

RICHLAND TOWNSHIP ZONING ORDINANCE WITH AND AS AMENDED

A MICHIGAN GENERAL LAW TOWNSHIP

MONTCALM COUNTY, MICHIGAN

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RICHLAND TOWNSHIP ZONING ORDINANCE

A MICHIGAN GENERAL LAW TOWNSHIP, MONTCALM COUNTY

Ordinance Effective on: **October 14, 2003**

Supervisor: **Thomas Wright**

First Amended and Effective on: **July 27, 2004**

Supervisor: **Dennis Wright**

Second Amended and Effective on: **June 28, 2005**

Supervisor: **Dennis Wright**

Third Amended and Effective on: **April 19, 2018**

Supervisor: **Dennis Wright**

Fourth Amended and Effective on: **September 15, 2019**

Supervisor: **Dennis Wright**

Fifth Amended and Effective on: **April 13, 2022**

Supervisor: **Jody Penrod**

Sixth Amended and Effective on: **May 19, 2023**

Supervisor: **Jody Penrod**

Richland Township, Montcalm County, Michigan ordains as follows:

That this Ordinance was adopted October 12, 2002, whereby the previous Ordinance enacted on April 29, 1976 Richland Township Zoning Ordinance was repealed. With this Ordinance having been enacted in accordance with the Michigan Township Zoning Act 184, Public Acts 143, as amended and codified pursuant to MCL 125.271 – MCL 125.310, governing the Township of Richland, a Montcalm County, Michigan General Law Township. For the purpose of promoting the public health, safety, morals, and general welfare, to establish zoning districts in Richland Township within which districts the use of land for agriculture, forestry, recreation, residence, industry, trade, migratory labor camps, soil conservation, and additional uses of land may be encouraged, regulated or prohibited, and for such purposes, dividing the township into districts of such number, shape, and area as deemed best suited to carry out the provisions of the ordinance, and for each such district designating or limiting the location, number of stories and size of dwellings, buildings and structures that may thereafter be erected or altered; and establishing the area of yards, courts and other open spaces, and the sanitary, safety and protective measures for such dwellings, buildings and structures; and the maximum number of families which may be housed in buildings, dwellings, and structures, thereafter erected or altered, in accordance with the objectives and policies contained in the Richland Township Land Use Master Plan; establishing a Board of Appeals; and to provide for the administration and enforcement of this Ordinance and penalties for the violation of its provisions and subsequent amendments, as follows:

ARTICLE I

AUTHORITY AND SHORT TITLE

Section 1.01 Authority: This Ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the State of Michigan, Township Zoning Act, Act 184 of the Public Acts of 1943, as amended.

Section 1.02 Short Title: This Ordinance shall be known and may be cited as the "Richland Township Zoning Ordinance", and will be referred to herein as "this Ordinance".

Section 1.03 Filing of Ordinance: This Ordinance shall be filed with and available from the Richland Township Clerk, the Richland Township Library, and the Montcalm County Clerk.

ARTICLE II

CONSTRUCTION LANGUAGE AND DEFINITIONS

Part A: Construction Language

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

Section 2.01 The particular shall control the general.

Section 2.02 In the case of any difference of meaning or implication between text of this Ordinance and any caption or illustration, the text shall control.

Section 2.03 The word "shall" be always mandatory and not discretionary. The word "may" be permissive.

Section 2.04 Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

Section 2.05 The word "building" includes the word "structure". A "building" or "structure" includes any part thereof.

Section 2.06 The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".

Section 2.07 The word "person" includes an individual, a corporation, a partnership, and incorporated association, or any other similar entity.

Section 2.08 The word "dwelling" includes the word "residence" and the word "lot" includes the word "plat", or "parcel".

Section 2.09 Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either, or" the conjunction shall be interpreted as follows:

1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
2. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combinations.
3. "Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

Section 2.10 Terms not herein defined shall have the meaning customarily assigned to them; and certain terms or words used herein shall be interpreted as follows:

Part B Definitions:

Section 2.11 Accessory Structure: A subordinate structure devoted to an accessory use and located on the same premises with a main structure. An accessory structure attached to a main structure shall be considered part of the main structure.

Section 2.12 Accessory Use: A use naturally and normally incidental to, and which is subordinate to, a principal use and (except in the case of accessory off-street parking spaces or loading) is located on the same zoning lot as the principal use.

Section 2.13 Alteration of Structures: Any change in the supporting members of a structure, or type of occupancy, or any addition, removal, conversion, or moving of a structure from one location to another.

Section 2.14 Agriculture: Raising of crops, animals/livestock, and animal products, forestry, and commonly accepted agricultural operation for commercial purposes, including the sale of products grown on the premises. Livestock is being described as a species of animals used for human food and fiber or those species of animals used for service to humans. Livestock includes, but is not limited to: cattle, sheep, new world camelids, goats, bison, privately owned ceroids, ratites, swine, equine, poultry, aquaculture, and rabbits. "Livestock" does not include dogs and cats. (Amended April 19, 2018.)

Section 2.15 Basement: A story located in whole or in part, but not less than on-half (1/2) of its height below finished grade. A basement shall not be counted as a story unless 50% of its height is above the level from which the height of the building is measured.

Section 2.16 Basement, Walkout: A basement having at least one (1) wall with its floor to ceiling height above grade, and with such wall having an entrance/exit to the outside of the dwelling.

Section 2.17 Boarding House, Rooming House: A dwelling having one (1) kitchen and used to provide room and board to more than (2) persons for compensation.

Section 2.18 Building: Any structure having a roof.

Section 2.19 Building-Height of: No restriction in this Ordinance.

Section 2.20 Dwelling: A building used as a permanent residence or sleeping place by one or more persons. Dwelling shall include, but is not limited to, one, two, and multiple family dwellings, modular home, basement dwelling, berm home, and mobile homes. Hotels, motels, tourist cabin, or units defined below are excluded.

Section 2.21 Essential Services: The erection, construction, alteration, or maintenance of public utilities, including gas, electrical, steam, communication systems, and sewage disposal systems.

Section 2.22 Family: A single individual doing his or her own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, or other domestic bond as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

Section 2.23 Farm: A parcel of substantially undeveloped land devoted to general or specialized agricultural pursuits useful to humans including dairying; hatcheries and poultry farms; apiaries; greenhouses and nurseries; fruit growing; forestry; vegetable raising; grains; feed crops and field crops; and other similar activities. Farming and agricultural have the same meaning.

Section 2.24 Fence: A manmade, unroofed barrier which may act as an enclosure or which is decorative or ornamental.

Section 2.25 Floor Area: a) For the purpose of computing the minimum allowable floor area in a dwelling (except a basement dwelling) the sum of the horizontal area of all floors computed by measuring the dimensions of the outside walls of a building. Porches, patios, terraces, breezeways, carports, verandas, garages, unfinished attic, attic floor areas with less than five (5) feet from floor to finished ceiling, all basements, except walkout basements, are excluded.

Section 2.25 Floor Area: b) For the purpose of computing the minimum allowable floor area in a basement dwelling, the sum of the horizontal area of the basement by measuring the dimensions of the outside walls of the same. Porches, patios, terraces, breezeways, carports, verandas, garages, unfinished attics, attic floor areas with less than five (5) feet from floor to finished ceiling are excluded.

Section 2.26 Garage-Private: An accessory building or portion of a main building used for parking or temporary storage of vehicles used by the occupants.

Section 2.27 Garage-Public: A building used for commercial repair or storage of vehicles.

Section 2.28 Gasoline Service Station: A structure used solely for the sale of such customary automotive or marine supplies as fuel, lubricants, anti-freeze, batteries, tires and similar accessories, or the providing of such services as washing, waxing, tire repairs, light replacement, recharging of batteries, and tune-ups. Major repair or refinishing of vehicles or marine equipment shall not be permitted.

Section 2.29 Greenbelt: A wall, berm, fence, or lane of growing trees and shrubs, or combination of these, developed to serve as a screen or buffer strip for the protection of adjoining premises.

Section 2.30 Home Business: A technical, personal, or professional service or product manufacture which takes place in a home or one of its accessory structures and is operated and managed by members of the family, who live in the household as occupants with or without employees, engaging the home business as a means of livelihood or as a hobby.

Section 2.31 Home Occupation: An occupation or profession carried on as a subordinate used by a member of a family residing on the premises which is clearly incidental and secondary to the use of the parcel of land for residential purposes and which does not change the character thereof.

Section 2.32 Hotel: A building in which transient lodging or boarding and lodgings are offered to the public for compensation. Boarding houses, motels, motor hotels, and apartments are excluded.

Section 2.33 High Density: Multiple family area.

Section 2.34 Interested people: A resident and/or property owner of Richland Township.

Section 2.35 Institutional or Public Uses: Churches, schools teaching academic subjects, hospitals, convalescent and nursing homes, parks, civic center, libraries, and governmental structures.

Section 2.36 Junk Yard: A place where discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, processed, packed, disassembled or handled, structural steel materials salvaged, and automotive wrecking enterprises. The purchase or storage of used furniture and household equipment, used or salvaged materials used in manufacturing are excluded if such uses are carried on in enclosed buildings.

Section 2.37 Junk Vehicle: A vehicle which is not operative or currently licensed.

Section 2.38 Loading Space: An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

Section 2.39 Lot: A parcel of land occupied or intended to be occupied by a main building or a group of such buildings, or utilized for the principal use and uses accessory thereto, together with such yards as are required under the provisions of this Ordinance, "plot" or "parcel" shall mean the same as "lot".

Section 2.40 Lot Coverage: The percentage of a lot which is covered by structures including porches, arbors, breezeways, patio roofs (whether open or closed). Fences, wall hedges, and swimming pools are excluded.

Section 2.41 Lot Lines: The lines bounding any lot.

Section 2.42 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.

Section 2.43 Mobile Home Lot: A designated site for the exclusive use of the occupant of a single mobile home.

Section 2.43(a) Special Use Permit: One Mobile Home may be permitted on a lot or parcel upon which a single-family dwelling is already located for the purposes of a temporary dwelling with disabled or infirmed members of the same family who reside in the principal dwelling. A

special use permit is granted by the planning commission pursuant to Article VI. (Amended September 19, 2019).

Section 2.44 Mobile Home Park: A parcel, or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, non-recreational basis, and which is offered to the public for that purpose regardless of whether a charge is made therefore together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

Section 2.45 Modular Home: A prefabricated dwelling meeting the floor area requirements of this Ordinance, which meets other applicable codes.

Section 2.46 Motel, Tourist Cabin, Motor Hotel: A building or group of buildings which as living or sleeping accommodations used primarily for transient occupancy and individual entrances from outside the building to serve each unit.

Section 2.47 Multiple Family Dwelling: A single building with two or more residential units located on a single lot.

Section 2.48 Non-Conforming Structure: A structure or portion thereof lawfully existing at the effective date of this Ordinance or any amendment thereto and which does not thereafter conform to the regulations of the district in which it is located. A structure which is not licensed pursuant to law, or which violates any law or ordinance, is not a lawful use.

Section 2.49 Non-Conforming Use: A lawful use of a building, structure or lot prior to the effective date of this Ordinance or any amendment thereto and which does not thereafter conform to the regulations of the district in which it is located. A use which is not licensed pursuant to law, or which violates any law or ordinance is not a lawful use.

Section 2.50 Off-Street Parking: A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) vehicles.

Section 2.51 Planning Commission: The Richland Township Planning Commission duly appointed and authorized by the Township Board to act as a Planning Commission pursuant to Public Act 168 of 1959.

Section 2.52 Principal or Main Use: The primary or predominant use of the premises.

Section 2.53 Principal or Main Structure: A building or structure in which is conducted the principal or main use of the lot upon which it is situated.

Section 2.54 Recreational Vehicle: Recreational Vehicles include the following:

1. A "travel trailer" which is a vehicular, portable structure chassis, designed to be used as a temporary dwelling for travel, recreational and vacation use, and which is permanently identified as a "travel trailer" by the manufacturer.

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

Section 2.55 Setback: The distance required to obtain front, side, or rear yard open space provisions of this Ordinance. Setbacks from a public street shall be measured from the existing or proposed right-of-way line, whichever is greater.

Section 2.56 Sign: Any announcement, declaration, illustration, or insignia which is accessory to a principal use.

Section 2.57 Site Development Plan: A scale drawing which shows the location and dimensions of existing and proposed improvements upon a parcel of land, including buildings, driveway, parking areas, landscaping, lighting, sidewalks, signs, sewage systems, and drainage facilities.

Section 2.58 Single Ownership: A parcel of land of record on or before the effective date of this Ordinance which is owned by one or more persons having no legal rights to adjacent property.

Section 2.59 Story: The portion of a building, other than a basement defined herein, including between the surface of any floor at grade level and the surface of the floor next above it, or if there be no floor above, then the space between such floor and the ceiling next above it.

Section 2.60 Story-Half: The portion of a building between the eaves and ridge lines of a pitched roof whether or not used for dwelling purposes.

Section 2.61 Street: A dedicated and accepted public thoroughfare other than an alley, which includes the right-of-way and roadway.

Section 2.62 Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including signs, billboards, and mobile home concrete pads.

Section 2.63 Swimming Pools: A structure used to hold water for swimming and aquatic recreation. Plastic, canvas, or rubber portable pools temporarily erected upon the ground designed to hold two (2) feet or less, in depth, of water are excluded.

Section 2.64 Theater Indoor: Any building used for the presentation of drama, shows, movies, or other entertainment which has a roof completely sheltering actors and patrons and which is open to the public with or without charge.

Section 2.65 Theater Outdoor: Any place used for the presentation of drama, shows, movies, or other entertainment open to the public with or without charge other than indoor theater.

Section 2.66 Yard: An open space on a lot, except as otherwise provided in the Ordinance. All measurements shall be made between the nearest point of the lot line or right-of-way line and the nearest point of a structure located thereon.

Section 2.67 Yard Front: A yard extending across the full width of the front of the lot. If a lot has a street at more than one side, set back applies to all street sides.

1. Lake Front Property – Front yard faces the lake.
2. All Other Property – Front yard faces the street.

Section 2.68 Yard Rear: A yard extending across the full width of the rear of the lot.

Section 2.69 Yard Side: A yard between the principal structure and side lot line and between the front and rear yards.

Section 2.70 Zoning Administrator: The administrator of this Ordinance, appointed by Richland Township Board.

Section 2.71 Zoning Board: All powers of the Richland Township Zoning Board have, by resolution of the Township Board, been transferred to the Richland Township Planning Commission, created and acting pursuant to Public Act 168 of 1959.

Section 2.72 Zoning Permit: A standard form issued by the Zoning Administrator upon application and declaration by the owner of his duly authorized agent regarding proposed construction and use of land and buildings and structures thereon granting approval for the construction or use applied for.

ARTICLE III

GENERAL PROVISIONS

Section 3.01 Purpose: General regulations apply to all districts except as noted herein. Where requirements of a general provision and a district regulation differ, the more restrictive requirement shall prevail.

Section 3.02 Scope: No building or structure, or part thereof, shall thereafter be erected, constructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure, or land, or part thereof, except in conformity with the provisions of the Ordinance.

Section 3.03 Accessory Structures: The following requirements shall be met:

1. Accessory buildings are prohibited from front yards.
2. Accessory buildings in side yards shall meet side yard provisions.
3. Accessory buildings in rear yards must be at least ten (10) feet from any lot line.
4. No accessory building may be closer than ten (10) feet to another accessory building or principal building. (Amended April 19, 2018)

Section 3.04 Area or Space required: No lot, yard, court, parking area, or other space shall be reduced to less than the minimum required under this Ordinance. No lot or other area shall be further reduced is already less than the minimum.

Section 3.05 Prior Building Permits: Any building permit issued prior to the effective date of this Ordinance shall be valid, even though not conforming to the provisions of the Ordinance, provided that construction is commenced within ninety (90) days after the date of permit issuance and that the entire building shall be completed according to the plans filed with the permit application within one (1) year after the issuance of the building permit.

Section 3.06 Boundaries of Districts: The zoning map is a part of this Ordinance. District boundary lines follow lot lines, section lines, fractional sectional lines, center lines of streets or alleys, and lake and stream boundaries as they existed at the time of the effective day of this Ordinance. Where a district boundary line divides a lot, the least restricted use shall not extend beyond such lines.

Section 3.07 Categories of Business Not Designated: When this Ordinance is silent concerning the location of a use, an interested person may appeal such location to the Board of Appeals.

Section 3.08 Damaged Buildings:

1. A building damaged by fire, collapse, a criminal act, or an act of God to such extent that the cost of repair and reconstruction exceeds one hundred percent (100%) of its assessed valuation for taxes at the time the damage occurred shall be repaired, reconstructed, or demolished according to the provision of the Ordinance and any building code.
2. A building damaged by wear and tear, deterioration and depreciation to such an extent that the cost of repair and rehabilitation exceeds one hundred percent (100%) of its assessed valuation for taxes at the time when the repairs or rehabilitation are proposed to be made shall be repaired or rehabilitated according to the provisions of the Ordinance and any building code relative to new construction.
3. A zoning permit must be secured before reconstruction of a building shall be commenced. The Zoning Administrator shall determine the extent of such destruction, deterioration, or depreciation before issuing a zoning permit.

Section 3.09 Driveways: All driveway permits will be issued by the State Highway Department of County Road Commission. (Amended April 19, 2018.)

Section 3.10 Essential Services: Underground essential services may be installed in any privately-owned property in any district without approval by the township board and upon approval by the Township Board as to any public properties, including public roadway and rights-of-way. Any customary and usual above-ground transmission lines, distribution lines, and related facilities including, but not limited to, pole-mounted transformer, regulators and guys, may be extended in any privately-owned property in any district without approval by the Township Board and upon approval by the Township Board as to any public properties, including public roadway and rights-of-way. With the exception of extensions of customary and usual transmission lines, distribution lines, and related facilities including, but not limited to, pole-mounted structures may be permitted as special uses by the Planning Commission under such special conditions as are deemed necessary by such commission to preserve the value of adjacent uses and to preserve and insure an attractive environment for the surrounding area.

Section 3.11 Existing Platted Lots of Record:

1. A lot of record shall include a lot which is part of a subdivision, the map of which has been recorded in the office of the Register of Deeds, or a lot described by metes and bound, the deed of which has been recorded in the office of the Register of Deeds, prior to the effective date of this Ordinance.
2. Every building erected, altered, or moved shall be located on a lot of record, and, except in the case of any approved multiple dwelling development, there shall be not more than one (1) principal building and its permitted accessory structure located on each lot in any residential district.
3. In the agricultural district, two (2) dwellings may be located on a lot of record, provided there is adequate acreage per dwelling unit to fulfill the requirements of Section 5.06, and further, provide that the dwellings shall be separated by a minimum of fifty (50) feet.

Section 3.12 Dwelling Units: All dwellings located outside of mobile home parks shall comply with the following minimum requirements:

1. Every dwelling shall have a floor area of not less than six hundred seventy (670) square feet. (See Section 2.25 for definition of "floor area"). Notwithstanding Section 2.25 (a) to the contrary, basement dwellings shall have a floor area of not less than six hundred seventy (670) square feet.
2. All dwellings shall provide a minimum height between the floor and ceiling of seven and one-half (7 ½) feet.
3. All dwellings shall provide storage areas (either within a basement, in an attic, in a crawl space, or in a separate, full enclosed structure within ninety (90) days, of not less than 120 square feet, exclusive of a storage space for automobiles. Said storage areas shall not be counted in determining whether the dwelling unit complies with the minimum floor area requirements of this Ordinance. (Amended April 19, 2018)

4. All dwellings shall contain a minimum of two (2) separate points of ingress and egress therefrom.
5. All single-family dwellings shall provide permanent steps or porch areas where there exists an elevation differential of more than one (1) foot between a door and above the surrounding grade.
6. Storage of abandoned or unusable personal property, as defined by law, shall not occur outside a dwelling or garage or other accessory building. Also see Section 3.24.3.
7. Chimneys for furnaces, fireplaces, or wood burning stoves located on an exterior wall shall be constructed of approved masonry construction, or shall be enclosed with materials compatible with the exterior finish of the structure below the roof line.
8. Mobile homes shall be permitted, outside state licensed mobile home parks, in any zoning district wherein single dwellings are permitted, subject to compliance with the requirements of this Ordinance applicable to other single-family dwellings provided that the mobile home shall meet all standards of the United States Department of Housing Urban Development Mobile Home Construction. Safety Standards in effect at the time the mobile home is located in the Township and further subject to the following provisions:
 - a. Mobile homes shall be permanently attached to a permanent foundation constructed on the site in accordance with the applicable building code. Instances where a mobile home is set on piers or other acceptable foundations which are not at the perimeter of the mobile home, skirting compatible with the exterior materials of the mobile home, shall be installed according to the manufacturer's specifications within sixty (60) days of the placement of the mobile home on any lot.
 - b. All portions of any hitches or other transporting devices which extend beyond the vertical formed by the outer side walls of the dwelling shall be removed to a point where they will be totally obscured by a perimeter foundation or finished exterior wall.
 - c. After the date of this amendment, mobile homes older than 25 years will no longer be allowed to be installed. (Amended April 19, 2018)
9. A mobile home not otherwise meeting the standards of this section may be used as a dwelling on a temporary basis. The Zoning Administrator may approve such use for a period not to exceed six (6) months and the Planning Commission may approve such a use for an additional period not to exceed one (1) year, providing the following conditions are met.
 - a. A building permit has been issued for construction, on the same lot at which such a mobile home is to be situated, for a permanent single-family structure that conforms to the requirements of this section.
 - b. That construction of the permanent structure proceeds in a diligent manner.
 - c. That the temporary structure is properly connected to water and sanitary facilities approved by the District Health Department.
10. In addition to the above, any single-family dwelling, except mobile homes, located in the R-1 zone shall comply with the following requirements:
 - a. The minimum width of any such dwelling shall be twenty-two (22) feet or at least sixty-seven percent (67%) of its length.

- b. Any such dwelling shall be constructed upon and attached to solid permanent foundation located under the entire perimeter of the dwelling unit.
- c. The roof shall be covered by asphalt, fiberglass, shake shingles, or metal roofing. The roof of any such dwelling shall have a minimum pitch of three (3) inches for every one (1) foot of run. Any lesser pitch must be approved by the Board of Appeals.

Section 3.13 Yard Requirements-Basis of Determining: Front yards shall be measured from the proposed right-of-way line, as indicated by the State or County Road Commission, to the nearest portion of the structure or from the front lot line as in case of a plat.

Section 3.14 Greenbelts: A greenbelt shall be required in the side and/or rear yards of any commercial or industrial use which abuts a residential district. A greenbelt may be part of the side or rear yard. Adjacent residential property owners may waive the greenbelt requirements or request a solid fence in place of the greenbelt. Such waivers or request shall be in writing.

Section 3.15 Home Occupations:

- 1. Any home occupation shall be carried on entirely within the dwelling except where it is determined by the Planning Commission that use of an accessory building will not adversely affect surrounding property owners.
- 2. Home occupations are permitted in any district.
- 3. No more than one-fourth (1/4) of the floor area of a dwelling may be devoted to a home occupation. If more than one-fourth (1/4) of the floor area is devoted to the business, such business shall be considered the principal use and thus, illegal in a residential district.
- 4. A home occupation shall not generate an unduly burdensome amount of traffic for the general area in which it is located.

Section 3.16 Home Business: Applications for a permit would first be made to the Planning Commission and, if approved, hence to the Township Board for registration.

- 1. A Home Business Permit, when issued, would go with the person(s) owning the business and would not be transferable.
- 2. This use could be carried on involving the property whereby additional buildings or outside areas may be used for storage, maintenance, or office.
- 3. Equipment required to operate the business shall be stored indoors or screened from public view at this location.
- 4. Additional, full or part time, employees outside the family group could be utilized.
- 5. All buildings must comply with the zoning regulation of the area.
- 6. A Home Business is not permitted in High Density or Multiple Family Areas, except where it is determined by the Planning Commission that use of the location will not adversely affect the surrounding property owners.
- 7. Adequate parking shall be required.

Section 3.17 Institutional and Public Uses:

1. No building permit shall be issued in connection with a proposed institutional or public use unless a site development plan is first reviewed and approved by the Planning Commission. Institutional uses may be located in any district if a site development plan is approved.
2. The Planning Commission shall not approve a site development plan if it determines that use will have an adverse effect upon existing uses. Such decision shall be reviewed, upon application, by the Zoning Board of Appeals.

Section 3.18 Storage of Mobile Homes and Recreational Vehicles: The storage of any mobile homes or recreational vehicles in any residential district shall be subject to the following: Such mobile homes or recreational vehicles must be owned by the resident of the dwelling.

1. No mobile home shall be dead stored on any land within the township for a period of longer than six (6) months.
2. Recreational vehicles shall not be stored in any front yard.

Section 3.19 Moving of Structures: The moving of a structure shall be considered the same as the erection of a new structure. All provisions relative to the erection of new structures shall be met.

Section 3.20 Site Development Plan Process: To ensure the safety, convenience, and well-being of the residents of the Township, the Planning Commission shall review a site development plan prior to rezoning lands to commercial or industrial and prior to the granting of permits for institutional uses, churches, schools, and industrial activities. Approval of such a plan shall be necessary before a building permit may be issued and prior to initiating construction.

1. Three (3) copies of the site development plan shall be submitted to the Zoning Administrator, and shall contain a map(s) showing: The legal description, including the last survey, quantity of acreage, and proof of lot corners shall be provided.
 - a. Location, shape, area, and dimensions of the property with North designated at the top.
 - b. Surrounding property uses and this property's lines.
 - c. Public and private easements or rights-of-way located on, or proposed for the property.
 - d. Driveways, off-street parking areas, loading spaces, and other facilities to deal with traffic.
 - e. Exterior building dimensions (existing and proposed). Number of floors and proposed uses.
 - f. Pedestrian walkways, decorative fences, and other landscaping.
 - g. Existing and proposed water, sewer, and other utility lines, including sites for solid waste pickup.
 - h. Location, height, and orientation of signs.
 - i. All major environmental features, including, but not limited to, rock outcroppings, wetlands, major stands of vegetation, and steep slopes over 18% grade.
 - j. The applicant's name, address, and phone number or the names and addresses of the person responsible for the preparation of the site development plan. If the applicant is not the owner of the project, a statement signed by the owner shall be

submitted attesting that the applicant is acting on behalf of the owner. In addition, the name, address, and phone number of all persons, firms, or corporations with an ownership interest in the land shall be submitted.

2. The Planning Commission shall review the site development plans in terms of the standards stated in the Ordinance, and shall determine whether there is adequate evidence that implementation of the site development plan in the proposed location:
 - a. Will be harmonious with the existing or intended character of the general vicinity, provided, that such a plan may portray a set of circumstances which will, by design, change the essential character of the area in which it is proposed.
 - b. Will be equal to or an improvement in relation to property in the immediate vicinity and to the Township as a whole.
 - c. Will not overburden the Township's ability to provide public services and facilities.
 - d. Will not create traffic hazards or conditions potentially dangerous to surrounding property owners.
 - e. Will be consistent with the spirit and intent of this Ordinance.
 - f. Will conform to the uses permitted either by right or by special use permit in the respective zoning district.
3. Upon approval of the site development plan by the Planning Commission, the Chairman and Secretary of the Planning Commission shall sign all three (3) copies, with necessary changes noted. One (1) copy shall be maintained by the Zoning Administrator; one (1) copy shall be retained by the office of the Township Board; and one (1) copy shall be returned to the applicant.
4. The Planning Commission shall have thirty (30) days from the day the site development plan is received by the Zoning Administrator to review the plan, provided an extension of time may be granted if agreed upon by the applicant.
5. The approval of any site development plan under this provision shall expire one (1) year after the date of such approval, unless actual construction and development have been commenced in accordance with said site development plan prior thereto. If such construction and development is commenced within said one (1) year period, then such approval shall continue for a period of two (2) years from the date thereof, provided however, that should a lapse of more than six (6) months in continuous substantial construction and development not occur, said approval shall expire. No building permit for any type of construction shall be issued on the basis of the approved site development plan after such approval has expired.

Section 3.21 Swimming Pools: Swimming pools may be installed in any district as an accessory use. All pools must meet the following conditions:

1. Pools may be installed in the side or rear yards of a lot in residential and agriculture districts. Motels and hotels may install pools in the front yard. In addition, all yard requirements shall be met, as well as a fence that is a minimum of 4 feet high with a gate around 'in ground' pools, except as provided in paragraph two (2) below.

(Amended April 19, 2018)

2. Pools shall not be erected closer than ten (10) feet from the rear and side property lines of the lot. In case of corner lots, the pool shall not be located closer than ten (10) feet from any property line abutting any street.

Section 3.22 Temporary Building: Temporary buildings for uses incidental to construction work and all debris shall be removed within fifteen (15) days after completion or abandonment of the work.

Section 3.23 Traffic Visibility Across Corners: No fence, structure, or planting over thirty (30) inches in height shall be planted or erected on the street side of a line drawn between two (2) points each being twenty (20) feet from the intersection of the right-of-way of two (2) intersecting streets.

Section 3.24 Litter, Rubbish, Junk Storage and Disposal:

1. It shall be unlawful for any person to dump rubbish or waste materials of any kind on any land in the Township except in and on such private or public dumping areas approved for this purpose.
2. The Township shall require a suitable agreement and bond for every approved dumping area ensuring that such dumping or disposal will not pollute the waters or cause stagnant water to collect on the land, and assurance that after the expiration date of the agreement the surface of the dumping area shall be in a stable condition for the growing of turf and for uses permitted in the Zoning District in which the dumping area is located.
3. The littering of rubbish or junk, such as wrecked or inoperable vehicles, unsightly accumulation of junk equipment, wrecked or inoperable machinery, or parts thereof, or other used materials shall be considered unlawful on any lot or parcel in the Township, except where such material might be accumulated in such a manner that, and where such accumulation is not visible from any public road or adjoining property.
4. These provisions shall not be construed as repealing any Ordinance now in effect or hereafter made effective relating to rubbish, litter, garbage, refuse, trash, or junk but shall be construed as supplementary to any such ordinances, as well as any statutes of the State of Michigan relating thereto.

Section 3.25 Fences, Walls, and Hedges (Amendment effective as of May 19, 2023).

1. Primary Areas:

- a. Lake Front Properties. No fence shall be higher than forty inches (40") high and will not extend beyond the house on the road side.
- b. Other Properties. With the exception of Lake Front Properties all other fences, walls, and hedges shall be permitted in required yards or along the edge of any yard in any R-1, R-2, R-3, or MH Residential District, except that a fence, wall or hedge located in or along shall not exceed seventy-two-inches (72") in height in any District.
- c. Michigan Right to Farm Act. Nothing in this Section shall be construed under any circumstances to apply to fences used in fencing in life stock nor otherwise interfere with the agricultural and/or farm use under the Michigan Right to Farm Act MCL 286.471-MCL 286.474.

2. **Compliance.** It is unlawful to construct or install, or cause to be constructed or installed, any fence, wall or landscape screen upon any property within the Township in violation of the requirements of this Section.
 - a. Any fence, wall, or hedge located in or along the edge of any yard abutting a public or private dedicated thoroughfare in any Zoning District shall be located a minimum of five (5) feet from any street right-of-way line.
 - b. Fences, walls or hedges on any lot shall be located so they do not impair vision of traffic in any way.
3. **Permit required.** It shall be unlawful for any person to construct or erect any fence or wall upon any property within the Township without first having obtained a permit from the division of buildings and safety engineering. The permit application shall be accompanied by a plot plan showing the type, size and proposed location of the fence and payment of the permit fee established by resolution adopted by Township council. The fee shall be based on the lineal foot of fence to be installed.
4. **Permit exemptions.** No permit shall be required for the following fences and walls:
 - a. A temporary fence used in conjunction with a special event approved by the Township.
 - b. For the installation of a temporary snow fence during the winter season.
 - c. Fences and walls constructed or erected on public property.
 - d. Temporary construction fences and fences required for protection around excavations that comply with the state construction code. Such fences shall not be maintained for a period greater than a year without special approval of the Zoning Board of Appeals.
5. **Nonconforming fences and walls.** Fences and walls presently in existence that do not conform to the provisions of this article are nonconforming fences that shall not be permitted to increase or change from the description given on the permit application at the time the permit was issued. Such fences and walls, when repaired or replaced, shall conform to all provisions of this article. Nor shall any fence be erected that uses any materials that are not specified for the purpose of fencing.
6. **Location private property.** All fences, walls or landscape screens must be located entirely on the private property of the person constructing the fence, wall or landscape screen, provided, however, that if the adjoining property owners jointly apply for and sign a permit or with written notarized consent of the adjacent property owner a fence may be erected on the common property line.
7. **Setback required.** Walls, fences and landscape screens shall conform to the setback requirements for the zoning district, unless otherwise provided in this article.
8. **Fences, walls and landscape screens in front yard between building line and front property line.** No fence, wall or landscape screen shall be constructed between the established building line and the front property line, except as follows:
 - a. *Corner lot.* On a corner lot abutting a street, a fence may be installed not exceeding thirty (30) inches in height between the established front setback line to the front property line, and shall be on a non-sight obscuring fence material.

b. *Cul-de-sac.* When a lot at the closed end of a cul-de-sac street and the side yard is adjacent to a street, fences or walls may be extended beyond the front building line up to one (1) foot from the sidewalk and shall not exceed the height of four (4) feet along the side yard property line adjacent to the street.

9. **Measurement of height.** Height of a fence, wall or landscape screen shall be measured from the approved or natural ground level closest to the fence, wall or landscape screen of the lot or parcel thereon to the highest point from the ground of the fence, wall or landscape screen.

10. **Materials.** All fences or walls shall be constructed of materials in compliance with the state construction code and shall be of sufficient quality with proper maintenance to withstand rusting, rotting and other weather-related deterioration for a period of not less than ten (10) years.

11. **Orientation.** All supporting posts, cross-members, and hardware of all fences shall face toward the interior of the lot of the person erecting the fence, except in the case of an opaque fence, which shall be uniform in appearance as viewed from both sides.

12. **Posts or foundation.** All fences shall be a self- supporting structure. All fences shall be installed on posts sunk below grade to a depth of at least half of the height of the fence and shall not be further than ten (10) feet apart. Walls shall be erected on continuous foundations no less than forty-two (42) inches below grade.

13. **Private agreements for lot lines.** The Township shall not be responsible for the enforcement of any agreement relative to mutual or separate payment for the cost of construction of fences, nor shall the Township be responsible for the determination of the location of any fence which is constructed on lot lines.

14. **Deed restrictions or other covenants.** The issuance of a fence permit under this article is not intended nor should it be construed to abrogate or modify the permit holder's duties as contained in covenants and restrictions arising from a deed or other document. The Township will not review covenants or building and use restrictions before the issuance of a fence permit.

15. **Maintenance.** All fences, walls and landscape screens shall be maintained in a good condition at all times. All fences and walls shall be kept in good structural condition and neatly painted, stained, sealed or preserved and such treatment shall be of the same contiguous color, stain or other treatment.

16. **Prohibited fences and walls.** The following installations shall be prohibited:

- Razor wire, spikes and nails.* No person shall construct or cause to be constructed a fence or wall with razor wire partially or wholly around any property, street, alley, lane or public highway or in front of any public place or space, nor shall the top of a fence material be sharp or pointed, nor shall there be affixed any spike, nail or other pointed instrument of any kind to any fence.
- Barbed wire.* No person shall construct or cause to be constructed a fence or wall with barbed wire partially or wholly affixed to the fence or wall around any property, street, alley, lane, public highway or in front of any public place or space, except as approved for a specific location by the Zoning Board of Appeals.

- c. *Electrical current.* No fence shall be constructed or maintained which is charged or connected with an electrical current.
- 17. **Maintenance of nuisances prohibited.** Fences shall be maintained so as not to endanger life or property. Any fence which, through lack of repair, type of construction or otherwise, endangers life or property is hereby deemed a nuisance. If an unsafe condition exists in regard to a fence, the Township shall serve on the owner, agent or person in control of the property upon which such fence is located, a written notice describing the unsafe condition and specifying the required repairs or modifications to be made to render the fence safe or requiring the unsafe fence or any portion thereof to be removed, and shall provide a time limit for such repair, modification or removal.
- 18. **Entranceway structures.** Residential subdivision entranceway structures including fences, walls or landscape screens shall be permitted, subject to site plan review landscape features.
- 19. **Fence required for pools and ponds.**
 - a. *Swimming pools.* All regulations of the applicable building code provisions shall apply to swimming pools and the method of enclosing the swimming pool for the safety of the public.
 - b. *Reflector pools and ponds.* For the protection of the general public, any reflector pool, fish pond, lily pond or other artificially-constructed body of water which contains twenty-five (25) inches or more of water in depth at any point shall be enclosed by a fence not less than four (4) feet in height. The fence gates shall be self-closing and latching, with the latch on the inside of the gate not readily accessible for children to open. Fence gates shall be capable of being securely locked. However, if the entire premises of the residence is enclosed, then the provision requiring a fence enclosing the reflector pool, fish pond, lily pond, or other artificially-constructed body of water may be waived by the division of buildings and safety engineering upon inspection and approval.
- 20. **Refuse, recycling container screening.** Containers for refuse and recycling uses shall be screened from view from any adjacent residential use or public right-of-way, excluding alleys. Screening may consist of a six (6) foot high opaque wall constructed of masonry material which matches the primary masonry of the principal structure on the site. Standard concrete blocks are prohibited. Poured or precise concrete walls are permitted provided that they are installed on a continuous concrete footing and are eight (8) inches thick. Live landscape material located so it does not interfere with the function of the refuse container is encouraged in addition to the opaque screen.
- 21. **Service areas.** All service areas shall be screened from view from all rights-of-way through use of a six (6) foot high opaque screen wall. Landscape materials shall be utilized in conjunction with the wall.

ARTICLE IV

ESTABLISHMENT OF ZONING DISTRICTS

Section 4.01 Zoning Districts: In order to regulate and restrict the location, erection, alteration, or use of buildings, structures, or land and to carry out the purpose of this Ordinance, Richland Township is hereby divided into the following zoning districts:

“R-1”	Residential District
“R-2”	Rural Residential
“R-3”	Multiple Family Residential
“C-1”	General Commercial District
“I”	Industrial District
“A”	Agricultural District
“OS”	Open Space Public Reserve District
“MH”	Mobile Home

Section 4.02 Zoning Districts Map: The locations and boundaries of these districts, so established, are bounded and defined as shown on the map, entitled “Richland Township Zoning

District Map", which accompanies and is hereby declared to be part of this Ordinance with the same force and effect as if the districts shown thereon were fully set forth by metes and bounds herein. A current and up-to-date Richland Township Zoning District Map, with all amendments noted, shall be kept on file in the office of the Richland Township Board and the Montcalm County Clerk, and these maps shall be the final authority as to the current zoning status of land, buildings, and other structures in Richland Township.

Section 4.03 Interpretation Zoning District Boundaries: Where uncertainty exists with respect to the boundaries of any districts, established in the Ordinance as indicated on the Zoning District Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately coterminous with street or highway centerlines or right-of-way lines, such centerlines or right-of-way lines shall be construed to be said boundaries.
2. Where district boundaries are indicated as approximately coterminous with platted lot lines, section lines, quarter-section lines, or other survey lines, such lines shall be construed to be said boundaries.
3. Where district boundaries are indicated as approximately parallel to street or highway centerlines or right-of-way lines, or to section lines, quarter-section lines, or other survey lines, such boundaries shall be construed to be parallel thereto and at such distance there from as indicated on Zoning District Map.
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be coterminous with the centerline of the main track of said railroad line.
5. Where the boundary of a district follows the shoreline of a stream, lake, or other body of water, the boundary line shall be interpreted as following such shoreline and in the event of change in shoreline shall be construed as moving with said shoreline. Boundaries indicated approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
6. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by subsections 1 through 5 above, the Board of Appeals, after recommendation from the Township Planning Commission, shall interpret the district boundaries.

Section 4.04 Areas Not Included Within a District: In every case where property has not been specifically included within a district, such property shall be in the "A" Agricultural Zone.

Section 4.05 Zoning of Vacated Areas: Wherever any street, alley, or other public way, within the Township, shall be vacated, such street, alley, or other public way or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.

ARTICLE V

ZONING DISTRICT REGULATIONS

Section 5.01 “R-1” Residential District: (Town & Lakes)

1. Purpose – The purpose of this district and its accompanying regulations is to provide for a stable and sound residential environment on lots of sufficient area to accommodate the safe and healthful use of on-site water and waste disposal systems.
2. Use Regulations – Land and/or buildings in the “R-1” Zoning District may be used for following purposes only:
 - a. One (1) single family dwelling on each lot.
 - b. Parks and playgrounds, libraries, fire stations, churches, child care centers, road side stands for the sale of produce, community centers and other public buildings owned and operated by a governmental agency or non-profit neighborhood group.
 - c. State-licensed residential facility providing supervision or care, or both, to 6 or less persons.
3. Area Regulations – No building or structure shall thereafter be erected, altered, or enlarged unless the following yard and lot area requirements are provided and maintained in connection with such building, erection, alteration, or enlargement.
 - a. Front Yard – There shall be a front yard of not less than twenty (20) feet.

- b. Side Yard – There shall be a side yard of not less than ten (10) feet on each side of any dwelling or accessory building, except on the street side of a corner lot where a thirty-five (35) foot side yard measured from the lot line shall be required.
- c. Rear Yard – There shall be a rear yard of not less than twenty-five (25) feet.
- d. Lot Area – For all Residential uses in the “R-1” zone, a minimum lot area of seven thousand five hundred (7,500) square feet. (Amended June 25, 2020)

4. No raising of livestock permitted. (Amended April 19, 2018)

Section 5.02 “R-2” Rural Residential District:

- 1. Purpose – The purpose of this district and its accompanying regulations is to provide for a stable and sound environment for residential development. There is no intention to promote, by these regulations, a zoning district of lower quality and desirability than in the “R-1” Zoning District.
- 2. Use Regulations – Land and/or buildings in the “R-2” Zoning District may be used for the following purpose which is one (1) single family dwelling on each lot.
- 3. Area Regulations – No building or structure shall be hereafter erected, altered, or enlarged unless the following yards and lot area requirements are provided and maintained in connection with such building, structure, or enlargement.
 - a. Front Yard – There shall be a minimum front yard of thirty (30) feet.
 - b. Side Yard – There shall be a minimum side yard of fifteen (15) feet on each side of the building excepting the street side of the corner lot where thirty-five (35) foot side yard measured from the lot line shall be required.
 - c. Rear Yard – There shall be a minimum rear yard of twenty-five (25) feet.
 - d. Lot Area – For all Rural Residential uses in the “R-2” zone, a minimum lot area of forty-three thousand, five hundred sixty (43,560) square feet (one acre) with a minimum width of one hundred (100) feet.
- 4. Raising of any livestock requires a minimum of five (5) acres for the first animal and one (1) acre for each additional animal. Except that chickens (hens), rabbits and ducks will be limited to any combination not to exceed twelve (12) per parcel and they must be confined within a suitable caged in area upon the premised. (Amended April 19, 2018)

Section 5.03 “R-3” Multiple Family Residential:

- 1. Purpose – This Zoning district is provided to encourage the development of a sound and stable environment for multiple family dwelling units. This zoning district will be established only upon approval of an application from the owner of the property proposed for a preplanned apartment, garden apartment, or condominium apartment complex. Establishment of zoning district shall follow the provisions of Article XI, Section 11.04 of this Ordinance.
- 2. Use Regulations – Land and/or buildings in “R-3” Zoning District may be used for the following purposes:
 - a. Multiple family dwelling as defined herein.
 - b. Two (2) family dwelling units.
 - c. Playgrounds, parks, open spaces, and other recreational uses either enclosed or in the open, for the use of occupants only.

- d. Accessory uses customarily incidental to the proceeding listed permitted uses.
- 3. Area Regulations – No building or structure shall hereafter be erected, altered, or enlarged, unless the following yards and lot area requirements are provided and maintained in connection with such construction, alterations, or enlargements for multifamily residential development.
 - a. Front Yard – Where it is the intention of the developer to utilize the front yard area for an off-street parking lot, there shall be a setback from the right-of-way of each street on which the lot abuts of at least seventy-five (75) feet; the front twenty-five (25) feet of which shall be landscaped. Where the front yard setback is not used for parking, there shall be a setback from the right-of-way of all streets, on which the lot abuts, of forty (40) feet; the total of which shall be landscaped.
 - b. Side and Rear Yards – There shall be minimum side yards and rear yards of thirty (30) feet, except where the subject property abuts any agriculture or single-family zoning district in which case side yards and rear yards shall be forty (40) feet.
 - c. The minimum size of the lot for this district is set at nine thousand six hundred (9,600) square feet with a minimum width of eighty (80) feet.
- 4. Density Regulations – No land shall hereafter be used in the zoning district unless the following density regulations are followed and maintained:
 - a. No more than eight (8) dwelling units per gross acre shall be permitted in the Zone District.
 - b. There shall be a minimum of twenty-five percent (25%) of the gross area of the proposed “R-3” Zoning District maintained as open space or non-profit recreational area.
- 5. Other Development Regulations:
 - a. A site development plan shall be submitted for each proposed multiple family developments or other permitted use in the “R-3” Zoning District.
 - b. The horizontal distance measured in feet between parallel or nearly parallel element of buildings forming courts and courtyards shall be not less than twice the height of the taller building measured in feet.
 - c. All area provided for use by vehicles shall be surfaced with bituminous asphalt, concrete, or similar materials.
 - d. Areas for loading and unloading delivery trucks and other vehicles and for refuse collection service, fuel, and other services shall be provided and shall be adequate in size and shall be so arranged that they may be used without blockage or interference with the use of access ways or automobile parking facilities.
 - e. Provision shall be made for safe and efficient ingress and egress to the public streets and highways servicing the “R-3” Zoning District without undue congestion or interference with normal traffic flow.
 - f. All buildings within the Zoning District shall be served by a public sanitary sewage disposal system and public water supply system when available. All utility lines (power, telephone, water, gas, cable TV) serving the “R-3” Zoning District shall be placed underground.

- g. The developer shall be encouraged to give consideration to incorporating natural features such as woods, streams, and open spaces which add to the overall development of the area.
- h. The developer shall be encouraged to give consideration to the provision of community area, laundry facilities, playground and other lots, and other services necessary for the comfort and convenience of "R-3" residents.
- 6. Required Conditions: All permitted uses shall be subject to Article III, General Provisions, and other applicable sections of this Ordinance.
- 7. No raising of livestock permitted. (Amended April 19, 2018)

Section 5.04 "C-1" General Commercial District:

- 1. Purpose – This Zoning District is intended to provide area for business uses that serve the needs of the Township.
- 2. Use Regulations – Land and/or buildings in the "C-1" Zoning District may be used for the following purposes:
 - a. Assembly and repair of electrical appliances, instruments and devices.
 - b. Warehouses.
 - c. Lumber supply and building materials, sales and storage yards, planning and forming mills, including equipment storage yard.
 - d. Gift, florist, souvenir shop, barber/hair salons, appliances, video rental, and computer sales.
 - e. Commercial Recreational facilities including bowling alleys, associated restaurant, and/or taverns.
 - f. Loading space.
 - g. Lodge hall, private clubs, veteran's clubs.
 - h. Motels, hotels, and cabins.
 - i. Restaurants and taverns.
 - j. Automobile and other vehicle sales, new and used, including service and maintenance.
 - k. Automobile service stations.
 - l. Contractor's equipment storage yard.
 - m. Furniture and dry goods.
 - n. Offices.
 - o. Clothing stores.
 - p. Branch bank offices.
 - q. Drugstores.
 - r. Hardware stores.
 - s. Print shops.
 - t. Grocery and convenience stores.
 - u. Accessory uses customarily incidental to the preceding listed permitted uses.
 - v. Public buildings such as Post Offices, libraries, governmental administrative offices, and halls.
 - w. Other similar uses, provided that such uses be found to be similar to preceding listed permitted uses by the Township Planning Commission. The Planning Commission shall make its determination of whether or not a proposed use is

“similar” only after a public hearing notice which is published in newspapers of general circulation of at least (15) days prior to the date of the hearing.
(Amended April 19, 2018)

3. Area Regulation – No building or structure shall hereafter be erected, altered, or enlarged unless the following yards and lot areas are provided and maintained in connection with such alteration, construction, or enlargement.
 - a. Front Yard – There shall be a front yard of not less than twenty-five (25) feet, provided that where established or adjacent lots vary from this minimum, a new building shall be constructed with a front yard of no less depth than the average front yards of those buildings located on each side of the proposed building and provided that this provision shall not be interpreted to require a front yard of more than forty (40) feet nor less than fifteen (15) feet.
 - b. Side Yard – There shall be a side yard of not less than twenty-five (25) feet on each side of any building excepting the street side of a corner lot or where the side of a lot in the “C-1” Zoning District abuts a lot in any residential district in which case a fifty (50) foot side yard shall be required and maintained.
 - c. Rear Yard – There shall be a rear yard of not less than thirty-five (35) feet.
 - d. Lot Area – There shall be a minimum lot area of forty-three thousand, five hundred sixty (43,560) square feet (one acre) with a minimum width of one hundred fifty (150) feet at the front line.
 - e. Loading Space – Each such loading space shall be at least twelve (12) feet in width, fifty (50) feet in length, and fourteen (14) feet in height. No such space shall be located closer than fifty (50) feet to any lot in any residential district unless wholly within a completely enclosed building or enclosed on all sides by a wall.
4. Other Developmental Regulations:
 - a. A site development plan shall be submitted to the Planning Commission.
 - b. A greenbelt, as defined in this Ordinance, shall be provided on each side and rear lot line which abuts a residential or agricultural use.
 - c. All business shall be conducted in such a manner that no unreasonable noise, dust, vibration, or any other like nuisance shall exist to adversely affect adjoining properties.

Section 5.05 “I” Industrial District:

1. Purpose – This Zoning District is intended to accommodate the industrial needs of the entire community in such a manner that no unreasonable noise, dust, vibration, or any other nuisance shall exist to adversely affect adjoining properties.
2. Use Regulation – Land and/or buildings in the “I” Industrial Zoning District may be used for any of the following uses:
 - a. Assembly and repair of electrical appliances, instruments, and devices.
 - b. Warehouses.
 - c. Lumber supply and building materials, sales and storage yards, planning and forming mills, including equipment storage yards.
 - d. Machine shops, blacksmith shops, and tool and die shops.

- e. Public service installation, including public utility buildings and structures for gas, water, and electrical service, telephone exchanges, transformer stations, substation, power generating plants, including the storage of equipment and vehicles.
- f. Shops for sheet metal and woodworking.
- g. The manufacture, compounding, processing, packing, or treatment of products from previously manufactured materials.
- h. The compounding, processing, sales, or packaging of agricultural products.
- i. Accessory uses, customarily incidental to the preceding listed permitted uses.
- j. Other uses, provided that the Township Planning Commission shall determine that such uses are compatible with uses that are permitted as a matter of right in the Zoning District. The Township Planning Commission shall make its determination of whether or not a proposed use is compatible only after a public hearing has been held. Notice of the public hearing shall appear in a newspaper of general circulation not less than five (5) nor more than fifteen (15) days prior to the date of the hearing. Notice of the public hearing shall also be sent to all persons to whom real property in question, and to the occupants of all structures within three hundred (300) feet. An affidavit of mailing shall be maintained.

3. Area Regulation – No building or structure shall hereafter be erected, altered, or enlarged unless the following yards and lot areas are provided and maintained in connection with such alteration, construction, or enlargement.
 - a. Front Yard – There shall be a minimum front yard of fifty (50) feet.
 - b. Side Yard – There shall be a minimum side yard of twenty (20) feet in this district except on the street side of corner lots where thirty-five (35) feet shall be required. Where an industrial district abuts a residential or agricultural zone on the side, there shall be maintained a fifty (50) foot side yard on each side.
 - c. Rear Yard – There shall be a minimum rear yard of twenty-five (25) feet in this district except that where such uses abut a residential or agricultural zone, a minimum rear yard of fifty (50) feet shall be provided.
 - d. Lot Area – The minimum lot area for use in the Zoning District shall be one (1) acre with a minimum width of one hundred fifty (150) feet at the front lot line.
 - e. Loading Space – See Section 5.04 “C-1” – 3e.
4. Other Development Regulations:
 - a. A site development plan shall be submitted for uses in the Zoning District.
 - b. All business shall be conducted in such a manner that no unreasonable noise, dust, vibration, or any other like nuisance shall exist to adversely affect adjoining properties.
 - c. A greenbelt, as defined in this Ordinance, shall be provided on each side and rear lot lines which abuts a residential or agricultural use.
 - d. All parking lots and driveways shall be paved with a bituminous or Portland concrete or equivalent hard surface, or maintained with a dustless surface such as gravel.

Section 5.06 “A” Agricultural District:

1. Purpose – This Zoning District is intended for large tracts of land used for farming or lands which are idle. It is not intended for any use except agricultural, and other specialized rural applications requiring large tracts of land. This restriction is necessary to prevent development without proper planning. If development and subdividing are to occur, they should be preceded by rezoning and sound planning.
2. Use Regulations – Land and/or buildings in “A” Agricultural District may be used to the following purposes:
 - a. Farms for both general and specialized farming, together with single family dwellings and buildings and other installations useful to such farms.
 - b. Golf courses, country clubs, riding stables, and publicly owned recreation area.
 - c. Non-intensive recreation facilities such as snowmobile trails, archery and rifle, skeet or gun ranges, and hunting and fishing preserves or clubs, provided that commercial activities such as bars, hotels, and/or lodge accommodation, retail stores, service establishments are not permitted.
 - d. Roadside stands for the sale of products raised on the lot or parcel, provided that off-street parking shall be provided and no hazardous traffic condition shall result from such activity.
 - e. Dog Kennels and related facilities.
 - f. Accessory uses customarily incidental to the preceding listed permitted uses, including home business.
 - g. Housing for transient migrant labor, provided that such housing shall not be occupied for more than one hundred eighty (180) days of any calendar year; such use shall comply with all applicable regulation of the State of Michigan and the District Health Department.
3. Area Regulations - No building or structure shall hereafter be erected, altered, or enlarged unless the following yards and lot area requirements are provided and maintained in connection with such building erection, alteration or enlargement.
 - a. Front Yard – There shall be a front yard of not less than thirty (30) feet, measured from the edge of the road.
 - b. Side Yard – For non-residential structures developed in the Zoning District, the following yards shall apply, fifty (50) feet from all residentially zoned property, twenty (20) feet from all other property. Residential structures (homes, garages, and other permitted accessory structures) shall be provided with at least a twenty (20) foot side yard.
 - c. Rear Yard – There shall be a rear yard of not less than fifty (50) feet.
 - d. Lot Area - the minimum lot area for use in this zoning district shall be 10 acres.

(Amended April 19, 2018)

Section 5.07 “OS” Open Space-Public Reserve District:

1. Purpose – The purpose of this district and its regulations is to preserve state and township public park, forest, and recreation areas.
2. Use Regulations – Land and/or buildings in the “OS” Open Space Public Reserve District may be used for the following purposes:

- a. Parks, forest, open space, and recreation areas owned by a governmental agency.
- b. Docks, launch ramps, and associated parking areas.
- c. Uses similar to the preceding which tend to preserve in substance the scenic character of the area.

3. Other Regulations – There shall be no yard, lot area, or height regulation in this Zoning District.

ARTICLE VI

NONCONFORMING USES, LOTS, AND STRUCTURES

Section 6.01 Continuance of Use: The lawful use of any premises existing at the time of the adoption of this Ordinance may be continued although such use does not conform to the provisions hereof, but if such nonconforming use is discontinued, the future use of said premises shall be in conformity with the provisions of this Ordinance. It is the intent of this Ordinance to permit such a non-conforming use to continue until it is removed, but not to encourage its survival.

1. If a structure or use is non-conforming because of floor area, parking, or loading space provisions of this Ordinance, it may be extended, enlarged, altered, remodeled, or modernized to comply with these provisions. Once in compliance, no structure or use shall again become non-conforming in these categories.
2. An existing non-conforming use may be altered or remodeled within the interior dimensions of the building, provided no exterior structural alterations are made except those that may be required by the building inspector.

Section 6.02 Change of Non-Conforming Use: Whenever a Zoning District shall be changed, any existing non-conforming use in such changed district may be continued, provided all other regulations governing the use, are complied with. Whenever a non-conforming use of a building or premises has been changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.

Section 6.03 Non-Conforming Use Discontinued: In the event that any non-conforming use ceases for any reason for a period of more than sixty (60) days, any subsequent use shall conform to the uses permitted in the district in which the premises are located. Non-conforming use of premises shall not be deemed "discontinued" for purposes of the Ordinance due merely to

a change in the nature or status of ownership of title of such premises, provided there is no change in the nature or character of such non-conforming use.

Section 6.04 Repair of Non-Conforming Buildings: Nothing in this Ordinance shall prevent the repair, reinforcement or reconstruction of a non-conforming building, or part thereof, rendered necessary by wear and tear, deterioration, depreciation, or total loss, nor shall any provision of this Ordinance prevent compliance with the provision of any building code in effect in the Township. (Amended April 19, 2018)

Section 6.05 Non-Conforming Lots of Record: Lots of record that are non-conforming because of lack of the required number of acres or minimum number of square feet shall be allowed to be built on, and variance shall be allowed for required setback and yard sizes, provided that an adequate potable water supply and proper safe sewage disposal facilities can be provided.

Section 6.06 Moving of Non-Conforming Structures: Should a non-conforming structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

As defined in Section 2.43(a) One Mobile Home may be permitted on a lot or parcel upon which a single-family dwelling is already located for the purposes of a temporary dwelling with disabled or infirmed members of the same family who reside in the principal dwelling. A special use permit is granted by the planning commission pursuant to. In the event that a special use permit is granted our special requirements are set forth in ARTICLE VIII.

ARTICLE VII

OFF-STREET PARKING AND LOADING SPACES

Section 7.01 Description and Purpose: To permit and regulate the parking and loading of automotive vehicles in all zones.

Section 7.02 General Regulation and Definitions: The following regulations and definitions shall apply in all Zoning Districts:

1. A plan of the proposed parking and loading areas shall be submitted to the Zoning Administrator for all new commercial, industrial, multiple family, and mobile home park uses.
2. A minimum area of two hundred (200) square feet shall be provided for each vehicle parking space exclusive of aisles and access.
3. "Gross floor area is the sum of the horizontal areas of the several floors of a building(s) measured from the exterior faces of exterior walls or from the center line of walls separating two buildings." Refer to "Definitions 2.25" for additional information.
4. The Board of Appeals may, without proof of unnecessary hardship, grant any applicant a variance on the requirements of the Article if the Board finds from the evidence presented that intended use of a proposed building does not require parking or loading facilities to the degree specified herein. However, the Board shall require that adequate open spaces be retained around such a building to permit development of the required parking or loading area, should the use of the building change at a later date.

Section 7.03 Parking Requirements: Hereafter, no building shall be erected or altered and no land used unless there is provided adequate off-street parking spaces in accordance with the following schedule:

Residential Uses:

Requirements – Two (2) spaces per dwelling.

Commercial, Service, and Office Uses:

Requirements – Two (2) square feet of parking per square foot of Gross floor area.

In the case of use not specifically mentioned, the requirements of off-street parking facilities shall be the same as the most similar use listed.

Section 7.04 Loading Space Requirements: For every building, or addition to an existing building, hereafter erected to be occupied by use allowed in any Commercial or Industrial Zoning District or other similar use requiring the receipt or distribution, in vehicles, of materials or merchandise, there shall be provided and maintained on the same premises, with such building or addition, off-street loading spaces in relation to floor area as follows:

1. Up to twenty thousand (20,000) square feet – one (1) space.
2. Twenty thousand (20,000) to fifty thousand (50,000) square feet – two (2) spaces.
3. Fifty thousand (50,000) to one hundred thousand (100,000) square feet – three (3) spaces.
4. One (1) additional space for each additional one hundred thousand (100,000) square feet or fraction thereof.

Each such loading space shall be at least twelve (12) feet in width, fifty (50) feet in length, and fourteen (14) feet in height. No such space shall be located closer than fifty (50) feet to any lot in any Residential District unless wholly within a completely enclosed building or enclosed on all sides by a wall.

ARTICLE VIII

SPECIAL (UNIQUE) USE PERMITS

Section 8.01 Purpose: Certain land use activities, entitled "Special Uses" may be authorized in the various districts if it can be determined that adequate safeguards are provided to ensure the protection of the public health, safety, and general welfare.

Section 8.02 Special Uses: Notwithstanding any other provision of this Ordinance, the following special uses may be authorized in the following Zoning Districts:

1. Sanitary Landfills – Agricultural and Industrial
 - a. All provisions outlined in the "Removal of Natural Resources for Commercial purposes" subsection, refer to 8.02.1 above, shall be required before approval of this special use.
 - b. In addition, evidence of a permit from the Michigan Department of Natural Resources shall be presented before approval.
2. Junk, Scrap, and Salvage Yards – Agricultural: A site development plan shall be submitted to the Township Planning Commission, who shall determine whether the proposed use complies with these requirements:
 - a. Minimum lot size shall be twenty (20) acres. The use shall be considered a primary use of the lot and not located on the same lot as another primary use.
 - b. The setback from the front property line to the area upon which junk materials are stored shall be not less than one hundred fifty (150) feet, measured from the center of the right-of-way. Said area shall be screened from view around the entire periphery of the site by a solid wall or fence not less than eight (8) feet nor more than twelve (12) feet in height. Said fence shall be of sound construction, painted, and otherwise finished neatly and inconspicuously.
 - c. The area upon which junk materials are stored, including the main and accessory buildings, shall be located not closer than five hundred (500) feet to any public building, church, hospital, sanitarium, convalescent home, day nursery, or school, nor closer than one hundred (100) feet to any residence.

- d. The collection of fluids must be in accordance with County and State MDNR Regulations.
- e. The development of a retail sales facility shall be allowed, provided said facility complies with the yard, and parking requirements of uses developed in the "General Commercial District" (Section 5.04) of this Ordinance, and further provided, that there are no sales of other than parts, scrap, used machinery, used vehicles, and similar items found on the premises.

3. Recreational Vehicle Campgrounds – Agricultural: A site development plan shall be submitted to and approved by the Township Planning Commission before any building permit is issued and/or building or structure is erected. In addition, there must be evidence of a permit from the Michigan Department of Health.
4. Churches, Hospital, Convalescent Homes, School – Agricultural: A site development plan shall be submitted to and approved by the Township Planning Commission before any building permit is issued and/or building or structure erected.
5. Sale of Agricultural Support Items (fertilizer, pesticides, seed):
 - a. A site development plan shall be submitted to and approved by the Township Planning Commission before any building permit issued and/or building or structure erected.
 - b. A greenbelt, as defined in this Ordinance, shall be provided on the sides of sales operations if said operations are within one hundred (100) feet of any dwelling on adjacent properties.
6. Wind energy facilities (amendments effective as of April 13, 2022).
 - a. Intent and Regulatory Framework. Wind Energy Facility Special Use Permit and Intent. The purpose of this Section is to provide a regulatory scheme for the designation of properties suitable for the location, construction, and operation of Wind Energy Conversion Facilities (Wind Energy Facilities) within the jurisdictional boundaries of Richland Township, in an effort to protect the health, welfare, safety, and quality of life of the general public, and to ensure compatible land uses in the vicinity of the areas affected by wind energy facilities. A Wind Energy Facility may be permitted as a special use within the Agricultural, Residential District A upon site plan review and approval subject to provisions and standards of the Richland Township Zoning Ordinance, Wind Energy Facility Special Use Site Plan Review and other necessary federal, state, and local approvals.
 - b. Definitions:
 - Alternative Energy** – Renewable energy sources, such as wind, flowing water, solar energy and biomass, which create less environmental damage and pollution than fossil fuels, and offer an alternative to nonrenewable resources.
 - Ambient** – Ambient is defined as the sound pressure level exceeded 90t of the time of L90.
 - ANSI** – American National Standards Institute
 - Construction** – Construction to include but not limited to installation and preparatory work of:
 - Substations

- All electrical connection systems and lines for the WEC
- Bulldozing and installation of roads or drives – bulldozing/digging for the installation of wind turbine reinforced concrete bases; or
- Bulldozing/digging for a material/supply “laydown yard”

Db(A) – The sound pressure level in decibels. Refers to the “a” weighted scale.

Db(C) – The sound pressure level in decibels. Refers to the “c” weighted scale.

LMax – The maximum dB(A) or DB(C) sound level measured using the “fast response” setting of the sound meter (equivalent to 0.125 second exponential averaging time).

Decibel – The unit of measure used to express the magnitude of sound pressure and sound intensity.

FAA – The Federal Aviation Administration.

Habitable Structure – Any structure usable for living or business purposes, which includes but is not limited to working, sleeping, eating, cooking, recreation, office storage, or any combination thereof. An area used only for storage incidental to a residential use, is not included in this definition.

Hub Height – When referring to a Wind Energy System, the distance measured from ground level to the center of the turbine hub.

IEC – International Electro Technical Commission. The IEC is the leading global organization that prepares and publishes international standards for all electrical, electronic and related technologies.

ISO – International Organization for Standardization. ISO is a network of the National Standards Institutes of 156 countries.

Legislative Body – The Richland Township Board of Trustees.

Met Tower – A meteorological tower used for the measurement of wind speed.

Michigan Tall Structure Act (M.C.L. 259.481 and following) – Governs the height of structures in proximity to airport related uses and is included as a standard in the Article by reference.

Non-Participating Parcel – Any parcel of property in the Township not within the Agricultural/Residential District A.

Non-Participating Landowner – A landowner who has not signed a contract or any legal document with the WECS Applicant and has not given up rights to their owned land to the WESC Applicant.

On Site Use Wind Energy Systems – This system is intended to primarily serve the needs of the consumer, and is considered an accessory building.

Participating Landowner – An individual or business that has signed a lease with WECS Applicant to allow WECS on owned land. Participating Landowner denotes a landowner who has leased land to the WECS Applicant, received financial renumeration from the WECS Applicant, recorded with the Montcalm County Register of Deeds said agreement, and has a contract with the WECS Applicant. Can also be called a WECS contract leaseholder. A Participating

Landowner may or may not have turbines or infrastructure located on their property.

Participating Parcel – A parcel of land within the Township that is subject to a wind turbine lease or easement or other contractual agreement at the time an application is submitted for a Special Land Use Permit for the purpose of developing and constructing a wind energy system.

Planning Commission – The Richland Township Planning Commission.

Rotor – An element of a Wind Energy System that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

SCADA Tower – A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the Supervisory Control and Data Acquisition (SCADA) System.

Shadow Flicker – Alternating changes in light intensity caused by the moving blade of a Wind Energy System casting shadows on the ground and stationary objects, such as a window in a dwelling.

Sound Pressure – Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

Tip Height – When referring to a Wind Energy System, the distance measured from ground level to the furthest vertical extension of the rotor.

Utility Grid Wind Energy Systems – The system is designed and built to provide electricity to the electric utility grid.

Wind Energy Conversion Facility, (WECS) or Wind Energy Facility – An electricity generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.

Wind Energy Facility Site Permit – A permit issued upon compliance with the standards enunciated in this section.

Wind Energy System – A Wind Energy Conversion System which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the Wind Energy System to the grid.

Wind Site Assessment – An assessment to determine the wind speeds at a specific site and the feasibility of using that site for construction of a Wind Energy System.

- c. Application Requirements - Prior to the installation of a wind energy facility, an application for a Special Land Use permit and site plan must be reviewed and approved by the Planning Commission pursuant to the standards set forth in this Section. The application shall be filed with the local government and shall include the following:

1. Written explanation of the design characteristics and the ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards as well as information regarding health, welfare and safety in areas including, but not limited to, noise, vibration, shadow flicker, and blade ice deposits. This information shall also address the potential for the WECS to structurally fail or collapse, and what results should be expected in such an event. Wind Energy Conversion Facilities shall not be located, constructed, erected, altered, or used without first obtaining a Wind Energy Facilities Site Permit pursuant to this Section.
2. Company contacts information (telephone numbers and e-mail addresses), including name of company, name of project, key company contacts with titles and EIN (Employer Identification Number).
3. A narrative describing the proposed Wind Energy Facility, including an overview of the project.
4. Site plan (GIS shape file overlay, electronic file and paper copy) of the property showing existing and proposed features such as buildings, structures, roads (right of ways), applicable utility easements, county drains, land use, zoning district, ownership of property, location of proposed turbine towers (with required setbacks, exclusion zones and Non-Participating Parcels), underground and overhead wiring (including depth underground), access roads (including width), substations and accessory structures.
5. Details or drawings shall show features in the design of a typical tower and its base, which upon removal of said tower will allow restoration of the soil at the site to a depth of 4 feet.
6. Anticipated construction date and anticipated completion date.
7. The applicant must acknowledge the fact in writing that the decommissioning process poses some risk of the concrete bases remaining in place, if the responsible party (lessee) was unable to properly remove the bases as required in this Section. This acknowledgement is to be submitted with the application package and can be in the form of the actual lease language that has been signed by the lessor or an "Acknowledgement Letter" that documents this understanding and has been signed by the lessor.
8. Access Driveways - GIS location of WECS and Testing Facility access driveways together with details regarding dimensions, composition, and maintenance of the proposed driveways. The site plan shall include traffic routes, time of the year use, staging areas, and any other physical sites related to WECS. Construction of the Access Driveway that serves a WECS or Testing Facility is required to protect the public health, safety, and welfare by offering an adequate means by which governmental agencies may readily access the site in the event of an emergency. All such roads shall be constructed to allow access at all times by any emergency service vehicles, such as fire, police, and repair. Access driveways shall be no closer than 300' to adjacent property unless

Applicant provides documentation in the form of a signed approval by affected participating and Non-Participating Landowners. Such approval shall be recorded with Montcalm County Register of Deeds.

9. Facility Security - Security measures shall be sufficient to prevent unauthorized trespass and to protect health, welfare and safety.
10. Maintenance Program and Resolution Program - The Applicant shall provide to the Township a written description of the problem and failure program to be used to resolve the WECS and WECS Testing Facility issue, including procedures and schedules for removal when determined to be obsolete or abandoned.
11. Site Lighting - A lighting plan for each WECS and Testing Facility. Such plan must describe all lighting that will be utilized and documentation that FAA requirements are met. RADAR activated lighting shall be utilized if allowed by FAA. Such a plan shall include but is not limited to, the planned number and location of lights, light color, activation methods, effect on township residents and whether any lights blink. Due to complexity in describing lighting effects for health, welfare and safety, Applicant shall, if available, provide example locations, with product descriptions, where similar, or proposed, lighting solutions are currently deployed. Lighting shall be fully shielded from ground FAA compliant and be of most current design, to minimize lighting, blinking and brightness nuisance. Motion detector lights optional.
12. Site Insurance - The Applicant shall provide proof of insurance at all times for at least \$2,000,000 for liability, property damage, livestock damage, and future earnings loss. Applicant shall provide yearly proof of insurance to Township that confirms active coverage for the Applicant, Township, Participating Landowners and Non-Participating Landowners. Aggregate policies are allowed if minimum coverage per WECS is satisfied and coverage is provided for every site where Applicant's equipment is located.
13. A copy of Workers Compensation and Indemnification Insurance must be submitted to Richland Township and Property Owner before construction.
14. The Applicant shall be responsible to repair or replace any and all damages they cause on the private property they have contracted for development of a "WESC". Damage includes but is not limited to fence rows, field drains or tiles. Such repairs must be completed and approved by the property owner: Free of charge and in a timely manner.
15. Richland Township reserves the right to contact a civil engineering firm, licensed by the State of Michigan to represent Richland Township's interests for all phases of pre-approval and development to the end of construction of the "WESC". The Applicant/Developer shall pay all fees for these services.
16. Repair Policy Documentation: Applicant shall provide a detailed policy and process book for the repair, replacement, and removal of malfunctioning, defective, worn, or non-compliant WECS. Sections of the

process book should consider any ordinance requirement or WECS performance deficiency.

17. Noise - Applicant shall provide an initial sound modeling report and post-construction report for the project with a schedule and documentation which adhere to the following:

- a) Chart outlining ordinance requirements and a description of compliance or non-compliance.
- b) Declaration whether submitted data is modeled or measured.
- c) Declaration of values, test methods, data sources, and similar for all modeled or measured data.
- d) Estimated timeline for project including: ordinance requirements completed, construction, post construction, and validation testing.
- e) Applicant measured data shall be accompanied by SCADA data confirming full power during testing. Unless otherwise requested, minimum SCADA data format shall be grouped in 24hr periods and 1 second intervals including wind vector, wind speed, temperature, humidity, time-of-day, WECS power output, WECS amps, WECS volts, WECS nacelle vector WECS blade RPM, WECS blade pitch.
- f) Permitting data may be submitted based on WECS manufacturer data. However, measured data from active and similar WECS facilities shall be simultaneously submitted.
- g) It is acknowledged that WECS units sustain wear over time. Applicant is to submit data from existing and similar WECS installations showing aged sound measurements (to demonstrate compliance potential over the life of WECS) in accordance with this Section for 5, 10, and 15-year-old units.
- h) Modeling factors shall be set for the worst-case environment, such as high humidity, frozen ground (non-porous), atmospheric variances (atmospheric profile Pasquill Stability Class E or F preferred), elevated noise source and no ground cover. Use of modeling methods (standards) shall have deficiencies (limitations) fully disclosed and shall include known error margins. Non-disclosure of modeling method deficiencies shall require resubmission of SLUP in its entirety with complete modeling deficiencies disclosed.

18. Transportation - Submit a copy of a proposed transportation plan to be used by construction and delivery vehicles. Approval of appropriate authorities required prior to construction.

19. Application Fee - An application for a Wind Energy Facility shall remit a fee in the amount specified in the approved schedule adopted by resolution of the Township Board. This schedule shall be based on the cost to the Township of the review, which may be adjusted from time to time.

20. Applicant shall show evidence of compliance with applicable statutes and County ordinances including, but not limited to:

- a) Part 31 Water Resources Protection (M.C.L. 324.3101 et seq.)
- b) Part 91 Soil Erosion and Sedimentation Control (M.C.L. 324.9101 et seq.), and the corresponding County ordinance.
- c) Part 301 Inland Lakes and Streams (M.C.L. 324.30101 et seq.),
- d) Part 303 Wetland Protection (M.C.L. 324.30301 et seq.),
- e) All other applicable laws and rules in force at the time of Application.

21. Decommissioning - The applicant shall submit a plan describing the intended disposition of the alternative energy project at the end of its useful life and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. Within 12 months of any tower or turbine not operating, the applicant/owner must submit a plan to the Township Board concerning the status of the wind power project and steps that shall be taken to either decommission the tower or turbine, or to achieve renewed Commercial Operation. Any tower/turbine left unused or inoperable for over 24 months would be deemed to be disposed of by developer/applicant. The land must be returned to its original state. Concrete bases will be removed four feet below ground level with appropriate drainage and filled with like soil that was removed. To ensure proper removal of the structure when it is abandoned or non-operational, application shall include a proof of the financial security in effect before permit is approved. The security shall be in the form of a cash deposit and a performance (surety) bond selected by the Planning Commission and bonded by a top institution from the Department of Treasury's Listing of Approved Sureties – Department Circular 570, T-list. The duration of the security shall be termed to the removal of each WECS as stated in this Section. Additionally, security is to be backed with parent company assets, and lease holder assets approved by the Planning Commission. The amount of such security guarantee (surety) shall be at least \$800,000 per unit and has to be on file with board every time renewed. In addition to the surety bond, there will be at least \$400,000 in a cash savings account established per unit designated for the removal of each unit. Such financial guarantee shall be deposited or filed with the Township Clerk after a special use has been approved but before construction operations begin on the WECS project. Failure to keep such financial security in full force and effect at all times while the structure exists shall constitute a material and significant violation of a special use approval and this Section, and will subject the Applicant to all available remedies to the Township, including enforcement action, fines, revocation of the special use approval and the WECS removal. The Applicant shall be responsible for the payment of all attorney fees and other costs incurred by the Township in the event that the structure is not voluntarily removed, and the Township has to enforce removal. In the event the WECS Owner or Operator defaults on any or all of the previously outlined decommissioning

requirements, the Participating Landowner upon which each WECS is located shall be responsible and liable for the removal of each WECS.

22. Supplemental: Additional details(s) and information as requested by the Planning Commission.

d. Standards. The following shall be utilized as standards when reviewing an application for a Wind Energy Facility.

1. Visual Appearance, Lighting, Power Lines - The applicant shall use measures to reduce the visual impact of wind turbines to the extent possible, utilizing the following:

- a) Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive color. The appearance of turbines, towers and buildings shall be maintained throughout the life of the wind energy facility (i.e., condition of paint, signs, landscaping, etc.)
- b) Wind turbines shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof such as motion censored lights when approved by the FAA. All tower lighting required by the FAA, shall be shielded to the extent possible to reduce glare and visibility from the ground.
- c) Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the Wind Energy Facility.
- d) The electrical collection system shall be placed underground at a depth designed to accommodate the existing agricultural land use to the maximum extent practical. The collection system may be placed overhead from substations to points of interconnection to the electric grid or in other areas as necessary.
- e) All substations shall be aesthetically appealing and designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present. A sign shall be posted near substation that will identify the station and contain emergency contact information.
- f) The appearance of turbines, towers and buildings shall be maintained throughout the life of the wind energy facility (i.e., conditions of exterior paint, signs & landscape)

2. Setbacks, Separation and Security - The following setbacks and separation requirements shall apply to all wind turbines within a Wind Energy Facility.

- a. Participating Occupied Buildings: Each wind turbine shall be set back from an occupied building of Participating parcels a distance no less than the greater of (a) two (2) times its Tip Height, or (b) one thousand (1,000) feet.
- b. Non-Participating Parcel - Each wind turbine shall be set back from the property line of Non-Participating Parcels a distance no less

that the greater of (a) three (3) times its Tip Height, or (b) one thousand six hundred forty (1,640) feet.

- c. Participating Shadow Flicker Minimization - Wind turbines shall be placed such that shadow flicker to any occupied buildings occurs no more than 30 hours per year.
- d. Non-Participating Shadow Flicker - Under no circumstances shall a WECS or Testing Facility produce shadow flicker, or strobe-effect, on Non-Participating Properties without a signed release from affected Non-Participating Landowners. Such releases shall be recorded with the Montcalm County Register of Deeds.
- e. Wind turbines and access roads shall be located so as to minimize the disruption to agricultural activity; and, therefore, the location of tower and access routes is encouraged along internal property lines. Access roads shall be at least 300 feet from any property line.
- f. Public Roads - Each wind turbine shall be set back from the nearest public road a distance no less than 1.2 times its Tip Height, determined at the nearest boundary of the underlying right-of-way for such public road. Access to wind turbines shall not be on class A roads as defined by the Montcalm County Road Commission.
- g. Railroads & "Rail Trails" - Each wind turbine shall be set back from the nearest Railroad or "Rail Trail" (a railroad or railway that has been converted to a public trail) a distance no less than 1.2 times its Tip Height, determined at the nearest boundary of the underlying right-of-way for such Railroad & "Rail Trails".

3. Road Damage - Any damages to a public road located within the Township resulting from the construction, maintenance, or operation of a WECS or Testing Facility shall be repaired at the Applicant's expense pursuant to Montcalm County Road Commission requirements within 90 days of project completion, but shall not exceed 365 days from project commencement.
4. Coating/Color - A WECS shall be painted a non-obtrusive (light environmental color such as beige, gray, or off-white) color that is non-reflective. The wind turbine base and blades shall be of a color consistent with all other turbines in the area. No striping of color or advertisement shall be visible on the blades or tower.
5. Wind Turbine/Tower Height - The applicant shall demonstrate compliance with the Michigan Tall Structure Act (M.C.L. 259.481 and following), FAA guidelines, local airport zoning as part of the approval process, and not to exceed five hundred (500) feet Tip Height.
6. Noise – Wind Energy Facilities shall not exceed 55 db(A) at the habitable structure closest to the Wind Energy System.
 - a. db(A) LMax

- i. Non-participating landowners sound is measured at the property line. Day time (6am-10pm) is 55 LMax and night time (10pm-6am) is 45 LMax.
 - ii. Participating landowners sound is measured at the occupied building. Day & nighttime is 55 LMax.
- b. db(C) LMax
 - iii. Non-participating landowners sound is measured at the property line. Day time (6am-10pm) is 65 LMax and night time (10pm-6am) is 55 LMax.
 - iv. Participating landowners there are no restrictions.

7. Braking - Each WECS shall be equipped with a braking system or equivalent device capable of stopping the WECS operation in high winds with or without SCADA control.
8. Minimum Ground Clearance - The blade tip of any wind turbine shall, at its lowest point, have ground clearance of not less than seventy-five (75) feet.
9. Signal Interference - No large-scale Wind Energy Facility shall be installed in any location where proximity with existing fixed broadcast, retransmission, or reception antennas for television, radio or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. In the event that verified interference is experienced and confirmed by licensed engineer, the Applicant must produce confirmation that said interference has been resolved to residents' satisfaction within ninety (90) days of receipt of the complaint.
10. Signage - Sign at tower entrance to include company name and contact information, tower number, security information, Participating Land owner's name, WECS owner's name and operator's name, emergency telephone numbers and web address. If more than one WECS on access drive, each unit shall have further identification such that first responders can positively identify them. Warning signs shall also be placed on wind turbine towers, electrical equipment, and facility entrances.
11. Operational, Maintenance, and Issue Resolution - Each WECS and Testing Facility must be kept and maintained in good repair and condition at all times. If a WECS is not maintained in operational and reasonable condition or poses a potential safety hazard, the Applicant shall take expeditious action to correct the situation, including WECS removal. The Applicant shall keep a maintenance log on each WECS and must provide to the Township within 30 days of request.
12. Infrastructure Wiring - All electrical connection systems and lines from the WECS to the electrical grid connection shall be

located and maintained underground. Burial depth shall be at a depth that causes no known environmental, land use, or safety issues. Depth shall be a minimum of 5ft below grade, be deeper than drain tile, and be in compliance with NEC 2014 or newer Code standards. The Planning Commission may waive the burial requirement and allow above-ground structures in limited circumstances, such as geography precludes, or a demonstrated benefit to the township. The waiver shall not be granted solely on cost savings to Applicant. Request for variation shall consider aesthetics, future use of land, and effect on nearby landowners. All Collection system wirings shall comply with all applicable safety and stray voltage standards.

13. Wind turbine towers shall not be climbable on the exterior.

14. All access doors to wind turbine towers and electrical equipment shall be lockable.

e. Miscellaneous -

1. The applicant's maintenance and inspection records, complaint issues and non-redacted safety manual/log shall be generated annually, and submitted to the Township by July 1 of each year. Said records shall be subject to audit by the Township. Records should contain current contact information and be updated whenever the contact information changes.
2. Compliance with Wind Energy Facility Site Permit - Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Wind Energy Facility Site Permit. (GIS overlay)
3. Voltage - The Applicant shall be responsible for compensation to residents for property, including livestock, health or other damaged by stray voltage caused by a WECS. Demonstrate WECS prohibits stray voltage, surge voltage, and power from entering ground.
4. Complaint Resolution - A complaint resolution process shall be established by the township. The form shall include, but is not limited to:
 - a) Receiving and forwarding of complaints: contact zoning administrator, paid for by the Applicant or WECS or Testing Facility owner. The Planning Commission will select a complaint resolution process with a neutral mediator who reports to the Township and facility operator simultaneously.
 - b) Investigation of Complaints: Township shall initiate an investigation into a complaint within 60 days utilizing escrow funds to hire the appropriate expert(s).
 - c) Hearing of complaints: Township Board shall set a hearing date within 60 days of completion of Investigation of Complaints where experts, residents and/or Applicant may present information before the Township Board. Notice of hearing will be via certified mail.
 - d) Decision of Complaints: Township Board shall issue a decision and corrective actions within 45 days from Hearing of Complaints. The

Applicant shall have 30 days to take such corrective actions to address the complaint. Until the corrective action is taken and the issue fully resolved, the WECS shall be turned off and not operated.

- e) Applicant shall be required as a condition of approval to fund an escrow account for investigation of complaints for, but not limited to, shadow flicker, stray voltage, noise, and signal interference to the amount of \$15,000.00 to be used at the discretion of the Township Board. When escrow account balance is below \$5,000.00, Township will notify Applicant and Applicant shall replenish account in the amount of \$15,000.00.
- f) Complaints: If the Township Board confirms and issues a corrective action, SCADA data from any turbine shall be required and delivered to Township within 20 days of notification. SCADA data format will be determined by Township, Township licensed engineers, or Township professional acousticians. Fees for providing data are not to exceed \$200/request. Residents may also request SCADA data under same terms. Common SCADA formats shall include meteorological and performance data such as, but not limited to, temperature, humidity, power output, RPM, wind velocity, wind direction, and nacelle vector. Data format will be determined by Township and in file formats such as "cvs" or "xlsx".

5. Compliance -

- a) Non-compliance with ordinance requirements during the SLUP process shall result in denial of the permit.
- b) Non-compliance with post-construction ordinance requirements shall result in fines of \$1,000 per day and WECS decommissioning.
- c) In addition to any other remedies or complaint resolution procedures set forth in this Ordinance, violations of the Ordinance shall also constitute a municipal civil infraction. Each day on which any violation of this Ordinance continues shall constitute a separate offense. The Township may bring an action for an injunction to restrain, prevent or abate any violation of the Ordinance.

6. Sale or Transfer of WEC Lease - In the event of transfer of sale of lease of tower, the WECS company shall notify the township. The proposed new WECS owner/operator shall be required to register with the Township Clerk prior to the transfer of ownership or operation of the WECS. The original security guarantee bond shall remain held by the Township notwithstanding any change of ownership and all accounts, including any escrow, surety bonds and savings accounts shall continue to stay open and fully funded, notwithstanding the sale. The new WECS owner/operator shall conform to all requirements of this Ordinance and any special land use permit issued pursuant to this Section.

7. Waiver - In the event the WECS does not meet the minimum setback, shadow flicker or noise requirements, a waiver may be approved by the Township, providing documentation in the form of a signed agreement with the affected property owner(s) and Participating Landowner, Township Supervisor, Township Zoning Administrator, and Township Clerk that is recorded with the Montcalm County Register of Deeds. This agreement shall state that the affected property owner(s) are aware of the setback, shadow flicker and noise requirements of this Ordinance and that consent is granted to exceed setback, shadow flicker, and/or noise maximum limits otherwise allowed. If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent setback, shadow flicker and/or sound impact easement must be recorded in the Montcalm County Register of Deeds which describes the benefitted and burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those otherwise permitted by this Ordinance may exist on or at the burdened property. The easement shall be permanent and may not be revoked without the consent of the Township, which consent shall be granted upon either the completion of decommissioning of the benefitted WECS in accordance with this Ordinance, or the acquisition of the burdened parcel by the owner of the benefitted parcel.
7. Wireless communication. (Amendment effective as of May 19, 2023)
 - (a) Purpose and intent. Pursuant to this Section of Article VIII the Township seeks to minimize the overall number of newly established locations for placement of wireless communication facilities and wireless communication support structures within the Township, and encourage the use of existing structures for attached wireless communication facility purposes. It is further the purpose and intent of the Township to provide for such authorization in a manner which will protect the public health, safety, and welfare and retain the integrity of Townships neighborhoods and the character and aesthetic quality of the community at large. *This policy is consistent with the Federal Telecommunications Act of 1996 and PA 110 of 2006, as amended and (MCL 125.3514), in regards to wireless communication equipment.*
 - (b) Authorization. Wireless telecommunication facilities may be permitted within the Township of Richland Township as either a permitted use subject to administrative review, permitted use subject to site plan approval, or as a special use according to the following regulations:
 - (1) Wireless communication equipment as a permitted use subject to administrative review. A proposal for attached wireless communication facilities that satisfies the following criteria does not require special use or site plan approval. Confirmation that these criteria are satisfied shall be determined by an administrative review by the County Building Official prior to issuance of any construction code permits. Such proposals shall also be reviewed for compliance with the standards and conditions in Subsection (c), General regulations, with the certification to identify any items of noncompliance. The wireless facility shall also comply with the following:

- a. The existing wireless communications support structure and/or wireless communications equipment compound are in compliance with this section and, if not, are in compliance with a prior approval under this section.
- b. The proposal will not increase the height of the wireless communications support structure by more than 20 feet or ten percent of its original height (as first erected without any later additions), whichever is greater.
- c. The proposal will not increase the width of the wireless communications support structure by more than necessary to the stated and documented purpose of the increase.
- d. The proposal will not increase the area of the existing wireless communications equipment compound to more than 2,500 square feet.

(2) As a permitted use subject to site plan approval. In the Richland Township Zoning Districts, a wireless communication facility shall be a permitted use subject to the standards and conditions of this section. The following wireless communication facilities shall also be considered a permitted use:

- a. A proposed collocation upon a wireless communication support structure which has been approved by the Township for such collocation but which is not permitted by administrative review under Subsection (b)(3).
- b. Wireless communication equipment on an existing utility pole structure located within a right-of-way and not previously approved and used as a wireless communications support structure, where there will be no substantial change in physical dimensions of the existing pole.

(3) As a special use.

- a. A collocation on an existing structure which does any of the following: increases the height of the support structure by more than 20 feet or ten percent of its original height, increase the width of the support structure or increases the area of the equipment compound greater than 2,500 square feet.
- b. Subject to the standards and conditions set forth in this section, new wireless communication facilities shall be considered as a special use in any areas outside of the Commercial and Industrial zoning districts.
- c. If it is demonstrated by an applicant that a wireless communication facility, in order to operate, is required to be established outside of Commercial and Industrial Zoning Districts and that existing structures are not available for collocation in other parts of the city, such wireless communication facilities shall be considered elsewhere in the Townships a special land use, subject to the following:
 1. At the time of the submittal, the applicant shall demonstrate that alternative locations cannot reasonably meet the coverage and/or Townships of the applicant.
 2. Where feasible, wireless communication facilities shall be of a design such as a steeple, bell tower, water tower, or other form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the Township.

3. Locations outside of the Commercial, Industrial districts and R-2 Zoning Districts may only be considered at the following locations, subject to application of all other standards contained in this section:
 - i Township-owned sites.
 - ii Other governmentally owned sites.
 - iii Religious or other institutional sites.
 - iv Public or private school sites.
 - v public utility sites.
4. All other criteria and standards set forth below in Subsection c. and d. are met as follows:

(c) General regulations.

- (1) Standards and conditions applicable to all facilities. All applications for wireless communication facilities shall be reviewed in accordance with the following standards and conditions, and, if approved, shall be constructed and maintained in accordance with such standards and conditions.
 - a. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.
 - b. Facilities shall be located and designed to be compatible with the existing character of the proposed site and harmonious with surrounding areas.
 - c. Applicants shall demonstrate an engineering justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.
 - d. The following additional standards shall be met:
 1. The maximum height of the new or modified support structure and antenna shall not exceed height limits provided in table below, and shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to collocate on the structure.

Support Structure Height Limits by Zoning District Zoning Table 1	
Zoning District	Height Limit
R-1, R-2, A, OS	145 feet
R-3, C-1, I	180 feet

Additional heights over that which is provided in Table 1 MCL 125.35141 may be permitted, in the sole discretion of the Township's planning commission, when it can be demonstrated by the applicant that additional height is required to permit collocation. Evidence of collocation shall be provided by the applicant if additional height over that which is provided in Table 1 is requested. The accessory building contemplated to enclose such things as switching equipment shall be limited to the maximum height for accessory structures within the respective zoning district.

2. The setback of the support structure and accessory structures shall be 200 feet from the boundary of any residentially zoned property. Otherwise, the setback of the support structure and accessory structures shall be 100 feet or a distance equal to one hundred and 125

percent of the height of the support structure (whichever is greater) from an adjacent property boundary and all existing or proposed rights-of-way.

3. There shall be unobstructed access to the support structure, for police, fire and emergency vehicles, and for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement.
4. The Township shall review and approve the architecture and color of the support structure and all accessory buildings so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition. If lighting is required by the Federal Aviation Administration, Federal Communications Commission, Michigan Aeronautics Commission, or other governmental agencies, it shall be red between sunset and sunrise, white between sunrise and sunset, and shall blink or flash at the longest permitted intervals, unless otherwise required.
5. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements indicating the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be submitted by the applicant in the original application for approval. The applicant shall furnish a written certification from the manufacturer or designer of the support system that the support system has been evaluated by a registered professional engineer and that the support system can safely accommodate attached antennas under expected weather conditions.

2) Standards and conditions applicable to special land use facilities. Applications for wireless communication facilities which shall be approved as special land uses shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions of this section and in accordance with the following standards:

- a. The applicant shall demonstrate the need for the proposed facility based upon one or more of the following factors:
 1. Proximity to an interstate or major thoroughfare.
 2. Areas of population concentration.
 3. Concentration of commercial, industrial, and/or other business centers.
 4. Areas where signal interference has occurred due to all buildings, masses of trees, or other obstructions.

5. Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.
6. A demonstrated need, including deficiency of service, proof of dropped calls, and/or inadequate captainships accommodate call volume. The Township may seek the advice of experts in the field or independent third parties for technical assistance regarding radio frequency engineering.

b. The proposal shall be reviewed in conformity with the collocation requirements of this section.

(d) Application requirements.

- (1) Building permit applications shall be required for wireless facilities proposed as a permitted use subject to administrative review.
- (2) A site plan and special use application shall be required for wireless facilities proposed as a special use, in accordance with Article VIII. For wireless facilities subject to special use application, a site plan shall also include a detailed landscape plan prepared in accordance with this section. The purpose of landscaping is to provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure. In all cases, fencing of a minimum of six feet in height shall be required for protection of the support structure and security from children and other persons who may otherwise access facilities.
- (3) An application shall include a description of security to be posted at the time of receiving a building permit to ensure removal of the facility when it has been abandoned or is no longer needed, as provided in Subsection (f). In this regard, the security shall be posted and maintained in the form of: (1) cash; (2) irrevocable letter of credit; or, (3) other security arrangement found acceptable by the Township Supervisor in consultation with the Township Zoning Administrator.
- (4) Application fees shall be \$1,000.00 or the Township's administration costs, whichever is less.

(e) Procedures.

- (1) Review and administrative actions on special land use and site plan approval applications.
 - a. The building official shall promptly review special land use and site plan approval applications to determine if they are administratively complete by inclusion of all information required in Subsection (d). If the application is not complete, no later than 14 business days after receiving it the building official shall provide a written or electronic notice to the applicant specifying the information necessary to complete the application. Such initial review for completeness by the building official shall be on behalf of the planning commission for special land use and site plan approvals.
 - b. The building official shall review supplemental information submitted in response to an incomplete application notice and notify the applicant of any remaining deficiencies.

- c. An application shall be administratively complete upon the building official's determination or the expiration of 14 business days from receipt of the application without a notice to the applicant of deficiencies.
- d. Upon a special use or site plan approval application being administratively complete, the building official shall promptly schedule it for a planning commission meeting that will allow for a planning commission site plan decision or special land use decision after the required public hearing within the time periods in Subsection (e)(2) below.
- e. If the applicant has disclosed professional opinions supporting the application and the building official or planning commission has determined that independent professional review for the Township of any such opinion should be performed, the reasonable costs of such review may be assessed to the applicant by a written notice from the building official as a professional review cost to be paid in accordance with the notice.

(2) Decisions on special use and site plan approval applications.

- a. The planning commission shall approve or deny a special land use application for a new wireless communications support structure not more than ninety (90) days after it is administratively complete.
- b. For all special use, site plan applications, and applications subject to administrative review, other than new wireless communications support structures, the planning commission shall approve or deny the application not more than 60 days after it is administratively complete.

(3) Post-approval costs, fees, and administrative actions. Zoning permits to implement and grant the authority allowed by a special land use or site plan for wireless communication facilities, and zoning certificates of use and occupancy for such facilities, shall be issued subject to and conditioned on all of the following:

- a. Any conditions of the special land use or site plan approval.
- b. Payment of any outstanding professional review costs as described in Subsection e.1) (e).
- c. Payment of permit fees in an amount established by or in accordance with a Resolution of Township Board of Trustees.

(f) Meaning of terms used in wireless Communications:

- (1) "Colocate" means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Collocation" has a corresponding meaning.
- (2) "Equipment compound" means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
- (3) "Wireless communications equipment" means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base

stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

(4) "Wireless communications support structure" means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

(g) Removal.

- (1) A wireless communication facility must furnish reasonable evidence of ongoing operation at any time after the construction of an approved tower.
- (2) A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon cessation of operation.

8. Solar Energy Systems (Amendment effective as of May 19, 2023)

- (a) Purpose and Intent. This section is intended to promote the use of solar energy within Richland Township as a clean alternative energy source and to provide for the land development, installation, and construction regulations for solar farm and similar facilities subject to reasonable conditions that will protect the public health, safety, and welfare. These regulations establish minimum requirements and standards for the placement, construction, and modification of photovoltaic solar farm and similar facilities, while promoting a renewable energy source for our community in a safe, effective, and efficient manner.
- (b) Definitions. The following words and terms shall mean the following for purposes of this subsection:
 - (1) Abandonment: To give up, discontinue, or withdraw from. any solar farm that ceases to produce energy on a continuous basis for one year will be considered abandoned.
 - (2) Decommissioning Plan: A document that details the planned shut down or removal of a solar farm from operation or usage, including abandonment as defined in this Ordinance.
 - (3) Fence: A continuous barrier extending from the surface of the ground to a uniform height (to be established through the special use permit process), constructed of steel, or other metal, or any substance of a similar nature and strength.
 - (4) Gate: A door or other device attached to a fence which, when opened, provides a means of ingress and egress of persons and things for which it was intended, and which, when closed, forms a continuous barrier as a part of the fence to which it is attached.
 - (5) Residential Area: Any area within one quarter (1/4) of a mile of a solar farm having twenty-five or more dwellings.
 - (6) Solar Farms: Land designated or used for the purpose of producing solar or photovoltaic electricity, which includes, but is not limited to, the use of one or more solar panels or other solar energy systems.
The power generated is sold or transferred to electric companies or other

third parties for distribution through a power grid. A solar farm is comprised of solar panels, photovoltaic cells, or similar facilities that comprise or occupy 20 acres or more on a given parcel or lot

(c) Prohibitions. It shall be unlawful after the effective date of this Ordinance for any person, firm, corporation, or other legal entity to operate, maintain or establish in any area of Richland Township a solar farm without special land use approval by the Richland Township Planning Commission. Modifications to an existing lawful solar farm (which existed as of the effective date of this amendment to the Zoning Ordinance) that increases the area by more than 10% of the original footprint or changes the solar panel type shall be fully subject to Article VIII and this Section.

(d) Solar Farms Development and Design.

- (1) Special Land Use Required: Solar farms are only allowed within the AR, RR, and the Industrial zoning district and only with special land use approval by the Planning Commission.
- (2) Minimum Lot Size: Solar farms shall not be constructed on lots or parcels where less than 20 acres can be dedicated to solar energy production.
- (3) Height Restrictions: All photovoltaic panels located on a solar farm shall be restricted to a height of 14 feet.
- (4) Setbacks: All photovoltaic solar panels and support structures associated with solar farms (excluding perimeter security fencing) shall be a minimum of 20 feet from any side or rear property line and a minimum of 50 feet from any road or highway right-of-way or easement.
- (5) Safety/Access: A security fence (with the height and material to be established through the special land use permit process) shall be installed and maintained around the perimeter of the solar farm and electrical equipment shall be locked. Knox boxes and keys shall be provided at locked gated entrances for emergency personnel access.
- (6) Noise: The noise from a solar farm shall not exceed 50 dB(A) Lmax as measured at any property line.
- (7) Landscaping: The Planning Commission may alter the landscaping requirement, as outlined in this Section or elsewhere in the Richland Township Zoning Ordinance, depending upon the topography and existing plant material on the site and proximity to residential housing. Trees shall be a minimum of six (6) feet tall when planted and remain in good condition for the life of the solar farm.
- (8) Local, State, and Federal Permits: Solar farms shall obtain all necessary state, federal, and local permits, and shall comply with the standards of the State of Michigan adopted codes.
- (9) Electrical Interconnections: All electrical interconnection or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of aboveground transmission lines shall be prohibited within the site.

(10) If the solar energy facility consists of batteries or the storage of batteries, adequate design and operations must be implemented to ensure that all local, state, and federal requirements regulating outdoor battery storage have been met.

(11) Additional Special Land Use Criteria: In addition to the requirements and standards regarding special land uses in general, no special land use request for a solar farm will be met unless the Planning Commission finds that the following criteria will also be satisfied along the following requested items or information to be supplied to the Township:

- (a) Safety and noise characteristics of the system, including the name and address of the facilities manufacturer and model. Identify the time frame, project life, development phases, likely markets for the generated energy, and possible future expansions;
- (b) Analysis of on-site traffic: Estimated construction jobs, estimated permanent jobs associated with the development;
- (c) Visual impacts: Review and demonstrate the visual impact using photos or renditions of the project or similar projects with consideration given to tree plantings and setback requirements; project description and rationale: Identify the type, size, rated power output, performance;
- (d) Wildlife: Review potential impact on wildlife on the site;
- (e) Environmental analysis: Identify impact analysis on the water quality and water supply in the area, and dust from project activities;
- (f) Waste: Identify any solid waste or hazardous waste generated by the project;
- (g) Lighting: Provide lighting plans showing all lighting within the facility. No light may adversely affect adjacent parcels. All lighting must be shielded from adjoining parcels, and light poles are restricted to 18 feet in height;
- (h) Transportation plan: Provide access plan during construction and operation phases. Show proposed project service road ingress and egress access onto primary and secondary routes, layout of the plant service road system. Due to infrequent access to such facilities after construction is completed, it is not required to pave or curb solar panel access drives. It will be necessary to pave and curb any driveway and parking lots used for occupied offices that are located on-site;
- (i) Public safety: Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways, and to the community in general that may be created;
- (j) Sound limitations and review: Identify noise levels at the property line of the project boundary when completed;
- (k) Telecommunications interference: Identify electromagnetic fields and communications interference generated by the project;
- (l) Life of the project and final reclamation: Describe the decommissioning and final land reclamation plan after anticipated useful life or

abandonment or termination of the project, including evidence of an agreement with the property owner that ensures proper and environmentally safe final removal of power generating equipment within one year of decommissioning. At a minimum, the decommissioning plan will address and require provisions for removal of all structures (including equipment, fencing, and roads), foundations, and restoration of soil and vegetation to the condition prior to development;

(m) A copy of the application to the utility company that will be purchasing electricity from the proposed site shall be provided to the Township; and

(n) An affidavit or evidence of an agreement between the lot owner and the facility's owner or operator confirming the owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the solar energy facility.

(e) **PLANNING COMMISSION REVIEW.** Because of the ever-changing technical capabilities of photovoltaic solar panels and of new technology in general, the Planning Commission, as part of the special land use review process, shall have the authority to review and consider alternatives in both dimensional requirements as well as physical development requirements found in this Section. However, the Planning Commission shall not have the authority to review or to allow solar farms within any other zoning district. Thus, guarantee is required: In approving a solar farm, the Planning Commission may require a guarantee to ensure the proper decommissioning of the site. This security financing will be in a form acceptable to the Township.

(f) **BUILDING-MOUNTED SOLAR ENERGY PANELS.** A building-mounted solar panel or energy collector shall be considered an accessory use on buildings in all zoning districts, shall require a Zoning Permit, and is subject to the following requirements:

- (1) Sketch plan review and approval by the Planning Commission is required of all building-mounted solar energy panels or collectors permitted as an accessory use totaling over 40 square feet on any building.
- (2) Solar energy panels or collectors that are mounted on the roof of a building shall not project more than five (5) feet above the highest point of the roof but, in any event, shall not exceed the maximum building height limitation for the zoning district in which it is located; and shall not project beyond the eaves of the roof.
- (3) Solar energy panels or collectors mounted on the roof of a building shall be only of such weight as can safely be supported by the roof. Proof thereof, in the form of certification by a professional engineer or other qualified person, shall be submitted to the Township prior to installation and such certification shall be subject to the Township Zoning Administrator's approval.
- (4) Solar energy panels or collectors that are roof-mounted, wall-mounted, or are otherwise attached to a building or structure shall be permanently and safely

attached to the building or structure. Proof of the safety and reliability of the means of such attachment shall be submitted to the Township prior to installation. Such proof shall be subject to the Township Zoning Administrator's approval and compliance with the National Electrical Code and other applicable codes.

- (5) Solar energy panels or collectors that are wall-mounted shall not exceed the height of the building wall to which they are attached
- (6) Solar energy panels or collectors shall not be mounted on a building wall that is parallel to or visible from an adjacent public right-of-way.
- (7) The exterior surfaces of solar energy panels or collectors that are mounted on the roof or on a wall of a building, or are otherwise attached to a building or structure, shall be generally neutral in color and substantially non-reflective of light.
- (8) Solar energy panels or collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. Upon request, a copy of such directions shall be submitted to the Township prior to installation. The Township building official may inspect the completed installation to verify compliance with the manufacturer's directions, the National Electrical Code, and any other applicable codes.
- (9) Solar energy panels or collectors, and the installation and use thereof, shall comply with the Montcalm County construction Code, the electrical code, and other applicable codes.

g) GROUND-MOUNTED SOLAR ENERGY PANELS. Ground-mounted solar energy panels or collector system shall be a special land use are to all of the following requirements:

- (1) Ground-mounted solar energy panels or collectors shall be located only in the rear yard and the side yard, but not in the required rear or side yard setback unless permitted by the Planning Commission in its approval of the special land use.
- (2) They may be located in the front yard only if permitted by the Planning Commission in its approval of the special land use but, in any event, they shall not be located in the required front yard setback.
- (3) Ground-mounted solar energy panels or collectors shall not exceed 14 feet in height, measured from the ground at the base of such equipment.
- (4) Solar energy panels or collectors shall be permanently and safely attached to the ground. Proof of the safety and reliability of the means of such attachment shall be submitted to the Township with the special land use application and shall be subject to site plan review.
- (5) Solar energy panels or collectors shall be installed, maintained, and used only in accordance with the manufacturer's directions. A copy of such directions shall be submitted to the Township with the special land use application. The special land use, if granted, shall be subject to the County building official's inspection to determine compliance with the manufacturer's directions.
- (6) The exterior surfaces of solar energy panels or collectors shall be generally neutral in color and substantially non-reflective of light.

- (7) Ground-mounted solar energy panels or collectors, and then installation and use thereof, shall comply with the Montcalm County Construction Code, the electrical code, and other applicable codes.
- (8) Any special land use approval may include terms and conditions in addition to those stated in this subsection.

Section 8.03 Procedure:

1. All applications for special use permits are to be submitted to the Township Zoning Administrator. If the Township Zoning Administrator determines that any such application is incomplete or otherwise defective, he shall return the same to the applicant with a written statement setting forth in what manner the application is incomplete or defective. This written statement will be provided, if so required, within seven (7) days of Zoning Administrator's receipt of such defective or incomplete application. In the event the Township Zoning Administrator determines that any application for a special use permit is complete and non-defective, he shall so indicate the same on the face of the application and forward it to the Planning Commission. Such approval and forwarding of the application by the Zoning Administrator shall be accomplished no later than seven (7) days after his receipt of the application.
2. The Planning Commission shall review the proposed development as presented in the application and in terms of the specifications established in this Ordinance.
3. After adequate review and study of any application, the Planning Commission shall hold a public hearing when the following requirements are met:
 - a. A notice of the purpose, time, and place of such hearing shall appear in at least one (1) newspaper of general circulation within the Township no less than fifteen (15) days prior to the date of said hearing.
 - b. A notice that a special use permit has been applied for shall be sent by mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to all occupants of structures within three hundred (300) feet of such property. Such notice shall be sent not less than five (5) days nor more than fifteen (15) days prior to said hearing.
 - c. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice.
4. The Planning Commission may deny, approve, or approve with conditions, a request for special land use approval. In making a determination whether to deny, approve, or approve with conditions of such a request, the Planning Commission shall employ standards that are consistent with, and promote the intent and purpose of this Ordinance and ensure that the land use or activity requested for approval shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. Such standards shall also ensure that the proposed land use or activity is consistent with the public health, safety, and welfare of the Township. Conditions to any approval granted by the Planning

Commission may include conditions necessary to ensure that public services and facilities affected by the proposed land use or activity will be capable of accommodating increased service and facility loads, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any condition or conditions imposed by the Planning Commission in connection with approval of a special use request shall also meet the following requirements:

- a. Be designed to protect natural resources, the health, safety, and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, residents and land owners immediately adjacent to the proposed land use or activity, and the community as a whole.
- b. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
- c. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
5. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the Planning Commission and the land owner. The Planning Commission shall maintain a record of conditions which are changed.
6. The decision on a special land use request shall be incorporated in a written statement containing the conclusions of the Planning Commission relative to the special land use under consideration which specifies the basis for the decision, and any conditions imposed.
7. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial area owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner or the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:
 - a. Describe the nature of the special land use request.
 - b. Indicate the property which is the subject of the special land use request.
 - c. State when and where the special land use request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
 - e. Indicate that a public hearing on the special land use request may be requested by any property owner or the occupant of any structure located within three hundred (300) feet of the boundary of the property being considered for a special land use.

Section 8.04 Basis of Determination: The Planning Commission shall review the proposed special use pursuant to the criteria listed for Site Development Plan Review and the Standards stated for each proposal.

Section 8.05 Conditions and Safeguards: The Planning Commission may impose such additions and safeguards deemed necessary for the general welfare, for the protection of

individual property rights on nearby parcels, and for insuring that the purposes of this Ordinance and the general spirit and purpose of the district in which the special use is proposed will be observed.

Section 8.06 Cancellation of Special Use Permit: The Township shall have the power to revoke or cancel any special use permit for a failure or neglect to comply with any provisions of this Ordinance, or in case any false statement or misrepresentation is made in any application, plan, or sketch submitted or filed pertaining to a special use permit, or for failure to carry out any provisions of such application, plan, or sketch, or conditions or provisions on which such special use permit was granted.

ARTICLE IX

MOBILE HOME PARKS

Section 9.01 Purpose: The purpose of this district and its accompanying regulations is to provide for a stable and sound environment for residential development in a Mobile Home Park. Mobile home parks possess characteristics of site development, use, and density which are unique. Such characteristics are more intensive than those of one-family Residential Districts, yet different than a typical multiple family development, and therefore, mobile home parks are treated as a distinct Zoning District. There is no intention to promote by the regulation a Zoning District of lower quality and desirability than in the "R-1" Zoning District.

Section 9.02 Principal Uses Permitted: In a MH Mobile Home District, no building or land shall be used and no building shall be erected except for the following specified use unless otherwise provided in this Ordinance and further subject to the review and approval of the site plan by the Planning Commission.

1. Mobile home parks, which parks may include the following:

- a. Mobile homes.
- b. One (1) management building exclusively provided for the conducting of business operations of the mobile park in which located.
- c. Utility buildings for laundry facilities and auxiliary storage space for tenants or the mobile home park.
- d. Community Building for the accessory use of tenants of the mobile home park in which it is located.
- e. Recreation facilities such as, but not limited to, swimming pools, play fields, or courts or passive recreation areas.
- f. The sale of mobile homes, provided that:
 - 1) Such sale is clearly accessory to the occupancy of individual lots within the mobile home park.
 - 2) Any such homes offered for sale shall be located upon a lot within a mobile home development.
 - 3) Real estate signs shall be accessory to the mobile home being sold and shall be limited to one (1) sign per building not to exceed sixteen (16) square feet in area.
 - 4) Banners, streamers, and pennants shall not be displayed.
- g. Accessory structures and uses customarily incidental to any principal use permitted.

- 2. As defined in Section 2.43(a) and Section 6.07:
- 3. **Special Use Permit:** One Mobile Home and/or other portable dwelling may be permitted on a lot or parcel upon which a single-family dwelling is already located for the purposes of a portable dwelling with disabled or infirmed members of the same family who reside in the principal dwelling. A special use permit is granted by the planning commission pursuant to this. In the event that a special use permit is granted under the special requirements as set forth in ARTICLE VIII. All such Temporary Use Permits must comply with ARTICLE X, Section 10.02.

Section 9.03 Application, Approval Procedures:

- 1. Site plan review and approval by the Planning Commission is required for all mobile home park developments in order to assure that the plan is in conformance with applicable codes. The Planning Commission shall either approve, modify, or disapprove the site plan within sixty (60) days of the date of receipt.
- 2. Submittal for site plan approval shall include the following:
 - a. Basic Plan Requirements:
 - 1) Site plans shall be drawn to a scale of not less than 1" = 50' if the subject property is less than three (3) acres and 1" = 100' if three (3) acres or more.
 - 2) The plan shall include the date, north point, and scale.
 - 3) A copy of the legal description, including acreage, shall be included on the plan.
 - 4) The applicants' name, address, and phone number or the names and addresses of the architect, planner, designer, engineer, or person responsible for the preparation of the site plan. If the applicant is not the owner of the project, a statement signed by the owner shall be submitted

attesting that the applicant is acting on behalf of the owner. In addition, the name, address, and phone number of all persons, firms, or corporations with an ownership interest in the land shall be submitted.

- 5) Three (3) folded copies of the Site Plan shall be submitted.
- b. Preliminary site plans and specifications of the proposed mobile home park shall be submitted in accordance with Section 11 of the Mobile Home Commission Act of 1987 (PA96, as amended).

3. Conditional Approval:
 - a. Reasonable conditions may be required with the approval of a site plan. The conditions may include, but are not limited to, conditions to ensure the public services and facilities affected by a proposed land use or activity, to protect the natural environment, and to conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially economically desirable manner that conditions imposed shall meet all of the following requirements:
 - 1) Be designed to protect natural resources, the health, safety, and welfare, and the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
 - 2) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
 - 3) Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
 - b. The conditions imposed with respect to the approval of a site plan shall be recorded in the Planning Commission minutes and such conditions shall remain unchanged except upon mutual consent of the Planning Commission and the property owner. A record of conditions, which are changed, shall be maintained by the Planning Commission and the property owner. A record of conditions which are changed shall be maintained by the Planning Commission.
 - c. Upon approval of the plan, the Planning Commission shall sign three (3) copies thereof. Two copies shall be kept by the Township, and the third shall be returned to the applicant. All subsequent actions relating to the activity authorized by the approved site plan shall be consistent with the plan unless a change conforming to the Zoning Ordinance is supported by mutual agreement between the property owner and the designated site plan approval body.
4. A copy of the approved site plan and all revised approved site plans shall be so marked and placed on file, along with copies of any and all permits requested for the property in question. Approval of revisions to the approved site plans can be granted only by the Planning Commission. The Township shall not revoke approval should reasonable minor revisions of a technical nature be required during construction to accommodate unforeseen engineering contingencies which may arise after a Permit to Construct is issued by the State.

5. Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and with any revisions, amendments, or modifications made thereto. If construction and development does not conform to such approved plan, the Township shall notify the Department of Commerce of suspected non-compliance and forward all evidence substantiating alleged illegalities.
6. The designated site plan approval body is empowered to require a performance bond to be posted by the applicant in order to ensure that all public amenities will be completed in accordance with the approved site plan.
7. Fees for the review of site plans and inspections, as required in this Section, shall be established, and may be amended from time to time, by resolution of the Township Board.
8. The approval of any site plan under this provision shall remain valid for a period defined by Act No. 96 of the Public Acts of 1987, as amended, or as specified by the Department of Commerce.
9. The plan shall be submitted to the County Road Commission, the County Health Department, and the County Drain Commission where required by Act No. 96 of the Public Acts of Michigan of 1987, as amended.
10. For purposes of record keeping, three (3) copies of drawings approved by the state for construction shall be submitted to the Township by the applicant. Building permits are not required by this section.

Section 9.04 Required Conditions: Uses permitted in Section 9.03, Principal Uses Permitted, shall be subject to the Regulations and Standards as provided for the promulgated under Act No. 96 of the Public Acts of Michigan of 1987, as amended, are hereby adopted and shall apply to the control in all mobile home parks.

ARTICLE X

TEMPORARY USE PERMITS

Section 10.01 Purpose: To accommodate property owners, businesses, service organizations, and charitable groups located in the Township in promoting seasonal sales, events, fund raising activities, or Township sponsored events. These include, but are not limited to, tent sales, sidewalk sales, carnivals and fairs, Christmas tree sales, and accessory agricultural sales.

Section 10.02 Procedure: The Planning Commission has responsibility for the issuance of Temporary Use Permits.

1. An application shall be filed on a form specified by the Township accompanied by a plot plan drawn to scale showing the proposed layout of the site along with a fee to be established by the Richland Township Board.
2. Written verification of ownership of the subject site shall be provided. Written permission of the property owner shall also be furnished to the Township.
3. The proposed use shall be compatible with and shall not conflict with principal activities conducted on the site or upon any adjacent site. No activity shall be conducted within the public right-of-way.

4. There shall be adequate parking provided (hard-surfaced if deemed appropriate by the Planning Commission) on the site consistent with the scope of the proposed use.
5. The proposed site shall be laid out so as to ensure safe vehicular and pedestrian circulation.
6. The hours of operation shall be limited to specified hours which are consistent with the nature of the use and compatible with other activities on the site and adjacent parcels.
7. The period of operation of the proposed use shall be limited to dates specified in the application, which shall not exceed three (3) months and shall not exceed the time period determined by the Planning Commission to be reasonable considering the nature of the use. The Planning Commission shall use the time periods for similar uses in determining what time period is reasonable. The duration of all temporary uses for the site shall not exceed three (3) months in the current calendar year.
8. All sanitary services, electrical lines, and other operations shall comply with all applicable state and county codes, ordinances and regulations, and any other applicable statutes, rules, or regulations of any governmental body having jurisdiction over the activity and any permits required shall be obtained by the applicant. The proposed use shall comply with any other applicable written standards established and promulgated by the Township. The Planning Commission shall forward the application to various departments, as deemed necessary, to determine compliance with the applicable codes, regulations, and standards.
9. Any temporary structures shall be erected in a safe manner in accordance with any applicable codes, ordinances, or standards.
10. The property shall be maintained in a neat and orderly condition, and cleaned immediately after the close of each business day.
11. Final cleanup shall be the responsibility of the applicant and shall be assured by the posting of a cash deposit or irrevocable letter of credit in an amount determined by the Township Board to ensure performance of cleanup within forty-eight (48) hours of termination of the temporary use.
12. Applicant shall provide proof of liability insurance in the amount set forth in written standards established by the Township Board, appropriate for such use, with the Township as an additional insured, along with a hold harmless agreement in favor of the Township of Richland in a form satisfactory to the Township.
13. Signage for the temporary use shall be limited to thirty-two (32) square feet and shall be set back no less than twelve (12) feet from the right-of-way.
14. There shall be no existing violations of any applicable State or County Code on the proposed site or any past complaint filed for violation of any codes, conditions, or restrictions placed upon the use if such use was previously approved by the Township for the applicant for the subject site. The issuance of prior complaints shall be a basis for denial of approval of a temporary use permit.
15. The use shall not be of such a scope, nature, or size or shall not have any unusual or peculiar characteristics that necessitate special safety considerations, or sanitary considerations, require special crowd control measures, or involve hazardous material. Any temporary uses with such characteristics that may negatively impact an abutting Residential District must be reviewed by the Planning Commission.

16. If the proposed use or any aspect thereof cannot meet all of the conditions determined to be applicable to the satisfaction of the Planning Commission, the use shall not receive approval and shall be reviewed and considered for approval only by the Planning Commission in accordance with the following:

- a. The Planning Commission shall determine that the proposed use is compatible with and does not conflict with the other activities conducted on the site and upon adjacent sites and is not detrimental to the health, safety, and welfare of the Township or its inhabitants.
- b. All criteria and conditions set forth in 1 through 15 determined by the Planning Commission to be applicable to the proposed use shall be satisfied prior to approval unless notified by the Planning Commission. The Planning Commission may modify the conditions of the paragraphs 1 through 15, provided that the Planning Commission imposes reasonable conditions designed to ensure that the objectives of the Ordinance are satisfied before approving any temporary use.
- c. In order to ensure that all of the conditions set forth herein are satisfied and that the objectives are achieved, the Planning Commission may, in all cases, impose reasonable conditions related to the placement of building, structures and uses, parking, lighting, signage, regulation of noise, provision of sanitary facilities, security, hours of operation, and any other matter which promotes the health, safety, and welfare of the community as affected by such use.

ARTICLE XI

ZONING BOARD OF APPEALS

Section 11.01 Purpose: In order that the objectives of this Ordinance may be fully and equitably achieved, that a means shall be provided for competent interpretations of this Ordinance, that adequate but controlled flexibility be provided in the application of this Ordinance, that the health, safety, and welfare of the public be secured, and that justice be done, there is hereby established a Township Zoning Board of Appeals.

Section 11.02 Creation, Membership, and Term of Office: Richland Township Board shall appoint a Township Zoning Board of Appeals to consist of five (5) regular members. The first member of such Board of Appeals shall be the Chairperson of the Township Planning Commission and shall be the Chairperson of the Board of Appeals, the second member shall be a member of the Township Board, the third member shall be from the Township Planning Commission, the fourth and fifth members shall be selected and appointed by the Township Board from the electors residing in the Township and may not be an employee, contractor, or elected official of the Township. Any person who is a member of the Township Board shall not serve as Chairperson of the Township Zoning Board of Appeals. Members of the Board of Appeals shall be removed by the Township Board for non-performance of duty or misconduct in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a

vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes a misconduct of office.

Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of Planning Commission or Township Board, respectively, and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one month after the term of the preceding member has expired. Vacancy for the unexpired terms shall be filled for the remainder of the term.

Section 11.03 Rules of Procedure:

1. The Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the board is present. (MCL 125.288(6))
2. The Board shall adopt rules and regulations to ensure proper conduct of its meetings. Copies of such regulations shall be made available to the public at the office of the Township Clerk or the Township Library.
3. Meetings of the Board shall be open to the public and shall be held at the call of the Chairperson and at such times as the Board in its rules of procedure may specify.
4. The Board shall act by resolution. The concurring vote of a majority of the members of said board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator or to decide in favor of the applicant any matter upon which the Board is required to pass under this Ordinance or to grant variance from the requirements of this Ordinance.
5. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses.
6. Records – Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered together with the votes of the members and the final disposition of each case. The grounds of every determination shall be stated. Such minutes shall accompany and be attached to the standard forms required of persons appealing as a part of the Zoning Board of Appeals permit records. Such minutes shall be a public record and as such be filed in the office of the Township Clerk. A copy of this decision shall be sent promptly to the applicant, the Zoning Administrator, and the Township Supervisor. The Appeal Board's decision will be computerized and placed in categories for ready and easy reference.
7. Secretary and Counsel – The Township Clerk shall be responsible for acting as secretary, or of providing secretarial services for the Zoning Board of Appeals and all records of the Board's action shall be taken and recorded under his/her direction. The Township's attorney may be requested to attend the meeting of the Zoning Board of Appeals.

Section 11.04 Appeals:

1. Appeals – Appeals to the Zoning Board of Appeals may be taken by any person aggrieved, or by any officer, department, board, or bureau of the Township, County, or State.

2. Time Limit – Any appeals from a ruling of the Zoning Administrator shall be made within thirty (30) days after receipt of the ruling. The person making the appeal must file with the Zoning Administrator and the Zoning Board of Appeals, a signed and notarized notice of appeal specifying the grounds for the appeal. The Zoning Administrator shall immediately transmit to the Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
3. Notice of Hearing – The Zoning Board of Appeals shall cause written notice of each appeal, which it has scheduled for hearing, to be given to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all single- and two-family dwellings within three hundred (300) feet. Notice shall be delivered personally or by mail to the respective owners and tenants of the address given in the last assessment roll. If the tenants name is not known, the term “OCCUPANT” may be used if the notice is delivered by mail. The notice shall be made at least eight (8) days prior to the hearing. In addition, a notice stating the time, place, date, and purpose of the hearing shall be published in a newspaper of general circulation in the Township at least once, not less than ten (10) days prior to such hearing.
4. Hearing – The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice to the parties.
5. Decisions – The Zoning Board of Appeals shall return a decision upon each case within sixty (60) days after a request or appeal has been filed with the Board unless additional time is agreed upon with the parties concerned. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the Zoning Administrator and may issue or direct the issuance of a permit. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals in passing upon appeals may vary or modify any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice done. The Zoning Board of Appeals may impose conditions with an affirmative decision pursuant to MCL 125.281.d.
6. Representation – Any party may appear in person, or by agent, or by attorney at the hearing considering his request or appeal.

Section 11.05 Duties and Powers of the Zoning Board of Appeals:

1. Review – Shall hear and decide appeals for any review, any order, requirement, decision, or determination made by the Zoning Administrator or Planning Commission in the administration of this Ordinance.
2. Interpretation – Shall have the power to:
 - a. Hear and decide upon appeals for the interpretation of the provision of this Ordinance.
 - b. Determine the precise location of the boundary lines between Zoning Districts when there is dissatisfaction with a decision of such subject made by the Zoning Administrator.

- c. Determine the off-street parking and loading space requirements of any use which is not mentioned in ARTICLE VII either by classifying it with one of the groups listed in that section or by an analysis of the specified need.
- 3. Variance – The Zoning Board of Appeals shall have the power to authorize, upon appeal, specific variances for such dimensional requirements as lot area and width regulation, and square foot regulations, yard width and depth regulations, and such requirements as off-street parking and loading space as specified in this Ordinance when all the basic conditions listed below are satisfied.
It shall be found by the Zoning Board of Appeals that the Variance, if granted:
 - a. Will not be contrary to the public interest or to the spirit or intent of this Ordinance.
 - b. Shall not permit the establishment within a Zoning District or any use which is not permitted by right within the district.
 - c. Will not cause any adverse effect to property in the vicinity or in the Zoning District or the Township.
 - d. Relates only to property that is under control of the applicant.
 - e. Affects only property subject to exceptional or extraordinary circumstances or conditions that do not generally apply to other property or uses in the vicinity, and which, if this Ordinance were strictly enforced, would cause an unnecessary hardship or practical difficulty upon the applicant.
- 4. In addition to the foregoing conditions, the following rules shall be applied in the granting of the variance.
 - a. In granting a variance, the Zoning Board of Appeals may specify, in writing to the applicant such conditions in connection with the granting that will, in its judgment, secure substantially, the objectives of the regulations or provisions to which such variance applies. The breach of any such condition shall automatically invalidate the permit granted.
 - b. No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be submitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board of Appeals to be valid.
 - c. Each variance granted shall become null and void unless the provisions of the variance have been utilized by the applicant within one (1) year after the granting of the variance.

Section 11.06 Stay of Proceedings: An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the notice of the appeal shall have been filed with him/her that, for reasons of fact stated in the certificate, a stay would in his/her opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals or, on application, by the Circuit Court on notice to the office from whom the appeal is taken and on due cause shown.

ARTICLE XII

ZONING ADMINISTRATOR AND ENFORCEMENT

Section 12.01 Administration: The provisions of this Ordinance shall be administered by the Richland Township Board in accordance with the State of Michigan, Township Rural Zoning Act, Act 184, Public Acts of 1943, as amended. The Richland Township Board shall employ a Zoning Administrator to act as its officer and except as otherwise provided in this Ordinance, the Zoning Administrator or such deputy as may be appointed, shall administer and enforce this Ordinance including the receiving and processing of applications for zoning permits. The administrator shall also be responsible for the inspection of premises, the issuance of zoning permits and institution of proceedings for the enforcement of the provisions of this Ordinance.

Section 12.02 Zoning Permits: It shall be unlawful for any person to commence excavation for any building or structure or to commence the erection, addition, alteration of any building structure or parking area or move any building or structure, and no land use shall be commenced until a zoning permit has been secured from the Zoning Administrator, except upon written order of the Township Zoning Board of Appeals. No such zoning permit shall be issued for any building where the construction addition, alteration, or use thereof would be in violation of any of the provisions of this Ordinance. Exempted from the requirements of Section 11.02 are ordinary pens, fences, and corrals. Also exempted from the permit requirements are interior alterations and ordinary maintenance repairs on all dwellings and their related outbuildings. Interior alterations on other buildings are also exempt provided the alterations shall not change the use thereof. Exterior changes which create additional floor area shall require a permit. If an infringement is proposed, an application for review by the Zoning Board of Appeals shall be filed.

Section 12.03 Zoning Permit Application: The Zoning Administrator will provide necessary application and materials. Application for a zoning permit shall be filed in writing with the Zoning Administrator, signed by the person, firm, co-partnership, or corporation requesting the same or by the duly authorized agent of such person, firm, co-partnership, or corporation. There shall be submitted with all applications for zoning permits one (1) copy of a plot plan giving accurate dimensions on a scale drawing. Drawings shall be required on all structures and shall contain the following information:

1. Existing and intending use of the structure.
2. Lines and dimensions of the lots to be used.
3. Location upon the lot of all existing and proposed structures and any streets bordering the property. An arrow indicating the direction of North shall point to the top of the page. All drawings shall be approximately to scale.
4. Application for zoning permits under the provision of this Ordinance shall be accompanied by evidence of ownership of all property affected by the coverage of the permit.
5. Evidence that all required federal, state, and county licenses or permits have been acquired or that applications have been filed for same.
6. Other information with respect to the proposed structure, use, lot, and other adjoining property as may be required by the Zoning Administrator.
7. When a building permit is issued for a new dwelling and there is an existing dwelling on the premises that the new dwelling is completed the pre-existing dwelling/unit shall be removed within 30 days. (Amended April 19, 2018)

The written approval of the water supply and sewage disposal facilities, as obtained from the Mid-Michigan District Health Department, shall accompany each application, and shall be filed and retained by the office of the Zoning Administrator. In cases of minor alterations, the Zoning Administrator may waive portions of the foregoing requirements obviously not necessary for determination of compliance with this Ordinance.

Section 12.04 Special Use Permits and Other Matters: The following steps need to be taken to obtain a permit:

1. Contact Zoning Administrator for application.
2. Present completed applications to Planning Commission. If permit is denied, an appeal can be made to the Zoning Board of Appeals.

Section 12.05 Amendments: Amendments or supplements to this Ordinance may be made from time to time in the manner provided by law.

1. The regulations and provisions sited in the text of this Ordinance and the boundaries of Zoning Districts shown on the zoning map may be amended, supplemented, or changed by ordinance of the Richland Township Board.
2. Proposals for amendment, supplements, or changes may be initiated by the Richland Township Board on its own motion, by the Township Planning Commission on its own motion, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

3. The procedure to be followed for initiating and processing an amendment shall be as follows:
 - a. Each petition by one (1) or more persons for an amendment shall be submitted by application to the Zoning Administrator on a standard form provided and shall be accompanied by the fee prescribed in Section 12.06 to cover administrative and publication costs.
 - b. The Township Planning Commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the most likely effect on the community's physical development. The Township Planning Commission may recommend any additions or modifications to the original amendment proposal.
 - c. After deliberation on any proposal, the Township Planning Commission shall conduct at least one (1) public hearing, notice of the time and place of which shall be given by two (2) publications in the newspaper of general circulation in the Township, the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days before the date of such hearing. Not less than twenty (20) days' notice of the time and place of such hearing shall also be given by certified mail to each public utility company that has registered its name and mailing address with the Township Planning Commission and to each railroad within the zone affected. The notice shall include the places and times at which the tentative text and any map of the zoning amendment may be examined. The Township Planning Commission shall also give notice thereof to the owner of the property in question, to all person to whom any real property within three hundred (300) feet of the premises in question is assessed and the occupants of all single and two (2) family dwellings within three hundred (300) feet. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission prior to the hearing. The notice shall be made at least eight (8) days prior to the hearing stating the time, place, date, and purpose of the hearing.
 - d. Following such hearings, the Township Planning Commission shall consider the testimony taken at the public hearing and its own findings, and shall make a determination as to its recommendation. This recommendation shall then be submitted to the Montcalm County Planning Commission. The approval of the County Planning Commission shall be conclusively presumed unless the Commission shall, within thirty (30) days of its receipt, have notified the Township clerk of its disapproval.
 - e. After receipt of the County Planning Commission recommendation, the Township Planning Commission shall transmit the proposed amendment to the Township Board. If the Township Board shall deem any amendments, changes, additions, or departures, it shall refer the amendment to the Planning Commission for a report. After receiving the report, the Township Board shall grant a hearing on any proposed amendment to any property owner who, by certified mail addressed to the clerk of the board, requests to be so heard and shall request

the Planning Commission to attend any such hearing. Thereafter, at any regular meeting or at any special meeting called therefore, the Township Board may ordain and enact into law the proposed amendment to the Richland Township Zoning Ordinance.

- f. No application of a rezoning which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Board to be valid.
4. The Township shall have the power to revoke or cancel any change of zone affected for any failure or neglect to comply with any provision of this Ordinance, or in case any false statement or misrepresentation is made in any petition, application, specification, plan, or sketch submitted or filed pertaining to rezoning proceedings or for failure to carry out any provisions of such application, petition, specification, plan, or sketch, or condition or provisions on which such amendment was granted.

Section 12.06 Filing Fees: Applications and petitions filed pursuant to the provision of this Ordinance shall be accompanied by the filing fees hereinafter specified except where otherwise noted.

1. For each zoning permit, a fee of forty (\$40) dollars shall accompany the Residential and Agricultural application; fifty (\$50) dollars for all Commercial and Industrial applications.
2. To petition for a variance to the Board of Appeals, a fee of five hundred (\$500) dollars shall accompany the petition or application.
3. For each petition of amendment to this Ordinance, a fee of twenty-five (\$25) dollars shall accompany the petition or application.
4. Failure to obtain a permit prior to construction shall result in all fees being doubled.

Section 12.07 Enforcement:

1. Any building or structure erected, altered, moved, razed, or converted, or any use of lands or premises begun or changed subsequent to the time of passage of this Ordinance and in violation of any provisions of this Zoning Ordinance, is hereby declared to be a nuisance per se, and may be abated by any court of competent jurisdiction. (Amended June 28, 2005)
2. Zoning Administrator shall inspect each alleged violation and shall order correction in writing to the violator of all conditions found to be in violation of the Ordinance. A violation not corrected within a time period of not less than thirty (30) days nor more than six (6) months as determined by the Zoning Administrator shall be reported to the Township Board who shall initiate prosecution procedures
3. Any person[s], firm[s], or corporation[s], or other organization[s] which violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any of the provisions of this Ordinance, shall be fined upon conviction not less than \$500 together with costs of prosecution, or shall be punished by imprisonment in the county jail for not less than ten (10) days or more than ninety (90) days for each offense, or may be both fined and imprisoned as provided herein at the discretion of the court. Each and every day during which an illegal erection, alteration, maintenance, use continues shall be deemed a separate offense. The imposition of

- any sentence shall not exempt the offender from compliance with the provisions of this Ordinance. (Amended June 28, 2005)
4. The Township Board or the Zoning Administrator, or his or her designee, may institute injunction, mandamus, abatement, or any other appropriate action, or proceedings to prevent, enjoin, abate or remove any said unlawful erection, alteration, maintenance, or use that is in violation of this Ordinance. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law. (Added as Amendment June 28, 2005)
5. In the addition to the penalties and remedies set forth above, the Township reserves the right, after notice to the owner/occupant of the lands in violation of this Ordinance, to direct the appropriate officer, employee or other agent of the Township to remedy the condition which is causing the violation. All cost and expense incurred by the Township in so doing shall be a lien against the real property and shall be reported to the Township Assessor who shall assess the same against the real property on which the violation is located. All owners or other interested parties of said real property whose names appear upon the most recent local tax assessment records shall be notified of the cost to the Township by first class mail at the address shown on the records. If he or she fails to pay the same in full within 30 days, the Assessor shall add the unpaid amount to the next tax roll of the Township, and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the Township. (Amended July 27, 2004)

Section 12.08 Interpretation and Conflict: In interpreting and applying the provisions of this Ordinance, the provision shall be held to be the minimum requirements adopted for the promotion of the public safety, health, convenience, comfort, prosperity, and the general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided however, that where this Ordinance imposes a greater restriction upon the use of a building or land than existing easements, covenants, or other agreements, the provisions of this Ordinance differ from the requirements of other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

Section 12.09 Severability: This Ordinance and the various parts, articles, section, sub-sections, clauses thereof, are hereby declared to be severable. Should any part, paragraph, sub-section, section, clause, or provision of the Ordinance be declared by the Court to be unconstitutional or invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid or unconstitutional.

