

ZONING ORDINANCE

RICHLAND TOWNSHIP

MONTCALM COUNTY

MICHIGAN

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RICHLAND TOWNSHIP

MONTCALM COUNTY ORDINANCE

Richland Township, Montcalm County, Michigan ordains as follows:

An ordinance to repeal the April 29, 1976 Richland Township Zoning Ordinance and to enact a new Ordinance in accordance with the Township Zoning Act 184, Public Acts 143, as amended, governing the Township of Richland, Montcalm County, Michigan to promote 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.

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 OF 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” is always mandatory and not discretionary. The word “may” is 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 carries 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 of 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 insure 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 right-of-ways 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 Pool: 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 insuring 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.

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 4.01 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 premises. (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, planing 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 6.03 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 6.04 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 6.05 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 6.06 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 6.07 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.

1. 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.

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: **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 insure 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 insure 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 insure 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 insure 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 one hundred twenty-five (\$125) dollars shall accompany the petition or application, and prior to the Board of Appeals meeting all publication fees must be paid to the Township Clerk by the petitioner.
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 or passage of this Ordinance and in violation of any provision of this Ordinance, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.
2. The 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, firm, or corporation who violated, disobeys, omits, neglects, or refuses to comply with or who resists enforcement of any provisions of the Ordinance upon conviction thereof before any court of the county, shall be fined not more than one hundred (\$100) dollars, or imprisoned at the discretion of the court. Every day the violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provision of this Ordinance.
4. 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 was 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.

Ordinance Adopted: 10-14-03

Supervisor: Tom Wright

Clerk: Susan Brantley

Effective Date: November 28, 2003

Typed on January 31, 2003 Proofed and Corrected on February 3, 2003

Updated on March 30, 2009

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