

RICHMOND TOWNSHIP ZONING ORDINANCE

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Prepared For:

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ARTICLE I

ENACTING CLAUSE, TITLE, PURPOSE

Section 1.1 ENACTING CLAUSE

An Ordinance adopted under authority of, and in accordance with, the provisions of the Rural Zoning Act # 184 of the Public Acts of 1943 as amended, to establish a Zoning Ordinance providing comprehensive zoning regulations for Richmond Township, Marquette County, Michigan, and to provide for the administration, enforcement, and amendment thereof, and the repeal of all Ordinances in conflict herewith. The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this Ordinance shall be done pursuant to **Act 110 of the Public Acts of Michigan for 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq)**, hereinafter referred to as the **“Zoning Act”**.

The Richmond Township Board hereby ordains:

Section 1.2 TITLE

This Ordinance shall be known and may be cited as “The Zoning Ordinance of Richmond Township”.

Section 1.3 PURPOSE

This Ordinance has been established for the purpose of:

- A. Promoting and protecting the public health, safety, and general welfare.
- B. Protecting the character and stability of the forest, recreational, residential, commercial, and industrial areas, and promoting the orderly and beneficial development of such areas.
- C. Preventing the overcrowding of land and undue concentration of population by regulating the intensity of use of land and the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, and privacy to protect the public health.
- D. Lessening and avoiding congestion on public highways and streets.

- E. Providing for the needs of agriculture, recreation, residence, commerce, and industry in future growth to conform with the most advantageous uses of land, resources, and properties, and appropriate trends and character of land, building, and population development as studied and recommended by the Richmond Township Planning Commission and the Richmond Township Board.
- F. Encouraging the most appropriate use of lands in accordance with their character and adaptability, and prohibiting uses which are incompatible with the character of development permitted within specified zoning districts.
- G. Conserving the taxable value of lands and structures.
- H. Conserving the expenditure of funds for public improvement and services.
- I. Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, and other nuisances and hazards in the interest of the people.

ARTICLE II

GENERAL PROVISIONS

Section 2.1 SCOPE

Every building and structure erected, every use of lot, building, or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of, or addition to, an existing use, building, or structure, occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance, which are applicable in the zoning district in which such building, or structure, or lot is located.

To avoid practical difficulties, nothing in this Ordinance shall be deemed to require a change in plans, construction, or designated use of any building, structure or use which actually established a vested interest prior to the effective date of adoption or amendment of this Ordinance.

The adoption of this Ordinance shall not limit the construction, or designated use of any building or structure for which a zoning permit had been obtained prior to the effective date of the adoption or amendment of this Ordinance even though such building or structure does not conform to the provisions of this Ordinance, provided that work shall commence and be carried on within thirty (30) days of obtaining such permit and be subject thereafter to the provisions of Section 5.4 of this Ordinance.

Section 2.2 CONSTRUCTION OF LANGUAGE

For the purpose of this Ordinance, certain terms or words used therein shall be interpreted as follows:

All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number. The word “building” includes the word “structure”, “dwelling” includes the word “residence”. The word “person” includes “corporation”, “co-partnership”, as well as an “individual”. The word “shall” is mandatory and the word “may” is permissive. The word “lot” includes the words “plot” or “parcel”. The words “used” or “occupied” include the words “intended”, “designated”, or “arranged to be used or occupied.”

Section 2.3 DEFINITIONS

For the purpose of this Ordinance words pertaining to access, building, property, land use, building use, building measurement, and enforcement of shall have the following meaning:

ACCESSORY BUILDING: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.

AGRICULTURAL LAND: Substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities, and by extension, the rearing, reproducing and managing of livestock and poultry or other animals upon the ground in fields or pastures or pens.

Agricultural activity shall be further identified on the basis of intensity as:

- A. Light Agricultural Activity: The cultivation of more than a garden but less than a farm, where the primary land use is residential and the production of crops and husbandry of animals is primarily for the consumption, enjoyment and/or use of occupants.
- B. Traditional Agricultural Activity: One or more plots of land comprising a farm devoted to the raising of domestic animals and/or the cultivation of crops in quantity for the primary purpose of producing income, and which is operated in accordance with the Michigan Right To Farm Act, Public Act P.A.93 of 1981.
- C. Intensive Agricultural Activity: The keeping of animals, either in pens or buildings where one or more of the following conditions exist:
 - 1. The quantity of animals exceeds traditional agricultural activity as determined by the Planning Commission.
 - 2. Where animal density would result in destruction of cover vegetation for 50% or more of the enclosure area.
 - 3. Where animals are confined within buildings for extended periods regardless of weather.
 - 4. Where the primary food for purposes of preparation of animals for market is produced off-site and where grazing or foraging is minimal or does not occur, i.e. feedlot.
 - 5. Where processing operations also occur on the same premises.
 - 6. The operation consists of a fur farm, feedlot (beef, hogs, etc.) or poultry farm.
 - 7. Keeping of exotic, non-domesticated or musk producing species.

AGRICULTURAL PRODUCE STAND: A structure, which is used seasonally for display and sale of agricultural produce.

ALTERATIONS: A use customarily incidental and subordinate to the principal use of land or building and located on the same lot as the principal use.

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

AMBIENT SOUND LEVEL: The amount of background noise at a given location prior to the installation of a Wind Energy System (WES) which may include, but not be limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American National Standards Institute (ANSI) and is the sound pressure level exceeded 90% of the time (L90).

ASSOCIATED ENTITY: Cleveland Cliffs Michigan Operation, Cliffs Michigan Mining Corporation, The Cleveland Cliffs Iron Company, Empire Mining Company, Tilden Iron Ore Partnership, Tilden Mine L.D., J&L, Cliffs Ore Partnership, Tilden Magnetite Partnership, Pittsburg & Lake Superior Iron Co., USX Corp., and their affiliated companies.

BASEMENT: That portion of a building which is partly, or wholly, below grade but so located that the vertical distance from average grade to the floor is greater than the vertical distance from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over five (5) feet, such basement shall be rated as a first story.

BUILDING: Any structure, either temporary or permanent, having a roof supported by column or walls, and intended for the shelter or enclosure of persons, animals, chattels, or property of any kind. (This shall include tents, awnings, or vehicles situated on private property and used for such purposes).

BUILDING HEIGHT: The vertical distance measured from the established grade measured at the center of the front of the building to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; to the average height between eaves and ridge for gable, hip, and gambrel roofs; and the average height between the lowest point and the highest point on a shed roof. Where a building is located on slopping terrain, the height shall be measured from the average ground level of the grade at the center of the building wall. (See Section 4.9, Height Definitions).

BUILDING PRINCIPAL: The building in which is conducted the principal use of the lot upon which it is situated.

BUILDING LINE: The line formed by the face of the building.

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

COMMERCIAL FREESTANDING TOWER: Any tower except those used for meteorological measurement or Wind Energy Systems (WES).

CONDITIONAL USE PERMIT: A permit issued by the Planning Commission to a person or persons intending to undertake the operation of a use upon land or within a structure or building specifically identified in the affected zoning district under conditional uses authorized by permit. These conditional uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the township's inhabitants.

DWELLING, MULTIPLE FAMILY: A single structure containing more than two dwelling units each designed for occupancy by one family, including condominiums.

DWELLING, SINGLE FAMILY: A building designed exclusively for, and occupied exclusively by, one (1) family, including mobile homes.

DWELLING, TWO-FAMILY: A single structure containing two dwellings units each designed for residential occupancy by one family.

DWELLING UNIT: One or more rooms with bathroom, bedroom, and kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking, and sleeping.

ENCLOSED, LOCKED FACILITY: A closet, room, or other enclosed area equipped with locks or other security devices that permit access only by a registered primary care giver or registered qualifying patient.

ERECTED: Includes built, constructed, altered, reconstructed, assembled, moved upon, or any physical operations on the premises required for construction. Excavation, fill, drainage, installation of utilities, and the like, shall be considered a part of erection.

ESSENTIAL SERVICES: Means the erection, construction, or maintenance of public utilities or municipal departments of underground, surface, or overhead gas, electrical, fuel, or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduit, cables, and similar accessories in connection therewith, but not including buildings which are necessary for the furnishings of adequate service by such utilities or municipal departments for the general public health, safety, or welfare. Essential services, except buildings, shall be permitted as authorized and regulated by law and other Ordinances, it being the intention hereof to exempt such essential services from the application of this Ordinance.

FAMILY: Is one or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof), together with not more than two persons not so related, living together in the whole part of the dwelling unit comprising a single housekeeping unit. Every additional group of two or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance.

FENCE: An artificially constructed barrier of wood, metal, stone, or any manufactured material of definite height and location erected to function as an enclosure, division or screen for the separation of yard area.

FLOOR AREA: For the purpose of computing the floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of unfinished and/or uninhabitable basements, unfinished attic, attached garages, breeze ways, and enclosed porches.

FORESTRY: Establishments primarily engaged in, or activities related to, the operation of timber tracts, tree farms, forest nurseries, the gathering or harvesting of forest products, or performing forest services.

GASOLINE SERVICE STATIONS: A structure for the dispensing, sale, or offering for sale, of motor fuel directly to users of motor vehicles together with the sale of minor items or accessories and the servicing of and minor repair of motorized vehicles. Prohibited activities include, but are limited to, the following: major automotive repair, vehicle body repair, undercoating, painting, tire recapping, engine rebuilding, vehicle dismantling, upholstery work, auto glass work, and such other activities whose external physical effects could extend beyond the property line.

GARAGE, PRIVATE: An accessory building not over one (1) story or fifteen feet in height used for parking or storage of motor vehicles, but not for commercial servicing or repair.

HOME OCCUPATION: An occupation or profession customarily carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the building for residential services. Such occupation may include, but shall not be in any way limited to, instruction in a craft or fine art within the residence.

KENNEL: The permanent or temporary keeping of more than three dogs that are more than six months of age.

LOT: A parcel of land, excluding any portion in a street or road right-of-way, of at least sufficient size to meet minimum requirements for use, coverage and lot area, and to provide such setback area and other open space as required by this Ordinance. Such lot shall have access to a public street, and may consist of:

- A. A single lot of record.
- B. A portion of a lot of record.
- C. Any combination of complete and/or portions of lots of record; or
- D. A parcel of land described by metes and bounds in a recorded deed or by number in a recorded plat, provided that in no case of division or combination shall the area of any lot or parcel created, including residuals, be less than that required by this Ordinance.

LOT AREA: The area of land within the boundary of a lot excluding any part under water, and, in addition, it is the area of the land bounded by any front lines, the right-of-way line of the highway on which it fronts, and the side lot lines intersecting the front lot line at its ends extended to the rear property (lot) lines.

LOT, CORNER: A lot which has at least two contiguous sides abutting upon a street for their full length.

LOT, COVERAGE: The part or percent of the lot occupied by buildings, including accessory buildings.

LOT, DEPTH OF: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the sidelines of the lot.

LOT INTERIOR: Any lot other than a corner lot.

LOT LINES:

- A. Front lot line: In the case of an interior lot, the line separating said lot from the street. In the case of a corner lot, one of the lines abutting the street shall be designated a front lot line and one shall be designated as a street-side lot line. The front lot line is that line separating said lot from the street which is designated as the front street in the plat. In an unplatted area, the owner shall designate the front lot line based upon placement of the structure in the application for a building permit or zoning compliance permit. In the case of a double frontage lot, both lot lines abutting on streets, shall be treated as front lot lines.
- B. Rear Lot Line: The lot line opposite the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot.

- C. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT OF RECORD: A lot in a map recorded with the County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgment of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described.

LOT, THROUGH: A double frontage lot, not a corner lot, having streets for both front lines.

LOT WIDTH: The horizontal distance between the side lot lines measured at the two points where the front setback line intersects the side lot lines.

MARIHUANA: The term shall have the meaning given to it in Section 7106 of the Michigan Public Health Code, Public Act 368 of 1978, as amended; as is referred to in Section 3(d) of the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008.

MEDICAL MARIHUANA DISPENSARY: (See Section 9.1 A. 2.): Except as set forth below, any business, facility, structure, association, collective, cooperative, location or operation, whether fixed or mobile, whether profit or nonprofit, where medical marihuana is made available to, sold, used, grown, cultivated, processed, stored, dispensed, given, delivered or distributed by or to any of the following;

- A. A registered primary care giver
- B. A registered qualifying patient

A medical marihuana dispensary shall also include any business, facility, association, collective, cooperative or operation, whether fixed or mobile, whether profit or nonprofit, where medical marihuana is smoked, consumed or used by three or more persons simultaneously.

A medical marihuana dispensary shall not include the dispensation of medical marihuana by a primary care giver personally dispensing to not more than five qualified patients in strict accordance with the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, as amended, and the requirements of this Ordinance so long as the lawful amount of medical marihuana is delivered to the qualifying patient and compensation received at the qualifying patient's residence and it is done in full compliance with this Ordinance as well as all other applicable Township ordinances and applicable Michigan laws, rules and regulations.

MEDICAL MARIHUANA DISPENSARY: (cont'd)

A medical marihuana dispensary shall also not include smoking, consuming or use of medical marihuana by a primary qualifying patient in strict accordance with the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, as amended, and the requirements of this Ordinance and other applicable Township ordinances and applicable Michigan laws, rules and regulations.

A medical marihuana dispensary shall also not include uses occurring in compliance with this Ordinance and all laws and rules of the State of Michigan at the following locations: a State-licensed health care facility, a State-licensed residential care facility for the elderly or infirm, or a residential hospice care facility.

MEDICAL USE: The acquisition, possession, cultivation, manufacture, use, internal possession, delivery, transfer, or transportation of marihuana or paraphernalia relating to the administration of marihuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.

METEOROLOGICAL TOWER (MET TOWER): Includes the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over no more than three (3) years for either instantaneous wind information or to characterize the wind resource at a given location.

MINERAL: An organic or inorganic substance in the earth having a consistent and distinctive set of physical properties and composition that can be expressed by a chemical formula and includes, but not limited to, iron ore, copper, sand, gravel, stone, gypsum, peat, silver, gold, diamonds, and other precious and semi-precious stones, and uranium.

MINERAL EXTRACTION: The extraction of minerals, including an area of land from which minerals are removed or on which materials are placed following extraction, processing or production; the deposition of any materials from such activities; and associated facilities; including beneficiating or treatment plants, lean ore stockpiles, stripping rock stockpiles, overburden stockpiles, tailing basins, and/or water reservoirs and the lands on which they are located; and any auxiliary lands used.

MOBILE HOME: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. A mobile home does not include a recreational vehicle.

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

NON-PARTICIPATING PARCEL: A parcel of real estate that is neither a Project Parcel nor a Participating Parcel.

OUTDOOR WOOD - FIRED BOILER: A wood fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.

PARTICIPATING PARCEL: A parcel of real estate that is not a Project Parcel, but is subject to an agreement between the owner and developer allowing the construction of all or part of a LWES closer to a Participating Parcel property line or habitable structure than would be permitted in the absence of such an agreement.

PRIMARY CARE GIVER: A person who is at least 21 years old and who has agreed to assist with a patient's medical use of marihuana and who has never been convicted of a felony involving illegal drugs.

PRINCIPAL STRUCTURE: The main structure or building to which the premises are devoted.

PRINCIPAL USE: See USE, PRINCIPAL.

PROJECT PARCEL: The parcel or parcels of real estate on which all or any part of a LWES will be constructed.

PUBLIC UTILITY: Any person, firm, or corporation, municipal department, board, or commission duly authorized to furnish, and furnishing under federal, state, or municipal regulations, to the public gas, electricity, sewage disposal, communication, telegraph, transportation, or water.

QUALIFYING PATIENT: A person who has been diagnosed by a physician as having a debilitating medical condition.

RECLAMATION PLAN: A plan for reconditioning and rehabilitation of a mining area or portion thereof for useful purposes, and the protection of natural resources, including, but not limited to the control of erosion, visual blight and the prevention of land or rock slides and air and water pollution.

RECREATIONAL STRUCTURE: A cabin, cottage, camp, mobile home or other similar structure used intermittently for recreational or vacation purposes and which is not a permanent place of domicile or residency of the owner, his or her agents, lessees, heirs or assigns.

RECREATIONAL VEHICLE: A vehicle used for pleasure and designed for recreational use and not as a place of domicile, built upon a frame or chassis with wheels attached and not exceeding 40 feet in length.

RECYCLING CENTER: An area or building, where waste, used, or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but limited to, scrap iron, steel, or other metals, paper, rags, rubber tires, bottle, and scrap lumber. A junkyard includes automobile wrecking yards and includes an area of more than 200 square feet for storage, keeping, or abandonment of junk.

SANITARY LANDFILL: A method of disposing of refuse on land without creating nuisances or hazards to public health or safety.

SETBACK: The unoccupied distance required to obtain front, side, or rear yard open space provisions of this Ordinance.

SIGNS: A name, identification, image, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, structure, facility, service, event, attraction, person, institution, organization, or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and material without lettering placed behind a store window are not signs or parts of signs.

SITE PLAN: The documents and drawings required by this Ordinance to insure that a proposed land use or activity is in compliance with local Ordinances and State and Federal statutes.

SOLAR ARRAY: A ground mounted solar collection system consisting of a linked series of photovoltaic modules.

SOLAR COLLECTION SYSTEM: A panel or other solar energy device , the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling or water heating.

SOLAR ENERGY EQUIPMENT: A solar photovoltaic panel, solar hot air or hot water panel collector device, or other type of energy system which relies upon solar radiation as a source for the generation of electricity or transfer of stored heat.

STORY: That part of a building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above.

STRUCTURE: Any constructed, erected or placed material or combination of materials on or upon the ground including, but not limited to, buildings, porches, decks, mobile homes, sheds, free standing signs, storage bins, and satellite dishes, but not including sidewalks, driveways, patios, parking lots and utility poles. Building areas separated by fire walls or bearing walls shall be not considered separate structures under this Ordinance.

TOWER HEIGHT: The height above average grade of the fixed portion (hub) of the tower.

TOTAL EXTENDED HEIGHT: For a *Horizontal Axis Wind Turbine* it is the distance from the average grade to highest point of the rotor blade and for a *Vertical Axis Wind Turbine* it is the distance from the average grade to the highest point of the wind turbine.

TRANSFER STATION: A tract of land, a building and any appurtenances, or a container, or any combination of land, buildings, or containers that is used or intended for use in the re-handling of storage of solid waste, but is not located at the site of generation or the site of disposal of the solid waste.

TRAVEL TRAILER: A vehicle designed as a travel unit for occupancy as a temporary or seasonal vacation living unit.

USE: The purpose for which land or a building is or may be occupied.

USE, PRINCIPAL: The main use to which the premises is devoted and the principal purpose for which the premises exists.

USE, TEMPORARY: A use that is to last for a limited or specific period of time and will have no permanent effect on the land or structure used.

WALL: A completely obscuring structure of definite height and location to serve as a screen in carrying out the requirements of this Ordinance.

WIND ENERGY SYSTEM (WES): A means of generating electrical power through the utilization of wind power which is further defined on the basis of capacity as:

- A. Small Wind Energy System (SWES): A tower mounted system which includes the foundation, tower, generator, blades, wire or other components used in the system and which is primarily intended to reduce residential on-site consumption of utility power. The nameplate capacity is not to exceed sixty (60) kilowatts and the tower height does not exceed one hundred (100) feet.

- B. Medium Wind Energy System (MWES): A tower mounted system which includes the foundation, tower, generator, blades, wire or other components used in the system and which is primarily intended to reduce commercial, municipal, or industrial on-site consumption of utility power. The nameplate capacity is listed from more than sixty (60) kilowatts to three hundred (300) kilowatts and the tower height does not exceed one hundred sixty-four (164) feet.
- C. Large Wind Energy System (LWES): A tower mounted system which includes the foundation, tower, generator, blades, wire or other components used in the system and which is primarily intended to supply electricity to a grid system for off-site customers. The nameplate capacity is listed above three hundred (300) kilowatts and the tower height will exceed one hundred sixty-four (164) feet.

YARDS: The open spaces on the same lot with a main building or main use, unoccupied, and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

- A. Front Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building.
- B. Rear Yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.
- C. Side Yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot to the nearest point of the main building.

ZONING VARIANCE: A modification of the literal provisions of the zoning Ordinance granted by the Board of Appeals in accordance with Article VII, Section 7.3.

ZONING EXCEPTION: See USE, TEMPORARY.

Section 2.4 UNDEFINED TERMS

Any term not defined herein shall have the meaning of common or standard use.

Section 2.5 APPLICATION OF REGULATIONS

The regulations established by this Ordinance within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare and shall not preclude the establishment of higher or more restrictive standards or requirements for the authorization of any Conditional Use Permit, where such higher or more restrictive standards or requirements are found necessary by the Planning Commission to attain the purposes of this Ordinance.

Section 2.6 HEADINGS

All headings used in this Ordinance are for identification and convenience, only, and shall not be considered a part of this Ordinance.

ARTICLE III

ESTABLISHMENT OF ZONING DISTRICTS

Section 3.1 ESTABLISHMENT OF ZONING DISTRICTS

The Township of Richmond is hereby divided into the following zoning districts:

- A. R-1 Residential District
- B. RR-1 Rural Residential District
- C. TD Town Development District
- D. I Industrial District
- E. FR-1 Forest Recreational District
- F. MR-1 Mineral Resource District

Section 3.2 ZONING DISTRICT MAPS

The boundaries of the districts established in Section 3.1 are defined as that depicted on the map entitled “Official Zoning Map of Richmond Township.” This map is an integral part of this Ordinance. It and the notations and explanatory matter thereon are as much a part of this Ordinance as if described therein. This map covers the following areas.

- A. All of Richmond Township located in T47N-R26W and T46N-R26W.
- B. The plat of Palmer and the immediate vicinity.

Section 3.3 OFFICIAL ZONING MAP

The map shall be identified by the signature of the Township Supervisor and attested by the Township Clerk. Amendments shall be made in accordance with this Ordinance and the “Zoning Act”. The file number of the rezoning petition and effective date along with the signatures of the Supervisor and Clerk shall be placed on the map.

The Township Clerk shall keep the official copy of the map. It shall be available for public inspection and shall be the final authority as to the zoning status of any property within the Township.

Section 3.4 INTERPRETATION OF THE ZONING MAP

Where, due to the scale, lack of detail, or illegibility of the zoning map, there is any uncertainty, contradiction, or conflict, as to the intended location of any zoning district boundary, the Zoning Administrator shall make an interpretation of said map upon request of any person. Any person aggrieved by the interpretation may appeal to the Zoning Board of Appeals. In interpreting the zoning map or deciding any appeal, the following standards apply:

Zoning district boundary lines are intended to follow section or “40” lines, lot lines, or be parallel or perpendicular thereto, or along the center lines of alleys, streets, rights-of-way or water courses, unless such boundary lines are fixed by dimensions shown on the zoning map.

Where zoning district boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.

Where a zoning district boundary line divides a lot, the use of the map scale shall determine the location thereon.

If after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning Ordinances and amendments as well as all other relevant facts.

ARTICLE IV

ZONING DISTRICT REGULATIONS

The intent, permitted uses, conditional uses, height, area, and density regulations of each district are set forth in this article.

Section 4.1 RESIDENTIAL DISTRICT (R-1)

- A. Intent: This district and the uses permitted by right and on special condition are designed to regulate and promote the location of residential uses and dwellings in areas principally for high density single family residential dwellings where necessary urban services and facilities can be feasibly provided, including central sanitary sewage and central water systems.
- B. Permitted Principal uses: In the (R-1) Residential District, no building or lot shall be used and no building shall be erected except for one of the following specified uses unless otherwise provided in this Ordinance.
 - 1. Single family dwellings.
 - 2. Class I Home Occupations only in accordance with the regulations specified in Article V, Section 5.5.
 - 3. Essential services only in accordance with the regulations specified in Article V, Section 5.6.
- C. Permitted Accessory Uses: Accessory buildings and uses customarily incidental to any of the above permitted uses.
- D. Conditional Uses Authorized by Permit: In the (R-1) Residential District the following buildings and/or uses shall be permitted, subject to the conditions imposed by Article V, Section 5.2 and any additional conditions imposed hereafter in this sub-section.
 - 1. Two-family dwellings.
 - 2. Multiple-family dwellings.
 - 3. Recreation centers, public parks, play grounds, and play fields, providing that one hundred (100) percent of the property owners abutting the proposed site shall be given a written notice of the hearing, provided by Article V, Section 5.2(D), at least fifteen (15) days prior to the hearing.
 - 4. Churches and other buildings for religious worship.

5. Public and private nurseries, primary and secondary non-profit schools.
6. Essential service structures of a non-industrial character, but not including maintenance depots and warehouses.
7. Government or community owned buildings.
8. Accessory buildings and uses customarily incidental to any of the above conditional uses.
9. Class II Home Occupations only in accordance with the regulations specified in Article V, Section 5.5.
10. Solar Collection Systems attached on the roof or exterior walls of structures.

E. Area, Yard, Height, and Bulk Regulations: See Section 4.7.

Section 4.2 RURAL RESIDENTIAL DISTRICT (RR-1)

- A. Intent: This district and the uses permitted by right and or special condition are designed to regulate and promote the location of residential uses and dwellings in suitable areas at low densities to preserve a predominantly rural character in these areas unfit for concentrated residential use because of the inability of the soil to absorb sewage wastes from individual septic tanks and the location of agricultural development and agriculture related uses.
- B. Permitted Principal Uses: In the (RR-1) Rural Residential District, no buildings or lot shall be used and no building shall be erected, except for one of the following specified uses, unless otherwise provided in the Ordinance:
1. Single-family detached dwellings.
 2. Two-family dwellings, with a minimum lot size of two (2) acres.
 3. Class I Home Occupations only in accordance with the regulations specified in Article V, Section 5.5.
 4. Essential services only in accordance with the regulations specified in Article V, Section 5.6.
 5. General and specialized farming and agricultural activities, including the raising or growing and storage or preservation of crops, sod, livestock, poultry, rabbit, fur-bearing animals, and other farm animals, and plants, trees, shrubs, and nursery stock in accordance with minimum enclosure requirements of Article V, Section 5.8.
 6. Sale of agriculture products raised or grown on the farm premises including a roadside stand for said farm.
 7. Kennels.

8. Conservation and/or recreation areas including forest preserves, game refuges, nature reservations, hunt clubs, and similar areas of low intensity use.
- C. Permitted Accessory Uses: Accessory buildings and uses customarily incidental to any of the above permitted uses.
- D. Conditional Uses Authorized by Permit: In the (RR-1) Rural Residential District the following buildings and/or uses shall be permitted, subject to the conditions imposed by Article V, Section 5.2 and any additional conditions imposed hereafter in this sub-section.
1. Recreation centers, public parks, playgrounds, and play fields.
 2. Churches and other buildings for religious worship.
 3. Public and private nurseries, primary and secondary non-profit schools.
 4. Essential service structures of a non-industrial character, but not including maintenance depots or warehouses.
 5. Cemeteries provided development is on a site of at least ten (10) acres.
 6. Riding academies and stables provided the operation is on sites of at least ten (10) acres and provided the stock housing uses are located at least one hundred and fifty (150) feet from any property line.
 7. Class II Home Occupations only in accordance with the regulations specified in Article V, Section 5.5.
 8. Light agricultural activities on ten (10) acres or more and located a minimum of 660 feet from any existing year-round and/or seasonal residential dwelling unit.
 9. Traditional agricultural activities on twenty (20) acres or more and located a minimum of 660 feet from any existing year-round and/or seasonal residential dwelling unit.
 10. Outdoor wood-fired boilers subject to the conditions as specified in Section 4.14.

The following uses 11 through 15 inclusive, require a minimum site area of 75,000 square feet and connection to both public water and sanitary sewer utilities.

11. Assisted living facilities, apartments, child or day care center.
12. Bulk food processing facilities and operations.
13. Enclosed general cold storage for personal recreational vehicles, contractor's material, etc.
14. Offices of business, professional or financial organizations, research laboratories, limited retail, etc.

15. Enclosed light fabricating, assembly and service/repair all with no exterior storage.
16. Meteorological Towers and Small Wind Energy Systems (SWES). See Section 4.15 B. Meteorological Towers and Wind Energy Systems (WES). The total extended height of the WES must comply with setback requirements without a Variance.
17. Solar Arrays and / or Solar Collection Systems. See Section 4.15 A. Solar Energy.

E. Area, Yard, Height and Bulk Requirements: See Section 4.7.

Section 4.3 TOWN DEVELOPMENT DISTRICT (TD)

- A. Intent: The Town Development District is established to preserve a district for residential, retail and service establishments, and certain governmental uses that are compatible with a small town setting serving residents and tourists; it is intended that this district will develop at different and varied locations along and adjacent to M-35.
- B. Permitted Uses:
 1. Single –family dwellings.
 2. Two-family dwellings.
 3. Township Halls.
 4. Community centers.
 5. Fire halls.
 6. Elevated water storage tanks.
 7. Post offices.
 8. Personal offices.
 9. Offices.
 10. General retail sales to the consumer, production may occur on the premises provided all goods produced on the premises must be sold on the premises.
 11. Class I Home Occupations only in accordance with regulations as specified in Article V, Section 5.5.
- C. Permitted Accessory Uses: The following are permitted accessory uses:
 1. Accessory structures normally associated with residential dwellings, such as private garage, shed for yard tools, playhouse, pens, and boathouse, swimming pools, woodshed and sauna.

2. Any structural or mechanical building or use customarily incidental to the permitted principal use.

D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this district, by application for and issuance of a Conditional Use Permit as provided for in Article V, Section 5.2.

1. Churches.
2. Schools.
3. Private and public parks and similar recreational facilities.
4. Multiple family dwellings.
5. Nursing homes and child care facilities.
6. Road commission, public works buildings and maintenance/storage facilities, and contractor yards.
7. Motor vehicle sales and service.
8. Mobile home, camper, recreational vehicle and boat sales and service.
9. Construction and farm equipment sales and service.
10. Hotels and motels.
11. Gas stations.
12. Automotive repair garage.
13. Laundromats.
14. Wastewater treatment facilities.
15. Class II Home Occupations only in accordance with regulations specified in Article V, Section 5.5.
16. Transfer Stations.
17. Meteorological Towers and Small Wind Energy Systems (SWES). See Section 4.15 B. Meteorological Towers and Wind Energy Systems (WES). The total extended height of the WES must comply with setback requirements without a Variance.
18. Solar Arrays and/ or Solar Collection Systems. See Section 4.15 A. Solar Energy.

Area, Yard, Height and Bulk Requirements: See Section 4.7.

Section 4.4 INDUSTRIAL DISTRICT (I)

- A. Intent: The Industrial District is designed and intended for manufacturing, assembling, fabricating, and processing businesses, storage, mineral extraction, and other commercial activities which may require larger sites and isolation from many kinds of other land uses and to make provisions for commercial uses necessary to service the immediate needs of an industrial area.

B. Permitted Principal Uses:

1. Manufacturing.
2. Processing, assembling and fabrication operations.
3. Contractor yards and shops.
4. Warehousing.
5. Auto repair garage.
6. Lumber yards.
7. Sawmills.
8. Concrete and asphalt plants.
9. Recycling centers and salvages yards.
10. Research laboratories.
11. Transfer stations.
12. Wastewater Treatment Facilities.
13. Mineral extraction and processing in accordance with Mineral Extraction Permit procedures in Section 4.11-4.13.
14. Home Occupation - Class I may be issued by the Zoning Administrator to occur entirely within an existing leased residential structure subject to the following conditions: (1) No use of the land surface outside of existing structures is to be required by the Home Occupation; (2) The use is personal to the applicant and is not transferable to other parties; (3) The Home Occupation does not run with the land and expires with any subsequent transfer of the surface lease; and (4) The Home Occupation does not require the construction of any new building or other improvements to the land surface. Additionally, the Class I Home Occupation shall comply with regulations as specified in Article V, Section 5.5.

C. Permitted Accessory Uses: The following are permitted accessory uses:

1. Any structural or mechanical building or use customarily incidental to the permitted principal use.

D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this district by application for and issuance of a Conditional Use Permit as required in Article V.

1. Other industrial or heavy commercial uses not specifically mentioned in Section 4.4(B).
2. Landfills.

3. Intensive agricultural activities located on parcels of twenty (20) acres or more, provided that no such operations shall be established within ¼ mile of any existing year-round and/or seasonal residential dwelling unit not on the premises and shall be located at least seventy five (75) feet from any lot line.
4. Meteorological Towers and Medium/ Large Wind Energy Systems (MWES & LWES). See Section 4.15 B. Meteorological Towers and Wind Energy Systems (WES).
5. Solar Arrays and / or Solar Collection Systems. See Section 4.15 A. Solar Energy.

E. Area, Yard, Height and Bulk Requirements: See Section 4.7.

Section 4.5 FOREST RECREATIONAL DISTRICT (FR-1)

- A. Intent: This district and the uses permitted by right and on special condition are designed to regulate and promote the use of wooded and rural areas in a manner that will retain the basic attractiveness of natural resources and provide enjoyment for both visitors and the community at large.
- B. Permitted Principal Uses: In the (FR-1) Forest Recreational District, no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this Ordinance:
 1. Recreational structures.
 2. Forest industries (including handicraft, but excluding manufacturing industries.
 3. Raising or growing plants, tree shrubs, and nursery stock.
 4. Growing, stripping, and removal of sod provided that the lot or portion thereof shall be reseeded after stripping by fall of the year in which it was stripped as to reduce the actual or potential erosion of soil by water and wind.
 5. Public or private forest preserves, game refuges, parks, campgrounds, playgrounds or other recreational purposes.
 6. Public and private conservation area and structures for the development, protection, and conservation of open space, watersheds, water, soil, forest and wildlife resources.
 7. Utility and public service facilities and uses, including public buildings and institutional or educational uses.
 8. Facilities necessary for the production and transmission of hydroelectricity (dams, transmission lines and substations).
 9. Railroad uses not including switching yards, storage yards, storage buildings, and freight yards.

10. Private airports including hangars, terminals, control towers and air navigation aids.
11. Essential services and structures of a non-industrial character, but not including maintenance depots or warehouses.
12. Light agriculture activities on ten (10) acres or more and located a minimum of six hundred sixty (660) feet from any existing year-round and/or seasonal residential dwelling unit.
13. Traditional agricultural activities on twenty (20) acres or more and located a minimum of six hundred sixty (660) feet from any existing year-round and/or seasonal residential dwelling unit.
14. Outdoor wood-fired boiler subject to the conditions as specified in Section 4.14.

C. Permitted Accessory Uses: Accessory buildings and uses customarily incidental to any of the above permitted uses.

D. Conditional Uses Authorized by Permit: In the (FR-1) Forest Recreational District, the following buildings and/or uses shall be permitted, subject to the conditions imposed by Article V, Section 5.2 and any additional conditions imposed hereafter in this subsection.

1. Commercially operated trails for motorcycles, dune buggies, and snowmobiles and similar types of vehicles.
2. Travel trailer parks provided that:
 - a. The minimum State of Michigan health requirements governing travel trailer courts and camping areas for public use are complied with.
 - b. The use is developed on a site of at least five (5) acres.
 - c. No person shall occupy a trailer, tent or recreational vehicle for more than six (6) months in any one year.
 - d. The use is effectively screened from public streets and thoroughfares.
3. Mines, quarries and gravel excavation, the removal of soil, sand, gravel, stone, and other earth materials shall be subject to the following conditions:
 - a. There shall not be more than one (1) entrance way from a public road to said lot for each five hundred (500) feet of front lot line frontage.
 - b. On said lot, no digging or excavating shall take place closer than fifty (50) feet to any lot line.

- c. There may be erected a fence not less than six (6) feet in height around the periphery of the development and signs shall be posted no farther than seventy five (75) apart warning of danger and prohibiting trespassing. The fence shall be placed no closer than fifty (50) feet to the top of the slope.
 - d. A Mineral Extraction Permit shall be obtained in accordance with Section 4.11-4.13 of this Ordinance, unless the activity is exempt from mineral extraction permitting as specified in Section 4.11.
 - e. The expiration date of the permit shall be decided at the public hearing at the time of the initial decision to approve. In no case shall the expiration date be for less than five (5) years. A renewal may be by re-application or a redetermination by the Planning Commission, said renewal to be made in accordance with the requirements of this Ordinance for the issuance of a Conditional Use Permit.
4. Exploration for minerals, subject to the following conditions:
- a. No excavating greater than five hundred (500) cubic yards shall be allowed.
 - b. All shafts pits or other excavations shall be filled or plugged, returned to the original contours, and re-vegetated following exploration, unless mineral extraction is undertaken on the site in accordance with Section 4.11-4.13.
 - c. Roads into exploration sites shall be of the minimum standard necessary to allow access, and shall be closed following exploration, unless mineral extraction is undertaken on the site in accordance with Section 4.11-4.13.
 - d. No trees shall be cut other than that necessary to allow access to the site and the actual conduct of exploration activities.
5. Intensive agricultural activities located on parcels of twenty (20) acres or more, provided that no such operations shall be established within ¼ mile of any existing year round and/or seasonal residential dwelling unit not on the premises and shall be located at least seventy-five (75) feet from any lot line.

6. Accessory buildings and uses customarily incidental to any of the above conditional uses.
 7. Meteorological Towers and Small/ Medium/ Large Wind Energy Systems (SWES, MWES & LWES). See Section 4.15 B. Meteorological Towers and Wind Energy Systems (WES).
 8. Solar Arrays and/ or Solar Collection Systems. See Section 4.15 A. Solar Energy.
- E. Area, Yard, Height and Bulk Restrictions: See Section 4.7.

Section 4.6 MINERAL RESOURCE DISTRICT (MR-1)

- A. Intent: This district is intended to provide for mineral extraction and forestry activities on large, contiguous tracts of land in areas where such use will not be incompatible with adjacent residential, commercial or other industrial uses.
- B. Permitted Principal Uses: In the MR-1 Mineral Resource District, no building or lot shall be used and no building shall be erected except for one of the following specific uses, unless otherwise provided in this Ordinance:
1. Forestry.
 2. Mineral extraction and processing in accordance with Mineral Extraction Permit procedures in Section 4.11-4.13.
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Any structure or mechanical building or use customarily incidental to the permitted principal use.
- D. Conditional Uses Authorized by Permit:
1. Meteorological Towers and Medium/ Large Wind Energy Systems (MWES & LWES). See Section 4.15 B. Meteorological Towers and Wind Energy Systems (WES).
 2. Solar Arrays and/ or Solar Collection Systems. See Section 4.15 A. Solar Energy.
- E. Area, Yard, Height and Bulk Requirements: See Section 4.7

Section 4.7 AREA, YARD, HEIGHT AND BULK RESTRICTIONS

Section 4.7 Table: Area, Yard, Height and Bulk Restrictions

Zoning District	Minimum Lot size		Maximum Height of Structure (Feet)	Maximum Height of all Accessory Structures (Feet)	Minimum yard setback (Per lot in feet)				Maximum % of Lot Coverage (All bldgs combined)	Minimum Floor Area in Square Feet
	Area (Sq ft)	Width (Feet)			Front	Sides		Rear		
(R-1) Residential	7500	50	30	15	20	1	5	1	35%	600
(RR-1) Rural Residential	1 Acre (A)	150	30	30	25	10	20	35	35%	600
(TD) Town Development	7500	50	30	15	25	5	10	5	75%	600
(I) Industrial	1 Acre	150	(B)	(B)	30	10	20	20	50%	None
(FR-1) Forest Recreational	10 Acres	330	30	30	25	20	40	35	25%	None
(MR-1) Mineral Resource	5 Acres	200	(B)	(B)	30 (C)	10 (C)	20 (C)	20 (C)	50%	None

- A. Two acre minimum lot size for two-family dwelling unit.
- B. Height at any point on a structure shall not exceed the horizontal distance to any lot line.
- C. Buffers according to Section 4.13 (C) may also be required.

Section 4.8 ONE PRINCIPAL STRUCTURE PER LOT

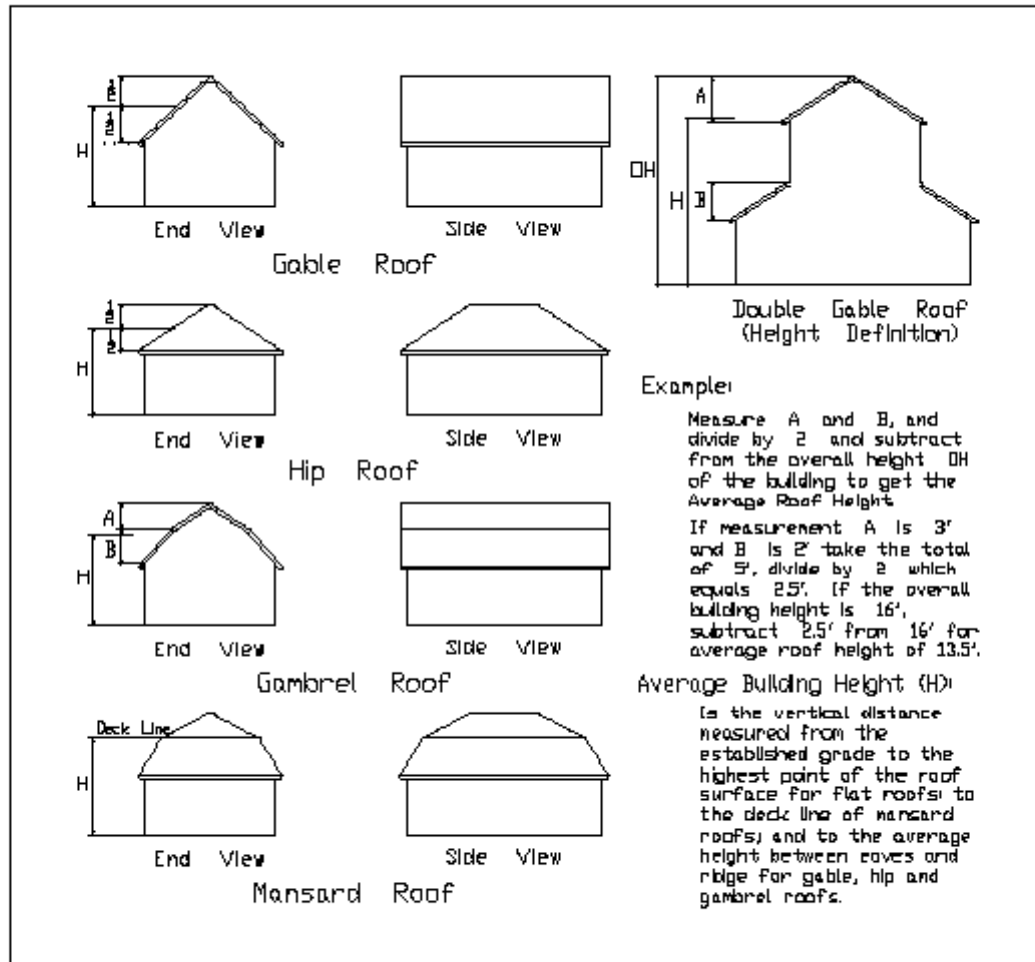
No more than one principal structure or use may be permitted on a lot, unless specifically provided for elsewhere in this Ordinance. In the Town Development District there can be both a residential dwelling and a separate building used for commercial purposes on the same lot.

Section 4.9 HEIGHT REQUIREMENT EXCEPTIONS

The following are exempted from height limit requirements, provided that no portion of the excepted structure may be used for human occupancy.

- A. Those purely ornamental in purpose such as church spires, belfries, domes, ornamental towers, flagpoles, and monuments, provided, however, that a height limit for any Met Tower or WES permitted as a Conditional Use may be set by the Planning Commission as a condition of approval in accordance with WES defined height.
- B. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, radio towers, television antennas, and satellite dishes, wire transmission structures, and cooling towers. Any commercial communication tower shall be constructed such that the distance from the base of the tower to the nearest property line shall be either equal to the height of the structure plus the setback in that district or the radius of the collapse/failure zone as certified by a structural engineer plus the setback in that district.
- C. Public utility structures.
- D. Agriculture related structures such as barns, silos, elevators, and the like.

HEIGHT DEFINITIONS



Section 4.10 OFF-STREET PARKING REQUIREMENTS

Section 4.10 Table: Off-Street Parking Requirements

There shall be provided off-street parking for motor vehicles, and the minimum number of parking spaces to be provided is shown in the following list:

Use	Spaces Required
Single and two-family dwellings Recreational structures	2 per dwelling unit
Rooming houses, fraternities, sororities, dormitories, convalescent homes, and housing for the elderly	.4 times maximum lawful number of occupants
Hotels and motels	1.2 per room in addition to spaces required for restaurant facilities
Apartments and townhouses	2 per dwelling unit
Churches, theaters, facilities for spectator sports, auditoriums, concert halls	.35 times the seating capacity
Golf courses	7 per hole
Barber shop and beauty salons	2 plus 1.5 per chair
Bowling alleys	5 per lane in addition to space required for restaurant facilities
Childcare facility	2 per dwelling unit plus .3 per child
Fast food take-out establishments Drive-in restaurants	1 per employee plus 1 per 50 sq. ft. of gross floor area provided for customer sales and service areas
Restaurants (except drive-ins), bars, and taverns	1.2 per 100 sq. ft. of floor space
Furniture and appliance stores	.3 per 100 sq. ft. of floor space
Household equipment, carpet and hardware stores, repair shops, including shoe repair, contractors showrooms and others, museum and galleries	1.2 per 100 sq. ft. of floor space
Funeral parlors	1 per 50 sq. ft. of floor space
Gas stations	1 per pump plus 2 per lift (in addition to stopping places adjacent to pumps)
Automotive service center	1 per employee plus 2 per service bay
Laundromats	.5 per washing machine
Doctors and dentist office	1 per 100 sq. ft. of waiting room area and 1 per doctor or dentist
Banks	1 per 150 sq. ft. of floor space
Warehouses	1 per 500 sq. ft. of floor space
Retail stores and service floor establishments	1 per 150 sq. ft. of space and outdoor sales space
Offices	1 per 300 sq. ft. of floor space
Other business and industrial uses	.75 times maximum number of employees on premises at any one time

Where calculation in accordance with the foregoing lists results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

Required off-street parking shall be provided on the lot to which it pertains. Access drives may be placed in the required front, side, or rear yards so as to provide access to accessory or attached structures. Additionally, any walk or other pavement serving a like function shall not be considered a structure and shall be permitted in any required yard.

The use of any required parking space for the storage of any motor vehicle for sale or for any other purpose other than the parking of motor vehicles is prohibited. For recreational and residential storage facilities and warehousing, loading areas shall be provided adjacent to the openings of the buildings. In no case shall these loading areas including access lanes be less than twenty six (26) feet wide when loading occurs on one side of the lane nor less than thirty (30) feet wide when loading would occur from both sides.

The following minimum design standards shall be observed in laying out off-street spaces and providing access lanes to each space. Layouts requiring vehicles to back out onto roads or streets are prohibited.

Parking Angle	Stall Width	Aisle Width	Parking Stall Length	Curb to Curb
0° to 15°	9 ft.	12 ft.	23 ft.	30 ft.
16° to 37°	10 ft.	11 ft.	18 ft.	47 ft.
38° to 57°	10 ft.	13 ft.	18 ft.	54 ft.
58° to 74°	10 ft.	18 ft.	18 ft.	61 ft.
75° to 90°	10 ft.	24 ft.	18 ft.	63 ft.

Section 4.11 MINERAL EXTRACTION

Mineral extraction is the extraction and/or processing of iron ore, copper, gravel, sand, stone, gypsum, peat, topsoil, silver, gold, uranium, and/or other minerals. It is the intent of these regulations to:

- A. Provide for the proper environmental management during the site planning, operational, and reclamation stages of the mineral extraction process.
- B. Provide the Township with information important to overall planning and orderly economic growth.
- C. Provide for the right to extract mineral deposits where located.

The following shall not require an application for a Mineral Extraction Permit:

- A. Any active mining operation at the date of enactment of this Ordinance to continue mineral extraction from existing holes or shafts, which may be enlarged on the land constituting the site on the effective date of this Ordinance. This exemption does not apply to new holes or shafts.
- B. An extraction of less than five hundred (500) cubic yards of minerals from a parcel.
- C. Site preparation authorized by Zoning Compliance Permit.

No mineral extraction shall be undertaken without first obtaining a Mineral Extraction Permit from the Richmond Township Planning Commission and upon payment of a reasonable fee established by the Township Board. A Zoning Compliance Permit shall also be obtained pursuant to Section 6.4. The Zoning Administrator, upon receipt of the application for Mineral Extraction Permit, shall provide a copy of the same within thirty (30) days to the Planning Commission for their review and action. The Planning Commission shall review the application for Mineral Extraction Permit at a public hearing to be scheduled in accordance with the provisions of Sections 4.12 and 5.2(D) and approve, approve with conditions, or reject the Mineral Extraction Permit with explanation. If any of the application information is available in the form of an Environmental Impact Assessment or other appropriate documents which are required to be submitted to various county, state and/or federal agencies, a copy of that information may be submitted in place of the following appropriate sections.

Section 4.12 APPLICATION FOR MINERAL EXTRACTION PERMIT

An application for a Mineral Extraction Permit must contain a site plan, operation plan, and reclamation plan as described herein.

The applicant shall submit the following documents, including a cover letter with the signature of the applicant or the applicants authorized agent to the Zoning Administrator.

- A. Site Plan Requirements:
 - 1. A site plan consisting of eleven identical copies on one or more sheets at a scale adequate to illustrate the proposed operation.
 - 2. A legal description of the lot; the name, address, and telephone number of the owner, developer, and designer.
 - 3. Date, north point, and scale.

4. The actual dimensions of the proposed developed area (as shown by a surveyor or engineer, with the survey stakes visible) 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 on land immediately adjacent to the site within one hundred (100) feet of the site parcel lines.
6. The location of all-existing and proposed drives and parking areas.
7. The location of right-of-way widths of all abutting streets, alleys, and private easements.
8. The location of proposed planting and screening, fencing, signs, and advertising features.
9. The height and floor area of all proposed structures.
10. The size and location of all existing and proposed public and private utilities and required landscaping.
11. Proposed location, area extent, estimated depth of excavation.
12. Proposed location of waste dumps, tailing ponds, sediment basins, stockpiles, and other permanent or temporary facilities used in mining.
13. Describe the general groundwater conditions and the possible impact of mining operations upon adjacent groundwater levels and quality. The operator must identify plans to alleviate possible problems in the groundwater supply to adjacent landowners.
14. Any other information necessary to establish compliance with this Ordinance.

B. Operation Plan Requirements:

1. A narrative description outlining the estimated time span which the operation will cover; the type of material to be extracted; the type of mining operation and processing equipment to be used; measures to control noise, vibration, and pollution from the operation; effect on groundwater condition; proposed travel routes to be used to transport the mine material to processing plant or markets, and the proposed steps to be taken to relieve adverse effects.

2. A narrative description of the social and economic impact on Richmond Township including an estimate of the number of potential employees, proposed transportation routes for employees and any changes in the present road system that might be made necessary by the proposed operation.
3. Sight buffers as reasonable and practical along all boundaries of the mining operation which abut R-1, RR-1, or TD zoning districts. These buffers shall be so constructed as to screen the mining operation from view and protect individuals from injury.

The following techniques may be used, but not limited to the following screening methods:

- a. Buffer Zone: An area of sufficient depth as to screen the operation from view.
 - b. Earth Berms: Earth berms, constructed to a height of at least six feet above the mean elevation of the center line of the public highway adjacent to the mining property, or six feet above the general level of terrain along property lines. These berms shall have slopes not in excess of one-foot vertical to four feet horizontal, and shall be planted with trees and shrubs.
 - c. Plantations: Plantations of coniferous or other suitable species in rows parallel to the boundaries of the property with the spacing of rows and the spacing of trees in the rows sufficient to provide effective screening.
 - d. Fencing: Solid fences or masonry walls constructed to a height of six (6) feet and inconspicuous as compared to color.
4. A description of the measures to be taken to assure that any dangerous excavations, pits, pond areas, banks, or slopes be adequately guarded or fenced and posted with signs to prevent injury to individuals.
 5. Identify plans for utilities, access roads, drainage, traffic plans, and other site improvements showing appropriate measures that have been, are, or will be provided.

C. Reclamation Plan Requirements

A reclamation plan shall include a map and description showing:

1. Final grading, anticipated final slope angles, wall reduction, benching and terracing of slopes, slope stabilization and revegetation, and erosion control, and alternative future land use.
2. Description of topsoil stripping and conservation during storage and replacement.
3. Plan and description of anticipated final topography, water impoundment's, and artificial lakes on property.
4. Plans for disposition of surface structures, roads, and related facilities after cessation of mining.
5. A plan for disposal of treatment of any harmful or toxic materials found in any formation penetrated by the mining operations or produced during the processing of mineral, and of chemicals or materials used during the mining or processing operations.
6. A timetable for completion of reclamation requirements.

Section 4.13 GENERAL STANDARDS

The Planning Commission shall review the particular facts and circumstances of each application for a Mineral Extraction Permit in terms of the following standards and shall find adequate evidence showing that the proposed use:

- A. Will be harmonious with and in accordance with the general policies or with any development plan adopted by Richmond Township.
- B. Will provide adequate site drainage so that waters will not adversely affect neighboring properties.
- C. Will provide a one thousand (1,000) foot buffer zone between the mineral extraction operation, including stockpiles, tailing basins, or water reservoirs, and any property line or zoning district boundary and a five hundred (500) foot buffer between such operations and the center line of State Highway M-35. In the case of property lines and zoning district boundaries, this requirement shall be waived by the Planning Commission, at the applicants request, if the property within a minimum of one thousand (1,000) feet from the mineral extraction operation is owned by the same entity as the property on which the mineral extraction operation would occur or by an associated entity. Access/utility corridors and roadways shall be permitted within the buffer zone, provided that such corridors and roadways shall be no wider than reasonably necessary, and no mine haulage occurs on roadways in buffer zones.

- D. Will not be hazardous or cause serious consequences to existing neighboring uses, including, but not limited to, its affect from noise, traffic, smoke, fumes, glare, or odors.
- E. Will be served adequately by essential public facilities and services.
- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the welfare of the community.
- G. Will protect the public health, safety and welfare of the community.

Section 4.14 OUTDOOR WOOD-FIRED BOILERS

- A. The installation, use or maintenance of an outdoor wood-fired boiler requires, at a minimum, the issuance of a Zoning Compliance Permit by the Zoning Administrator. Any outdoor wood-fired boiler in existence on the effective date of this amendment, September 7, 2007 shall be permitted to remain upon application for and issuance of a zoning compliance permit and is subject to only paragraphs F, G and H of this section.
- B. The boiler unit shall be installed on a concrete slab extending two (2) feet outside the firebox enclosure.
- C. The outdoor wood-fired boiler shall be located a minimum of 50 feet from the nearest building on the same property as the boiler and also with a minimum side yard and rear yard setbacks of 30 feet from the property lines.
- D. The outdoor wood-fired boiler shall be located a minimum of: 225 feet {in the Rural Residential (RR-1) District} or 200 feet {in the Forest Recreational (FR-1) District} from the nearest building not located on the same property as the boiler.
- E. The outdoor wood-fired boiler shall have an insulated chimney that extends at least fifteen (15) feet above the ground surface. If there are any off premise residences located within 300 feet, the chimney shall extend at least as high above the ground surface as the height of the roof of all such residences.
- F. Only firewood (trunks or branches of trees or bushes larger than 3 inches in diameter) and untreated lumber (wood which has been milled and dried but has not been treated or combined with any substance which penetrates or covers the surface) are permitted to be burned in an outdoor wood-fired boiler. No refuse (waste material other than trees, logs, brush and stumps) is permitted to be burnt.
- G. Outdoor wood-fired boilers shall be operated only between September 1st and May 31st.

- H. All outdoor wood-fired boilers shall be equipped with functioning spark arrestors.

Section 4.15 ALTERNATIVE ENERGY SYSTEMS

It has become increasingly desirable in time of rising energy costs and shortages to look to alternative energy sources, solar and wind, for both residential and commercial uses. While utilization of these sources will ultimately, it is hoped, reduce greenhouse gas emissions, implementation without realistic standards can cause problems visually and operationally both on and off site. These regulations are designed to balance rights of all parties and assist in benefitting the end user and the community as a whole in minimizing visual impacts and the potential for nuisance.

- A. Solar Energy: Solar energy equipment consists of photovoltaic solar arrays and/or a solar collection system. In addition to the local zoning ordinance and Marquette County Building Codes, they may also be subject to Restrictive Deed Covenants or Owner's Association Bylaws for their specific site. Common building code issues to address include exceeding roof load, unacceptable heat exchangers, improper wiring, inadequate separation from potable water supplies, etc. Potential zoning issues can include side / rear yard obstructions, exceeding height limits, visual degradation due to improper siting, off-premise vegetation growth affecting efficiency of ground mounted systems, etc. These items and other situation specific issues will be addressed upon application for a Conditional Use Permit, site plan submittal, and a Public Hearing conducted by the Planning Commission. Prospective applicants are encouraged to initially discuss installation issues with the Marquette County Building Code Department and furnish written results of this discussion with the Conditional Use Application.

Solar arrays are: limited to a maximum height of fifteen (15) feet; to be located only in the side or rear yards of the parcel and, dependent upon site specifics, may require screening from public view. **Roof mounted solar collection systems are:** to be installed in the plane of the roof, unless demonstrated by the applicant to be ineffective; not project vertically above the peak of the attached roof or project more than five (5) feet above a flat roof; and not to exceed the maximum permitted building height of the Zoning District in which it is located. Solar panels with a total area of less than eight (8) square feet are exempt from application for a Conditional Use Permit *but* must meet all other requirements.

B. Meteorological Towers and Wind Energy Systems (WES):

1. Meteorological Towers: Meteorological Towers (Met Towers) are permitted as a Temporary Conditional Use in the same districts as any WES. The Met Tower shall be permitted for no more than twelve (12) months for a SWES, twenty-four (24) months for a MWES and thirty-six (36) months for a LWES and are subject to all applicable requirements and application procedures of any SWES regulated under Sub-Section 2 below.
2. Small Wind Energy Systems (SWES) The primary use of this system is for residential on-site consumption of utility power produced by a generator of sixty (60) kilowatts or less located on a tower not exceeding one hundred (100) feet in height.

Every application shall be accompanied by the following informational requirements:

- a. A completed application form, a Plot or Site Plan and a statement with supporting evidence, all as specified in ARTICLE V SUPPLEMENTAL REGULATIONS, Sections 5.2 (2) Application and Fee and 5.2 (3) Data, Exhibits, and Information Required in Applications.
- b. Evidence of compliance with a setback of 110% of the total extended height of the SWES from any public road Right-of -Way, any overhead utility line and all property lines. Guy wire anchors, if required, shall be placed at least fifteen (15) feet from any property line and shall be clearly visible to a height of six (6) feet above grade.
- c. SWES specifications including manufacturer & model; rotor diameter; tower height, type & drawings; tower foundation drawings.
- d. The method of restricting access to ground mounted electric/ control equipment and tower access to a height of ten (10) feet above grade.
- e. Description of lightning protection and location of underground wiring.

- f. Confirmation that there will be no artificial lighting unless required by the Federal Aviation Administration (FAA) and submission of a completed FAA Notice Criteria Tool form obtained at the following website:

<https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>

- g. Furnishing copies of written utility notification and permission to interconnect with the electric grid, unless the system is to be installed off-grid.
- h. Demonstration that the rotor blade clearance is a minimum of twenty (20) feet above grade.
- i. Providing evidence that turbine blade shadow flicker will not fall on public roadways or off-site habitable structures.
- j. Description of the automatic braking, governing or feathering system to prevent uncontrolled blade rotation or over speeding.
- k. Submission of a sound level analysis prepared by the turbine manufacturer or a qualified engineer indicating that noise emissions from the SWES will not exceed fifty (50) dB(A) measured at the property lines. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. In the event the ambient sound pressure level exceeds 50 dB(A), the standard shall be ambient plus 5 dB(A).

A SWES that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Zoning Administrator may issue a Notice of Abandonment to the Owner of a SWES that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from receipt of the Notice of Abandonment. The Zoning Administrator shall withdraw the Notice of Abandonment and notify the Owner of such withdrawal if the Owner provides information that demonstrates the SWES has not been abandoned.

If the SWES is determined to be abandoned, the Owner of the SWES shall remove the wind generator and the tower at the Owner's sole expense within three months of receipt of the Notice of Abandonment. If the Owner fails to remove the wind generator and tower, the Zoning Administrator shall submit a recommendation to the Township Board to pursue legal action to have the wind generator and tower removed at the Owner's expense.

3. Medium Wind Energy Systems (MWES) The primary use of this system is for commercial, municipal, or industrial on-site consumption of utility power produced by a generator of more than sixty (60) kilowatts to three hundred (300) kilowatts located on a tower not exceeding one hundred sixty-four (164) feet in height.

Every application shall be accompanied by the informational requirements of Section 2. above unless amended as follows:

- a. The Site Plan shall comply with the applicable requirements of ARTICLE IV ZONING DISTRICT REGULATIONS, Section 4.12 A. Site Plan Requirements.
- b. MWES specifications including manufacturer & model; rotor diameter; tower height, type & sealed drawings; sealed tower foundation drawings.
- c. The method of restricting access to ground mounted electric/control equipment and tower access to a height of twelve (12) feet above grade.
- d. Demonstration that the rotor blade clearance is a minimum of thirty (30) feet above grade.
- e. Submission of a sound level analysis prepared by a qualified engineer indicating that noise emissions from the MWES will not exceed forty-five (45) dB(A) measured at the property lines. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. In the event the ambient sound pressure level exceeds 45 dB(A), the standard shall be ambient plus 5 dB(A).

A MWES that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Zoning Administrator may issue a Notice of Abandonment to the Owner of a MWES that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from receipt of the Notice of Abandonment. The Zoning Administrator shall withdraw the Notice of Abandonment and notify the Owner of such withdrawal if the Owner provides information that demonstrates the MWES has not been abandoned.

If the MWES is determined to be abandoned, the Owner of the MWES shall remove the wind generator and the tower at the Owner's sole expense within three months of receipt of the Notice of Abandonment. If the Owner fails to remove the wind generator and tower, the Zoning Administrator shall submit a recommendation to the Township Board to pursue legal action to have the wind generator and tower removed at the Owner's expense.

4. Large Wind Energy Systems (LWES): The primary use of this system is to supply electricity to a grid system for off-site customers produced by a generator of more than three hundred (300) kilowatts located on a tower exceeding one hundred sixty-four (164) feet in height. Property may be owned or leased by the developer.

NOTE: The construction of a LWES is typically preceded by an investigation of on-site wind characteristics to assess suitability for power generation. This usually involves wind monitoring over several months with the installation of a Met Tower, which due to its height, would necessitate an application for and receipt of special zoning approval. As of the effective date of these amendments to Richmond Township's Zoning Ordinance, August 28, 2011, no such approval has been requested or granted for any Met Tower installation.

Prospective applicants are apprised that Richmond Township has initially adopted basic regulations for LWES to assist developers in site assessment and up-front planning to minimize potential problems. Upon granting a Conditional Use for a Met Tower in districts where LWES are conditionally permitted, the Richmond Township Planning Commission will commence work to complete this portion of the ordinance within eight (8) months.

Topics to be addressed may include, but are not limited to, completion and submission of the Federal Aviation Administration's Notice Criteria Tool form, Public road use and restoration plan, Design site plan, Aircraft protection, Blasting plan, Avian & wildlife impact, Microwave and electromagnetic interference, Shadow flicker analysis, Noise & testing parameters, Lightning & stray voltage assessment, Security & emergency response plan, Emergency shutdown plan, Decommissioning & site restoration plan and Bonding/ financial guarantee agreement, etc.

- a. LWES will be initially subject to the following requirements:
 - i. The Site Plan shall comply with the applicable requirements of ARTICLE IV ZONING DISTRICT REGULATIONS, Section 4.12 A. Site Plan Requirements.
 - ii. Turbine rotor blade clearance shall be a minimum of fifty (50) feet above grade.

NOTE: Noise related to LWES installations is a serious concern for impacted communities and the emergent wind industry. The State of Michigan appears to advocate relaxed rules for siting industrial wind generation in quiet rural communities and ignores, to the discomfiture of residents, two decades of European and Australian experience in regulation and balance between societal and corporate rights.

Available information about the negative effects of LWES upon individuals is contradictory, although research completed and in progress appears to support the potential for public health risks for a segment of the population and other negative impacts upon property. At the same time progress within the wind industry is continuous with increasingly higher generating capacity available in individual wind turbines. More time is required to assess the impact of these industrial-sized systems on the health and safety of people residing, pursuing recreation and working in their vicinity.

Presently, due to industry evolution and unconfirmed scientific studies, Richmond Township decides to err on the side of caution. Options presently available to reduce LWES noise emissions involve reducing the sound power at the source or increasing the distance between source and receiver.

iii. Setbacks

- (a) Each LWES shall be setback 150% of the total extended height of the LWES from any Participating Parcel or Project Parcel property boundary lines.
- (b) Each LWES shall be setback 200% of the total extended height of the LWES from any public road Right-of-Way and any overhead utility line.
- (c) Each LWES shall be located 1600 feet from any single family or seasonal dwelling located on a Participating Parcel.
- (d) Each LWES shall be located 3960 feet from any single family or seasonal dwelling located on a Non-Participating Parcel.

iv. Sound Emission Testing

All testing, modeling, and analysis of each LWES shall conform to the measurement standards and protocols of ANSI S12.9, Parts 1-5; ANSI S12.17; ANSI S12.18 and IEC 61400 - 11 and be performed by a qualified professional consultant selected by Richmond Township and paid for by the applicant via an Escrow Account controlled by the Township.

- (a) In order to establish long-term background noise, the preconstruction La90 and Lc90 ambient sound levels are to be measured at the property lines of Non-Participating Parcels at night time between the hours of 9:00 PM to 5:00 AM.
- (b) Post-construction operating sound levels are to be measured within nine (9) months of a fully operational LWES installation at the property lines of Non-Participating Parcels at night time between the hours of 9:00 PM to 5:00 AM. The maximum noise emission at any Non-Participating Parcels containing a single family or seasonal dwelling shall not be in excess of the following limits:

- (1) Maximum Emission Level - 40dB(A)
- (2) Maximum Emission Level - 55 dB(C)
- (3) Maximum emission above preconstruction ambient level $La_{90} + 5\text{dB}$
- (4) Maximum emission above preconstruction ambient level $Lc_{90} + 5\text{dB}$
- (5) Emission Spectra Imbalance - $Lc_{90} + 5\text{dB} - (La_{90} + 5\text{dB}) \leq \underline{20\text{dB}}$

Each limit (1) through (5) above is independent and exceeding any of the limits will be determined to be evidence of non-compliance. The Zoning Administrator shall immediately inform the operator of non-compliance with the Emission Limits. The LWES shall be removed from operation until such time as compliance with noise levels is achieved. ¹

¹

Information in the Sounds Emission Testing section is based in part upon "The How To Guide to Siting Wind Turbines To Prevent Health Risks From Sound" by G. W. Kamperman and R. R. James Version 2.1, dated October 28, 2008.

ARTICLE V

SUPPLEMENTAL REGULATIONS

Section 5.1 PURPOSE

IV. The purpose of this article is to supplement the respective district regulations in Article

Section 5.2 CONDITIONAL USES

The formulation and enactment of this Ordinance is based upon the division of Richmond Township into districts in each of which are permitted principal uses which are mutually compatible. In addition to such principal uses, however, there are certain other uses, which it may be necessary or desirable to allow in certain districts. Because of their actual or potential impact on neighboring uses or public facilities, such uses need to be carefully regulated to insure compatibility.

- A. Authority to Grant Permits: The Planning Commission shall have the authority to grant Conditional Use Permits, subject to such conditions of design, operation, and safeguards as may be necessary to comply with the standards contained in this Ordinance and to assure the health, safety, and welfare of nearby residents and properties.
- B. Application and Fee: An application shall be made to the Planning Commission through the Richmond Township Clerk by filing an official Conditional Use Permit application form; submitting required data, exhibits, and information; and depositing the required fee. Fees shall be established by resolution by the Richmond Township Board and no part of such fee shall be returnable to the applicant.
- C. Data, Exhibits, and Information Required in Applications: An application for a Conditional Use Permit shall contain the applicants name and address in full, a statement that the applicant is the owner or authorizing the applicant to act on the owner's behalf, the address and legal description of the property involved, and accurate scale drawing by the applicant of said property showing the existing and proposed location of all structures thereon, the types thereof, and their uses. Supporting data exhibits, information, and evidence may also be submitted.

- D. Public Hearings: The Planning Commission shall review the application within thirty (30) days of the date of the application. The Zoning Administrator shall not less than fifteen (15) days in advance of the hearing: Cause to be published in a newspaper of general circulation within Richmond Township one (1) notice of public hearing and shall notify by regular mail or personal delivery the applicant and other parties of interest, all persons to whom property is assessed within three hundred (300) feet of the subject property and occupants of all structures within three hundred (300) feet of the subject property. Such notice shall describe the nature of the request, indicate the property involved including the street address, state the time and place of the hearing and indicate where and where written comments will be received concerning the request pursuant to the “Zoning Act “.
- E. Required Standards and Findings for Making Determinations: The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and shall find and record adequate data, information, and evidence showing that such a use on the proposed site, lot, or parcel meets the following requirements:
1. Will be harmonious with and in accordance with the general objectives, intent, and purpose of this Ordinance and the specific zoning district in which it is located.
 2. Will be designed, constructed, operated, maintained, and managed, so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
 3. Will be served adequately by essential public facilities and services, such as: highways, streets, police, and fire protection, schools, public transportation, drainage structures, refuse disposal, or that the person or agencies responsible for the establishment of the proposed use shall be able to provide adequately and such service. Use of the proposed site will not create excessive additional requirements at public cost for public facilities or services.
 4. Will not be hazardous or disturbing to existing or future neighboring uses.
 5. Will not diminish the value of land, buildings, or structures in the district or generate excessive traffic.
 6. That the proposed use and structure will comply with the performance standards of Section 5.4.

- F. Determination and Imposition of Conditions: If the facts in the case do not establish beyond a reasonable doubt that standards set forth in this Ordinance will be met, the Planning Commission shall not grant a Conditional Use Permit. In granting a Conditional Use Permit, the Planning Commission may specify conditions of use to protect the best interests of Richmond Township and the surrounding property and residents, and to achieve the objectives of this Ordinance in compliance with the standards contained therein.
- G. Planning Commission Actions: The Planning Commission shall approve, approve with conditions or reject the application within thirty (30) days of the hearing based upon materials received and testimony recorded at the public hearing. The Planning Commission shall set forth the reasons in writing for approval, denial or modification of the Conditional Use Permit application. The decision on a conditional use shall be incorporated in a statement of findings and conclusions which specifies the basis for the decision and any conditions imposed. All conditions shall clearly defined in writing and comply with the requirements of the "Zoning Act". The applicants compliance with the decision shall occur prior to the commencement of the use, unless a specified time is set in the motion granting the Conditional Use Permit.

The Planning Commission shall forward a copy of the permit to the Applicant, Clerk, and Zoning Administrator. The Zoning Administrator shall not issue a Zoning Compliance Permit until he has received a copy of the Conditional Use Permit approved by the Planning Commission.

- H. Voiding of Conditional Use Permit: Any Conditional Use Permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use is commenced within two hundred ten (210) days of the date of issuance. Construction shall be completed within five hundred seventy five (575) days of the date of issuance. A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance and grounds for the Planning Commission to terminate and cancel such Conditional Use Permit. A Conditional Use Permit shall be voided or terminated following the same notice and hearing requirements as granting a Conditional Use Permit.

Section 5.3 NONCONFORMING USES AND STRUCTURES

Non-conforming uses and structures are those, which do not conform to a provision or requirement of this Ordinance but were lawfully established prior to the time of its applicability. It is recognized that those nonconformity's, which adversely affect orderly development and the value of nearby property, are not permitted to continue without restriction.

The zoning regulations established by this Ordinance are designed to guide the future use of land in Richmond Township by encouraging appropriate groupings of compatible and related uses and thus to promote and protect the public health, safety, and general welfare. The continued existence of non-conformities is frequently inconsistent with the purpose for which such regulations are established.

This Ordinance distinguishes by class the various nonconforming uses and structures. In general, Class A Non-conforming Uses and Structures have been found by the Zoning Board of Appeals not to be contrary to the public health, safety, and general welfare, or the spirit of this Ordinance or other standards in this Ordinance and as such should be encouraged to continue. In contrast, Class B Non-conforming Uses and Structures are not consistent with the aforementioned, and as such, should be not encouraged to exist by the Township. Different regulations are established for each class. The degree of restriction over each class is a function of the degree to which that class of nonconformity is a nuisance or incompatible with the purposes and regulations of this Ordinance.

Any use or structure created in violation of any preceding Richmond Township Zoning Ordinance remains a violation.

- A. Class A Nonconforming Uses and Structures: Class A Nonconforming Uses and Structures are those which have been so designated by the Zoning Board of Appeals after application by any interested person or the Zoning Administrator. The Zoning Board of Appeals shall find that the continuance thereof would not be contrary to the public health, safety, and general welfare, or to the spirit of this Ordinance; that the use or structure does not and is not likely to significantly depress the value of nearby properties; that the use or structure was lawful at the time of its inception; that it meets the standards set out in Section 5.2(E) of this Ordinance; and that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.
- B. Procedures for Obtaining Class A Designation: A written application shall be filed with the Zoning Board of Appeals utilizing forms obtained from the Zoning Administrator which shall include:
 - 1. Name address of property owner and applicant if not same.
 - 2. A legal description of the property or lot.
 - 3. A site plan pursuant to Section 5.2 (C).
 - 4. An explanation describing the present nonconforming use or structure.
 - 5. An explanation of any proposed addition or alteration to the uses or structures.

The Zoning Administrator shall, upon receipt of said application, schedule a public hearing and notification in accordance with the procedures set out in Section 5.2(D) of this Ordinance. Upon hearing the facts and information, the Zoning Board of Appeals shall, make its decision in writing and set forth the findings and reasons on which it is based, pursuant to the standards identified in Section 5.2(E) and the “Zoning Act”. Conditions may be attached, including any time limit, where necessary to assure that the use or structure does not become contrary to the public health, safety, and welfare, or the spirit and purpose of this Ordinance.

- C. Provisions for Class A Nonconforming Uses and Structures: Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
1. No such Class A Non-conforming Use or Structure shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except with specific approval of the Zoning Board of Appeals.
 2. No such Class A Non-conforming Use or Structure shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance, except with specific approval of the Zoning Board of Appeals.
 3. No Class A Non-conforming Use or Structure shall be extended to displace a permitted (conforming) use.
 4. Class A Non-conforming Use or Structure shall not be changed to another nonconforming use, except with specific approval of the Zoning Board of Appeals. Before granting such approval, the Zoning Board of Appeals shall determine that such change in use will have a less deleterious effect on neighboring properties than the existing nonconforming use.
 5. No Class A Non-conforming Use shall be expanded to add another nonconforming use, except with specific approval by the Zoning Board of Appeals. The proposed nonconforming use shall satisfy the standards as set out in Section 5.2(E).

6. Class A Non-conforming Structures shall not be altered or expanded without the specific approval of the Zoning Board of Appeals, except that structural alterations which do not add to the bulk of a structure or increase the intensity of use of the structure may be permitted without prior approval of the Zoning Board of Appeals.
- D. Regulations Pertaining to Class A Nonconforming Uses and Structures: No Class A Non-conforming Use or Structure shall be resumed if it has been discontinued for a continuous period of at least eighteen (18) months or if it has been changed to a conforming use for any period. No Class A structure shall be used, altered, or enlarged in violation of any condition imposed in its designation.
- E. Class B Nonconforming Uses and Structures: All nonconforming uses and structures not designated as Class A are considered as Class B. It is the purpose of this Ordinance to eliminate Class B nonconforming uses and structures as rapidly as is permitted by law without payment of compensation. No Class B Non-conforming Use shall be resumed if it has been discontinued for a continuous period of at least eighteen (18) months or if it has been changed to a conforming use for any period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds fifty (50) percent of the reproduction cost of such structure.
- No Class B Non-conforming Structure shall be enlarged or structurally altered. No Class B nonconforming use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than was used at the time of becoming nonconforming. No Class B nonconforming use or structure shall be permitted to continue in existence if it was unlawful at the time of its inception.
- F. General Standards: The Zoning Board of Appeals shall review the particular facts and circumstances of each Class A proposal in terms of the intent of this section and the general standards as set out in Section 5.2(E) of this Ordinance. Each individual proposal shall follow the procedures identified in Section 5.2(D) of this Ordinance.
- G. Revocation of Class A Nonconforming Uses and Structures: Any Class A nonconforming use or structure maintained or used in violation of this Ordinance is a nuisance per se. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, said Zoning Administrator shall issue a notice of violation. Such notice shall be directed to each property owner or a party in interest in whose name the property appears on the last local tax assessment records. All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be by regular mail. Addressed to such owner or party in interest at the address shown on the tax records. An affidavit of mailing shall be maintained.

All violations of Class A nonconforming uses and structures shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period shall be reported to the Zoning Board of Appeals. The Zoning Board Appeals shall, upon receipt of said violation, schedule a public hearing in accordance with the procedures set out in Section 5.2(D) of this Ordinance. Upon hearing the facts and information, the Zoning Board of Appeals shall make its decision to consider revocation of the Class A designation in writing and set forth the findings and reasons on which it is based.

Section 5.4 PERFORMANCE STANDARDS

- A. Requirements: No lot, building, or structure in any district shall be used in any manner as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises. Uses in all districts, where permitted, shall comply with the following performance requirements:
1. Noise: which is objectionable due to volume, frequency, or beat, shall be muffled or otherwise controlled so that there is no production of sound discernable at lot lines in excess of the average intensity of street and traffic noise at the lot lines. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
 2. Vibration: No vibration shall be permitted which is discernable without instruments on any adjoining lot or property.
 3. Odor: No malodorous gas or matter shall be permitted which is offensive, or as to produce a public nuisance or hazard on any adjoining lot or property.
 4. Air Pollution: No pollution of air by fly-ash, dust, vapors, fumes, or other substances shall be permitted which is harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.
 5. Glare: No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway.
 6. Erosion: No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties, lakes, ponds, rivers, or streams.
- B. Plans: The application for a Zoning Compliance Permit for a use subject to performance requirements shall be accompanied by a description of the machinery, process, and products; and specifications for the mechanisms and techniques to be used in meeting the performance standards.

Section 5.5 HOME OCCUPATIONS

There shall be two classes of home occupations. Home Occupation Class I shall be permitted in the R-1, RR-1, TD, and I zoning districts. Classes I Home Occupations are authorized by application for and issuance of a Zoning Compliance Permit by the Zoning Administrator. Class II Home Occupations shall be authorized in the R-1, RR-1, and TD zones upon application for and issuance of a Conditional Use Permit pursuant to Section 5.2 and upon issuance of a Zoning Compliance Permit by the Zoning Administrator. Class I and II Home Occupation approvals may be revoked following procedures outlined in Section 5.3(G). Class I Home Occupations shall comply with the following conditions:

- A. Home occupations shall employ only those members of the family residing on the premises and not more than one non-occupant employee.
- B. There shall be no outdoor storage and there shall be no exterior evidence of the conduct of home occupations, other than an approved sign.
- C. Specifically excluded is the storage, display and sale of merchandise not produced by such home occupations.
- D. If the home occupation is conducted in an accessory building, it shall not exceed fourteen (14) feet in height, and shall occupy not more than three hundred (300) square feet of said accessory building.
- E. No traffic shall be generated by such home occupation in greater volumes that would be normally expected in that residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the requirements of Section 4.9; the home occupation may utilize only stock vehicles such as passenger cars and light utility vehicles such as pick-ups and vans. These vehicles may be parked outside.
- F. The use of the dwelling unit for home occupations shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and if such home occupation is conducted in the principal dwelling, not more than twenty five (25) percent of the useable floor area of the dwelling shall be used in the conduct of home occupations.
- G. No equipment or processes shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference's in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

- H. A sign advertising the home occupations shall not exceed six (6) square feet and shall not be illuminated or have working parts.
- I. A home occupation shall include the use of a single family dwelling by an occupant of that dwelling to provide instruction in a craft or fine art therein.
- J. A registered primary care giver shall be allowed as a Class I Home Occupation, subject to the specific requirements of this section. This use is considered an accessory use, is personal to the applicant, and is not transferable to any other person.

Nothing in this section, or in any companion regulatory section adopted in any other provision of this Ordinance, is intended to grant, nor shall they be construed as granting immunity from prosecution for growing, selling, consuming, using, distributing or possessing of marihuana.

Since federal law is not affected by the Act or the General Rules, nothing in this section, or in any companion regulatory section adopted in any other provision of this Ordinance, is intended to grant, nor shall they be construed as granting immunity from criminal prosecution under federal law. The Act does not protect users, care givers or the owners of properties on which medical use of marihuana is occurring from federal prosecution, or from having property seized by federal authorities under the Federal Controlled Substances Act.

In addition to the regulations for Class I Home Occupations listed as A. through I. above, the following additional requirements for a registered primary care giver shall apply:

1. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Michigan Department of Community Health, as they may be amended from time to time.
2. Not more than one registered primary care giver per dwelling unit shall be permitted. The dwelling unit shall be the principal residence of the registered primary care giver. No employees are permitted.
3. Medical marihuana shall be delivered to the qualifying patient where the qualifying patient resides. Pick up of medical marihuana from the registered primary care giver's dwelling is prohibited. Transactions relating to compensation of costs associated with assisting a qualifying patient are prohibited from occurring at the registered primary care giver's dwelling.

4. All medical marihuana shall be grown and contained within the dwelling unit in an enclosed, locked facility inaccessible on three sides and equipped with locks or other security devices that permit access only by the registered primary care giver or qualifying patient.
 5. A registered primary care giver shall not display a sign associated with the home occupation.
 6. No part of an accessory structure may be used for the registered primary care giver's Home Occupation.
 7. The home occupation is not allowed within a 1,000 foot radius from any school, including a child care or day care facility, to ensure compliance with Federal "Drug-free School Zone" requirements.
 8. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any part of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marihuana are located.
 9. Windows of rooms used as a growing location shall be shielded (without exterior alterations) at nighttime to prevent ambient light spillage that may create a distraction for adjacent residential properties.
 10. The Home Occupation at which a registered primary care giver grows marihuana shall not be within five hundred (500) feet of any other property at which another registered primary care giver grows marihuana for patients.
- K. Class II Home Occupations meeting the criteria for Class I Home Occupations may:
1. Employ not more than two non-occupant employees.
 2. Utilize larger vehicles and heavy equipment provided they are stored in an enclosed building.
 3. To assure that the home occupation remains subordinate to the principal's residential use of the property, structures used to store commercial vehicles shall not exceed twice the useable floor area of that portion of the principal structure or accessory structure being utilized for the home occupation.

4. The Planning Commission may place additional conditions upon Class II home occupations to assure compliance with Section 5.2 and the intent of the zoning district.

Section 5.6 ESSENTIAL SERVICES

- A. Nothing in this Ordinance shall prohibit the provision of essential services, provided the installation of such service does not violate any other applicable provision of this Ordinance.
- B. Nothing in this section shall be construed to permit the erection, construction, or enlargement of any building, tower, or maintenance depot for provision of an essential service except as otherwise permitted in this Ordinance.

Section 5.7 TEMPORARY USE

Circuses, carnivals, or other transient enterprises may be permitted in any district, upon approval by the Planning Commission based upon finding that the location of such an activity will not adversely affect adjoining properties, nor adversely affect public health, safety, morals, and the general welfare. Permits may be issued for a specific time.

Section 5.8 THE KEEPING OR HUSBANDRY OF ANIMALS

The following regulations apply to the keeping or husbandry of animals as part of light, traditional or intensive agricultural operations or stables. The regulations specified in this section shall not apply to ordinary household pets or kennels.

- A. Minimum enclosure is per animal:
 1. Horses, mules, donkeys, cows, or other similar animals:
 - a. 100,000 square feet if animals are pastured.
 - b. 4,000 square feet if animals are fed and not required to graze or forage.
 - c. If animals are kept inside a building, one stall shall be provided for each animal: a tie down stall shall be a minimum of four (4) feet by eight (8) feet; a box stall shall be a minimum size of ten (10) feet by ten (10) feet.
 2. Goats, sheep, pigs, or other similar animals:
 - a. 50,000 square feet if animals are pastured;
 - b. 2,000 square feet if animals are fed and not required to graze or forage.

3. Turkeys, geese, ducks, or other similar animals:
 - a. 2,500 square feet if animals are pastured.
 - b. 100 square feet if animals are fed and not required to graze or forage.
4. Poultry, fowl, rabbits, or other similar animals:
 - a. 900 square feet if animals are pastured.
 - b. 36 square feet if animals are fed and not required to graze or forage.
 - c. 9 square feet if animals are kept exclusively indoors.

B. The following minimum setbacks shall be provided:

1. To minimize odor and to avoid nuisance problems, pastures, stables, corrals, enclosures, and piles of manure, which are a part of or incidental to, either light or traditional agriculture operations or stables, shall be located at least fifty (50) feet from any street right-of-way line or lot line and at least six hundred sixty (660) feet from any existing year round and/or seasonal residential dwelling unit not located on the premises.

NOTE: If small animals such as poultry, fowl, and rabbits are kept exclusively indoors, the minimum distance from an existing residence not on the premises shall be three hundred (300) feet.

The minimum setback from existing residence not on the premises may be reduced providing the owners of all existing properties within the minimum distance of the proposed site grant written permission to the applicant. The written permission shall be recorded as a Special Zoning Order by the Zoning Administrator and shall become a part of the permanent record and shall run with the land regardless of transfer of ownership unless otherwise specified in the Conditional Use Permit.

2. Manure shall be piled, stored, removed and/or applied to land in accordance with the Marquette County Health Department regulations; however, manure shall not be applied to any land that is closer than one hundred (100) feet to a residential lot line.

3. A one hundred (100) foot wide area of vegetation cover, exclusive of pasture area, shall be maintained between any corral, unvegetated exercise area, manure pile, manure application area, and any surface water or well, in order to minimize runoff, prevent erosion, and promote quick nitrogen absorption.
- D. In areas with a slope of five (5) percent or less: corrals, unvegetated exercise areas, and manure piles, shall be a minimum of hundred fifty (150) feet from a well and two hundred (200) feet from any surface water, unless the location of the surface water is upgrade or there is adequate diking to comply with the Marquette County Health Department standards.
- E. Corrals, unvegetated exercise areas, manure piles, and manure application areas are prohibited on lands with slopes greater than five (5) percent, in areas designated as ten (10) year floodplains, in any waterways, and on soils classified as very poorly drained by the U.S.D.A Soil Conservation Service in any pertinent Soil Survey.
- F. Area requirements for agricultural uses and for a Temporary Conditional Use Permit will be determined based upon the definition of lot or parcel area. The minimum lot or parcel area requirements may be met by any combination of lands under common ownership or leasehold within RR-1, FR-1, or I zoning districts.
- G. Upon the granting of a Temporary Conditional Use Permit under Item 6 of this Section, the owner/lessee applicant, along with any heirs and/or assigns, shall maintain under a common ownership or leasehold, a lot area meeting the minimum requirements for the duration of that Temporary Conditional Use.

If the lot area requirements are to be satisfied utilizing a common leasehold arrangement, then all of the following items, 1 through 6, shall be required and all information shall be submitted to the Zoning Administrator thirty (30) days prior to the next regular Planning Commission meeting:

1. The lease agreement shall be in writing outlying the specified conditions, provisions, and terms of the leasehold agreement drafted in accordance with the requirements set forth in this Ordinance and executed by all appropriate parties.
2. The common leasehold agreement shall be for an initial period term of not less than two (2) years, shall be continuous and renewable thereafter, at a minimum, on an annual basis.

3. A copy of the common leasehold agreement shall be provided to the Richmond Township Zoning Administrator with a completed Application for a Temporary Conditional Use Permit along with a Site Plan prepared in accordance with the requirements of Article V, Section 5.2 (C), Data, Exhibits, and Information Required in Applications of this Ordinance, prior to the initiation of the approval procedures. No agricultural activities may be conducted until a Temporary Conditional Use Permit has been granted by the Richmond Township Planning Commission.
4. The lessee shall notify the Richmond Township Zoning Administrator immediately of any changes in the common leasehold agreement regarding renewal, cancellation, re-structuring and/or any other item of concern, which could or may affect the fulfillment of any Ordinance requirements.
5. All violations cited for non-compliance with any of the requirements set forth in Section 5.8 of this Ordinance or with the required standards or conditions attached to the granted Temporary Conditional Use Permit shall be promptly addressed by the applicant and by the Planning Commission in accordance with Article V, regarding Conditional Uses, Section 5.2(H), Voiding of Conditional Use Permit.
6. The Temporary Conditional Use Permit, if approved and granted by the Planning Commission, shall be contingent upon the applicant maintaining a continuous, common leasehold agreement fulfilling all of the requirements as set forth in this section and in Article V, Section 5.2; Conditional Use Permits. If the lease agreement is revoked by either party or is terminated for any reason, all agricultural activities shall cease.

ARTICLE VI

ADMINISTRATION OF THE ORDINANCE

Section 6.1 PURPOSE

The purpose of this article is to provide for the administration of this Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violations, and enforcement of the provisions of this Ordinance and amendments thereto and for the interpretation of those portions where questions arise.

Section 6.2 ADMINISTRATION

Except as otherwise stated, the provisions of this Ordinance shall be administered by the Zoning Administrator or by such deputies of his department as the Township Board may designate to enforce the provisions of this Ordinance.

Section 6.3 DUTIES OF ZONING ADMINISTRATOR

The Zoning Administrator shall have the power to grant Zoning Compliance Permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve plans or issue any permits for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance. The Zoning Administrator shall not vary or change any terms of this Ordinance. The Zoning Administrator shall make interpretations of zoning boundaries and the text when a question of location or meaning is raised. The interpretation shall be made to carry out the intent and purpose of the Ordinance and specific zoning districts. It shall be made in writing and the basis, including definitions and court cases, shall be clearly identified. Any interpretation may be challenged at a hearing before the Board of Appeals.

If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of any lot or structure, the cessation of any illegal activity, removal of illegal structures, or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

The Zoning Administrator shall submit to the Planning Commission and the Township Board quarterly reports fully explaining the type and nature of uses permitted by right; the nature and extent of violations of this Ordinance; and the type and nature of nonconforming uses, building, and structures and the basis for any map and text interpretations that have been made. The Zoning Administrator shall maintain a record of all Zoning Compliance Permits.

Section 6.4 ZONING COMPLIANCE PERMITS

Issuance of Zoning Compliance Permits

No building or structure, or part thereof, shall hereafter be located, erected, constructed, or enlarged or moved; nor shall any change be made in the use of any building, structure, or land without a Zoning Compliance Permit having been obtained from the Zoning Administrator for such building, structure, or land. A Zoning Compliance Application shall be filled out and submitted to the Zoning Administrator containing:

- A. The actual dimensions and shape of the lot to be built upon and a complete legal description of the site.
- B. The exact size and location of existing structures on the lot, if any.
- C. The location and dimensions of the proposed structure or alteration.
- D. The proposed and existing uses(s) of the land and buildings.

The application shall be signed by an owner of record of the property. One (1) copy of the plans shall be returned to the applicant by the Zoning Administrator after such copy has been approved or disapproved, and attested to same by the Zoning Administrator's signature on such copy. The Zoning Administrator shall retain the original copy, similarly marked, for his files. Whenever the buildings, structures, and uses as set forth on the application are in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the applicant a Zoning Compliance Permit within ten (10) days of the filing thereof. Where action of the Board of Appeals or the Planning Commission is required in any case, as set forth in this Ordinance, the Zoning Administrator shall issue such permit promptly following such action.

Voiding of Zoning Compliance Permit: Any Zoning Compliance Permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use is completed within five hundred forty five (545) days of the date of issuance. A Zoning Compliance Permit shall be renewable upon reapplication and upon payment of the fee, subject however, to the provisions of all Ordinances in effect at the time of renewal.

Section 6.5 VESTED RIGHT

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification, or 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 6.6 FEES, CHARGES, AND EXPENSES

The Township Board shall establish a schedule of fees, charges, and expenses, and a collection procedure for Zoning Compliance Permits and other matters pertaining to the Ordinance. The schedule of fees shall be posted in the Township Office and may altered or amended only by the Township Board. No permit, certificate, conditional use approval, or variance shall be issued unless such costs, charges, fees, or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals unless fees have been paid.

Section 6.7 VIOLATIONS, PENALTIES & REMEDIES: NUISANCE PER SE: ABATEMENT

- A. Civil Law: Any building, structure or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.
- B. Civil Infraction: Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses, and violations of approved site plans, shall constitute a civil infraction. Any person or entity who admits responsibility or is adjudged to be responsible for a violation of this Ordinance, or fails to comply with any of its requirements, shall, upon admission or judgement thereof, pay a civil fine of not less than Fifty Dollars (\$50.00), plus costs and other sanctions, for each infraction.
 - 1. Each day such violation continues shall be considered a separate offense. As used in this section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this Zoning Ordinance committed by a violator within any twelve month period, for which the violator admits responsibility or is determined to be responsible.
 - 2. The increased fine for a repeat offense under this Ordinance shall be as follows:
 - a. The fine for any offense which is a first repeat offense shall be not less than One Hundred Fifty Dollars (\$150.00), plus costs and other sanctions for each infraction; and
 - b. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than Three Hundred Dollars (\$300.00), plus costs and other sanctions for each infraction.

- C. Remedies: In addition to any other civil remedies provided for in this Ordinance, the Township Board may also institute proceedings for injunction, mandamus, abatement, or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The imposition and payment of any civil penalty shall not exempt the violator from compliance with the provisions of this Ordinance.

ARTICLE VII

ZONING BOARD OF APPEALS

Section 7.1 ZONING BOARD OF APPEALS ESTABLISHED

There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers as provided in the “Zoning Act”, as amended, in such a way that the objectives of this Ordinance shall be observed, the public health and safety secured, and substantial justice done. The Board shall consist of three (3) regular members: The first member shall be a member of the Township Planning Commission; and the remaining members appointed by the Township Board from the electors residing in the unincorporated area of the Township. The term of office shall be for three (3) years except for the member of the Planning Commission who shall not exceed his term of office on the Planning Commission. The Township Board may appoint not more than two alternate members for the same term as regular members to the Planning Commission of Appeals.

Section 7.2 DUTIES OF THE BOARD OF APPEALS

The Board of Appeals shall hear and decide only such matters as the Board of Appeals is specifically authorized to pass on as provided in this Ordinance. The Board of Appeals shall not have the power to alter or change the zoning district classification of any property or authorize any use not permitted in a zoning district; nor to make any changes in the terms of this Ordinance; but does have the power to perform administrative review, designate a Class A Non-conforming Use or Structure, authorize variance as defined in this Ordinance, and act on those matters where this Ordinance may require an interpretation. The Zoning Board of Appeals shall perform all duties, hearings, notifications, and decisions in conformance with the applicable provisions of the “Zoning Act”, as amended.

Section 7.3 VARIANCE

The Board of Appeals may authorize, upon an appeal, notification, public hearing and decision in accordance with the “Zoning Act”, a variance from the strict applications of the provisions of this Ordinance where, by reason of exceptional narrowness, shallowness, shape, or contour of a specific tract of land at the time of enactment of this Ordinance or by reason or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties in establishing a permitted use on the property. Convenience and financial matters shall not be the basis for granting a variance. No variance shall be granted to permit the establishment within a district of any use which is excluded or for which a conditional use is required.

A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:

- A. A written application for a variance is submitted, demonstrating the following:
 - 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 - 3. That the special conditions and circumstances do not result from the actions of the applicant.
 - 4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 - 5. That no conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- B. The Board of Appeals shall determine the requirements of the Ordinance have been met by the applicant for a variance.
- C. The Board of Appeals shall determine that the reasons set forth in the application justify the granting of the variance and the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- D. The Board of Appeals shall determine that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- E. Each variance granted under the provisions of this Ordinance shall become null and void unless:
 - 1. The construction authorized by such a variance or permit has been commenced within one hundred eighty (180) days after the granting of such variance and pursued diligently to completion; or,

2. The occupancy of land or buildings authorized by such variance has taken place within one hundred eighty (180) days after the granting of such variance.
- F. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted, except on grounds of new evidence or proof of changes in conditions found by the Board of Appeals to be valid.

Section 7.4 INTERPRETATION OF ZONING ORDINANCE

The Board of Appeals shall hear and decide appeals where it is alleged by the applicant there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or any other administrative official in carrying out or enforcing any provisions of this Ordinance including interpretations of the Zoning map and text.

Section 7.5 APPEALS TO THE BOARD OF APPEALS

- A. Appeals, How Taken: Appeal from the ruling of the Zoning Administrator or the Planning Commission concerning the enforcement of the provisions of this Ordinance may be made to the Board of Appeals within such time as shall be prescribed by the Board of Appeals by the “Zoning Act”, by the filing with the officer from whom the appeal is taken. This officer shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed was taken.
- B. Who May Appeal: Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board, agency, or bureau of the Township, Village, City, County, or State.
- C. Fee for Appeal: A fee prescribed by the Township Board shall be paid to the Township Clerk at the time of filing the notice of appeal with the Board of Appeals.

Section 7.6 EFFECT OF APPEAL: RESTRAINING ORDER

An appeal stays all proceedings in furtherance of the action appealed unless the officer from whom the appeal is taken certifies to the Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, of notice to the officer from whom the appeal is taken and due cause shown.

Section 7.7 NOTICE OF HEARING

When a request for an appeal has been filed, the Zoning Board of Appeals shall review the application. The Zoning Administrator shall not less than fifteen (15) days in advance of the hearing cause to be published in a newspaper of general circulation within Richmond Township one (1) Notice of Public Hearing **and** shall notify by regular mail or personal delivery the applicant and other parties of interest, all persons to whom property is assessed within three hundred (300) feet of the subject property and occupants of all structures within three hundred (300) feet of the subject property. Such notice shall describe the nature of the request, indicate the property involved including the street address, state the time and place of the hearing and indicate when and where written comments will be received concerning the request pursuant to the "Zoning Act".

Section 7.8 REPRESENTATION OF HEARING

Upon the hearing, any party or parties may appear in person or by agent or by attorney.

Section 7.9 DECISIONS OF THE BOARD OF APPEALS AND APPEALS TO THE CIRCUIT COURT

The Board of Appeals shall decide upon all matters within a reasonable time and may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, or decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator or Planning Commission from whom the appeal is taken. The Board of Appeals' decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case per the requirements of the "Zoning Act". Any person having an interest affected by such resolution shall have the right to appeal to the Circuit Court any question of law and fact.

ARTICLE VIII

TOWNSHIP PLANNING COMMISSION: PLANNING AND ZONING AUTHORITY

Section 8.1 DESIGNATION

The Richmond Township Planning Commission, created as provided by Act 168 of Public Acts of 1959, as amended, shall advise the Township Board on all matters relating to planning. Furthermore, the Planning Commission shall also assume all powers and duties of the Zoning Board defined through Act 110 of the Public Acts of 2006, as amended, in MCL 125.3102, Section 102(u). The Richmond Township Board, however, reserves the right as final authority on all planning and zoning matters within the Township except as specifically delegated by this Ordinance and/or specific resolution.

Section 8.2 CHANGES AND AMENDMENTS

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by an individual.

- A. Each petition shall be submitted to the Zoning Administrator, accompanied by the proper fee, and then referred to the Planning Commission for their review at a public hearing, which shall be held in accordance with procedures specified by the "Zoning Act".
- B. Following the public hearing, the Planning Commission shall transmit their recommendation and a summary of the comments received at the public hearing to the Township Board.
- C. The Township Board may hold additional public hearings if it considers it necessary. Notice of public hearing held by the Township Board shall be published in a newspaper which is circulated in the Township. The notice shall be given not less than fifteen (15) days before the hearing. After receiving the recommended change or amendment, the Township Board, at a regular meeting or at a special meeting called for that purpose, shall consider the recommendations and vote upon the change or amendment for the Township. Any changes or amendments shall be approved by a majority vote of the members of the Township Board. The Township Board may refer any changes or amendments to the Planning Commission for consideration and comment within a time frame specified by the Township Board.

- D. No petition for amendment, which has been disapproved by the Township Board, shall be resubmitted for a period of one year from the date of disapproval, except as may be permitted by the Township Board after learning of new and significant facts or conditions which might result in favorable action upon resubmittal. Resubmittal shall follow the same procedures as outlined in this section.
- E. The petitioner shall transmit a detailed description of the petition to the Zoning Administrator. When a petition involves a change in the Zoning Map, the petitioner shall submit the following information.
1. A legal description of the property.
 2. A scaled map of the property correlated with the legal description clearly showing the property's location.
 3. The name and address of the petitioner.
 4. The petitioner's interest in the property.
 5. Date of filing with the Zoning Administrator.
 6. Signatures of petitioner(s) and owner(s) certifying the accuracy of the required information.
 7. The desired change and the detailed reasons for such change.
- F. In reviewing any petition for a zoning change or amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition. Questions to be considered by the Planning Commission shall include, but are not limited to the following:
1. If a rezoning request, is the area proposed to be rezoned an appropriate location for the proposed zone, and is the requested zoning change or amendment justified by reason of a change in conditions since the original Ordinance was adopted or was there any error in judgement, procedure or administration which justifies the petitioned change.
 2. Is the request zoning change or amendment consistent with other zones and land uses in the area? Will it adversely affect property value?
 3. What may be the long term effects of precedent which may result from approval or denial of the petition.
 4. Does the Township or other affected government agencies have the capabilities to provide the necessary services, facilities, and/or programs that might be required if the petition is approved.

5. Are there any significant and/or negative environmental impacts which could potentially occur if the petitioned zoning change were approved and the resulting permitted structures built, including but not limited to, surface water drainage problems, wastewater disposal problems, or the loss of a locally valuable natural resource.
6. The potential effect of either approval or denial of the petition upon adopted development policies of the Township or other governmental units.
7. Are there substantial reasons why the property can't be reasonably used as presently zoned?

NOTE: All findings of fact, regarding any petition for change or amendment, shall be recorded in the official minutes and made a part of the public record for all meetings of the Planning Commission, the Township Board, and the Zoning Board of Appeals.

Section 8.3 CONFORMANCE TO COURT DATE

Any amendment for the purpose of conforming a provision thereof to the degree of a court of competent jurisdiction shall be adopted by the Township Board and the amendments published without referring the same to any other board or agency.

ARTICLE IX

LEGAL STATUS

Section 9.1 CONFLICT WITH OTHER LAWS

Conflicting laws of more restrictive nature are not affected or repealed by this Ordinance. The provisions of this Ordinance shall be considered as minimum. This Ordinance shall supercede conflicting laws of a less restrictive nature, or those conflicting in other ways than degrees of restrictiveness.

This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provisions of this Ordinance shall govern. It shall not be the responsibility of Richmond Township to monitor or enforce private easements, covenants or agreements.

A. Prohibited and Un-designated Uses

1. Uses, activities, enterprises or purposes that are contrary to, or violate federal, state or county laws or regulations, or this Ordinance are prohibited. Under federal law, marihuana is classified as a Schedule 1 controlled substance and cultivation, sale and use is treated as a serious criminal offense.

In Michigan, as Initiated Law 1 of 2008, the fundamental purpose is the creation of a private and confidential patient-care giver relationship to facilitate the lawful cultivation, distribution, and use of marihuana strictly for medical purposes.

2. Medical Marihuana Dispensaries : It is unlawful to establish or operate a medical marihuana dispensary, as defined in this Ordinance, within Richmond Township.
3. Un-designated Uses: Any use, use of land, activity, structure or development activity not expressly defined or listed in this ordinance is prohibited, unless the Zoning Administrator finds that the use is substantially similar in character to a use or item listed in this ordinance. An individual may apply to the Planning Commission for consideration of an amendment to this ordinance to include a proposed use in one or more of the zoning districts of this ordinance, either as a Permitted Use or a Conditional Use.

Section 9.2 VALIDITY AND SEVERABILITY CLAUSE

This Ordinance and the various parts, sections, subsections and clauses, thereof, are hereby declared to be severable. If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not included in said ruling. If any court of competent jurisdiction shall declare invalid the application of said provision to any other land, parcel, lot, district, use, building, or structure, it is hereby provided that the application of such portion of the Ordinance to other land, parcel, lot, district, use, building or structure(s) shall not be affected thereby.

If upon adoption of this Ordinance by the Township Board and approved by the Michigan Department of Commerce, a valid petition is filed with the Township Clerk placing this Ordinance before the voters for their approval or rejection, upon election, should this Ordinance be rejected, then the Township would automatically revert back to the preceding Richmond Township Ordinance adopted August 11, 2005.

Section 9.3 PERIOD OF EFFECTIVENESS

This Ordinance and any and all parts thereof, shall remain in full force and effect henceforth unless amended or repealed as provided for by law or by the provisions of this Ordinance.

Section 9.4 EFFECTIVE DATE

THIS ORDINANCE WAS ADOPTED by the Richmond Township Board of Marquette County, Michigan, at a meeting held on August 11, 2005, and notice ordered published in the Mining Journal, a newspaper having general circulation in said Township of Richmond.

Amended by the Richmond Township Board of Marquette County, Michigan on the 9th day of August, 2007 with revisions effective on September 7, 2007.

Publication date of **Notice of Ordinance Amendment:** August 31, 2007.

Amended by the Richmond Township Board of Marquette County, Michigan on the 11th day of August, 2011 with revisions effective on August 28, 2011.

Publication date of **Notice of Ordinance Amendment:** August 21, 2011.

SIGNATURE PAGE

RICHMOND TOWNSHIP BOARD

_____	By: _____
Date	William E. Luetzow

Its: Supervisor

_____	By: _____
Date	Teresa A. Luetzow

Its: Clerk