

TOWNSHIP OF RICHLAND
KALAMAZOO COUNTY, MICHIGAN

ORDINANCE NO. 276

ORDINANCE AMENDING ZONING PROVISIONS OF
THE RICHLAND TOWNSHIP
CODE OF ORDINANCES

ADOPTED: JULY 16, 2019

EFFECTIVE: AUGUST 2, 2019

An Ordinance amending the Township of Richland Zoning Ordinance by adding definitions for ground floor area of a residence and solar energy systems; by amending the table for residential accessory buildings to eliminate the need for special land use permits in some circumstances; by eliminating the need for special land use permits for residential accessory buildings in some circumstances; to establish that attached and detached accessory buildings are included in the square footage count; to establish that small wind turbine systems are exempt from special exception use requirements; to add a section regarding solar energy system special exception uses and to specify standards therefore; to add a section allowing wedding barns as a special exception use in the A-1 and AB district zoning classifications, subject to certain criteria which are outlined in the text; amending the electronic sign provisions to allow for copy change every ten seconds; to amend the Commercial District Zoning Classifications to add Banquet Facility or Event Center as a special exception use; amending the private road access standards to require a 22-foot wide driving surface; amend the table to add special exception uses; to provide an effective date; and to repeal conflicting ordinance provisions.

The Township of Richland, Kalamazoo County, Michigan ordains:

SECTION 1
AMENDMENT TO PART 300 "ZONING", SECTION I "TITLE, PURPOSE,
CONSTRUCTION OF LANGUAGE"
OF THE RICHLAND TOWNSHIP CODE OF ORDINANCES

- A. Part 300, "Zoning" Section I "Title, Purpose, Construction of Language" subsection C (codified at 300.103) "Definitions" of the Richland Township Code of Ordinances is hereby amended by adding definitions in the correct alphabetical order:

Ground floor area: That area of a residence, excluding any attached accessory building, that has more than one half (50%) of the area above the established grade.

Solar Energy System: Any part of a system that collects or stores solar energy for the purpose of transforming it into any other type of usable energy, including but not limited to the collection and transfer of heat created by solar energy to any other medium by any other means. The following categories of solar energy systems are as follows:

Building Integrated Photovoltaics (BIPV's): A Private or Commercial solar energy system that is integrated into the structure of a building, including materials such as solar roof tiles or shingles.

Commercial: A solar energy system where the principal design, purpose or use of such system is to provide energy to off-site uses or the wholesale or retail sale of generated electricity to any person or entity.

Ground Mounted: A Private or Commercial solar energy system that is not attached to or mounted on any roof or exterior wall of any principal or accessory building.

Private: A solar energy system used exclusively for private purposes and not used for any commercial resale of energy, except for the sale of any surplus energy back to the electric grid.

Roof or Building Mounted: A Private or Commercial solar energy system attached to or mounted on any roof or exterior wall of any principal or accessory building, excluding Building Integrated Photovoltaics (BIPV's).

SECTION 2
AMENDMENT TO PART 300 "ZONING"
SECTION 18 "SPECIAL EXCEPTION USES"
OF THE RICHLAND TOWNSHIP CODE OF ORDINANCES

- A. Part 300 "Zoning" Section 18 "Special Exception Uses" Subsection C "List of uses with specific conditions" (codified at 300.1803.C) Paragraph 5 "Residential Accessory Buildings" subparagraph (c)(1) is hereby amended to revise the table as follows:

<u>Lot Size</u>	<i>Distance From Front Property Line</i>	
	<u>200' or less</u>	<u>More than 200'</u>
1 acre or less	1632 sq. ft.	1632 sq. ft.
1.01 to 2.5 acres	1632 sq. ft.	2208 sq. ft.
2.51 to 4.99	2208 sq. ft.	Unlimited
5.00 acres or more	Unlimited	Unlimited

SECTION 3
AMENDMENT TO PART 300 "ZONING"
SECTION 18 "SPECIAL EXCEPTION USES"
OF THE RICHLAND TOWNSHIP CODE OF ORDINANCES

- A. A new last sentence in Part 300 "Zoning" Section 18 "Special Exception Uses" Subsection C "List of uses with specific conditions" (codified at 300.1803.C) Paragraph 5 "Residential Accessory Buildings" subparagraph (c)(3) is added as follows:

No special exception use approval is required for front yard accessory buildings on parcels greater than 2.5 acres when setback not less than 200 feet from the road right-of-way and not placed in front of the width of the dwelling.

SECTION 4
AMENDMENT TO PART 300 "ZONING"
SECTION 18 "SPECIAL EXCEPTION USES"
OF THE RICHLAND TOWNSHIP CODE OF ORDINANCES

- A. Part 300 "Zoning" Section 18 "Special Exception Uses" Subsection C "List of uses with specific conditions" (codified at 300.1803.C) Paragraph 5 "Residential Accessory Buildings" subparagraph (c)(4)(c) is hereby amended to read as follows:

Exceed, in total floor area, the ground floor area of the residence on that lot. The "ground floor area of the residence" shall not be deemed to include the floor area of any attached accessory building. The ground floor area of the residence shall not be deemed to include the floor area of any attached accessory building and the total square footage of all attached and detached accessory buildings shall be counted in this calculation. This section does not apply to proposed accessory buildings that are both over 200 feet from the road right-of-way and on a lot of 2.5 acres or more.

SECTION 5
AMENDMENT TO PART 300 "ZONING"
SECTION 18 "SPECIAL EXCEPTION USES"
OF THE RICHLAND TOWNSHIP CODE OF ORDINANCES

- A. Part 300 "Zoning" Section 18 "Special Exception Uses" Subsection C "List of uses with specific conditions" (codified at 300.1803.C) Paragraph 33 "Wind Energy Conversion Systems (WECS)" subparagraph (c) is hereby amended to read as follows:

Special exception use: Due to the concerns related to health, safety and welfare, such systems shall be regulated as special exception uses within all zoning districts. Any "small turbine, on site" system not exceeding 50 feet in height shall be exempt from these special exception use requirements. The following requirements shall be met and the Planning Commission may impose additional conditions where appropriate:

SECTION 6
AMENDMENT TO PART 300 "ZONING"
SECTION 18 "SPECIAL EXCEPTION USES"
OF THE RICHLAND TOWNSHIP CODE OF ORDINANCES

- A. Part 300 "Zoning" Section 18 "Special Exception Uses" Subsection C "List of uses with specific conditions" (codified at 300.1803.C) is hereby amended by the addition of a new Paragraph 37 entitled "Solar Energy Systems" as follows:

37. Solar Energy Systems

(A.) A private solar energy system shall be a permitted use in all districts if roof or building mounted or utilizing building integrated photovoltaics, subject to the following:

1. The location of the system on the roof or building does not exceed height or setback requirements for the zoning district in which it is located. In no instance shall the panels on the roof extend more than five feet from the roof surface.
2. For wall-mounted, the panels shall not be located on the front of the building nor extend beyond the eave, either in height or depth.
3. The Building Official/Zoning Administrator may require that the applicant provide certification and specifications related to the structural integrity of the roof or building to support such installation.
4. All systems shall be installed, maintained and used in accordance with the manufacturer's instructions. The installation shall be subject to compliance with the Township's construction code, electrical code and other township, county, state and federal regulations.

(B.) All other systems, being either private ground-mounted or commercial systems, shall be subject to the above (A.1-4) and the following conditions as part of the review and approval of the special exception use:

1. The installation of a ground-mounted system shall require the submission of a site plan complying with the provisions under Section 18.A. of this zoning ordinance.
2. The installation of the system shall generally be neutral in color and substantially non-reflective of light. A system shall not be installed or located so that sunlight or glare is reflected onto neighboring properties or abutting roads.
3. The maximum height of a ground-mounted system shall not exceed 15 feet in height and the base of the system shall be screened by no less than a 6-foot opaque fence or landscape screening that achieves the 6-foot height at the time of planting. The Planning Commission, in their sole reasonable discretion, may waive this requirement where such screening is deemed unnecessary.
4. The installation of the system shall be limited to the side or rear yard and private systems shall be setback twice (2x) the required setback for the zoning district in which they are located.
5. Commercial systems that are the principal use of the property shall be required to have a minimum of 20 acres and the front-yard setback shall be not less than 100 feet from any abutting property line and the road right-of-way. They shall only be permitted within the "A-1", "AB", "D-1", "E" or "RP" zoning districts.
6. Commercial systems that are accessory to the principal use shall be setback not less than 50-feet from any abutting property line and be located in the side or rear yard.
7. A system shall be considered abandoned if not in operation for more than one year and shall be removed by the owner/operator within 6 months of the date of abandonment. The Planning Commission may impose a condition that a financial guarantee (cash bond, irrevocable letter of credit or a performance bond) be provided within 15 days of approval to secure removal of the system. The applicant's engineer shall provide a breakdown of costs associated with such removal and the Township may impose a 150% amount of that estimate to ensure security for such removal.
8. The Planning Commission, in its sole reasonable discretion, may require the submission of any additional information, including acceptance by the electric utility via letter related to interconnection or a signed power purchase agreement.

SECTION 7
AMENDMENT TO PART 300 "ZONING"
SECTION 18 "SPECIAL EXCEPTION USES"
OF THE RICHLAND TOWNSHIP CODE OF ORDINANCES

- A. Part 300 "Zoning" Section 18 "Special Exception Uses" Subsection C "List of uses with specific conditions" (codified at 300.1803.C) is hereby amended by the addition of a new Paragraph 38 entitled "Wedding Barns" as follows:

38. Wedding Barns (special exception use in the "A-1" and "AB" Districts) subject to the following: (1) The minimum lot area shall be 10 acres in the "A-1" District; (2) The use shall be limited to hours not to exceed 11:00 p.m. and comply with the Township's noise ordinance provisions; (3) Any food and drink shall be subject to County Health Department and State Liquor Control regulation; (4) Required parking shall be paved or other hard surface (gravel), with this subject to waiver by the Planning Commission if less than 12 events are held per year.

SECTION 8
AMENDMENT TO PART 300 "ZONING"
SECTION 19 "LIGHT, VENTILATION, SANITATION, LAND AREA, PROTECTION
REQUIREMENT, BILLBOARD AND ADVERTISING SIGNS"
OF THE RICHLAND TOWNSHIP CODE OF ORDINANCES

- A. Part 300 "Zoning" Section 19 "Light, Ventilation, Land Area, Protection Requirements, Billboard and Advertising Signs" Subsection D "Signs" (codified at 300.1904.D) Paragraph 2 "General Conditions Applicable to All Signs" subparagraph (f) is hereby amended in the first sentence to provide that changes to the display may occur no more frequently than once per every 10 seconds.

SECTION 9
AMENDMENT TO PART 300 "ZONING"
SECTION 19 "LIGHT, VENTILATION, SANITATION, LAND AREA, PROTECTION
REQUIREMENT, BILLBOARD AND ADVERTISING SIGNS"
OF THE RICHLAND TOWNSHIP CODE OF ORDINANCES

- A. Part 300 "Zoning" Section 19 "Light, Ventilation, Land Area, Protection Requirements, Billboard and Advertising Signs" Subsection P "Access standards" (codified at 300.1916.P) subparagraph 4(c)(i) is hereby amended in the first sentence to allow a driving surface to be a minimum of 22 feet wide.

SECTION 10
AMENDMENT TO PART 300 "ZONING"
SECTION 9 "'C' OFFICE/RETAIL DISTRICT"
OF THE RICHLAND TOWNSHIP CODE OF ORDINANCES

- A. Part 300 "Zoning" Section 9 "'C' Office/Retail District" Subsection C "Special exception uses" (codified at 300.903) is hereby amended to add new paragraph 6 as follows:

6. Banquet Facility or Event Center.

SECTION 11
AMENDMENT TO PART 300 "ZONING"
SECTION 10 "C-1' LOCAL BUSINESS DISTRICT"
OF THE RICHLAND TOWNSHIP CODE OF ORDINANCES

- A. Part 300 "Zoning" Section 10 "C-1' Local Business District" Subsection C "Special exception uses" (codified at 300.1003) is hereby amended to add new paragraph 5 as follows:

6. Banquet Facility or Event Center.

SECTION 12
AMENDMENT TO PART 300 "ZONING"
SECTION 11 "C-2' HIGHWAY BUSINESS DISTRICT"
OF THE RICHLAND TOWNSHIP CODE OF ORDINANCES

- A. Part 300 "Zoning" Section 11 "C-2' Highway Business District" Subsection C "Special exception uses" (codified at 300.1103) is hereby amended to add new paragraph 10 as follows:

11. Banquet Facility or Event Center.

SECTION 13
AMENDMENT TO PART 300 "ZONING"
SECTION 12 "D' REGIONAL COMMERCIAL DISTRICT"
OF THE RICHLAND TOWNSHIP CODE OF ORDINANCES

- A. Part 300 "Zoning" Section 12 "D' Regional Commercial District" Subsection C "Special exception uses" (codified at 300.1203) is hereby amended to add new paragraph 5 as follows:

6. Banquet Facility or Event Center.

SECTION 14
AMENDMENT TO PART 300 "ZONING"
SECTION 13 "D-1' COMMERCIAL/INDUSTRIAL DISTRICT"
OF THE RICHLAND TOWNSHIP CODE OF ORDINANCES

- A. Part 300 "Zoning" Section 13 "D-1' Commercial/Industrial District" Subsection C "Special exception uses" (codified at 300.1303) is hereby amended to add new paragraph 7 as follows:

7. Banquet Facility or Event Center.

SECTION 15
AMENDMENT TO PART 300 "ZONING"
SECTION 18 "SPECIAL EXCEPTION USES"
OF THE RICHLAND TOWNSHIP CODE OF ORDINANCES

- A. The Table contained in Part 300 "Zoning" Section 18 "Special Exception Uses" Subsection C "List of uses with specific conditions" (codified at 300.1803.C) is hereby amended to add the following special exception uses and districts as follows:

37. Solar Energy Systems:

- | | |
|--|---------------------|
| a. Private solar energy system mounted to roof or building or utilized building integrated photovoltaics | All Districts |
| b. Private ground-mounted accessory use or commercial solar energy systems | All Districts |
| c. Commercial solar energy systems that are the principal use of the property | A-1, AB, D-1, E, RP |

38. Wedding Barns A-1, AB

39. Banquet Facility or Event Center C, C-1, C-2, D, D-1

SECTION 16
SEVERABILITY

The various provisions of this ordinance are severable from each other and if anyone is found by a court of competent jurisdiction to be invalid, that shall not affect the other sections of this Ordinance.

SECTION 17
EFFECTIVE DATE AND REPEAL

This Ordinance shall take effect on the 8th day following publication, following adoption. All ordinances and parts of ordinances in conflict herewith are repealed.

TOWNSHIP OF RICHLAND
Bear Priest, Clerk
www.Richlandtwp.net
269- 629-4921


CLERK'S CERTIFICATE

I, Bear Priest, Township Clerk of the Township of Richland, Kalamazoo County, Michigan, do hereby certify that in pursuance of law and statute provided, at a regular meeting of the Richland Township Board held on July 16, 2019, at 7:00 o'clock p.m., at the Richland Township Hall, located at 7401 North 32nd Street, Richland, Michigan, at which the following members were present, the Board enacted and passed Ordinance No. 276, hereinbefore recorded, to become effective August 2, 2019, and that the members of said Board present at said meeting voted on the adoption of said Ordinance as follows:

Lysanne Harma	Yes
Bear Priest	Yes
Marsha Drouin	Yes
Paul Foust	Yes
Dave Wendzel	Yes
Nicole Speedy	Yes


I do further certify that all in accordance with Township Board direction, a summary of the Ordinance as adopted was published in the Kalamazoo Gazette, a newspaper printed in Kalamazoo, and circulated in Richland Township on, Thursday, July 25, 2019; a copy of Ordinance No. 276 was posted at the Township Hall on July 30, 2019; and that said Ordinance No. 276 was recorded in the official Ordinance Book on July 30, 2019.

Dated: July 30, 2019



Bear Priest, Clerk

ATTEST:



Lysanne Harma, Supervisor