

## ARTICLE 4 GENERAL PROVISIONS

### **Section 4.00 – Accessory Buildings in Nonresidential Districts**

In commercial or industrial districts, accessory buildings shall only occupy any of the ground area which the principal building is permitted to cover. Accessory buildings, such as buildings for parking attendants, guard shelters, gate houses and transformer buildings, may be located in the front or side yard setback in non-residential districts, upon Planning Commission approval. All such buildings or structures shall be architecturally and aesthetically compatible with the principal building and be located and landscaped to reduce the visual impact from surrounding properties and from public streets.

### **Section 4.01 – Appearance Requirements**

- A. The facades of all buildings constructed outside of the single-family residential districts shall be constructed of face brick or other decorative materials with similar durability, as approved by the Planning Commission.
- B. The approved exterior treatment shall be uniform on all sides of the building that are visible from a public right-of-way or abut a single-family residential district or use.
- C. Any ancillary buildings or out-lots shall be architecturally compatible with the principal building.
- D. All buildings that front on a public street shall be oriented in such a manner that the main facade and architectural features are parallel to the street. The actual building entrance is not required to front the street.

### **Section 4.02 – Approval of Plats**

No proposed plat of a new or redesigned subdivision shall hereafter be approved by the Township Board or the Planning Commission, unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this Ordinance. Such plat shall fully conform with the statutes of the State of Michigan, as amended.

### **Section 4.03 – Building Grades**

When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building, and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off of surface water to flow onto the adjacent property. If necessary, drain systems will be installed to provide water run-off solutions from new buildings or existing buildings onto existing areas at the new building owner's expense. Final grades shall be approved by the Building Inspector. A "certificate of grading and location of building" shall be duly completed and certified by a registered engineer or land surveyor before construction begins.

### **Section 4.04 – Buildings to be Moved**

- A. Any building or structure which has been wholly or partially erected on any premises, located either within or outside of this Township, shall not be moved to and placed upon any other premises in this Township until a permit for such removal shall have been secured. Any such building or structure shall fully conform to all the provisions of this Ordinance in the same manner as a new building or structure. Accessory buildings may be moved on the same property without permit provided its location and construction meets all Township Ordinances.
- B. Before a permit may be issued for moving a building or structure, the Building Inspector shall inspect same and shall determine if it is in a safe condition for moving, whether it may be reconditioned to comply with the current building code and other Township requirements for the use and occupancy for which it is to be used. Provided these conditions can be complied with, a permit shall be issued for the moving of said building or structure.

### **Section 4.05 – Dwellings in other than Main Structures**

No single-family residential structure shall be erected upon the rear yard of a lot or upon a lot with another dwelling, except for seasonal farm labor housing approved by the Planning Commission.

### **Section 4.06 – Excavation or Holes**

The construction, maintenance or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a

permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Building Inspector. Such excavations and holes shall not be permitted beyond a 60-day duration. This section shall not apply to drains created or existing by the authority of any governmental agency.

**Section 4.07 – Fences in other than Single-Family Residential Zoning Districts**

- A. All fences erected in multiple-family, manufactured housing, commercial and industrial districts shall require approval by the Planning Commission as part of site plan review. Such fences shall not be located in the front yard.
  
- B. All fences hereafter erected shall be of an enclosure type. Barbed wire, spikes, razor wire, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in said fences, are prohibited, except barbed wire cradles may be placed on top offences enclosing permitted rear or side yard storage in the general commercial, light industrial and general industrial districts and public utility buildings, as deemed necessary in the interests of public safety by the Planning Commission.

**Section 4.08 – Front Yard Setback Requirements**

- A. Front and street side setbacks shall be measured from the centerline of each road right-of-way in accordance with the Township’s Master Plan designation and the Macomb County Road Department:

Road Designation	Distance from Centerline
Major	100 feet
Local	90 feet
Local (Subdivision)	90 feet

- B. When structures have been built upon a majority of the parcels in a block with a lesser setback than permitted in this section, a structure may be built to the setback of the mean average of the structures in the block provided further that the setback on corner lots on the side streets shall not reduce the buildable width on parcels of land to less than a 24-foot wide building.

**Section 4.09 – Locations of Structures in a Public Easement**

No structure, other than a fence, walk or parking lot, may be erected in a public easement.

#### **Section 4.10 – Lot, Minimum, and Frontage**

For purposes of this Ordinance, a lot is a parcel of land of at least sufficient size to meet the minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as herein required. Such lot shall have full frontage on an improved public street. Modifications to this requirement may be made by the Building Inspector in cases of unusual topographic or geographic conditions. In all instances, frontage shall equal the lot width requirements established by this Ordinance. However, in cases of cul-de-sacs, frontage shall be measured at the two (2) points where the minimum building line, or setback, intersects the side lot lines.

#### **Section 4.11 – Measuring Setback Requirements**

The measurement for determining rear and side yard setback requirements shall be made from the exterior wall of the principal building to the nearest applicable property line. The measurement for determining the front yard setback requirement shall be made from the exterior wall of the principal building to the road centerline.

#### **Section 4.12 - Nonresidential Driveways**

- A. Nonresidential driveways, entrances and exits shall be subject to approval by the Macomb County Road Commission, the Michigan Department of Transportation, where applicable, and by the Planning Commission after considering the effects on surrounding property, pedestrian and vehicular traffic and the movement of emergency vehicles.
- B. All nonresidential sites may be permitted one (1) access drive onto the abutting public thoroughfare. Additional driveways may be permitted subject to special land use approval by the Planning Commission. All commercially and industrially zoned non-residential sites may be permitted one (1) access drive onto the abutting public thoroughfare. Additional driveways may be permitted subject to special land use approval by the Planning Commission. Any non-residential drive installed on and agriculturally or residentially zoned piece of land shall require special land use review and approval from the Planning Commission. When reviewing a special land use for a non-residential drive, the following criteria shall be utilized:
  - 1. The Planning Commission shall consider the request for special land use approval after a traffic study has been submitted by the applicant which substantiates the need for additional access drives.
  - 2. Tapers and bypass lanes shall be required, as determined by the Planning

Commission. In making the determination as to whether or not additional access drives are necessary, the Planning Commission shall consider the location of driveways on adjacent sites and across the street, turning movements and traffic volumes.

3. In the case of a corner lot or double frontage lot, the site may be allowed the permitted number of driveways on each road frontage.

#### **Section 4.13 – Outdoor Merchandising**

No person or business shall use any sidewalk or that space between the sidewalk and curb or any planted strips or park in sidewalks, or any parking area, or any area of a road right-of-way for displaying for sale, or for any other purpose, any goods or any other articles; or leave any goods, boxes, trucks, barrels, trunks or any other article or thing in or on such areas for a longer time than is necessary for the removal thereof from the transporting vehicle, into the place of business or residence to the transportation vehicle to which the sale is intended to be removed.

#### **Section 4.14 – Outdoor Storage and/or Display Lots**

- A. When permitted in a particular Zoning District, an outdoor storage use shall be enclosed by an approved masonry wall or obscuring fence, as approved by the Planning Commission. The extent of such a wall or fence shall be determined by the Planning Commission on the basis of usage. Such wall or fence shall not be less than four (4) feet six (6) inches in height and may, depending upon land usage, be required to be ten (10) feet in height. An earth-toned, vinyl coated, chain link fence, or a landscaped earth mound (berm), both with intense evergreen shrub planting, may be required by the Planning Commission. Open storage areas shall be paved to parking lot standards and drained to meet Township engineering requirements. In instances where the proposed storage items would place an excessive amount of stress on the paved surface, the Planning Commission may approve an alternative method of surfacing.
- B. Whenever a storage, display, or sales lot or area does not meet the specifications hereinafter set forth, the Building Inspector shall give notice to the property owner to repair same within a specified time. If such repairs are not made in accordance with such notice, he shall order the lot or area closed forthwith; such lot or area shall not be used for such purposes until repairs have been approved by the Building Inspector.

#### **Section 4.15 – Pathways**

- A. An 8-foot concrete pathway shall be required across the frontage of all properties abutting major roadways. Pathways shall be constructed in the proposed right-of-way, one (1) foot from the outermost edge.
- B. An on-site sidewalk shall be required as a means of connecting the principal building with the road frontage sidewalk. The Planning Commission shall determine if a proposed sidewalk system has provided an adequate connection between the site and the road frontage.

#### **Section 4.16 – Private Ponds**

- A. Private ponds for other than required storm water retention or detention purposes, shall be located on a parcel having a minimum land area of at least three (3) acres (one thousand thirty-six hundred eighty (130,680) square feet) and shall be located at least fifty (50) feet from any property line or, beyond any minimum applicable yard setback requirement, whichever is the greater distance. All such ponds shall be provided with a minimum side slope of at least four (4) to one (1) and shall be located at least fifty (50) feet from any principal building. Such ponds shall be designed to continuously circulate or otherwise maintain a level of water quality acceptable to public health standards.
- B. All ponds shall be subject to review and approval by the Building Inspector before issuance of a permit. Plans submitted for review shall include:
  - 1. A contour drawing (USGS drawing) showing slopes at a ratio of at least every ten (10) feet, and indicating drainage flow conditions.
  - 2. A cross section of the side slope of the pond.
  - 3. Information relative to depth (at deepest point), cubic feet of content, the manner by which water shall be circulated or otherwise maintained at a water quality level acceptable to public health officials.
  - 4. A soil erosion permit from the Macomb County Public Works Commission.
  - 5. Provisions for the placement of life rings, preservers, or other acceptable life saving devices.
    - a. A minimum of two (2) life saving devices shall be provided for each pond. The devices shall be placed on opposite sides of the pond and attached to a rope with enough length to make all points of the pond accessible.
- C. No private pond intended for the storage of water for use by any livestock or poultry shall be used

for human recreation, i.e.; swimming, boating, fishing, etc., and no water body intended for human recreation shall be used for the watering of livestock or poultry.

#### **Section 4.17 – Prohibited Occupancy**

In no case shall a travel trailer, motor home, automobile chassis, tent or portable building be considered a dwelling. Mobile homes shall not be used as dwellings, except when located in, and as part of, a mobile home park; or when located in Zoning District s set forth in this Ordinance. All travel trailers, motor homes and mobile homes parked or stored on lands not approved for such use as herein set forth shall not be occupied. In the case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings.

#### **Section 4.18 – Receiving and Broadcasting Antennas**

Any exterior receiving or broadcasting antenna shall not be located in the yard between the building and the street and shall be screened from public view.

#### **Section 4.19 – Sites Fronting on Two (2) Streets**

A front yard shall be maintained on each street in accordance with the minimum front yard setback requirements established in Section 4.08.

#### **Section 4.20 – Storage, Accumulation, Dumping, and/or Collection of Waste, Junk, Garbage, and other Similar Materials**

- A. No site shall be used for the storage, accumulation, dumping and/or collection of waste, junk, garbage and other similar materials, except upon approval by the Planning Commission in compliance with Article 12 or as otherwise permitted under this Ordinance.
- B. The owner or occupant of all land, structures and/or every part thereof shall have the duty to maintain same in a clean and sanitary condition, free from any accumulation of dirt, filth, rubbish, garbage and vermin, and the duty not to act or omit to act so as to create or permit the existence of a nuisance as defined in this Ordinance. This duty shall extend to any area of land between the site line and adjoining streets and curbs.
- C. The depositing of dirt, sand or earth materials shall be permitted in any district in

accordance with the following requirements:

1. Any finish grade to be established shall be approved by the Township Engineer.
2. The finish grade shall be graded not later than sixty (60) days after completion of the deposits on the land, in a manner so as to prevent the collection of water and which will leave the ground surface in a condition suitable for other permitted uses within the district in which the site is located.

#### **Section 4.21 – Utility Approval**

Except as provided elsewhere in this Ordinance, the erection, construction, alteration, maintenance, addition, reconstruction or replacement by public utilities of underground, surface or overhead distribution of gas, electricity, communications (except transmitting or receiving towers), steam or water transmission or distributing systems, collection, supply or disposal system, including poles, mains, drains, sewers, pipes, conduits, wires, cables, high voltage transmission lines, towers in connection with such lines, and other similar equipment and accessories in connection therewith shall require Township Board approval, after review and recommendation by the Planning Commission based on the standards outlined in Article 12, Subsection 12.00.A. of this Ordinance.

#### **Section 4.22 – High Volume Water Well or Water Well System**

A high-volume water well or water well system shall be permitted in any use district, provided the following conditions are met:

- A. A written statement detailing the need for the well or well system and what it will supply water to, shall be submitted by the applicant.
- B. A written statement by the applicant verifying that the operation of a high-volume water well, or well system will not restrict or diminish in any way, the availability of potable water to residents, businesses or property owners within the area of a high-volume water well or well systems once of influence.
- C. The facility shall have direct frontage access to a major or secondary thoroughfare as designated on the Township's Master Plan Map.
- D. The well or well system shall be fully enclosed within a building or structure and shall not have any outdoor storage.
- E. No building or structure shall exceed the height limitations of the district, except a water

storage tank or tower may exceed the height limitations of the district provided the tank or tower sits back one (1) additional foot on all sides for each foot it exceeds the maximum height limitation of the district.

- F. Notwithstanding any other provisions of this Ordinance, all buildings or structures shall be setback at least fifty (50) feet from all property lines.
- G. A high-volume water well or well system located in Richmond Township shall not supply water to any property beyond the corporate limits of the Township, unless agreement to do so is reached between the Richmond Township Board of Trustees and the legislative board of the other municipality.
- H. Surety in the form of a performance bond in an amount agreed to between the applicant and the Township Board shall be provided by the applicant to ensure protection and preservation of acceptable water levels and of safe health water standards in wells located within the cone of influence of any high-volume water well or well system.
- I. Application to install and operate a high-volume water well or well system shall include the following information:
  - 1. A study of the hydrology of all of the area within the cone of influence of the proposed high-volume water well or well system, or within two thousand (2,000) feet in all direction of it, whichever encompasses the greater distance. The study shall be prepared by a registered engineer qualified to conduct such studies. The study shall include at least the following information:
    - a. The number and location of all wells within the study area.
    - b. The gallons of average and peak water flow the well or well system is expected to pump on a daily basis.
    - c. A textual description of any anticipated or potential negative impacts that operation of a high-volume water well system could have on individual wells within the cone of influence.
    - d. A textual description of how any negative impacts on individual well owners will be resolved, including a plan for mitigating any such impacts.
    - e. A textual explanation of how one (1) of the following alternatives will be carried out in the event that operation of a high-volume water well or well system results in the failure of other individual wells within the cone of influence.
      - (1) Connection of any individual failed well or wells within the established cone of

influence to the proposed high-volume water well or well system at no cost to the individual well owners and for the connection of vacant land to a high-volume water well or well system should that land come under development and it can be shown that an individual well would likely fail on the property, or;

- (2) The installation of new, deeper individual wells as required at no cost to the individual owners of failed wells.
- f. A map drawn to an engineer scale and prepared by a registered civil engineer or and surveyor, showing all existing land use, well sites and current zoning within two thousand (2,000) feet of the site of a proposed high volume well water or well system.
- g. The Planning Commission upon review of such information may increase the distance or decrease it depending conclusions drawn after review of hydro-logical study. The map shall include at least the following information:
- (1) Name, address and phone, fax number of the applicant;
  - (2) North arrow and the scale of the map;
  - (3) The location of the proposed high-volume water well or well system;
  - (4) The location of any test well or wells;
  - (5) The location of all individual wells within the study area;
  - (6) The location and identified of all land usage on all land within the study area, including the identification of vacant land and crop land;
  - (7) The location and identification of al real or possible areas of contamination;
  - (8) The location and identification of all Zoning District s within the study area.
- h. Application for a permanent high-volume water well or well system may be preceded by application to the Richmond Township Zoning Board of Appeals to establish a temporary test well as set forth in this Ordinance. The sole purpose of a temporary well will be for collecting data necessary to complete a full application and to help determine the feasibility of establishing a permanent well or well system on the site.
- i. Approval of an application to establish a permanent high-volume water well or well system shall require review by the Township Planning Commission and recommendation

to the Township Board in the manner set forth in this Ordinance. Approval shall be granted for one (1) year commencing on the date of approval. Annual permits may be granted thereafter by the Township Board after Planning Commission recommendation. The Planning Commission or the Township Board may, when deemed appropriate, require submittal of well log data, including average and peak flow data on a monthly basis as well as the results of any water quality test conducted at the well site during the preceding permit year.

#### **Section 4.23 – Keeping of Animals**

In all districts, the minimum required area of pastureland or open space for the keeping of hoofed animals shall be five (5) acres. The maximum number of hoofed animals kept on a single property shall be as follows: one (1) animal shall be permitted for the first five (5) acres of property and one (1) additional animal shall be permitted for each whole one (1) acre (forty-three thousand five hundred sixty (43,560) square feet) above and beyond the initial five (5) acres.

#### **Section 4.24 – Commercial Dumpsters in a Residential District**

Dumpsters of a commercial nature, not larger than six (6) cubic yards, shall not be permitted on any residentially zoned property, except when permitted as a part of a residential or accessory building permit. The Building Department may establish the length of time that a dumpster may be permitted on a residential site. Further, if permitted as a part of such permit, the dumpster shall not be located within required front, side or rear yard setback. Finally, all materials shall be contained within the dumpster and the dumpster shall be emptied or otherwise removed from the site as needed to prevent overflow.

#### **Section 4.25 – Wind Energy Conversion Systems**

##### **A. Definitions**

1. Wind Energy Conversion Systems (hereinafter referred to as WECS). Any device that converts wind energy to mechanical or electrical energy.
2. Wind Rotor. The blades plus hub to which the blades are attached use to capture wind for the purpose of energy conversion.
3. Tower Height. The height of the actual tower, plus one-half the rotor diameter on the horizontal axis installations, and on vertical axis installations, the distance from the base of the tower to the top of the unit.

4. Survival Wind Speed. The maximum wind speed a WECS in automatic unattended operation (not necessarily producing power) can sustain without damage to structural components or loss of the ability to function normally.
- B. Applicable Zones. WECS may be permitted in any zoning district subject to Special Land Use Approval and the following exceptions:
1. The erection of one (1) windmill on a single parcel of land at a height equal to or less than fifty (50) feet shall be considered a permitted use in the Agricultural Residential Zoning District and shall not require special land use approval and Planning Commission approval. The approval of the windmill under this requirement shall be subject to administrative approval through the Building Department, as well as all other application provision of the Zoning Ordinance.
  2. Wind energy conversion systems mounted on a principal or accessory structure shall be considered a permitted use in any zoning district and shall be subject to building department review and approval. In no instance shall the height of a structure mounted WECS be permitted to exceed fifteen (15) feet above the minimum height of the district in which it is located.
- C. Applicability of Ordinance. The standards that follow shall apply to systems intended for the provision of the electrical or mechanical power needs of the owner/operator of the system; also, such a system shall be for one main building and its accessory buildings only. For systems intended for uses other than the above, Planning Commission approval shall be required. Said approval shall cover the location of the system (shown on a survey of the property) on the site, the noise generated by the system, assurances as to the safety features of the system, and compliance with all applicable state and federal statutes and regulations. Planning Commission approval shall specifically be required for arrays of more than one WECS and for systems wherein one WECS is intended to provide electric power for more than one main building.
- D. Standards for and Regulation of WECS.
1. Construction. Tower construction shall be in accordance with the latest edition of the Michigan Building Code, and any future amendments and/or revisions.
  2. Electric-Magnetic Interference (EMI). WECS generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio frequency energy which would cause harmful interference with the radio and/or television broadcasting or reception, and shall comply with the provisions of Title 47, Chapter 1, Part 15 of the Federal code of Regulations and subsequent revisions governing said emissions.
  3. Setbacks. The structural design shall be signed and sealed by a professional engineer, registered in the State of Michigan, certifying that the structural design complies with all

of the standards set forth for safety and stability in all applicable codes then in effect in the State of Michigan and all sections referred to herein above. The minimum setbacks for such towers from all abutting streets or adjacent property shall be a distance equal to one and one-half (1 ½) times the height of the tower, except that no tower shall be located within the front yard.

- a. The WECS shall be located a sufficient distance from any overhead utility lines, excluding service drops, such that a structural failure of any portion of the WECS or its supporting structure will not cause any portion of it to fall within five (5) feet of utility lines.
4. Maximum Height. The maximum height permitted as a special land use shall be one hundred and fifty (150) feet, unless otherwise prohibited by any state or federal statute or regulation.
  5. Minimum Blade Height. The minimum distance between the ground and any protruding blades utilized on a WECS shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades.
  6. Labeling Requirements. A minimum of one sign shall be posted near ground level on the tower structure warning of high voltage. In addition, the following information shall be posted on a label or labels on the generator or alternator of the WECS.
    - a. The maximum power output of the system and the wind speed at which it is achieved.
    - b. Nominal voltage and maximum current.
    - c. Manufacturer's name and address, serial number and model number.
    - d. Maximum survival wind speed and the emergency and normal shut down procedures.
  7. Utility Company Notifications. The appropriate utility company shall be notified in writing of any proposed interface with that company's grid prior to installing such interface and shall conform with any legislated requirements governing installations of WECS so as to comply with the Utility Tariff specifications.
  8. Safety. The WECS manufacturers shall document that the WECS model has been tested and certified by Underwriter's Laboratory, or other such applicable independent accrediting agency, and that when installed in accordance with the recommended specifications shall have a maximum survival wind speed of not less than eighty (80) miles per hour.

9. Noise. The maximum level of noise to be generated by a WECS shall be fifty (50) decibels, as measured on the dBA scale, measured at each property line at any time.

#### E. Submission Requirements

1. For WECS that require Building Department review only, the following information shall be submitted with any application:
  - a. Name of property owner, address, and parcel number.
  - b. A plot plan or mortgage survey showing the proposed location of the WECS.
  - c. Detailed specifications of the WECS proposed, including the type, model number, dimensions of tower and rotor, and noise generated from the unit.
  - d. Other relevant information as may be reasonably requested.
2. For all other WECS applications, site plan approval and special land use approval shall be required from the Planning Commission. In addition, to provide the information outlined above, all applicable submission requirements of Section 3.02 of the Zoning Ordinance shall be include.

#### F. Miscellaneous

1. The temporary use of an anemometer for three (3) months or less shall be exempt from the requirements of this ordinance. Any proposed anemometer that occupies a site for greater than three (3) months shall not be considered exempt , and shall be subject to all requirements of this ordinance.
2. All electric line / utility wires shall be buried underground, except in AR – Agricultural Residential Districts.
3. No tower shall be permitted to maintain lighting of any kind.
4. Guy wires shall not be permitted as part of any proposed WECS.
5. When a building is necessary for storage of cells or related mechanic equipment, the building may not exceed on hundred forth (140) square feet in area not twelve (12) feet in height, and must be located at lest the number of feet equal to the height of the tower from any property line.

6. The tower and generating unit shall be kept in good repair and sound condition. Upon abandonment of use, the tower and related structure shall be dismantled and removed from the property within sixty (60) days.
  - a. The WECS shall be designed in such a manner as to minimize shadow flicker on a roadway and an existing structures. The Planning Commission may require the applicant to conduct an analysis of potential shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to eliminate or mitigate the problems. If necessary, to prevent shadow flicker from crossing occupied structures, the wind turbine generator may be programmed to stop rotating during times when the wind turbine generator shadow crosses these structures. The wind turbine generator operator may obtain written agreements which allow shadow flicker to cross an occupied structure.
7. Any mechanical equipment associated with and necessary for operation, including a building for batteries and storage cells shall be enclosed with a six (6) foot fence. The supporting tower shall also be enclosed with a six (6) foot fence, unless the base of the tower is not climbable for a distance of twelve (12) feet.
8. An operator shall remove any and all parts associated with a WECS within six (6) months once the device has become inoperable. The applicant shall submit a plan describing the intended disposition of the WECS at the end of its useful life, and if the property is not owned by the applicant, shall describe any agreement with the landowner regarding equipment removal upon termination of the lease.

#### **Section 4.26 – Medical Marijuana**

- A. Unless otherwise provided for in this Ordinance, all districts shall meet the following standards:
  1. Intent
    - a. It is the intent of this section to provide appropriate locations and reasonable restrictions for the cultivation and transfer of marijuana allowed by the Michigan Medical Marijuana Act, MCL 333.26421 et. Seq. This is a unique land use with ramifications not addressed by more traditional zoning district and home occupation regulations. Although some specific uses of marijuana are allowed by the Michigan Medical Marijuana Act, marijuana continues to be classified as a Schedule 1 controlled substance under federal law making it unlawful under federal law to use,

manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense marijuana.

- b. It is the intent of this section to promote the health, safety, and general welfare of persons and property by limiting land uses related to marijuana to districts that are compatible with such uses. Additional regulations in this section are intended to provide reasonable restrictions within districts so that these uses do not compromise the health, safety, and general welfare of persons in the district, or other uses allowed in each district.

## 2. Definitions

“Act” means the Michigan Medical Marijuana Act of 2008, MCL 333.26421, et seq., as amended, and the applicable Michigan Administrative Rules, R 333.101, et seq.

“Cultivation of Medical Marijuana” means growing medical marijuana as defined under the Michigan Medical Marijuana Act, MCL 333.26421 et seq, as amended.

“Distribution” means the physical transfer of any amount of marijuana in any form by one person to any other person or persons, regardless of whether any consideration is paid or received.

“Enclosed Locked Facility” means a facility as defined in Section 3(d) of the Act [MCL 333.26423(d)].

“Marijuana” means the substance or material defined in Section 7106 of the Public Health Code, Public Act 368 of 1976, as amended (MCL 333.7106).

“Medical Marijuana Cultivation at Principal Residence” means the cultivation of marijuana by a registered patient within a single-family dwelling that is the registered patient’s principal residence and which cultivation is in conformity with the restrictions and regulations contained in the Act.

“Primary Caregiver or Caregiver” means a person as defined in Section 3(g) of the Act [MCL 333.26423(g)] and who has been issued and possesses a Registry Identification Card under the Act.

“Qualifying Patient or Patient” means a person as defined in Section 3(h) of the Act [MCL 333.264(h)] who has been issued and possesses a Registry Identification Card under the Act.

“Registry Identification Card” means the document defined in Section 3(i) of the Act [MCL 333.26423(i)].

“Principal Residence” means the place where a person resides more than half of the calendar year.

3. Locations Primary Caregiver Medical Marijuana Operations

- a. Purpose and Scope. The Township recognizes to the extent that Primary Caregiver Medical Marijuana Operations [herein “PCMMO”] may be lawful under state and federal laws, the Township provides the following objectives, standards, and requirements for which a PCMMO shall be located only in industrial districts of the Township.

Nothing in this ordinance shall be construed as allowing persons to engage in conduct that endangers others or causes a public nuisance, or to allow the cultivation, distribution or use of marijuana contrary to the express authorizations of the Act and this ordinance. Further, nothing in this ordinance shall be construed to undermine or provide immunity from federal law as it may be enforced by the federal or state government relative to the cultivation, distribution, or use of marijuana. Thus, the authorization of activity, and/or the approval of a license, under this ordinance shall not have the effect of superseding or nullifying federal law applicable to the cultivation, distribution, and use of marijuana.

A land use, business, or other operation that provides, sells, or involves medical marijuana in any way is prohibited in the Township except as provided in this ordinance.

- b. Location. A PCMMO shall be located in the Township only in accordance with the following:

(1) PCMMO shall only be located in a district classified Industrial.

(2) No PCMMO or other medical marijuana cultivation facility shall be located within 300 feet of a parcel on which a school or school facility is located; further PCMMO or other medical marijuana cultivation facility shall be located within 300 feet of Sacred Heart Rehabilitation Center Adult Residential facility.

- c. Primary Caregiver Medical Marijuana Operation Regulations.

(1) No person shall reside in or permit any person to reside in a PCMMO.

(2) No one under the age of 18 shall be allowed to enter a PCMMO unless accompanied by a parent or guardian.

- (3) No smoking, inhalation, or consumption of marijuana shall take place on the premises.
- (4) Drive-in PCMMO shall be prohibited.
- (5) All activities of a PCMMO shall be conducted indoors.
- (6) No equipment or process shall be used in any PCMMO which creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the property boundary.
- (7) It shall be a violation of this ordinance for any person to operate a valid license.
- (8) No more than 72 marijuana plants shall be grown on the premises of any PCMMO.
- (9) PCMMO's shall comply with all other regulations of the zoning district in which they are located, except when they are in conflict, in which this section shall prevail.
- (10) PCMMO's shall comply with all other state laws and codes.
- (11) All medical marijuana caregivers distributing medical marijuana from PCMMO must provide or otherwise make available proof of valid, unexpired registry identification cards.
- (12) PCMMO's shall have secure windows and doors and the owner shall implement security measures to deter and prevent theft of marijuana, diversion of marijuana to illicit markets, and unintended or unlawful access.
- (13) Any signs utilized in compliance with the Township's ordinances, shall not use the words marijuana, marihuana, cannabis, hash, hemp, grass, weed, ganja, reefer, sinsemilla, pot or any other phrase, word, graphic, or picture commonly understood to refer to marijuana.
- (14) All necessary building, electrical, plumbing, and mechanical permits, including inspection of the facility shall be obtained for any part of the structure in which electrical, wiring, lighting, or watering devices support the growing, storage, or distribution of medical marijuana.
- (15) Each enclosed locked facility for marijuana for medical use must contain a minimum of 200 square feet and shall not exceed 2,500 square feet.

- (16) Each enclosed locked facility must be separate from any other enclosed locked facility and maintained, enclosed, and locked.
  - (17) Marijuana plant grown outdoor in an enclosed, locked facility shall submit a site plan for review and approval by the Building Official.
  - (18) Each individual enclosed locked facility; including any outdoor areas, shall receive a Certificate of Zoning Compliance before the presence of marijuana is allowed. The documents submitted for the Certificate of Zoning Compliance shall include a floor plan for the enclosed, locked facility that defines the areas designated for the grow area, work area, storage area, and office area, if any.
  - (19) A violation of any section of this article is a civil infraction.
- d. Registered Qualifying Patient without a Care Giver, Cultivation other than Principal Residence.
- (1) A patient without a caregiver may decide to grow (cultivate) medical marijuana for the patient's own use at a facility other than at the patient's principal residence.
  - (2) A patient may grow up to 12 plants in only the Industrial District in an enclosed locked facility as defined by the Act.
  - (3) The registered patient is responsible for utilizing at a parcel, an enclosed locked facility, compliant with state law for cultivating, growing, manufacturing, processing, and storing marijuana for medical use only.
  - (4) The enclosed locked facility utilized by the registered patient, shall provide separation by fully enclosed walls or fences, for plants so it is accessible only to the registered patient.
  - (5) The processing and storing of medical marijuana under this section, is permitted only by registered qualifying patients.
  - (6) The patient shall file for a Certificate of Zoning Compliance and, where necessary, obtain permits for the following building and fire code requirements; electrical wiring, lighting, ventilation, mechanical equipment, and/or watering devices that support the production of marijuana.

- (7) If the patient chooses to grow medical marijuana in an industrial district as referenced above, that patient shall not be permitted to grow medical marijuana at his/her principal residence.
- e. Medical Marijuana Facilities Licensing Act. Nothing in this ordinance authorizes or is to be construed to authorize Medical Marijuana Facilities as described in the Medical Marijuana Facilities Licensing Act, Public Act 281 of 2016. All Medical Marijuana Facilities as described in Public Act 281 of 2016 are not permitted in any zoning district in Richmond Township.
- f. No Vested Rights. A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with this ordinance or any amendment of this ordinance.

#### **Section 4.27 – Streets, Private Roads, and Parking Lot Surfacing**

It is essential that existing and proposed streets and roadways provide for the continuity of the public street system and maintain minimum standards that will enhance and maintain property values and protect the rights of residents. To accomplish this purpose, the following is required:

- A. The location and dimensions of all streets and roadways must comply with the Township's adopted Master Thoroughfare Plan.
- B. All residential developments shall be served by concrete paved roadways having a width (back to back of curbs) of 28 feet for local streets and 36 feet for collector streets.
- C. All commercial and industrial developments shall be served by concrete paved roadways having a width (back to back of curbs) of 26 feet.
- D. Unless a determination by the Planning Commission is made that a local street may be "private", all streets shall be "public" and dedicated to the Macomb County Department of Roads.
- E. The Planning Commission's standards for determining whether a street may be "private" are as follows:
  - 1. The street is not needed for continuity of the public street system,
  - 2. The street is located within a multiple family, mobile home, commercial or industrial development,

3. The street provides public utility easements that are at least sixty (60) foot feet wide for residential, seventy (70) feet wide for commercial, industrial and other non-residential uses,
  4. Dead-end or cul-de-sac streets shall not exceed a length of 800 feet, as measured from the center of the intersecting street to the end of the cul-de-sac or dead-end street. This requirement may be waived upon concurrence of the Richmond Township Fire Department, Township Engineer, and Planning Commission, provided that a boulevard having a minimum length of 75 feet is constructed at the entrance from the intersecting street.
- F. If the Planning Commission allows a “private” road, it must meet the following conditions:
1. “Private” roads must be developed with similar standards required by the Macomb County Department of Roads for “public” roads.
  2. Permits for any dwelling or building on any parcel served by the private road shall not be issued until the Township’s engineer determines that the road was constructed and completed in accordance with this ordinance.
  3. A Private Road Maintenance Agreement, in a form approved by the Richmond Township Board, shall be recorded as a part of the deed or land contract for every parcel of property to which the road provides access. The Maintenance Agreement shall be binding on all parties and shall guarantee a financial mechanism for the maintenance of the private road by all benefited property owners. Neither Richmond Township nor the Macomb County Department of Roads has any responsibility or legal authority to maintain private roads. In addition, the Maintenance Agreement shall include each owner's written approval for the establishment of a Special Assessment District, for maintenance of the “private” road by the Township, upon failure of the owners to maintain the “private” road.
- G. Where the Township Zoning Ordinance requires off-street parking, the parking areas shall be paved with either concrete pavement or a bituminous pavement and shall meet the requirements of the Richmond Township Engineering Standards Ordinance.