

# Article I In General

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## Section 100 Title

This Ordinance shall be known and may be cited as the RICHFIELD TOWNSHIP ZONING ORDINANCE.

## Section 101 Purpose

This chapter's provisions are established pursuant to the authority conferred by the Township Zoning Act, Act 184 of the Public Acts of 1943, as amended, and other Public Acts of the State of Michigan. As described in Public Act 184 of 1943, the purpose of a Zoning Ordinance is to:

1. Promote public health, safety, and general welfare.
2. Encourage the use of lands in accordance with their character and adaptability, and to limit the improper use of land.
3. Conserve natural resources and energy.
4. Meet the needs of residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land.
5. Insure that uses of land are situated in appropriate locations and relationships.
6. Avoid the overcrowding of population.
7. Provide adequate light and air.
8. Lessen congestion on public roads and streets.
9. Reduce hazards to life and property.

10. Facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements.
11. Conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties.

The Zoning Ordinance shall be made with reasonable consideration, among other things, to the character of each district; its peculiar suitability for particular uses; the conservation of property values and natural resources; and the general and appropriate trend and character of land, building, and population development.

## Section 102 Rules of Construction

The following rules of construction apply to the text of this chapter:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A building or structure includes any part thereof.
6. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."

7. The word "person" includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions or events connected by the conjunction "and," "or," "either . . . or," the conjunction shall be interpreted as follows:
  - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - c. "Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
9. Terms not defined in **Article II** shall have the meaning customarily assigned to them.
10. "Township" shall refer specifically to the Township of Richfield.

### **Section 103 Vested Rights**

Nothing in this chapter shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification of any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

### **Section 104 Severance Clause**

Sections of this chapter shall be deemed to be severable and should any section, paragraph, or provision hereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this chapter as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

### **Section 105 Effective Date**

The following Zoning Ordinance was approved by the Township Planning Commission on June 2, 2003, following a Public Hearing on June 2, 2003.

The following Zoning Ordinance was adopted by the Township Board of Trustees on August 19, 2003.

A notice of adoption of this Zoning Ordinance was published in a newspaper having general circulation in Richfield Township on August 31, 2003.

A public hearing having been held, the provisions of this chapter are hereby given immediate effect, pursuant to the provisions of Act 184 of the Public Acts of Michigan of 1943, as amended.

## Article II Definitions

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1. **Accessory Building or Structure:** A supplemental building or structure on the same lot as the main building occupied by or devoted exclusively to an accessory use, but not for dwelling, lodging, or sleeping purposes. Where an accessory building is attached to a main building in a substantial manner, such as a common wall or roof, the accessory building shall be considered a part of the main building.
2. **Accessory Use:** A garage, shed, pole barn, canopy, or other similar use naturally and normally incidental and subordinate to the main use of the land or building.
3. **Adult Entertainment Business:** A business or commercial enterprise engaging in any of the following:
  - a. **Adult Arcade:** Any place to which the public is permitted or invited where coin operated or slug-operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing Specified Sexual Activities or Specified Anatomical Areas.
  - b. **Adult Bookstore or Adult Video Store:** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:

- i. Books, magazines, periodicals, or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides, or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
- ii. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

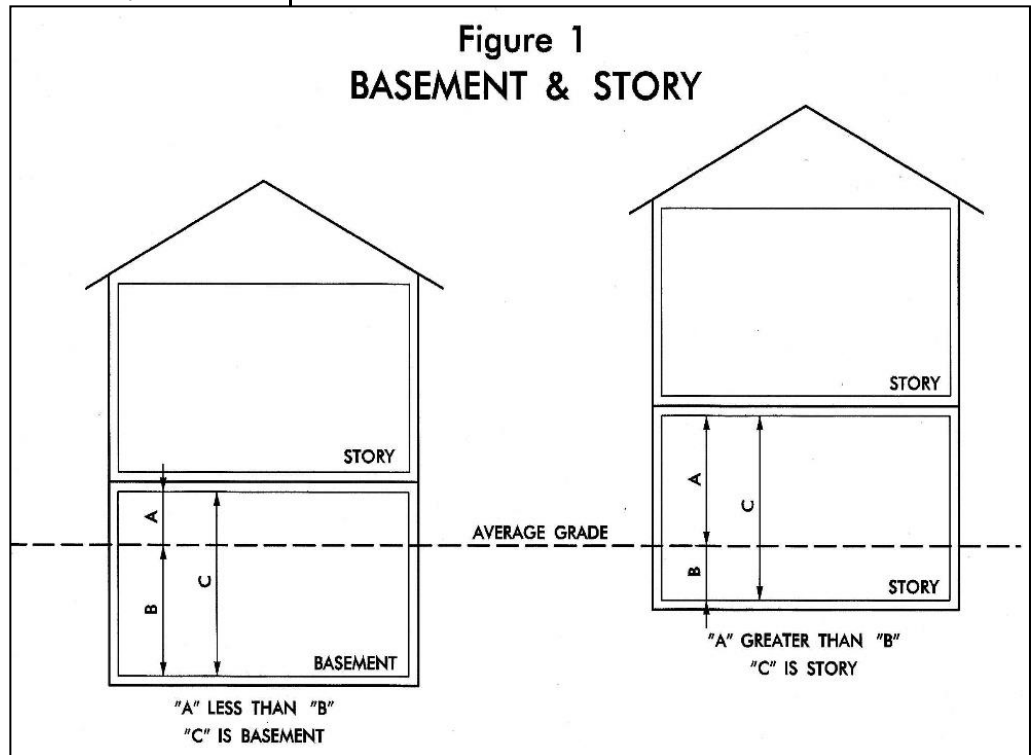
A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises thirty-five percent (35%) or more of sales volume or occupies thirty-five percent (35%) or more of the floor area or visible inventory within the establishment.

- c. **Adult Cabaret:** A nightclub, bar, restaurant, or similar commercial establishment that regularly features:
  - i. Persons who appear in a state of nudity;
  - ii. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
  - iii. Films, motion pictures, video cassettes, slides, other photographic reproductions, or visual media that are characterized by the depiction or

- description of Specified Sexual Activities or Specified Anatomical Areas; or
- iv. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience of customers.
- d. **Adult Motel:** A hotel, motel, or similar commercial establishment that:
- i. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions, or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right-of-way that advertises the availability of any of the above;
  - ii. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
  - iii. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.
- e. **Adult Motion Picture Theater:** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- f. **Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.
- g. **Specified Anatomical Areas:** Are defined as:
- i. Less than completely and opaquely covered human genitals, pubic regions, buttocks, anus, and female breast below a point immediately above the top of the areola; and
  - ii. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
- h. **Specified Sexual Activities:** Means and includes any of the following:
- i. The fondling or other erotic touching of human genitals, pubic regions, buttocks or female breast;
  - ii. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
  - iii. Masturbation, actual or simulated; or
  - iv. Excretory functions as part of or in connection with any of the activities set forth in (i) through (iii) above.
4. **Agriculture:** The use of land as a “Farm” or “Farm Operation” as defined in the Michigan Right to Farm Act, Public Act 93 of 1981, as amended.
5. **Airport:** A parcel of land and accommodating service and/or storage buildings utilized for airplane traffic. An airport may include taxi strips, parking aprons, necessary weather indicators, and appropriate lighting.

6. **Alley:** A public way which affords a secondary means of access to abutting property but is not intended for general traffic circulation.
7. **Alterations:** Any change, addition, or modification in construction or type of use of occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to as "altered" or "reconstructed."
8. **Architectural Features:** Architectural features of a building may include cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys and decorative ornaments.
9. **Automobile Demolition/ Salvage:** Any commercial activity involving the demolition and/or salvage of motor vehicles and its parts.
10. **Automobile Repair:** Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles or engines; collision repair, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning; salvage or storage facility.
11. **Automobile Sales Area:** Any space used for display, sale, or rental of motor vehicles, in new or used and operable condition.

12. **Automobile Wash Establishment:** A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.
13. **Average:** For the purpose of this Ordinance, the term, "average" will be an arithmetic mean.
14. **Basement:** At least two sides of a building which are partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story (see **Figure 1**).

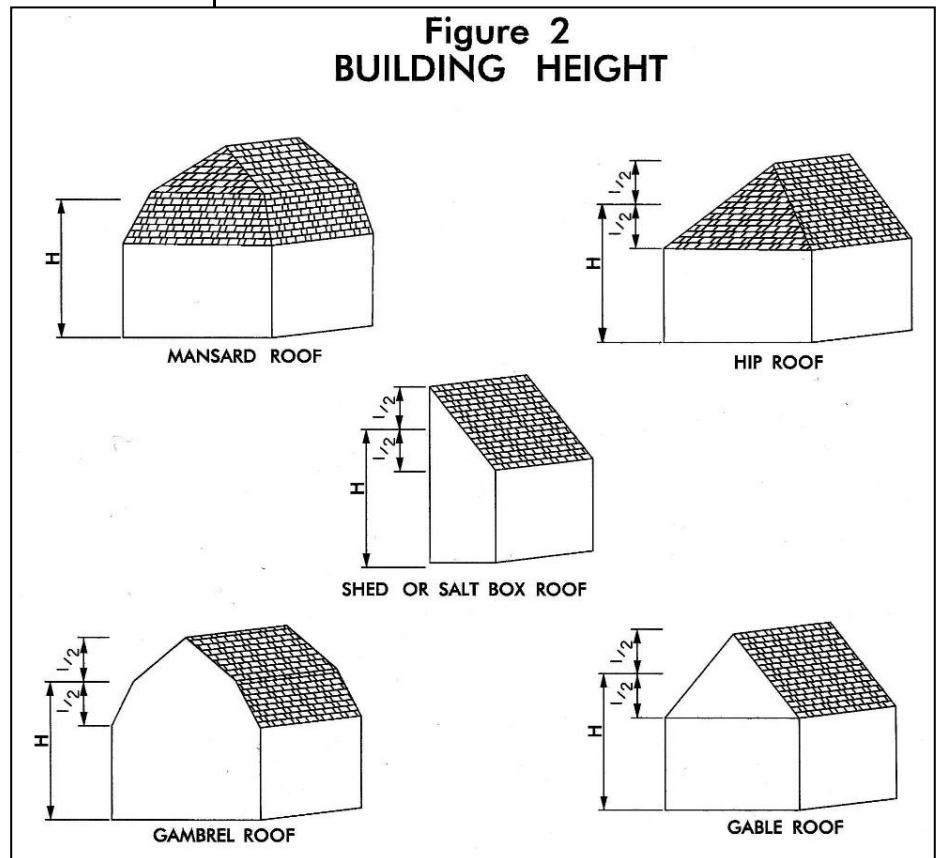


15. **Bed and Breakfast Facility:** Any family occupied dwelling used as a bed and breakfast facility as defined in Section 4b of Michigan Public Act 230 of 1972, as amended.
16. **Bedroom:** A dwelling room used or intended to be used by human beings for sleeping purposes.
17. **Berm:** A narrow mound of earth or

sand at the top or bottom of a slope.

18. **Billboard:** A piece of construction upon which a sign or advertisement is displayed for the purpose of informing the general public, but not including bulletin boards used to display official court or public office notices (see also Sign definition).
19. **Blight:** Deterioration of property due to neglect, aging or lack of maintenance, which spoils an area and makes it unattractive.
20. **Board of Appeals:** As used in this Ordinance, this term means the Richfield Township Zoning Board of Appeals.
21. **Boarding, Lodging, or Rooming House:** A building other than a hotel where lodging, meals, or both are offered for compensation.
22. **Boat and/or Canoe Livery and Boat Yard:** A place where boats and/or canoes are stored, rented, sold, repaired, decked, and serviced.
23. **Buffer Strip:** See Greenbelt definition.
24. **Building:** Any structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, or property of any kind.
25. **Buildable Area:** The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

26. **Buildable Width:** The width of a lot left for building after required side yards are provided.
27. **Building Height:** The building height is the vertical distance measured from the established grade to the highest point of the roof surface if a flat roof; to the deck of a mansard roofs; and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs. When the terrain is sloping, the ground level is measured at the average wall line (see Figure 2).
28. **Bulk Station:** A place where crude



petroleum, gasoline, naphtha, benzyl, kerosene, benzene, or any other liquid are stored for wholesale purpose, where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.

29. **Campgrounds:** Any parcel or tract of land, under the control of any person

where sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters.

30. **Cargo Containers:** Also known as shipping containers. Any prefabricated metal or primarily metal container designed or constructed to ship, store, or handle bulk goods or items, including reusable steel boxes, freight containers and bulk shipping containers. This includes containers used for storage. Temporary storage containers are not considered accessory structures in this ordinance.
31. **Carport:** A covered structure that is free-standing, used to shelter an automobile or recreational vehicle. Carports cannot have more than two sides. Carports with more than two walls shall be considered garages and must adhere to all applicable regulations.  
No more than one carport shall be permitted in all R-1 and R-2 zoning districts. Setbacks shall be 5' from the rear lot line, 6' from a side lot line, 30' from the front lot line and no closer than 6' from the main building. Attached carports shall not exceed the height of the dwelling. Free-standing carports shall not exceed 18' at the mid-point. No enclosed use of the carport.
32. **Child Care Organization:** Means a facility for the care of children under 18 years of age, as licensed and regulated by the State under Act 116 of the Public Acts of Michigan of 1973 (MCL 722.111 et seq., MSA 25.358 (11) et seq.), as amended, and associated rules promulgated by the State Department of Consumer and Industry Services. Such organizations shall be further defined as follows:
  - a. **Family day care home** means a private home in which one but less than seven minor children are

received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Family day care homes include homes that give care to an unrelated minor child for more than four weeks during a calendar year.

- b. **Group day care home** means a private home in which more than six, but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four weeks during a calendar year.
33. **Church:** A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.
34. **Clinic:** A building or group of buildings where human patients are admitted for examination and treatment by more than one professional, such as a physician, dentist, or the like, except that human patients are not lodged overnight.
35. **Club:** Buildings and facilities owned or operated by corporation, association, person or persons, for social, educational, or recreational purposes.
36. **Condominium Unit:** That portion of a condominium subdivision designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed. A condominium unit is not a lot or parcel as those terms are used in this Ordinance. All condominium units are created and recorded under the

provisions of the Condominium Act, Public Act 59 of 1978, as amended. (See also Site Condominium Projects.)

37. **Convalescent or Nursing Home or Senior Assisted Living Home:** A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders and who require continuous nursing care and supervision. Said home shall conform and qualify for license under State law.
38. **DDA:** Downtown Development Authority, recognized by the State of Michigan, that plans, manages and redevelops the downtown area.
39. **Deck:** A floored structure, connected to a dwelling and raised above grade, typically consisting of footings, posts, and steps which may or may not include a railing. A deck shall not be located closer than 15' to any front or rear lot line and no closer than 6 feet to any side lot line. On waterfront lots, decks that are not covered or fully enclosed with a roof and four walls may extend to the water's edge.
40. **Dock:** A structure extending along shore or out from the shore into a body of water, to which watercraft may be moored.
41. **Drive-Through Business:** Any restaurant, bank, or business with an auto service window.
42. **Dwelling Unit:** A building or portion of a building, either site-built or pre-manufactured, that has sleeping, living, cooking, and sanitary facilities and can accommodate one (1) family, either permanently or transiently. In the case of buildings that are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall any side of

a dwelling unit be less than twenty-four (24) feet in width. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

- a. **Single-Family Dwelling:** A detached building containing not more than one (1) dwelling unit designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.
  - b. **Two-Family Dwelling:** A building containing not more than two (2) separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.
  - c. **Multiple-Family Dwelling:** A building containing three (3) or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in Dwelling Unit.
43. **Economy Efficiency Dwelling:** A dwelling that is no less than 640 square feet and typically less than 20 feet wide, built to all relevant building and sanitary codes, qualifying for a certificate of occupancy, connected to utilities, and anchored to a permanent foundation. Also known as a tiny house or micro house, but no including mobile homes or recreation vehicles.
  44. **Efficiency Unit:** A dwelling unit for one (1) individual or small family consisting of one (1) room, exclusive of bathroom, hallway, closets, and the like providing not less than three hundred and fifty (350) square feet of usable floor area.
  45. **Erected:** Includes built, constructed, reconstructed, extension, enlargement, moved upon, or any physical operation on the premises intended or required for a building or structure. Excavation, fill, drainage, and general land improvements that are not required for a building or



structure, shall not be considered to fall within this definition.

46. **Essential Services:** The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, poles, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

Telecommunication towers or facilities, alternative tower structures, water towers, wireless communication antennas, electric transmission towers, water or sewage treatment plants, electric substations, gas regulator stations, and other major public utility structures are not included within this definition.

47. **Excavating:** The removal of sand, stone, gravel, or soil.
48. **Family:** A group of two (2) or more persons related by blood, marriage, legal guardianship, or adoption, including foster children, together with not more than one (1) additional person not related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit.
49. **Farm:** All of the contiguous neighboring or associated land

operated as a single unit on which legitimate agriculture as defined by the Michigan Right to Farm Act, Public Act 93 of 1981, as amended, is carried on directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees.

50. **Fence:** Any permanent or temporary means, partition, structure, or gate erected as a dividing structure, barrier, or enclosure, and not part of a structure requiring a building permit.
51. **Garage or Pole Barn-Private:** A building used primarily for the storage of vehicles, boats, and domestic animals for the use of the occupants of a lot on which such building is located.
52. **Garage-Public:** A building, or part thereof, designed or used for equipping, servicing, repairing, hiring, storing, or parking motor vehicles. The term repairing does not include the rebuilding, dismantling, or storage of wrecked or junked vehicles.

53. **Gas and Oil Processing Facilities:** Any facility and/or structure used for, or in connection with, the production, processing, or transmitting of natural gas, oil, or allied products or substances, and the injection of same into the ground for storage or disposal, not under the exclusive jurisdiction or control of the Geological Survey Division, Department of Environmental Quality or Public Service Commission; not including industrial facilities such as cracking plants, large oil storage facilities and heavy industrial operations and facilities.

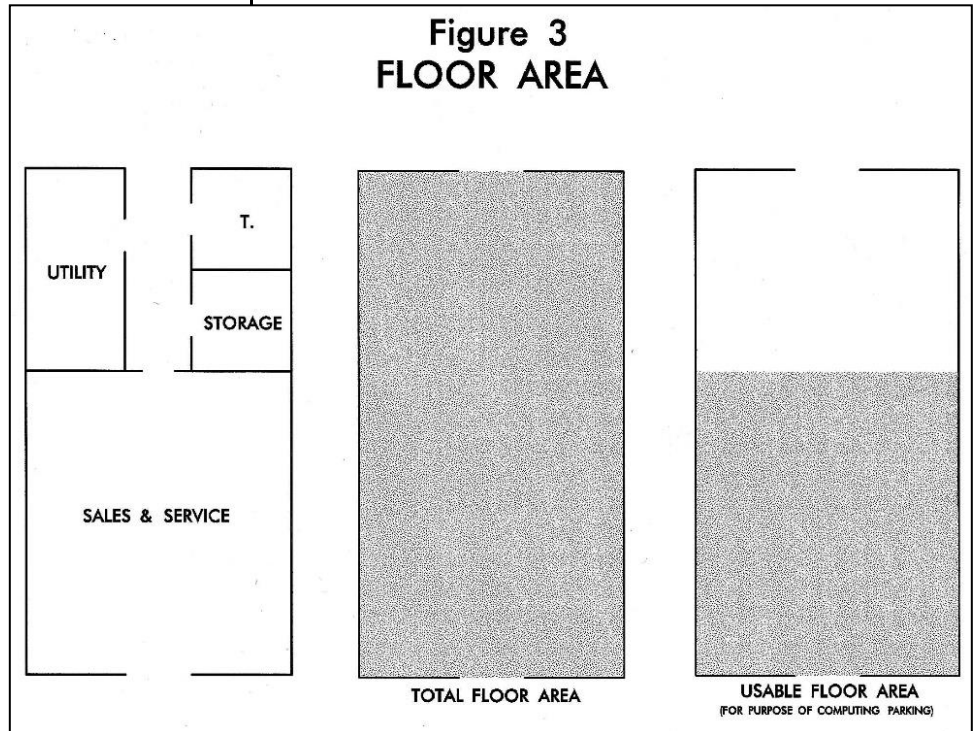
adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

To calculate average grade for an uneven grade lot, use the following equation:

$$AG = (G1 + G2 + G3 + G4) / 4$$

AG = Average grade for the lot

54. **Gasoline Service Station:** Any land, building, or structure used for sale or retail of motor vehicle fuels, oils, or accessories, or installing or repairing parts and accessories, but not including repairing or replacing of motors, doors, or fenders, or painting motor vehicles.



55. **Gazebo:** A free-standing, roofed, usually open-sided structure that gives a wide view of the surrounding area. A gazebo shall not be located closer than 15 feet to any front or rear lot line and no closer than 6 feet to any side lot line. On waterfront lots, gazebos that are not covered or fully enclosed with a roof and four walls may extend to the water's edge.

G1 = Average grade for side 1  
 G2 = Average grade for side 2  
 G3 = Average grade for side 3  
 G4 = Average grade for side 4

56. **Grade:** The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground

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

58. **Ground Floor Area:** The square footage of floor space measured from exterior-to-exterior wall, but not including enclosed and unenclosed porches, breezeways, garages, attic, and basement (see **Figure 3**).
59. **Hazardous Substances:** Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or other injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance.
60. **Home Occupation:** An occupation, profession, activity, or use that is clearly an incidental or secondary use of a residential property and which does not alter the exterior of the property or affect the residential character of the neighborhood.
61. **Hospital:** An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities, clinics, and staff offices.
62. **Hotel or Motel:** A building occupied or used as a predominantly temporary residence by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms and in which rooms there is no provision for cooking.
63. **Industrial Park:** A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

64. **Intensive Livestock Operation:** Any farm or farm operation engaged in raising, breeding, or feeding beef or dairy cattle, horses, swine, sheep, goats, poultry/fowl, turkeys/ducks, or other livestock in concentrations of five hundred (500) or more animal units, including any buildings, structures, excavations, or enclosed areas directly involved therein, including land used for pasture or feedlot purposes, and any animal waste storage structures, excavations, or areas directly connected to, or associated with, such operations.

For purposes of this Ordinance, an animal unit shall be construed as a unit of measure used to compare relative differences in the manure, pollutants, nutrients, etc., production characteristics of animal wastes, with the following equivalencies applicable to various animals.

<u>Species</u>	<u>Animal Unit</u>
Slaughter and Feeder Cattle	1.0
Mature Dairy Cattle	1.4
Horses	2.0
Swine weighing over 55 lb.	0.4
Sheep/Goats	0.1
Turkeys	0.02
Chickens w/overflow-watering system	0.01
Chickens with liquid manure system	0.03
Ducks	0.2

The equivalency for types of livestock not specifically listed above shall be stated as equivalency for the type of animal which is most similar in terms of characteristics of animal wastes, as determined, if necessary, by the Board of Appeals.

65. **Junkyard:** The use of premises or building for storage or abandonment, keeping, collecting, baling, of inoperable automobiles, trucks, tractors, and other such vehicles and parts thereof, scrap building materials, scrap contractor's equipment, tanks, cases, barrels, boxes, piping, bottles, drums, glass, rags,

machinery, scrap iron, paper, and any other kind of scrap or waste material.

66. **Kenel, Commercial:** Any lot or premises on which three (3) or more dogs or cats, four (4) months of age or older are kept temporarily or permanently for the purpose of breeding or boarding for a fee.
67. **Key Hole Development (Funneling):** Three (3) or more non-riparian property owners having access to or right-of-way to the water's edge or having dock privileges.

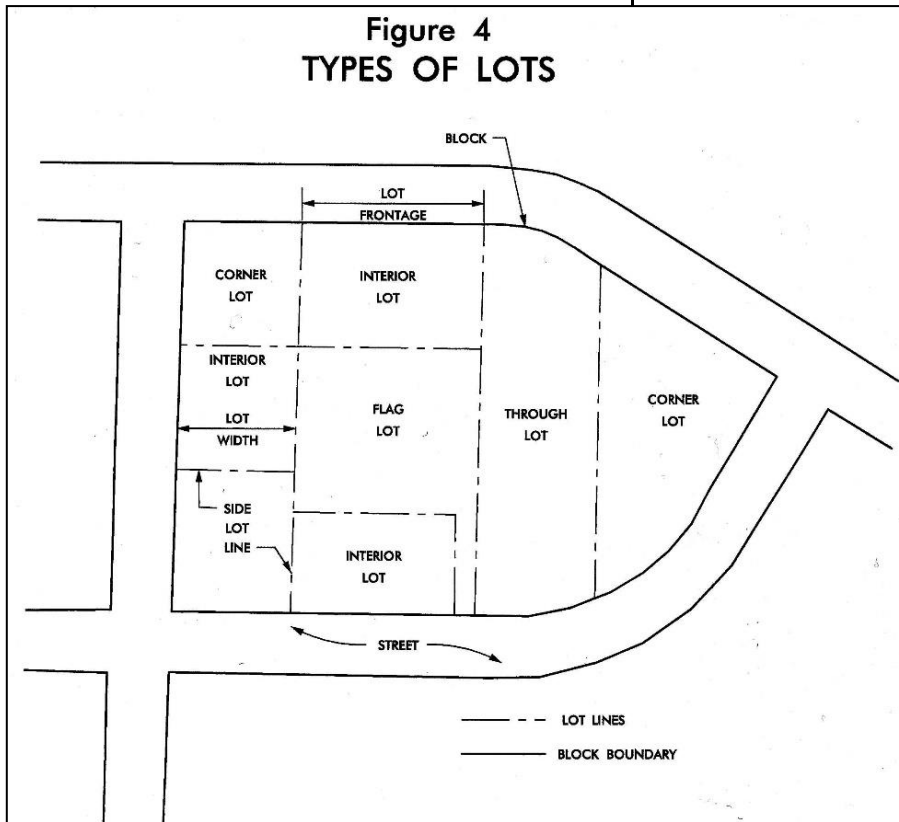
69. **Lot:** The parcel of land occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this Ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane (see **Figure 4**).

a. **Corner Lot:** A lot located at the intersection of two (2) streets or a lot bounded on two (2) sides by a curving street, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less (see **Figure 5**).

b. **Front Lot Line:** In the case of an interior lot abutting upon one (1) public or private street, the front lot line shall be the line separating such lot from the street right-of-way. In the case of a corner lot, the front lot lines shall be the lines separating said lot from both streets. In case of a row of double frontage lots, one (1) street shall be designated as the front street for all lots in the plat and in the request for zoning permit. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be

observed on those streets where such structures presently front. In the case of a lot having frontage upon a lake, river, or stream, the water frontage shall be considered the front lot line (see **Figure 6**).

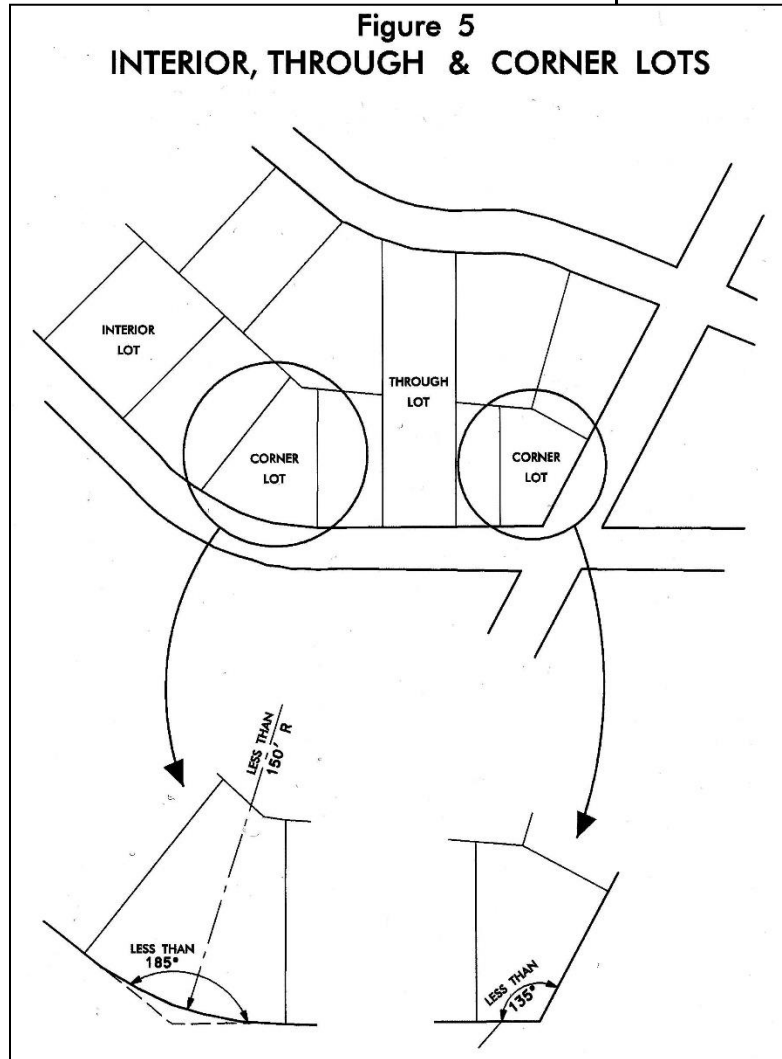
c. **Interior Lot:** A lot other than a corner lot with only one (1) lot line fronting on a street.



68. **Loading Space:** An off-street space on the same lot with a building or group of buildings, for temporary parking for a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as off-street parking space in computation of required off-street parking.

d. **Lot Coverage:** The part or percent of the lot occupied by buildings or structures including accessory buildings or structures.

g. **Lot of Record:** A parcel of land defined by a legal description and recorded in the office of the Roscommon County Register of Deeds on or before the effective date of this Ordinance.



h. **Lot Width:** The horizontal distance between the side lot lines, measured at the two (2) points where the building setback line intersects the side lot line.

i. **Rear Lot Line:** The lot line being opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

j. **Side Lot Line:** Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

k. **Through Lot:** A lot other than a corner lot having frontage on two (2) more or less parallel streets.

l. **Waterfront Lot:** A lot having frontage directly upon a river, stream, or a natural or man-made lake. The portion adjacent to the water is considered the front of the lot.

e. **Lot Depth:** The horizontal distance between front and rear lot lines, measured along the median between side lot lines.

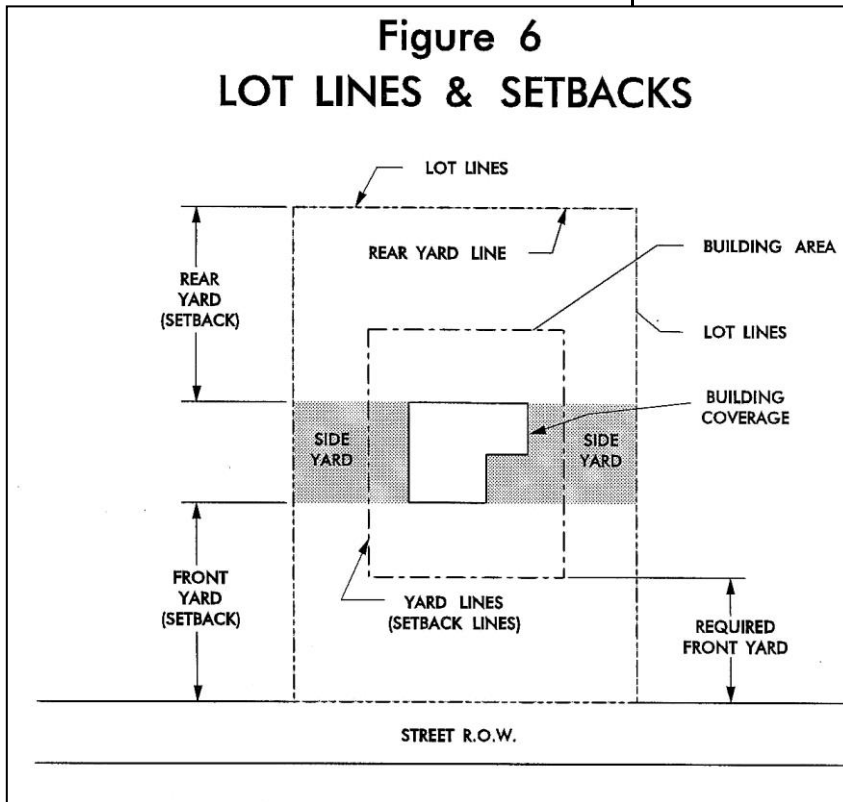
f. **Lot of Premises:** The parcel of land occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this Ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane.

m. **Zoning Lot:** A contiguous tract of land which at the time of filing for a zoning permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership.

70. **Manufactured Home:** Factory-built single-family structure that is manufactured under the authority of 42 U.S.C., Sections 5401 to 5426 (National Manufactured Home Construction and Safety Standards Act 1974), is

transportable in one or more sections; multi-sectioned units must be titled and engineered as one combined unit.

72. **Master Plan or Comprehensive Plan:** The statement of policy by the Township Planning Commission relative to the



agreed-upon desirable physical pattern of future community development. It consists of a series of maps, charts, and written material representing in summary form the community's conception of how it should grow in order to bring about the very best community living conditions.

73. **Migratory Labor:** Temporary or seasonal labor employed in planting, harvesting, or construction.

74. **Mini-Storage, Mini-Warehouse, Commercial:** Any facility having more than two (2) units where they are attached, semi-detached and detached units for storage purposes and are rented by the day, week, month, or year.

71. **Massage Establishments:** Any establishment where massages are administered for pay, including, but not limited to, massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include hospital, nursing home, medical clinic, or the office(s) of a physician, surgeon, chiropractor, osteopath, physical therapist, or massage therapist duly licensed by the State of Michigan, nor a barber shop or beauty shop in which massages are administered only to the scalp, the face, the neck, or the shoulders. This definition shall not be construed to include a public or nonprofit organization such as a school, park department, WMCA, or YWCA operating a community center, swimming pool, or other educational, cultural, or recreational facilities for residents of the area.

75. **Mixed-use Occupancy:** A building designed or used for two or more occupancies.

76. **Mobile Home:** See Manufactured Home definition.

77. **Motor Home:** See Recreational Vehicle definition.

78. **Native Vegetation Strip:** See Greenbelt definition.

79. **Nonconforming Use:** A use which lawfully occupied a building or land at the effective date of this Ordinance or Amendments thereto that does not conform to the use regulations of the Zoning District in which it is located.

80. **Nuisance Factor:** An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical

characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as noise; dust; heat; electronic or atomic radiation; objectionable effluent; noise or congregation of people, particularly at night; and passenger traffic.

81. **Nursery:** A space, building, or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery does not include space used for the sale of fruits or vegetables.
82. **Off Street Parking Lot:** A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted access and egress to at least two (2) vehicles.
83. **Open Air Business:** Includes any use operated for profit, substantially in the open air, including:
  - a. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair, or rental services.
  - b. Outdoor display and sale of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools, and similar activities.
  - c. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, top-soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
  - d. Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving ranges, children's

amusement park, or similar recreation uses.

- e. Flea markets, tool sales, or other outdoor sales (excluding yard sales as defined in **Section 1309**).
84. **Ordinary High-Water Line:** Is defined as in the Michigan Inland Lakes and Stream Act to mean the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. On an inland lake which has had a level established by law, it means the high-established level. On a river or stream, the ordinary high-water mark shall be the ten-year flood limit line.
85. **Park:** Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, which are open to the general public for recreational purposes.
86. **Parking Space:** An area of definite length and width exclusive of drives, aisles, or entrances, giving access thereto, and fully accessible for the storage or parking of permitted vehicles.
87. **Pergola:** A structure that can be attached to the dwelling or detached. It consists of columns that support a roof grid of beams and rafters.
88. **Pick-up Camper:** See Recreational Vehicle definition.
89. **Place of Worship:** See Church definition.
90. **Planned Unit Development (PUD):** Land under unified control which allows a development to be planned and built as a unit and which permits upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other

design elements, and the timing and sequencing of the development.

91. **Porch:** An elevated structure attached to the exterior of a dwelling at an entryway. It may or may not be covered.
92. **Principal Use:** The main use of land or structures, as distinguished from a secondary or accessory use.
93. **Private Road:** A private road is a drive/trail, easement, or other roadway serving five (5) or more parcels of property. A private road is not maintained by the public. Maintenance, improvements, and snow removal are the responsibility of private property owners.
94. **Professional Office:** The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent, and the like.
95. **Public Sewer Systems:** A public sewer system shall be defined as a central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid waste of such a nature as to be capable of adversely affecting the public health operated and maintained by the general public.
96. **Public Utility:** Any person, firm, corporation, municipal department board, or commission fully authorized to furnish and furnishing, under Federal, State, or municipal

regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water services, or sewage disposal.

97. **Recreational Vehicle:** A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and tent trailers; provided, however, that any such vehicle or unit which is forty (40) feet or more in overall length and connected to water or sewer facilities shall be considered a mobile home and shall be subject to all regulations of this Ordinance applicable to a mobile home.
98. **Resort:** A recreational lodge, camp, or facility operated for gain, and which provides overnight lodging and one or more of the following: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming, hunting and fishing, and related or similar uses normally associated with recreational resorts.
99. **Retail Store:** Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.
100. **Roadside Stand:** An accessory and temporary farm structure operated for the purpose of selling local agricultural products, part of which are raised or produced on the same farm premises.
101. **School:** A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

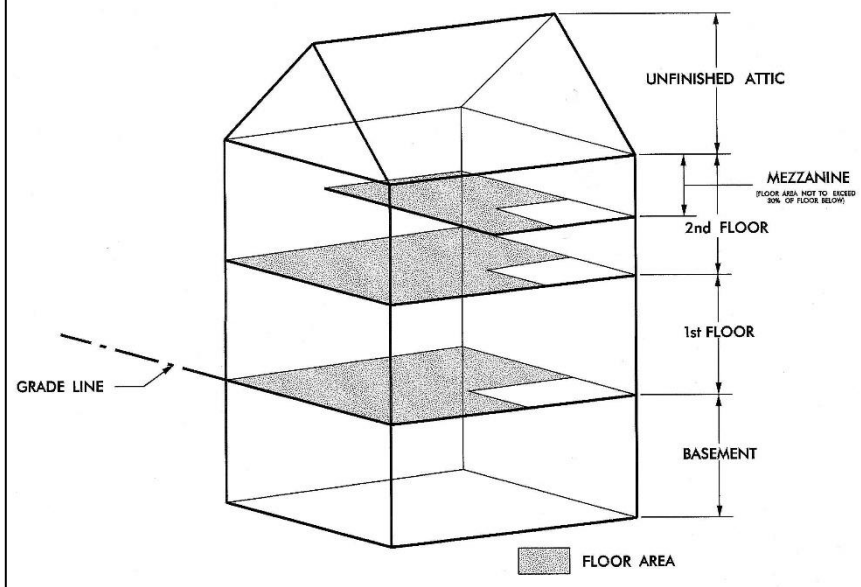


102. **Setback:** The distance between a building and/or structure (excluding any uncovered steps or unenclosed or uncovered porches) and a front, side, or rear lot line.
103. **Sexually Oriented Business:** See Adult Entertainment Business.
104. **Shopping Center:** A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size, and type of shops to the trade area which the unit serves.
105. **Sign:** An identification, description, illustration, or device affixed to, or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, person, activity, institution, or business.
- a. **Off Premise Sign:** Any sign, including billboards, relating to subject matter not conducted on the premises on which the sign is located.
  - b. **On Premise Sign:** An advertising sign relating in its subject matter to the premises on which it is located, or to products, accommodations, service, or activities on the premises.
106. **Site Condominium Projects:** Site condominium projects are developments in which land is divided into condominium units consisting of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Site condominium projects are created and recorded under the provisions of the Condominium Act, Public Act 59 of 1978, as amended. Site condominium projects can be used for residential, office, industrial,

business, recreational, use as a time-share unite or any other type of use.

107. **Special Event:** A temporary, short-term use of land or structures such as outdoor parties, lawn parties, weddings, family reunions, bachelor/bachelorette parties, and receptions.
108. **Special Exception:** Approval by the Township Planning Commission of a use of land in a district that is not antagonistic to other land uses in the district when such use is specified in this Ordinance for that district upon such approval.
109. **Stable, Commercial:** A structure used to house horses for commercial purposes. Commercial purposes include riding stables, riding academies, and the breeding, raising and/or training of horses with the expectation of sale at a profit or for racing. Commercial purposes do not include the housing and training of horses by an individual property owner or member of his immediate family for showing or competition by the individual or member of his immediate family, provided, however, that there not be more than one horse per acre of land in the parcel.
110. **Storage Facility:** See Mini-Storage, Mini-Warehouse, and Commercial.

**Figure 7  
BASIC STRUCTURAL TERMS**



111. **Story:** That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it (see **Figure 7**).

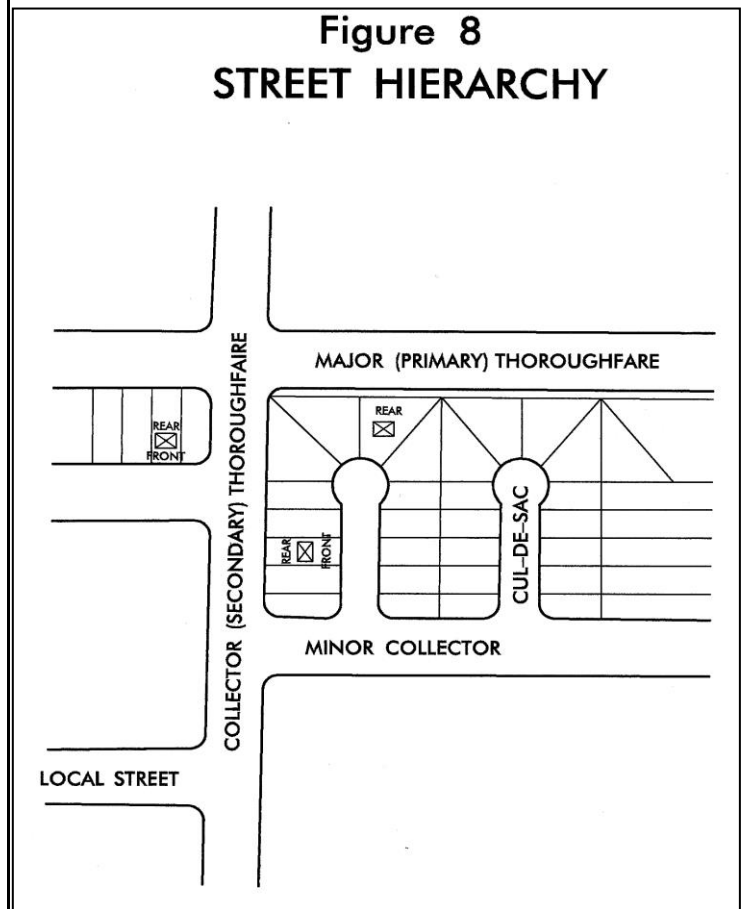
- a. A "mezzanine" floor shall be deemed a full story only when it covers more than fifty percent (50%) of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the next above it is twenty-four (24) feet or more.
- b. For the purpose of this Ordinance, a basement or cellar shall be counted as a story only if over fifty percent (50%) of its height is above the level from which the height of the building is measured, or if it is used for business purposes.
- c. An attic shall be deemed a full story when more than fifty percent (50%) of the floor area has a ceiling height of at least seven feet-six inches (7'6").

112. **Street, Highway, Road:** A thoroughfare that affords the principal means of access to abutting property (see **Figure 8**).

113. **Structure:** A construction or building, the use of which requires permanent location on the ground or attached to something having permanent location on the ground.

114. **Telecommunication Tower:** All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and

**Figure 8  
STREET HIERARCHY**



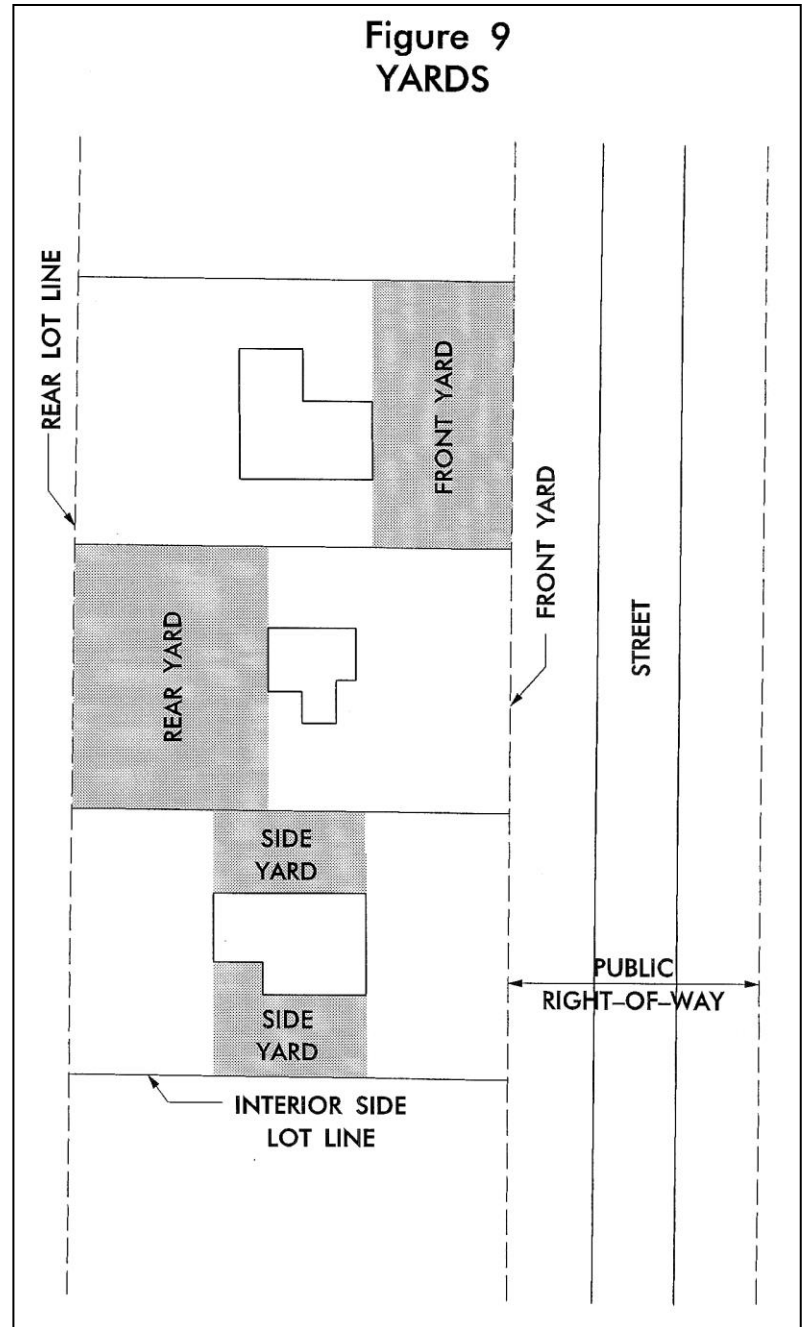
exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers.

Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority. Please refer to Richfield Township Ordinance Number 37, Communication Towers.

- 115. **Temporary Building and Use:** A structure or use permitted by this Zoning Ordinance to exist during periods of construction of the main building or for special events.
- 116. **Tent:** A collapsible shelter of fabric, plastic, or other pliable material which folds for storage and unfolds at a campsite to provide temporary living quarters for recreational, camping, or travel use.
- 117. **Theater, Indoor:** Any building used primarily for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public, with or without charge.
- 118. **Theater, Outdoor:** Any other place used for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public, with or without charge, but not including athletic events.
- 119. **Tourist Home:** See Bed and Breakfast definition.
- 120. **Trailer Coach:** See Recreational Vehicle definition.

- 121. **Travel Trailer:** See Recreational Vehicle definition.
- 122. **Undevelopable Land:** Land which has soil types or a high-water table condition which present severe limitations on septic tanks and tile fields and on which no septic tank and tile field can be legally constructed and to which no public sewer is extended.
- 123. **Use:** The lawful purpose of which land or premises, or a building thereon, is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased, according to this Ordinance.
- 124. **Variance:** A modification of literal provisions of this Ordinance which the Board of Appeals is permitted to grant when strict enforcement of said provision would cause undue hardship owing to circumstances unique to the individual property in which the variance is sought.
- 125. **Yard:** A space open to the sky between a building and the lot lines of the parcel of land on which the building is located, unoccupied or unobstructed by an encroachment or structure except as otherwise provided by this Ordinance (see **Figure 9**).
  - a. **Front Yard:** A yard across the full width of the lot extending from the front line of the principal building to the front lot line, or highway-right-of-way line as the case may be.
  - b. **Rear Yard:** A yard extending across the full width of the lot from the rear line of the building to the rear lot line.
  - c. **Side Yard:** A yard extending between the side lot line and the nearest side of the building.
- 126. **Zoning Administrator:** The official designated by the Richfield Township Board of Trustees to administer and enforce the provisions of this Ordinance.

127. **Zoning Permit:** Written authority as issued by the Zoning Administrator on behalf of the Township permitting the construction, moving, exterior alteration, or use of a building in conformity with the provisions of this Ordinance.



## **Article III**

### **Zoning Districts and Map**

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#### **Section 300 Districts Enumerated**

For the purpose as defined in **Section 101**, Richfield Township of Roscommon County shall be divided into the following Zoning Districts:

1. Agricultural / Rural Residential – A-R
2. Single-Family Residential District – R-1
3. Single-Family/Two-Family Residential District – R-2
4. Multiple-Family Residential District – R-3
5. Manufactured Home Park District – R-4
6. Neighborhood Commercial District – C-1
7. Highway Commercial District – C-2
8. Industrial District – IND

#### **Section 301 Boundaries**

1. The boundaries of these districts are hereby established as shown on the zoning map, and which map with all notations, references, and other information shown thereon shall be as much part of this chapter as if fully described in this Article.
2. Unless shown otherwise, the boundaries of the district are lot lines, section lines, the centerlines of streets, alleys, roads or such lines extended, and the corporate limits of the Township.
3. Where, due to the scale, lack of detail, or illegibility of the zoning map accompanying, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries, shown thereon,

interpretation concerning the exact location of district boundary lines shall be determined, upon written application, by the Board of Appeals.

#### **Section 302 District Boundaries Interpreted**

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

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Township limits shall be construed as following Township limits.
4. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
5. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (5) of this Section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
7. Where physical or natural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (1) through (6) of

this Section, the Board of Appeals shall interpret the district boundaries.

8. Insofar as some or all of the various districts may be indicated on the zoning map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

### **Section 303 Zoning of Vacated Areas**

Whenever any street, alley, or other public way within the Township shall be vacated, such street, alley, or other public way or portion thereof shall automatically be classified in the same zone district as the property to which it attaches.

### **Section 304 District Requirements**

All buildings and uses in any district shall be subject to the provisions of **Articles XIII** and **XIV** of this Ordinance.

## **Article IV**

### **A-R Agricultural/Rural Residential District**

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The following provisions shall apply to the A-R Agricultural/Rural Residential District.

#### **Section 400 Intent**

This district provides for the continuance of farming, ranching, and commercial gardening activities on land being utilized for these purposes. The district is also intended for very low-density single-family housing, as well as the preservation of natural open space lands and lands that are unsuitable for development due to constraints such as flooding, or lack of infrastructure.

When land in the Agricultural/Rural Residential District is needed for urban purposes, it is anticipated that the zoning will be changed to the appropriate zoning district(s) to provide for orderly growth and development in accordance with the Master Plan.

#### **Section 401 Uses Permitted by Right**

1. Single-family dwellings
2. Bed and breakfast facilities
3. Child care organization
4. Stables, commercial
5. Convalescent or nursing homes or senior assisted living homes
6. Farms, crop and livestock, including truck gardens, tree farms, and other specialty crops
7. Kennels, commercial
8. Roadside stands
9. Forestry and wildlife preserves
10. Golf courses
11. Publicly owned buildings and community facilities, including schools
12. Publicly owned and operated parks and playgrounds

13. Site condominiums
14. Accessory uses, buildings, and structures customarily incidental to the uses permitted by right

#### **Section 402 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1604** of this Zoning Ordinance.

1. Airports and aircraft landing fields
2. Animal sales yards
3. Telecommunication towers
4. Cemeteries, including columbarium, mausoleums, and crematories
5. Churches and other places of worship
6. Circus and carnival lots
7. Fur bearing animals, processing of
8. Gas and oil processing facilities
9. Resorts
10. Campgrounds and RV parks
11. Hospitals
12. Clinics
13. Radio-TV stations, studios
14. Rifle ranges
15. Real estate offices (sales) in connection with a specific development for a period not more than that specified at the time special approval is granted
16. Sawmills-temporary use not to exceed one (1) year
17. Home occupations
18. Intensive livestock operations
19. Ethanol, methanol, and methane plants

20. Gravel pits subject to conditions outlined in **Section 1407**
21. Accessory uses, buildings, and structures customarily incidental to the uses permitted by special exception

**Section 403 Area and Bulk Regulations**

See **Article XII** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.



## Article V

### R-1 Single-Family Residential District

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The following provisions shall apply to the R-1 Single-Family Residential District.

#### **Section 500 Intent**

The intent of this district is to provide for low density, single-family residential development and related public and semi-public buildings, facilities, and accessory structures, consistent with the essentially rural character of the Township.

The provisions of this district are intended to protect and stabilize existing single-family developments and to encourage future single-family developments to occur on vacant land suitable for development, contiguous to existing residential land, with adequate public services and utilities. Encroachment by non-residential uses and activities considered capable of adversely affecting the low-density residential character of this district is discouraged.

#### **Section 501 Uses Permitted by Right**

1. Single-family dwellings
2. Family day care home
3. Site condominiums
4. Accessory uses, buildings, and structures customarily incidental to the uses permitted by right.

#### **Section 502 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1604** of this Zoning Ordinance.

1. Churches and other places of worship
2. Group day care home
3. Golf courses

4. Bed and breakfast facilities
5. Home occupations
6. Accessory uses, buildings, and structures customarily incidental to the uses permitted by special exception.
7. Mixed use for DDA area:
  - A. Administrative, executive, governmental and professional offices
  - B. Art Galleries
  - C. Bakeries
  - D. Clinics
  - E. Curio Stores
  - F. Any generally recognized retail business which supplies such commodities as, but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods or hardware
  - G. Any personal service establishment which performs such services as, but not limited to, shoe repair, tailor shops, beauty/barber shops, interior decorators, photographers, video rental, dry cleaners or self-service laundries
  - H. Clubs, child care organizations
  - I. Churches and other places of worship
  - J. Florist shops
  - K. Furniture stores
  - L. Grocery stores
  - M. Jewelry stores
  - N. Libraries, museums
  - O. Gasoline/service stations
  - P. Music shops
  - Q. Parking lots
  - R. Photocopy, printing, publishing and blueprint shops
  - S. Radio and tv sales and service
  - T. Real estate offices
  - U. Restaurants, including drive-through
  - V. Second-hand stores, excluding outside sales or displays
  - W. Sporting goods shops
  - X. Taverns and bars

- Y. Upholstering, interior decorating
- Z. Hotels, motels or motor courts

**Section 503 Area and Bulk  
Regulations**

See **Article XII** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

## Article VI

### R-2 Single-Family / Two-Family Residential District

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The following provisions shall apply to the R-2 Single Family/Two Family Residential District.

#### **Section 600 Intent**

The purpose of this district is to provide for stable, quality single-family and two-family residential developments at slightly increased densities, along with related public and semi-public buildings, facilities, and accessory structures. Districts of this nature are generally found in more established urbanized areas with existing public services and facilities, and serve as buffers or transitions between lower density residential areas and higher or non-residential areas.

#### **Section 601 Uses Permitted by Right**

1. Single-family dwellings
2. Two-family dwellings
3. Family day care home
4. Site condominiums
5. Publicly owned and operated recreation areas, parks and playgrounds
6. Accessory uses, buildings and structures customarily incidental to the uses permitted by right.

#### **Section 602 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1604** of this Zoning Ordinance.

1. Group day care home
2. Churches and other places or worship
3. Home occupations

4. Bed and breakfast facilities
5. Publicly owned buildings and community facilities, including schools
6. Accessory uses, buildings, and structures customarily incidental to the uses permitted by special exception.
7. Mixed use for DDA area:
  - A. Administrative, executive, governmental and professional offices
  - B. Art Galleries
  - C. Bakeries
  - D. Clinics
  - E. Curio Stores
  - F. Any generally recognized retail business which supplies such commodities as, but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods or hardware
  - G. Any personal service establishment which performs such services as, but not limited to, shoe repair, tailor shops, beauty/barber shops, interior decorators, photographers, video rental, dry cleaners or self-service laundries
  - H. Clubs, child care organizations
  - I. Churches and other places of worship
  - J. Florist shops
  - K. Furniture stores
  - L. Grocery stores
  - M. Jewelry stores
  - N. Libraries, museums
  - O. Gasoline/service stations
  - P. Music shops
  - Q. Parking lots
  - R. Photocopy, printing, publishing and blueprint shops
  - S. Radio and tv sales and service
  - T. Real estate offices
  - U. Restaurants, including drive-through
  - V. Second-hand stores, excluding outside sales or displays
  - W. Sporting goods shops

- X. Taverns and bars
- Y. Upholstering, interior decorating
- Z. Hotels, motels or motor courts

### **Section 603 Area and Bulk Regulations**

See **Article XII** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

## **Article VII**

### **R-3 Multiple-Family Residential District**

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The following provisions shall apply to the R-3 Multiple-Family Residential District.

#### **Section 700 Intent**

The intent of this district is to provide for an efficient and economic use of land through a mixture of single-family, two-family, and multiple-family housing types together with such public and semi-public buildings and facilities and accessory structures as may be necessary and are compatible with such residential developments.

The provisions of this district are intended to provide for the development of such projects with characteristics that are compatible with surrounding areas, while preserving open space and other natural features. It is the intent of this district to locate residential developments near concentrations of nonresidential activities and facilities such as employment centers, with adequate access to major transportation arteries and existing public facilities and services.

#### **Section 701 Uses Permitted by Right**

1. Single-family dwellings
2. Two-family dwellings
3. Multiple-family dwellings
4. Family day care home
5. Bed and breakfast facilities
6. Site Condominiums
7. Boarding, lodging or rooming houses
8. Publicly owned and operated parks and playgrounds
9. Accessory uses, buildings, and structures customarily incidental to the uses permitted by right.

#### **Section 702 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1604** of this Zoning Ordinance.

1. Convalescent or nursing homes or senior assisted living homes
2. Churches and other places of worship
3. Group day care home
4. Home occupations
5. Publicly owned buildings and community facilities, including schools
6. Accessory uses, buildings, and structures customarily incidental to the uses permitted by special exception.

#### **Section 703 Area and Bulk Regulations**

See **Article XII** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

## **Article VIII**

### **R-4 Manufactured Home Park District**

---

The following provisions shall apply to the R-4 Manufactured Home Park District

#### **Section 800 Intent**

The intent of this district is to preserve the interests of alternate types of residential developments by providing for manufactured housing developments and to protect the residents of any manufactured home development.

#### **Section 801 Uses Permitted by Right**

1. Manufactured home parks, subject to the requirements established by the Mobile Home Commission Act, Public Act 96 of 1987, as amended, and the National Mobile Home Construction and Safety Standards Act of 1974.
2. Site condominiums
3. Accessory uses, buildings, or structures customarily incidental to Manufactured Home Parks such as, clubhouses, swimming pools, common playground areas, laundry facilities, storage or out buildings, and Manufactured Home Park offices.

#### **Section 802 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1604** of this Zoning Ordinance.

1. Home occupations
2. Publicly owned buildings and community facilities, including schools
3. Campgrounds with permanent or long-term units as outlined in **Section 1326**

4. Accessory uses, buildings, and structures customarily incidental to the uses permitted by special exception

#### **Section 803 Area and Bulk Regulations**

See **Article XII** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

#### **Section 804 Other Regulations**

See **Section 1318** of this Ordinance, which further regulates Manufactured Home Parks.

# Article IX

## C-1 Neighborhood Commercial District

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The following provisions shall apply to the C-1 Neighborhood Commercial District.

### Section 900 Intent

The intent of this district is to provide for a limited number of existing or potential low intensity office, business, and commercial facilities intended to serve diverse local needs.

The provisions of this district are intended to permit the continuance of existing and compatible business and commercial developments that benefit from being in close proximity to each other and surrounding residential districts, and to prevent larger strip commercial or general business developments. The provisions of this district also intend to avoid undue traffic congestion on minor streets by directing such developments to abut upon or have relative access to major transportation arteries. Encroachment by industrial, residential, or other uses considered capable of adversely affecting the localized commercial and business characteristics of the district are discouraged.

### Section 901 Uses Permitted by Right

1. Administrative, executive, governmental, and professional offices
2. Art galleries
3. Bakeries
4. Clinics
5. Curio stores
6. Any generally recognized retail business which supplies such commodities as, but not limited to, groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, or hardware
7. Any personal service establishment which performs such services as, but

not limited to: shoe repair, tailor shops, beauty/barber shops, interior decorators, photographers, video rental

8. Clubs
9. Child care organizations
10. Churches and other places of worship
11. Florist shops
12. Furniture stores
13. Grocery stores
14. Jewelry stores
15. Libraries
16. Single-family dwelling on same parcel as a C-1 use as outlined in **Section 1325**
17. Multiple-family dwellings
18. Museums
19. Music shops
20. Parking lots
21. Photocopy shops
22. Radio and TV sales and service
23. Real estate offices
24. Restaurant, including drive-through
25. Second-hand stores, excluding outside sales or displays
26. Site Condominiums
27. Sporting goods shops
28. Taverns and bars
29. Upholstering, interior decorating
30. Accessory uses, buildings and structures customarily incidental to the uses permitted by right.
31. Dry cleaners and self-serve laundry
32. Gasoline/service stations
33. Printing, publishing and blueprint shops

### **Section 902 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1604** of this Zoning Ordinance.

1. Hotels
2. Motels or motor court
3. Accessory uses, buildings, and structures customarily incidental to the uses permitted by special exception.

### **Section 903 Area and Bulk Regulations**

See **Article XII** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.



# Article X

## C-2 Highway Commercial District

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The following provisions shall apply to the C-2 Highway Commercial District.

### Section 1000 Intent

The intent of this district is to provide for areas that are designed for the commercial needs that appeal to a wider community interest than those found in the neighborhood business district. The general character of this district comprises a broad range of retail and service uses, entertainment uses, community facilities, and general office uses.

The provisions of this district are intended to encourage general commercial development to locate along major arteries particularly adjacent to major intersections where such development could most adequately serve the needs of the community's residents and those of the traveling public, without excessive quantities of strip development. The district discourages encroachment by industrial, residential or other uses considered capable of adversely affecting the general business characteristics of this district.

### Section 1001 Uses Permitted by Right

1. All uses permitted in C-1
2. Administrative, executive, governmental, and professional offices
3. Antique shops
4. Appliance sales and service
5. Automotive sales and service
6. Automobile wash establishments
7. Boarding, lodging, or rooming houses
8. Boat sales and services
9. Bowling alleys
10. Building material sales

11. Carpentry, plumbing, heating, electrical sales, service and contracting offices
12. Clinics
13. Clubs
14. Farm machinery sales and services
15. Golf driving range and miniature golf
16. Hardware stores
17. Hotels or motels
18. Malls/strip malls
19. Nurseries
20. Pet sales and supply
21. Site condominium projects
22. Snowmobile sales and service
23. Swimming pools-public
24. Other similar retail businesses or service establishments which generally provide commodities or services for more than one neighborhood (as distinguished from those which primarily serve residents of the surrounding neighborhood) which are judged by the Planning Commission to be similar in character to those enumerated.
25. Accessory uses, buildings, and structures customarily incidental to the uses permitted by right.

### Section 1002 Uses Permitted by Special Exception

The following uses are permitted by special exception in accordance with the process outlined in **Section 1604** of this Zoning Ordinance.

1. Flea markets, tool sales, and other outdoor sales (excluding yard sales as defined by **Section 1309**)
2. Gasoline service stations
3. Kennels, commercial

4. Laundromats and laundries
5. Manufactured and mobile home and RV sales and service
6. Mini/self storage facilities
7. Adult entertainment businesses
8. Electric transmission towers, water or sewage treatment plants, electric substations, gas regulator stations, and other major public utility structures.
9. Accessory uses, buildings, and structures customarily incidental to the uses permitted by special exception.

**Section 1003 Area and Bulk Regulations**

See **Article XII** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

# Article XI

## IND Industrial District

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The following provisions shall apply to the IND Industrial District.

### **Section 1100 Intent**

The intent of this district is to provide areas that are appropriate for the industrial needs of the Township. The district may include a variety of mixed wholesale and warehousing activities, light manufacturing, processing and assembly plants, general offices, and research and development. Development in this district is to be restricted to clean industry that does not produce substantial air or water pollution and excessive noise or odor.

The district encourages industrial development to locate at a reasonable distance from heavily inhabited areas with access to major thoroughfares, highways, and railroads. The provisions of this district further intend to discourage residential development or any other development that would hinder or adversely affect the industrial character of the district.

### **Section 1101 Uses Permitted by Right**

1. The production, processing, assembly, manufacturing, or packaging of goods, or materials such as: recreational supplies, toys, etc., including testing, repair, storage distribution, and sale of such products
2. Redi-mix concrete, asphalt plants
3. The manufacturing, processing, or sales of fertilizers, feeds, and other farm supplies
4. Machine shops
5. Farm machinery sales and service
6. Storage and warehousing, but not including commercial bulk storage of flammable liquids or gases
7. Truck terminal maintenance and repair of trucks and trailers of company
8. Kennels, commercial

9. Sawmills
10. Gasoline service station
11. Restaurant
12. Convenience store
13. Truck stop/filling station
14. Accessory uses, buildings, and structures customarily incidental to the uses permitted by right.

### **Section 1102 Uses Permitted by Special Exception**

The following uses are permitted by special exception in accordance with the process outlined in **Section 1604** of this Zoning Ordinance.

1. The production, processing, assembly, manufacturing, or packaging of goods or material such as tanneries, rendering works, refineries, rubber processing, packing houses, etc., including testing, repair, storage distribution, and sale of such products
2. Commercial bulk storage of flammable liquids and gases
3. Gas and oil processing facilities
4. Foundries
5. Junkyards
6. Reduction, conversion, and disposal of waste material
7. Telecommunication towers or facilities, alternative tower structures, water towers, wireless communication antennas, electric transmission towers, water or sewage treatment plants, electric substations, gas regulator stations, and other major public utility structures.
8. Gravel pits subject to conditions outlined in **Section 1407**.
9. Auto salvage and storage facilities

10. Accessory uses, buildings, and structures customarily incidental to the uses permitted by special exception.
11. Campgrounds and RV parks

**Section 1103 Area and Bulk Regulations**

See **Article XII** of this Ordinance limiting the height and bulk of buildings, and providing the minimum size of lot permitted by land use and the maximum density permitted.

## Article XII

### Schedule of Regulations

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#### Section 1200 Purpose

It is the purpose of the Zoning Ordinance to regulate the size, bulk, height, and types of uses and structures in various districts to protect the general health, safety, and welfare of residents living or working within such districts. The following Schedule of Regulations stipulate the minimum allowable areas for land and buildings in each district as defined in this Ordinance.

No structure shall be erected, nor shall an existing building be altered or enlarged unless it conforms to the minimum area and setback requirements and maximum building heights as established for each district of this Ordinance.

#### Section 1201 Footnotes to Schedule of Regulations

1. A maximum lot ratio of one to four (lot depth cannot exceed four times the lot width) shall be maintained for all new lots created. This ratio will not apply to existing lots. The depth of lot shall be measured within the boundaries of the lot from the abutting road right-of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement. The width of a parcel shall be measured within its boundaries from parcel boundary lines, which are perpendicular to the abutting road right-of-way.
2. The minimum floor area per dwelling unit shall not include areas of basements, utility rooms, breezeways, porches, or attached garages.

3. The minimum floor space per dwelling unit shall be:

Efficiency apartment	350 sq. ft.
One-bedroom apartment	500 sq. ft.
Economy Efficiency Dwelling	640 sq. ft.
Two-bedroom apartment	700 sq. ft.
Three-bedroom apartment	800 sq. ft.
Four-bedroom apartment	880 sq. ft.
4. A manufactured home park shall comply with all requirements as established in the Mobile Home Commission Act, Public Act 96 of 1987, as amended.
5. A zero-side yard setback can be permitted in C-1 and C-2 districts if a fire wall without an opening is constructed between two properties.
6. Front or rear setback to adhere to area regulation, where there are adjacent dwellings with a lesser set back, there shall be permitted a yard/set back equal to that of the average of all existing dwellings 150 feet on either side of the site.
7. Corner of setback is for construction property setbacks. When a property borders two (2) roads, the most traveled road shall be considered the front and the front setback shall apply. The road less traveled shall be considered the secondary road. The secondary road shall be measured from the edge of the road easement, and not from the edge of the road. Setback for the secondary road is 15 feet. The acting (or current) Zoning Administrator shall determine which road is primary and which road is secondary. Lots with a width of 65 feet or less shall be considered non-conforming. All non-conforming lots will require a special review from the acting (or current) Zoning Administrator shall determine

whether or not this amendment applies or if a variance needs to be applied for. The acting (or current) Zoning Administrator's decision shall be final.

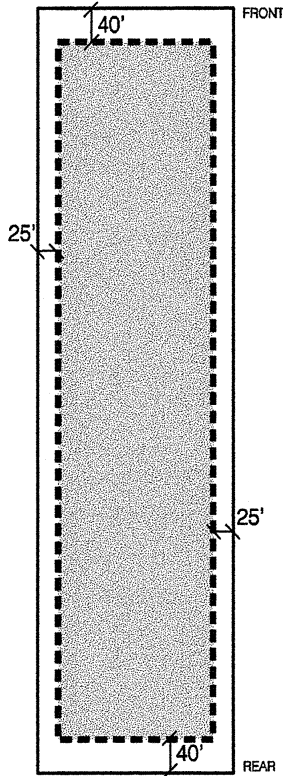
**Table A**  
**Schedule of Regulations**

Zoning District	Minimum Lot Size		Maximum Building Height		Minimum Yard Setbacks In Feet			Minimum Floor Area Per Dwelling Unit in Sq. Ft. (2)	Maximum Building Coverage of Lot
	Area	Width in Ft. (1)	Stories	Feet	Front	Minimum Side Each	Rear		
A-R Agricultural/Rural Residential District	5 Acre	240	3	40	40	25	40	1,000	35%
R-1 Single-Family Residential District	12,000 Sq. Ft.	65	2-1/2	35	30	6	30	980	35%
R-2 Single-Family/Two-Family Residential District	15,000 Sq. Ft.	65	2-1/2	35	30	10	40	1,000	50%
R-3 Multiple-Family Residential District	1 Acre	150	3	40	40	25	40	(3)	50%
R-4 Manufactured Home Park District	1 Acre (4)	150	2	25	40	15	40	1,000	--
C-1 Neighborhood Commercial District	30,000 Sq. Ft.	100	3	40	40	0 (5)	8	--	60%
C-2 Highway Commercial District	30,000 Sq. Ft.	100	3	40	40	0 (5)	8	--	60%
IND Industrial District	30,000 Sq. Ft.	100	3	40	40	15	25	--	50%

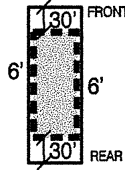
\* See **Section 1201** for footnotes  
See **Figure 10** for setback illustrations

# Figure 10 SETBACK ILLUSTRATIONS

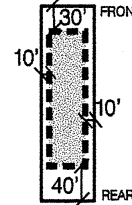
**AG Agricultural**  
5 Acre Minimum  
240' Wide x 907.5' Deep



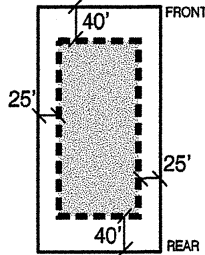
**R-1 Single-Family**  
12,000 Sq. Ft. Minimum  
65' Wide x 184.6' Deep



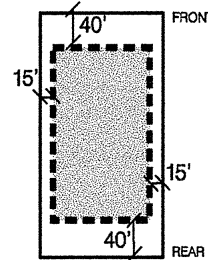
**R-2 Single-Family/Two-Family**  
15,000 Sq. Ft. Minimum  
65' Wide x 230.8' Deep



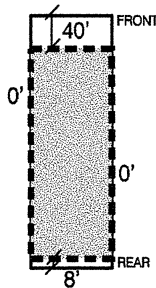
**R-3 Multiple-Family**  
1 Acre Minimum  
150' Wide x 290.4' Deep



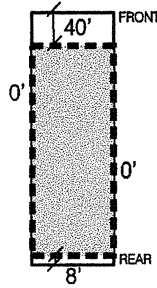
**R-4 Manufactured Home Park**  
1 Acre Minimum  
150' Wide x 290.4' Deep



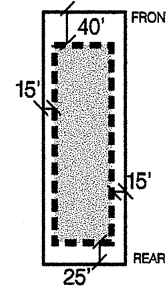
**C-1 Neighborhood Commercial**  
30,000 Sq. Ft. Minimum  
100' Wide x 300' Deep



**C-2 Highway Commercial**  
30,000 Sq. Ft. Minimum  
100' Wide x 300' Deep



**IND Industrial**  
30,000 Sq. Ft. Minimum  
100' Wide x 300' Deep





## **Article XIII**

### **Special Provisions**

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#### **Section 1300 Scope**

The following uses, due to their special nature, require additional standards to ensure compatibility with the character of the district they are located in. For this reason, the following uses shall be controlled by the provisions of this Article, in addition to the provisions of the district they are listed under.

#### **Section 1301 Adult Entertainment Businesses**

1. No adult entertainment business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand five hundred (1,500) feet of any principal or accessory structure of another adult entertainment business.
2. No adult entertainment business shall be established on a parcel that is within four hundred (400) feet of any parcel zoned R-1, R-2, R-3, or R-4.
3. No adult entertainment business shall be established on a parcel within one thousand five hundred (1,500) feet of any residence, park, school, childcare facility, or place of worship. The distance shall be measured in a straight line from the nearest property line upon which the proposed adult entertainment business is to be located to the nearest property line of the residence, school, childcare facility, or place of worship.
4. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
5. The proposed use must meet all applicable written and duly adopted standards of the Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
6. The outdoor storage of garbage and refuse shall be contained, screened from view, and located so as not to be visible from neighboring properties or adjacent roadways.
7. Any sign or signs proposed for the adult entertainment business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
8. Entrances to the proposed adult entertainment business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business. Lettering no less than two (2) inches in height shall state: 1) "Persons under the age of eighteen (18) are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
9. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
10. Hours of operation shall be limited to 10:00 a.m. to 12:00 midnight.
11. All off-street parking areas shall be illuminated only during hours of darkness and until one hour after the close of business.

12. Any booth, room, or cubicle available in any adult entertainment business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
  - a. Is handicap accessible to the extent required by the Americans with Disabilities Act;
  - b. Is unobstructed by any door, lock, or other entrance and exit control device;
  - c. Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
  - d. Is illuminated by a light bulb of wattage of no less than twenty-five (25) watts;
  - e. Has no holes or openings in any side or rear walls.

**Section 1302 Airports and Aircraft Landing Fields**

1. Privately owned and maintained non-commercial aircraft landing strips, more or less parallel to a public road, shall be set back from such road for a minimum distance of two hundred (200) feet. Where a privately owned landing strip is situated more or less perpendicular to a public road, such landing strip shall be separated from said road by a distance of at least four hundred (400) feet.
2. All privately owned and maintained aircraft landing strips shall be at least two hundred fifty (250) feet from the nearest residential dwelling unit and at least one thousand (1,000) feet from all other buildings not designed as accessory structures for said aircraft landing field.
3. All other aircraft landing fields or airports must conform to applicable

Federal and State regulations and be approved by appropriate Federal and State agencies prior to submittal of a site plan to the Planning Commission.

**Section 1303 Automobile Wash Establishments**

1. All washing activities must be carried on within a building.
2. Vacuuming activities may be carried out at least fifty (50) feet distant from any adjoining residential use.
3. The entrances and exits of the washing facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.

**Section 1304 Bed and Breakfast Facilities**

**1. Building Requirements**

The structures in which the bed and breakfast operation is located must meet the following requirements:

- a. The building must meet the minimum size requirements for that particular zone.
- b. The building must have a minimum of two exits.
- c. Each bedroom must be located in the principal structure on the property. No bed and breakfast bedrooms are allowed in outbuildings.
- d. Bed and breakfast bedrooms shall not be located in basements or other below ground areas.
- e. Sleeping and bath areas rented to paying guests on an overnight basis shall not occupy greater than thirty (30) percent of the usable floor area of the dwelling.

- f. Guests at bed and breakfast facilities must have access to indoor restroom facilities in the building.
- g. Minimum of one (1) parking space shall be required for each room rented out. No off-street parking shall be permitted in the setback area.

**2. Other Requirements**

- a. Comply with the requirements as established in Section 125.1504b, of Michigan Public Act 230 of 1972, as amended.
- b. A single, non-illuminated, non-animated sign not more than four (4) square feet in area may be erected on the front wall of the building to identify the bed and breakfast facility. One freestanding, non-illuminated, non-animated sign of not more than twenty-four (24) square feet shall be permitted.
- c. The bed and breakfast facility must be the principal residence of the owner/manager of the facility.
- d. Bed and breakfast facilities must comply with state health department rules and requirements regarding food service.

**Section 1305 Campgrounds and Travel Trailer Parks**

Minimum lot size shall be ten (10) acres. The lot shall provide direct vehicular access to a public street or road. The term "lot" shall mean the entire campground or travel trailer park. Each lot shall be provided with at least one (1) public telephone.

**Section 1306 Child Care Organizations**

All Child Care Organizations shall require State licensing, as specified in Public Act 116 of 1973, as amended.

**Section 1307 Convalescent or Nursing Homes or Senior Assisted Living Homes**

Convalescent or nursing homes or senior assisted living homes shall be designed and constructed in accordance with State regulations.

**Section 1308 Drive-Through Businesses**

- 1. The main and accessory buildings shall be set back a minimum of forty (40) feet from any adjacent right-of-way line or residential property line.
- 2. A six (6) foot high obscuring wall shall be provided adjacent to any residential district.

**Section 1309 Garage or Yard Sales**

Not more than three (3) garage or yard sales shall be conducted by a household of the Township during a calendar year. Said garage or yard sale shall not exceed five (5) day duration. Temporary signs for the sale shall be removed at the end of the sale.

**Section 1310 Gasoline Service Stations**

- 1. The service area of any automobile service station shall consist of such capacity as to allow access space for each gasoline pump for at least two (2) vehicles to wait in line without spilling onto the highway.
- 2. Gasoline pumps shall be set back a minimum of twenty-five (25) feet from any street or right-of-way line.
- 3. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed within a building.
- 4. When adjoining residentially zoned property, a six (6) foot screening fence

shall be erected and maintained along the connecting interior lot line, or if separated by an alley, then along the alley lot line. All masonry walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles.

5. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a six (6) foot screening fence and shall comply with requirements for location of accessory buildings. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted for a period exceeding thirty (30) days, or exceed two (2) vehicles per service bay.
6. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.

### **Section 1311 Golf Courses and Country Clubs**

1. Minimum lot size shall be forty (40) acres.
2. The main and accessory buildings shall be set back at least seventy-five (75) feet from all property lines.

### **Section 1312 Home Occupations**

While the Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance which may be caused by non-residential activities conducted in a residential zone. The intent of this Section is to ensure that any home occupation is compatible with other permitted uses in residential districts and to maintain and preserve the residential character of the neighborhood.

1. The home occupation shall be clearly incidental and subordinate to the principal use of the premises for residential purposes. The exterior

appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner which would substantially alter the premises' residential character.

2. The home occupation is conducted by the person or persons occupying the premises as their principal residence. Non-resident persons shall not be employed. Such use shall not occupy more than twenty-five percent (25%) of the ground floor area of the dwelling unit.
3. The dwelling has no exterior evidence, other than one (1) non-illuminated sign not exceeding one (1) square foot to indicate that the dwelling is being utilized for a non-residential purpose, and such sign is in conformance with the requirements of this Ordinance.
4. No occupation shall be conducted upon or from the premises, which would constitute a nuisance or annoyance to adjoining residents by reason of noise, dust, glare, heat, smoke, fumes, odor, vibrations, or electrical disturbance. There shall be no discharge of polluting materials, fluids or gases into the ground or surface water, soil, or atmosphere.
5. Vehicular and pedestrian traffic generated by the home occupation shall not exceed that which would normally be expected in a residential neighborhood, and the need for parking shall be met off street.
6. The home occupation shall not be open to the public earlier than 8:00 a.m. nor later than 7:00 p.m.
7. There shall be no open display of goods, materials or services in connection with a home occupation, and no customer/patron off-street parking shall be permitted within the setback area.
8. The home occupation shall allow sale of pre-packaged products produced off-premises provided the volume of such

products does not exceed more than sixty-four (64) cubic feet of display area.

9. No outdoor storage of goods, equipment, or machinery used in conjunction with home occupation shall be allowed.
10. Detached accessory buildings and attached garages may be used for storage purposes only.
11. Retail or personal services such as or similar to auto, engine, or machinery repair, equipment rental, or open storage of junk, scrap or salvage, shall not be considered as a home occupation.
12. Any such home occupation shall be subject to special approval by the Planning Commission and inspection by the Zoning Administrator. The permit for it may be terminated for failure to comply with the Zoning Ordinance.
13. An application fee for Home Occupation Special Exception Use Permit from the Zoning Board of Appeals and the annual inspection of the home occupation for the Special Exception Use Permit renewal shall be determined by the Township Board as part of the Township Fee Schedule.

### **Section 1313 Intensive Livestock Operations**

#### **1. Area and Location Requirements**

- a. The property shall have a minimum lot area of forty (40) contiguous acres under common ownership.
- b. The property shall have a minimum lot frontage of six hundred and sixty (660) feet.
- c. All non-residential buildings, structures, enclosed areas

(including land used for pasture or feedlot purposes), and equipment associated with the conducting of an intensive livestock operation, including animal shelter and waste storage areas, structures, excavations, shall be located at least one hundred (100) feet from any property boundary.

- d. All buildings, structures, enclosed areas (including land used for pasture or feedlot purposes), and equipment associated with the conducting of an intensive livestock operation, including animal shelter and waste storage areas, structures, and excavations:
  - i. shall be located at least one thousand three hundred and twenty (1,320) feet (one-quarter mile) from the boundaries of any property zoned other than A-R Agricultural/Rural Residential pursuant to the Township Zoning Ordinance/ Map, at the time application for the special exception permit is made.
  - ii. shall be located at least two thousand six hundred and forty (2,640) feet (one-half mile) from the boundaries of any existing recorded residential plat or proposed plat filed with the Township prior to application for Special Exception.
- e. All buildings, structures, enclosed areas, and equipment associated with the conducting of an intensive livestock operation, including animal shelter and waste storage areas, structures and excavations, shall be located at least one hundred (100) feet from the right-of-way of any public roadway; provided, that lands used only for pasture purposes shall not be subject to this requirement.

#### **2. Operational and Waste Management Requirements**

An Intensive Livestock Operation shall be operated and maintained at all times in accordance with the recommendations set forth in the generally accepted agricultural and management practices for site selection and odor control for new and expanding livestock production facilities (GAAMPS) as adopted by the Michigan Agricultural Commission.

**3. Groundwater Quality/Flow Evaluation**

As a condition for issuance of a special exception use permit, the owner or operator of the proposed intensive livestock operation shall install one (1) to four (4), 2-inch groundwater monitoring wells within one hundred (100) feet of each animal waste storage structure or area, with the exact number and location of such monitoring wells to be determined by the Planning Commission to facilitate the purposes of the water sampling requirements set forth in this subsection. Prior to approval, the owner or operator shall cause a sample of water from the upper groundwater aquifer to be extracted from each monitoring well and tested by a governmental agency or an independent private laboratory for background organic and inorganic chemical contamination and shall provide the results of such testing to the Township. In addition, as a condition of special exception use approval, an intensive livestock operation shall submit to further periodic groundwater sampling and testing from the monitoring wells by an appropriate governmental agency or independent private laboratory at the request of the Township at reasonable intervals of not less than ninety (90) days.

In coordination with the pre-approval water sampling requirements set forth in the preceding paragraph of this

Ordinance, and to enable the Planning Commission to properly evaluate the suitability of a specific site for intensive livestock purposes, in the course of reviewing an application for an intensive livestock operation the Planning Commission shall require a report from an engineer disclosing the flow of groundwater beneath the site in question based on existing available hydrogeological data compiled by governmental agencies, educational institutions, or other public entities. In addition, the applicant shall submit to the Planning Commission any hydrogeological study and supporting data obtained by the applicant, or prepared on behalf of the applicant, for the site in question.

**4. Maximum Animal Unit Limitations**

No intensive livestock operation shall have more than two thousand (2,000) animal units without a review of the permit by the Planning Commission.

**Section 1314 Junk Yards**

1. No parcel shall be used for dumping or disposing of scrap, iron, junk, automobiles or parts of automobiles, garbage, rubbish, refuse, slag, or other industrial waste or byproducts unless appropriate licenses for a waste disposal facility have been obtained from the State of Michigan.
2. None of the materials mentioned in Section 1 hereof shall be dumped, deposited or buried on any parcel.
3. The provisions of Section 1 and Section 2 of this Article shall not apply with respect to scrap held for resale by a scrap dealer.
4. No parcel shall be used for the operation of a scrap yard unless such parcel shall have an area under one ownership of at least twenty (20) acres.

5. The setback from the front property line to the area upon which junk materials are stored shall be not less than one hundred (100) feet and no less than fifty (50) feet from the side property lines, and said area shall be screened from the roadway and from any adjoining residential or business uses by an obscuring fence eight (8) feet in height. Said fence shall be kept uniformly painted, neat in appearance, and shall not have any signs, posted bills, or advertising symbols painted on it.
6. All structures and fencing and used material storage yards shall be set back not less than one hundred (100) feet from any street or highway right-of-way.
7. The hours of outdoor operation of any junkyard or recycling facility shall be limited to between 6:00 a.m. and 6:00 p.m. weekdays and 9:00 a.m. and 5:00 p.m. weekends.

**Section 1315 Kennels, Commercial**

1. All kennels shall be operated in conformance with all County and State regulations.
2. For dog kennels, the minimum lot size shall be five (5) acres for the first four (4) to ten (10) dogs and an additional one (1) acre for each ten (10) dogs.
3. Buildings wherein animals are kept, animal runs and/or exercise areas shall not be located nearer than five hundred (500) feet to any adjacent occupied dwelling or any adjacent building used by the public.

**Section 1316 Keyhole Development (Funneling)**

It is hereby found that keyhole development funneling, as hereinafter defined, is inimical to the public health, safety, and welfare and

constitutes an improper use of land and natural resources because it causes overcrowding of lakes, streams, and lands adjacent to them, contributes to the pollution and degradation of public waters, creates hazards to life and property by increasing the risks of riparian owners and the public, and adversely affects property values of shoreline properties located near funnel developments.

It is the declared purpose of this Section to protect the health, safety, and general welfare of the citizens of Richfield Township by prohibiting funneling, as hereinafter defined, on bodies of water and waterways in the Township. It is the intent of this Section to:

1. Prevent the overuse and misuse of water resources within the Township, particularly by boating traffic and similar impacts of inland waters.
2. Protect the quality of inland waters by limiting uses of the water that tend to pollute them.
3. Nothing in this Section shall be construed as depriving any riparian owner of any natural body of water or waterway of any riparian rights.
4. The following are specifically prohibited:
  - a. More than one (1) dock per lot or parcel containing one hundred (100) feet frontage or less. Docks must also meet requirements of the State of Michigan.
  - b. Selling, assigning, or otherwise conveying dock rights or riparian rights to third parties whose property does not front on the lake, river or stream; except that it shall be permissible for a riparian owner to allow one non-riparian owner access to the lake, river, or stream and to allow the one non-riparian to dock one boat. Nothing in this provision shall prohibit a riparian owner from allowing family, friends,

- guests and/or invitees to use their property.
- c. Dedicating or conveying (by grant or easement) access and/or riparian use to three (3) or more parcels or lots that otherwise would not have water access or riparian use.
  - d. Developing property (by land division, condominium, or subdivision) that would grant beach rights, waterfront access, and/or riparian right to more than two (2) otherwise non-riparian property owners per one hundred (100) feet of frontage on the lake, river, or stream.
5. Funneling is prohibited in all areas of this Ordinance jurisdiction. If any proposed uses involve funneling or proposed funneling, said use shall not be permitted.

**Section 1317 Livestock and Domestic Animals**

The keeping of cows, chickens, sheep, pigs, hogs, horses, or other such livestock is prohibited on any parcel of land less than ten (10) acres in size. Domestic animals, such as cats, dogs and rabbits may be kept on any parcel as pets, provided they are not a nuisance to surrounding properties.

**Section 1318 Manufactured Home Parks**

Manufactured Home Parks as permitted in the R-4 Manufactured Home Park District shall comply with the following conditions:

- 1. Manufactured Home Parks shall comply with all the regulations and requirements of the Mobile Home Commission Act, Public Act 96 of 1987 and the National Mobile Home Construction and Safety Standards Act of 1974.

- 2. The layout of the manufactured housing development and included facilities shall be in accordance with acceptable planning and engineering practices and shall provide for the convenience, health, safety, and welfare of the residents.
- 3. An obscuring wall or fence not less than four (4) nor more than six (6) feet in height, or a greenbelt buffer of not less than ten (10) feet in width shall be provided on all sides of the manufactured housing park development, with the exception of that portion providing ingress and egress to the development.
- 4. Units shall be attached to a Michigan Manufactured Housing Commission approved foundation or basement and anchoring system, and shall be installed according to manufacturer’s setup instructions.
- 5. No manufactured home site or any building in a manufactured home park shall be located closer than fifty (50) feet to the right-of-way line of a public thoroughfare nor closer than twenty (20) feet to any other manufactured home park property line.
- 6. Accessory structures shall not exceed one hundred forty-four (144) square feet in area.

**Section 1319 Open-Air Businesses**

- 1. Minimum lot area shall be thirty thousand (30,000) square feet.
- 2. Minimum lot width shall be one hundred (100) feet.
- 3. Lighting shall be installed in such a manner which will not create a traffic hazard on abutting streets or which will cause a glare or direct illumination to be cast onto adjacent properties, residential or otherwise.
- 4. In all cases of car sales lots:



- a. All areas subject to vehicular use shall be paved with durable dust-free surfacing, with appropriate bumper guards where needed.
  - b. Lighted parking areas shall not create a nuisance for nearby properties.
5. In the case of a plant materials nursery:
- a. The storage or materials display areas shall meet all the yard setback requirements applicable to any building in the district.
6. All loading activities and parking areas shall be provided on the same premises (off-street).
- a. The storage of soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

**Section 1320 Open Space Preservation**

Land zoned for residential development may be developed as specified by Public Act 177 of 2001 (Section 16h), referred to as Open Space Preservation Act or Cluster Zoning Act. This new Act allows developers, at their choice, an option to cluster new homes on smaller lots and then to surround the home sites with permanently preserved open space. Development under this option must meet all the requirements of Act 177 and be approved by the Planning Commission.

**Section 1321 Swimming Pools – Public/Private**

Swimming pools, spas, and hot tubs are permitted as an accessory use in all zoning districts subject to applicable setback regulations established for accessory uses,

buildings, and structures. Swimming pools, spas, and hot tubs located out of doors, whether constructed in, on, or above the ground, shall be provided with a fence or other barrier that complies with all provisions of the Roscommon County Building Code applicable to swimming pools. Fences or other barriers must be approved by the Building Inspector before a swimming pool, spa, or hot tub will be approved for use or occupancy.

**Section 1322 Roadside Stands**

- 1. The gross floor area of the temporary building shall be not less than thirty-two (32) square feet but not more than two hundred and fifty (250) square feet.
- 2. Suitable containers for rubbish shall be placed on the premises for public use.
- 3. The temporary building shall be located not less than twenty-five (25) feet from the public road right-of-way. Its height shall be no more than one (1) story.
- 4. Adequate off-street parking shall be provided.

**Section 1323 Stables, Commercial**

- 1. For breeding, rearing and housing of horses, mules, and similar domestic animals, the minimum lot size, shall be ten (10) acres.
- 2. Structures used as a stable shall not be located nearer than sixty (60) feet to any property line and not nearer than one hundred fifty (150) feet to a building on any adjoining property.
- 3. Animals shall be confined in a suitable fenced area, or paddock, to preclude their approaching nearer than sixty (60) feet to any dwelling on adjacent premises.
- 4. The facility shall be so constructed and maintained that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining premises.

**Section 1324 Telecommunication Towers**

Telecommunication towers shall be regulated under Township Ordinance No. 37, Ordinance on Communication Towers.

**Section 1325 Single-Family Dwelling with C-1 Use**

Single-family dwellings are permitted on the same parcels as a C-1 use within the C-1, Neighborhood Commercial District provided the single-family dwelling is constructed in conjunction with or after the commercial use has been established. In addition, the single-family dwelling shall not occupy more than forty (40) percent of the total lot square footage.

**Section 1326 Campgrounds with Permanent or Long-Term Units**

1. Separate areas must be designated within the campground site for permanent or long-term units and transient campers.
2. Maximum of thirty (30) percent of the total campground site may be designated for permanent or long-term use.
3. A minimum one hundred (100) foot buffer zone with natural features must be maintained between the permanent or long-term area of the campground and available transient campground space.
4. The main access point and drive of the campground must be a minimum of eighteen (18) feet in width with an asphalt surface.
5. The permanent or long-term resident sites must have a hard surface pad and be a minimum of thirty (30) feet in width and sixty (60) feet in depth.

6. Hookups for water, electricity, and sewer will be provided for all permanent or long-term sites.
7. Year-round restroom facilities shall be provided for both sexes, with water and sewer connections.
8. As part of the Special Exception Use Permit, a site plan shall be submitted for Planning Commission review and approval.
9. Compliance with the standards of **Section 1305**.

# Article XIV

## General Provisions

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### Section 1400 Introduction

Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such Ordinance shall govern.

### Section 1401 Effect of Zoning

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

### Section 1402 Accessory Buildings

Accessory buildings, except as otherwise permitted in this chapter, shall be subject to the following regulations:

Two (2) acres to 4.99 acres: the total floor area of the accessory building not to exceed two (2) times the square footage of the existing residential building. Height not to exceed sixteen (16) feet.

1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this chapter applicable to the main building.
2. Buildings accessory to residential buildings not exceeding one (1) story or fourteen (14) feet in height may occupy not more than twenty-five (25) percent of a required rear yard, or forty

(40) percent of the total rear yard, provided that in no instance shall the accessory building exceed the total floor area of the main building by one and one half (1-1/2) times, with land square footage to be less than two (2) acres.

3. No detached building accessory to a residential building shall be located closer than ten (10) feet to any main building, nor shall be located closer than six (6) feet to any side lot line or five (5) feet to any rear lot line. In those instances where the rear lot line is coterminous with an alley right-of-way, dedicated easement, or a public right-of-way, the accessory building shall not be closer than five (5) feet to such rear lot line.
4. No detached accessory building in the R-1, R-2, R-3, or R-4 districts shall exceed one and three-quarters (1-3/4) story or fourteen (14) feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of structures in such districts, subject to the Planning Commission review and approval.
5. When a building accessory to a residential building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, such building shall not project beyond the front yard setback required on the lot in the rear of such corner lot. A building accessory to a residential building shall in no case be located nearer than ten (10) feet to a street right-of-way line.
6. Freestanding accessory buildings are not permitted on vacant lots except as follows:
  - a. Minimum of 1470 square feet

- b. Allow required space to erect a home in the future in compliance with current building specifications.
    - 1. Parcels 10 acres and larger shall be exempt from building specifications for the erection of a future home, except for stated minimums per zoning district.
    - 2. Maximum size of the freestanding accessory building on such parcels shall not exceed 100' x 50' (5,000 square feet). Maximum building height for freestanding buildings on such parcels shall not exceed 40' or 3 stories.
  - c. No outside storage of any nature allowed. All items are to be stored in the accessory building.
  - d. No free-standing accessory building, in excess of 300 square feet, shall be built on waterfront property. Free-standing accessory buildings that are 300 square feet or less, located on waterfront property, shall not have metal-sided exteriors.
  - e. No waterfront building shall have a drain designed to release product into an unconfined area.
7. Automobiles, buses, mobile homes, semi-tractor trailers, tents, truck bodies, or similar portable units shall not be used as accessory buildings.

**Section 1403 Corner Clearance**

In all districts, no fence, wall, shrubbery, sign, or other obstruction to vision above a height of twenty-four (24) inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between such right-of-way lines at a distance along each line of

twenty-five (25) feet from their point of intersection.

**Section 1404 Exterior Lighting**

All lighting for parking areas or for the external illumination of buildings and uses shall be directed from and shall be shielded from adjacent residential districts and shall also be so arranged as to not adversely affect driver visibility on adjacent thoroughfares.

**Section 1405 Fences, Walls, and Hedges**

Fences are permitted or required subject to the following:

- 1. Fences on all lots of record in all residential districts which enclose property and/or are within a required side or rear yard, shall not exceed six (6) feet in height, measured from the surface of the ground, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard set back whichever is greater.
- 2. No wall or hedge planting shall exceed a height of three (3) feet within any residential front yard. Clear vision fences are permitted in front yards, but shall not exceed four (4) feet in height. On a corner lot or parcel, no fence, wall, or planting shall be allowed except it will not interfere with traffic visibility across a corner.
- 3. Fences in residential districts shall not contain barbed wire, razor wire, or be charged with electricity in any fashion.
- 4. It shall be unlawful to erect a fence consisting or constructed of tires, vehicle, or motor vehicle component parts, tree stumps, rotting lumber, or any materials capable of providing habitat or harborage for pests and vermin. It shall also be unlawful to erect a fence constructed or consisting of rubbish or trash.
- 5. Fences in commercial and industrial districts shall not exceed eight (8) feet in height measured from the surface of the

- ground. Provided, however, that upon application and good cause shown the Planning Commission may authorize suitable fencing of any height the Commission determines to be reasonable under the facts and circumstances presented by the applicant.
6. Fences in which public or institutional parks, playgrounds, or public landscape areas situated within an area developed with recorded lots shall not exceed eight (8) feet in height, measured from the surface of the ground and shall not obstruct vision to an extent greater than twenty-five percent (25%) of their total area.
  7. It shall be the obligation and sole responsibility of persons erecting fences in this Township to determine the location of property lines. The Zoning Administrator may require proof that property lines have been established prior to issuance of a fence permit. The Township shall not determine property or lot lines, and the issuance of a construction permit to erect a fence shall in no way be construed as a determination of the correct, valid, or legal location for the fence, or prejudice, in any way, the rights of adjacent or abutting property owners.
  8. Sight Zones: Within the limits of sight zones, fences, and hedges shall not exceed two (2) feet in height above grade, except that such restrictions shall not apply to clear vision fences. Such sight zones shall be determined as follows:
    - a. Street/Road Corners: The triangle formed by legs measured twenty-five (25) feet on each side of a street/road corner, measured from the point of intersection of the right-of-way lines.
    - b. The right triangles formed on each side of driveways, measured ten

(10) feet along the property line or right-of-way line for one leg, and the outside edge(s) of the driveway for the other leg.

9. Fence material shall be painted or stained with a uniform color on both sides and the finished side of the fence shall face out.
10. Where a lot borders a lake or stream, fences in the waterfront yard shall not exceed three (3) feet in height.
11. The regulations set forth in this Section shall not apply to fences erected on lands in Agricultural districts, the primary use of which land is the operation of a farm as herein defined.
12. No earth berm shall be added to enhance the height of any fence.

**Section 1406 General Exceptions to Area, Height, and Use**

**1. Essential Services**

Essential Services, as defined in **Article II**, shall be permitted as authorized and regulated by law and other ordinances of the Township. It is the intention of this Article to exempt such essential services from the application of this Ordinance.

**2. Voting Place**

The provisions of this chapter shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

**3. Height Limit**

The height limitations of this chapter shall not apply for farm buildings, chimneys, church spires, flagpoles, public monuments, or wireless transmission towers; provided, however, that the Board of Appeals may specify a height limit for any such structure when such structure

requires authorization as a special exception use.

#### 4. **Lots Adjoining Alleys**

In calculating the area of a lot that adjoins an alley or lane, for the purpose of applying lot area requirements of this chapter, one-half the width of such alley abutting the lot shall be considered as part of such lot.

#### 5. **Access Through Yards**

For the purpose of this chapter, access drives may be placed in the required front or side yards so as to provide access to rear yards and/or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace, or other pavement serving the like function, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this chapter not be considered to be a structure, and shall be permitted in any required yards.

### **Section 1407 Gravel, Soil, Sand, Clay, Stone, or Similar Materials: Removal, Filling**

1. It shall be unlawful for any person, firm, corporation, partnership, or any other organization or entity to strip any top soil, sand, clay, gravel, stone, or similar material or to use lands for filling, or expand an existing operation in the A-R and IND Districts without first submitting an application and securing approval and a permit from the Planning Commission.
2. No permits will be required for the following:
  - a. Excavations for building construction purposes, pursuant to a duly issued building permit.

- b. Minor or incidental grading or leveling of the above materials for the use or development provided no soil erosion conditions result.

3. Application: A separate permit shall be required for each separate site. No such excavations shall be permitted in the R-1, R-2, R-3, R-4, C-1, and C-2 Districts. Each application for a permit shall be made in writing to the Zoning Administrator, and shall contain the following information as a condition precedent to the obligation to consider such request.
  - a. Names and addresses of parties involved.
  - b. Legal description of the premises.
  - c. Description of method of operation, machinery, or equipment to be used, estimated period of time that such operation will cover, and hours of operation.
  - d. Statement as to the type of material to be excavated or deposited.
  - e. Proposed method of filling an excavation and/or other means to be used to allow for the reclamation of land to a usable purpose.
  - f. Any state or county permit, if applicable.
  - g. Such other information as may be reasonably required by the Planning Commission to base an opinion as to whether a permit should be issued or not.
4. The applicant shall present accurate plans, topography data, and/or other materials to clearly indicate the condition of the land prior to any excavation or fill, and how it is to appear after said excavation or fill is terminated. The intent of this requirement is to show before and after data on how the land will be made reusable or otherwise returned to a usable condition.
5. If it is determined that there is a reasonable danger involved for persons

and property, adequate fencing, and other measures may be required to insure the protection of health, safety, and general welfare.

6. Such excavation activities shall not occur in the floodplain of any lake, river, stream, or body of water, and shall require a soil erosion and sediment control permit.
7. Permits: After reviewing all of the information submitted by the applicant and such other information as may be in the hands of the Planning Commission, said Commission shall determine whether or not a permit shall be issued.

### **Section 1408 Hazardous Substances**

All businesses or industries that store, use, or generate hazardous substances as defined in this Ordinance, in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month whichever is less, shall meet all state and federal requirements for storage, spill prevention, record keeping, emergency response, transport, and disposal of said hazardous substances. No discharge to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

### **Section 1409 Landscaping**

#### **1. Purpose**

The purpose of this Section is to promote the public health, safety, and welfare by establishing minimum standards for the amount, design, installation, and maintenance of landscaping.

Landscaping is considered by the Township to be an important element of land development which is a critical factor in maintaining an attractive community character and conserving the value of land and buildings in the

Township. In addition to the enhancement of property values, landscaping serves a public purpose by:

- a. Acting as a buffer between adjacent land uses.
- b. Creating privacy between neighboring lots.
- c. Reducing noise pollution, air pollution, and glare.
- d. Reducing flooding by increased floodwater retention.

The landscape standards of this Section are considered the minimum necessary to achieve the objectives noted above. In several instances, the standards are intentionally flexible to encourage creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

#### **2. Applicability**

The standards contained in this Section shall be applicable to all development which requires a site plan or special exception use permit subject to the following limitations:

- a. These regulations shall not apply to single-family and two-family dwellings.
- b. Expansion or renovation of existing uses that require site plan approval shall adhere to the landscaping requirements of this Section insofar as practical. The Planning Commission shall have the authority to increase, decrease or otherwise modify the landscaping requirements of this Section.

#### **3. General Landscaping Requirements**

A minimum of twenty percent (20%) of the parcel shall be landscaped open space. Open space areas shall be landscaped

with a minimum of one (1) evergreen tree or shrub for every one thousand (1,000) square feet, plus a minimum of one (1) deciduous tree for every two thousand (2,000) square feet. A minimum of thirty-three percent (33%) of the required open space shall be located between the front building line and the right-of-way line. Corner lots shall have sixty-six percent (66%) of the required open space between the front building line and right-of-way line.

The following additional landscaping requirements shall be met:

- a. No landscape area shall be used for parking purposes.
- b. No synthetic plant materials such as artificial grass, shrubs, trees, or flowers shall be used to fulfill any landscaping requirements.
- c. Berms, whenever utilized, shall be designed and landscaped to minimize erosion. Berms adjacent to public right-of-way shall have a slope no greater than 3:1 unless designed as part of a retaining wall.
- d. All landscaping materials shall consist of healthy specimens compatible with local climate, soil characteristics, drainage, and water supply. All plant material shall be reasonably resistant to drought and disease.
- e. Grass or other living plants shall be primary ground cover in required landscaped areas. Both sod planting and seeding is acceptable.
- f. Landscaping plans shall be submitted as part of the site plan review process.

#### 4. **Parking Lot Landscaping**

All off-street parking areas except those serving a four (4) family dwelling or less, shall be landscaped according

to the following minimum requirements:

- a. Landscape islands within parking lots should generally be at least one (1) parking space in size, with no landscape island less than fifty (50) square feet in area.
- b. Landscape islands shall be no less than five (5) feet wide.
- c. The square footage of landscaped islands within a parking lot shall equal a total of at least sixteen (16) square feet per parking space.
- d. There shall be a minimum of one (1) tree planted in the parking area for every ten (10) parking spaces within parking lots with more than twenty (20) spaces.
- e. Within parking lots, landscape islands should be located to define parking areas and assist in clarifying appropriate circulation patterns.
- f. A landscape island shall be located at the terminus of all parking rows and shall contain at least one (1) tree.
- g. All landscape islands shall be protected by monolithic curbs or wheel stops and remain free of trash, litter, and car bumper overhangs.
- h. Perimeter landscaping around parking lots shall not be included in the landscaping requirements.

#### 5. **Greenbelts and Screening**

The following districts require a greenbelt, wall, fence, or landscaped area on sides of properties whose lot lines abut or are adjacent to a residential property or district.

- a. C-1 and C-2 District. Four-foot (4) high wall, fence, or greenbelt/landscaped area pursuant to specifications of this Section.
- b. IND District. Five-foot (5) high wall, fence or greenbelt/landscaped area pursuant to specifications of this Section.



The following are additional requirements concerning screening elements such as greenbelts, walls, fences, and landscaped areas.

- a. Required walls and fences shall be located on lot lines except where underground utilities interfere or where this chapter requires conformance with front yard setback lines in abutting residential districts.
- b. Wall and fence requirements may be substituted with greenbelt/landscaping strips consisting of shrubbery, trees, and other plant items designed to obscure the use from the abutting residential district. The Planning Commission shall determine the sufficiency of such greenbelt/landscaping screening matter pursuant to the guidelines of this chapter.
- c. Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter and except such openings as may be approved by the Planning Commission. All walls required in this Section shall be constructed of materials approved by the Planning Commission to be durable, weather-resistant, rustproof, and easily maintained; and wood or wood products shall be specifically excluded.
- d. Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of forty-two (42) inches below a grade approved by the Planning Commission, and shall be not less than four (4) inches wider than the wall to be erected. Masonry walls may be constructed with openings above thirty-two (32) inches above the grade, provided such openings are not larger than sixty-four (64)

square inches, and provided that the openings shall be so spaced as to maintain the obscuring character required.

- e. The Planning Commission may waive or modify the requirements of this Section where cause can be shown that no good purpose would be served, and provided that in no instance shall a required wall or greenbelt strip be permitted to be less than four (4) feet in height.

## 6. Refuse Containers

Refuse containers for other than single-family and two-family uses shall be screened from view. Screening shall consist of a six (6) foot high opaque wall or fence.

## Section 1410 Lot Proportion

The width of any lot, parcel, or land division created after the effective date of this Ordinance shall not be less than twenty-five percent (25%) of the lot or parcel depth.

## Section 1411 Nonconforming Uses

### 1. Intent

The lawful use of any building or land at the time of the enactment of this Ordinance may be continued although such use does not conform to the provisions of this Ordinance. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their continuation. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. Nonconforming uses are declared by this Section to be incompatible with permitted uses in the districts involved.

### 2. Nonconforming Lots of Record

In any district, a structure and accessory building may be erected on a lot which fails to meet the district requirements for bulk regulations, provided that said lot existed at the effective date of this Ordinance or any affecting amendment. However, the proposed structure and accessory building must still meet the yard dimensions and requirements for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Appeals.

If two (2) or more vacant lots or combinations of vacant lots and portions of vacant lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of such parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

Lots of record that existed before the effective date of this Ordinance that do not comply with the lot area or lot width requirements established by applicable zoning district regulation may be used, provided:

- a. The minimum lot width shall be sixty (60) feet
- b. Front yard setback requirements shall not be reduced
- c. No side yard setback shall be less than specified in Table A

### 3. Nonconforming Uses of Land

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

- a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- b. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this Ordinance.
- c. If any such nonconforming use of land ceases for any reason for a period of more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
- d. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

### 4. Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No such nonconforming structure may be enlarged or altered in a way that increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- b. Should such nonconforming structure or nonconforming portion of structure

be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

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

#### 5. **Nonconforming Uses of Structures or of Structures and Premises in Combination**

If a lawful use of a structure, or of a structure and land in combination exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- b. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- c. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special

exception be changed to another nonconforming use, provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.

- d. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- e. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months or for eighteen (18) months during any three (3) year period (except when government action impeded access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- f. When nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this subsection is defined as damage or dilapidation to an extent of more than fifty percent (50%) of the replacement cost at time of destruction.

#### 6. **Completion of the Construction of Nonconforming Uses**

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun

prior to the effective date of the Ordinance from which this Section is derived and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

#### 7. **Repairs and Maintenance**

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, to an extent not exceeding twenty (20) percent of the current replacement cost of the nonconforming structure or nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the

#### 8. **Special Exception Uses are Conforming**

Any use which is permitted as a special exception in a district under the terms of this chapter shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

#### 9. **Change of Ownership**

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures, and premises, provided there is no change in the nature or character of such nonconforming uses.

### **Section 1412 Parking**

#### 1. **Purpose and Scope**

The purpose of this chapter is to prescribe regulations for off-street parking of motor vehicles, recreational vehicles, trucks, and trailers in residential and non-residential zoning districts, to ensure by the provisions of these regulations that adequate parking and access is provided in a safe and convenient manner, and to afford reasonable protection to adjacent land uses from light, noise, air pollution, and other affects of parking areas.

#### 2. **General Parking Requirements**

The following general provisions apply to parking:

- a. At the time any building or structure is erected, enlarged, or increased in capacity, or uses established, off-street parking and loading spaces shall be provided in all zoning districts according to the requirements of this Ordinance.
- b. No parking or loading area or space, which exists at the time of the adoption of this Ordinance, shall thereafter be relinquished or reduced

in any manner below the requirements established by this Ordinance.

- c. Parking areas must be in the same zoning classification as the property it serves.

### 3. Off Street Parking Requirements

Off-street parking required in conjunction with all land and building uses shall be provided as prescribed in this Section:

- a. For uses not specifically mentioned in this Section, off-street parking requirements shall be determined from the requirements for similar uses, as determined by the Planning Commission.
- b. Any area once designated as required off-street parking shall never be changed to any other uses unless and until equal required facilities are provided elsewhere. Off-street parking existing at the effective date of the Ordinance from which this chapter was derived in connection with the operation of an existing building, shall not be reduced to an amount less than would be required in this Section for such building or use.
- c. Two (2) or more buildings or uses may collectively provide the required off-street parking, in which case the required number of

parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. However, in cases of dual functioning of off-street parking where operating hours do not overlap, the Board of Appeals may grant a special exception based on the peak hour demand.

- d. Required off-street parking shall be for the use of occupants, employees, visitors, and patrons, and shall be limited in use to motor vehicles. The storage of merchandise, motor vehicles for sale or the repair of vehicles is prohibited. Off-street parking, whether public or private, for nonresidential uses shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major street.
- e. When units or measurements determining the number of required parking spaces result in the requirements of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.
- f. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule (**Table B**).

**Table B**  
**Minimum Off-Street Parking Requirements**

Use	Parking Space	Per Unit of Measure
1. <u>Residential:</u>		
a. One-family, two-family	2	For each dwelling unit.
b. Multiple-family	2	For each dwelling unit.
c. Residential housing for the elderly	1	For each two units of resident housing, plus one space for each employee.
2. <u>Institutional:</u>		
a. Churches or temples	1	For each four seats or six feet of pews in the main unit of worship.
b. Hospitals	1	For each one bed.
c. Homes for the aged and convalescent homes	1	For each two beds.
d. Elementary and junior high schools	1	For each employee, teacher or administrator; in addition to the requirements of the gymnasium.
Senior high schools	1	For each teacher, employee, administrator, plus one for each ten students in addition to the requirements of the gymnasium.
e. Private clubs, lodges	1	For each three persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes.
f. Private golf, tennis and sporting clubs	1	For each two member families or individual members.
g. Golf courses open to the general public (except miniature or par-3 golf courses)	6	For each one golf hole, plus one for each one employee.
h. Fraternity or sorority	1	For each five members or one for each two beds, whichever is greater.
i. Stadiums, sports arenas, or similar place of outdoor assembly	1	For each three seats or six feet of benches.
j. Theaters, auditoriums	1	For each three seats, plus one for each two employees.

**Table B  
Minimum Off-Street Parking Requirements (Continued)**

Use	Parking Space	Per Unit of Measure
3. <u>Business and Commercial:</u>		
a. Planned commercial or shopping center located in a C-2 district	1	For each 100 square feet of usable floor area.
b. Auto wash	1	For each one employee, in addition reservoir parking spaces equal in number to five times the maximum capacity of the auto wash for automobiles awaiting entrance to the auto wash shall be provided. Maximum capacity of the auto wash for the purpose of determining the required reservoir parking shall mean the greatest number possible of automobiles undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 20.
c. Beauty parlor or barber shop	2	For each of the beauty or barber chairs.
d. Bowling alleys	5	For each one bowling lane.
e. Dancehalls, pool, billiard parlors, roller or skating rinks, exhibition halls, and assembly halls without seats	1	For each three persons allowed within the maximum occupancy load as established by local, county, state fire, building or health codes.
f. Restaurants	1	For each 100 square feet of usable floor space.
g. Furniture and appliance retail stores, household equipment, repair shops, showroom of a plumber, decorator, electrician, clothing and shoe repair, cleaners and laundry, and other similar trades	1	For each 800 square feet of usable floor area. For that floor area used in processing, one additional space shall be provided for each two persons employed therein.
h. Automobile service stations	2	For each lubrication stall, rack or pit; plus one for each gasoline pump.
i. Laundromat, and coin-operated dry cleaners	1	For each two machines.

**Table B  
Minimum Off-Street Parking Requirements (Continued)**

Use		Parking Space	Per Unit of Measure
j.	Miniature and par-3 golf courses	3	For each one hole, plus one for each one employee.
k.	Mortuary establishment	1	For each 50 square feet of usable assembly room floor space, parlors and slumber rooms.
l.	Hotel or motel	1	For each one occupancy unit, plus one for each employee.
m.	Automobile sales and service	1	For each 200 square feet of usable floor space of sales room, plus one for each one auto service stall in the service room.
n.	Retail stores	1	For each 150 square feet of usable floor space.
o.	Banks	1	For each 100 square feet of usable floor space.
p.	Business offices	1	For each 200 square feet of usable floor space.
q.	Professional offices of doctors, dentists, or similar professions	1	For each 100 square feet of usable floor area in waiting rooms, and one for each examining room, dental chair or similar use area.
4.	<u>Industrial:</u>		
a.	Industrial establishments	5	Plus one for every 1 1/2 employees in the largest working shift, or one for every 550 square feet of usable floor space, or whichever is determined to be greater. Space on site shall also be provided for all construction workers during periods of plant construction.
b.	Wholesale establishments	5	Plus one for every one employee in the largest working shift, or one for every 1,700 square feet of usable floor space, whichever is greater.

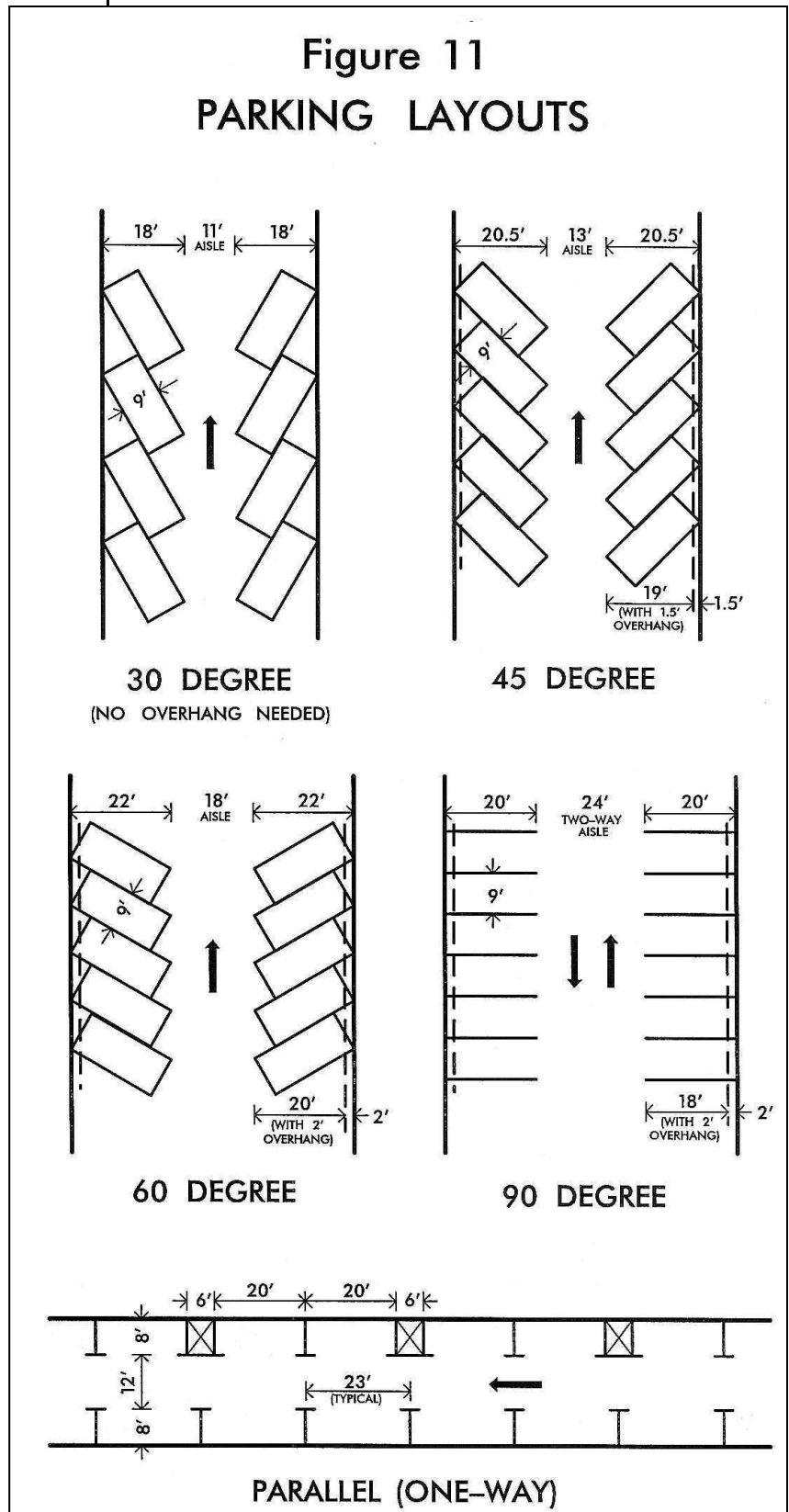


4. **Configuration Standards for Off-Street Parking**

All off-street parking lots as required in this Section shall be laid out, constructed, and maintained in accordance with **Figure 11** and the following standards and regulations:

- a. No parking lot shall be constructed unless and until a permit therefor is issued by the Zoning Administrator. Application for a permit shall be submitted in such form as may be determined by the Zoning Administrator, and shall be accompanied with two (2) sets of plans for the development and construction of the parking lot showing that the provisions of this Section will be fully complied with.
- b. Plans for the layout of off-street parking facilities shall be in accordance with the following minimum dimensional requirements as shown in **Figure 11**.
- c. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- d. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned other than single-family residential use shall not be across land zoned for single-family residential use.

e. All maneuvering lane widths shall permit one-way traffic movement,



except that the 90-degree pattern may permit two-way movement.

- f. Each entrance and exit to and from any off-street parking lot, located in an area zoned for other than single-family residential use, shall be at least twenty-five (25) feet distant from any adjacent property located in any Single-Family Residential District.
- g. Where the next zoning district is designated as a residential district, a continuous chain link fence or greenbelt strip shall be provided on all sides contiguous to the residential district. The greenbelt strip shall include landscape materials of shrubs and trees that will result in substantial screening of the parking lot and vehicles from the abutting residential districts.
- h. The entire parking area, including parking spaces and maneuvering lanes, required under this Section shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the Planning Commission. The parking area shall be surfaced within one (1) year of the date the permit is issued. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings, and plans shall meet the approval of the building inspector.
- i. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
- j. The Planning Commission, upon application of the property owner to the Zoning Administrator, may modify the fence or greenbelt requirements pursuant to this

chapter where it is shown that under such unusual and unique circumstances, no good purpose would be served by such requirements.

- k. Off-street parking lots shall also conform to the parking lot landscaping standards as set forth in **Section 1409** of this Ordinance.

#### 5. **Loading and Unloading Standards for Off-Street Parking**

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

- a. All spaces shall be laid out in the dimension of at least ten (10) by fifty (50) feet, or five hundred (500) square feet in area, with clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface. All spaces in the IND District shall be provided in the following ratio of spaces to floor area:

**Table C  
Loading and Unloading Standards**

Gross Floor Area (in square feet)	Minimum Loading and Unloading Space Required
0--1,400	None
1,401--20,000	One space
20,001--100,000	One space, plus one space for each 20,000 square feet in excess of 20,001 square feet
100,001 and over	Five spaces

**Section 1413 Performance Standards**

No use otherwise allowed shall be permitted within any district which does not conform to the following standards of use, occupancy and operation, which standards are hereby established as the minimum requirements to be maintained within such area:

**1. Smoke**

It shall be unlawful for any person to cause or permit to be discharged into the atmosphere from any single source of emission, smoke of a density equal to or darker than No. 2 of the Ringelmann chart except:

- a. Smoke of a density equal to but not darker than No. 2 on the Ringelmann chart may be emitted for not more than three (3) minutes in any thirty (30) minute period.
- b. Smoke of a density equal to but not darker than No. 3 of the Ringelmann chart may be emitted for not more than three (3) minutes in any sixty (60) minute period, but such emissions shall not be permitted on more than three (3) occasions during any twenty-four (24) hour period.

Method of Measurement. For the purpose of grading the density of smoke, the Ringelmann chart, as now published and used by the United States Bureau of Mines, which is hereby made a part of this chapter,

shall be the standard. However, the umbrascope readings of smoke densities may be used when correlated with the Ringelmann chart.

**2. Dust, Dirt, and Fly Ash**

No person shall operate or cause to be operated, maintained, or cause to be maintained, any process for any purpose, or furnace or combustion device for the burning of coal or other natural or synthetic fuels, without maintaining and operating, while using such process or furnace or combustion device, recognized and approved equipment means, methods, devices, or contrivance to reduce the quantity of gasborne or airborne solids or fumes emitted into the open air, which is operated in conjunction with such process, furnace or combustion device so that the quantity of gasborne or airborne solids shall not exceed 0.20 grains per cubic foot of the carrying medium at a temperature of five hundred (500) degrees Fahrenheit.

Method of Measurement. For the purpose of determining the adequacy of such devices, these conditions are to be conformed to when the percentage of excess air in the stack does not exceed fifty percent (50%) at full load. The foregoing requirement shall be measured by the ASME Test Code for dust-separating apparatus. All other forms of dust, dirt, and fly ash shall be completely eliminated insofar as escape or emission into the open air is concerned. The

building inspector may require such additional data as is deemed necessary to show that adequate and approved provisions for the prevention and elimination of dust, dirt, and fly ash have been made.

**3. Open Storage**

The open storage of any industrial equipment, vehicles, and all materials, including wastes, shall be screened from public view, from a public street and from adjoining properties by an enclosure consisting of a wall not less than the height of the equipment, vehicles, and materials stored. Whenever such open storage is adjacent to a residential zone in either a front, side, or rear lot line relationship, whether immediately abutting or across a right-of-way from such zone, there shall be provided an obscuring masonry wall or wood fence of at least six (6) feet in height.

**4. Glare and Radioactive Materials**

Glare from any process (such as or similar to arc welding, or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, and including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

**5. Fire and Explosive Hazards**

The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with the state rules and regulations, as established by state law.

**6. Noise**

Objectionable sounds, including those of an intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

**7. Odors**

Creation of offensive odors shall be prohibited.

**Section 1414 Private Roads**

**1. Purpose**

The purpose of this Section is to regulate the construction, maintenance, and use of private roads in the Township, and to promote and protect the public health, safety, and welfare.

**2. Applicability**

The provisions of this Section shall apply to the creation, construction, extension, and/or the alteration of all private roads in the Township.

**3. Fees**

- a. The Township Board shall establish by resolution a schedule of fees to be charged to proprietors with respect to the administration, review and inspection of private roads.
- b. Proprietors making application for the creation, construction, extension and/or the alteration of private roads, or providing a suitable condominium plan or subdivision plan establishing roads sufficient to serve the proposed development, shall be required to post either a performance or cash bond, or irrevocable letter of credit, in an amount deemed appropriate by the Township to be sufficient for completion of the road, said bond or irrevocable letter of credit to be discharged upon final approval of the private road and payment of all fees.

4. **Minimum Design Standards for Private Roads**

The design and construction of all private roads serving five (5) or more parcels shall meet Roscommon County Road Commission requirements at a minimum:

- a. Provide for a travel road surface at least eighteen (18) feet in width to permit passage of two (2) vehicles.
- b. Provide gravel or other road surface reasonably sufficient to permanent year-around travel.
- c. Provide shoulders or ditches reasonably sufficient to allow for drainage and snow removal.
- d. Have an easement at least sixty-six (66) feet in width.
- e. If the private road provides direct access to a county road, approval of the road connection placement and design must be approved by the Roscommon County Road Commission prior to Township approval. If the private road provides direct access to a state highway, then Michigan Department of Transportation (MDOT) approval must be obtained.
- f. Private roads with only one (1) connection to a County Road or state highway or another approved private road meeting the requirements of this Section shall not be longer than two thousand six hundred and forty (2,640) feet.
- g. All private roads shall be designated by name, subject to approval of the Township and the Roscommon County Road Commission. The proprietor shall furnish and erect street name and stop signs at all intersections with both public and private roads. The design of the signs shall be the same as those used by the Roscommon County Road

Commission for similar purposes. Signs marked "Private Road" shall be erected and maintained by the proprietor at the entrance to all private roads of the development.

- h. All private cul-de-sacs shall have a maximum length of one thousand (1,000) feet, minimum street width of eighteen (18) feet, minimum right-of-way width of sixty-six (66) feet, minimum turnaround radius of forty (40) feet, and minimum right-of-way radius of forty-eight (48) feet.

5. **Nonconforming Private Roads Standards**

Notwithstanding any other provisions of this Section, private roads, or easements which are contained in land divisions approved by the Township prior to the enactment of this Ordinance, shall continue to meet the specification approved at the time of application. Upon expansion, reconstruction, or alteration of an existing private road, new construction shall comply with the most recently published American Association of State Highway and Transportation Officials (AASHTO) standards for the criteria applicable to the private road. This provision shall be certified on the private road construction documents.

6. **Location**

- a. A plan of construction, maintenance, and continuing maintenance, including maintenance of road surface, ditches, drainage, repair of potholes, reconstruction, re-paving, snow removal, and liability insurance shall be presented by the proprietor. This plan shall guarantee the maintenance in perpetuity of said road, without cost to the Township.
- b. A mandatory Homeowners Association defined as: "a private non-profit corporation, association or other non-profit legal entity established by the developer to

manage and support the activities of a housing development, including road maintenance” shall also be established.

- c. All maintenance plans shall either be set forth in deed restrictions for each parcel of the development or placed in a master deed for the condominium development and shall run with the land in perpetuity. The deed restrictions or master deed shall, at a minimum, guarantee that the Township has no liability for drainage, ditches, and maintenance of the road, nor any liability arising out of the existence and/or condition of the road or the use of the road.
- d. The association shall be responsible for ownership, maintenance, liabilities, and payment of taxes on all private roadways and all common areas, including open spaces, in perpetuity.
- e. A Special Assessment District may also be formed by the developer and Township to ensure that the Association’s obligations are met without liability or expense on the part of the Township.
- f. A document describing the private road and the provisions for maintenance shall be recorded with the register of deeds and provided to all purchasers within the development. The maintenance provisions shall apportion the maintenance responsibilities among the benefiting and/or abutting property owners and shall run with the land. The proposed maintenance agreement shall be reviewed and approved by the Township Attorney prior to being recorded with the Township Clerk and the Roscommon County Register of Deeds providing for:

- i. A method of initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow or debris.
- ii. A workable method of apportioning the costs of maintenance and improvements to current and future users.
- iii. A notice that no public funds of Richfield Township are to be used to build, repair, or maintain the private road.
- iv. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Maintenance of Private Roads Act, PA 139 of 1972, as amended.)
- v. All conditions and requirements concerning public roads shall be deemed the same for private roads, i.e., location on a public road, setbacks (front yard measured from the right-of-way or easement line), etc.

## 7. Review and Inspection

- a. The developer shall submit one (1) copy of the application and road plans to the Roscommon County Road Commission for approval of any approaches to public roads or the MDOT for any approaches to state highways and two (2) copies to the designated County Engineer for review. There shall be an inspection of the sub-base and a final inspection and other inspections as required by the County Engineer. All inspections and review costs shall be the responsibility of the applicant.
- b. Review of the plan shall include documentation to the Township that public services will serve the dwellings that use the road such as postal service, garbage service, school buses, fire, and ambulance

with the standards established in this Ordinance.

## 8. Permits

- a. Issuance of Occupancy Permits. No final occupancy permit shall be issued for any parcel until the private road has been constructed and approved in accordance with the standards established in this Section.
- b. Issuance of Private Road Certificate of Compliance. A Private Road Certificate of Compliance shall be issued by the Zoning Administrator upon receiving certification from the engineer in charge of the project that construction has been completed in conformance with the standards set forth herein.
- c. A permit shall be obtained as to compliance with the Michigan Soil Erosion and Sedimentation Control Act prior to the commencement of private road construction.
- d. Permits shall be obtained from the County Road Commission or MDOT before entrances are constructed onto any county or state rights-of-way.
- e. A permit shall be obtained from the County Drain Commissioner, if necessary.

Neither lot nor lots in common ownership, nor yard, court, parking space, or any other place shall be divided, altered, or reduced to be less than the minimum allowable dimensions as defined in this Ordinance. If such areas are already less than the minimum allowable dimensions, they shall not be divided, altered, or reduced further.

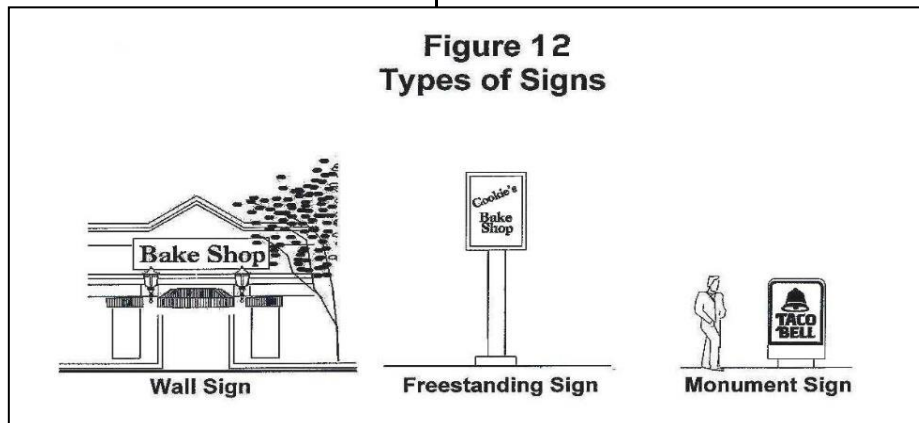
## Section 1416 Signs

### 1. Purpose

The purpose of this Article is to regulate signs and outdoor advertising within the Township to protect public health, safety, and welfare; minimize abundance and size of signs to reduce motorist distraction and loss of sight distance; promote public convenience; preserve property values; and enhance the aesthetic appearance within the Township. These objectives are accomplished by establishing the minimum number of regulations necessary concerning the size, placement, and other aspects of signs in the Township.

### 2. Sign Types

- a. **Community Service Group Sign:** A sign which displays the name or logo of an agency, organization, or group whose primary purpose is to promote or provide community or public service including, but not limited to, the Rotary Club, Jaycee's, or Lion's Club.



## Section 1415 Required Area or Space

- b. **Directional Sign:** A sign which gives directions, instructions, or facility information for the movement of

vehicles or pedestrians on the lot on which the sign is located, such as parking or exit and entrance signs, but not including a commercial message.

- c. **Freestanding Sign:** A sign, the bottom of which is more than twenty-four (24) inches above the finished grade, and which is supported by a structure, poles, or braces which are less than fifty percent (50%) of the width of the sign (**Figure 12**).
- d. **Governmental Sign:** A sign erected or required to be erected by Richfield Township, Roscommon County, or the state or federal government.
- e. **Memorial Sign:** A non-illuminated sign, tablet, or plaque memorializing a person, event, structure, or site.
- f. **Monument Sign:** A sign, the bottom of which is less than twenty-four (24) inches above the finished grade, and which is supported by a structure having a width of more than fifty percent (50%) of the width of the sign (**Figure 12**).
- g. **Off Premise Sign:** Any sign including billboards, relating to subject matter not conducted on the premises on which the sign is located.
- h. **On Premise Sign:** An advertising sign relating in its subject matter to the premises on which it is located, or to products, accommodations, service, or activities on the premises.
- i. **Wall Sign:** A sign painted or attached directly to and parallel to the exterior wall of a building. A wall sign shall extend no greater than twelve (12) inches from the exterior face of a wall to which it is attached, shall not project beyond the wall to which it is attached, and shall not extend above the roof line of the building to which it is attached (**Figure 12**).

### 3. Prohibited Signs

The following signs shall be prohibited throughout the Township:

- a. Commercial vehicles used as signs which are parked on a business premises or an industrial lot for a time period exceeding forty-eight (48) hours for the intended purpose of advertising a product or serving as a business sign.
- b. Exterior string lights used in connection with a commercial enterprise, other than holiday decorations.
- c. Off Premise Signs, as defined in this Ordinance, for the purpose of advertising a product, event, person, or subject, unless otherwise provided for in this Ordinance or covered under the State Highway Act.
- d. Signs having moving members or parts excluding barber poles and electronic time/temperature signs which do not contain business messages.
- e. Signs using high intensity lights or flashing lights, spinners, or animated devices.
- f. Signs which obstruct vision or impair the vision of motorists or non-motorized travelers on any public right-of-way, driveway, or within a parking lot or loading area.
- g. Signs which may be confused with the lighting of emergency vehicles or any kind of traffic sign or signal.
- h. Signs containing any words, lettering, photographs, silhouettes, drawings, or pictorial representations of a sexually explicit manner.

### 4. Exempt Signs

The following signs shall be exempt from the requirements of this Section.

- a. Community service group signs twelve (12) square feet or less.



- b. Directional signs two (2) square feet or less.
- c. Governmental signs.
- d. Memorial signs.
- e. Ornate ownership signs or nameplate signs twelve (12) square feet or less.
- f. Political signs used in connection with local, state, or national elections.
- g. Real estate signs, provided they shall be removed within thirty (30) days after completion of the sale or lease of the property.
- h. Signs for essential services two (2) square feet or less.
- i. Special event signs calling attention to special events of interest to the general public which are sponsored by governmental agencies, schools, or other non-profit groups.

**5. Permitted Signs in the A-R District.**

The following signs are permitted in the A-R District. In addition to the requirements below, all signs shall be setback a minimum of five (5) feet from the front property line or right-of-way line and twenty-five (25) feet from all other property lines.

- a. Wall Signs: One (1) wall sign per street frontage is allowed for uses other than residential. Wall signs shall not exceed an area of twenty-four (24) square feet.
- b. Freestanding or Monument Signs: One freestanding or monument sign per street frontage is permitted for uses other than residential. Freestanding signs shall not exceed a height of eight (8) feet and an area of twelve (12) square feet. Monument signs shall not exceed a height of five (5) feet and an area of sixteen (16) square feet.
- c. Residential Subdivision Signs. One sign at each entrance road to a

platted subdivision, multi-family development, or any other residential development is allowed. Such sign shall not exceed a height of five (5) feet and an area of sixteen (16) square feet.

**6. Permitted Signs in the R-1, R-2, R-3, and R-4 District.**

The following signs are permitted in the R-1, R-2, R-3, and R-4 Districts. In addition to the requirements below, all signs shall be setback a minimum of five (5) feet from the front property line or right-of-way line and twenty-five (25) feet from all other property lines.

- a. Freestanding or Monument Signs: One freestanding or monument sign per street frontage is permitted for uses other than residential. Freestanding signs shall not exceed a height of eight (8) feet and an area of twelve (12) square feet. Monument signs shall not exceed a height of five (5) feet and an area of sixteen (16) square feet.
- b. Residential Subdivision Signs. One sign at each entrance road to a platted subdivision, multi-family development, or any other residential development is allowed. Such sign shall not exceed a height of five (5) feet and an area of sixteen (16) square feet.

**7. Permitted Signs in the C-1 District.**

The following signs are permitted in the C-1 Neighborhood Commercial District. In addition to the requirements below, all signs shall be setback a minimum of five (5) feet from the front property line or right-of-way line and twenty-five (25) feet from all other property lines.

- a. Wall Signs: Four (4) wall signs per street frontage is allowed for establishments. Wall signs shall not exceed an area of thirty (30) square feet, each.
- b. Freestanding or Monument Signs: One freestanding or monument sign per

street frontage is permitted for establishments. Freestanding signs shall not exceed a height of twenty-four (24) feet and an area of one hundred (100) square feet. Monument signs shall not exceed a height of six (6) feet and an area of thirty-two (32) square feet.

**8. Permitted Signs in the C-2 and IND District.**

The following signs are permitted in the C-2 and IND Districts. In addition to the requirements below, all signs shall be setback a minimum of five (5) feet from the front property line or right-of-way line and forty (40) feet from all other property lines.

- a. Wall Signs: Four (4) wall signs per street frontage is allowed for establishments. Wall signs shall not exceed an area of forty (40) square feet, each.
- b. Freestanding or Monument Signs: One freestanding or monument sign per street frontage is permitted. Freestanding signs shall not exceed a height of twenty-four (24) feet and an area of two hundred (200) square feet. Monument signs shall not exceed a height of six (6) feet and an area of forty-eight (48) square feet.
- c. Freeway Business Sign:  
Expressway Business Sign: Within the C-2 Highway Commercial District, a business within one thousand (1,000) feet of an expressway interchange may erect one (1) additional freestanding sign not to exceed a height of fifty (50) feet and a maximum area of two hundred (200) square feet.

**Section 1417 Site Condominium**

Site Condominium Projects, as defined by **Article II** of this Ordinance, may be permitted in any Zoning District for the uses permitted in that particular district.

**Section 1418 Standards Applicable to Dwellings**

The following standards and regulations shall apply to all dwellings that are erected in or moved into or within the Township, except those dwellings located in mobile home parks.

- a. All dwellings shall comply with the minimum floor area requirements of the zoning district in which they are located.
- b. All dwellings shall have a minimum width across all front, side, or rear elevations of twenty-four (24) feet.
- c. All dwellings shall be constructed or placed upon and anchored to a foundation that complies with applicable provisions of the Roscommon County Building Code. In the event the dwelling is a mobile home, it shall be installed and anchored pursuant to the manufactured setup instructions and applicable Michigan Mobile Home Commission rules.
- d. In the event a dwelling is a manufactured home, it shall be installed and anchored with its wheels and other towing mechanism removed.
- e. All dwellings shall comply with all Roscommon County building and fire codes. Manufactured homes shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development.
- f. Permanent steps or porches, a minimum of thirty-six (36) square feet, are required where there is a difference in elevation between a doorway and grade.

- g. Additions to existing dwellings shall be constructed of similar character and quality of workmanship as the original structure.
- h. All dwellings shall contain a storage area in a basement located under the dwelling, or in an attic area, or closet areas, or in a separate structure of standard construction similar to or of better quality than the dwelling, which storage area shall be equal to either ten (10) percent of the square footage of the dwelling, or one hundred (100) square feet, whichever is less.

**Section 1419 Substandard Dwelling Occupancy During the Construction of a Dwelling**

For the express purpose of promoting the health, safety, and general welfare of the inhabitants of the Township, and of reducing hazards to health, life, and property, no basement-dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, mobile home not installed according the requirements of this Ordinance, or other substandard structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except under the following applicable conditions:

- 1. The location shall conform to the provisions governing yard requirements of standard dwellings in the district where located.
- 2. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in process of erection and completion, but not to exceed twelve (12) months. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator. The substandard dwelling shall be removed upon completion of

construction of a dwelling complying with the requirements of this Ordinance.

- 3. Installation of septic system and water well shall be constructed and maintained in accordance with the standards of materials and installation recommended by District Health Department, and shall precede occupancy of the substandard dwelling.
- 4. Application for the erection and use of a substandard dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify in a space allotted for that purpose, and on the copy retained for filing by the Township, that he/she has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
- 5. No annexes or additions shall be added to temporary substandard dwellings.

**Section 1420 Temporary Use of Recreational Vehicles as Dwellings**

Travel trailers, motor homes, and other similar recreational vehicles designed with sleeping accommodations shall not be occupied or on location for any purpose for a continuous period exceeding seven (7) days per each thirty (30) day period. Temporary occupancy of such vehicles connected to electrical and sanitary facilities shall not exceed eighty-four (84) days in any calendar year, except under the provisions of **Section 1419**. Permits for temporary use shall be obtained from the Zoning Administrator.

**Section 1421 Cargo Containers for Storage**

For the purposes of setting size specifications and acreage limitations, as well as promoting the health, safety, and general welfare of the inhabitants of the Township, and to reduce the hazards to health, life, and property.

1. Not for human habitation.
2. All containers must be free from damage, severe rust, and shall not have exposed, bare metal.
3. Containers shall not be stacked.
4. There should be no display of advertising, company logos, names, or other markings painted on or otherwise attached to the exterior of the cargo container.
5. Shall be of a uniform color.
6. A cargo container may be allowed in Commercial or Industrial zoning districts with a lawfully established principal use. Container shall be located behind a fence, with a minimum height of 8 feet or existing solid vegetation having a minimum of 8 feet. Fences shall be constructed of wood, masonry, metal, rigid wood/plastic composite, or rigid vinyl, and be of conventional design and construction. Any other material needs a site plan review and approval from the Planning Commission. The fence shall be maintained in good condition.
7. A solid foundation (road material or better) is required for permanent accessory storage uses.
8. Cargo containers shall meet the setback requirements of the underlying zone.
9. Placement of container must not be forward of the front of the dwelling or building.
10. Zoning containers may be used for storage in R-3, C-1, C-2 and IND districts with the following restrictions:
  - a. On less than 5 acres, a maximum of one cargo container may be placed with a maximum of 20 feet.
  - b. On 5-10 acres, a maximum of two cargo containers may be placed with a maximum length of 40 feet per container.
  - c. On 10 acres plus, a maximum of four cargo containers may be placed with a maximum length of 40 feet per container.

- d. Cargo containers are prohibited in R-1, R-2 and R-4 zoning districts.

11. Truck boxes and sem-tractor trailer boxes are prohibited in all zoning districts.

### **Section 1422 Outhouses, Pit Toilets and Privies Prohibited**

Outhouses, pit toilets and privies are prohibited in all zoning districts. Exceptions are for special events not to exceed ten days, construction sites with open building permits, township owned or leased public parks, or private parks owned by property owners associations.

## **Article XV**

### **Board of Appeals**

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#### **Section 1500 Authority**

There is hereby established a Board of Appeals, the membership, powers and duties of which are described in Michigan Public Act 184 of 1943, as amended. The Board of Appeals shall be appointed by the Township Board of Trustees and perform its duties and exercise its powers as provided in the above Act in such a way that the objectives of this Ordinance shall be observed, the public health, safety, and welfare assured and justice served.

#### **Section 1501 Board Membership**

The Richfield Township Board of Appeals shall consist of five (5) members in accordance with the following recommendations:

1. The first member shall be a member of the Planning Commission.
2. One (1) member may be a member of the Township Board.
3. The remaining members of the Board of Appeals shall be selected from the electors of the Township.
4. An employee or contractor of the Township may not serve as a member or employee of the Board of Appeals.
5. An elected officer of the Township shall not serve as chairperson of the Board of Appeals.

#### **Section 1502 Terms of Office**

Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board of Trustees, whose terms shall be limited to the time they are members of the Planning Commission or Township Board of Trustees, respectively,

and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

Members of the Board of Appeals may be removed by the Township Board of Trustees for non-performance of duty or misconduct in office, upon written charges and after a public hearing. A member shall disqualify himself/herself from any vote in which he/she has a conflict of interest. Failure to do so shall constitute misconduct in office.

#### **Section 1503 Rules and Regulations**

The Board may adopt rules and regulations, copies of which shall be made available to the public at the office of the board.

1. Meetings of the Board shall be held within a reasonable time following the presentation of matters to the Board for its consideration and at such other times as the Board may determine. The time and place of meetings shall be specified by the Board in its rules and regulations.
2. The presence of three (3) members, out of the five (5) total, shall constitute a quorum. At all times, a minimum of three (3) concurring votes, the simple majority of the five (5) members, shall be necessary to grant a variance, or to reverse an administrative decision.
3. The Board shall keep minutes of its proceedings which shall record all of the following:
  - a. Any action or decision of the Board and the vote of each member.

- b. The absence or failure of a member to vote.
  - c. Any other official action.
4. All records shall be filed promptly in the office of the Township Clerk and shall be a public record.
  5. The Board may call on any other officers or Boards of the Township for assistance in the performance of its duties.
  6. For a period of ninety (90) days following a decision by the Board, no reconsideration of that decision shall be given unless the Board, in its sole discretion, determines that there has been a material change in applicable facts and circumstances.

**Section 1504 Jurisdiction**

The Board of Appeals, in conformity with the provisions of this Ordinance and of Act 184 of 1943, as amended, shall act upon all questions as they arise in the administration of this Zoning Ordinance including:

1. Interpretation of the Zoning Map.
2. Interpretation of the Zoning Text.
3. Appeals of any decision of an official or body charged with the administration of the Zoning Ordinance.
4. Issuance of a variance to deviate from the requirements of this Zoning Ordinance.

**Section 1505 Granting of Variances**

Except as otherwise specifically provided by this Ordinance, the Board of Appeals may grant a variance from such provisions of this Ordinance as, building setback requirements, height and bulk requirements, parking requirements, landscaping requirements, and sign regulations. An issuance of a variance shall occur only if the

Board finds from reasonable evidence that all of the following facts and conditions exist:

1. There are practical considerations regarding the property that will not allow the building/structure to be erected without causing an excessive burden to the development of the property.
2. The condition or situation of the property is unique and not shared by neighboring properties in the same zone and amending the Ordinance text or rezoning is not a reasonable solution.
3. A variance would not be significantly detrimental to adjacent property and the surrounding neighborhood.
4. The practical difficulty was not created by an action of the applicant and either existed at the time of adoption of the requirement from which the variance is requested, or is necessary as the result of governmental action such as a road widening.
5. The variance is the minimum necessary to permit reasonable use of the land and buildings.

**Section 1506 Procedure**

The following procedure shall be followed for an Ordinance interpretation, appeal of an administrative decision, or variance request:

1. Within 30 days of denial of a building application, the owner or agent will properly complete a variance application with receipt of all applicable fees. Upon receipt of the application and fees, a notice stating the time, date and place of hearing shall be published in a newspaper of general circulation. This will be sent to the person requesting the hearing not less than 30 days of the hearing.

Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an

administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person requesting the interpretation not less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation shall be sent by first class mail or personal delivery to all persons whom real property is assessed within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" may be used.

### **Section 1507 Decision of the Board**

The Board shall decide all applications and appeals within thirty (30) days after the final hearing. A copy of the Board's decision shall be transmitted to the applicant, and to the Zoning Administrator. Such decision shall be binding upon the Zoning Administrator and be observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant whenever a permit is authorized by the Board.

### **Section 1508 Stay of Proceedings**

An appeal taken to the Board shall stay all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Board of Appeals after notice of appeal that a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may, on due cause shown, be granted by the Board of Appeals or by the Circuit Court on application, after notice to the Zoning Administrator.

### **Section 1509 Final Action on Appeals**

The decision of the Board of Appeals shall not be final, and any person aggrieved by any such decision shall have the right to petition to the Circuit Court on questions of law and fact.

## **Article XVI**

### **Administration and Enforcement**

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#### **Section 1600 Enforcement of Chapter**

The provisions of this chapter shall be administered and enforced by a Zoning Administrator, as designated by the Township Board, or by such deputies of his department as the Zoning Administrator may delegate to enforce the provisions of this chapter.

#### **Section 1601 Duties of the Zoning Administrator**

1. The Zoning Administrator shall receive all applications for development or redevelopment pertaining to this Ordinance. The Zoning Administrator shall review all applications, site plans, and other material for new developments, special exception permits, rezonings, and variances, to ensure that all the requirements of this Article have been met. The Zoning Administrator shall then forward the necessary information to the bodies in charge of the requested action.
2. In regard to site plans for A-R, R-1, R-2, R-3 and R-4 Districts; to approve site plans that comply with the requirements of the Richfield Township Zoning Ordinance and any other applicable ordinances or statutes. If, in his or her discretion, the Zoning Administrator determines that a site plan may not comply with some legal requirement, then the Zoning Administrator shall forward the site plan to the Richfield Township Planning Commission for review. In the event the Zoning Administrator declines to approve any site plan, the property owner shall have the right to request review by the Richfield Township Planning Commission.

3. The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this chapter are complied with by the applicant despite violations of contracts, such as restrictive covenants (except those covenants entered into with the Township for detached garages) or private agreements which may occur upon the granting of such permit.

#### **Section 1602 Site Plans**

A written application and site plan shall be submitted to the Zoning Administrator in the case of any:

1. New development or redevelopment, including accessory buildings.
2. Rezoning request.
3. Variance request.
4. Request for a special exception use permit.

All site plans shall be produced in triplicate, drawn to scale, showing the following:

1. Legal description of the site.
2. A scale of not less than one (1) inch equals fifty (50) feet if the subject property is less than three (3) acres and one (1) inch equals one hundred (100) feet if three (3) acres or more.
3. Date, north point, and scale.
4. The dimensions of all lot and property lines showing the relationship of the subject property to abutting properties.
5. The location of all existing and proposed structures on the subject property and all existing structures within one hundred (100) feet of the subject property.
6. The location of all existing and proposed drives and parking areas.
7. Landscaping plan.



8. Signage plan.
9. The location and right-of-way widths of all abutting streets and alleys.
10. The names and addresses of the architect, planner, designer, or engineer responsible for the preparation of the site plan.
11. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.

### **Section 1603 Site Plan Review**

#### **1. Circumstances Requiring Site Plan Review:**

- a. All new uses in the C-1, C-2, and IND Districts.
- b. Expansion or renovation of an existing use, which increases the existing floor space more than twenty-five percent (25%).
- c. Changes from an existing use to another use permitted in the proposed district.

#### **2. Review Procedure**

All proper applications, fees, and site plans, required as stated within this Ordinance, shall be submitted by the petitioner (property owner or designated agent) to the office of Zoning Administrator in three (3) copies.

Upon determining that the proposed use complies with the Ordinance, and all other pertinent codes and ordinances of the Township, the Zoning Administrator shall cause the request for approval to be put on the agenda of the next regularly scheduled Planning Commission meeting, provided that such meeting is scheduled to be held at least forty-eight (48) hours after the applicant has submitted the site plan to the Zoning

Administrator's office. If the regularly scheduled Planning Commission meeting is to be held within forty-eight (48) hours of such submittal by the applicant, the Zoning Administrator shall schedule the applicant's hearing for the next following regularly scheduled Planning Commission meeting.

The Planning Commission shall have the responsibility to approve, approve with specified changes and/or conditions, or disapprove the applicant's request, using the criteria for site plan review included in this Ordinance as a basis for its decision. Any conditions or changes stipulated by the Planning Commission shall be recorded in the minutes of the meeting and a copy of said conditions or changes given to the applicant and Zoning Administrator. An approved site plan request shall contain the signatures of the Chairman of the Planning Commission, Zoning Administrator, and the developer or agent.

Of the three (3) copies of the site plan submitted by the applicant, one (1) copy shall be kept on file by the Planning Commission, one (1) copy retained in the Zoning Administrator's office, and one (1) copy retained by the applicant.

#### **3. Criteria for Site Plan Approval**

The Planning Commission shall approve a site plan if it determines that:

- a. The proposed project complies with the requirements of this Ordinance.
- b. The proposed project promotes the intent and purposes of this Ordinance.
- c. The proposed project is compatible with adjacent land uses and the natural environment.
- d. The proposed project has no adverse impact on public services and amenities including transportation and public utilities.

e. The proposed project complies with all other applicable ordinances and state and federal statutes.

**4. Fees**

Accompanying the request for approval of a site plan, a fee set by the Township Board shall be submitted. Said fee is for the purpose of defraying administrative costs in processing the request for approval. Such fee may be used for reimbursing another party retained by the Planning Commission for expert consultation relative to the application.

**5. Revocation**

If the Zoning Administrator shall find that the conditions and stipulations of an approved site plan are not being adhered to, the Planning Commission shall give notice to the applicant of its intent to revoke the prior approval given to the site plan. Intent to revoke shall be made known to the applicant by a registered letter sent to the applicant and signed by the Chairman of the Planning Commission. Said letter shall be received by the applicant fourteen (14) days prior to the stated date of revocation and shall contain the reasons for revoking the site plan approval.

If the applicant notifies the Planning Commission within fourteen (14) days of the receipt of the letter of his/her intent to rectify the violation, the Planning Commission, through official act, may defer the revocation.

**6. Appeal**

The decision of the Planning Commission may be appealed by the property owner or his/her designated agent to the Richfield Township Board of Appeals. Request for appeal shall be made by written letter from the

applicant to the Chairman of the Board of Appeals within five (5) days of disapproval, approvals by modification, or revocation of the site plan by the Planning Commission.

**7. Site Plan Amendments**

An approved site plan may be submitted for minor amendment to the Zoning Administrator for review and signature by the Planning Commission Chair. If, in the judgement of either the Zoning Administrator or the Planning Commission Chair, the site plan amendment is major, the provisions of this Article shall be followed.

**Section 1604 Special Exception Use Permits**

**1. Purpose**

Special exception uses are those uses of land which are essentially compatible with the uses permitted in a zoning district, but possess characteristics of locational qualities which require individual review and restriction in order to ensure compatibility with the character of the surrounding area, public services and facilities and adjacent uses of land. The intent of this Section is to establish equitable procedures and criteria, which shall be applied in the determination of requests to establish special exception uses. The criteria for decisions provided for under the provisions of this Section shall be in addition to this Ordinance, as well as all other regulations in this Ordinance which are applicable to the special exception use under consideration.

**2. Procedure**

The following steps shall be taken by the applicant, zoning officials and review body when considering a proposed special exception use:

- a. All applications for special exception use permits shall be filed with the Richfield Township Zoning Administrator and shall include the required site plan, fee, and any other pertinent information upon which the applicant intends to rely for a Special Exception Use Permit.
- b. The Zoning Administrator shall, after preliminary review, forward the complete application to the Planning Commission for review of the special exception use.
- c. The Township Planning Commission shall review the site plan according to the criteria in **Section 1603** of this Article. In addition, the Planning Commission shall review the proposed special exception use according to the criteria set forth in this Section.
- d. In the case that a discretionary decision must be made, the Planning Commission shall give public notice in a newspaper of general circulation of official receipt of an application for a special exception use permit, for which a scheduled public hearing will be held. This notice shall:
  - i. Describe the nature of the special exception use permit.
  - ii. Indicate the property in question.
  - iii. State the time and place where the special exception use request will be considered.
  - iv. Indicate when and where written comments will be received concerning the request.
- e. The public hearing notice shall also be mailed or delivered to property owners and occupants within three hundred (300) feet of the property in question. The public hearing notices shall be sent

between five (5) and fifteen (15) days prior to the date of the public hearing. An affidavit of mailing or delivery of notice shall be maintained by the Township Clerk.

- f. After the hearing, the Planning Commission shall:
  - i. Approve special exception use permit application and final site plan. The Zoning Administrator shall then be directed to issue the special exception use permit.
  - or-
  - ii. Approve special exception permit application and final plan subject to conditions, which are imposed in order to ensure the special land use, complies with standards stated in this Ordinance. The Zoning Administrator shall be directed to issue the special exception use permit.
  - or-
  - iii. Disapprove application and final site plan.
- g. All decisions shall be accompanied with a concluding statement citing the reasons for decision and any conditions imposed.

### 3. **Criteria for Approval**

In addition to compliance with the specific district regulations and general regulations as outlined in this Ordinance, the following criteria shall be met in order for the Planning Commission approval of a special exception use:

- a. The special exception use will comply with the requirements, intent, and purposes of this Ordinance.
- b. The special exception use will comply with the intent and purposes of the district in which it is located.
- c. The special exception use will comply with the standards and purposes set forth in the Township Master Plan.

- d. The special exception use will be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by such special exception use.
- e. The special exception use will be consistent with the health, safety and welfare of the Township.

**4. Appeal**

The decision of the Planning Commission may be appealed by the property owner or his or her designated agent to the Board of Appeals.

**Section 1605 Building Permits**

The issuance of building permits, certificates of occupancy, and conducting final inspections shall be conducted by Richfield Township. The Township may require an analysis by qualified engineers or other experts, at the applicant’s expense, to aid in its review.

**Section 1606 Zoning Compliance Permits**

**1. Purpose**

- a. No building or structure of any kind shall be erected or occupied, in whole or in part, until the owner or occupant has applied for and obtained a Land Use Permit certificate from the Zoning Administrator.
- b. No building or structure shall be used, or be subject to a change of use or occupancy, until the owner has applied for and obtained a Zoning Compliance Permit from the Zoning Administrator.
- c. The Zoning Administrator may revoke or cancel a Zoning Compliance Permit in case of failure or neglect to comply with any of the provisions of this

Ordinance, or in case of any false statement or misrepresentation made in the application. The owner, or his agent, shall be notified of such revocation in writing.

- d. If work has been started without a Zoning Permit from the Township Zoning Administrator, he or she will be allowed up to ten (10) workdays to investigate and determine if a permit is allowed before construction can continue.
- e. Failure to obtain a permit would double the fee provided a permit is granted.

**2. Application for Zoning Compliance Permit**

Applications for Zoning Compliance Permits shall contain the information described below:

- a. The size, shape, location, dimensions, and legal description of the parcel involved, including any separate ownership parcels therein.
- b. The shape, size, dimensions, and location of any existing or proposed structures to be situated on the parcel.
- c. Existing and intended use of the parcel and all structures upon it.
- d. Any unique or special features of the parcel.
- e. Setbacks of structures from lakes, streams, creeks, roads, and property lines.
- f. Location proposed of septic tank drainage field.
- g. Signature of the applicant (must be fee-holder owner of premises concerned).

The accuracy of statements in the application shall be the responsibility of the applicant. False or fraudulent statements shall be grounds for

revocation of any Zoning Compliance Permit by the Zoning Administrator.

### 3. Fees

The Township Board shall, by resolution, establish a schedule of fees for all permit applications described in this Ordinance. These fees shall be used for the purpose of defraying the cost of administering this Ordinance.

## **Section 1607 Interpretation and Application of Ordinance Provisions**

In the interpretation and application, the provisions of this Zoning Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the previous Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing ordinances or by rules, regulations or permits; the provisions of this Ordinance shall control.

## **Section 1608 Changes and Amendments**

### 1. Procedure for Amendments

The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed. Proposals for amendments may be initiated by the Township Board, the Planning Commission, or by petition of one or more owners of property in Richfield Township

affected by such proposed amendment. The procedure for amending this Ordinance shall be as follows:

- a. Each petition shall be submitted to the Zoning Administrator, accompanied by a fee as established by the Township Board, and then referred to the Township Clerk to set a hearing date and publish notices.
- b. The Planning Commission shall conduct a public hearing, the notice of which shall be given by two (2) publications in a newspaper of general local circulation, the first not more than thirty (30) nor less than twenty (20) days and the second not more than eight (8) days prior to the date of said hearing.
- c. If the property involved borders another local government, the Clerk of said municipality is also to be given notice of the public hearing and said municipality to be given an opportunity to comment on any coordinated action or review deemed necessary.
- d. Notice of the public hearing shall be mailed to property owners, as reflected on the tax rolls, of property which lies within three hundred (300) feet of the affected property.
- e. If the affected property is within five hundred (500) feet of a Municipal boundary, the Planning Commission, following the public hearing, shall transmit its recommendation to the Roscommon County Planning Commission which shall review and comment upon the request within thirty (30) days of its receipt. Following such review period, if applicable, the Township Board shall deny, approve, or approve with conditions such amendment.
- f. The Township Board may hold additional hearings if it considers it necessary. Notice of such hearing shall be published not more than

fifteen (15) days nor less than five (5) days before the hearing.

- g. No petition for rezoning which has been disapproved shall be resubmitted for a period of one (1) year from the date of disapproval, except as may be permitted after learning of new and significant facts or conditions which might result in favorable action upon resubmittal.

## 2. Criteria for Rezoning

In considering any petition for an amendment to the Official Zoning Map, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations, and decision:

- a. Consistency with the goals, policies, and future land use map of the Richfield Township Master Plan, including any sub-area or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area;
- b. Compatibility of the site's physical, geological, hydrological, and other environmental features with the host of uses permitted in the proposed zoning district;
- c. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning;
- d. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values;

- e. The capacity of Township infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety, and welfare" of the Township;
- f. The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned to accommodate the demand;
- g. Where a rezoning is reasonable given the above criteria, a determination of the requested zoning district is more appropriate than another district or amending the list of permitted or special exception uses within a district.

## Section 1609 Violations and Penalty

### 1. Violations

Use of land, buildings, structures, and recreational vehicles in violation of any provision of this Ordinance are hereby declared to be a nuisance per se.

### 2. Penalties

The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this Ordinance or any ordinances, plus any costs, damages, expenses, and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.

- a. Unless otherwise specifically provided for a particular municipal civil infraction violation by this Code or any ordinance, the civil fine for a violation shall be established by the Township Board, plus costs and other sanctions, for each infraction.
- b. Increased civil fines may be imposed for repeated violations by a person of

any requirement or provision of this Code or any ordinance. As used in this Section “repeat offense” means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within a six (6) month period (unless some other period is specifically provided by this Code or any ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this Code or any ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as defined by the Township Board.

### **Section 1610 Public Nuisance Per Se**

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

### **Section 1611 Fines and Imprisonment**

1. The owner of any building, structure, or premises, or part thereof, where any condition in violation of this chapter shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and, upon conviction, shall be liable to the fines and imprisonment as established by this Township Ordinance and enforced by the courts of law.

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

### **Section 1612 Rights and Remedies are Cumulative**

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

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State of Michigan  
Township of Richfield  
County of Roscommon  
Richfield Township Park Ordinance

ORDINANCE NO. 61

An ordinance adopted to regulate the use and operation within Richfield Township Park and for providing penalties for the violation thereof:

THE TOWNSHIP OF RICHFIELD ORDAINS:

Sec. 1 As used in this ordinance, the following definitions shall apply:

- a) "Township" shall mean Richfield Township, Roscommon County, and State of Michigan.
- b) "Richfield Township Park" means any property owned by Richfield Township or, land leased to Richfield Township from the State of Michigan or the Federal government that is open to the public primarily for recreational use including all associated enforcement laws and rules. This excludes all other State or Federal leased lands, or any private lands leased to Richfield Township within the corporate boundaries of Richfield Township not intended for public recreational use. For the purpose of clarity of this Amendment, properties defined as "Richfield Township Park" are properties including but are not limited to and located on Airport Road East as defined on **Liber 250, Page 169-170, June 24, 1970, Tax ID# 0103230130400 as recorded**, including all campsites, community picnic areas, bathrooms, community hall, parking lots, other parking areas, and all game and play areas. Further, clarification of Lake St. Helen Boating Access Site (aka BAS) is defined as all properties legally stated on **Liber 250, Page 169-170 as recorded** and **Cove Park and Marina**. These properties include all associated parking lots, swim and fish areas, the boat launch, and adjoining land.
- c) "Richfield Township Airport" means any land owned by Richfield Township designated as the Saint Helen Airport by FAA.
- d) "ORV" means a motor driven vehicle capable of cross-country travel with benefit of a road or trail, immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV or vehicle includes, but is not limited to, a multi-track or multi-wheel drive vehicle, an ATV, a motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a ground effect air cushion vehicle, golf cart or other means of transportation deriving power from a source other than muscle or wind.
- e) "Safety Certificate" means a certificate issued pursuant to 1994 PA 451 as amended. MCL 324.81129 or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.
- f) "Driver's License" means an operator's or chauffeur's license issued to an individual issued by a state, county or other governmental unit authorized to issue driver licenses.
- g) "Operate" means to ride in or on, and be in actual physical control of the operation of an

ORV.

- h) “Operator” means an individual who operates or is in actual physical control of the operation of an ORV.
- i) “Posted boundaries” means any form that the township deems reasonable to convey or mark where an ORV may operate.
- j) “Parking lot area” means the entire section of Richfield Township Park located on south side of Airport Road, Saint Helen, Michigan, so legally designated and described in Liber 250, Page 169-170, Parcel ID# 0203230130400.
- k) “Motor vehicle” or “motorized vehicle” means every device in, upon, or by which any person operates said device as defined in MCL 257.33, Sec.33.
- l) “Anchor” means the act of dropping a weighted object that is attached to a boat, by means of a chain, cable, rope or other device to the bottomland of a lake or the act of placing a weighted object on the upland property for the purpose of preventing or restricting the motion or operation of the boat to which it is attached.
- m) “Beach” means the act of pulling a boat on upland property or grounding a boat on the bottomlands for the purpose of preventing or restricting the motion or operation of the boat.
- n) “Boat” means every description of watercraft used or capable of being used as a means of transportation on water, including personal watercraft and non-motorized boats such as rowboats. Boat, however, does not include an air mattress, paddleboard, inflatable raft, canoe or kayak, boogie board or similar device used by one (1) or two (2) persons for floating or paddling.
- o) “Bottomlands” means the land beneath the water of a lake that attaches to upland and riparian property by operation of law.
- p) “Dock” means a pier, platform or other structure extending from shore of a lake over the water to which a boat is moored.
- q) “Lake” means Lake St. Helen.
- r) “Moor” or “Mooring” means the act of securing a boat to a buoy or other device attached or anchored to the bottomlands of the lake by means of a chain, cable, rope, or other device or to a dock by means of a chain, cable, rope, or other device for the purpose of preventing or restricting the motion or movement of the boat.
- s) “Person” means an individual, firm, corporation, association, partnership, or other legal entity.
- t) “Public Access Site” means riparian property owned or leased by Richfield Township to serve as a means for the public to gain access to the lake to which it abuts.

**Sec. 2 Operation of an ORV on Richfield Township Park Property; Speed Limit, and Designated Area Use:**

Except as set forth herein or otherwise provided by law, all of the following conditions may operate within Richfield Township Park under the following provisions:

- a) An ORV may operate within the posted open sections of Richfield Township Park property
  - b) An ORV shall not operate on the entire south side of the section of land known as the parking lot unless that ORV is being unloaded or re-loaded and travels to and from Airport Road, excluding all designated times for any Township approved scheduled recreational event for which ORVs are specifically authorized.
  - c) An ORV shall not operate on land legally described and designated as Saint Helen Airport.
  - d) The speed limit on all township park property shall not exceed 10 MPH.
  - e) Unless a person possesses a valid driver's license, said person shall not operate an ORV within Richfield Township Park if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three (3) wheels.
  - f) An ORV shall not be operated by a person less than 12 years of age on lands designated as Richfield Township Park and St. Helen Boating Access Site (BAS) unless the child is under the direct visual supervision of an adult and the child has in its immediate possession, a Michigan issued ORV safety certificate or a comparable ORV safety certificate issued under the authority of another state or a province of Canada.
  - g) An ORV shall operate with the flow of traffic.
  - h) ORV's shall travel single file except when overtaking and passing another ORV.
  - i) An ORV shall comply with noise emission standards defined by law.
  - j) An ORV shall not be operated in a negligent manner. For the purpose of this subsection "to operate in a negligent manner" is defined as the operation of an ORV in such a manner as to endanger any person or property, or to obstruct, hinder, or impede the lawful course of travel of any motor vehicle or the lawful use by any pedestrian on sidewalks, paths, trails, walkways, ball fields, play scape areas, park building, pavilion, beach or park area.
  - k) An ORV shall not be used to carry more persons at one time than the number for which it is designed and equipped. Trailers, skids implements of any type, shall not be used in conjunction with an ORV.
  - l) Parking shall be in designated parking areas only.

**SEC. 3 Boating, mooring, parking, and regulations at Lake St. Helen Boating Access Park; aka "BAS" and Cove Park and Marina**

**IT IS NOTED:** Section 3 regulations relate to Lake St. Helen Boating Access Site 72-14, Section 21, T23N R1W, which lies north of W. Airport Road and east of Iroquois Road, Roscommon County and Cove Park and Marina. The following is prohibited and no person shall:

- a) Storing of supplies or accessories on a dock; making alterations to a dock; igniting or maintaining a fire for cooking or any other purpose on a dock; use of a dock for the purpose of diving, jumping, swimming or bathing. Furthermore, there shall be no jumping, swimming, or bathing in any fueling or service area, or any other dock area, no engaging in any violent, loud, boisterous, vulgar, lewd, wanton, obscene, or otherwise disorderly conduct, no obstructing the free passage of other persons, making major repairs on a vessel, operating a bicycle or motorized vehicle on or over the dock or sidewalks or paths.
- b) No means shall be used to attach a boat to the Universal Fishing Pier or Canoe-Kayak Launch or buoys.
- c) No boats are allowed in designated swimming areas.
- d) No glass containers are allowed except in transport to and from private vehicles to a boat.
- e) No person shall construct, place, or maintain a dock, hoist, or mooring device on any Richfield Township Park property including shoreline property or bottomlands.
- f) No person shall moor any boat overnight on any bottomlands owned or operated by Richfield Township.
- g) No mooring is allowed between the Universal Fish Pier and Canoe-Kayak launch.
- h) Horizontal parking of vehicles and boat trailers is prohibited. Vehicles and boat trailers will be parked in designated areas only,
- i) Igniting or maintaining a fire for cooking or for any other purpose anywhere In Richfield Township Park is prohibited except in designated grilling areas. This prohibition does not apply to a cooking stove fueled with propane or alcohol, used on a vessel.
- j) A person shall not feed waterfowl or other aquatic birds.
- k) Parking of vehicles without a trailer attached is permitted in a parking space designated "Parking for Vehicles with Trailers," only when regular car parking areas are full.
- l) Parking of a vehicle of any type between the hours of 11:00 pm and 4:00 am daily, from May 1 through September 14, is prohibited. No overnight parking is permitted.
- m) No person or persons shall launch or recover any vessel without the purchase of an annual pass.

#### **SEC. 4 Alcohol in Richfield Township Park Property**

Possession or consumption of an alcoholic beverage or possessing an open alcoholic beverage is prohibited except for the purpose of transporting it from vehicle to boat. Alcohol use exceptions are allowed through a permit obtained from the Richfield Township Board under provisions of a Lease Agreement between Richfield Township and the permit holder. All possession and consumption of alcoholic beverages are to be in compliance with Michigan Liquor Control Code of 1998, Act 58 of 1998; 436.1915.

#### **SEC. 5 Possession of animals requires cleanup and proper disposal of pet fecal material. Further requirements include:**

- a) Animals must be under immediate control and on a leash not exceeding 6 feet in length.
- b) No animals are allowed in the designated swimming areas.
- c) Animals must be licensed.

- d) No animal is to be left unattended.
- e) Legal service animals are exempt of restrictions except for cleanup and proper disposal of fecal material.
- f) Pet fecal matter must be picked up and disposed of immediately.

**SEC. 6 Baseball Field-No Smoking; Other Conduct**

During any organized game or practice where the youth participating are age 17 and under, the use of tobacco in any form is prohibited on the field, spectator bleachers, dugout or any common areas by all persons in attendance. Furthermore, there shall be no engaging in any violent, loud, boisterous, vulgar, lewd, wanton, obscene, or otherwise disorderly conduct.

**SEC. 7 Compliance with Uniform Traffic Code and Chapter III - Michigan Vehicle Code.**

All ORV's operated within Richfield Township Parks shall comply with the Uniform Traffic Code for Cities, Townships and Villages as promulgated by the Director of State Police which is adopted by reference and is made a part of this Ordinance as if fully set forth in this Ordinance.

**SEC. 8 Civil Infractions; Penalties for Violation**

Any person violating any provision of this Ordinance shall be responsible for a civil infraction. Each day that a violation occurs shall be considered a separate offense.

**Schedule of Fines**

Violations of this Ordinance shall be assessed fines according to the following schedule:

- 1) First Offense: \$100.00 to \$500.00.
- 2) Second Offense: \$200.00 to \$750.00
- 3) Third Offense: \$600.00 to \$1000.00
- 4) Fourth and Additional Offenses: \$1250.00 to \$2500.00

**SEC. 9 Additional Relief.**

a) In the event the Township takes legal action against a person for violating this Ordinance, any appropriate fines, along with the Township's attorney's fees, and other costs, shall be assessed against the person. No provision of this Ordinance shall be deemed to limit the Township's ability to seek other relief as provided by law, including, but not limited to, equitable or injunctive relief.

b) A court may order a person who causes damage to the environment, a road, or other property, to pay full restitution for that damage which may be above the penalties paid for the civil infraction.

**SEC. 10 Severability**

The provisions of this Ordinance are declared to be separate; if any Court holds that any section or provision is invalid, the holding will not affect or impair the validity of any other section or provision of this Ordinance.

#### **SEC. 11 Repealer Clause**

Any and all Richfield Township Ordinances, Resolutions, or parts thereof, which are in conflict, are repealed.

#### **SEC. 12 Saving Clause**

That nothing in this Ordinance shall be construed to affect any proceeding, impending in any court, or any rights acquired, liability incurred, or any causes of action under any act or ordinance hereby repealed; nor shall any just or legal remedy be affected by this Ordinance.

#### **SEC. 13 Effective Date**

This ordinance shall take effect thirty (30) days after publication.

**ORIGINAL ADOPTED by Richfield Twp : July 3, 2014**

**AMENDED: April 17, 2018**

**PUBLISHED:**

**EFFECTIVE:**



## ORDINANCE NO.58

### Richfield Township Public Disturbance and Public Nuisance 2012

No person shall cause any public disturbance. For purposes of this subsection, the term "public disturbance" means any act or series of actions causing an interruption of the public peace and quiet; the interference with a person who is in the pursuit of a lawful right or occupation; the irritation or incitement of an assembly, in whole or part; the direct endangerment of the safety of persons or property; or the interference with law enforcement or other township officials during the performance of their duties.

No person shall host, maintain, cause, or facilitate a public nuisance. For purposes of this subsection, the term "public nuisance" means a gathering of persons on public or private premises which, by the action or conduct of those persons in attendance, results in any one or more of the following conditions or events occurring on neighboring public or private property: public drinking or drunkenness; public urination or defecation; the unlawful sale, furnishing, or consumption of intoxicating beverages or controlled substances; the unlawful deposit of trash or litter; the unlawful storage, possession, use, or display of fireworks; the destruction of property; or unlawful vehicular traffic standing or parking which obstructs the free flow of traffic including pedestrian traffic or interferes with the ability to render emergency services; loud noise which disturbs the comfort, quiet, or repose of the neighborhood, including public disturbances, brawls, fights, or quarrels; conduct or conditions which injure or endanger the safety, health, or welfare of the neighborhood; indecent or obscene conduct; and any immoral exhibition or indecent exposure by persons attending the gathering.

#### Penalty.

A violation of this ordinance is a civil infraction, punishable by a fine of up to \$500.00, plus cost of prosecution.

#### Severability.

If any Section, subsection, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

This ordinance shall not be construed to suppress the right to lawful assembly, picketing, public speaking, or other lawful means of expressing public opinion.

Motion by Alexander, 2<sup>nd</sup> by Rieli

Ayes: Scroggin, Van Wormer, Alexander, Rieli, Scott. Carried.

Nays: None

July 17, 2012

RICHFIELD TOWNSHIP ORDINANCE No. 54

AN ORDINANCE TO ADOPT AND APPROVE A DEVELOPMENT PLAN AND A TAX INCREMENT FINANCING PLAN FOR THE RICHFIELD TOWNSHIP DOWNTOWN DEVELOPMENT AREA PURSUANT TO THE PROVISIONS OF ACT 197, PUBLIC ACTS OF MICHIGAN OF 1975 AND TO PROVIDE FOR ALL MATTERS RELATED THERETO

THE TOWNSHIP OF RICHFIELD;

Section 1. Definitions. The terms used in this ordinance shall have the following meaning unless the context clearly requires otherwise:

“Base Year Assessment Roll” means the base year assessment roll prepared by the Township Assessor in accordance with Section 4 of this ordinance.

“Captured Assessed Value” means generally the amount in any one year by which the current assessed value as finally equalized of all taxable property in the Development Area exceed the Initial Assessed Value. The State Tax Commission shall prescribe the method for calculating captured assessed value.

“Development Plan” means the Tax Increment Financing and Development Plan for Richfield Township dated March 8, 2011 transmitted to the Township Board by the Richfield Township Downtown Development Authority for public hearing as amended by the Township Board, copies of which are on file in the office of the Township Clerk.

“Downtown Development Authority” means the Richfield Township Downtown Development Authority.

“Initial Assessed Value” means the most recently assessed value as finally equalized of all the taxable property within the boundaries of the Development Area at the time of adoption of this ordinance, as calculated using the criteria in Section 1(q) of the Downtown Development Authority Act.

“Development Fund” means the Downtown Development Authority Development Fund established pursuant to Section 6 of this ordinance.

“Taxing Jurisdiction” shall mean each unit of government levying an ad valorem property tax on property in the Development Area.

Section 2. Approval and Adoption of Development Plan. Based on the following determinations, the Development plan is hereby adopted and approved:

- a. The Development Plan and all expenditures therefore constitutes a public purpose.
- b. The Development Plan meets the requirement Section 17 (2) of Act 197, Public Acts of Michigan of 1975 as amended.
- c. The proposed method of financing the development is feasible and the Downtown Development Authority has demonstrated the ability to arrange the necessary financing.
- d. The proposed development is reasonable and necessary to carry out the purposes of this act.

- e. The land included within the development area to be acquired is reasonably necessary to carry out the purposes of the plan and of the Downtown Development Authority Act in an efficient and economically satisfactory manner.
- f. The Development Plan is in reasonable accord with the Land Use Plan of Richfield Township.
- g. Public services, such as fire and police protection and utilities, are or will be adequate to service the project area.
- h. Changes in zoning, streets, street levels, intersections, and utilities are reasonably necessary for the project and Richfield Township.

Section 3. Boundaries of Development Area. The boundaries of the Development Area as set forth in the Development Plan are hereby adopted and confirmed.

Section 4. Preparation of Base Year Assessment Roll.

- a. Within 60 days of the effective date of this ordinance, the Township Assessor shall prepare the initial Base Year Assessment Roll. The initial Base Year Assessment Roll shall list each Taxing Jurisdiction in which the Development Area is located, the Initial Assessed Value of the Development Area on the effective date of this ordinance and the amount of tax revenue derived by each Taxing Jurisdiction from ad valorem taxes on the property in the Development Area.
- b. The assessor shall transmit copies of the initial Base Year Assessment Roll to the Township Treasurer, County Treasurer, Downtown Development Authority and each Taxing Jurisdiction, together with a notice that the assessment roll has been prepared in accordance with this ordinance and the Tax Increment Financing Plan contained in the Development Plan approved by this ordinance.

Section 5. Preparation of Annual Captured Assessment Value Assessment Roll. Each year within 15 days following the final equalization of property in the Development Area, the Assessor shall prepare an Assessed Captured Value Assessment Roll. The updated Captured Assessment Roll shall show the information required in the initial Year Assessment Roll and in addition, the captured Assessed Value for that year. Copies of the annual Captured Assessed Value Assessment Roll shall be transmitted by the Assessor to the same persons as the initial Base Year Assessment Roll, together with a notice that it has been prepared in accordance with this ordinance and the Development Plan.

Section 6. Establishment of Development Fund: Approval of Depository. The Treasurer of the Downtown Development Authority shall establish a separate fund which shall be kept in a depository bank account or accounts in a bank or banks approved by the Township Treasurer of Richfield Township to be designated Downtown Development Authority Development Fund. All moneys received by the Downtown Development Authority pursuant to the Development Plan shall be deposited in the Development Fund. All moneys in that fund and earnings thereon shall be used only in accordance with the Development Plan and this ordinance.

Section 7. Payment of Tax Increments to Downtown Development Authority. The Township and County Treasurer shall, as ad valorem taxes are collected on the property in the Development Area, pay that proportion of the taxes except for penalties and collection fees that constitutes the Captured Assessed Value to the Treasurer of the Downtown Development Authority for deposit in the Development Fund. The payments shall be made on the date or dates on which the Township and County Treasurers are required to remit taxes to each of the taxing jurisdictions.

Section 8. Use of Moneys in the Development Fund. The money credited to the Development Fund and on hand therein from time to time shall annually be used in the following manner and following order of priority:

- a. To pay the cost of the public improvements provided in the Development Plan.
- b. To pay administrative and operating costs of the DDA to the extent provided in the annual budget of the DDA.
- c. To reimburse the Township of funds advanced to acquire property, clear land, make preliminary plans and improvements necessary for the development of the Development Area in accordance with the Development Plan.
- d. Any tax increment receipts in excess of those needed under the preceding paragraphs shall revert proportionately to the Taxing Jurisdiction,

Section 9. Annual Report. Within 90 days after the end of each fiscal year, the Downtown Development Authority shall submit to the Township Board with copies to each Taxing Jurisdiction, a report on the status of the Development Fund. The report shall include the amount and source of revenue in the account, the amount and purpose of expenditures from the account, the initial Assessed value of the Development Area, the Captured Assessed Value of the Development Area the Tax Increments received and the amount of any surplus from the prior year and any additional information requested by the Township Board or deemed appropriate by the Downtown Development Authority. The secretary of the Downtown Development Authority shall cause a copy of the report to be published once in full in a newspaper of general circulation in the Township.

Section 10. Section Headings. Section headings are provided for convenience and are not intended to be part of this ordinance. If any portion of this ordinance shall be found to be unlawful, the remaining portions shall remain in ordinances in conflict herewith are hereby repealed.

Section 11. This ordinance shall take effect twenty (20) days after the final passage thereof.

All previous ordinances or parts of ordinances inconsistent with any of the provisions of this ordinance are hereby repealed,

This ordinance enacted by the Township Board of Richfield Township, Michigan at the regular meeting held at the Board Chambers in said Township on the 15<sup>th</sup> of March, 2011.

Yeas: SCOTT, VANWORMER, SCROGGIN, RIELI Nays: ALEXANDER  
Absent \_\_\_\_\_

Signed \_\_\_\_\_

Signed \_\_\_\_\_

I, Pam Scott, Clerk of the Township of Richfield, do hereby certify the above Ordinance is a true and correct copy of an Ordinance passed by the Township Board of Richfield Township, Roscommon County, Michigan, at the regular meeting on the 15<sup>TH</sup> DAY OF MARCH, 2011  
In Testimony Whereof, I have hereunto set my hand and the seal of the Township of Richfield this 15<sup>th</sup> day of MARCH, 2011.



## **RICHFIELD TOWNSHIP ORDINANCE NO. 53**

### **DOWNTOWN DEVELOPMENT AUTHORITY**

**An ordinance to prevent property value deterioration and increase the property tax valuation where possible in the business district of the township, to eliminate the causes of that deterioration and to promote economic growth by establishing a Downtown Development Authority.**

#### Section 1: PURPOSE

##### **1.0 Purpose.**

- 1.1 Correct and prevent deterioration in business districts;
- 1.2 Encourage historic preservation;
- 1.3 Authorize the acquisition and disposal of interests in real and personal property;
- 1.4 Authorize the creation and implementation of development plans; and
- 1.5 Promote economic growth of the downtown district described in this article.

#### Section 2: DEFINITIONS

##### **2.0 Definitions.**

The terms used in this article shall have the meaning given to them in Act 197 or such words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

- 2.1 “*Act 197*” means Pubic Act No. 197 of 1975 (MCL 125.1651 et seq.)
- 2.2 “*Authority*” means the Township Downtown Development Authority created in this article.
- 2.3 “*Board*” means the governing body of the authority.
- 2.4 “*Chief Executive Officer*” means the Township Supervisor of Richfield Township.
- 2.5 “*Downtown Development Tax*” means the tax authorized by this article pursuant to Act 197 to be imposed by the authority in the downtown area.
- 2.6 “*Downtown District*” means the downtown district designated by this article or as hereafter amended.

#### Section 3: CREATION OF AUTHORITY

##### **3.0 Creation of Authority.**

**3.1 There is hereby created, pursuant to Act 197, a Downtown Development Authority for Richfield Township. The authority shall be a public body and shall be known and exercise its powers under title of “Richfield Township Downtown Development Authority.” The authority may adopt a seal, may sue and be sued in any court of the State of Michigan and shall possess all of the powers necessary to carry out the purpose of its incorporation as provided by this article and Act 197. The enumeration power in this article or in Act 197 shall not be constructed as a limitation upon the general powers of the authority. (MCL 125.1652)**

**3.2 The authority shall be deemed an instrumentality of the Township. (MCL 125.1659)**

Section 4: BOARD OF SUPERVISION AND CONTROL

**4.0 Board of Supervision and Control.**

**4.1** The Downtown Development Authority shall be under the supervision and control of a Board consisting of the Township Supervisor and eight members appointed by the Township Supervisor, subject to approval of the Township Board.

**4.2** Not less than a majority of the members shall be persons having an interest in property located in the downtown district.

**4.3** Not less than one of the members shall be a resident of the downtown district, if the downtown district has more than one-hundred or more persons residing within it.

**4.4** Of the members first appointed, two shall be appointed for one year, two for two years, two for three years and two for four years. A member shall hold office until the member's successor is appointed. Thereafter, each member shall serve for a term of four years. An appointment to fill a vacancy shall be made by the City Manager for the unexpired term only.

**4.5** Members of the Board shall serve without compensation but shall be reimbursed for actual and necessary expenses.

**4.6** The Chairperson of the Board shall be elected by the Board.

**4.7** Pursuant to notice and after having been given an opportunity to be heard, a member of the Board may be removed for cause by the Township Board. Removal of a member is subject to review by the Circuit Court.

**4.8** All persons considered for appointment to the Board shall submit resume's/application and shall have been residents of the Township or business owners in the Township for at least a year.

Section 5: MEETINGS; RULES OF PROCEDURE; BUSINESS CONDUCTED;  
RECORDS AND REPORTS

**5.0 Meetings; Rules of Procedure; Business Conducted; Records and Reports.**

**5.1** The Board shall adopt rules governing its procedure and holding of regular meetings, subject to the approval of the Township Board.

**5.2** Special meetings may be held when called in manner provided in the rules of the Board and in accordance with applicable State laws.

**5.3** Meetings of the Board shall be open to the public.

**5.4** All records are to be public. All expense items of the Authority shall be publicized monthly and the financial records shall always be available to the public.

Section 6: FISCAL YEAR; ADOPTION OF BUDGET; FINANCIAL REPORTS

**6.0 Fiscal Year; Adoption of Budget; Financial Reports.**

**6.1** The Fiscal Year of the Authority shall begin on July 1<sup>st</sup> of each year and end on June 30<sup>th</sup> the following year, or such other Fiscal Year as may hereafter be adopted by the Township.

**6.2** The Board shall annually prepare a budget and shall submit it to the Township on the same date that the proposed budget for the Township is required to be submitted to the Township Board.

**6.3** The Authority shall be audited annually by the same independent auditors auditing the Township, and

copies of the audit report shall be filed with the Township Board.

## Section 7: DOWNTOWN DEVELOPMENT TAX

### **7.0 Downtown Development Tax.**

**7.1** The Authority is hereby authorized by the Township to impose an Ad Valorem Tax on all taxable property in the downtown district for the purposes provided by Act 197. The tax shall not exceed two mills on the value of taxable property in the downtown district as finally equalized.

**7.2** In order to impose that tax, if desired, the Board shall include in its budget each year an estimate of the amount necessary to be raised from the Downtown Development Tax. The amount of tax imposed shall not exceed the amount necessary as estimated in the budget and approved by the Township Board.

**7.3** The Board shall certify to the proper tax assessing official of the Township the amount so determined in the same manner and at the same time as the general Township taxes are certified for collection.

**7.4** The Township shall collect the Downtown Development tax at the same time and in the same manner as other Township taxes are collected. The tax shall be paid to the Treasurer of the Authority and credited to the General Fund of the Authority for the purpose provided by Act 197. The Township Board may assess as reasonable pro rate share of the funds for the cost of handling and auditing the funds against the funds of the Authority, other than those committed, which cost shall be paid annually by the Board pursuant to an appropriate item in its budget.

## Section 8: POWERS OF THE BOARD

### **8.0 Powers of the Board.**

**8.1** The Downtown Development Authority Board may, subject to the approval of the Township Board:

**8.1.1** Prepare an analysis of economic changes taking place in the downtown district;

**8.1.2** Plan and propose the construction, renovation, repair, remodeling, rehabilitation, restoration, preservation or reconstruction of any public facility, an existing building.

**8.1.3** Develop long-range plans, in cooperation with the Township Planning Commission, designed to halt the deterioration of property values in the downtown district and to promote the economic growth of the downtown district, and take such steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible.

**8.1.4** Implement any plan of development in the downtown district necessary to achieve the purposes of this chapter, in accordance with the powers of the Authority granted by this chapter.

**8.1.5** Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.

**8.1.6** Acquire by purchase or otherwise, on terms and conditions and in a manner the Authority deems proper, or own, convey or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal or rights or interests therein, which the Authority determines are reasonably necessary to achieve the purposes of this chapter, and grant or acquire licenses, easements and options with respect thereto.

**8.1.7 Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair and operate any building, within the downtown district for the use, in whole or in part, of any public or private person or corporation, or combination thereof.**



- 8.1.8** Fix, charge and collect fees, rents and charges for the use of any building or property under its control or any part thereof, or facility therein, and pledge the fees, rents and charges for the payment of revenue bonds issued by the Authority.
- 8.1.9** Lease any property under its control, or any part thereof.
- 8.1.10** Accept grants and donations of property, labor or other things of value from a Public or private source.
- 8.1.11** Acquire and construct public facilities.

Section 9: SOURCES OF REVENUE FOR AUTHORITY

**9.0 Sources of Revenue for Authority**

**9.1** The activities of the Downtown Development Authority shall be financed, subject to the approval of the Township Board, from one or more of the following sources:

- 9.1.1** Donations to the Authority for the performance of its functions.
- 9.1.2** Proceeds of a tax imposed pursuant to Section 12 of Act 197 of Public Acts of 1975 as amended.
- 9.1.3** Money borrowed and to be repaid as authorized by Section 13(a) of Act 197 of 1975, as amended.
- 9.1.4** Revenues from any property, building or facility owned, leased, licensed or operated by the Authority or under its control, subject to the limitations imposed upon the Authority by trusts or other agreements.
- 9.1.5** Proceeds from a special assessment district created as provided by law.
- 9.1.6** Proceeds of a tax increment financing plan, established under Sections 14-16 of Act 197 of Public Acts of 1975 as amended.
- 9.1.7** Money received by the Authority and not covered in subsections 9.1.1 through 9.1.6 hereof. Such money shall be immediately deposited to the credit of the Authority subject to disbursement pursuant to Act 197 of Public Acts of 1975, as amended. Except as provided in Act 197, the Township shall not obligate itself, nor shall it ever be obligated to pay any sums from public money, other than money received by the City pursuant to this section, for or on account of the activities of the Authority.

Section 10: DEVELOPMENT PLAN/ORDINANCE APPROVING DEVELOPMENT PLAN OR TAX INCREMENT FINANCING PLAN

**10.0 Development Plan/Ordinance approving Development Plan or Tax Increment Financing Plan**

- 10.1** When/if the Board decides to finance a project in the downtown district by use of revenue bonds or tax increment financing it shall prepare a development plan.
- 10.2** The development plan shall contain all pertinent information from PA 197, Sec. 125.1667.
- 10.3** It is required that an ordinance be created approving a development plan or tax increment financing plan, to follow Township procedure, including first reading, notice, public hearing, and Record.

Section 11: AREA OF JURISDICTION

**11.0 Area of Jurisdiction**

The downtown development authority shall exercise its powers within the following described area, to be

known as the "downtown district," in the city:

Part of Section 3, T22N, R1W, and part of Sections 22,23,26,27,34 and 35, T23N, R1W, all in Richfield Township, Roscommon County, Michigan, described as: Beginning at the section corner common to Sections 2 and 3, T22N R1W, and Sections 34 and 35, T23N, R1W; thence South along the East line of Section 3, T22N, R1W, to the North 1/8 line of said Section 3; thence West along said North 1/8 line to the East line of the SE 1/4 of the NE 1/4 of the NE 1/4 of said Section 3; thence North along said East line to the South line of the N1/2 of the NE 1/4 of the NE 1/4 of said Section 3; thence West along said South line to the East 1/8 line of said Section 3; thence North along said East 1/8 line to the North Section line; thence East along said North section line to the section corner common to Sections 2 and 3, T22N R1W, and Sections 34 and 35, T23N, R1W;

thence North along the East line of Section 34, T23N, R1W to the South line of the N1/2 of the NE 1/4 of the SE 1/4 corner of said Section 34; thence West along said South line 300 feet; thence North 194.37 feet thence East 60 feet; thence North 136.62 feet; thence East 60 feet; thence North 330.8 feet to the East-West 1/4 line of said Section 34; thence West 150 feet; thence North 531.26 feet; thence West 330 feet; thence North 792 feet; thence East 660 feet to the West line of said Section 34; thence North along said West section line to the Section corner common to sections 26, 27, 34 and 35, T23N, R1W;

thence West along the South line of Section 27, T23N, R1W, 664.35 feet; thence North along the West Line of SE 1/4 of SE 1/4 of SE 1/4, 992.06 feet; thence East to the West line of the NE 1/4 of the NE 1/4 of the SE 1/4 of the SE 1/4 of said Section 27; thence North along said west line to the South 1/8 line of said Section 27; thence East along said South 1/8 line, 63 feet; thence North 330 feet; thence West 61 feet; thence North 401 feet; thence East 130 feet; thence North 210 feet; thence West 50 feet; thence North 50 feet; thence West 61.17 feet; thence North 140 feet ; thence East 93.52 feet; thence North 190.8 feet to the East-West 1/4 line of said Section 27; thence West along said East-West 1/4 line, 54.35 feet; thence North 330.8 feet to the South line of Sutherby Subdivision; thence East along the South line of said Sutherby Subdivision 27 feet to the Southwest Corner of Lot 4 of said subdivision; thence North along the West line of said Lot 4, 140.4 feet to the Northwest Corner of said Lot 4 thence Northeast to the Southwest corner of Lot 22 of said Sutherby Subdivision; thence North along the west line of lots 20-22, inclusive, 140.4 feet to the Northwest corner of Lot 20 of said Sutherby Subdivision; thence West 145 feet; thence North 165 feet; thence East 117.1 feet; thence North 165.4 feet; thence West 27.10 feet; thence North to the North 1/8 line of said Section 27; thence East 75 feet to the West line of the East 1/2 of the East 1/2 of the SE 1/4 of the NE 1/4 of the NE 1/4; thence North 660 feet to the South line of the Welch's Subdivision; thence West along the South line of said Subdivision 26.05 feet; thence North 30 feet to the Southwest corner of Lot 5 of said Subdivision; thence North along the West line of Lots 1-5, inclusive, 300.8 feet to the Northwest Corner of Lot 1 of said Welch's Subdivision; thence North along the East line of Jamison Street as shown in Green's Subdivision, a recorded plat, 330.85 feet to the Section line common to Sections 22 and 27;

Thence North 33 feet; thence West 43.95 feet; thence North 11 feet; thence West 47 feet; thence North 180 feet; thence East 102 feet; thence North 331 feet; thence West 80 feet; thence North 105 feet; thence

East 80 feet; thence North 105 feet; thence West 20 feet; thence North 75 feet; thence West 120 feet; thence North 150 feet; thence West 40 feet; thence North 330.2 feet to the South 1/8 line of said Section 22; thence East along said South 1/8 line 195 feet; thence North 165 feet; thence West 495 feet; thence North 165 feet; thence East 485 feet; thence North 360 feet; thence West 15 feet; thence North 140 feet; thence West 320 feet; thence North 130 feet; thence West 100 feet; thence South 270 feet; thence West 30 feet; thence North 629.50 feet to the East-West 1/4 line of said Section 22; thence West along said East-West 1/4 line, 599 feet to the Southwest corner of Outlot 5 of the Plat of Lakeview Park; thence North along the West line of Outlot 5 and Outlot 4, 1660 feet to the Northwest Corner of said Outlot 4; thence East along the North line of said Outlot 4 to the Westerly right of way line of M-76; thence Northwesterly along said Westerly right of way line to the North line of Outlot 1 of said Plat; thence East along said North line to the Northwest corner of Outlot 2 of said Lakeview Park Plat; thence East along the North line of said Plat to the Section corner common to sections 14, 15, 22, 23;

Thence South along the West line of Section 23, T23N, R1W to the North 1/8 line; thence East along said North 1/8 line, 660.45 feet; thence South 420.7 feet to the Northerly Right of way of Central Drive; thence Southeasterly along said Northerly right of way line, to the East 1/8 line of said Section 23; thence North along said East 1/8 line to the East-West 1/4 line. Thence East along said East-West 1/4 line to the East line of the West 1/2 of the NE 1/4 of the SE 1/4; thence South along said East line, 1320 feet more or less to the South 1/8 line of said Section 23; thence West along said South 1/8 line to the East 1/8 line; thence South along said East 1/8 line, 1320 feet more or less to the Section line between sections 23 and 26; Thence West along said Section line to the 1/4 corner between said Sections 23 and 26;

Thence South along the North-South 1/4 line of said Section 26, 171.4 feet to the Southeast corner of Lot 18 of Veldora Subdivision; thence West along the South line of Lots 1, 2, 17, and 18, 329.85 feet to the Southwest Corner of lot 1 of said Veldora Subdivision. Thence South along the West line of said Veldora Subdivision 490 feet to the South line of the North 1/2 of the NE 1/4 of the NW 1/4; thence West along said south line to the West 1/8 line of said Section 26; thence continuing West along the South line of the North 1/2 of the NW 1/4 of the NW 1/4, 660 feet; thence South 560.85 feet; thence West 360 feet; thence South 100 feet to the South line of the South 1/2 of the SW 1/4 of the NW 1/4 of the NW 1/4 of said Section 26; thence West 66 feet; thence South 20 feet; thence East 6 feet; thence South 100 feet; thence West 190 feet; thence South 40 feet; thence East 68 feet; thence South 210 feet; thence West 68 feet; thence South 40 feet; thence East 70 feet; thence South 220 feet to the North line of the North 1/2 of the SW 1/4 of the SW 1/4 of the NW 1/4 of said Section 26; thence East 540 feet to the East line of said North 1/2 of the SW 1/4 of the SW 1/4 of the NW 1/4; thence South 330 feet to the Northeast corner of the Plat of Pinewood Hill; thence West along the North line of said Plat, 494 feet to the Northeast corner of Lot 24 of said Plat of Pinewood Hill; thence South along the East line of Lots 1,2,3,24,25,26, 331 feet to the Southeast corner of Lot 3 of said Plat; thence East along the South line of said Plat 494 feet to the Southeast corner of said Plat; thence South 660 feet; thence East 660 feet; thence South 1980 feet more or less to the Section line common to Sections 26 and 35; thence West 660 feet to the East line of the North 1/2 of the NW 1/4 of the NW 1/4 of the NW 1/4 of Section 35, T23N, R1W;

Thence South 330 feet; thence West 165 feet; thence South 165 feet; thence West 50 feet; thence South 165 feet; thence East 50 feet; thence South 330 feet; thence West 70 feet; thence South 100 feet; thence

West 25 feet; thence South 65.45 feet; thence East 95 feet; thence South 165.43 feet to the North line of Fisher Lake Subdivision; thence East to the Northeast corner of Lot 1 of said Fisher Lake Subdivision; thence Southwesterly to the Southeast corner of Lot 4 of said Fisher Lake Subdivision; thence West 90.1 feet to the Northeast Corner of Lot 5 of said Subdivision; thence South 401.3 feet to the Southeast corner of Lot 20 of said Fisher Lake Subdivision; thence South 330 feet; thence East to the East line of the South  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ ; thence South to the East-West  $\frac{1}{4}$  line of said Section 35; thence West along said East-West  $\frac{1}{4}$  line 330 feet; thence South 330 feet; thence West 97 feet; thence South 330 feet; thence East 97 feet; thence South 450 feet; thence West 158.5 feet; thence South 210 feet to the South  $\frac{1}{8}$  line; thence East 158.5 feet to the Northwest Corner of Lot 10 of Estwood Subdivision; thence South 330.95 feet to the Northeast corner of Lot 22 of said Plat; thence West 271.5 feet to the Northwest corner of Lot 23 of said Plat; thence South 330.9 feet to the South line of said Plat of Estwood; thence East 270 feet; thence South 660 feet more or less to the South section line of said Section 35; thence West 330 feet along said South section line back to the point of beginning.

EXCEPT that part of section 23, T23N, R1W, described as Commencing at the Southwest corner of said Section 23; thence North along the West section line 330 feet to the North line of the South  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 23; thence East 185 feet to the point of beginning; thence North 280 feet; thence West 60 feet; thence North 50 feet; thence East 257 feet; thence North 125 feet; thence East 150 feet; thence North 372.3 feet; thence West 300 feet; thence North 163 feet to the South  $\frac{1}{8}$  line; thence East along said South  $\frac{1}{8}$  line, 92.95 feet; thence North 215 feet; thence West 112 feet; thence North 120 feet; thence East 112 feet; thence North 325 feet; thence West 130 feet; thence North 80 feet; thence West 50 feet; thence North 120 feet; thence East 10 feet; thence North 130 feet to the South line of the North  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of said Section 23; thence East along said South line, 505.1 feet to the West line of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ ; thence South along said West line, 330 feet; thence East along the South line of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  660 feet to the West  $\frac{1}{8}$  line; thence South along said West  $\frac{1}{8}$  line 1650 feet more or less to the North line of the South  $\frac{1}{2}$  of the South  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 23; thence West along said North line 1135 feet more or less back to the point of beginning.

#### Section 12: EFFECTIVE DATE

##### **12.0 Effective Date**

This ordinance shall take effect upon publication as provided by the Township.

Commissioner SCOTT moved the adoption of the foregoing ordinance, which was seconded by Commissioner VANWORMER, and thereupon adopted by Richfield Township at a regular meeting, held this 15<sup>TH</sup> day of MARCH, 2011.

Jim VanWormer, Supervisor

Pam Scott, Clerk

Richfield Township  
Blight Elimination Ordinance No. 22 AS AMENDED

An ordinance to prevent, reduce or eliminate blight, blighting factors or causes of blight within Richfield Township, Roscommon County, Michigan; to provide for the enforcement hereof; and to provide penalties for the violation hereof. Pursuant to the enacting authority therefore provided by act 344 of the Public Acts of 1945, as amended.

**THE TOWNSHIP OF RICHFIELD, ROSCOMMON COUNTY ORDAINS:**

**Section 1: Title:**

This ordinance shall be known and cited as the Richfield Township Blight Elimination Ordinance.

**Section 2: Purpose:**

Consistent with the letter and spirit of Public Act 344 of 1945, as amended, it is the purpose of this ordinance to prevent, reduce or eliminate blight or potential blight in Richfield Township by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or which may in the future exist in said township.

**Section 3: Causes of Blight or Blighting Factors:**

It is hereby determined that the following uses, structures and activities are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. On and after the effective date of this ordinance, no person, firm or corporation of any kind shall maintain or permit to be maintained any of these causes of blight or blighting factors upon any property in Richfield Township owned, leased, rented or occupied by such person, firm or corporation.

**Section 4: Prohibited uses and/or activities:**

- 4.1 In any area, the storage upon any property of inoperable motor vehicle(s), except in a completely enclosed building or except as hereinafter set forth in this ordinance. For the purpose of this ordinance, the term “inoperable motor vehicle” shall include any motor vehicle (or portion of a motor vehicle) which does not bear a valid registration or plate as required by the Michigan Vehicle Code or which by any reason of dismantling, disrepair, or other cause is incapable of being propelled under its own

power, or is unsafe for operation on the streets and highways of this State due to inability to comply with the Michigan Vehicle Code. This section of the ordinance shall not apply:

- A. On any premises duly open, operating and licensed by the State of Michigan for automobile repair, in which case an unlicensed vehicle may be stored outside on the property for a period not to exceed 30 days.
  - B. For any property licensed by the State of Michigan for auto sales, an unlicensed vehicle being offered for sale to the general public may be maintained on the property, so long as the vehicle is operable and has all of its major component parts attached.
  - C. On subdivisions lots or property of one acre or less, one unlicensed motor vehicle may be stored on the property, subject to the following conditions:
    - 1. Such vehicle must be stored so that it is screened from the road.
    - 2. Such vehicle must not be stored within 10 feet of any sideline or back line of the property.
  - D. On subdivisions lots or property of more than one acre, up to two unlicensed motor vehicles may be stored on the property, subject to the following conditions:
    - 1. Such vehicles must be stored so that it is screened from the road.
    - 2. Such vehicles must not be stored within 10 feet of any sideline or back line of the property.
- 4.2 In any area, the storage upon any property of building materials unless there is in force a valid building permit issued by Richfield Township building department for construction upon said property and said materials are intended for use in connection with such construction. Building materials shall include but shall be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials used in constructing any

structure. Any exception to this provision shall be neatly stacked and covered (by a tarp or similar covering). Building materials in an area not to exceed 16 feet x 16 feet, subject to the following:

- A. Such materials shall be stored so they are screened from the road.
- B. Such building materials must not be stored within ten feet of Any sideline or back line of the property.

- 4.3 In any area, the storage or accumulation of junk, trash, rubbish or refuse of any kind without a landfill permit, except domestic refuse stored in such A manner as not to create a nuisance for a period not to exceed 15 days. The term “junk and trash” shall include without limitation, the following: Used articles or used pieces of: iron, scrap metal, automobile bodies or Parts or parts of machinery or junked or discarded machinery, furniture, Appliances, mobile homes not meeting the minimum standards for Inhabitation by humans, used lumber which may be used as harborage for rats, ashes, garbage, industrial by-products or empty waste cans, food containers, bottles, crockery, utensils of any kind, boxes, barrels and all Other articles customarily considered trash or junk and which are not housed in a completely enclosed building.
- 4.4 In any area, the existence of any blighted structure including, without limitation, any dwelling, garage or out building, warehouse, or any other structure or part of any structures which because of fire, wind or other natural disaster, or physical deterioration, demolition or partial demolition when said demolition is not carried out within a reasonable period of time, is no longer habitable as a dwelling, or useful for the purpose for which it may have been intended, or has uncovered openings which may provide unrestrained access to enter the structure.
- 4.5 In any area, the existence of any vacant dwelling, garage or other out-building unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by animals, vandals, or other unauthorized persons.
- 4.6 In any area, the existence of any partially completed structure unless such structure is in the course of construction in accordance with a valid and subsisting building permit issued by Richfield Township building department and unless such construction is completed within a reasonable time.



## **Section 5: Enforcement and Penalties:**

This ordinance shall be enforced by such persons who shall be so designated by the Richfield Township Board.

## **Section 6: Penalties**

The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this Ordinance or any ordinances, plus any costs, damages, expenses, and other sanctions, as authorized under chapter 87 or Act No. 236 and the Public Acts of 1961, as amended, and other applicable laws.

- a. Unless otherwise specifically provided for a particular municipal civil infraction violation by this Code or any ordinance, the civil fine for a violation shall be established by the Township Board, plus costs and other sanctions, for each infraction.
- b. Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this Code or any ordinance. As used in this Section “repeat offense” means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within a six (6) month period (unless some other period is specifically provided by any ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this Code or any ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as defined by the Township Board.

## **Section 7: Public Nuisance Per se**

Any material violation of this Ordinance is considered a public nuisance per se. Use of premises or land which is in violation of any of the provisions of this chapter, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

## **Section 8: Severance Clause:**

Each section or portion of a section of this ordinance shall be deemed to be severable and should any section, paragraph or provision herein be declared by the court unconstitutional or invalid, such holding shall not affect the validity of this ordinance as whole or any part hereof, other than that part so declared to be unconstitutional or valid.

**Section 9: Effective Date and Adoption:**

This ordinance shall become effective thirty (30) days after its publication as required by law.

This ordinance was adopted by the Township Board of Richfield Township, Roscommon County, Michigan at a regular meeting thereof held on December 21, 2004.

CERTIFICATE

STATE OF MICHIGAN

COUNTY OF ROSCOMMON

I, the undersigned, being the duly elected, qualified and acting Township Clerk of the Township of Richfield, County of Roscommon, State of Michigan, do hereby certify that annexed hereto is a true, complete and correct copy of an ordinance duly adopted by the Township of Richfield, at a regular meeting thereof duly called and held on the 21<sup>st</sup> day of December, 2004 the original of which is recorded in the Book of Ordinances of the Township of Richfield.

I do hereby further certify that public notice of said meeting was given in the manner required by law, including the Open meetings Act, 1976 PA 267, including in the case of a rescheduled meeting notice by publication or posting at least 18 hours prior to the time set for the meeting, and that the meeting was held and conducted in compliance with the provisions of said Act.

I do hereby further certify that the Township of Richfield maintains a township office open to the public during regular hours on each business day, and that the book of Ordinances is readily available to the public at the Township office.

I do hereby further certify that said ordinance was published, within thirty (30) days after the passage thereof, by causing a true, correct and complete copy thereof to be inserted in the Roscommon Herald-News, a newspaper circulating within the Township of Richfield.

I do hereby further certify that within one (1) week after the publication of the said ordinance as aforesaid, I duly recorded said ordinance in the Book or Ordinances of the Township of Richfield, together with the date of the passage of said ordinance, the names of the members voting thereon and how each member voted.

I do hereby further certify that I have duly certified, under the said ordinance in a blank space provided therefor in the Book of Ordinances of the Township of Richfield, the date of publication of said ordinance, and name of the newspaper in which publication was made; and that annexed thereto is a true, correct and complete copy of such certificate as contained in the Book of Ordinances of the Township of Richfield.

In Testimony Whereof, I have hereunto set my hand this 12<sup>th</sup> day of January, 2005.

\_\_\_\_\_  
Pamela J. Scott  
Township Clerk

### PROCEDURAL CHECKLIST

Date of Passage of Ordinance: December 21, 2004

Members Voting Aye:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Members Voting Nay:

\_\_\_\_\_  
\_\_\_\_\_

Date of Publication of the Ordinance: January 9, 2005

Newspaper In Which Publication was Made: Roscommon Herald-News

STATE OF MICHIGAN

COUNTY OF ROSCOMMON

I, the undersigned, being the duly elected, qualified and acting Clerk of the Township of Richfield, County of Roscommon, and State of Michigan, do hereby certify that the foregoing ordinance was duly adopted by the Township Board of the Township of Richfield as hereinabove set forth; and that said Ordinance was duly published on the date indicated above by the insertion of a true copy thereof in the Roscommon Herald-News, which is a duly qualified newspaper circulating within the Township of Richfield.

In Testimony Whereof, I have hereunto set my hand this 12<sup>th</sup> day of January,  
2005.

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Pamela J. Scott  
Richfield Township