitted in Section 48 of the Condominium Act, shall comply with the Dimensional Standards for the zoning district in which the condominium exists, and shall be subject to review as an amended condominium site plan. Any property remaining after the formation of a new unit lot by the relocation of an existing condominium lot boundary, as permitted by Section 49 of the Condominium Act, shall comply with Dimensional Standards for the zoning district or shall be placed into common areas within the project. These requirements shall be made a part of the condominium bylaws and shall be recorded as part of the master deed.

SECTION 1714. MONUMENTS.

Monuments shall be set at all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.

1. The Township Engineer may grant a delay in the setting of monuments or irons for a reasonable time, but not to exceed one (1) year, on condition that the developer deposit with the Township Treasurer cash, a certified check, or an irrevocable bank letter of credit running to the Township, whichever the developer selects, in an amount as determined from time to time by the Township Engineer.
2. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified.
3. If the developer defaults, the Township Board may promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.

SECTION 1715. CONSTRUCTION IN A GENERAL COMMON ELEMENT.

Any application for a Building Permit or zoning compliance permit for construction to be located in a general common element shall include written authorization for the application by the Condominium Association.

SECTION 1716. RECORDING OF CONDOMINIUM DOCUMENTS.

The owner(s)/developer(s) shall record all condominium documents and exhibits with the County Register of Deeds office in a manner and format acceptable to the County.

1. It shall be the responsibility of the developer or proprietor of a condominium project to furnish the following items to the Township Clerk:
 - a. Three (3) copies of the recorded Master Deed, Bylaws, and any other condominium documents, including Exhibit B, as required by the Condominium Act shall be transmitted to the Clerk.
 - b. The Township Clerk shall attach a certificate of approval to the copy to be sent to the applicant and the Zoning Inspector.
 - c. The Clerk's signed copy shall be placed on file at the Township office to be retained per State of Michigan retention guidelines.
 - d. The "as built" plans, sealed by a licensed professional engineer, landscape architect or similar certified professional, in digital and hardcopy formats acceptable to the Township Engineer.
2. The Zoning Administrator may withhold zoning permit approval for any structure within the condominium project, if such documents have not been submitted within 10 days after written request from the Zoning Administrator to do so.
3. A final Certificate of Occupancy for any building in an approved condominium development shall not be issued until the Master Deed, Bylaws, and any other condominium documents, including Exhibit B, as required by the Condominium Act, have been recorded with the County Register of Deeds and the recorded document filed with the Township Clerk.

SECTION 1718. MAINTENANCE OF COMMON AREAS

Where the developer elects or is required to provide common areas or improvements that are of direct benefit to more than one lot, financial or other guarantees shall be made to the township board to ensure continued upkeep, maintenance and regulatory compliance of all improvements. Such guarantees may consist of a deed restriction or covenant which requires all future purchasers of lots in the plat to belong to an owners' association and to pay an annual fee adequate to maintain and upkeep the improvements to their original condition or to bring the improvements into regulatory compliance. Where the owners' association fails to accomplish this to the satisfaction of the township board or where there exists no owners' association, the Township Board shall be empowered to carry out the improvements and upkeep and to make such assessments as are required to pay the costs incurred to the township against the owners of the lots contained within the plat. The Township Board shall annually certify this assessment or any portion thereof, to the proper tax assessing officer or agency who shall enter the liens on the next tax roll against the premises in the plat. The charges shall be collected and the liens shall be enforced in the same manner as provided for the collection of taxes assessed upon the roll and the enforcement of the lien for the taxes. (PA 94 of 1933 and PA 178 of 1939)

