

ARTICLE III
DEFINITIONS

SECTION 3.1 - DEFINITIONS: For the purposes of this Ordinance, certain terms are herein defined. When not inconsistent with the context, words appearing in the present tense shall include the future, words in the singular and plural shall include the plural and singular tenses respectively, and the word "shall" is mandatory and not directory.

ACCESSORY BUILDING: A supplemental building or structure on the same lot, or part of the main building occupied by or devoted exclusively to an accessory use. Portable units such as mobile homes, travel trailers or school buses or any such unit that is titled as a vehicle may not be used as an accessory building. **Amended by Amendment 96-3, Adopted 2-10-97**

ACCESSORY USE: A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the land or building.

ADULT FOSTER CARE HOMES: A governmental or non-governmental establishment licensed by Act 218 of 1979, as amended, and having as its principal function the receiving of adults for foster care. A capacity of six (6) or less is considered a residential use subject to the spacing requirements of the Act. A capacity of seven (7) or more is considered a commercial use and is not permitted in a residential district. **Amendment #03-04 adopted 9/8/03**

AGRICULTURAL SEASONAL HOUSING/MIGRANT HOUSING: A parcel containing structures which are used or occupied as living quarters for one (1) or more migrant farm workers and/or their immediate family engaged in agricultural activities in a farm operation

ANIMAL HOSPITAL AND VETERINARY CLINIC: An establishment where animals are treated for diseases and injuries, surgically or medically.

ASSISTED LIVING ESTABLISHMENT: A structure and its appurtenances, designed to provide housing for persons who live independently and may receive meals in a common area. While staff is on duty on a twenty four (24) hour basis, direct/indirect care is provided and residents may care for themselves independently. **Amendment #03-01 adopted 5/12/03**

BED AND BREAKFAST: An owner-occupied private home (dwelling unit) wherein up to and including three (3) bedrooms have been converted for guest use for compensation and by prearrangement. A Continental or American breakfast may be served. A breakfast that includes more than coffee, juice and a commercially prepared roll requires a permit from the Michigan Department of Public Health **Section 3.1 Amended by Amendment 96-1, Adopted 2-10-97.**

BILLBOARD: A sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located. An outdoor sign, display, painting, drawing, message, placard, poster, or other device used to advertise, promote, direct, provide information or identification for a service, business, or industrial use or product located on another site.

A surface whereupon advertising matter is set in view conspicuously and which advertising does not apply to premises or any use of premises wherein it is displayed or posted.

A highway advertising sign that is an off-premises sign owned by a person, corporation or the entity that engages in the business of selling the advertising space on that sign. **Section 3.1 Amended by Amendment 91-3, Adopted 10-9-91.**

BUILDING: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. **Revised 7/15/03**

CAMPGROUND: A parcel where five (5) or more campsites are offered to the public either free or for a fee as temporary living accommodations. **Added by amendment # 21-01 adopted April 12, 2021**

CHURCH: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose, and which property falls within the constitutional exemption from taxation status.

CLINIC: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professions.

COLLOCATE: Means to place or install wireless communication equipment on an existing wireless communication support structure or in an existing equipment compound. "Collocation" has a corresponding meaning. **Added by amendment 17-01 adopted 12/11/17**

CONDITIONAL REZONING: A zoning process authorized by Act 577 of 2004, and as regulated under Article IV of this Ordinance, whereby the owner of land may voluntarily offer conditions as part of a rezoning of land, and the Township may, or may not accept such an offer. **Amended by amendment #06-03 adopted 6/12/06.**

CONTRACTOR'S YARD: A lot or parcel upon which a contractor maintains an office and the storage of machinery, equipment and materials customarily used in the trade performed by the contractor. **Added by amendment # 21-03 adopted April 12, 2021**

CONSTRUCTION SIGN: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of architects, engineers, landscape architects, contractors, and the owners, financial supporter, sponsors and similar individuals or firms having a role or interest with respect to the structure or project. **Added by amendment #04-08 adopted January 10, 2005.**

CORNER LOT: A parcel of land so situated that it abuts on more than one road. A corner lot has two front yards and two side yards. Front yard setback is required from all road frontages. **Amendment #04-02, adopted 2/16/04**

DIRECTIONAL SIGN: Signs limited to directional messages, principally for pedestrian or vehicular traffic such as "one-way" and "exit". **Added by amendment #04-08 adopted January 10, 2005.**

DIRECTORY SIGN: A ground sign listing only the name(s) of tenants or occupants of a building, group of buildings, and/or business district, their professions or business activities, and their direction or location. **Added by amendment #04-08 adopted January 10, 2005.**

DISTRICT: A section or sections of the Township of Mayfield for which zoning regulations governing land use are uniform.

DISTURBANCE OF THE PEACE ORDINANCE: Means the Grand Traverse County Disturbance of the Peace Ordinance adopted March 9, 1982 and effective September 14, 1982. **Section 3.1 Amended by Amendment 94-1, Adopted 11-7-94**

DWELLING: Any building or structure or part thereof occupied as the home, residence or sleeping place of one or more persons, either permanently or transiently.

DWELLING, ONE-FAMILY: A building containing not more than one dwelling unit designed for residential use, and complying with the following standards:

1.It complies with the minimum square footage requirements of 800 square feet of this Ordinance. **Section 3.1 Amended by Amendment 88-2, Adopted 4-19-90**

2.It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single family dwellings.

3.The dwelling is connected to a public sewer and water supply or to such private facilities approved by the Grand Traverse County Health Department.

4.The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 20% of the square footage of the dwelling or 100 square feet, whichever shall be less.

5.The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

6.The dwelling complies with all pertinent building and fire codes. All construction and all plumbing, electrical apparatus and insulation within and connected to said dwelling shall be of a type and quality conforming among other requirements, to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, 24CFR 3280, adopted June 15, 1976, and as from time to time such standards may be amended.

7.The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in this Ordinance.

8.All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code provisions and requirements.

DWELLING, TWO-FAMILY: A dwelling occupied by but two (2) families and so designated and arranged as to provide independent living, cooking and kitchen accommodations for two (2) families only.

DWELLING, MULTIPLE: A building designed for or occupied as a residence for three (3) or more families living independently of each other and each having their cooking facilities and sanitary accommodations.

EQUIPMENT COMPOUND: Means an area surrounding or adjacent to the base of a wireless communication structure and within which wireless communications equipment is located.

EXISTING BUILDING: A building existing or for which the foundations are in place or upon which there has been substantial work done, prior to the effective date of this Ordinance, or any amendment thereto.

EXISTING USE: A legal use of the premises or buildings or structures actually in operation, openly, visibly and notoriously, prior to the effective date of this Ordinance, or any amendment thereto.

FARM: The land, buildings, and machinery used in the commercial production of farm products. **Section 3.1 Amended by Amendment 94-1, Adopted 11-7-94.**

FARM ANIMAL: A horse, swine, cattle, sheep, goat and llama are considered as one animal unit. Up to ten (10) geese, chickens, ducks, and turkeys are considered as one animal unit.

A 4-H farm animal is defined as an animal kept on a temporary, seasonal basis for raising, training, showing and ultimate sale as part of a bona fide organized 4-H Club project. **Added by Amendment 08-02 adopted 6-9-08**

FARM PRODUCT: Means those plants and animals useful to human beings and includes, but is not limited to forages and sod crops, grains and fee crops, dairy and dairy products, poultry and poultry products, livestock, including breeding and grazing, fruits, vegetables, flowers, seeds, grasses, trees, fish, apiaries, equine and other similar products or any other products which incorporates the use of food, feed, fiber or fur. **Section 3.1 Amended by Amendment 94-1, Adopted 11-7-94.**

FREESTANDING SIGN: A sign attached to a permanent foundation supported from the ground by one or more poles, posts, or similar uprights, with or without braces, upon which announcements, declarations, displays, etc., may be placed. **Added by amendment #04-08 adopted January 10, 2005.**

FLEA MARKET, OPEN AIR MARKET: Commercial sale of new or used general merchandise including antiques, and produce on a temporary or year round basis in open stalls or within partially enclosed or totally enclosed space. **Section 3.1 Amended by Amendment 91-2, Adopted 10-8-91.**

GENERAL FARMING AND AGRICULTURAL USE: An activity which occurs on a farm in connection with the commercial production of farm products, but does not include the commercial harvest or taking of fish or fowl for a fee from within a confined area by means of firearm, hook or net. **Section 3.1 Amended by Amendment 94-1, Adopted 11-7-94.**

GOVERNMENT BUILDING: A building provided by or for the purpose of a government or municipality to care for a specified need or function essential to its existence, or which would serve or benefit the public at large.

GOVERNMENT PARKS: A tract of land or area within the Township of Mayfield set apart for the recreation of the public.

GREENHOUSE: A building or enclosure constructed chiefly of glass, plastic, or other translucent materials used for the cultivation or protection of tender plants.

GUN AND SKEET CLUBS, SHOOTING RANGE: Any facility, whether operated for profit or not and whether public or private, which is designed for the use of firearms which are aimed at targets: skeet or trap, or clay pigeons. **Section 3.1 Amended by Amendment 94-1, Adopted 11-7-94.**

HIGH WATER MARK: A mark located along the shore of a body of water that has been established by a registered land surveyor as the high water mark for that body of water.

HIGHWAY: Any public thoroughfare in Mayfield Township, including Federal and State roads and highways where and whether of depressed, surface or elevated construction.

HOME BASED BUSINESS: A business operating out of a residence where the residence serves as the base of operation for a business activity that is conducted elsewhere, such as house painter or electrician. **Added by amendment # 21-02 adopted April 12, 2021**

HOME OCCUPATION: An activity carried out in the home or an accessory building for economic gain with no physical change in the residential character of the property. **Revised by amendment #21-02 adopted April 12, 2021**

HOME OCCUPATION SIGN: A sign containing only the name and occupation of a permitted home occupation. **Added by amendment #04-08 adopted January 10, 2005.**

HUNTING PRESERVE: A commercial facility which raises, stores, stocks or releases animals, such as game birds or deer, for the purpose of being shot or killed for a monetary charge or membership fee. **Section 3.1 Amended by Amendment 94-1, Adopted 11-7-94.**

KENNEL: Any lot or premises used for the sale, boarding or breeding of dogs, cats or other household pets. Kennel shall also mean the keeping of a total of six (6) or more dogs, cats or other household pets over the age of six months.

LOT: The parcel of land on which one (1) principal building and its accessories are located or intended to be located, together with any open spaces required by this Ordinance, the legal description of which is recorded in the office of the Register of Deeds for Grand Traverse County.

LOT OF RECORD: A lot which is part of a subdivision, the map of which has been recorded in the office of the Register of Deeds of Grand Traverse County, or a parcel of land described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds of Grand Traverse County, prior to the effective date of this Ordinance.

MEMORIAL SIGN: A sign tablet or plaque memorializing a person, event, structure or site. **Added by amendment #04-08 adopted January 10, 2005.**

MIGRANT FARM WORKER: An individual who: Is employed in agriculture on a seasonal basis or other temporary nature who has to travel from his or her permanent place of residence to do the farm work so that he/she is unable to return to his/her permanent residence within the same date; is not employed in farm work year round by the same employer; and does not have an ownership interest in the property. An individual that has been previously employed on such a basis for the past 24 months, and for which there is an employment record maintained by the farm operation and also on file with the Michigan Department of Labor. Evidence must be provided that the individual has moved to one (1) or more locations for such employment, thus establishing a need for temporary housing. **Added by amendment # 16-01 adopted 12/12/16**

MONUMENT SIGN: A sign attached to a permanent foundation and not attached or dependent for support from any building, pole, posts or similar uprights. **Added by amendment #04-08 adopted January 10, 2005.**

MINI-WAREHOUSE AND SELF-STORAGE FACILITY: a building, group of buildings or portions of buildings, divided and offered to the public for a fee on a monthly or yearly basis for the storage of goods. Persons have joint access to the facility and individual access to a specific storage unit. **Added by amendment #04-05 adopted 5/10/04.**

MOBILE HOME: A single family manufactured living unit which is transported to a site as one (1) or more modules, any of which is so constructed as to permit permanent occupancy as a dwelling or sleeping place by one (1) or more persons, and which is licensable under Act No. 300 of the Public Act of 1949, as amended.

MOBILE HOME PARK: An area upon which three (3) or more occupied mobile homes are parked or intended to be parked, designed or intended to be used as living facilities for one (1) or more families, on a continual or non-recreational basis, and which is licensable under Act 243 of the Public Act of 1959, as amended.

NONCONFORMING BUILDING: An existing building employed in a lawful use prior to the effective date of this Ordinance, or any amendment thereto, which does not conform with the use requirements of the district in which it is located.

NONCONFORMING USE: An existing use of land or buildings which was lawful prior to the effective date of this Ordinance, or any amendment thereto, and which does not conform with the use requirements of the district in which it is located.

NORMAL GRADE: Shall be construed to be the lower of (1) the existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign.

In cases of severe topography in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public or private road. **Added by amendment #04-08 adopted January 10, 2005.**

NURSERY: A place where trees, shrubs and plants are grown, or raised for transplanting, for use as stocks for budding and grafting, or for sale.

OFFICES: Refers to offices of private firms and organizations and certain government agencies which are primarily used for the execution of professional, executive, management or administrative services. These have relatively few on-premise customers and are relatively low traffic generators. Typical uses include legal, bookkeeping, architectural, engineering and psychiatric offices.

OUTDOOR STORAGE: The keeping of any goods, material, merchandise or vehicles in an open and unsheltered area for more than twenty four (24) hours. **Added by amendment #04-05 adopted 05/10/04**

POLITICAL SIGN: A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election. **Added by amendment #04-08 adopted January 10, 2005.**

PRIVATE CLUB: An association organized and operated not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests, provided such service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all applicable federal, state, county, and local laws. **Section 3.1 Amended by Amendment 94-1, Adopted 11-7-94.**

PRIVATE ROAD: A street or other thoroughfare used for passage to and from land which does not abut a public maintained road street or highway. **Section 3.1 Amended by Amendment 97-2, Adopted 4-14-97**

REAL ESTATE SIGN: A sign pertaining to the sale or lease of the premises, or a portion of the premises on which the sign is located. **Added by amendment 04-08 adopted January 10, 2005.**

RECREATIONAL UNIT: A vehicular-type structure, containing less than five hundred (500) square feet of floor space primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered. Recreational unit shall include travel trailers, camping trailers, motor homes, truck campers, slide-in campers and chassis-mounted campers.

ROADSIDE STANDS: A roadside stand is a structure for the display and sale of agricultural and related products on a seasonal basis, with no space for customers within the structure itself.

SETBACK, FRONT: Means that portion of a lot or parcel that abuts a roadway or access easement, and provides access to the lot or parcel. **Added by amendment # 18-01 adopted 10/14/19**

SIGN: A structure or device designed or intended to convey information to the public in written or pictorial form.

The use of works, numerals, figures, devices, designs, trademarks, or logos by which anything is made known or is used to show a product, business, industry, service, facility, or profession, and is visible to the general public.

"Visible" means capable of being seen by a person of normal visual acuity. **Section 3.1 Amended by Amendment 91-3, Adopted 10-8-91.**

SIGN, AWNING, CANOPY OR MARQUEE: A sign painted, stamped, perforated, or stitched or otherwise applied on the valance of an awning. **Section 3.1 Amended by Amendment 9-3, Adopted 10-8-09.**

SIGN HEIGHT: The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. **Added by amendment #04-08 adopted January 10, 2005.**

SPECIAL USES: Those uses of land which are not essentially incompatible with the permitted uses in a zoning district, but possess characteristics of locational qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, public services, facilities and adjacent uses of land.

STRUCTURE: Anything constructed or erected, the use of which requires more or less permanent location on the ground or below the ground, or attached to something having permanent location on the ground or below the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, pergolas and antennas.
Amended by amendment # 05-02 adopted July 11, 2005.

TAVERN, BAR, TAPROOM: Means an establishment open to the public offering alcoholic beverages to be consumed on the premises as a primary function of the business. **Added by amendment # 19-01 adopted 10/14/19**

TEMPORARY SIGN: A sign, banner or other advertising device constructed of cloth, canvas, fabric, plastic or other light temporary material with or without a structural frame, or any other sign intended for a limited period of display. **Added by amendment #04-08 adopted January 10, 2005.**

VARIANCE, USE: A variance granted upon a finding of unnecessary hardship by a zoning board of appeals for a use or structure that is not permitted in the district including, but not limited to, the same use at a more intensive level of density or intensity than allowed in the district. Use variances are not allowed pursuant to Section 16.4. **Added by amendment #06-06 adopted March 12, 2007.**

VARIANCE, NONUSE: A variance granted upon a finding of practical difficulty by a zoning board of appeals other than for use, and typically from dimensional or numerical standards of the ordinance such as from setback or yard requirements, and where such a variance would not have the effect of permitting a use of land or a structure that is not otherwise permitted in the district. **Added by amendment # 06-06 adopted March 12, 2007.**

WALL SIGN: A sign which is attached directly to a building wall with the horizontal sign surface parallel to the building wall, including signs painted on any building wall. **Added by amendment #04-08 adopted January 10, 2005.**

WAREHOUSING: A building used primarily for the storage of goods and materials.

a. **Public Warehouse** - A building used primarily for the storage of goods and materials and available to the general public for a fee.

b. **Private Warehouse** - A building used primarily for the storage of goods and materials by the owner of the goods, or operated for a specific commercial establishment or group of establishments in a particular industrial or economic field. **Added by amendment #04-05 adopted 5/10/04.**

"WECS". Shall be the approved form of abbreviation of "wind energy conversion system", and WECS shall consist of the combination of:

1. A surface area, either variable or fixed, for utilizing the wind for electrical power; and
2. A shaft, gearing, belt or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electrical-producing device; and
3. A generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and

4. The tower, pylon or other structure upon which any, all or some combination of the above are mounted.

"Interconnected WECS". A WECS which is electrically connected to the local electrical power utility system and which could feed power back into the local electrical power utility system.

"Household WECS". A WECS which supplies electricity to a single parcel with a design output of less than 20 KW per day, and does not generally flow electric energy to the utility system. Such a system supplements the electrical energy used at the dwelling and is connected to specific circuits which may have automatic transfer to the electrical utility to maintain a constant source of electric energy to the designated circuit. A household WECS may be allowed with a Land Use Permit in all zoning districts provided it complies with the applicable regulations and standards of Article IV, Section 4.25.

"Commercial WECS". A WECS that has a design output rated at 20 KW per day or greater, and is allowed in all zoning districts by Special Use Permit and as regulated by Article IV, Section 4.25.

"Survival Wind Speed". The maximum wind speed as designated by the WECS manufacturer at which a WECS in unattended operation but not necessarily producing power, is designed to survive without damage to any structural equipment or loss of the ability to function normally.

"Tower Height".

1. Horizontal Axis Wind Turbine Rotors: The distance between the ground and the highest point of the WECS as measured from the ground, plus the length by which the rotor blade on a horizontally mounted WECS exceeds the structure which supports the rotor and the blades.

2. Vertical Axis Wind Turbine: The distance between the ground and the highest point of the WECS. **Added by Amendment #06-07 adopted December 11, 2006.**

WIRELESS COMMUNICATION EQUIPMENT: Means the set of equipment and network components used in the provision of wireless communication services, including, but not limited to, antenna's, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables and coaxial and fiber optic cables, but excluding wireless communication support structures. **Added by amendment # 17-01 adopted 12/11/17**

WIRELESS COMMUNICATION SUPPORT STRUCTURE: Means a structure that is designed to support, or is capable of supporting, wireless communication equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole or building. **Added by amendment # 17-01 adopted 12/11/17**

ARTICLE IV
GENERAL PROVISIONS AND REQUIREMENTS

SECTION 4.1 - SCOPE OF THIS ARTICLE: The provisions, restrictions and limitations contained in this Article VI shall be applicable to all land use districts in the Township of Mayfield.

SECTION 4.2 - PROHIBITION: Except as otherwise provided in this Ordinance, no lot or parcel of land, no existing building, structure or part thereof and no new building, structure or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered or used for purposes other than in conformity with the provisions of this Ordinance.

SECTION 4.3 - ACCESSORY BUILDINGS AND USES: In all zoning districts only one (1) single family dwelling unit shall be placed upon a single lot or parcel unless provided for elsewhere in the Zoning Ordinance. Nothing contained herein shall be deemed to prevent the erection or maintenance of accessory buildings and uses, which are not at variance with the requirements of the particular zoning district, except that mobile homes, travel trailers, busses and other such units that are titled as a vehicle shall not be utilized as an accessory building. **Article VI, SECTION 4.3 Amended by Amendment #07-03 adopted 7/9/07.**

SECTION 4.4 - NONCONFORMING USES: It is the intent of this Ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same districts, except as provided as follows:

a. EXTENSION OF NONCONFORMING USE: The Township Board of Appeals may grant the extension of any nonconforming use in any existing building or structure, or any addition to or alteration of any existing building or structure for the purpose of extending such nonconforming use, throughout a given lot or parcel of land, provided such lot or parcel of land was in common ownership and of public record as of the effective date of this Ordinance. No hearing shall be held by the Board of Appeals until notice is given pursuant to Section 4.26 of this ordinance. If, on such hearing, it shall appear that the proposed addition, alteration, or extension of such nonconforming use is contrary to the purpose of this Ordinance or injurious to the neighborhood where situated, the Board shall deny the application. Part a. amended by amendment #06-06 adopted March 12, 2007.

b. CHANGES IN NONCONFORMING USE: No nonconforming use shall be changed to any other nonconforming use, and any nonconforming use changed to a conforming use shall not thereafter revert to any nonconforming use.

c. DISCONTINUATION OF NONCONFORMING USES: If the nonconforming use is discontinued through vacancy or lack of operation or any other means for a continuous period of one (1) year, the right to resume such use shall terminate and no use shall be made of such building or land, except in conformity with this Ordinance, provided, however, that the Township Board of Appeals may hear an application for resumption of such former use if filed by the owner within six (6) months of the termination. Such application shall be processed in the same manner as provided in SECTION 16.7 above.

d. REPAIR OF NONCONFORMING BUILDINGS: Nothing contained in this Ordinance shall bar or prevent the owner from making such repairs and reinforcements in

any nonconforming use as may be necessary in the interest of public safety or to secure the contained advantageous use of such building, but the right to make repairs shall not constitute a right to alter, enlarge or extend the said use. However, a nonconforming building in a conforming use may be repaired, altered or enlarged, provided such changes do not further the manner in which it fails to conform.

e. DESTRUCTION OF NONCONFORMING BUILDINGS: If a nonconforming building, in either a nonconforming or conforming use is damaged by fire, collapse, explosion, acts of God, or acts of the public enemy occurring after the effective date of this Ordinance, the owner shall make an application to the Board of Appeals for such restoration as is necessary, and any restoration must be completed within one (1) year following the granting of the appeal, unless otherwise authorized by the Board of Appeals.

SECTION 4.5 - SIGNS: On premise sign are regulated in this Section with regard to size, placement, illumination, spacing and general appearance in order to promote the public health, safety, convenience, general welfare and to reduce the hazards to life and property in Mayfield Township.

1. SIGNS, WITHOUT PERMITS: The following signs shall be permitted in all districts without permits:

a. Any sign advertising the sale or rental of real estate, but not exceeding nine (9) square feet in total area. All such signs shall be removed forthwith upon the sale of rental thereof.

b. One non-illuminated sign pertaining to a home occupation, but not exceeding sixteen (16) square feet in total area.

c. Name plate, house number, no trespassing, beware of dog type signs.

d. Temporary signs for political and charitable events within ninety (90) days of the event or election, not to exceed twelve (12) square feet and to be removed with seven (7) days after the event.

e. Directional signs and other signs erected by government agencies, such as memorial signs.

f. Construction signs no more than nine (9) square feet in size and only during the time of construction.

g. Temporary signs for yard sales and open houses, only during the time of the event.

h. Temporary business sign for seasonal businesses such as farms produce, and removed at the end of the season. (One (1) sign thirty two (32) square feet in size on M-37 and M-113, and sixteen (16) square feet on all other roads.)

2. SIGNS, WITH PERMITS: The following on premise signs shall not be erected in any part of the Township of Mayfield, except upon application to the Zoning Administrator for a permit therefor.

Application shall be made to the Zoning Administrator by submission of the required forms and fees, exhibits and information by the owner of the property on which the sign is to be located, his agent, or lessee.

1. The application shall contain the following information:
 - a. The property owners, signs owners, and applicant's name and address.
 - b. Address of the property on which the sign is to be situated.
 - c. Description of the business to which the sign relates and the purpose of the sign.
 - d. Drawing of the sign which includes a description of sign type, sign height, total surface display area in square feet, proposed graphics, and/or sign copy.
 - e. Site drawing which depicts lot and building dimensions, right-of-way line location, and proposed setback from road right-of-way line.
 - f. Approvals of other government agencies.
2. The Zoning Administrator shall not approve plans or issue a sign permit for any sign which does not conform to the provisions of this Ordinance.
3. Fees for the review of site plans shall be established by Board Resolution.
4. Signs in Agricultural and Residential Districts:
 - A. Construction Signs - A non-illuminated wall or freestanding sign announcing a development under construction not to exceed thirty two (32) square feet and ten (10) feet above normal grade. Setback shall be ten (10) feet from public right of way or private easement. Time period shall not exceed one (1) year.
 - B. Development Entry Signs - One sign, which may be illuminated, with a display area of thirty two (32) square feet and a height not to exceed ten (10) feet. If there is a second development entrance more than five hundred (500) feet from the first entrance, a second Development Entry Sign may be permitted. Setback shall be ten (10) feet from public right of way or private easement. Source of illumination shall not be visible beyond the property line.
 - C. A Home Occupation Sign and/or Home Based Business sign not to exceed twenty four (24) square feet and the setback shall be ten (10) feet from a public right of way or private easement.
 - D. Any sign approved by the planning commission as part of the special use and/or site plan review process.
5. On-premise signs in Commercial Districts:
 - A. Construction and Development Entry signs as regulated in 4 A and B above.
 - B. Any sign approved by the planning commission as part of the special use and/or site plan review process.
 - C. Signs which pertain exclusively to professional office or commercial developments in commercial districts shall be permitted subject to the following limitations. Signs shall be limited to one (1) wall sign and one (1) freestanding sign on the premises of a business establishment

or composite of businesses under single ownership subject to the following conditions.

A canopy sign may be substituted for a wall sign. A monument sign may be substituted for the permitted freestanding sign as provided below.

D. Signs consisting of menu boards and drive through type signs.

Wall Signs:

1)Wall signs shall be limited to one (1) such sign per business on each wall having an individual means of customer access.

2)Signs shall not project above the roof line or cornice.

3)Surface display area shall not exceed ten (10) percent of the building facade; however, no such sign shall exceed one hundred (100) square feet.

4)In the case of several tenants utilizing a common customer access, such as a shopping mall or office building, one (1) common wall sign shall be permitted provided that such sign does not provide more than twenty (20) square feet of surface display area for each tenant listed, up to a maximum of ten (10) percent of the building facade.

Canopy Signs:

1)Surface display area shall not exceed ten (10) percent of the building facade; however, no such sign shall exceed one hundred (100) square feet.

2)Such canopy shall have a minimum clearance height of eight (8) feet above grade; except that canopies shall be erected, whenever practicable, to match the under clearance and projection of canopies which exist on adjacent businesses, buildings, or lots.

Freestanding Signs:

1)In no case may freestanding signs exceed fifty (50) square feet in surface area if the lot on which the sign is located has less than two hundred (200) feet of lot frontage on the road toward which that sign is primarily oriented, seventy-five (75) square feet on lots with two hundred (200) or more, but less than four hundred (400) feet of lot frontage, and one hundred (100) square feet on lots with four hundred (400) or more feet of frontage.

2)Such signs shall be located behind the road right-of-way line. Further, a freestanding sign shall not be located within twenty (20) feet of the intersection of the access drive and the road right-of-way line.

3)A freestanding sign shall not exceed a height of twenty (20) feet above normal grade.

Monument Signs:

1)Surface display area of such sign may be twenty-five (25) percent greater than the permitted freestanding sign.

2)A monument sign shall not exceed a height of eight (8) feet above normal grade.

3)Such signs shall be landscaped at the base as required in the landscape section of the Township Zoning Ordinance.

Automobile Service and Gasoline Station Signs:

1)Automobile service and gasoline stations shall be permitted additional areas for signs on each pump island for displays, and on the pump island canopy. The aggregate area of such signs shall not exceed a total of one hundred (100) square feet.

2) One two-sided sign indicating price and grade of gasoline, each side not to exceed one hundred (100) square feet in surface display area, and twenty (20) feet in height may be erected.

E. Signs subject to special use permit - All signs proposed for illumination, revolving, moving, flashing or exterior signs using neon gas shall be subject to approval under special use provisions (Article V) of the zoning ordinance

6. On-premise signs in the Light Industrial District:

A. Construction and Development Entry Signs as regulation in 4 A and B above.

B. Any sign approved by the planning commission as part of a special use or site plan review process.

C. Signs as regulated in the commercial district, except that the maximum sign display area shall not exceed one hundred (100) square feet.

D. Industrial Park Signs - Industrial parks may have one (1) freestanding sign identifying the development near one entrance to the park. (In place of a Development Entry Sign as described in 6 A above.)

a. Surface display area shall not exceed one hundred (100) square feet per side and shall not exceed a height of twenty (20) feet above the normal grade.

b. Such signs shall be at least twenty-five (25) feet from any public or private road right-of-way line.

- E. Signs subject to Special Use Permit - all signs proposed for illumination (except development entry signs) revolving, flashing, moving or using neon gas shall be subject to special use approval under the special use provisions of the zoning ordinance.

Section 4.5 extensively revised by amendment #04-08 adopted January 10, 2005.

SECTION 4.6 - ESSENTIAL PUBLIC SERVICES: Essential public services such as drains, sewers, pipes, and conduits, but not including buildings and substations, are hereby declared exempt from the provisions of this Ordinance. Overhead wires, cables and poles shall be located on section or property lines, PROVIDED, however, that if such location is impractical, the Board of Zoning Appeals may on application made therefore, grant a variance. Communication towers are nonexempt, requiring a special use permit.

SECTION 4.6 Amended by Amendment 91-1, Adopted 10-8-91. (Section 4.6 A was Section 6.6 A prior to recodification.)

SECTION 4.7 - SUBDIVISION REQUIREMENTS: All subdivisions, in addition to requirements of other agencies, must meet the following Township requirements:

- a. The subdivision developer is responsible for maintenance of roads until approved by the County, and may not offer plats for sale until roads are approved.
- b. All grading, cutting, and filling of slopes in subdivision shall be approved by the Grand Traverse Soil Conservation Service. Recommendations concerning erosion control shall be followed by the developer.
- c. Centralized sewer and water will be required by the Township for all subdivisions as covered by Act 288 of the Public Acts of 1967, as amended.

SECTION 4.8 - RECREATIONAL UNITS: **Section 4.8 deleted in its entirety by Amendment 89-6, Approved 4-11-90.**

SECTION 4.9 - MOBILE HOMES: SECTION 4.9 deleted in its entirety by Amendment 89-7. Approved 4-11-90.

SECTION 4.10 - PROHIBITED USES: Notwithstanding anything in this Ordinance to the contrary, the following commercial uses are absolutely prohibited in the Township of Mayfield:

- a. Ammonia, chlorine or bleaching powder manufacture
- b. Animal black, lamp black or bone black manufacture
- c. Cement, lime, gypsum, or plaster of paris manufacture
- d. Creosote manufacture or treatment
- e. Distillation of coal, petroleum refuse, grain, wood or bones, except in the manufacture of gas
- f. Explosive manufacturing or storage except for small arm ammunition
- g. Fish curing, smoking or packing, fish oil manufacturing or refining
- h. Garbage, offal, dead animals, refuse, fats, incineration, reduction or storage, except by the municipality, its agents or contractors
- i. Glue manufacture, size or gelatin manufacture where the processes include the refining or recovery of products from fish, animal refuse or offal
- j. Junk yards

- k. Petroleum or inflammable liquid production, refining and above ground storage
- l. Slaughtering of animal, stock yards, hide rendering plants
- m. Smelting of aluminum, copper, iron, tin or zinc ore
- n. Storage, curing or tanning of raw, green or salted hides or skins
- o. Sulfurous, sulfuric, nitric, picric, carboic or hydrochloric, or other corrosive acid manufacture

SECTION 4.11 - YARD SALES: Yard sales or garage sales may be permitted, provided such sales are not conducted on the same lot for more than three (3) days (whether consecutive or not) during any ninety (90) day period. And provided further, that such sales are conducted only on a lot upon which a principal use is located. **SECTION 4.11 Amended by Amendment 89-2, Adopted 4-10-90. (Section 4.11 was Section 6.11 prior to recodification.)**

SECTION 4.12 - TOPSOIL REMOVAL, EARTH REMOVAL, QUARRYING, GRAVEL, SAND AND CLAY EXTRACTION, GRAVEL PROCESSING AND ALL OTHER MINERAL EXTRACTION AND PROCESSING BUSINESSES: Earth Removal, Quarrying, Gravel Processing, Mining and Related Mineral Extraction Businesses may be considered in any zoning district as a Special Use, following the requirements of Article V, Sections 5.1 and 5.2.

In addition to the Standards for Decisions specified in Article V, Sections 5.1.4 and Article V, Section 5.2, part d, Criteria for Review, the following conditions and limitations are, or shall be, strictly complied with, in addition to any other requirements contained in the township zoning ordinance or in any other township ordinance controlling such operations. **Amended by Amendment #07-02, adopted 5/14/07.**

a. Location

1. All such operations shall be located on a primary road, as defined by the County, for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, said commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.

2. Sufficient setbacks shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. Not such excavation operation shall be permitted closer than 150 feet to interior boundary lines of the property or such larger setback as may be required by the planning commission to adequately protect adjoining properties. However, if the adjoining property is also used for such mining and excavation operation, then the planning commission may reduce or eliminate the required setback from that interior boundary line. In addition, such setback may be temporarily reduced to 50 feet if reclamation of the land is promptly affected to increase the setback to at least 150 feet in accordance with the reclamation plan approved by the commission and adequate lateral support as set forth at all times maintained.

3. No excavation operation shall be permitted within 50 feet of adjoining public rights-of-ways except for the lowering of land

adjoining said rights-of-way to the grade level of said rights-of-way. Such excavation businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not mentioned.

4. The permanent processing plant and its accessory structures shall not be located closer than 250 feet from the interior property lines and adjoining public rights-of-ways and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to the digging or excavating apparatus and to the stockpiling or loading of materials and to the location of transportation equipment.

5. No such excavation operation shall be located within 100 feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, or such other state commission having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.

b. Site Barriers

1. Site barriers shall be provided along all boundaries of the site where quarrying gravel processing, mining and related mineral extraction is proposed, which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:

2. Earth berms constructed to a height of six feet above the mean elevation of the centerline of the adjacent public highway or six feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one foot vertical to three feet horizontal and shall be planted with grass, trees or shrubs.

3. Plantings of evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than four feet in height at the time of planting and which grow to not less than six feet in height at maturity sufficiently spaced to provide effective sight barriers when six feet in height.

4. Masonry walls or attractive solid fences made of uniform new materials constructed to a height of not less than six feet and maintained in good repair.

c. Nuisance Abatement

1. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.

2. Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation

designed to avoid any excessive dust or dirt or other air pollution injuries or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.

3. Hours. The operation shall be restricted to the hours of 7 o'clock a.m. until 7 o'clock p.m. and no operations shall be allowed on Sunday.

4. Fencing. All dangerous excavations, pits and pond areas, banks or slopes shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others, and shall be eliminated as expeditiously as possible.

d. Reclamation of Mined Areas or Excavated Areas

1. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one acre or more. Substantial completion of reclamation and rehabilitation shall be effected within one year after termination of mining or excavation activity. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity.

2. The following standards shall control reclamation and rehabilitation:

a. All excavation shall be either to a water-producing depth of not less than five feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-noxious, non-inflammable and non-combustible solids to insure:

(i) That the excavated areas shall not collect stagnant water and not permit the same to remain therein; or,

(ii) That the surface of such area which is not permanently submerged is graded or backfilled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.

b. The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation at a slope that shall not be steeper than one foot vertical to three feet horizontal.

c. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one-year period. Where used, top soil shall be applied to a minimum depth of four inches sufficient to support vegetation.

d. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.

- e. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.
- e. A performance bond or cash shall be furnished the township clerk insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of guarantee shall be not less than \$3,000 per acre proposed to be mined or excavated in the following 12 months' period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this ordinance and the applicant's filed plan.
- f. Submission of Operational and Reclamation Plans
1. No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted to the planning commission disclosing compliance with all of the provisions of the within ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:
 - a. A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property.
 - b. The number of acres and the location of the same proposed to be operated upon within the following 12-months' period after commencement of operations.
 - c. The type of mining or processing proposed to be conducted and the nature of the equipment to be used.
 - d. The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
 - e. Soil boring tests shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than 150 feet from the boundaries of the site, said boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by the township engineer. The written consent of the owners of adjoining premises and of the planning commission shall be required if mining operations shall be closer than specified in the within ordinance to the boundaries of the site.
 - f. A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed

mining activities. Such plan shall be submitted to the Grand Traverse County Cooperative Extension Office and to the Grand Traverse Soil Conservation District for recommendation to the planning commission.

g. Soil boring tests shall be submitted to provide the depth of the groundwater table of the proposed site.

h. An environmental impact statement, concerning the existing environmental conditions in the proposed area to be excavated, which should include statements concerning, but not limited to: land, vegetation, water, etc.

i. A soil erosion and drainage plan shall be submitted as provided by the Soil Erosion and Sedimentation Act, part 91 of Act 451 of 1994, as amended. Amended by amendment #07-02 adopted 5/14/07
Hearing

1. After receiving an application for the a special use permit for an earth removal, quarrying, gravel processing, mining, and related mineral extraction business accompanied by the required plans and specifications and permit fees, the planning commission shall hold a public hearing as specified in Article V, Section 5.1. Sentence amended my amendment #06-06 adopted March 12, 2007. Amended by amendment #07-02 adopted 5/14/07

2. The Planning Commission recommendation shall be based upon the criteria set forth in the within ordinance and shall be based, in addition, on a consideration on the following:

a. The most advantageous use of the land, resources and property.

b. The character of the area in question and its peculiar suitability, if any, for particular uses.

c. Conservation of property values, as well as natural resources and the general and appropriate trend and character of development in the subject area.

d. The protection and preservation of the general health, safety and welfare of the township.

e. The scarcity or value of the minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operations.

f. Whether or not the operations were previously in existence prior to the adoption of the text provision concerning the same and the extent and character of such previous operations.

g. In making any decision, the Township Board shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners. It may also limit the length of time its special use permit is to be effective and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed

upon the same. It shall be empowered to renew or extend a special use permit where all standards and conditions are complied with and may revoke or refuse to renew the same where noncompliance exists. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of said mined or disturbed area. No permit shall be revoked or not renewed until the operator has been given written notice of any violation forming the basis of such revocation or denial of renewal and not less than 30 days have elapsed to correct the said violation. The zoning administrator shall review all permits annually and report to the township board. The operator shall be required to pay an annual fee to cover the cost of inspections and additional meetings of the planning commission and/or the township board.

h. Liability Insurance. All operators shall be required to carry personal injury and property damage insurance while any unreclaimed or rehabilitated areas exist, in the amount of not less than \$100,000 for each person or property injured or damaged and not less than \$300,000 for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the township clerk.

i. Variances. The Zoning Board of Appeals shall have the right and authority to grant variances from the foregoing conditions and limitations where particular circumstances or hardship may exist, the spirit and intent of the provisions to protect the neighborhood from devastation are still complied with the substantial justice would thereby be effected.

Section 4.12 Amended by Amendment 89-3, Adopted 4-11-90. Section 4.12 amended by amendment #07-02 adopted 5/14/07

SECTION 4.13 - PROVISIONS FOR BED AND BREAKFAST ESTABLISHMENTS:

1. The property is suitable for transient lodging facilities.
2. The use is compatible with other allowed uses in the surrounding district.
3. Adjacent lands shall not be subject to increased trespass.
4. The impact of the establishment is not greater than that of a private residence with house guests.

Specific Standards: The following requirements together with any other requirements of this Ordinance shall be complied with:

- a. The minimum lot size shall be as required for the residential district.
- b. Parking provisions and requirements are one (1) space per sleeping room and one (1) per owner occupant.

c. One (1) sign identifying the establishment not to exceed sixteen (16) square feet in area and not closer to the road right of way than fifteen (15) feet shall be allowed subject to the requirements of Section 4.17 (dark night sky).

Article IV, Section 4.13 part 4 c, amended by amendment 02-10 adopted 9/9/02

d. The residence shall be the principal dwelling unit on the property and shall be owner occupied at all times.

e. The rooms for sleeping shall be a part of the primary residential use and not specifically constructed for rental.

f. The rental sleeping rooms shall have a minimum size of one hundred (100) square feet for each two (2) occupants with an additional thirty (30) square feet for each occupant to a maximum of four (4) occupants per room.

g. The establishment shall have at least two (2) fire exits to the outdoors.

h. Use of snowmobiles, all-terrain vehicles or similar vehicles, boats and other marine equipment, in conjunction with the operation of the establishment shall be prohibited.

i. The keeping of domestic pets of traveling tourists shall be up to the owner's discretion.

j. Each owner/operator of a Bed and Breakfast establishment shall keep a guest registry which shall be available for inspection by the Zoning Administrator, and police and fire officials at any time.

k. A site plan including a floor plan layout shall be provided drawn to a scale of not less than 1" = 50' that shows all the appropriate provisions of this section and related sections of the Zoning Ordinance.

Article VI, SECTION 4.13* Added by Amendment 90-5, Adopted 2-23-91.

Article VI, SECTION 4.13* Added by Amendment 96-1, Adopted 2-19-97.

SECTION 4.14 - PROVISIONS FOR FLEA MARKETS, OPEN AIR MARKETS.

1. Access is from a State Highway or County Primary Highway. Access must be approved by MDOT and/or the Grand Traverse County Road Commission prior to approval by Township.
2. Sanitary facilities shall be approved by the County Health Department prior to approval of the use by the Township.
3. Storage of merchandise and/or other items shall be screened from view of adjacent property.
4. Trash and waste paper shall not be allowed to accumulate and blow onto adjacent property and adequate facilities and/or services for the removal of trash, junk and other items shall be shown at the time of application for a special use permit.
5. Signs shall be as regulated in Article VI, SECTION 4.5.
6. Parking shall be provided outside of the public right of way on the basis of three spaces for each stall or vendor and shall be a dust

free, durable surface graded and sloped to provide drainage. No parking shall be permitted on the public road. A detailed site plan shall be provided with the application.

7. Adequate provision shall be made for access by emergency vehicles, and loading and unloading areas.
8. Lighting shall be non-flashing and shall be directed only downward and into the property.
9. Minimum lot size shall be five (5) acres.
10. Noise levels shall not be greater than normal street noise at the property boundary of 65 decibels.
11. Hour of operation shall not be after 11:00 p.m. or before 5:00 a.m.
Section 4.14 Amended by Amendment 91-2 Adopted 10-9-91. (Section 4.1 was Section 6.1 prior to recodification.)

SECTION 4.15 - PROVISIONS FOR BILLBOARDS

Billboards may be established upon the issuance of a Special Use Permit with the requirements of Article V, Section 5.1 provided they meet the following conditions:

Intent: The economic health and wellbeing of Mayfield Township, Grand Traverse County and the Grand Traverse region depends upon the area's natural scenic beauty and environmental quality. The region's highway corridors are subject to the highest visual exposure of any areas within the Township and region therefore, it is deemed necessary within these corridors to protect the area's natural landscapes and community character from visual pollution. Such protection is deemed essential to the community health, safety and welfare. To assure such protection, the following standards are established:

1. Not more than two (2) billboards may be located for each linear mile of highway regardless of the fact that such billboards may be located on different sides of the highway. The linear mile measurement shall not be limited to the boundaries of the Township of Mayfield where the highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a highway shall be considered as one billboard. Otherwise, including billboard structures with tandem (side by side) or stacked (one above the other) billboard faces, shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set for in 2. below.
2. No billboard shall be located within three thousand (3,000) feet of another billboard abutting either side of the same highway.
3. No billboard shall be located within three hundred (300) feet of a residential zone and/or existing residence. If the billboard is illuminated, this required distance shall be four hundred (400) feet.
4. No billboard shall be located closer than the required front yard width from a property line adjoining a public right-of-way or a side yard width from any interior boundary line of the premises on which the billboard is located.

5. The surface display area of any side of a billboard may not exceed six hundred (600) square feet. Billboards may be double-faced but not stacked or in tandem. **Section 4.15. part 5 amended by amendment 02-01 adopted 2/20/02**
6. The height of a billboard shall not exceed twenty five (25) feet above the natural grade of the ground on which the billboard sits. **Section 4.15, part 6 amended by amendment 02-01 adopted 2/20/02**
7. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
8. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare, upward light or reflection onto any portion of an adjacent street or highway, property, landscaping, etc., the path of oncoming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
9. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
10. A billboard established within a business, commercial or industrial area, as defined in the "Highway Advertising Act of 1972" being Act 106 of PA 1972, bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such from time to time may be amended.
11. No person, firm or corporation shall erect a billboard within Mayfield Township without first obtaining a permit therefore from the Mayfield Township Zoning Administrator, which permit shall be granted upon a showing of compliance with the provisions of this Ordinance, payment of a fee therefore, and the contractual agreement allowing for the installation of said billboard. Permits shall be issued for a period of one (1) year, but shall be renewable annually upon inspection of the billboard by the Zoning Administrator, confirming continued compliance with this Ordinance and payment of the billboard permit fee. The amount of the billboard permit fee required hereunder shall be established by resolution of the Mayfield Township Board and shall bear a reasonable relationship to the cost and expenses of administering this permit requirement. The Township Board shall further have the right to amend the aforementioned resolution from time to time within the forgoing limits of reasonableness.
12. Billboard abandoned - means a billboard or billboard structure subject to the provisions of this Ordinance the owner of which has failed to secure a permit, has failed to identify the billboard structure, or has failed to respond to notice of the alleged violation. **Article IV, SECTION 4.15 Amended by Amendment 91-3 Adopted 10-9-91. Article IV, SECTION 4.15 Amended by Amendment 95-2 Adopted 2-10-97.*Section 4.15 was Section 6.15 prior to recodification.)**

SECTION 4.16 - PRIVATE ROAD STANDARDS: When private road development occurs in Mayfield Township, the following minimum private road standards shall apply. No person, firm, or corporation shall hereafter divide any land without providing for public or permanent private easements for access to such divided lands with said private easements to conform to these minimum requirements:

1. Every structure hereinafter erected or moved shall be on a parcel abutting a public road or an approved private road and with access to the road to provide safe, convenient access for serving fire protection and any required off-street parking. No resultant land from any land division shall have road frontage less than that required for the district it is located in.
2. All private roads constructed in Mayfield Township shall be constructed in a good and workmanlike manner upon the parallels to the centerline of a permanent right-of-way easement duly recorded with Grand Traverse County Register of Deeds. Right-of-way easements, while not required to be dedicated, will be reserved for future dedication and preclude any development within this designated area. All plans as submitted for approval must show the private road easement, including a legal description, the grades for the roads and any drainage facilities and structures.
3. There shall be a clear vision zone at corners of intersecting road or junctions with written approval from MDOT, and/or the Grand Traverse county Road commission, where the private road intersects a Michigan Highway (M-37 or M-113) or a county maintained road. If the intersection is to a connecting private road, then the clear vision area shall consist of a triangular area defined by the point of intersection of the right-of-way lines and the two points extended along such lines a distance of twenty-five (25) feet from the point of intersection and within which area no obstruction to vision shall be allowed. This section shall not prohibit the requirement of a greater clear vision area where such is necessary in view of anticipated traffic volumes or geographic conditions.
Section 4.16, part 3 amended by amendment 02-02 adopted 9/9/02
4. Requirements for all private road easements:
 - a. Unless otherwise stated in this ordinance, easements shall be minimum of sixty-six (66) feet wide. The Mayfield Township Planning Commission or its agent may require additional width to the right-of-way easement to insure for adequate construction in specific situations.
 - b. The right-of-way easement width on curved portions of roads shall be the same as for tangent portions.
 - c. The minimum distance between private road outlets on a single side of a public road shall be six hundred (600) feet.
5. A drainage plan shall be submitted on a topographic map, indicating the manner in which surface drainage is to be dispersed. In no case shall runoff from a private road be

diverted beyond the limits of that private road onto adjacent roads or property unless appropriate easements are provided.

6. All roads constructed in Mayfield Township shall be constructed as to sufficiently control storm water runoff, permit effective storm water drainage, prevent soil erosion and have all required storm water and soil erosion control permits. Private roads shall be laid out to the greatest extent feasible to achieve the following objectives:
 - a. Not on soils classified as "hydric" (wetland soils) by the USDA Soil Conservation Service.
 - b. Along fence rows or the edges of the open fields or other open spaces adjacent to any woodlands.
 - c. No portion of the road grades shall exceed ten (10) percent. **Section 4.16, part 6, c., amended by amendment 02-02 adopted 9/9/02**
7. A private road serving or to serve a maximum of two (2) lots, parcels, or condominium units shall at a minimum meet the following standards:
 - a. Shall be located on a right-of-way easement a minimum of thirty (30) feet wide.
 - b. Have a sand and gravel base of not less than nine (9) inches in depth of which the top three (3) inches in depth shall be at a minimum, road grade gravel. **Section 4.16, part 7 b amended by amendment 02-04 adopted 8/8/02**
 - c. Have a roadbed not less than twelve (12) feet wide.
 - d. Be constructed over adequate culverts where necessary.
 - e. No portion of the road grades shall exceed ten (10) percent.
 - f. Parcels shall not be required to have a minimum of one hundred fifty (150) feet of frontage on a private road.
Section 4.16, part 7 f added by amendment 02-04 adopted 8/8/02
Section 4.16, part 7 amended by amendment 02-02 adopted 9/9/02
8. A private road serving or to serve a minimum of three (3) and a maximum of six (6) lots, parcels or condominium units shall at a minimum meet all of the standards in #7 above, except that the minimum road bed width shall be sixteen (16) feet rather than twelve (12) feet, and the top six (6) inches shall be road grade gravel.
Section 4.16, part 8 amended by amendment 302-04 adopted 8/8/02
Further, the minimum frontage on the private road shall be one hundred fifty (150) feet. **Added by amendment #03-05 effective 9/21/03.**
9. A private road serving or to serve a minimum of seven (7) and a maximum of twelve (12) lots, parcels or condominium units shall at a minimum meet all of the standards in #8 above, with the exception of the following:
 - a. Shall be located on a right-of-way easement a minimum of sixty-six (66) feet wide.

b. Have a roadbed not less than nineteen (19) feet wide.

c. Paving shall be required in those areas that have grades greater than five (5) percent. Pavement in said areas shall be a minimum of eighteen (18) feet in width and other than pavement width meet or exceed County Road Commission standards for materials, thickness and roadbed construction. (Grade shall be determined by finding the differences in elevations at stations located at one hundred (100) feet intervals along the centerline of the final road grade.)

Section 4.16, part 9 amended by amendment 02-02 adopted 9/9/02

10. A private road serving or to serve more than twelve (12) lots, parcels or condominium units shall meet design specifications and standards in #9 above, with the following exceptions:

a. Have a paved roadbed not less than twenty-four (24) feet wide unless it connects with a public road in which case all County Road Commission standards shall be met. The paved road bed must meet or exceed the minimum requirements of the Grand Traverse County Road Commission for materials, thickness, and road bed.

b. If more than twenty-five (25) lots have access to a private road then a second means of access approved by the Grand Traverse County Road Commission and the Fire Department shall be provided.

Section 4.16, part 10 amended by amendment 02-02 adopted 9/9/02

11. Construction permits from the County Road Commission are required for connection to County roads. No land use permits will be approved for any parcels that use, or border on, a private road until the road construction is completed and approved by the applicable government units(s), and meets all other private road standards as specified in Section 4.16.

Part 11 amended by amendment 02-02 adopted 9/9/02

Part 11. amended by amendment 09-01 adopted 12/14/09

12. Application for road construction shall be made at the same time as a land division occurs creating a lot(s) without frontage on an existing public road. Prior to approval by the Mayfield Township Zoning Administrator, the applicant will provide the following:

a. Payment of an application fee as determined by the Mayfield Township Board. This does not include the fee for land division.

b. Three (3) sets of engineered road plans and drainage plans, with approval from the Grand Traverse County Soil Erosion Officer.

Note: The above referenced plans are required for the creation of three (3) or more parcels.

Section 4.16, part 12 b amended by amendment 02-04 adopted 8/8/02

c. Road maintenance agreement and deed restrictions satisfactory to the Mayfield Township attorney, is required for all developments containing two (2) or more parcels, signed by applicant/owner, providing for:

1. A method of initiating and financing of such road in a good and usable condition.
2. A workable method of apportioning the costs of maintenance and improvements to current and future users.
3. That if repairs and maintenance are not made within six months of the date of notice from the Mayfield Township Zoning Administrator, Mayfield Township may bring the road up to County Road Commission standards and assess owners of parcels on the private road for the cost of all improvements.
4. Notice that no Mayfield Township funds are to be used to build, repair or maintain the private road.
5. Easements to the public for purposes of emergency and other public services.
6. A provision that the owners of all of the property shall refrain from prohibiting, restricting or limiting in any manner the ingress or egress shall include use by family, guests, invitees, vendors, trades persons, delivery persons and others having a need to use the road.

Section 4.16 part c amended by amendment 02-04 adopted 8/8/02

- d. Approval from the local fire department in regards to access for emergency vehicles.
- e. General Notes:

The Mayfield Township Zoning Administrator reserves the right to take all private road construction plans to the Mayfield Township Planning Commission for review.

The Mayfield Township Zoning Administrator and/or the Planning Commission reserves the right to hire an engineer to review the road plans. In such an instance the applicant will be responsible to pay any and all reasonable costs associated with this review process. This may include, but is not limited to, the review of the plans, any on-site reviews during construction, and a final approval of the road construction.

All private roads shall be designated as such, have a sign and name approved by the Mayfield Township Zoning Administrator and Grand Traverse County, and the sign shall be erected by the applicant. All private roads shall also have a sign stating "Private Road" in four (4) inch letters and "Not Maintained by Grand Traverse County Road Commission" in a minimum of two (2) inch letters. All address numbering shall meet County requirements.

Once the private road plans are approved by all parties involved, the Mayfield Township Zoning Administrator will issue the permit.

All purchasers of property where private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, conforming to the following:

*"This parcel of land has private road access across a permanent _____
(insert size of easement as required by this ordinance, determined by the*

number of lots or units served) *foot easement which is a matter of record and part of the deed.*" This notice is to make the purchaser aware that this parcel of land has egress and ingress over this easement only.

Neither the County nor Mayfield Township has any responsibility of the owner of record. The United States Postal Service and the local school district are not required to traverse this private road and may provide service only to the closest public access.

Section 4.13 Amended by Amendment 96-2, Adopted 2-10-97 (Section 4.13 was Section 6.13 prior to recodification.)

Section 4.16, part 12 amended by amendment 02-02 adopted 9/9/02

ARTICLE IV, SECTION 4.17 - LIGHTING: It is the policy of Mayfield township at all lighting in all districts shall be directed downward to preserve dark night skies, and to the extent practical, lighting shall be contained on the property for which the lighting is intended to benefit, and that lighting shall be shielded in such a manner as to prevent glare or reflection onto adjacent property onto the public right of way, or private roads.

Section 4.17 Amended by Amendment 99-7, Adopted 5-14-00

ARTICLE IV, SECTION 4.18 - PLANNED DEVELOPMENTS

INTENT: The Mayfield Township Master Plan has a stated goal to maintain the agricultural, forest and rural character of the township by encouraging the clustering of future development to preserve open space. These regulations are intended to implement that goal by promoting efficient and thoughtful use of the land, while encouraging a diversity of housing types and mixed uses where permitted. The permanent open space created by these regulations will help to preserve the natural and scenic elements that are integral to the rural character of the Township, including farmland and wood lots, so that agriculture and forestry can continue to be a part of the local economy.

PERFORMANCE STANDARDS:

A. All planned developments are subject to Site Plan Review as outlined in Article 5, Section 5.2 Site Plan Review.

B. All legal methods of land division may be used in the design of a Planned Development. All pertinent regulations of this Ordinance or other Ordinances of the Township of Mayfield shall be complied with.

Further, any Planned Development shall comply with all pertinent County and State regulations, requirements and laws.

C. The total minimum land area within the parcel making up a Planned Development site is ten (10) acres.

D. The maximum number of lots or condominium units allowed within a Planned Development shall be equal to the site's total land area divided by the maximum unit density for the zoning district in which the Planned Development is located. The maximum number may be required to be reduced, due to limiting physical characteristics of the development site. For the purpose of this Section, lots or condominium units intended for residential purposes shall be for single family use only. Amended by amendment #05-01 adopted July 11, 2005.

E. The Planned Development shall be designed and developed in a manner compatible with and complementary to existing uses, or development recommended by the current Master Plan for the immediate vicinity of the project site. Site planning for the property perimeter shall provide for the protection from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences from within the development.

Open Space Standards: Open Space shall consist of a minimum of fifty percent (50%) of the total project area. All lands within Open Space areas are required to be protected by a permanent conservation easement, or similar vehicle, which safeguards the site's special resources. Land within the Planned Development site that is not contained in Site Condominium Units or common elements shall be dedicated or reserved as permanent Open Space.

A. Open Space use, location, design: Open Space shall be dedicated or reserved for one or more of the following uses:

1. Conservation and protection of any important historic or natural resources.
2. Retention of productive farm land or forest land for continued agricultural and/or forestry uses.
3. Provision of passive outdoor recreation opportunities such as walking trails/nature trails.
4. Open Space may contain individual water supply wells or subsurface sewage disposal fields serving dwelling units on adjacent lots, or community wells, provided such structures do not conflict with the principle uses of the Open Space.
5. Up to fifty percent (50%) of the land contained in a private road and/or access easement may be credited as part of the open space requirements, provided that an additional four (4) foot minimum width pathway is provided within the private road or access easement. Such open space credit shall be considered for the actual linear length of the improved pathway, remaining area of any road right-of-way or private easement would not be included in the open space credit. **Part 5 added by amendment 09-02 adopted 12/14/09**

B. Highest priority shall be given to the location, design, and use of the Open Space in the development site.

C. The location, size, character, and shape of the required Open Space in the development site.

D. Commercial and Light Industrial Developments: If the proposed development is not of a mixed use character, and is for commercial or light industrial purposes, then the strict adherence to the fifty (50) percent open space requirement may be waived by the Mayfield Township Planning Commission. Provided however, that where such commercial or light industrial development abuts a residential or agriculturally zoned area with residential uses, than a buffer of a minimum of fifty (50) feet shall be maintained around the perimeter of the development and dedicated as permanent open space as part of the development plan and pursuant to the requirements of this Ordinance. In the event that the adjacent area is planned for commercial or light industrial uses in the Township Master Plan and is vacant, then in that event the Mayfield Township Planning Commission may waive the requirement for a buffer.

A buffer thus created under this provision shall be landscaped as approved with a site plan review by the Mayfield Township Planning Commission prior to the issuance of any land use permits for use of the building sites in the development.

Section 4.18, part D added by amendment 02-7 adopted 9/9/02

Open Space Dedication or Reservation:

A. Ownership of the Open Space shall be conveyed to a homeowners association, property owners' association, public agency, nonprofit organization or similar legal entity capable of, and willing to accept responsibility for managing the Open Space for its intended purpose.

B. Each dedicated or reserved Open Space parcel shall be shown on all Planned Development plans and recorded with the Grand Traverse County Register of Deeds, with a notation of its area and its intended Open Space use.

Open Space Maintenance: The owner of the Open Space shall be responsible for maintaining the Open Space so that it continues to function effectively for its intended use, and any dedication or conveyance of an Open Space parcel shall provide for such responsibility. Maintenance provisions shall be filed with the Grand Traverse County Register of Deeds, either as part of recorded documentation providing for the establishment of a homeowners association or similar legal entity that is to be responsible for maintenance and control of the Open Space, or in a maintenance agreement recorded with the property deeds.

Pre-application Plan Discussion: Article 5, Section 5.2.3 provided for an option Sketch Plan Review. Applicants are encouraged to utilize this procedure to allow preliminary discussions between the applicant and the Township Planning Commission prior to extensive design costs which might be necessary for final site plan approval. The Township Planning Commission shall not be bound by any tentative approval given at this time.

Section 4.18 Added by Amendment 00-03, Approved 2-12-00

Section 4.18 Amended by Amendment 01-03, Approved 8-12-01

Section 4.19 REVIEW OF APPLICATIONS AND PLANS

In addition to the requirements of this Article IV, application, review and approval of Planned Developments (also called Planned Unit Developments) shall be in the same manner as special land uses in Article V. A public hearing shall be held by the Township Board and notice provided pursuant to Section 4.26 of this ordinance on applications for Planned Development. **Added by amendment #06-06 adopted March 12, 2007.**

It is the policy of Mayfield Township that in the event professional assistance is deemed necessary by the Planning Commission or Township Board for competent review of proposals by any applicant, then, in that event, the Township reserves the right to retain a suitable professional to conduct an independent review and report his/her findings to Mayfield Township.

Any professional fees resulting from such review as authorized by Mayfield Township found necessary to comply with the intent and purpose of the Ordinance, shall be paid by the applicant prior to the issuance of a land use permit.

Professional fees assessed to an applicant under this Section shall not exceed the actual costs to the Township, nor shall they be in excess of charges standard in the industry or profession.

Section 4.19 added by amendment 02-03 adopted 9/9/02

Section 4.20 SPECIAL RULE APPLICABLE TO DETERMINING LOT AREA AND WIDTH

When calculating the minimum lot area and minimum lot width requirements under this Ordinance, the area included within, and width of, an ingress/egress over that lot shall be excluded from those calculations, respectively.

Section 4.20 added by amendment 02-08 adopted 9/9/02

Section 4.21 LANDSCAPE ORDINANCE

Statement of purpose:

The purpose of landscape requirements is-

- *To protect and enhance the property values, economic welfare and community attractiveness.
- *To provide beneficial climatic impacts by cleaning the air and providing shade.
- *To facilitate preservation of existing valuable trees and other vegetative cover.
- *To provide wildlife habitat and environmental standardization within developed areas.
- *To protect privacy.

General Performance Standards:

The standards of this section are minimum requirements. Nothing shall preclude a developer and the Township from requiring more extensive landscaping, as deemed necessary and appropriate.

Landscape requirements shall not apply to single family residences located on individual lots.

Landscape requirements shall apply to Light Industrial and Commercial zoned areas, along with all site plan reviews.

Plantings shall be designed as to not conflict with power lines or impede fire safety services.

Existing vegetation- Significant trees, grasses, and shrubs are to be preserved within areas not required for development and credit for these trees may be given to the developer.

The Planning Commission and/or the Zoning Administrator will give special consideration to alternative landscape plans as part of the site plan review process that will meet the intent of the landscape provisions of this Ordinance for screening between conflicting land uses, loading and trash storage areas, and enhancement of the attractiveness of business uses in the Township. **Paragraph added by amendment # 14-01 adopted 3/16/15**

These requirements shall apply to all uses which require a site plan review. No site plans shall be approved unless said site plan depicts required

greenbelt buffers, screening, and landscaping consistent with the requirements of this section. For cases where the use of an existing building changes or an existing building is altered or reoccupied, all the standards set forth in this section shall be met.

1) Greenbelt Buffers Along The Road Right of Way

Where paved ground surface areas are located adjacent to sidewalks, roads and other public or private right-of-ways, a greenbelt buffer shall be provided. A greenbelt buffer shall conform to the following standards:

- A) A strip of land a minimum of ten (10) feet in width shall be reserved along the road right-of-way and shall be landscaped as provided below.
- B) A minimum of one, one (1) inch caliper deciduous tree shall be planted for each thirty (30) lineal feet, or fraction thereof, of a road right-of-way frontage or one, two (2) inch caliper deciduous tree or one, ten (10) foot high evergreen tree, at the time of planting, shall be required for every fifty (50) feet of greenbelt area. Such plantings shall be nursery grown or shaped by pruning to achieve compactness. Required trees may be planted at uniform intervals, at random, or in clusters. **Revised by amendment # 14-01 adopted 3/16/15**
- C) The remainder of the greenbelt area shall be landscaped in grass, ground cover, shrub, and/or other natural, living plant materials. Plantings in this buffer area shall be maintained in a healthy condition.
- D) Access drives from the road right-of-ways shall be permitted to interrupt a greenbelt buffer. However, such access drives shall not be subtracted for the lineal dimension used to determine the minimum number of trees required unless such calculation would result in a violation of any minimum spacing requirements.

2) Screening Between Land Uses

Where a nonresidential use is adjacent to properties zoned or used for residential uses, one of the following forms of screening shall be provided. The Planning Commission and/or the Zoning Administrator shall retain the right to require a specific screening, if proposed screening is deemed inappropriate or ineffective. A landscape screen shall conform to the following standards:

- A) A strip of land a minimum of ten (10) feet in width located between the residential use or residential zoning district and the nonresidential use or zone.
- B) The equivalent of one (1) tree for each twenty five (25) lineal feet of buffer zone, or fraction thereof, shall be planted between the residential use or residential district and the conflicting land use. Required trees may be planted at uniform intervals, at random, or in clusters, to be determined by the Planning Commission and/or the Zoning Administrator

- C) The property owner shall maintain all landscape materials in a healthy condition, free from refuse or debris. All unhealthy or dead plant materials shall be replaced within one (1) year or the next planting season. All plant materials shall be installed in such a manner so as not to alter drainage patterns, obstruct vision for safe ingress and egress, and not cause damage to utility lines or public roads.

3) Landscape Materials Shall Meet the Following Minimum Standards:

- A) Plant materials and grasses shall be of generally acceptable varieties and species, free of insects and diseases, and hardy to Grand Traverse County.

- B) Minimum plant sizes at the time of installation are:

Deciduous canopy trees shall be at least one (1) inch in diameter at the base, and eight (8) feet tall.

Evergreen trees shall be at least three (3) feet in height.

4) Screening of Trash Storage Areas

- a. All trash storage areas shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly, and sanitary condition

- b. A wall, at least six (6) feet in height, shall enclose three (3) sides of the trash storage area. Such walls shall be constructed of materials approved by the Zoning Administrator to be durable and weather resistant. Bollards and/or other protective devices shall be installed at the opening and to the rear of any storage area to prevent damage to the screening walls. The surface under any such trash storage area shall be constructed of concrete, which complies with local building requirements. At no time should any refuse be visible above the required screening.

- c. Any storage area shall be located in a rear yard and/or be so located and arranged as to minimize its visibility from adjacent roads and uses. The Planning Commission and/or Zoning Administrator may require an obscuring gate when the visibility of such a storage area, from a public road or adjacent use, is deemed to render an adverse influence.

5) Fence Screening and Berms-The use of berms and fencing is not encouraged but will be considered when their use is deemed necessary to screen items that the above guidelines do not effectively cover.

- a. Berms shall be constructed with slopes not to exceed 1:3 gradient with side slopes designed and planted to prevent erosion, and with a rounded surface a minimum of two (2) feet in width at the highest point of the berm, extending the length of the berm. Berm slopes shall be protected with sod, seed, shrubs, or other forms of natural ground cover.

b. Fencing shall be constructed of brick, stone, lumber, wrought iron, decorative concrete block, or similar material. Proper fencing should have a unifying effect upon an area or streetscape. Cluttering by an uncoordinated selection of designs and materials should be avoided. Coordination of fencing among neighboring properties in this matter can affect the visual harmony of an area.

This ordinance is intended to be used as a guideline for landscaping in the areas stated. All final landscape decisions will be determined by the Planning Commission and/or the Zoning Administrator, at the time of site plan review.

Section 4.21 added by amendment 02-11 adopted 1/13/03

Landscape Maintenance

A. All required landscape areas shall be continuously maintained in a healthy, growing condition. Failure to maintain required landscaped areas in such a manner, including removal and replacement of dead or diseased plant materials, shall constitute a violation of this Ordinance.

B. The use of native species of shrubs and trees can help ensure the long-term health of the landscape. Plant species the same or similar to those growing in undisturbed areas of the Township can be suitable examples of well-adapted plants that will also contribute to maintenance of the rural character of the Township. **Added by amendment # 14-01 adopted 3/16/15**

SECTION 4.22 OUTDOOR STORAGE: Yards for the storage of supplies, material and machinery generally used by contractors and heavy equipment businesses either owned or not by the property owner, and off-season storage of boats and recreational units shall be located only in areas approved by the Planning Commission following the provisions of Section 5.1, Special Use Permits and Section 5.2 Site Plan Review. Such storage yards shall be sufficiently screened from view from off the property and may be enclosed with approved evergreen landscaping and/or a solid fence not less than six (6) feet and not more than eight (8) feet high and constructed and maintained in such suitable manner in accordance with this Ordinance.

In approving or disapproving such a fence to screen outdoor storage, the following standards shall be applied:

- a) The fence shall be constructed in accord with Section 4.21, part 5 b of this Ordinance and of such materials and of such design as to reasonably prevent trespassers from entering the premises.
- b) The fence shall be constructed of materials which totally obstruct the view off the premises enclosed.
- c) The fence shall be maintained in an attractive manner and shall not in any way be used as a sign or billboard.
- d) Lighting shall be as regulated in Section 4.17.
- e) Signs shall be as regulated in Section 4.5.
- f) Landscaping shall be as regulated in Section 4.21.

Section 4.22 added by Amendment #04-05 adopted 4/10/04.

SECTION 4.23 PRIVATE COMMUNITY SANITARY SEWER SYSTEMS: Pursuant to the requirements of Act 241 of 2005, as amended, the Township of Mayfield, Grand Traverse County, Michigan, is not responsible or subject to penalties or sanctions for an unauthorized discharge from a private community sanitary sewer system constricted within the township under a permit from the Michigan Department of Environmental Quality unless the Township has accepted responsibility in writing for the same and has also been notified by MDEQ of such responsibility.

Section 4.23 added by Amendment #06-02 adopted 6/12/06

SECTION 4.24 CONDITIONAL REZONING

A- Purpose and Scope. It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 16i of the township Zoning Act (MCL125.286i) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions.

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed, or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development

is ultimately granted in accordance with the provisions of this Ordinance.

8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered into voluntarily by the owner. An owner may withdraw all or part of the offer of conditions at any time prior to the final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with the appropriate notice and a new recommendation.

C. Planning Commission Review. The Planning Commissions, after public hearing and consideration may recommend approval, approval with recommended changes or denial of the rezoning; provided however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the Owner.

D. Township Board Review. After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 11 of the Township Zoning Act (MCL 125.281), refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

E. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.

2. The Statement of Conditions shall:

- a. Be in a form recordable with the Register of Deeds of Grand Traverse County.
- b. Contain a legal description of the land to which it pertains.
- c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
- d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner and that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.

e. Contain a statement acknowledging that the Statement of Conditions shall be recorded by the Township with the Grand Traverse County Register of Deeds.

f. Contain the notarized signature of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.

4. The approved Statement of Conditions shall be filed by the Township with the Register of Deeds of Grand Traverse County.

5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions.

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with the entire conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

G. Time Period for Establishing Development or Use. Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning takes effect and thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise be inconsistent with sound zoning policy.

H. Reversion of Zoning. If an approved development and/or use of the rezoned land do not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification as set forth in MCL125.3405. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of

the rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

I. Subsequent Rezoning of Land. When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification, to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owners written request, the Township Clerk shall record with the Register of Deeds of Grand Traverse County a notice that the Statement of Conditions is no longer in effect.

J. Amendment of Conditions.

1. During the time period for commencement of an approved development or use specified pursuant to Subsection G above, or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.

2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

K. Township Right to Rezone. Nothing in the Statement of Conditions, nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Township Zoning Act (MCL 125.271 et seq.)

L. Failure to Offer Conditions. The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

Section 4.24 added by amendment # 06-03 adopted 6/12/06

Section 4.25 WIND ENERGY CONVERSION SYSTEMS (WECS)

A. A Household WECS shall be allowed in all Land Use Districts as a permitted use and as regulated by this Section, and a Commercial WECS is allowed in all Land Use Districts as a special use as regulated by this Section and Article V, with site plan approval by the Planning Commission. In addition to the requirements contained in Article V regarding special uses and site plans, an application for a WECS shall contain the following requirements:

1. Documentation establishing the legal mechanism for siting the WECS, that is, by easement, license, lease or by virtue of ownership of the parcel.

2. A site plan showing the locations of all existing overhead electrical transmission wires or distribution lines whether utilized or not, and the location of each WECS with its specific dimensions.

3. A project description showing for each WECS its height above grade, diameter of the rotor and tower type.

4. Construction plans and specification for each proposed WECS and its anchoring system certified as structurally safe by a manufacturer registered with the State of Michigan.

5. A statement of the survival wind speed for each WECS.

6. In the case of an interconnected WECS, proof of written notice to the local electric utility company of the proposed interconnection and the utilities response thereto.

B. Size and Setbacks:

1. The minimum parcel size shall be two (2) acres for each WECS. This minimum size requirement shall supersede all other parcel size requirements for the land use district within which the WECS is proposed.

2. In addition to any required setback area for the land use district in which a WECS is proposed, there shall be an additional setback equal to and not less than the height of each WECS, measured from the base of each WECS to all points on the underlying district's setback line.

C. Accessory Structures:

1. All electrical lines or wires extending substantially horizontally above the ground between a WECS and an accessory building or structure or between two or more WECS shall be at least eight (8) feet above the ground at all points unless buried underground.

D. Construction Standards:

1. A Commercial WECS shall be a free-standing structure without guy wires, cables or anchoring mechanisms extending beyond the mounting foundation of the WECS. A Household WECS may utilize guy wires and other anchoring mechanisms according to the manufacturer's set up instructions.

2. The maximum level of noise generated by any WECS shall not exceed 55 dBA as measured on the dB(A) scale measured at the lot line. The owner and operator shall provide certification after construction and upon request of the Township, re-certification that such decibel is being maintained. Household WECS must provide manufacturers data.

3. All WECS must comply with all state construction and electrical codes. Interconnected WECS shall comply with the applicable utility, Michigan Public Service Commission and Federal Energy Regulatory Commission interconnection standards.

4. The WECS rotor shall be located on the tower or support such that the minimum blade clearance above the ground level at the tower location is not less than twenty (20) feet.

5. Each WECS shall comply with all uniform or national building, electrical, mechanical and fire codes.

6. Vibration due to the WECS at the parcel boundaries shall not be perceptible.

7. Towers shall be designed and constructed in such a manner that climbing devices are only accessible with a separate ladder to a height of twelve (12) feet.

8. The entire WECS including turbines, alternators, generators and interconnect systems shall be filtered and or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio and/or television broadcasting or reception or which would cause unreasonable interference with the operation of cell phones or other wireless devices and shall comply with Federal Communication Commission rules 47 CFR, parts 15 and 18 including all relevant parts thereof.

9. No WECS, Household or Interconnected, shall be installed in a location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television or wireless phone or other personal communication systems would produce interference to electromagnetic transmission or reception. No WECS shall be installed long the major axis of an existing microwave, UHF or VHF communication link where its operation is likely to produce interference with the electromagnetic transmission or reception of signals.

10. No displays, advertising signs or other identification of any kind intended to be visible from the ground or other structures shall be permitted except as required for emergency purposes.

11. Each WECS shall be painted with non-reflective paint of an unobtrusive color designed to minimize off-site visibility of the WECS.

12. Lighting for each WECS shall comply with the legal minimums established by the Federal Aviation Administration (FAA), the Michigan Aeronautical Commission (MAC) or their successor agencies.

13. All new power transmission lines shall be installed underground from the base of the WECS to a point within 50 feet of the nearest overhead utility distribution circuit. Only one (1) utility connection exit shall be permitted for a Commercial WECS. Further, setbacks from any existing overhead electrical lines shall be equal to and not less than the height of the WECS unless the local utility requirements are more restrictive, then they shall apply.

14. Existing site vegetation shall be preserved to the maximum extent practical.

E. Use Standards

1. A WECS shall be removed by the owner or operator or the property owner within six (6) months of being abandoned. For the purposes of this paragraph, abandonment is defined as continuous and uninterrupted non-use for a period of six (6) months or more, without cause attributable to damage, repairs, maintenance or upgrades.

2. A removal bond or other performance guarantee for the maintenance or removal of each WECS and all accessory structures may be recommended by the Planning Commission and approved by the Township Board.

3. The Special Use application shall be signed by both the owner and operator of the WECS, who shall also be responsible jointly for the operation and maintenance of the WECS.

Added by Amendment #06-07 adopted on 12/11/06

SECTION 4.26 PUBLIC NOTIFICATION: All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006 and the other provisions of this Section with regard to public notification.

A. Responsibility: When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the zoning administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Mayfield Township and mailed or delivered as provide in this Section.

B. Content: All mail, personal and newspaper notices for public hearings shall:

1. Describe nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.

2. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.

3. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).

4. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.

5. Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

C. Personal and Mailed Notice:

1. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:

a. The owners of property for which approval is being considered, and the applicant, if different than the owners(s) of the property.

b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does

not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Mayfield Township. 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 (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive the notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

c. For requests for interpretation or appeals of administrative decisions, to the person requesting an interpretation of the zoning ordinance or to a person appealing an administrative decision.

d. In the case of a zoning ordinance amendment, rezoning or PUD review, each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the clerk of the legislative body for the purpose of receiving the notice of public hearing.

2. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The zoning administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

D. Timing of Notice: Unless otherwise provide in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:

1. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation; not less than fifteen (15) days before the date the application will be considered for approval.

2. For any other public hearing required by this Ordinance: not less than fifteen (15) days before the date the application will be considered for approval. **Section 4.26 added by amendment #06-06 adopted March 12, 2007.**

SECTION 4.27 FENCES

A. Compliance Required. It shall be unlawful for any person to construct a fence on property within the Township except in compliance with the following regulations. A Zoning Permit shall be required, except for agricultural fences as defined in Article II.

B. Regulations. The following regulations shall apply to fences and hedges within the Township, unless otherwise required by this Ordinance:

1. Fences and hedges located in a front or street side yard shall be no more than 48 inches in height, as measured vertically from the surface of the ground and shall not obstruct sight distances needed for safe vehicular traffic, nor create a hazard to traffic or pedestrians.
2. Fences may be constructed of chain link, brick, stone, wood boards, split rails, wrought iron, decorative concrete blocks, decorative chains, decorative rope, wire mesh_or similar material. No pallet or slab wood fences shall be permitted.
3. Fences located in a rear or interior side yard shall be no more than seven (7) feet in height, as measured vertically from the top of the fence to the lowest point of the approved grade.
4. Except as otherwise provided herein, all fences and hedges shall be located entirely on the property of the person constructing the fence or hedge. A fence shall not be erected within a public or private right of way. Where a fence is to be erected on or within six (6) inches of the lot line, a Registered Land Surveyor shall verify and mark the lot line. The applicant shall provide a letter from the adjacent land owner(s) granting permission for access to the applicant for maintenance of the fence.
5. The portions of all fences facing property other than the property of the fence owner or facing a road right-of-way shall be constructed finished side out, so that, to the extent possible by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from other property or from the road right-of-way.
However, if a fence is constructed at least two (2) feet away from the property line, then in that event, the applicant may place the finished side towards the applicant's property.
If less than two (2) feet, the applicant shall provide a letter from the adjacent land owner(s) granting permission for access to the applicant for maintenance of the fence.
6. All such fences, walls or structural screens shall be maintained in good repair and safe condition and shall be constructed of material which will not be detrimental to the health, safety and welfare of adjacent residents.
7. If the lot line cannot be determined, a survey may be required.
Section 4.27 added by amendment 12-01 adopted June 11, 2012

SECTION 4.28 ACCESS MANAGEMENT: It is the intent of this Section to establish a site plan review process with the Michigan Department Of Transportation's (MDOT) permitting process for all access onto M-37 and M-113 from any land use district in the interest of maintaining highway capacity, reducing congestion, and improving traffic safety. The site plan review process shall be that as prescribed in Article V, Section 5.2 and shall also follow MDOT Access Management Guidelines.

Access Spacing: The following regulations shall apply to all land abutting on M-37 and M-113:

a. Access Spacing. The minimum horizontal distance between any two accesses on the same side of the State Highway, whether streets or driveways, as measured from their centerlines, shall be 455 feet, or a distance set by MDOT subsequent to the date of this Ordinance. This spacing requirement shall apply to all uses, but is not limited to, and may be accomplished by any of the following means:

- 1) By owning sufficient frontage on the highway to meet the spacing requirement; or
- 2) By assembling sufficient frontage to meet the spacing requirement; or
- 3) By sharing access via shared driveways, easements and/or cross access agreements,
- 4) Or, by other means found reasonable and as approved by the MDOT and the Grand Traverse County Road Commission, as applicable.
- 5) In the event the access spacing standards cannot be satisfied on an individual parcel due to frontage deficiencies, one temporary private driveway may be approved, provided a written access management plan is submitted by the applicant and approved by the Planning Commission, that incorporates the principles of shared driveways, cross easements, or alternative access and, further provided, said access design is approved by the MDOT.

b. Corner Clearance. Where a lot abuts both on the State Highway and a crossroad, access shall be from the secondary road or county road. The first private driveway or street access to the crossroad, as measured from the edge of the pavement of the Highway, shall be no less than 115 feet, or a distance set by MDOT subsequent to the date of this Ordinance, and shall also be at or beyond any established clear vision zone.

c. Residential Access. No new private residential driveway access shall be permitted directly to the Highway unless no other alternative is available. Wherever two or more residential lots are created which have no alternative access, a single shared driveway or road access shall be required.

d. Existing Individual Driveways. If a lot or use has one or more existing individual driveway accesses to the Highway, said accesses shall be allowed to remain in use provided they are not relocated or altered. In the event such access locations are altered by the owner, or a change of use requires a site plan approval, then they shall be made to more fully comply with the access spacing requirements of this Section.

e. Access Design and Approval. The design of any direct access to the Highway shall be as required and approved through the permit process by the MDOT.

f. Flexibility Allowed. As part of the site plan review process, the actual location of an access may be varied by the Planning Commission and the MDOT, if it can be demonstrated that the intent of this Section is fulfilled in the interests of maintaining highway capacity, reducing congestion, and improving traffic safety.

Section 4.28 added by amendment 12-02 adopted June 11, 2012

SECTION 4.29 AGRICULTURAL LABOR HOUSING AND/OR MIGRANT HOUSING:

- a) Minimum parcel size is 20 acres.
- b) Migrant Farm Worker Residents of housing must be employed in a farm operation with evidence provided in the form of pay stubs, time sheets, etc. Upon request of the zoning administrator, the land owner must furnish the names, contact information, and duration of stay (arrival and departure) of inhabitants of all migrant housing.
- c) Setback one hundred (100) feet from parcel lines and public and private roads.
- d) Screened from existing residential structures.
- e) Setback two hundred (200) feet from the principal dwelling.
- f) Two (2) parking spaces must be provided per migrant dwelling.
- g) Access for emergency agencies a minimum of fourteen (14) feet wide.
- h) Must not be used for rental housing when not used for migrant housing.
- i) Housing for five (5) or more migrant farm workers must also obtain state and local licenses and agency approvals prior to township planning commission approval.
- j) Housing for less than five (5) migrant farm workers, the state permit is optional however must obtain county building code approval.
- k. Land owner must allow for periodic inspections of the migrant housing at the discretion of the zoning administrator.
- l. An annual, unannounced inspection will be held prior to the opening of the housing unit(s) for use to assure compliance with state requirements as appropriate, and/or local requirements.

Added by amendment # 16-01 adopted 12/12/16

SECTION 4.30 CELLULAR TELECOMMUNICATION TOWERS: The purpose of this Section is to establish general guidelines for the location of wireless telecommunication towers and other tower structures.

The Township recognizes that it is in the public interest to permit the location of wireless communication towers within the township. The township also recognizes the need to protect the rural and scenic beauty of the township from unnecessary and unreasonable visual interference and that such wireless communication towers may have a negative aesthetic impact upon adjoining and neighboring uses.

This Section seeks to:

- 1) Protect residential areas from potential adverse impacts from towers and antennas.
- 2) Encourage the location of towers in nonresidential areas.
- 3) Minimize the total number of towers throughout the township.
- 4) Encourage the joint use of new and existing towers rather than new construction of additional towers.
- 5) Avoid the potential damage to adjacent property from tower failure.

These regulations apply to wireless communication equipment and towers as defined in Article III, Definitions, and subject to the provisions of Section 514 of Act 110 of 2006 as amended, being the Michigan Zoning Enabling Act.

Except for collocation of equipment on existing wireless facilities, a Special Use Permit shall be required pursuant to the qualifications of

Section 514 (1) of Act 110 of 2006, as amended, being the Michigan Zoning Enabling Act.

Application: The applicant shall provide proof that no existing tower can accommodate the proposed antenna, following the guidelines outlined in Section 514 (1) of Act 110 of 2006, as amended, and referenced above.

The applicant shall complete the application for a Special Use Permit as provided by the Zoning Administrator, and follow the provisions of Article V, Special Use and Site Plan Review of the Mayfield Township Zoning Ordinance.

Lease: If the site is under lease and not owned outright by the applicant, then a copy of the lease shall be provided with the application.

Parcel Size: The minimum parcel size for a Wireless Communication Tower is Five (5) acres. However, the Planning Commission may waive such requirements if the goals of this Ordinance will be better served thereby.

Setbacks: The Following setbacks shall apply to all towers for which a Special Use Permit is required:

- a) Towers must be setback a distance equal to the height of the tower from any adjoining lot or parcel line.
- b) Guy wires and accessory buildings must satisfy the minimum zoning district setback requirements.

Security Fencing: Towers and attendant accessory structures shall be enclosed by security fencing not less than six (6) feet in height and also be equipped with an appropriate anti-climbing device; provided however, that the Planning Commission may waive such requirements if the goals of this Ordinance will be better served thereby.

Landscaping: The application shall comply with the requirements of Article IV, Section 4.21 Landscaping, of this Ordinance, provided however, the Planning Commission may waive the requirements if the goals of this Ordinance would be better served thereby.

State and Federal Requirements: All towers must meet current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas.

Aesthetics: Towers and antennas shall meet the following requirements:

- a) Towers shall either maintain a galvanized steel finish or, subject to any standards of the FAA, be painted a neutral color.
- b) At the tower site, the design of buildings and related structures shall, to the extent possible, use material, colors, texture, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
- c) If the antenna is installed on a fixture other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a color closely compatible with the color of the supporting structure.

d) Where a feasible alternatives exist, towers, and supporting structures shall not utilize a power source which generates noise able to be heard by a person of normal aural acuity at the adjoining property lines or public property; however, this section shall not limit the use of temporary generators or similar devices to create power during periods of interruption of the primary power source.

Lighting: Tower shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the lighting alternative and design chosen shall be reviewed by the Planning Commission with the aim to cause the least disturbance to the surrounding area.

Interference with Residential Reception: Towers shall be located so that they do not interfere with television and radio reception of neighboring residential areas as may be required by the FCC or other Federal, State, or local agencies.

Signs: No signs other than signs required pursuant to federal, state, or local laws or ordinances shall be allowed.

Spacing-Tower: Towers shall be located no closer than one (1) mile from an existing telecommunication tower or alternate tower structure, as measured in a straight line between the base of the existing tower and proposed base of the proposed tower, unless a propagation map shows the need for additional reception.

Spacing-Residences: A tower shall not be located within two hundred (200) feet or three (3) times the height if the tower, whichever is greater, from a single family or multiple family dwelling unit, church, school, public or private easement, or other structure normally used and actually used for the congregation of persons. Distance for this purpose shall be measured from the base of the tower structure to the structure of the residence, church, school, public or private easement, or other building actually used for the congregation of persons. However, the Planning Commission may waive the requirements if the goals of this Ordinance will be better served thereby.

Antenna and metal towers shall be grounded for protection against a direct strike by lightning and shall comply as to electrical connections and wiring and structural integrity with all applicable state and local building codes and the applicable standards for towers published by the Electronic Industries Association, as amended from time to time.

Abandonment of Use: A tower and its related structures shall be removed by the owner or operator within six (6) months of being abandoned. Abandonment is defined as continuous and uninterrupted non-use for a period of six (6) months or more, without cause attributable to a damage, repairs, maintenance or upgrade.

A removal bond or other performance guarantee for maintenance or removal of a tower and related structures may be recommended by the Planning Commission and approved by the Township Board.

This Section added by amendment # 17-01 adopted 12/11/17

Section 4.31 Taverns, Bars and Taprooms:

A site plan shall be provided for review by the planning commission and containing the following information:

1. The property boundaries and the location of the structure and any other accessory structures, showing the setbacks as specified in the zoning district.
2. The location of access and parking areas and the number of spaces provided.
3. The location and size of any signs, and if lighted, shielding provisions as regulated by Section 4.5.
4. Other site lighting as regulated by Section 4.17.
5. The location of dumpsters and compliance with the screening provisions of Section 4.22 - 4.

In addition, a statement and/or documents provided by the applicant showing proof of compliance with all licensing and insurance requirements.

Provide a letter from the Fire Department that the facility meets fire code requirements.

Provide certificates of compliance with health department requirements for serving alcohol, food handling and sanitary facilities open to the public.

A statement of the location of the proposed facility in relation to schools, churches, child care, foster care facilities, and adult recovery facilities. **Added by amendment # 19-01 adopted 10/12/19**

SECTION 4.32 CAMPGROUNDS:

- a. The minimum parcel size for a campground is ten (10) acres.
- b. Campground shall be setback a minimum of fifty (50) feet from all property lines.
- c. Campground shall provide screening of the campground from adjacent residential areas.
- d. Site landscaping shall comply with Article IV, Section 4.21.
- e. Lighting shall comply with Article IV, Section 4.17.
- f. Signs shall comply with Article IV, Section 4.5.
- g. Quiet time shall be required of campers from 10:00 pm to 6:00 am
- h. If a Paging or public address system is used, sound shall not exceed 70 decibels sound rating and shall not be used during quiet time.
- i. A system of trash collection shall be developed and shown on the site plan and explained in the application narrative
- j. Campgrounds shall comply with local and State campground license requirements including public health code Act 368 of 1978, as amended, as well as road commission, fire and emergency services and other appropriate agency review prior to approval. **Added by amendment # 21-01 adopted 4/12/21**

SECTION 4.33 HOME BASED BUSINESSES:

- a. Home based business is permitted in all residential districts, subject to Site Plan Approval per Article V, Section 5.2. If any changes are made to the use, or the premises are sold, leased or rented to a party other than the applicant, then the use shall be

- reviewed for compliance with the original site plan and if necessary, an additional site plan review will be conducted.
- b. Home Based Businesses shall be incidental to the use of the property for residential purposes and shall not detract from the residential character of the premises or adjacent areas. If in the judgement of the planning commission, the residential character may be compromised, a special use permit will be required prior to approval.
 - c. A maximum area of 10,000 square feet shall be devoted to the home based business
 - d. The outdoor storage of goods or material of any kind is prohibited unless screened to retain the residential character of the area.
 - e. Home Based Businesses shall not result in the creation of conditions that constitute a nuisance to the neighboring property owners and the surrounding zoning district. Any machinery, mechanical devices or equipment employed in the conduct of the home based business shall not generate noise, vibration, radiation, odor, glare, smoke, steam, electrical interference or other conditions not typically associated with the use of the premises for residential purposes.
 - f. No processes, chemicals, or hazardous materiel shall be used or stored on the site which is contrary to any applicable State or Federal laws. **Added by amendment # 21-02 adopted 4/12/21**

SECTION 4.34 CONTRACTORS YARD:

- a. The parcel shall be at least 90,000 square feet in size for agricultural zoning, 43,560 square feet for light industrial zoning, and 20,000 square feet for commercial zoning.
- b. The outdoor storage of construction equipment, vehicles and materials shall not be within any setback areas.
- c. A landscape buffer shall be provided on the property boundary adjacent to residential uses or residentially zoned parcels as required in Article IV, Section 4.21.
- d. Lighting shall be as regulated in Article IV Section 4.17.
- e. Signs shall be as regulated in Article IV, Section 4.5.
- f. All flammable liquids and other hazardous substances shall be stored within a building and secondary containment measures shall be installed and property maintained.
- g. Any underground fuel tanks shall meet the requirements of State and Federal environmental agencies. No fueling shall take place closer than fifty (50) feet from the property line.
Added by amendment # 21-03 adopted 4/12/21

ARTICLE V
SPECIAL USE AND SITE PLAN REVIEW

SECTION 5.1 - SPECIAL USE PERMITS:

SECTION 5.1.1 - INTENT AND PURPOSE: It is the intent and purpose of this Ordinance to provide a set of procedures and standards for special uses of land or structures that will maintain sound provisions for the protection of the health, safety, convenience and general welfare of the inhabitants of the Township of Mayfield.

SECTION 5.1.2 - REVIEW AND APPROVAL: The special land uses and activities eligible in a respective zoning district in the Township of Mayfield may be permitted only after review and recommendation by the township Planning Commission, followed by review and approval of the Township Board. Such special uses shall also be subject to site plan review and approval as provided for in SECTION 5.2 of this ordinance.

SECTION 5.1.3 - PERMIT PROCEDURE: Request for a special use permit shall be made by filing with the Township Zoning Administrator the following:

a. A permit fee as determined by resolution of the Township Board based upon the cost of processing the permit and as shall be on file with the Township Clerk.

b. A copy of the completed application form for special use permit which shall contain at a minimum the following information:

1. The applicant name, address and phone number in full.

Proof of ownership of the property, and whether there are operations on the property and any easements that limit its use, and any leasehold interest in the property.

The name and address of the owners(s) of record if the applicant is not the owner of record, or the firm or corporation having a legal or equitable interest in the property, and if that firm or corporation is a subsidiary of another firm or corporation, the signature, in legible form, of all of the owners having equitable interest in the land.

2. Legal description, property parcel number and street address of the subject parcel of land.

3. Area of the subject parcel of land stated in acres, or if less than one acre, in square feet.

4. Present zoning classification on parcel.

5. Present and proposed land use.

6. Applicant's statement of the expected effect on emergency service requirements, schools, storm water systems and automobile and truck circulation patterns and local traffic volume.

7. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general

public as may be requested by the Township Zoning Administrator or the Township.

8. An analysis of all feasible and prudent alternatives to the use.

9. All other information required for the specific Special Use requested as required by this Zoning Ordinance. **#8 and 9 added by amendment #10-03 adopted 10/11/10**

SECTION 5.1.4 - STANDARDS FOR DECISIONS: In evaluating a proposed special use permit, the Township Planning Commission shall consider the following factors upon which to base their decision and/or approval.

a. The similarity and compatibility of the proposed special use with permitted uses in the respective zoning district.

b. Whether or not the proposed use would create a traffic hazard to a greater degree than the permitted uses in that district.

c. Whether or not the proposed use would create obnoxious or harmful noise or odors.

d. Location in relation to roads and adjacent residential areas.

e. Buffering lights and noise from adjacent residential uses where appropriate.

f. Preservation of elements of the natural environment such as trees, natural land forms, shore areas and drainage patterns.

g. Safety factors, such as access for fire and police.

h. Relationship to shore and stream preservation principles where applicable.

i. Whether feasible and prudent alternatives exist to the proposed use.

j. The impacts or potential impacts to soil, surface water and groundwater by use, contamination or pollution. **i. & j. added by amendment #10-03 adopted 10/11/10**

SECTION 5.1.5 - DECISION OF TOWNSHIP BOARD: After adequate study and review of the application for a special use permit, the Planning Commission shall transmit the application, together with the comments received from the public, its findings, conclusions, and its recommendations, to the Township Board for approval. Following receipt of the Planning Commission's recommendation, the special land use shall be considered by the Township Board.

At the initiative of the Township Board or upon the request of the applicant, a real property owner whose real property is assessed within 300 feet of the property, or the occupant of a structure located within 300 feet of the property, a public hearing shall be held before a decision is made on the special land use request with notice provided pursuant to Section 4.26 of this ordinance.

The Township Board shall deny, approve, or approve with conditions the application for a special land use. The decision on a special land use shall

be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed. If approved, the Township Board shall direct the Zoning Administrator to issue a special use permit therefore.

The Zoning Administrator shall not issue a land use permit under this section until the Planning Commission shall have reviewed and approved a site plan as specified under SECTION 5.2 of this Ordinance.

The Township Board shall have the right to require a performance bond for improvements to be constructed or provided as part of the Special Use.
Section 5.1.5 Amended by Amendment #06-06 adopted March 12, 2007

SECTION 5.1.6 - PERMIT EXPIRATION: A special use permit issued pursuant to the requirements of this Ordinance shall be valid for a period of one year from the date of issuance of said permit. If construction or use has not commenced and proceeded meaningful toward completion by the end of this period, the special use permit shall be null and void.

SECTION 5.2 - SITE PLAN REVIEW:

SECTION 5.2.1 - INTENT AND PURPOSE: It is the intent and purpose of this section to provide for consultation and cooperation between the land owner, developer and/or applicant for a special use permit or a site plan review for certain uses as outlined elsewhere in this ordinance and the Planning Commission. As used in this ordinance, "site plan" includes the documents and drawings required by this ordinance to insure that a proposed land use or activity is in compliance with this ordinance and other local, state and federal requirements or statutes.

SECTION 5.2.2 - REVIEW AND APPROVAL: Special land uses and activities eligible in a respective zoning district in the Township of Mayfield may be permitted only after a site plan review and approval of the Township Planning Commission.

SECTION 5.2.3 - PROCEDURES: Each application for a site plan review shall include the following:

a. Optional Sketch Plan Review: Preliminary sketches of proposed site and development plans may be submitted for review to the Township Planning Commission prior to final approval. The purpose of such procedure is to allow discussion between a developer and the Township Planning Commission to better inform the developer of the acceptability of his proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such sketch plans shall include, as a minimum, the following:

1. The name and address of the applicant or developer, including names and addresses of any officers of a corporation or partners of a partnership, together with telephone numbers.
2. Legal description, property parcel number and street address of the subject parcel of land.
3. Sketch plans showing tentative site and development plans.

The Township Planning Commission shall not be bound by any tentative approval given at this time.

b. Application Procedure: Request for final site plan review shall be made by filing with the township Clerk the following:

1. All applications of site plan review shall be accompanied by a filing fee specified by the Township Board. Additional fees may be required by the Township Board should outside professional assistance be required in the review of the site plan. Such additional fees for required outside professional assistance shall not exceed actual costs to the township, or shall they be in excess of charges standard in the industry or profession.

2. Seven (7) copies of the completed application form for site plan review, which shall contain at a minimum the following information:

a. Name and address of applicant.

b. Legal description, property parcel number and street address of the subject parcel of land.

c. Area of the subject parcel of land stated in acres or, if less than one (1) acre, in square feet.

d. Present zoning classification on parcel.

e. Present and proposed land use.

f. Applicant's statement of the expected effect on emergency service requirements, schools, storm water systems and automobile and truck circulation patterns and local traffic volumes.

3. Seven (7) copies of the proposed site plan, which shall include at a minimum the following information:

a. A scale drawing of the site and proposed development thereon, including the date, name and address of the preparer.

b. Property parcel number (from the Assessment Role of the Township).

c. The topography of the site and its relationship to adjoining land.

d. Itemization of existing man-made features.

e. Dimensions of setbacks.

f. Locations, heights and sizes of structures and other important features.

g. Percentage of land covered by buildings and that reserved for open space.

h. Dwelling unit density where pertinent.

i. Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to

be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.

j. Curb-cuts, driving lanes, parking and loading areas.

k. Location and type of drainage, sanitary sewers, storm sewers and other facilities.

l. Location and nature of fences, landscaping, screening.

m. Proposed earth changes.

n. Signs and on-site illumination.

o. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public, as may be requested by the Township Zoning Administrator or the Planning Commission.

c. Action on Application and Plans:

1. Upon receipt of the plans and application in complete form, the Township Clerk shall record the date of the next scheduled meeting of the Planning Commission as the file date, and transmit five (5) copies thereof to the Chairman of the Planning Commission; one (1) copy to the Township Zoning Administrator and one (1) copy to be retained by the Township Clerk.

2. The Planning Commission shall review the application plans, and the recommendations of the Township Zoning Administrator with regard thereto. Members of the Planning Commission shall be delivered copies of the same prior to the hearing for their preliminary information and study. The hearing shall be held within forty-five (45) days of the date of the receipt of the plans and application to the Township Clerk. **Part 2 amended by amendment #06-06 adopted March 12, 2007.**

3. The applicant shall be notified of the date, time and place of the hearing on his application not less than three (3) days prior to such date.

4. The Township Planning Commission shall have the authority to approve, disapprove, modify or alter the proposed plans in accordance with the purpose of the site plan review provisions of this Ordinance and criteria herein contained. Any modifications or alterations required by the Township Planning Commission shall be stated in writing, together with the reasons therefore, and delivered to the applicant. The Township Planning Commission may either approve the plans contingent upon the required alterations or modification, if any, or may require a further review after the same have been included in the proposed plans for the applicant. The decision of the Township Planning Commission shall be made by the Board within one (100) days of the receipt of the application by the Township Clerk. **Part 4 amended by amendment #06-06 adopted March 12, 2007.**

5. Two (2) copies of the approved final site plan, with any required modifications thereon, shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be

returned to the applicant. Each copy shall be signed and dated with the date of approval by the Chairman of the Township Planning Commission for identification of the finally approved plans. If any variance from this Ordinance has been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the site plan and delivered to the applicant for his information and direction. Amended by amendment #06-06 adopted March 12, 2007.

d. Criteria for Review: In reviewing the application and site plan and approving, disapproving or modifying the same, the Township Planning Commission shall be governed by the following standards:

1. That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to assure the safety and convenience of pedestrian and vehicular traffic, and that the proposed streets and access plan conforms to any street or access plan adopted by the Township or the County Road Commission.

2. That the buildings, structures and entryways thereto proposed to be located upon the premises are so situated and designed as to minimize adverse effects therefrom upon owner and occupants of adjacent properties and the neighborhood.

3. That as many natural features of the landscape shall be retained as possible, particularly, where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.

4. That any adverse effects of the proposed development and activities emanating here from upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping.

5. That all provisions of this Ordinance are complied with unless an appropriate variance therefrom has been granted by the Township Zoning Board of Appeals. Amended by amendment # 06-06 adopted March 12, 2007.

6. That all buildings and structures are accessible to emergency vehicles.

7. That the plan as approved is consistent with the intent and purpose of zoning to promote public health, safety, and general welfare; to encourage the use of lands in accordance with their character and adaptability; to avoid the overcrowding of population; to lessen congestion on the public roads and streets to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties; to preserve property values and natural resources; and to give reasonable consideration to the character of a particular area, its peculiar suitability for particular uses and the general and appropriate trend and character of land, building and population development.

8. That a plan for erosion control and storm water discharge has been approved by appropriate public officials.

e. Conformity to Approved Site Plan: Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the Township Planning Commission. If construction and development does not conform with such approved plan, the approval thereof shall be forthwith revoked by the Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall immediately cease upon the site, other than for the purpose of correcting the violation. However, the Township Planning Commission may, upon proper application of the developer and after a hearing, approve a modification in the site plan to coincide with the developer's construction, provided such construction complies with the criteria contained in the site plan approval provisions and with the spirit, purpose and intent of this Ordinance.

f. Term of Approval Site Plan: Approval of the site plan shall be valid for a period of one (1) year after the date of approval. If a building permit has not been obtained and on-site development actually commenced within said one (1) year, the site plan approval shall become null and void and a new application for site plan approval shall be required and new approval shall be required and obtained before any construction of earth change is commenced upon the site.

g. Amendment to Site Plan: A proposed amendment, modification or alteration to a previously approved site plan shall be submitted to the Township Planning Commission for review in the same manner as the original application was submitted and reviewed.

ARTICLE VI
ZONING DISTRICTS AND MAP

Section 6.1 Districts: For the purpose of this Ordinance, the Township of Mayfield is hereby divided into zoning districts. **Amended by amendment # 89-9, adopted 4/11/90.**

Section 6.2 Zoning Map: The boundaries of these districts are hereby established as shown on the map titled "Zoning Map of Mayfield Township, Grand Traverse County, Michigan", which accompanies and is made a part of this Ordinance. Said map shall at all times be available for examination and shall be kept with the records of the Township Clerk.

Except where referenced on said map to a street line, highway line or other designated line by dimensions shown on said map, the district boundary lines follow lot lines, section lines, subsection lines, or the center lines of highways, streets or alleys as they existed at the time of the adoption of this Ordinance; but where a district line obviously does not coincide with the lot lines or such center lines or where it is not designated by dimensions, the said district boundary lines shall be deemed to be four hundred (400) feet back from the nearest street line parallel to which it is drawn.

Where a district boundary line as established in this Section or as shown on the Zoning Map divides a lot which was in single ownership and of record at the time of enactment of this Ordinance, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot under this Ordinance shall be considered as extending to the entire lot, provided the more restricted portion of such lot is entirely within twenty five (25) feet of the said dividing district boundary line, the use so extended shall be deemed to be conforming.

Questions concerning the exact location of district boundary lines shall be determined by the Board of Appeals according to rules and regulations which may be adopted by it.

ARTICLE VII
HANNAH VILLAGE RESIDENTIAL DISTRICT

SECTION 7.1 INTENT AND PURPOSE: This district is to be located at Hannah, and includes the existing community facilities' and adjacent land areas. The purpose is to preserve the Hannah community and foster the continuation of the cultural heritage of this area. A mix of uses is contemplated to enhance community growth and stability. While public water and wastewater facilities are not contemplated at this time, this area may need these facilities in the future. Section 7.1 amended by amendment #99-01 adopted 10/31/99

SECTION 7.2 PERMITTED USES:

- a. Single family and two family dwellings
 - b. Churches, schools, public and private
 - c. Cemeteries
 - d. Home occupations and home offices
 - e. Public buildings and parks
 - f. Community center, day care centers and nursery schools
 - g. Adult foster care small group homes (six or less residents) and family day care homes
 - h. Essential services
 - i. Accessory buildings and uses, customarily incidental to any of the above permitted uses
 - j. Household WECS as regulated by Article IV, Section 4.25 Part j. added by amendment # 06-07 adopted 12/11/06
 - k. The keeping of fam animals for 4-H and recreational purposes provided such use shall be for the personal use of the owner or lessee of such land, family and friends, and shall not constitute a commercial operation or public riding stable, and which meets the following conditions:
 - a. A minimum land area of two (2) acres shall be required or the first two (2) horses or farm animals kept. One (1) horse or farm animal may be added for each additional one (1) acre in land area, up to ten (10) acres, after which there is no limitation.
 - b. Foals and other farm animals born on parcels where these farm animals are presently kept may remain on said parcel for two (2) years even though such additional farm animals may increase the number on such parcel beyond the per acre limitation.
- Pasture areas for farm animals may be fenced at the property line. However, animal confinement areas including structures and feeding areas shall be a minimum of one hundred fifty (150) feet from any neighboring residential structures, excluding the occupant's structure. "k" added by amendment # 08-02 adopted 6/9/08

SECTION 7.3 USES PERMITTED BY SPECIAL USE PERMIT:

- a. Multi-family buildings housing three or more units.
- b. Professional offices and clinics
- c. Commercial recreation enterprises, clubs and fraternal organizations.
- d. Convalescent and nursing homes, congregate care facilities, adult foster care of seven or more residents, and group day care homes.
- e. Bed and breakfast establishments
- f. Assisted living establishments
Part "f" added by amendment # 03-01 adopted 5/12/03
- g. Commercial WECS as regulated by Article IV, Section 4.25
Part "g" added by amendment # 06-07 adopted 12/11/06

SECTION 7.4 LOT SIZE, WIDTH, SETBACKS AND ACCESS:

- a. Lot size: Minimum 20,000 sq. ft.
- b. Lot width: Minimum 75 feet
- c. Setbacks: Minimum 25 ft. Front, 10 ft. all others

ARTICLE XI
AGRICULTURAL DISTRICT

SECTION 11.1 - INTENT AND PURPOSE: This district is intended to preserve, enhance and stabilize areas within the Township which are presently used predominantly for farming purposes and which should be preserved for low intensity land uses. It is the further purpose of this district to formulate the protection of the existing natural environment, and to preserve the essential characteristics and economic value of these areas as agricultural lands.

SECTION 11.2 - PERMITTED USES: No building or structure, nor any part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, for other than one (1) of the following specified uses, subject, however, to the provisions of Article VI of this Ordinance.

- a. One family dwelling
- b. Two-family dwelling
- c. Adult Foster Care Small Group Homes (6 or less) and Family Day Care Homes.
Section 11.2 part c added by amendment #03-04 adopted 9/21/03.
- d. Home occupations, as defined herein
- e. Nurseries, greenhouses and agricultural products
- f. Roadside stands for sale of agricultural products
- g. Raising and/or grazing of farm animals, poultry and fur-bearing animals provided, however, said animals are properly housed, fenced, maintained and controlled so as not to be objectionable or offensive.

The keeping of farm animals for 4-H and recreational purposes are permitted provided such uses shall be for the personal use of the owner or leasee of such land, family and friends, and shall not constitute a commercial operation or public riding stable, and which meets the following conditions:

a. A minimum land area of two (2) acres shall be required for the first two (2) horses or farm animals kept. One (1) horse or farm animal may be added for each additional one (1) acre in land area, up to ten (10) acres, after which there is no limitation.

b. Foals or other farm animals born on parcels where these farm animals are presently kept may be kept on said parcel for two (2) years even though such additional farm animals may increase the number on such parcel beyond the per acre limitation.

Pasture areas for farm animals may be fenced at the property line. However, animals confinement areas including structures and feeding areas shall be a minimum one hundred and fifty (150) feet from any neighboring residential structures, excluding the occupant's structure.

"g" amended by amendment #08-02 adopted 6-9-08

h. Household WECS as regulated by Article IV, Section 4.25
Part "h" added by amendment #06-07 adopted 12/11/06

i. Hunting Cabin - A hunting cabin is permitted in this District provided the following requirements are met:

1. A minimum parcel size of 20 acres.
2. Setbacks shall be 300 feet front and 100 feet side and rear lot lines.
3. The total square footage of the cabin shall not exceed 600 sq. ft.
4. The structure shall have minimum outer wall lengths of sixteen (16) lineal feet for perpendicular and/or perimeter walls.
5. No other temporary dwelling is permitted except as specifically allowed in this Ordinance.

SECTION 11.2.1 - USES PERMITTED WITH SITE PLAN REVIEW APPROVAL: The following uses may be permitted, subject to the provisions of site plan review contained in SECTION 5.2 of this Ordinance:

- a. Animal hospital
- b. Veterinary clinics
- c. Kennels
- d. Churches
- e. Schools
- f. Government buildings and parks
- g. Public utility buildings and substations

SECTION 11.3 - USES PERMITTED WHEN AUTHORIZED BY SPECIAL USE PERMIT: The following special land uses may be permitted after review and approval of the Township Planning Commission, provided, however, that any request for a special use permit shall be subject to the requirements set forth in SECTION 5.1 and 5.2, and each subsection thereof, of this Ordinance:

- a. Offices
- b. Clinics
- c. Recreational camps, dude ranches, gun clubs, golf courses, archery ranges, riding stables
- d. Public utility buildings and substations
- e. Fertilizer manufacturer compost or storage
- f. Brine disposal facilities
- g. Secondary oil recovery facilities

h. Bed and Breakfast establishments

i. Flea Market, Open Air Market

j. Communication Towers

k. Gun and Skeet Clubs, Shooting Ranges, Hunting Preserve, also subject to the following specific conditions:

1. Minimum lot area for Gun and Skeet Clubs shall be forty (40) acres, with a minimum distance on one side of one thousand three hundred and twenty (1,320) feet.

2. Minimum lot area for Hunting Preserves shall be eighty (80) acres, with minimum distance on one side of one thousand three hundred and twenty (1,320) feet.

3. Buffering requirements--Minimum front, side and rear yard setbacks shall be five hundred (500) feet. This setback area shall contain evergreen trees either occurring naturally or planted at a minimum height of eight (8) feet, in eight (8) rows spaced six feet apart in a staggered pattern to create a visual and noise barrier and shall meet the requirements of site plan review as specialized in SECTION 5.2 of the Ordinance.

4. Performance Standards--A site plan for the development including range areas, shooting areas, games release and shooting areas, access, parking, buildings, dog runs, sanitary, solid waste, fire control and safeguards from accidental explosion and any other facilities to be utilized in connection with this use shall be shown on a site plan that meets the requirements of SECTION 5.2 of the Ordinance and has been reviewed and contains written comments from the County Sheriff, County Health Department and County Rural Fire Chief prior to Submission to the Planning Commission.

5. Access shall be from a State Highway or County Primary Road as defined by the Grand Traverse County Road Commission.

6. Night lighting except for security purposed is prohibited.

7. A five (5) foot high chain link fence with warning signs every one hundred (100) feet shall completely contain the area devoted tot he shooting of firearms to assure that individuals will not unknowingly trespass on the property where firearms are being discharged and to contain and control dogs from entering onto adjacent property.

8. Hours of operation shall be normal business hours of 9:00 a.m. to 7:30 p.m. Monday through Saturday with no Sunday operation.

9. The operation shall comply with all applicable Federal, state, County and Local Laws and regulations including the Grand Traverse County Disturbance of the Peace Ordinance.

10. Shell casings, clay pigeons, gun powder, solvents and other potentially hazardous wastes associated with gunpowder or solvents shall be disposed of in accordance with the Michigan Hazardous Waste Management Act 64 of 1979, as amended.

11. If there is open water or wetlands as defined by the Michigan Department of Natural Resources, on the property that is accessible or a part of the hunting preserve operation, then only steel shot shall be used at this facility to avoid lead contamination of waterfowl.

12. Alcoholic beverages shall not be available or consumed on the premises.

13. The applicant shall cause to be performed a Phase I Environmental Assessment of the property every five (5) years or when the ownership changes, whichever occurs first. The applicant shall be required to undergo further study or remediation as required by an environmental consultant retained by the applicant or as provided in SECTION 5.2, whose qualifications shall be approved by the Township Board.

14. A copy of the liability insurance policy showing effective date of coverage and carrying not less than one million (\$1,000,000.00) for bodily injury or death shall be filed with the Township Clerk and kept in force so long as the operation is in use. The policy shall provide that the Township Clerk be notified if the policy is terminated.

15. The applicant shall provide a performance bond in the name of the Township Board to provide for compliance with these conditions.

l. Retail Establishments

m. Auto Service and Repair

n. Light Manufacturing (Indoors)

o. Oil Field Support Services

p. Sales and Service of Agricultural Equipment

q. Assisted Living Establishments.
Added by Amendment #03-01 adopted 5-12-03

r. Mini-Warehouse and Self Storage Facility.
Added by Amendment #04-05 adopted 05-10-04

s. Outdoor Storage as regulated by Section 4.22
Added by Amendment #04-05 adopted 05-10-04

t. Commercial WECS as regulated by Article IV, Section 4.25
Added by amendment #06-07 adopted 12/11/06

u. Class I Disposal Wells and Related Facilities: Waste and Industrial Waste Disposal Wells and related facilities require review and approval under this subsection, including any Brine Disposal Facility proposed to be transformed into a Waste and/or Industrial Waste Disposal Well. This use is also subject to the following specific requirements: **Added by amendment # 11-01 adopted 5/9/11**

1. The Application for Special Use Permit shall include a complete description of all waste and/or industrial waste, including all chemical constituents and total volumes, intended for disposal at the facility. The Applicant shall copy the Township on all data required to be delivered to the Michigan Department

of Natural Resources and Environment and/or the United States Environmental Protection Agency for the use. If the Special Use Permit is approved, the Applicant shall inform the Township, in writing, of any modification of the waste stream and/or any new waste or industrial waste that the Applicant proposes for disposal. Any such modification or new waste proposed for disposal shall require approval for modification of the Special Use Permit and be subject to all requirements of this Zoning Ordinance. If approved, the Applicant shall provide a yearly report to the Township which includes analysis of the waste stream for all chemical constituents and total volumes. The Applicant shall also allow the Township to conduct random samples of the waste stream upon a forty eight (48) hour notice to the Applicant at the Township's expense. **Amended by amendment # 11-01 adopted 5/9/11**

2. The Application for Special Use Permit shall include an independent, valid and reliable groundwater analysis from at least three (3) test wells properly placed-downgradient from the proposed disposal well. If approved, the Applicant shall sample these test wells for chemical constituents as required by the Township and deliver the results of these independent, valid and reliable analyses to the Township quarterly from the date of the any approved Special Use Permit. If the results of the initial groundwater analysis or the required groundwater monitoring indicate any contamination, as defined by Part 201 of the Natural Resources and Environmental Protection Act (MCL 324.20101 *et seq*), then the Applicant shall provide proof that the contamination is being investigated and remediated in accordance with state and federal regulations and/or was not caused by its activities. The Township retains the authority to revoke the Special Use Permit if the Applicant fails to provide such proof. The Applicant shall also allow the Township to conduct random samples from all test wells upon a 48 hour notice to the Applicant at the Township's expense.

3. The Application for Special Use Permit shall include an independent, valid and reliable soil analysis from five areas within the containment area surrounding the proposed disposal well. If approved, the Applicant shall provide 5 independent, valid and reliable soil analyses from within the containment area for chemical constituents as required by the Township quarterly from the date of any approved Special User Permit. If the results of the initial soil samples or the required soil monitoring indicate any contamination, as defined by Part 201 of the Natural Resources and Environmental Protection Act (MCL 324.20101 *et seq*), then the Applicant shall provide proof that the contamination is being investigated and remediated in accordance with state and federal regulations. The Township retains the authority to revoke the Special Use Permit if the Applicant fails to provide such proof. The Applicant shall also allow the Township to conduct random soil samples upon a 48 hour notice to the Applicant at the Township's expense.

4. The Applicant shall provide the results of all testing and lab procedures to the Township upon the Township's request.

5. The Application for Special Use Permit shall include proof of liability insurance with a pollution rider deemed adequate by the Township.

6. If the Special Use Permit is approved, the Applicant shall furnish a performance bond or cash to the Township Clerk in an amount sufficient to insure proper closure and restoration of the well and site.

7. The Applicant shall erect a minimum six (6) foot high security fence with a locked gate at the site that completely encloses all activities.
"7" amended by amendment # 11-01 adopted 5/9/11

v. Agricultural Seasonal Housing or Migrant Housing, Subject to Article IV, part 4.29. Added by amendment # 16-01 adopted 12/12/16

w. Campgrounds subject to the requirements of Article IV, General Provisions, Section 4.29 "w" added by amendment # 21-01 adopted 4/17/21

x. Contractors Yard subject to the provisions of Article IV, Section 4.34
Added by amendment # 21-03 adopted 4/12/21

z. Home Based Businesses subject to the provision of Article IV, Section 4.33
Added by amendment # 21-02 adopted 4/12/21

SECTION 11.4 - LOT SIZE, WIDTH, SETBACKS AND ACCESS:

SECTION 11.4.1 - LOT SIZE: Each dwelling or other main building, together with all accessory buildings hereafter erected shall be located on a lot or parcel of land not less than ninety thousand (90,000) square feet.

SECTION 11.4.2 - LOT WIDTH: Each lot or parcel of land shall have a minimum width of one hundred (150) feet on a public or private road unless serving two (2) or less parcels.

Section 11.4.2 Amended by Amendment 97-5 Adopted 6-9-97 (Section 11.4.1 was Section 9.4.2 prior to recodification.)

a. Front: Not less than forty (40) feet from the public right-of-way or private easement except when public right-of-way or private easement is one hundred (100) feet, then the front setback shall not be less than fifteen (15) feet.

b. Side: Not less than fifteen (15) feet from the side lot lines.

c. Rear: Not less than fifteen (15) feet from the rear lot line.

d. Special Setbacks:

1. Any structure used to house farm animals shall be located not less than two hundred (200) feet from any lot line.

2. Water Setbacks: No building or structure, temporary or permanent, shall be placed or erected within sixty (60) feet of the ordinary high water mark of any stream, lake, or watercourse, provided, however, that a water pumping facility may be installed closer than the said sixty (60) feet if it does not exceed four (4) feet in height above the finished grade, and provided further that nothing herein set forth shall preclude the placement of any portable dock at the water's edge, nor the location of buildings for storage of boats, docks, and related equipment.

SECTION 11.4.4 - COMMERCIAL ACCESS: Each commercial lot shall provide proper access for the delivery of merchandise and supplies without impeding vehicular or pedestrian traffic. Adequate off-street parking shall be provided at the minimum rate of one (1) additional space for each three hundred (300) square feet of total enclosed building space.

SECTION 11.5 - GENERAL REQUIREMENTS AND PROVISIONS: In this district all uses of land in this district shall be subject to the requirements of Article VI of this Ordinance, being general provisions and requirements.

Article XI, Section 11.3 Amended by Amendment 00-02
Article XI*, Section 9.3 Amended by Amendment 97-4 Adopted 6-9-97
*(Section 11.3 was Section 9.3 prior to recodification.)
Article XI, Section 9.3 j. deleted in its entirety by Amendment 97-3, Approved
(Section 11.3.j. was Section 9.3.j. prior to recodification).
Article XI*, Section 11.3 Amended by Amendment 94-4, Adopted 11-7-94.
Article XI*, Section 11.3 Amended by Amendment 91-1 Adopted 10-8-91.
Article XI*, Section 11.3 Amended by Amendment 91-2 Adopted 10-8-91.
Article XI, Section 11.3 amended by amendment 02-05 adopted 8/8/02
Article XI, Section 11.42 a. Amended by Amendment 01-04, Adopted 9-10-01
Article XI, Section 11.4.2 a. Amended by Amendment 01-02, Adopted 8-13-01
Article XI, Section 11.4.2 a. Amended by Amendment 90-1, Adopted 6-13-90. (Section
11.4.2 was section 9.4.2 prior to recodification.)
Article XI, Section 11.4.2, part a, amended by amendment 02-06 adopted 8/8/02

ARTICLE XII
GENERAL COMMERCIAL DISTRICT

SECTION 12.1 - INTENT AND PURPOSE: This district is established in the vicinity of the M-37, M-113 intersection to meet the needs of residents of the township, and to serve a somewhat larger consumer population. The uses permitted relate to interests of passer-by traffic on M-37 and M-113, and some comparison shopping needs, while primarily serving the convenience commercial needs of nearby residential areas. It is anticipated that low intensity professional office and administrative service activities will also take place in this district. The integration of planned office/commercial establishments served by common access, signage and parking areas is encouraged.

SECTION 12.2 - PERMITTED USES: **Deleted by Amendment # 19-02 adopted 10/14/19**

SECTION 12.3 - USES PERMITTED UPON SITE PLAN APPROVAL BY THE PLANNING COMMISSION: No building or structure, nor any part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, for other than one (1) of the following specified uses, subject, however, to the provisions of Article IV (General Provisions) of this Ordinance. **Amended by #10-02 adopted 10/11/10 and amendment # 19-02 Adopted 10/14/19**

- a. Any retail establishment whose principal activity is the sale of merchandise in an enclosed building.
- b. Office-type business related to executive, administrative, or professional occupations including, but not limited to, offices of a lawyer, accountant, insurance/real estate agent, architect, engineer, and similar occupation.
- c. Personal service establishments which perform services on the premises, such as but not limited to: repair shops, tailor shops, beauty and barber shops, photographic studios.
- d. Banks, credit unions, savings and loan associations and similar uses without drive-in facilities.
- e. Restaurants without drive-in facilities.
- f. Clinics, except veterinary clinics having outdoor runs, medical, dental and optical laboratories that provide testing services or medical or dental services.
- g. Health and athletic clubs.
- h. Accessory structures and uses customarily incidental to the above permitted uses.
- i. Outdoor storage as regulated by Section 4.22 and subject to Section 5.2, Site Plan Review. **Added by Amendment #04-05 adopted 05-10-04.**
- j. Household WECS as regulated by Article IV, Section 4.25 part 1. **Added by amendment #06-07 adopted 12/11/06**
- k. Contractors yard subject to the provision of Article IV, Section 4.34 **Added by amendment # 21-03 adopted 4/12/21**

SECTION 12.4 - USES PERMITTED WHEN AUTHORIZED BY SPECIAL USE PERMIT: The following special land uses may be permitted after review and approval of the township Planning Commission provided, however, that any request for a special use shall be subject to the requirements set forth in Section 5.1 and 5.2, (Special Use and Site Plan Review) and each subsection thereof, of this Ordinance.

- a. Veterinary Clinics having outdoor runs.
- b. Carry-out restaurants, fast-food establishments.
- c. Drive-up facilities for commercial uses such as restaurants, banks, drug stores and similar drive-up services.
- d. Dry cleaners and Laundromats.
- e. Gasoline filling stations, mechanical service and repair facilities, car wash establishments, new and/or used vehicle sales lots, mobile and modular homes and agricultural machinery.
- f. Mini-storage warehouse facilities.
- g. Contractors yards, salesrooms, rental facilities, open air businesses such as garden furniture, hardware and building items.
- h. Motels and hotels.
- i. Places of worship, public and quasi-public facilities, parks and recreation areas, day care centers and nursery schools.
- j. Mortuaries and funeral homes.
- k. Commercial Recreation Enterprises, such as Go Cart Tracks.
part "k", added by amendment 02-12 adopted 1/13/03
- l. Commercial WECS as regulated by Article IV, Section 4.25
part l. added by amendment #06-07 adopted 12/11/06
- m. Theaters, auditoriums, concert halls, banquet halls, clubs and fraternal organizations or similar places of assembly when conducted within a completely enclosed building. **Added by amendment #10-2 adopted 10/11/10**
- n. Shopping centers and malls. **Added by amendment #10-2 adopted 10/11/10**
- o. Taverns, Bar and Taprooms **Added by amendment # 19-01 adopted 10/14/19**

SECTION 12.5 - GENERAL REGULATIONS: Merchandise may be displayed or stored only within enclosed buildings. The Planning Commission, upon application of the property owner, may modify this requirement to permit, during business hours, limited displays immediately adjacent to the building, upon finding the display is customarily found in connection with the nature of the operation or use.

All utilities shall be installed underground. Lighting shall be directed downward to preserve dark night skies. The use of landscape materials to enhance building groups and parking is encouraged. Loading areas and overhead doors shall not front on the public right of way.

Signage shall be consolidated where feasible and in keeping with the architectural style of the buildings. No off-premise advertising is allowed in this district.

SECTION 12.6 LOT SIZE, WIDTH, SETBACKS AND ACCESS: As noted in the Township Master Plan, a mix of uses and lot sizes is contemplated. Therefore, a minimum lot size of twenty thousand (20,000) square feet is permitted, with a minimum width of one hundred (100) feet, seventy five (75) feet front setback if fronting on M-37 or M-113, and twenty five (25) foot front setback if fronting on an interior drive. All other setbacks fifteen (15) feet. Access to M-37 and M-113 is to be restricted to one (1) per parcel, with internal

drives and interconnecting parking areas strongly encouraged. Setback requirements may be varied if internal drives and interconnecting parking areas are included, subject to site plan approval by the Planning Commission.
Amendment 98-1, Adopted August 13, 1998

ARTICLE XIII
LIGHT INDUSTRIAL DISTRICT

SECTION 13.1 - INTENT AND PURPOSE: This district is established to meet the needs for light industrial uses which generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive materials and other harmful or obnoxious matter. The district is located within the township in compliance with the adopted Master Plan so that encroachment into agricultural, residential and commercial areas will be minimized and access to M-37 is readily available.

As with the Commercial District, the Township Master Plan anticipates that development in the Light Industrial District will be of mixed uses, with common access, shared parking and loading area, a variety of lot sizes, underground utilities, shared or standardized signage and lighting, and landscaping.

SECTION 13.2 - PERMITTED USES: No building or structure, not any part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, for other than one (1) of the following specified uses, subject, however, to the provisions of Article VI (General Provisions) of this Ordinance.

a. Assembly of merchandise such as electronic components into a marketable product and similar production operations, and the packaging of prepared materials, but not the baling of discards intended for recycling, reuse or waste disposal.

b. Lumber yards, including incidental millwork, contractors yards, building material sales yards, including but not limited to rock, sand and gravel (but not asphalt mixing).

c. Truck Terminals, warehousing and material distribution center, including wholesale of goods, provided all products are enclosed within a building.

d. Printing, lithographic, blueprinting and similar uses.

e. Light manufacturing industrial uses which by the nature of the materials, equipment and processing utilized are to be considered clean, quiet, and free from objectionable or dangerous nuisance or hazard, including any of the following uses when conducted within a completely enclosed building.

1. The manufacture, compounding, processing and packaging or treatment of bakery goods, candy, cosmetics, dairy products, pharmaceuticals, and condiments (except fish, sauerkraut, vinegar and yeast).

2. The manufacturing of musical instruments, toys, novelties, rubber or metal stamps, ceramic products, electrical components such as condensers, transformers, crystals holders and the like.

3. Blacksmith shop, machine shop, tool and die, or wrought iron shop, sheet metal products.

4. Central dry cleaning or laundry plants, cleaning and dyeing works, and carpet or rug cleaning.

5. Laboratories, experimental or testing.
6. Accessory structures and uses customarily incidental to the above permitted uses.
- f. Warehouses. Added by Amendment #04-05 adopted 05-10-04
- g. Mini-Warehouses and Self-Storage Facility.
Added by Amendment #04-05 adopted 05-10-04.
- h. Outdoor Storage as regulated by Section 4.22 and subject to Section 5.2 Site Plan Review. Added by Amendment #04-05 adopted 05-10-04
- i. Household WECS as regulated by Article IV, Section 4.25
part i. added by amendment #06-07 adopted 12/11/06

SECTION 13.2.1 Uses Permitted when authorized by site plan approval by the planning commission:

**a. Contractor's yard subject to the provisions of Article IV, Section 4.34
Section 13.2.1 added by amendment # 21-03 adopted 4/12/21**

SECTION 13.3 USES PERMITTED WHEN AUTHORIZED BY SPECIAL USE PERMIT. The following Special Uses shall be permitted subject to review and approval of the township planning commission provided, however, that any request for a special use shall be subject to the requirements set forth in Section 5.1 and 5.2 (Special Use and Site Plan Review) and each subsection thereof of this Ordinance.

1. Public utilities service yard, and other public utility uses and structures.
2. Communication towers.
3. Automotive and truck facilities providing service and repair, including auto body and painting facilities.
4. Composting and/or waste material recycling and processing facilities and transfer stations.
5. Automotive salvage yards and scrap tire collection sites.
6. Outdoor storage of materials and finished products.
7. Commercial WECS as regulated by Article IV, Section 4.25
part 7. added by amendment #06-07 adopted 12/11/06

SECTION 13.4 REQUIRED CONDITIONS. All activities and uses within the District shall conform to, and demonstrate compliance with at the time of site plan review, the following performance standards. However, whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations that are imposed or required by the provision of any other law or ordinance, then the provision of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern.

a. Smoke. A person or industry shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one (1) hour which is:

1. As dark or darker in shade as that designated as No. 1/2 on the Ringelmann chart, as published by the United States Bureau of Mines; or,
2. Of such density as to obscure an observer's view to a degree equal to or greater than the level of smoke described in the above subsection.
3. At no time may smoke emissions be darker than Ringelmann No. 1.

b. Open Fires. A person or industry shall not burn any combustible refuse in any open outdoor fire within the District.

c. Noxious Gases. No noxious or malodorous gases shall be allowed to escape into the atmosphere in concentrations which are offensive, which produces a public nuisance or hazard on any adjoining lot or property, or which could be detrimental to human, plant, or animal life.

d. Air Contaminants. A person or industry shall not discharge from any source whatsoever such quantities of air contaminants or other material, including fly-ash, dust, vapor, or other air pollutants, which could cause injury or harm to health, animals, vegetation, or other property, or which can cause excessive soiling. Dust, dirt, smoke, or fly-ash shall not be in excess of 0.3 grams per cubic foot of flue gas at stack temperature of five hundred (500) degrees Fahrenheit and not to exceed fifty (50) percent excess air.

e. Glare and Heat. Any operation or activity producing glare shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half (0.5) of one (1) foot candle when measured at any adjoining residence or business district boundary line. Flickering or intense source of light shall be so controlled as not to cause a nuisance across any lot lines. If heat is a result of an industrial operation, it shall be so insulated as to not raise the temperature at any property line at any time, above the ambient temperature.

F. Noise. No person shall create, operate, or cause to be operated on private property any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the following table when measured at or within the property boundary of the receiving land use, which source of sound shall be deemed prima facie to be a noise disturbance.

Sound Levels by Receiving Land Use		
Receiving Land Use Category	Time	"A" Weighted Sound Level Limit, dBA

Residential Districts	10:00 p.m. to 7:00 a.m.	70
Resource Conservation Districts	7:00 a.m. to 10:00 p.m.	75
Commercial Districts	10:00 p.m. to 7:00 p.m.	72
	7:00 a.m. to 10:00 p.m.	77
Industrial Districts	10:00 p.m. to 7:00 a.m.	76
	7:00 a.m. to 10:00 p.m.	81

The following uses and/or activities shall be exempt from noise level regulations:

1. Noise for safety signals and warning devices.
 2. Noise resulting from an authorized vehicle, when responding to an emergency
 3. Noises resulting from the provision of municipal services.
 4. Parades and other unauthorized public gatherings.
 5. Noise emanating from vehicles and equipment temporarily used for the development, construction and maintenance of sites, buildings, and infrastructure.
 6. Bells, chimes, carillons, while being used for religious purposes or for special civic celebrations.
 7. Non-amplified crowd noises resulting from the activities of schools, governmental, or community groups.
 8. Agricultural activities.
- g. Vibration. Vibrations from industrial operations and vehicular traffic in this district must be controlled to the extent that they cannot be felt past any property line.
- h. Radio Transmission. For electronic or electric equipment required in an industrial operation, the equipment shall be operated in conformance with all applicable public agency standards so as to not interfere with radio, television, or other electronic equipment.
- i. Storage of Flammable Materials. Any activity involving the use or storage of flammable or explosive materials shall be subject to local fire marshal's standards including protection by adequate firefighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
- j. Radioactive Materials. No activity shall emit dangerous radioactivity at any point, or unreasonable electrical disturbance adversely affecting the

operation at any point of any equipment other than that of the creator of such disturbance.

k. Water Pollution. Pollution of water shall be subject to such requirements and regulations as are established by the Michigan State Department of Health, the Michigan Water Resources Commission, the Grand Traverse County Health Department, Grand Traverse County Drain Commissioner, and the U.S. Environmental Protection Agency.

SECTION 13.5 LOT SIZE, WIDTH, SETBACKS AND ACCESS. As noted in the Township Master Plan, a mix of uses and lot sizes is contemplated. Therefore, a minimum lot size of one (1) acre is permitted, with a minimum width of two hundred (200) feet. A setback of one hundred (100) feet from M-37 is required if the lot fronts on M-37, or twenty-five (25) feet from an interior street or access drive. All other setbacks are fifteen (15) feet. Access to M-37 is restricted to one (1) per parcel existing at the time of enactment of this Ordinance. Additional access may be allowed with site plan approval by the Mayfield Township Planning Commission. Internal drives and interconnecting parking areas are strongly encouraged. Setback requirements may be varied if internal drives and interconnecting parking areas are utilized, subject to site plan approval by the Township Planning Commission.

ARTICLE XIV
MANUFACTURED HOUSING COMMUNITY DISTRICT

SECTION 14.1 INTENT AND PURPOSE: This district is intended to provide for the location and regulation of manufactured housing communities. It is intended that manufactured housing communities be provided with the necessary community services in a setting that provides a high quality of life for residents, and residential development standards consistent with all other residential districts in Mayfield Township. This district will be located in areas where it will be compatible with adjacent land uses.

Determining the appropriate location for a manufactured home park community is a uniquely challenging task and may have a crucial impact on adjacent and surrounding land uses. A manufactured housing community contains specific site conditions unlike other types of residential development. Sites with an abundance of natural features such as forested areas, wetlands, steep slopes, productive cropland, and sites without road and utility infrastructure to support a high density living environment are not found to be suitable for the development of a manufactured housing community.

In light of these parameters, and in the absence of a detailed resource inventory in the Township, coupled with the absence of public water and sewer facilities, and incomplete road infrastructure, the Township has elected to allow this district "float", thus placing the responsibility for the site analysis on the applicant for the placement of this district.

The Township and its residents will rely on the Township Master Plan, the standards contained in the Mayfield Township Zoning Ordinance, and the review standards and requirements of this Article to determine future use, and to judge and evaluate rezoning requests under this Article. The Township Master Plan indicates areas of higher density where this district will be considered.

SECTION 14.2 REZONING APPLICATION: Applications to amend the Zoning Ordinance to establish a manufactured home community district shall be evaluated in accordance with the following standards:

- 1) Consistency with the Mayfield Township Master Plan.
- 2) Availability of public water and wastewater service, or properly permitted private water and wastewater services.
- 3) Absence of unique natural features such as, but not limited to:
 - Significant areas of mature hardwood forests.
 - Significant areas of regulated wetlands.
 - Significant areas of prime or essential farmland as defined by USDA.
 - Significant areas of slopes in excess of ten (10) percent.
- 4) Location on, or improved access to an all-weather Class A Road such as M-37 and M-113.
- 5) Within one and one-half mile of commercial land uses, providing neighborhood and convenience shopping, and community services such as schools and churches.

SECTION 14.3 USES PERMITTED: No building or structure, or any part thereof shall be erected, altered, or used, or land or premises used in whole or in part, for other than the following specified uses:

- A. Manufactured Housing Communities subject to Michigan Manufactured Housing Commission Rules and Manufactured Housing Community Dimensional and Development Standards contained in this Ordinance.
- B. Household WECS as regulated by Article IV, Section 4.25 part B. added by amendment #06-07 adopted 12/11/06

SECTION 14.4 USES PERMITTED BY SPECIAL USE PERMIT: The following special land uses may be permitted after review by the Township Planning Commission and approval by the Township Board; provided however, that any request for a special use permit shall be subject to the requirements of Article V, Sections 5.1 and 5.2.

- A. Planned Developments as regulated by Article IV, Section 4.18.
- B. Multiple Family Dwellings.
- C. Commercial WECS as regulated by Article IV, Section 4.25 part C. added by amendment #06-07 adopted 12/11/06

SECTION 14.5 ADDITIONAL STANDARDS: In addition to the above referenced standards, Manufactured Housing Communities shall be subject to the standards outlined in Article IV, General Provisions of this Ordinance, such as:

- A. Signs as regulated in Section 4.5
- B. Landscape buffers as regulated in Section 4.21

SECTION 14.6 MICHIGAN MANUFACTURED HOUSING COMMISSION RULES. The regulations established by state law, Michigan Public Act 96 of 1987, as amended, the Michigan Manufactured Housing Commission Rules and this Article, shall govern all manufactured housing communities in the Township.

It is not the intent of this Article to exclude from Mayfield Township manufactured homes or persons who engage in any aspect pertaining to the business of manufactured housing.

SECTION 14.7 MANUFACTURED HOUSING COMMUNITY DIMENSIONAL AND DEVELOPMENT STANDARDS. A proposed Manufactured Housing Community shall adhere to the following requirements, as well as the requirements of Act 96 of the Public Acts of 1987, as amended, and the rules and regulations of the State of Michigan Manufactured Housing Commission.

- A. Application Procedures. Pursuant to Section 11 of Act 96 of the Public Acts of 1987, as amended, and the rules promulgated thereunder, an application for the extension, alteration, or construction of a manufactured home development shall be accompanied by a preliminary plan of the proposed development and all permanent buildings indicating the proposed methods of compliance with these requirements. Said application, fees and preliminary plan shall meet the following requirements:

- 1) An application form shall be completed and fees paid in accordance with the fee schedule (as amended from time to time by resolution of the Township Board) and ten (10) copies of the preliminary plan shall be submitted to the Zoning Administrator for distribution to the Planning Commission.
 - 2) The preliminary plan need not include detailed construction plans, but shall include the following materials:
 - a) The applicant's name, address and telephone number and the property owner's name, address and telephone number, if different than that of the applicant.
 - b) Notation of all federal, state and local permits required.
 - c) The location of the project including the permanent parcel number(s) of the property upon which the project is proposed to be located.
 - d) The layout of the project including and illustration of internal roadway system proposed and typical home site layout.
 - e) The general design of the proposed project including the proposed location and design of signs, trash receptacles, light fixtures and any accessory structures, open lands and recreation areas and accessory uses.
 - f) The location, spacing, type and size of proposed plant materials.
 - g) A general description of the proposed project including the number of home sites proposed the anticipated phasing of project development and an indication of the number of home sites to be rented and the number to be sold, if any.
- B. Review Process: The Planning Commission shall review the submitted preliminary plan and communicate its recommendation for approval, approval with conditions or modifications, or denial of the preliminary plan to the township board. The Planning Commission shall approve and recommend to the township board a preliminary plan upon a finding that the proposed use will not, upon the facts known at the time of the submission of the site plan, cause undue hardship, or create unsafe or hazardous health or safety conditions to the general public. Not more than sixty (60) days following the receipt by the Township of a complete application for preliminary plan approval, the township Board shall approve, approve with conditions or modifications, or deny an application and preliminary plan pursuant to the Mobile Home

commission Act, the rules promulgated thereunder, and this Ordinance.

Upon approval of the preliminary plan, the Township clerk shall sign three (3) copies thereof. One (1) signed copy shall be made a part of the township's files, one (1) copy shall be forwarded to the Zoning Administrator for issuance of a Land Use Permit, and one (1) copy shall be returned to the applicant. Construction shall commence within five (5) years after the date of issuance of a construction permit by the Michigan Department of Consumer and Industry Services unless an extension has been granted by said Department. Amendments to the approved preliminary plan must be submitted to the Planning Commission for recommendation to the Township Board for review and approval.

C. Noncompliance: Any substantial noncompliance with the approved preliminary plan shall be reported to the Manufactured Housing Division of the Department of Consumer and Industry Services for remedy along with all pertaining evidence.

D. Site Development Requirements The following requirements for site development, together with any other applicable requirements of the State of Michigan, Act 96 of 1987, as amended, shall be complied with. If any of the requirements of this subsection are less than those in the State Act, the State requirements shall prevail. No manufactured housing community shall be maintained, operated, or conducted without an annual license from the Michigan Department of Consumer and Industry Services. An inspection of construction may be performed at any appropriate time, pursuant to Act 96 of 1987, as amended, (the Mobile Home Commission Act).

1) Site Size. A minimum site size shall be fifteen (15) acres.

2) Site Location. The proposed site location shall be governed by the requirements of Section 11 of the Mobile Home Commission Act and rule 920(1)(b) of the Manufactured Housing Commission Rules.

3) Side Yard Dimensions. All buildings and manufactured housing units within the manufactured housing community site shall be no closer than fifty (50) feet from any public or private street right of way or easement line, and not closer than ten (10) feet from any side or rear lot line of the manufactured housing community site.

4) Space Requirements. The manufactured home development shall be developed with sites averaging 5,500 square feet per manufactured home unit. This 5,500 square feet average per site may be reduced by 20 percent provided that all individual sites shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R125.1946, rule 946 and R125.1941, Rules 941 and 944 of the Michigan Administrative Code.

5) Yard Requirements. The required distances between manufactured home units and other structures and the required distances from property boundary lines shall meet the requirements of Rule 125.1941 and Rule 125.1944, and Rules 941 and 944 of the Michigan Administrative Code.

6) Development Roads. All Development Roads shall meet the general requirements of Rule 125.1920, Rule 920.

7) Paving. All internal roads and parking facilities shall be provided with a paved surface in compliance with the standards of the AASHTO Specifications referenced in Rule 922 of the Michigan Manufactured Housing Commission Rules. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to prevent the drainage of water onto adjacent property or toward buildings. No portion of any off-street parking area shall be considered a part of the sidewalk system.

8) Sidewalks. Sidewalks, which shall meet the standards established in Rule 928 of the Michigan Manufactured Housing Commission Rules, and AASHTO Standards shall be installed along one (1) side of all internal collector roads within the park and to the public right-of-way and to all service facilities including, but not limited to, central laundry, central parking, and central recreation/park areas. Walks connecting the entrance of each manufactured housing unit to the balance of the development walk system shall be designed per Manufactured Housing Commission Rules.

9) Utilities. The installation of utilities within a manufactured housing community shall be in accordance with the following requirements:

a) All electrical, telephone, and utility service shall be underground and specifically designed in conformance with the standard established in Rule 932(a), 934(a), 935—and 940 of the Manufactured Housing Commission.

b) All gas distribution lines shall be located underground. Each manufactured housing lot so served shall have the service line located underground to a connection point and the manufactured housing unit shall be supported so it cannot be abraded by the pad surface. The use of independent bottled gas service for individual manufactured housing units is prohibited. All heating systems shall be designed and installed in accordance with Rules 934 and Rule 940 of the Manufactured Housing Commission.

c) Minimum housing standards for the home or installation of the home plumbing, heating, and electrical systems shall be those either set forth by the United States Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards or by ANSI (American National Standards Institute) for manufactured housing units predating HUD.

d) All manufactured housing sites and all other buildings within the development shall be connected to the water system of the governmental jurisdiction, if it is available to the development, or to another state approved system. The development water system shall conform to parts 2 through 4 of the Michigan Department of Environmental Quality (MDEQ) Manufactured Housing Community Standards.

e) All manufactured housing sites and all other buildings within the development shall be connected to the sanitary sewerage system of the governmental jurisdiction if it is available to the development, or to other state approved systems. The development sanitary sewerage system shall conform to MDEQ Manufactured Housing Community Standards.

f) All storm sewers shall be constructed in accordance with parts 2 through 4 of the MDEQ Manufactured Housing Community Standards by the developer.

10) Skirting. Skirting shall be installed around all manufactured housing units. Such skirting shall be compatible aesthetically with the appearance and construction of the manufactured housing unit. All skirting shall be installed prior to the issuance of a Certificate of Occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed ninety (90) days. All skirting shall meet the specifications established by the Michigan Manufactured Housing Commission Rules.

Individual manufactured housing units shall be skirted around the perimeter of the manufactured housing unit to conceal the underbody from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Manufactured Housing Commission Rules. All skirting shall be manufactured of fire-resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.

11) Installation. Each manufactured housing site shall conform with the Manufactured Housing Commission requirements of Rule 602 for installation of manufactured housing units.

12) Screening, Buffering and Landscaping. Manufactured housing communities shall provide the following screening, buffering and landscaping:

a) If a manufactured home development abuts an existing residential or non-residential development, the manufactured housing development shall provide screening along the boundary line abutting the adjacent development, if not in conflict with existing utilities.

b) The landscaping shall consist of evergreen trees or shrubs at least three feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured home development as effectively as the required landscaping described above.

c) Alternative screening techniques (earth berms, fencing, etc.) are not encouraged but may be approved by the Planning Commission based upon a landscape plan for the site, if they conceal the manufactured home development as effectively as the required landscaping described above.

d) Homesite. Landscaping within the Manufactured Housing Community shall consist of not less than one (1) deciduous or evergreen tree for every two (2) homesites.

13) Public Health and Safety.

a) Fire hydrants shall; be installed in all manufactured housing development and shall be in compliance with the requirements and provisions of the current Grand Traverse County Fire Code. There shall be no more than five hundred (500) feet between hydrants along adjacent roadways within the manufactured housing community.

b) For the protection of the public safety, an orderly street name and numbering system as required by the Grand Traverse County Street and Road Naming and Numbering Ordinance #6 (amended). Manufactured housing site numbers shall be located uniformly on each site, manufactured

housing unit or identification marker throughout the manufactured housing community and street names shall be adequately marked.

c) Cooking shelters, barbeque pits, fireplaces and wood burning stoves shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance both on the site and on neighborhood property. Open fires shall not be allowed except in facilities provided and all such fires must be attended. No fuel shall be used or items burned which emit dense smoke or objectionable odors.

d) Every home shall be equipped at all times with fire extinguishing equipment in good working order, of a type, size, and number and so located within the home as to be compliance with the applicable regulations of Rule 702a of the Manufactured Housing Commission.

e) Emergency access points shall be in compliance with Rule 125.1920.

f) Each manufactured housing unit shall have a safe and unobstructed primary exit and an emergency exit located away from the primary exit.

g) No open fire shall be permitted at any place which may endanger life or property.

h) No fire shall be left unattended at any time.

14) Building Height. No building or structure shall exceed thirty five (35) feet in height.

15) Lighting. Street lighting shall be provided and paid for by the owner of the manufactured housing community and shall be approved by the Manufactured Housing Commission as to adequacy and illumination. The lighting shall also comply with Article IV, Section 4.17 of this Ordinance. No spot or flood lights shall be used for lighting or advertising purposes. No other lighting for identification or advertising purposes shall have a visible source of illumination. No lighting shall shine on adjacent property. Lighting shall be designed to point downward with full cut off shields installed where practical. All other lighting shall be in accordance with the State of Michigan, Act 96 of 1987 as amended.

16) Storage Areas. All storage structures within a manufactured housing development shall meet the requirements of Rules 941 and 944 of the Manufactured Housing Commission.

17) Open Space. A manufactured home community that contains fifty (50) or more home sites shall have not less than two (2) percent of the gross acreage of the total site dedicated to designated open space, but less than 25,000 square feet.

18) Telephone, Television, and other Communication Technologies. Central television antenna systems, cable television, telephone or other similar communication services shall have their distribution systems installed underground in compliance with local and state regulations.

19) Solid Waste and Resource Recovery. The garbage and rubbish storage and disposal procedures in manufactured housing communities shall comply with Michigan Department of Environmental Quality Rules R325.3351 through R325.3354.

20) Severe Weather Warning and Storm Fallout Shelter. A manufactured housing community developer shall comply with Rule 706 of the Manufactured Housing Commission.

21) Signs. Any and all signs provided within the manufactured home community shall not exceed a height of five (5) feet measured from the average grade, and shall be set back at least twenty (20) feet from the front property line and at least ten (10) feet from the side lot line.

a) Primary entrance: One (1) sign not to exceed an area of sixteen (16) square feet shall be permitted at the primary access of the manufactured housing community.

b) Identification. One (1) identification sign not to exceed an area of six (6) square feet shall be permitted for management offices and community buildings.

22) School Bus Stops. School bus stops, if provided, shall be located within the manufactured housing community in an area that is acceptable to the school district.

23) Mailbox Clusters. The United States Postal Service may require that manufactured home communities be served by clusters of mailboxes serving several home sites rather than individual mailboxes. If mailbox clusters are required, they shall be located at least two hundred (200) feet from any intersection of a manufactured housing community internal road and a public road.

24) Miscellaneous Provisions:

a) Occupancy. A manufactured housing community development shall be ready for occupancy when it has complied with Rule 214k and Rule 214n of the Manufactured Housing Commission.

b) Removal of Towing Mechanisms. Towing mechanisms shall be removed from the manufactured housing dwelling at the time the dwelling is installed and stored so as not to be visible from the exterior of the manufactured housing community.

c) The grounds of a manufactured housing community shall be graded to drain properly.

d) New or used manufactured homes in manufactured home development, which are to remain on-site, may be sold by resident, development owner, licensed retailer or broker, provided the manufactured housing development management permits the sale.

e) All requirements of Act 96 of the Public Acts of 1987, as amended, shall apply.

f) The owner or operator of any manufactured housing community shall be responsible for all street construction and maintenance within the confines of the manufactured housing community.

25) Fences. Fences on individual home site, if provided, shall be so constructed as to provide firefighters and emergency response equipment reasonable access to manufactured housing sites and site built structures.

Article XIV added by amendment #04-07 effective 9-28-04.

ARTICLE XIV
MANUFACTURED HOUSING COMMUNITY DISTRICT

SECTION 14.1 INTENT AND PURPOSE: This district is intended to provide for the location and regulation of manufactured housing communities. It is intended that manufactured housing communities be provided with the necessary community services in a setting that provides a high quality of life for residents, and residential development standards consistent with all other residential districts in Mayfield Township. This district will be located in areas where it will be compatible with adjacent land uses.

Determining the appropriate location for a manufactured home park community is a uniquely challenging task and may have a crucial impact on adjacent and surrounding land uses. A manufactured housing community contains specific site conditions unlike other types of residential development. Sites with an abundance of natural features such as forested areas, wetlands, steep slopes, productive cropland, and sites without road and utility infrastructure to support a high density living environment are not found to be suitable for the development of a manufactured housing community.

In light of these parameters, and in the absence of a detailed resource inventory in the Township, coupled with the absence of public water and sewer facilities, and incomplete road infrastructure, the Township has elected to allow this district "float", thus placing the responsibility for the site analysis on the applicant for the placement of this district.

The Township and its residents will rely on the Township Master Plan, the standards contained in the Mayfield Township Zoning Ordinance, and the review standards and requirements of this Article to determine future use, and to judge and evaluate rezoning requests under this Article. The Township Master Plan indicates areas of higher density where this district will be considered.

SECTION 14.2 REZONING APPLICATION: Applications to amend the Zoning Ordinance to establish a manufactured home community district shall be evaluated in accordance with the following standards:

- 1) Consistency with the Mayfield Township Master Plan.
- 2) Availability of public water and wastewater service, or properly permitted private water and wastewater services.
- 3) Absence of unique natural features such as, but not limited to:
 - Significant areas of mature hardwood forests.
 - Significant areas of regulated wetlands.
 - Significant areas of prime or essential farmland as defined by USDA.
 - Significant areas of slopes in excess of ten (10) percent.
- 4) Location on, or improved access to an all-weather Class A Road such as M-37 and M-113.
- 5) Within one and one-half mile of commercial land uses, providing neighborhood and convenience shopping, and community services such as schools and churches.

SECTION 14.3 USES PERMITTED: No building or structure, or any part thereof shall be erected, altered, or used, or land or premises used in whole or in part, for other than the following specified uses:

- A. Manufactured Housing Communities subject to Michigan Manufactured Housing Commission Rules and Manufactured Housing Community Dimensional and Development Standards contained in this Ordinance.
- B. Household WECS as regulated by Article IV, Section 4.25 part B. added by amendment #06-07 adopted 12/11/06

SECTION 14.4 USES PERMITTED BY SPECIAL USE PERMIT: The following special land uses may be permitted after review by the Township Planning Commission and approval by the Township Board; provided however, that any request for a special use permit shall be subject to the requirements of Article V, Sections 5.1 and 5.2.

- A. Planned Developments as regulated by Article IV, Section 4.18.
- B. Multiple Family Dwellings.
- C. Commercial WECS as regulated by Article IV, Section 4.25 part C. added by amendment #06-07 adopted 12/11/06

SECTION 14.5 ADDITIONAL STANDARDS: In addition to the above referenced standards, Manufactured Housing Communities shall be subject to the standards outlined in Article IV, General Provisions of this Ordinance, such as:

- A. Signs as regulated in Section 4.5
- B. Landscape buffers as regulated in Section 4.21

SECTION 14.6 MICHIGAN MANUFACTURED HOUSING COMMISSION RULES. The regulations established by state law, Michigan Public Act 96 of 1987, as amended, the Michigan Manufactured Housing Commission Rules and this Article, shall govern all manufactured housing communities in the Township.

It is not the intent of this Article to exclude from Mayfield Township manufactured homes or persons who engage in any aspect pertaining to the business of manufactured housing.

SECTION 14.7 MANUFACTURED HOUSING COMMUNITY DIMENSIONAL AND DEVELOPMENT STANDARDS. A proposed Manufactured Housing Community shall adhere to the following requirements, as well as the requirements of Act 96 of the Public Acts of 1987, as amended, and the rules and regulations of the State of Michigan Manufactured Housing Commission.

- A. Application Procedures. Pursuant to Section 11 of Act 96 of the Public Acts of 1987, as amended, and the rules promulgated thereunder, an application for the extension, alteration, or construction of a manufactured home development shall be accompanied by a preliminary plan of the proposed development and all permanent buildings indicating the proposed methods of compliance with these requirements. Said application, fees and preliminary plan shall meet the following requirements:

- 1) An application form shall be completed and fees paid in accordance with the fee schedule (as amended from time to time by resolution of the Township Board) and ten (10) copies of the preliminary plan shall be submitted to the Zoning Administrator for distribution to the Planning Commission.
 - 2) The preliminary plan need not include detailed construction plans, but shall include the following materials:
 - a) The applicant's name, address and telephone number and the property owner's name, address and telephone number, if different than that of the applicant.
 - b) Notation of all federal, state and local permits required.
 - c) The location of the project including the permanent parcel number(s) of the property upon which the project is proposed to be located.
 - d) The layout of the project including and illustration of internal roadway system proposed and typical home site layout.
 - e) The general design of the proposed project including the proposed location and design of signs, trash receptacles, light fixtures and any accessory structures, open lands and recreation areas and accessory uses.
 - f) The location, spacing, type and size of proposed plant materials.
 - g) A general description of the proposed project including the number of home sites proposed the anticipated phasing of project development and an indication of the number of home sites to be rented and the number to be sold, if any.
- B. Review Process: The Planning Commission shall review the submitted preliminary plan and communicate its recommendation for approval, approval with conditions or modifications, or denial of the preliminary plan to the township board. The Planning Commission shall approve and recommend to the township board a preliminary plan upon a finding that the proposed use will not, upon the facts known at the time of the submission of the site plan, cause undue hardship, or create unsafe or hazardous health or safety conditions to the general public. Not more than sixty (60) days following the receipt by the Township of a complete application for preliminary plan approval, the township Board shall approve, approve with conditions or modifications, or deny an application and preliminary plan pursuant to the Mobile Home

commission Act, the rules promulgated thereunder, and this Ordinance.

Upon approval of the preliminary plan, the Township clerk shall sign three (3) copies thereof. One (1) signed copy shall be made a part of the township's files, one (1) copy shall be forwarded to the Zoning Administrator for issuance of a Land Use Permit, and one (1) copy shall be returned to the applicant. Construction shall commence within five (5) years after the date of issuance of a construction permit by the Michigan Department of Consumer and Industry Services unless an extension has been granted by said Department. Amendments to the approved preliminary plan must be submitted to the Planning Commission for recommendation to the Township Board for review and approval.

C. Noncompliance: Any substantial noncompliance with the approved preliminary plan shall be reported to the Manufactured Housing Division of the Department of Consumer and Industry Services for remedy along with all pertaining evidence.

D. Site Development Requirements The following requirements for site development, together with any other applicable requirements of the State of Michigan, Act 96 of 1987, as amended, shall be complied with. If any of the requirements of this subsection are less than those in the State Act, the State requirements shall prevail. No manufactured housing community shall be maintained, operated, or conducted without an annual license from the Michigan Department of Consumer and Industry Services. An inspection of construction may be performed at any appropriate time, pursuant to Act 96 of 1987, as amended, (the Mobile Home Commission Act).

1) Site Size. A minimum site size shall be fifteen (15) acres.

2) Site Location. The proposed site location shall be governed by the requirements of Section 11 of the Mobile Home Commission Act and rule 920(1)(b) of the Manufactured Housing Commission Rules.

3) Side Yard Dimensions. All buildings and manufactured housing units within the manufactured housing community site shall be no closer than fifty (50) feet from any public or private street right of way or easement line, and not closer than ten (10) feet from any side or rear lot line of the manufactured housing community site.

4) Space Requirements. The manufactured home development shall be developed with sites averaging 5,500 square feet per manufactured home unit. This 5,500 square feet average per site may be reduced by 20 percent provided that all individual sites shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R125.1946, rule 946 and R125.1941, Rules 941 and 944 of the Michigan Administrative Code.

5) Yard Requirements. The required distances between manufactured home units and other structures and the required distances from property boundary lines shall meet the requirements of Rule 125.1941 and Rule 125.1944, and Rules 941 and 944 of the Michigan Administrative Code.

6) Development Roads. All Development Roads shall meet the general requirements of Rule 125.1920, Rule 920.

7) Paving. All internal roads and parking facilities shall be provided with a paved surface in compliance with the standards of the AASHTO Specifications referenced in Rule 922 of the Michigan Manufactured Housing Commission Rules. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to prevent the drainage of water onto adjacent property or toward buildings. No portion of any off-street parking area shall be considered a part of the sidewalk system.

8) Sidewalks. Sidewalks, which shall meet the standards established in Rule 928 of the Michigan Manufactured Housing Commission Rules, and AASHTO Standards shall be installed along one (1) side of all internal collector roads within the park and to the public right-of-way and to all service facilities including, but not limited to, central laundry, central parking, and central recreation/park areas. Walks connecting the entrance of each manufactured housing unit to the balance of the development walk system shall be designed per Manufactured Housing Commission Rules.

9) Utilities. The installation of utilities within a manufactured housing community shall be in accordance with the following requirements:

a) All electrical, telephone, and utility service shall be underground and specifically designed in conformance with the standard established in Rule 932(a), 934(a), 935—and 940 of the Manufactured Housing Commission.

b) All gas distribution lines shall be located underground. Each manufactured housing lot so served shall have the service line located underground to a connection point and the manufactured housing unit shall be supported so it cannot be abraded by the pad surface. The use of independent bottled gas service for individual manufactured housing units is prohibited. All heating systems shall be designed and installed in accordance with Rules 934 and Rule 940 of the Manufactured Housing Commission.

c) Minimum housing standards for the home or installation of the home plumbing, heating, and electrical systems shall be those either set forth by the United States Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards or by ANSI (American National Standards Institute) for manufactured housing units predating HUD.

d) All manufactured housing sites and all other buildings within the development shall be connected to the water system of the governmental jurisdiction, if it is available to the development, or to another state approved system. The development water system shall conform to parts 2 through 4 of the Michigan Department of Environmental Quality (MDEQ) Manufactured Housing Community Standards.

e) All manufactured housing sites and all other buildings within the development shall be connected to the sanitary sewerage system of the governmental jurisdiction if it is available to the development, or to other state approved systems. The development sanitary sewerage system shall conform to MDEQ Manufactured Housing Community Standards.

f) All storm sewers shall be constructed in accordance with parts 2 through 4 of the MDEQ Manufactured Housing Community Standards by the developer.

10) Skirting. Skirting shall be installed around all manufactured housing units. Such skirting shall be compatible aesthetically with the appearance and construction of the manufactured housing unit. All skirting shall be installed prior to the issuance of a Certificate of Occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed ninety (90) days. All skirting shall meet the specifications established by the Michigan Manufactured Housing Commission Rules.

Individual manufactured housing units shall be skirted around the perimeter of the manufactured housing unit to conceal the underbody from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Manufactured Housing Commission Rules. All skirting shall be manufactured of fire-resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.

11) Installation. Each manufactured housing site shall conform with the Manufactured Housing Commission requirements of Rule 602 for installation of manufactured housing units.

12) Screening, Buffering and Landscaping. Manufactured housing communities shall provide the following screening, buffering and landscaping:

a) If a manufactured home development abuts an existing residential or non-residential development, the manufactured housing development shall provide screening along the boundary line abutting the adjacent development, if not in conflict with existing utilities.

b) The landscaping shall consist of evergreen trees or shrubs at least three feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices may be utilized if they conceal the manufactured home development as effectively as the required landscaping described above.

c) Alternative screening techniques (earth berms, fencing, etc.) are not encouraged but may be approved by the Planning Commission based upon a landscape plan for the site, if they conceal the manufactured home development as effectively as the required landscaping described above.

d) Homesite. Landscaping within the Manufactured Housing Community shall consist of not less than one (1) deciduous or evergreen tree for every two (2) homesites.

13) Public Health and Safety.

a) Fire hydrants shall; be installed in all manufactured housing development and shall be in compliance with the requirements and provisions of the current Grand Traverse County Fire Code. There shall be no more than five hundred (500) feet between hydrants along adjacent roadways within the manufactured housing community.

b) For the protection of the public safety, an orderly street name and numbering system as required by the Grand Traverse County Street and Road Naming and Numbering Ordinance #6 (amended). Manufactured housing site numbers shall be located uniformly on each site, manufactured

housing unit or identification marker throughout the manufactured housing community and street names shall be adequately marked.

c) Cooking shelters, barbeque pits, fireplaces and wood burning stoves shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance both on the site and on neighborhood property. Open fires shall not be allowed except in facilities provided and all such fires must be attended. No fuel shall be used or items burned which emit dense smoke or objectionable odors.

d) Every home shall be equipped at all times with fire extinguishing equipment in good working order, of a type, size, and number and so located within the home as to be compliance with the applicable regulations of Rule 702a of the Manufactured Housing Commission.

e) Emergency access points shall be in compliance with Rule 125.1920.

f) Each manufactured housing unit shall have a safe and unobstructed primary exit and an emergency exit located away from the primary exit.

g) No open fire shall be permitted at any place which may endanger life or property.

h) No fire shall be left unattended at any time.

14) Building Height. No building or structure shall exceed thirty five (35) feet in height.

15) Lighting. Street lighting shall be provided and paid for by the owner of the manufactured housing community and shall be approved by the Manufactured Housing Commission as to adequacy and illumination. The lighting shall also comply with Article IV, Section 4.17 of this Ordinance. No spot or flood lights shall be used for lighting or advertising purposes. No other lighting for identification or advertising purposes shall have a visible source of illumination. No lighting shall shine on adjacent property. Lighting shall be designed to point downward with full cut off shields installed where practical. All other lighting shall be in accordance with the State of Michigan, Act 96 of 1987 as amended.

16) Storage Areas. All storage structures within a manufactured housing development shall meet the requirements of Rules 941 and 944 of the Manufactured Housing Commission.

17) Open Space. A manufactured home community that contains fifty (50) or more home sites shall have not less than two (2) percent of the gross acreage of the total site dedicated to designated open space, but less than 25,000 square feet.

18) Telephone, Television, and other Communication Technologies. Central television antenna systems, cable television, telephone or other similar communication services shall have their distribution systems installed underground in compliance with local and state regulations.

19) Solid Waste and Resource Recovery. The garbage and rubbish storage and disposal procedures in manufactured housing communities shall comply with Michigan Department of Environmental Quality Rules R325.3351 through R325.3354.

20) Severe Weather Warning and Storm Fallout Shelter. A manufactured housing community developer shall comply with Rule 706 of the Manufactured Housing Commission.

21) Signs. Any and all signs provided within the manufactured home community shall not exceed a height of five (5) feet measured from the average grade, and shall be set back at least twenty (20) feet from the front property line and at least ten (10) feet from the side lot line.

a) Primary entrance: One (1) sign not to exceed an area of sixteen (16) square feet shall be permitted at the primary access of the manufactured housing community.

b) Identification. One (1) identification sign not to exceed an area of six (6) square feet shall be permitted for management offices and community buildings.

22) School Bus Stops. School bus stops, if provided, shall be located within the manufactured housing community in an area that is acceptable to the school district.

23) Mailbox Clusters. The United States Postal Service may require that manufactured home communities be served by clusters of mailboxes serving several home sites rather than individual mailboxes. If mailbox clusters are required, they shall be located at least two hundred (200) feet from any intersection of a manufactured housing community internal road and a public road.

24) Miscellaneous Provisions:

a) Occupancy. A manufactured housing community development shall be ready for occupancy when it has complied with Rule 214k and Rule 214n of the Manufactured Housing Commission.

b) Removal of Towing Mechanisms. Towing mechanisms shall be removed from the manufactured housing dwelling at the time the dwelling is installed and stored so as not to be visible from the exterior of the manufactured housing community.

c) The grounds of a manufactured housing community shall be graded to drain properly.

d) New or used manufactured homes in manufactured home development, which are to remain on-site, may be sold by resident, development owner, licensed retailer or broker, provided the manufactured housing development management permits the sale.

e) All requirements of Act 96 of the Public Acts of 1987, as amended, shall apply.

f) The owner or operator of any manufactured housing community shall be responsible for all street construction and maintenance within the confines of the manufactured housing community.

25) Fences. Fences on individual home site, if provided, shall be so constructed as to provide firefighters and emergency response equipment reasonable access to manufactured housing sites and site built structures.

Article XIV added by amendment #04-07 effective 9-28-04.

ARTICLE XVI
BOARD OF APPEALS

SECTION 16.1 - CREATION: There is hereby created and established a Board of Appeals, in accordance with Act 184 of the Public Acts of 1943, as amended. The Board of Appeals shall perform its duties and exercise its powers as provided by said Act, and in such a way that the objectives of this Ordinance may be equitably achieved; that there shall be provided a means for competent interpretation and controlled flexibility in the application of this Ordinance; that the health, safety and welfare of the public be secured and that substantial justice be secured.

SECTION 16.2 - MEMBERSHIP, TERM OF OFFICE: The Board of Appeals shall consist of five (5) members appointed by the Township Board. Up to two alternate members may also be appointed. The first member of such Board shall be a member of the Township Planning Commission. The remaining members of the Board shall be selected from the electors of the Township residing outside of the incorporated cities and villages. One regular member may be a member of the legislative body but shall not serve as chairperson of the zoning board of appeals. An employee or contractor of Mayfield Township may not serve as a member of the zoning board of appeals. The members selected shall be representative of the population distribution and of the various interests present in the Township. A member of the zoning board of appeals may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of his or her duties.

Members of the Board of Appeals shall be removable by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute malfeasance in office.

The term of office for members appointed to the zoning board of appeals shall be for 3 years, except for members serving because of their membership on the zoning commission or legislative body, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than 1 month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term. Section 16.2 amended by amendment #06-06 adopted March 12, 2007.

SECTION 16.3 - MEETINGS AND POWERS: Meetings of the Board of Appeals shall be held at the call of the Chairman and at such times as the Board in its rules of procedure may specify. The Chairman or, in his absence, the acting Chairman may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. The Board shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and shall be a public record. The Board shall not conduct business unless a majority of the members of the Board are present.

SECTION 16.4 - APPEALS TO THE APPEALS BOARD:

A. A demand for a zoning appeal is received by the zoning administrator.
Appeals can be filed by:

1. A person aggrieved, or

2. an officer, department, board, or bureau of the state or local unit of government.

B. The Appeals Board shall have the authority to hear appeals concerning:

1. All questions that arise in the administration of the zoning ordinance, including interpretation of the zoning map.
2. All administrative orders, requirements, decision or determination made by an administrative official or body charged with enforcement of the zoning ordinance.
3. All decisions of the zoning administrator.
4. All decisions concerning site plan review.
5. Classification of a use which is not specifically mentioned as part of the use regulations of a zoning district, so that it conforms to a comparable permitted, special or prohibited use in accordance with the purpose and intent of this Ordinance.

C. Upon receipt of a demand for appeal, the administrator will review the demand for appeal to insure it is complete and the fee is paid.

1. If the application is not complete, the administrator will return the application to the applicant with a letter that specifies the additional material required.
2. If the application is complete, the administrator and chairman of the appeals board shall establish a date to hold a hearing on the appeal.

D. The appeal stays all proceedings in furtherance of the action appealed, unless the body or officer from whom the appeal is taken certifies to the zoning board of appeals that by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril of life or property, in which case proceedings may be stayed by a restraining order issued by the zoning board of appeals or circuit court.

E. A public hearing shall be held and notice provided pursuant to Section 4.26 of this ordinance.

F. The appeals board shall hold a hearing on the demand for appeal.

1. Representation at Hearing - Upon the hearing, any party or parties may appear in person or by agent or by attorney.
2. Standards for Variance Decisions by the Appeals Board:
The Appeals Board shall base its decisions on variance from the strict requirements of this Ordinance so that the spirit of the Ordinance is observed, public safety secured, and substantial justice done based on the following standards:
 - a. For Dimensional Variances: A dimensional variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the public hearing that practical difficulty exists by showing all of the following:
 - (1) That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicants personal or economic difficulty.
 - (2) That the need for the requested variance is not the result of actions of the property owner or previous property owners (i.e. self created).

(3) That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.

(4) That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners the district.

(5) That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

b. For Use Variances: Under no circumstances shall the Appeals Board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

G. If the demand for appeal is for a variance the appeals shall either grant, grant with conditions, or deny the application. The appeals board may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination and may issue or direct the issuance of a permit. A majority vote of the membership of the appeals board is necessary to grant a dimensional variance and rule on an interpretation of the ordinance. The decision shall be in writing and reflect the reasons for the decision. At a minimum the record of the decision shall include:

1. Formal determination of the facts,
2. The conclusions derived from the facts (reasons for the decision),
3. The decision.

H. Any party aggrieved by such decision shall have a right to appeal to Circuit Court within 30 days of the certified decision of the appeals board, as provided by law.

Sections 16.4, 16.5, 16.6, 16.7, 16.8, 16.9 deleted and replaced by the above text by amendment #06-06 adopted March 12, 2007.

ARTICLE XVII
VIOLATIONS

SECTION 17.1 - PENALTIES:

a. Any person, partnership, limited liability company, corporation, or association creates or maintains a nuisance per se, as defined in Section 12.2 of this Ordinance, or who violates, or fails to comply with any provision of this Ordinance or any permit issued pursuant to this Ordinance, shall be responsible for a municipal civil infraction. Every day that such a violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.

b. The Township Board shall appoint an individual to issue municipal civil infraction citations directing alleged violators of the Ordinance to appear in court.

c. In addition to enforcing this Ordinance as a municipal civil infraction, the township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se, or any other violations of this Ordinance.

SECTION 17.2 - NUISANCE PER SE: Any land, dwellings, buildings or structure, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance, or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance, are hereby declared to be a nuisance per se.

SECTION 17.3 - CONFLICTS: If any provision of the Mayfield Township Zoning Ordinances conflicts with this Article, then the provisions of this Article shall control.

Section 17.1, 17.2, 17.3, Amended in its entirety by Amendment 99-5, Adopted 12-19-99

ARTICLE XVIII
SEPARABILITY

SECTION 18.1 - VALIDITY: If any clause, sentence, sub-sentence, paragraph, section or part of this Ordinance be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, sub-sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall be rendered.

SECTION 18.2 - REPEAL: This Ordinance supersedes and repeals the Mayfield Township Zoning Ordinance of 1973.

ARTICLE XIX
EFFECTIVE DATE

This Ordinance shall be given immediate effect.

DATE: APRIL 8, 1986

/s/

Fred Bauer

CLERK, MAYFIELD TOWNSHIP

GRAND TRAVERSE COUNTY, MICHIGAN