

DEERFIELD TOWNSHIP ZONING ORDINANCE



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AMENDED: November 28, 2016 Effective December 8, 2016

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SECTION 1 - TITLE AND PURPOSE

1.01 SHORT TITLE:

This Ordinance shall be known as the Deerfield Township Zoning Ordinance.

1.02 PURPOSE:

The zoning districts provided in this Ordinance, and the regulations specified for each such district, have been developed in accordance with the recommendations of the Deerfield Township Master Plan and other pertinent studies conducted in compliance with the Michigan Planning Enabling Act for the physical development of Deerfield Township. In the application and interpretation, the provisions of this Ordinance shall be held to the minimum requirements adopted to promote the public safety, health and general welfare. Among other purposes, these provisions are designed to conserve lands, waters and other natural resources, to reduce hazards to life and property from flooding, air and water pollution, to secure safety from fire and other dangers, to promote the orderly development of urbanizing areas, to reduce the dangers of excessive public costs which result from unguided development, to avoid undue concentration of population by regulating and limiting the density and use of land, to lessen congestion in the public highways and streets, to facilitate the economic development of adequate streets and highways, educational and recreational and other public facilities and services, to insure appropriate locations and relationships of land uses, to ensure proper development of housing and commerce, and to enhance the social and economic stability of Deerfield Township.

1.03 INTERPRETATION:

The provisions of this Ordinance shall be held to the minimum requirements adopted for the promotion of the public health, safety, convenience, comfort, prosperity and economic welfare. Where this Ordinance imposes greater restrictions upon the use of buildings or other structures or requires larger yards or other open spaces than are imposed or required by other provisions of law, ordinance or deed restrictions, the provisions of this Ordinance shall prevail.

1.04 SCOPE:

This Ordinance shall affect and regulate the use and occupancy of all land and every structure within Deerfield Township. Where this Ordinance imposes greater restrictions than those imposed or required by provisions of other laws, ordinances, private restrictions, covenant deeds or other agreements, the provisions of this Ordinance shall control.

1.05 ZONING AFFECTS ALL STRUCTURES AND LAND AND THE USE THEREOF:

No structure, land or premises shall hereafter be used or occupied and no buildings shall be erected, moved, reconstructed, extended or altered except in conformity with the regulation and provisions of this Ordinance.

SECTION 2 - DEFINITIONS

2.01 DEFINITIONS "A"

ACCESSORY BUILDINGS AND STRUCTURES: A subordinate structure on the same lot with a main building, or principal use, occupied or devoted to an accessory use. Where an accessory building is attached to a main building by a common wall or a common roof, such accessory shall be considered part of the main building.

ACCESSORY USE: Any use customarily incidental and subordinate to the main use of the premises.

ADULT BOOKSTORE: An establishment having a substantial or significant portion of its stock in trade, books, magazines and/or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", or an establishment with a segment or section of stock devoted to the sale or display of such material.

ADULT ENTERTAINMENT: Any conduct which presents materials by books, films, slides or the like or by live presentation which includes services to the patron of an establishment, which material is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specific sexual activities" or "specific anatomical areas".

ADULT MINI-MOTION PICTURE THEATER: An establishment with a capacity for less than 50 persons used for presenting the matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", for observation by patrons therein.

ADULT MOTION PICTURE THEATER: An establishment with a capacity for 50 or more persons used for presenting the matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", for observation by patrons therein.

AMBIENT: The sound pressure level exceeded 90% of the time or L 90.

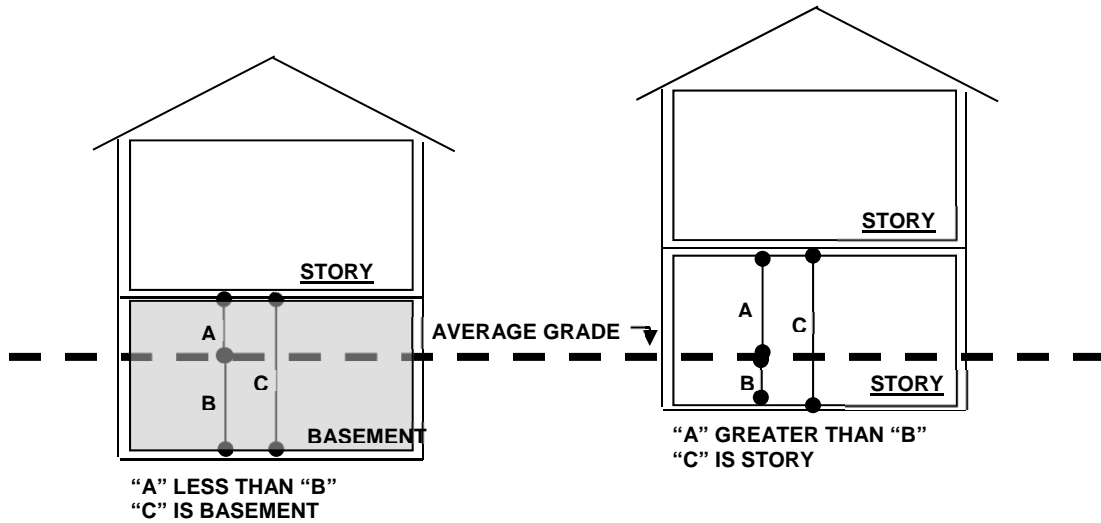
ANEMOMETER TOWER: A freestanding tower containing instrumentation such as anemometers that is designed to provide present moment wind data for use by the Supervisory Control and Data Acquisition (SCADA) system which is an accessory land use to a Utility Grid Wind Energy System.

APARTMENT: A room or suite including bath and kitchen facilities intended or designed for use as a residence.

ARTERIAL STREET: A primary street or road, which carries an uninterrupted flow of traffic from one major center to another.

2.02 DEFINITIONS “B”

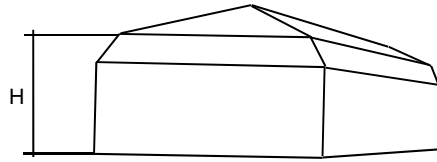
BASEMENT: A portion of a building which is partly below and partly above grade, but so located that the vertical distance from grade to the basement floor is greater than the vertical distance from grade to basement ceiling. A basement shall not be counted as a story.



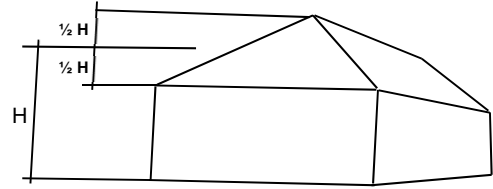
BUILDING: Anything which is constructed or erected, either temporary or permanent, having a roof supported by columns, walls or other supports which is used for the purpose of housing, storing, or enclosing persons, animals, or personal property or carrying on business activities or other similar uses, including tents, stands, cabins and mobile homes. The definition of building shall include only those with at least 150 square feet of usable floor area.

BORROW PIT: An area for the excavation of gravel or other materials where the volume of material extracted will be less than 10,000 cubic yards or an area for the excavation of sand or gravel which is three acres or less in size.

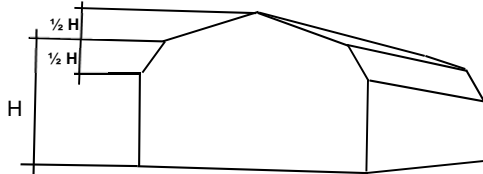
BUILDING, HEIGHT OF: The vertical distance measured from the mean elevation of the finished grade line of the ground at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height level between eaves and ridge for gable, hip and gambrel roofs.



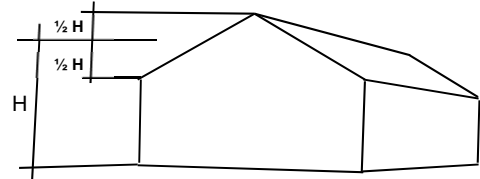
MANSARD ROOF



HIP ROOF



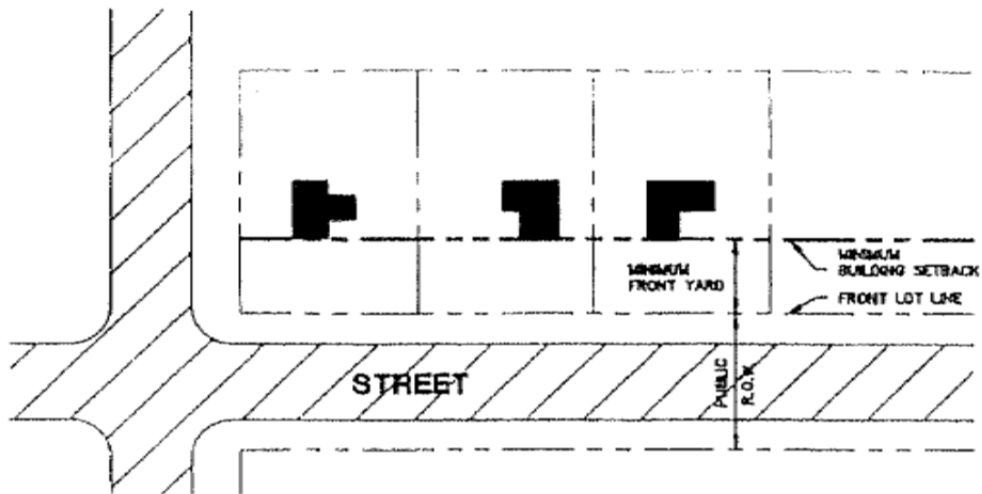
GAMBREL ROOF



GABLE ROOF

NOTE:
H.-HEIGHT OF BUILDING

BUILDING SETBACK: A line defining the front, side and rear yard requirements outside of which no building or structure may be located. It will be that line which coincides with any portion of the building nearest the lot line or the closest point thereon, which includes sun porches, porches and foundations, but not steps.



2.03 DEFINITIONS "C"

CAMPER: Any individual who occupies a campsite or otherwise assumes control or charge of, or is placed in charge of a campsite.

CAMPGROUND: A parcel or tract of land on which campsites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters.

CAMPSITE: Land within a campground intended for the exclusive occupancy by a tent or recreational vehicle or other temporary living structure or vehicle.

CHILD CARE FACILITIES:

- (1) **Family Day Care Home:** A private home in which one (1), but less than seven (7) minor children are received for care and supervision for less than 24 hours a day. A Family Day Care Home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.
- (2) **Group Day Care Home:** A private home in which more than six (6), but less than twelve (12) minor children are received for care and supervision for less than 24 hours a day. A Group Day Care Home includes a home that gives care to unrelated minor children for more than four (4) weeks during a calendar year.
- (3) **Day Care Center:** A licensed facility other than a private home where one or more minor children are received for care and supervision for less than 24 hours a day.

CONDOMINIUM PROJECT: A project consisting of not less than two (2) condominium units if established and approved in conformance with the PA 59 of 1978 (Condominium Act) as amended.

CONDOMINIUM SUBDIVISION: A division of land on the basis of condominium ownership, which is not subject to the provisions of PA 288 of 1967 (Land Division Act), as amended.

CONDOMINIUM SUBDIVISION PLAN: The drawings attached to the master deed for a condominium subdivision which describes the size, location, area, horizontal and vertical boundaries and volume of each condominium subdivision, as well as the nature, location and size of common elements.

CONDOMINIUM UNIT: That portion of a condominium project or condominium subdivision which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business or recreational use as a time-share unit, or any other type of use. The owner of a condominium unit also owns a share of the common amenities. The term "condominium unit" shall be equivalent to the term "lot" for purposes of determining compliance of the condominium subdivision with the provisions of this Ordinance pertaining to the minimum lot area, minimum lot width, and maximum lot coverage.

COMMERCIAL AGRICULTURE: The use of land and/or structures for growing and/or production of farm products for income including such operations as dairy farms, grazing and forage, raising of farm animals and production of farm products, agricultural services, animal husbandry or horticultural services, hay baling and threshing, fruit picking, harvesting and tilling.

CONFINED FEEDLOT: An operation where live farm animals or poultry are concentrated or restricted to an area more limited than to natural feeding habitats and comply with the Michigan Right to Farm Act, PA 93 of 1981, as amended.

CONVENIENCE CENTER: A place where retail items such as petroleum products, bread, milk, and/or limited grocery items are sold. Said facility does not include establishments where auto repairs are performed.

2.04 DEFINITIONS “D”

dB(A): The sound pressure level in decibels. It refers to the “A” weighted scale defined by the American National Standards Institute (ANSI). A method for weighting the frequency spectrum to mimic the human ear.

DECIBEL: The unit of measure used to express the magnitude of sound pressure and sound intensity.

DWELLING: Any building, or portion thereof, used or designed for the residence of a person, or persons, with facilities for such humans to sleep, cook and eat; but not including motels, hotels or tourist cabins.

- (1) **"Dwelling, Single Family":** A detached building designed and occupied exclusively by one family with a minimum of 840 square feet required.
- (2) **"Dwelling, Two Family":** A detached or duplex building designed and occupied exclusively by two families living independently of each other; each family living in separate dwellings.
- (3) **"Dwelling, Multiple Family":** A building, or portion thereof, used and designed to contain separate living quarters for three or more families, but which may have joint services or facilities.

DWELLING UNIT: One or more rooms designed or used as an independent housekeeping establishment for one family and containing kitchen facilities, including a stove or cooking device and a permanently installed sink, bathroom facilities and sleeping facilities.

DWELLING UNIT, MANUFACTURED HOUSING: A dwelling unit, which is designed for long-term residential use and is wholly and substantially constructed at an off-site manufacturing facility. Manufactured housing includes mobile homes and modular housing units.

DWELLING UNIT, MOBILE HOME: A dwelling unit, transportable in one section, which is on a chassis and designed to be used with or without a permanent foundation. Mobile home does not include recreational vehicles. All mobile homes must meet standards as contained in the United States Department of Housing and Urban Development (HUD) Regulations entitled "Mobile Home Construction

and Safety Standards" effective March 1996. All other dwellings shall meet the requirements of the construction codes adopted by the Township Board in conjunction with the State of Michigan construction codes.

DWELLING UNIT, MODULAR (PRE-MANUFACTURED) HOUSING UNIT: A dwelling unit constructed within a factory as a single unit in various sized modules or components, which are then transported by truck or by other means to a site where they are assembled on a permanent foundation to form a single-family dwelling and meet all codes and regulations applicable to single-family home construction.

2.05 DEFINITIONS "E"

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance of overhead or surface or underground gas, electrical, steam or water distribution or transmission or collection systems, communications systems, supply or disposal systems, including mains, drains, sewer, pipes, conduits, tunnels, wire cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for furnishing adequate service for public health, safety or welfare by public utilities or municipal departments or commissions.

EXCAVATION-TRANSPORTATION SERVICES: Excavation-Transportation Services shall include farm drainage, water and sewer line construction, septic systems, and related excavation and transportation business.

2.06 DEFINITIONS "F"

FAMILY: One or more persons living together as a single non-profit housekeeping unit, organized as a single entity in which the members share common kitchen facilities in a domestic relationship based on consanguinity, marriage, adoption or other domestic bond. This definition does not include any society, fraternity, sorority, association, federated lodge, organization or any other group whose domestic relationship is of a transitional or seasonal nature or for an anticipated limited duration.

FARM: Land, plants, animals, buildings, structures, including ponds used for agricultural or aqua-cultural activities, machinery, equipment, and other items used in the commercial production of farm products.

FARM ANIMALS: Livestock, including beef and dairy cattle, goats, hogs, horses, poultry, sheep and other fur-bearing animals.

FARM BUILDING: Any building or accessory structure other than a farm or a non-

farm dwelling unit, which is used for farm operations such as, but not limited to: a barn, grain bin, a farm implement storage building and/or milk house.

FARM OPERATION: A condition or activity, which occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, marketed products at roadside stands or farm markets.

FARM PRODUCTS: Those plants and animals useful to man and includes, but is not limited to, forages and sod crops, grains and feed 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 incorporate the use of food, feed, fiber or fur.

FENCES AND WALLS: Upright structures or barriers of wood, stone, brick, metal, rails, posts with mesh, etc., designed to enclose, protect, divide, confine or define a boundary.

FUEL STORAGE FACILITIES: Facilities for the storage of propane and other related fuel sources solely for the personal residential use of the owner or occupant of the lot. In no way shall fuel storage facilities include commercial sales.

2.07 DEFINITIONS “G”

GARAGE, PRIVATE: A detached accessory building, or portion of a main building, used for the storage of passenger vehicles and not more than one truck of a rated capacity of two tons.

2.08 DEFINITIONS “H”

HOME OCCUPATION: Occupations engaged within a dwelling unit, or on the premises of a dwelling unit, by the residents of the same. The occupation shall be incidental and subordinate to the principal use of the building for residential purposes.

HOUSEHOLD PETS: Any domesticated dog, cat or other animal kept for protection, companionship or hunting purposes, provided they are not kept, bred or maintained for commercial purposes.

2.09 DEFINITIONS “I”

INOPERATIVE MOTOR VEHICLES: A motor vehicle, which is incapable of being operated under its own power.

2.10 DEFINITIONS “J”

(RESERVED FOR FUTURE USE)

2.11 DEFINITIONS “K”

KENNEL: Any lot or premises used for the keeping, sale, boarding, breeding of more than four dogs, cats, or other household pets or any combination thereof, for specified compensation.

2.12 DEFINITIONS “L”

LOT: Land described in a recorded plat or by metes and bounds description and condominium unit in a site condominium, occupied or to be occupied by a building, structure, land use or group of buildings having sufficient size and shape to comply with the use, coverage, lot area, yards, setbacks and other open space requirements of this Ordinance. Each lot shall have frontage upon a public or private road right-of-way or easement as required by this Ordinance.

LOT, CORNER: A lot situated at the intersection of two or more streets having an angle of not more than 135 degrees.

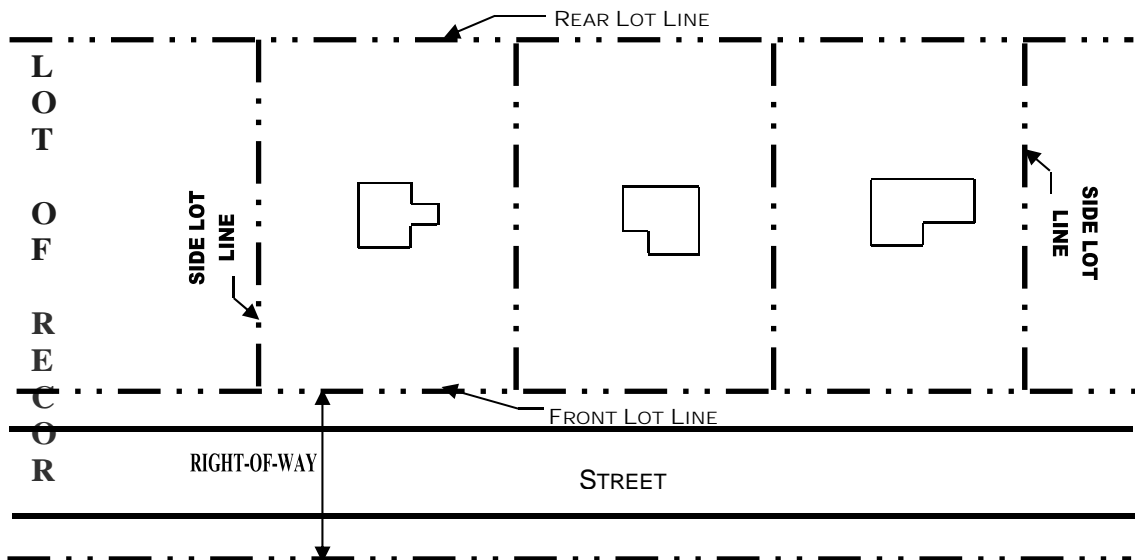
LOT LINE: The line which defines the boundaries of a lot or parcel of land.

LOT LINE, FRONT: The line which separates the front yard from the road right-of-way. In a case where water frontage is used as a front yard, the line shall separate front yard and the water.

LOT LINE, REAR: The line which separates the rear yard and the adjacent lot or street (excluding road right-of-way).

LOT LINE, SIDE: The line which separates the side yard from the adjacent lot or street (excluding road right-of-way).

LOT LINE, STREET OR ALLEY: Any line separating a lot from a street or alley.



D: A parcel of land created prior to the adoption of this Ordinance, exclusive of any adjoining street or road right-of-way, separated from adjacent parcels of land by a description as on a recorded deed, recorded subdivision plan, survey map or metes and bounds.

2.13 DEFINITIONS “M”

MASSAGE ESTABLISHMENT: Any establishment where massages are administered for pay, including, but not limited to, massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Michigan, nor barbershop or beauty shop in which massages are administered only to the scalp, the face, the neck, or the shoulders. This definition shall not be construed to include the following facilities or the office of a physician, surgeon, chiropractor, osteopath or physical therapist and their respective authorized employees. No public or non-profit organization such as a school, park department, YMCA or YWCA operating a community center, swimming pool or other educational, cultural, recreational facilities for residents of the area, will be considered a massage establishment.

MASTER DEED: The document recorded as part of a condominium subdivision project which includes the approved bylaws for the condominium and the condominium subdivision plan.

MINERAL EXTRACTION INDUSTRY: Mineral extraction industries shall include earth removal, quarrying, gravel processing, mining and related mineral extraction businesses. Borrow Pits authorized by this Zoning Ordinance are not Mineral Extraction Industries.

MOTOR VEHICLE REPAIR FACILITY: A place where repairs are made to motor vehicles and primary petroleum products such as gasoline, motor oil, or diesel fuel may be sold at retail as a secondary activity.

2.14 DEFINITIONS “N”

NONCONFORMING, BUILDING OR USES: Any use, building or portions thereof, lawfully existing at the time this Ordinance became effective and which does not comply with its regulations or any subsequent amendments thereto.

2.15 DEFINITIONS “O”

OPEN SPACE: Any unoccupied space, devoid of structures and open to the sky on the same lot with a building.

ORDINARY HIGH WATER MARK: The line between upland and bottom land which persists through successive changes in water levels, below which the presence

and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. On an inland lake which has a level established by law, it means the high-established level. Where water returns to its natural level as a result of the permanent remodel or abandonment of a dam, it means the natural ordinary high water mark.

OUTDOOR RECREATIONAL FACILITIES: Outdoor recreational facilities shall include but not limited to campgrounds, nature centers, riding stables, wildlife sanctuaries, conservation clubs, hunting clubs and gun clubs.

2.16 DEFINITIONS “P”

PARKING AREA: Any area, other than a street or other public way, used for the parking of motor vehicles. A parking area may be accessible for public or private use as an accommodation for licensed motor vehicles of residents, clients, customers or employees.

PARKING SPACE: An area readily accessible by motor vehicles being not less than 180 square feet and shaped satisfactorily for such use. A public space is exclusive of access drives and aisles and is not located on a public street or alley right-of-way.

PERSON: A legal entity, including a body politic or corporate, as well as individual human beings or individuals with common interests or enterprise.

PETROLEUM BULK PLANT: An establishment for the storage of petroleum products, in bulk and/or in packages, for the distribution by tank car, motor truck or pipeline.

PLANNED UNIT DEVELOPMENT: A development which permits integrated and coordinated residential dwellings and/or certain non-residential uses all to be developed according to approved plans as provided for in this Ordinance.

PREDATORY WILD ANIMALS: Any animal not bred by humans or any animal which is likely to cause the death, maiming or illness of a human including, but not limited to, the following animals:

Alligator, Badger, Dogs (wild family), Primate, Bear, Raccoon, Skunk,
Cat (wild family), Coyote, Lizard (poisonous), Snakes, Weasel.

PRINCIPAL OR MAIN USE: The primary or predominant use of a lot or structure.

PUBLIC UTILITY: Any person, firm or corporation duly authorized to furnish to the public, under state or municipal regulation, electricity, gas, steam, communications or water.

PUBLIC OR INSTITUTIONAL USES: Religious organizations, accredited public, parochial or private schools, trade schools, technical schools or colleges,

hospitals, parks, non-profit, recreational uses, libraries, government owned facilities, fire stations or similar uses providing services necessary to the community.

2.17 DEFINITIONS “Q”

(RESERVED FOR FUTURE USE)

2.18 DEFINITIONS “R”

RECREATIONAL VEHICLE: A vehicular transportable structure that is self-propelled or towed by a motor vehicle and which is designed to provide temporary living quarters for recreational camping or travel use. This definition includes, but is not limited to, portable structures commonly known as motor homes, travel trailers, travel homes, fold down campers, truck mounted campers, converted buses and fifth wheels. This also includes boats, snowmobiles and three and four wheel off-road vehicles.

RECREATIONAL VEHICLE PARK: All lands and structures which are owned and/or operated by private individuals, as a business or corporation which are predominantly intended to accommodate the use of recreational vehicles and may provide for outdoor recreational activities.

RESIDENTIALLY ZONED AREA: Any area zoned Rural Residential “RR”, Residential Service “RS” or any area zoned Residential by an adjacent municipality.

RIGHT-OF-WAY: A street, an alley, thoroughfare, or easement permanently established for passage of persons or vehicles.

ROADSIDE STAND: A structure for the display and sale of agricultural products with no space for customers within the structure.

2.19 DEFINITIONS “S”

SALVAGE YARD: An area where waste or used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled. Waste items shall include, but shall not be limited to, scrap iron and other metals, paper, ranges, rubber tires and bottles. Salvage Yard shall also include the dismantling, storage, salvaging or repair of automobiles or other vehicles, or of machinery or parts thereof.

SERVICE STATIONS: Any place where primary petroleum products such as gasoline, motor oil or diesel fuel are sold at retail and auto repairs may be made as a secondary activity.

SIGN: Any announcement, declaration, display, illustration, or insignia used to advertise or promote the interests of any person, product or project when the same is

placed, painted or displayed out of doors in view of the general public.

SIGN, TEMPORARY: A display 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, but not including decorative displays for holidays or public demonstration.

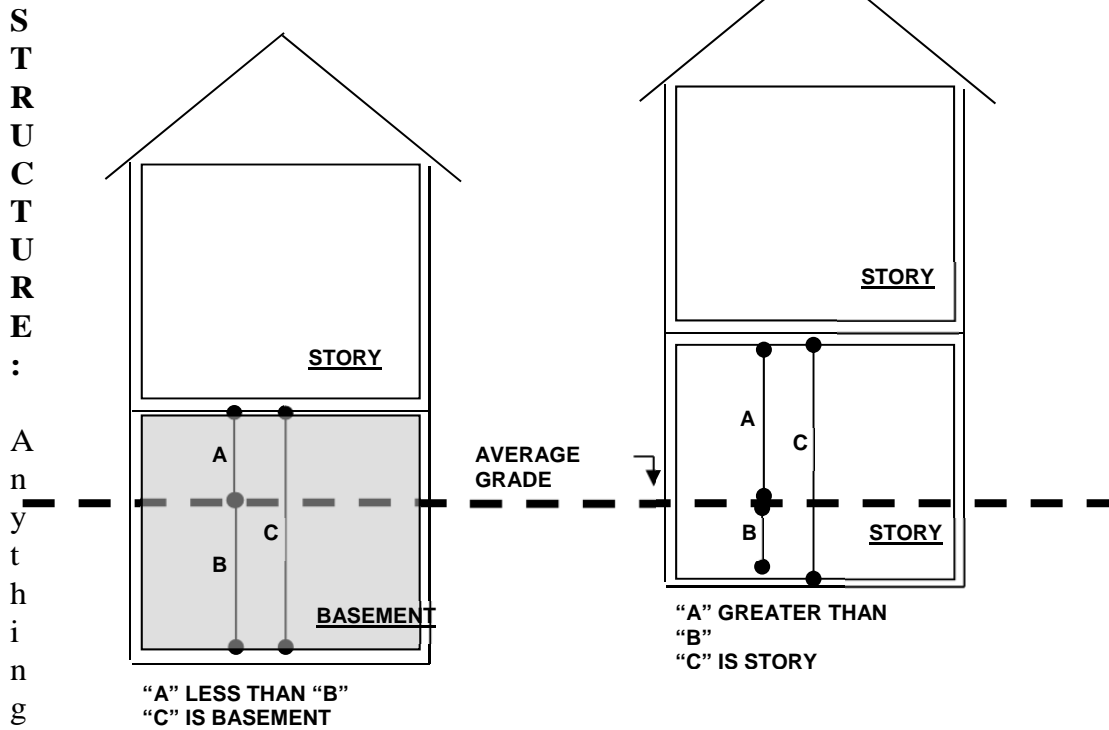
SINGLE OWNERSHIP: Ownership by one or more persons, whether jointly as tenants as a whole or as tenants common, of a parcel of real property.

SPECIFIED ANATOMICAL AREA: Less than completely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola. Also, human male genitals in a discernibly turgid state even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STATE LICENSED RESIDENTIAL FACILITY: A structure constructed for residential purposes that is licensed by the State and provides residential services for individuals under 24-hour supervision or care. Said structures shall be licensed or regulated under PA 218 of 1979 (Adult Foster Care Licensing Act) or PA 116 of 1973 (Child Care Organizations). Those facilities serving six or fewer individuals shall be allowed in all districts zoned for single-family dwellings and shall not be subject to a special use permit or procedure different from those required for other dwellings, of similar density in the same district.

STORY: A portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. A basement shall not be counted as a story.



constructed or erected, the use of which requires permanent location on the ground or anything attached to something having permanent location on the ground.

SUBDIVISION: The partitioning or dividing of a parcel or tract of land in compliance with PA 288 of 1967 (Land Division Act), as amended.

SWIMMING POOL: A constructed basin or structure for the holding of water for swimming and aquatic recreation. Swimming pool does not include plastic, canvas or rubber portable pools temporarily erected upon the ground and holding less than 300 gallons of water.

2.20 DEFINITIONS “T”

TENT: A collapsible shelter of canvas or other fabric stretched and sustained by poles or ropes and used for camping outdoors.

2.21 DEFINITIONS “U”

UNDERGROUND HOME: A residence with sides, which are either partially or totally below grade designed as a complete living unit. An underground home shall include earth-bermed, earth sheltered and enveloped homes and similar dwelling units. The underground home shall be at grade on one side or have one exit at a common grade to the interior of the home.

USE: The purpose consistent with its design or arrangement, for which land, a

structure or a building is or may be applied, employed or occupied.

2.22 DEFINITIONS “V”

(RESERVED FOR FUTURE USE)

2.23 DEFINITIONS “W”

WIND ENERGY SYSTEM: A land use for generating power by use of wind; utilizing use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment. This does not include wiring to connect the wind energy system to the grid.

ON SITE WIND ENERGY SYSTEM, ON SITE: A land use for generating electric power from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site. On site wind systems may use grid tie or reverse metering to offset utility costs without being considered a Utility Grid System.

WIND ENERGY SYSTEM, ROTOR: An element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

WIND ENERGY SYSTEM, UTILITY GRID: A land use for generating power by use of wind at multiple tower locations in a community and includes accessory uses such as but not limited to a SCADA and electric substations. A Utility Grid Wind Energy System is designed and built to provide electricity to the electric utility grid.

2.24 DEFINITIONS “X”

(RESERVED FOR FUTURE USE)

2.25 DEFINITIONS “Y”

YARDS: The open space of a lot unoccupied by the principal building and any accessory building. Within the yard, the shortest distance from lot line to the nearest portion of the principal building or accessory structure shall measure setbacks.

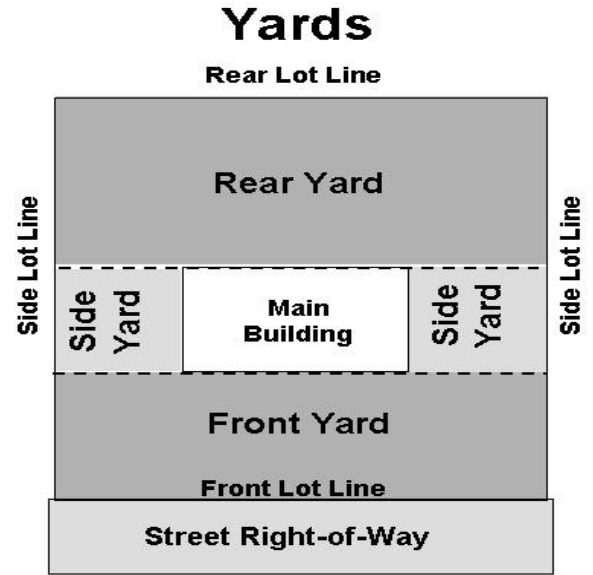
YARDS, REQUIRED: For front yards, that area between the front lot line and the required front setback. For side yards, that area between the side lot line and the required side setback. For rear yards, that area between the rear lot line and the required rear setback.

YARD, FRONT: An open space across the full width of a lot extending into the

lot from the front lot line. Front yards shall be measured from the road right-of-way line to the nearest portion of the principal building or accessory building. Front yards on waterfront lots shall be made from the high water mark to the nearest portion of the principal building or accessory building.

YARD, REAR: An open space across the full width of a lot extending into the lot from the rear lot line to the nearest portion of the principal building. The rear yard shall be unoccupied by any structure other than those permitted as an accessory use or building.

YARD, SIDE: An open space between the front yard and rear yard extending into the lot from the side lot line to the nearest portion of the principal building. A side yard shall be unoccupied by any use other than those permitted as an accessory use or building.



2.26 DEFINITIONS “Z”

ZONING BOARD OF APPEALS (Also known as Board of Appeals): The body which hears appeals on decisions of the administration of this Ordinance, variance requests, provides interpretations of the provisions of this Ordinance and fulfills any other duties delegated to it by this or any other properly adopted Ordinance in Deerfield Township in accordance with the provisions of PA 110 of 2006 (Michigan Zoning Enabling Act).

ZONING ADMINISTRATOR: The Deerfield Township Zoning Administrator.

2.27 ALL OTHER WORDS NOT DEFINED: All other words shall have the meaning as defined in the current edition of Webster’s New World Dictionary.

SECTION 3 – GENERAL PROVISIONS

3.01 ACCESS TO A STREET:

Any lot of record created after the effective date of this Ordinance shall have frontage on a public or private street, except as may be approved as a planned unit development in accordance with the provisions of this Ordinance.

3.02 ACCESSORY BUILDINGS AND STRUCTURES:

Authorized accessory buildings or structures may be erected as part of the principal buildings or may be connected to it by a roofed over porch, patio, breeze-way or similar structure, or may be completely detached. If structurally connected to the building, an accessory building or structure shall be made structurally a part of it and shall comply in all respects with the requirements applicable to the principal building. No detached accessory building or structure may be erected or used unless the following additional requirements are met:

- (1) No detached accessory building or structure shall be erected or used on a lot in which there is no principal building or principal use, except upon lots of three acres or more in size.
- (2) A detached accessory building shall not be nearer than six feet from the principal building.
- (3) No accessory building or structure may be located in a required front yard, except in the "A.P." Districts in which case the accessory building or structure shall be setback a distance at least equal to the minimum required front yard of the district and provided the lot does not have frontage on a lake or river.
- (4) An accessory building or structure less than 200 square feet may be located no less than five feet from a side or rear lot line in all districts.
- (5) In residential districts, no detached accessory building or structure shall exceed a height of 20 feet. In all other districts, the district height limitations for buildings or structures shall apply.
- (6) In residential districts, no accessory building or combination of buildings shall exceed 20% of the area of the lot up to a maximum of five acres, provided all other requirements of this Ordinance are met.

3.03 ANIMALS (KEEPING OF):

- (1) No livestock animals or fowl other than customary household pets may be housed in any residential district, except those specified in the "RR," "RS."

Districts, or within 100 feet of any adjoining residential property line.

- (2) The keeping of not more than four customary household pets may be permitted in all districts. The keeping of more than four pets may be permitted on any lot-provided that all of the following conditions are met:
 - (a) The size of the lot in question is at least five acres.
 - (b) The animals are housed at least 100 feet from any adjoining property line.
 - (c) A kennel permit is obtained from the office of the Isabella County Animal Control Department.
 - (d) The keeping of pets must be for personal use only and not for commercial purposes.
- (3) Predatory or wild animals shall not be kept in any district in the Township.

3.04 AREA OR SPACE REQUIRED:

No lot, or lots in common ownership and no recreational court, parking area or other area shall be reduced to less than the minimum required under this Ordinance. No lot or other area shall be further reduced if already less than the minimum. No portion of an existing lot of record shall be sold if the new lot, which is created, does not meet the area and dimension requirements of the district in which it is located.

3.05 BASEMENT DWELLINGS:

- (1) The use of any basement as a permanent residence or dwelling unit is prohibited in all districts. This provision shall not exclude underground homes or similar dwelling units from locating in the township.
- (2) Basement dwellings intended for use and occupancy incidental to the construction of a permanent dwelling may be used and occupied on any lot, provided a temporary permit is secured from the Zoning Administrator upon compliance with reasonable safety requirements. Such a permit shall not be granted for any period longer than one year subject to renewal only upon evidence of reasonable progress toward completion in the construction of a permanent dwelling to be erected on the lot or land on which said basement home is placed. Special consideration may be given for renewal where undue circumstances (e.g. ill health, etc.) have halted construction.

3.06 BORROW PITS:

Borrow Pits, as defined in this Ordinance shall be allowed in the Agricultural Preservation

“A.P.” District provided a permit is obtained and the following conditions are met:

- (1) The permit shall require an application co-signed by the landowner and the operator and submitted to the Zoning Administrator, along with a fee and Site Plan which requires the following information:
 - (a) A clear description of the proposed operation, the duration of the use, and the schedule of reclamation
 - (b) The location of existing buildings, driveways, roads, and uses on the site and surrounding properties
 - (c) The location and description of service drives, haul roads, and processing equipment for the operation
 - (d) A plan describing any contemplated future use of the site
- (2) No structures shall be erected.
- (3) No activity shall take place within 100 feet of a property line or 300 feet of a residence.
- (4) Truck operators shall be directed away from residences whenever practical.
- (5) Air pollution in the form of dust and dirt shall be kept to a minimum.
- (6) The operation shall be restricted to the period from sunrise to sunset.
- (7) Upon reclamation, the banks of all excavations shall be sloped to the pit floor at a slope not steeper than four feet horizontal to one foot vertical.
- (8) Topsoil of a quality equal to that occurring naturally on the like soils shall be replaced within the period of the permit to a depth of a minimum of three inches when settled.
- (9) Vegetation similar to that existing prior to the excavation shall be restored or seeded and planted to Natural Resources Conservation Service standards to prevent erosion.
- (10) All extraction activities must operate under the Soil Erosion and Sedimentation Act and proof of the required permit must be provided.
- (11) The Department of Resource Management may require a performance bond.

- (12) No proposed Borrow Pit shall be permitted within 1,000 feet of an existing Mineral Extraction Industry or Borrow Pit.
- (13) The permit shall be valid for a period of one year. All activities, including reclamation, must be performed within the permitted period. The permit may be extended for up to six (6) months for good cause upon written request. Subsequent activity at a reclaimed site shall require a Special Land Use Permit from the Planning Commission.
- (14) A copy of the permit must be conspicuously posted on the site of the activity.

3.07 CORNER CLEARANCE:

No fence, structure or plantings, except deciduous trees, over three feet in height shall be planted or erected on the street side of a line drawn between two points each being 30 feet from the intersection of the right-of-way of two intersecting streets, providing a clear line of sight.

3.08 CORNER LOTS:

The front yard is designated by the owner as that area which abuts a street right-of-way and shall meet the front yard requirements of the district in which it is located.

3.09 DAMAGED BUILDINGS:

- (1) A building which has collapsed or been damaged by fire, flood, storm, or act of God to such an extent that the cost of repair and reconstruction exceeds 50% of its replacement value at the time the damage occurred shall be repaired, removed, or reconstructed by commencement within 90 days and completion within one year of the damage and according to the provisions of this Ordinance and the building code relative to new construction.
- (2) A building damaged to the point where it can no longer be safely used through wear and tear, deterioration and/or depreciation to such an extent that the cost of repair and rehabilitation exceeds 50% of its replacement value shall be repaired, removed, or rehabilitated by commencement within 90 days and completion within one year of the date of notice given by the Zoning Administrator, according to the provisions of this Ordinance and the building code relative to new construction.
- (3) The Zoning Administrator may require that damaged buildings, as described in Section 3.09 (1) and (2) above, be secured at the doors and windows or that the building be removed.
- (4) A building permit must be secured before reconstruction of a building shall be

commenced. The Township Building Inspector shall determine the extent of such destruction, deterioration or depreciation before issuing a permit.

3.10 DUMPSTERS:

No dumpsters located in any residential district shall be located in any front yard and shall be properly fenced in or screened from view on three sides.

3.11 DWELLING UNITS:

All dwelling units located outside of a mobile home park shall comply with the following conditions:

- (1) All dwelling units shall meet the requirements of the district in which it is located, including dwelling area requirements and area, height, and dimension regulations.
- (2) Exterior building materials of all dwelling units shall extend to the foundation on all sides.
- (3) All dwellings shall be firmly attached to the foundation so as to be water tight as required by the construction code adopted by the appropriate enforcement authority. A mobile home shall be anchored to the foundation by an anchor system designed and constructed in compliance with the United States Department of Housing and Urban Development Regulations entitled “Mobile Home Construction Standards.”
- (4) All dwellings shall be connected to a public sewer system and water supply system and/or a well and septic system approved by the local Health Department.
- (5) All dwellings shall be provided with adequate steps or porch areas, permanently attached to the foundation, where there exists an elevation differential of more than one foot between any door and the surrounding grade. All dwellings shall be provided with a minimum of two points of ingress and egress.
- (6) All additions to dwellings shall meet all of the requirements of this Ordinance. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. The compatibility of design and appearance shall be determined by the Zoning Administrator upon review of the plans submitted for a particular dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour or relief from the common or standard designed home.
- (7) All mobile homes must meet standards for mobile home construction as

contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards" effective in 1996, as amended. All other dwellings shall meet the requirements of the construction code adopted by the Township.

3.12 ESSENTIAL PUBLIC SERVICES:

It shall be lawful for public utilities, municipal departments or commissions to erect, construct, alter or maintain essential public services including buildings reasonably necessary for the furnishing of adequate services for the public health, safety and general welfare, in any zone, area or use district of the Township, provided that the erection or construction of any or all above-grade construction consisting of necessary buildings and structures therefore shall be designed and erected to conform harmoniously with the general architecture and plan of such district in which it is to be erected and shall be subject to the approval of the Planning Commission.

3.13 FENCES AND WALLS:

Fences or walls of not more than 7 feet in height are permitted in all yards, except as provided herein.

- (1) Fences shall not be constructed within the required road right-of-way or across alleys which have not been vacated.
- (2) In the "RS" District, protective wire such as barbed wire or electric fences shall not be utilized on lots less than five acres.
- (3) In the "RS" District, fences no more than three feet (3') in height used for decorative purposes shall be permitted in the required front yard. Except as provided herein, fences no more than four feet (4') in height consisting of at least seventy-five percent (75%) open spaces uniformly distributed along its surface may be permitted in the required front yard.
- (4) Fences in the Commercial District shall not exceed a height of eight (8') feet. If required by the Planning Commission, screening shall be provided to protect adjacent property.
- (5) Walls and fences for screening purposes shall comply with the screening provisions of this Ordinance.

3.14 HEIGHT EXCEPTIONS:

The following structural apparatuses shall be permitted to exceed the height limitations for authorized uses, as specified in the appropriate zoning district.

- (1) Apparatuses to mechanical or structural functions such as chimneys and

smokestacks, water tanks, ventilators and communication towers, provided that the Zoning Administrator shall approve such apparatus.

- (2) Structures for agricultural operations, windmills, flag poles, church steeples, belfries, cupolas, domes and towers are permitted up to 100 feet, provided that any required yard setback shall be equal to the height of the structure.

3.15 HOME OCCUPATIONS:

Home occupations, as defined in Section 2, shall be allowed in all residential and agricultural districts provided that the following standards are met:

- (1) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the livable floor area of the dwelling unit shall be used in the conduct of the home occupation.
- (2) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such a home occupation, except the outside storage of growing plants shall be allowed. However, one sign not exceeding four square feet in area shall be permitted provided it is non-illuminated and is mounted flat against the wall of the main building of any dwelling unit in an "A.P.," "R.R." or "R.S." district. A non-illuminated sign not exceeding four square feet in area may be mounted on a pole or other structure such that the top of the sign is not higher than four feet above the ground and placed not closer than 35 feet from the edge of the road for dwelling units setback farther than 35 feet from the edge of the road.
- (3) No home occupation shall be conducted in any accessory building in the "R.R.", "R.S." Districts except for incidental storage.
- (4) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood (up to 10 trips per day). Any need for parking generated by the conduct of such home occupation shall be met off the street and other than a required front yard. No more than three off-street parking spaces may be permitted in "R.R." and "R.S." Districts.
- (5) No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuation in line voltage off the premises
- (6) No sales or service contacts shall be made between 9:00 P.M. and 7:00 A.M.
- (7) Home occupations such as, but not limited to, hair dressers, income tax

preparation, accounting services, computer programming, telephone solicitation, arts and crafts sales, plant sales, insurance sales, medical, professional and other offices, hide processing and fur trading shall be permitted provided they meet all of the above provisions.

- (8) Yard or garage sales are not considered home occupations.
- (9) The applicant registers the home occupation with the Zoning Administrator. A zoning permit shall be issued if all the standards of this Ordinance are met. An annual inspection may be conducted to ensure compliance with the conditions specified in this section.
- (10) A zoning permit for a home occupation runs with the property, not with the land owner, and a subsequent owner may continue to operate the home occupation provided that the new owner registers with the Zoning Administrator and operates the home occupation in conformance with all the requirements of this Ordinance and any permit issued pursuant to it.

3.16 MOVING OF STRUCTURES:

The moving of a structure shall be considered the erection of a new structure. All provisions relative to the erection of new structures shall be met. The Building Inspector may require a performance bond, prior to such moving.

3.17 ON SITE WIND ENERGY SYSTEMS:

An On-site Use Wind Energy System is an accessory use by right in all zoning districts which shall meet the following standards:

- (1) Designed to primarily serve the needs of a home, farm, or small business.
- (2) Shall have a tower height of 65 feet or less.
- (3) The distance between an On-site Use wind energy system and the owner's property lines, or Setback Boundary Agreement, shall be equal to the height of the wind energy system tower including the top of the blade in its vertical position. The distance between an anemometer tower and the owner's property lines, or Setback Boundary Agreement, shall be equal to the height of the tower. No part of the wind energy system structure, including guy wire anchors, may extend closer than ten feet to the owner's property lines, or the distance of the required setback in the respective zoning district, whichever results in the greater setback. Setback Boundary agreements shall not be required to approve an on-site use which meets the required setback for a tower of less than the maximum height.
- (4) On-site Use wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. This sound pressure level may be

exceeded during short- term events such as utility outages and/or severe wind storms. If the ambient sound pressure level exceeds 55 dB(A), the standard shall be ambient dB(A) plus 5 dB(A).

- (5) On-site Use wind energy systems including towers shall comply with all applicable Deerfield Township and State of Michigan construction and electrical codes and local building permit requirements. On-site Use wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.), the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations. An interconnected On-site Use wind energy system shall comply with Michigan Public Service Commission and Federal Energy Regulatory Commission Standards. Off-grid systems are exempt from this requirement.
- (6) An On-site Use wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

3.18 OUTDOOR LIGHTING:

- (1) All outdoor lighting used to light a specific site shall be shielded to reduce glare and shall be arranged as to reflect lights away from all adjacent residential districts or adjacent residences.
- (2) All outdoor lighting shall be directed toward and confined to the ground areas of the lawns or parking lots intended to be served.
- (3) Illumination of signs shall be directed or shielded downward so as not to interfere with the vision of individuals on adjacent highways or adjacent property.
- (4) All illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type (except displays of time and temperature). Artificial light shall be stationary and constant in intensity and color at all times when in use.

3.19 PRINCIPAL USE:

Only one principal use shall be made of a lot (except upstairs apartments) unless groups of apartment buildings or commercial buildings shall be deemed a principal use collectively. A single-family dwelling shall constitute a principal use and only one single-family dwelling shall be permitted on a lot.

3.20 SCREENING PROVISIONS:

All required screening referred to in this Ordinance shall meet the following provisions:

- (1) Screening shall not extend into or be located within any portion of an existing street right-of-way.
- (2) Existing plant materials, fences or walls may be counted as contributing to the screening requirement. Screening shall be provided on each lot or parcel, independent of adjoining uses or adjoining vegetative matter.
- (3) Plant materials other than ground cover (up to three feet in height) shall not be placed closer than four feet from the property line. Where plant materials are placed in two or more rows, plantings shall be staggered in rows.
- (4) Evergreen trees shall be not less than six feet in height and shall be planted not more than 30 feet from one trunk to the next.
- (5) Deciduous trees shall be not less than 2" diameter in width and shall be planted not more than 30 feet from one trunk to the next.
- (6) Deciduous shrubs shall be not less than three feet in height and shall be planted not more than four feet from one tree trunk to the next.
- (7) The following landscape/plant materials are suggested for required screening:
 - (a) Deciduous Trees: Beech, Birch, Flowering Crab, Ginkgo (male), Hackberry, Hard Maple, Hawthorn, Honey Locust, Linden, Magnolia, Redbud and Sycamore
 - (b) Evergreen Trees: Cedar, Fir, Hemlock, Juniper, Pine, and Spruce
 - (c) Shrubs: Cotoneaster, Dogwood, Euonymus, Forsythia, Hazelnut, Honeysuckle, Hydrangea, Lilac and Privet
- (8) The following trees are not permitted for plantings of required screening:
 - (a) Box Elder, Soft-Maple (Red, Silver), Elms, Aspen, Cottonwood, Willows, Horse Chestnut (nut bearing), Tree of Heaven, Catalpa and Female Ginkgo.
- (9) The plantings shall be maintained in a neat and attractive manner commensurate with the adjoining area and shall maintain their density and screening effect throughout the year. A minimum of 30% of one deciduous species is required with a 10 foot width of greenbelt.

- (10) Walls or fences for screening purposes shall be at least four feet in height, but in no case shall the fence or wall be lower than the installation, structure or activity to be screened, unless said installation, structure or activity exceeds eight feet in height.
- (11) If required by the Planning Commission, screening shall be provided along walls or fences to protect adjacent property.
- (12) All walls herein required shall be constructed of weather-resistant, rust-proof and easily maintained materials.
- (13) Masonry walls used for required screening purposes may be constructed with openings which do not in any square section (height and width) exceed 20% of the surface where walls are pierced; the openings shall be spaced to maintain the obscuring minimum height requirement.
- (14) Wood walls may be permitted for screening under the following conditions:
 - (a) All walls must be solid in appearance (no openings) and must be similar to one of the following walls types:
 - (I) Board
 - (II) Staggered Board
 - (III) Wood 1 inch X 4 inch screen
 - (IV) Board and Batten
 - (V) Solid Stockade Fence
 - (VI) Panel
 - (VII) Solid Picket
 - (b) Lumber shall be spruce, Cedar, Redwood, Wolmanized, or man-made materials or have equal construction quality or grade.
 - (c) Grade of lumber shall be at least “construction grade”.
 - (d) An anchor post set in concrete a minimum of 8" thick and 16" deep and 6" wider than the post (or other equivalent anchoring) shall be located at fence ends, corners and at approximately 40 foot centers for all types of wood screening fences.
- (15) Other appropriate screening that meets the equivalence of the standard specified in this section may be allowed contingent upon approval of the sketch plan submitted to the Planning Commission.

3.21 SOLAR PANELS, SATELLITE DISHES AND ANTENNAS:

Free standing solar panels, satellite dishes and antennas shall meet the setback

requirements for accessory structures.

3.22 SWIMMING POOLS, SPAS, HOT TUBS AND OTHER SIMILAR DIVICES:

Private swimming pools, spas, hot tubs and other similar devices are permitted in the rear yards of all residential districts, provided all of the following regulations are met:

- (1) Private swimming pools, spas, hot tubs and other similar devices shall be equipped with filtration, circulation and other systems adequate to maintain the water in a clean and healthful condition in accordance with the health requirements of the County.
- (2) The discharge pipe leading from any private swimming pool, spas, hot tubs and other similar devices shall be composed of a durable material and size as approved by the Joint Construction Code Authority. No private swimming pool, spas, hot tubs and other similar device shall be wholly or partially emitted on another property unless written permission is first obtained from the adjacent property owner.
- (3) A proper plumbing permit shall be obtained when the system is connected to a potable water supply.
- (4) Every person owning land on which there is located a swimming pool, spa, hot tub, or similar device (below ground or above ground) which contains twenty-four (24) inches or more of water in depth at any point, shall ensure that such device is made inaccessible to small children by means of a fence or enclosure surrounding the device or due to the height of the side walls, as approved by the Zoning Administrator. These side walls, fences or enclosures, including the gates, shall not be less than four (4) feet or greater than (6) feet above grade. All gates shall be self-latching with latches placed no less than four (4) feet above grade or otherwise made inaccessible from the outside to small children.
- (5) Private swimming pools, spas, hot tubs and other similar devices shall not be closer than 10 feet to any side or rear lot line of the premises.
- (6) No lighting or electrical wiring shall overhang the surface of the water or be so located as to present the possibility of falling into the water. All lighting of private swimming pools, spas, hot tubs or other similar devices and the surrounding area shall not reflect on adjacent property or buildings.

3.23 TEMPORARY FACILITIES:

Temporary accessory structures for uses incidental to construction work may be authorized by permit by the Zoning Administrator after issuance of a building permit for the proposed structure. The temporary permit shall specify the location

of the temporary accessory structure and shall terminate six months after the date of its issuance. The Zoning Administrator may renew the permit for no more than two additional six-month periods if construction of the principal structure has been progressing in a reasonable manner. In any event, the temporary facility and all debris shall be removed within 15 calendar days after completion or abandonment of the work.

3.24 TEMPORARY STRUCTURES:

No structure, whether temporary or permanent, of a fixed or portable construction, shall be erected or moved onto a lot and used for or stored for temporary purposes unless subject structure meets the minimum standards as defined in this Ordinance and is authorized by the issuance of a temporary permit by the Zoning Administrator as provided in this Ordinance.

3.25 VEHICLES:

The storage or temporary parking of motor vehicles shall comply with the following regulations:

- (1) Storage or parking of two or more inoperable or unlicensed vehicles, boats, trailers or motorcycles (except operable farm equipment) in any district is expressly prohibited unless contained within a completely enclosed structure.
- (2) In a residential district, the storage of vehicles over two tons in rated capacity is prohibited.
- (3) Storage of recreational vehicles is permitted in agricultural and residential districts, if stored in the rear yard or side yard and locked so as to prevent access by children and prevent any use except as permitted in this Ordinance.

3.26 WASTE, ACCUMULATION OF:

The accumulation of waste, rubbish, garbage, refuse, trash, abandoned, discarded or unused objects, machinery or equipment such as furniture, appliances, cans or containers is prohibited. Other deleterious substance on the premises of private residences or farms, commercial institutions or in streets and alleys greatly increases the danger of fire and spread of infections and diseases, and is expressly prohibited by this Ordinance.

3.27 YARD, GARAGE, MOVING OR ESTATE SALES:

Yard, garage, moving or estate sales shall be permitted up to two times per year provided the following conditions are met:

- (1) The yard, garage, moving or estate sale shall not operate for more than four days in any given month.
- (2) All signs advertising the sales shall not be displayed more than three days before the first day of the sale or more than one day after the sale.

SECTION 4 – NON-CONFORMING USES, STRUCTURES AND LOTS

4.01 NON-CONFORMING USES:

Any lawful use existing at the time of the adoption or amendment of this Ordinance may be continued, notwithstanding the fact that such use becomes non-conforming under the Ordinance, as adopted or amended.

4.02 CHANGE OF NON-CONFORMING USE:

A non-conforming use may be changed to another non-conforming use by authorization of the Zoning Board of Appeals if such new use would markedly decrease the degree of non-conformance and would enhance the desirability of adjacent conforming uses. Whenever a non-conforming use is changed to a more restricted or conforming use, such use shall not thereafter revert to the prior non-conforming use.

4.03 DISCONTINUANCE:

If a non-conforming use is discontinued for a period of one year, it may not thereafter be continued. No non-conforming use, if changed to a use permitted in the district in which it is located, shall be resumed or changed back to a non-conforming use.

4.04 EXPANSION OF NON-CONFORMING USES:

A non-conforming use may be expanded throughout the structure in which it is conducted except in all residential districts. Non-conforming uses which are not located within a building or structure may not be expanded to land not actually in use at the time of the adoption of this Ordinance or any amendment thereto. Non-conforming uses having multiple buildings or structures shall not be expanded by construction of an additional building or structure.

4.05 NON-CONFORMING STRUCTURES AND USES:

Any structure or use which when constructed, complied with the height, area, dimension and any other size regulations of the Ordinance in effect at the time of its construction may continue notwithstanding the fact that such structure or use becomes non-conforming as to height, area, dimension, or other regulations of this Ordinance, as adopted or amended.

4.06 BUILDINGS AND USES UNDER CONSTRUCTION:

Any structure or use lawfully in the process of completion at the time of the adoption of this Ordinance or any amendment thereto may be completed. Such structure may be used for the use specified in the building permit, notwithstanding the fact that such use or the structure itself does not comply

with the Ordinance as adopted or amended. The term "Process of Completion" includes the completed construction of footings and the pouring of concrete. The preparation of architectural plans and drawings, purchase of land, leases, or materials, or the moving of earth is excluded from such term. The Zoning Administrator shall determine which buildings and structures are in the process of completion according to the procedures specified in this Ordinance.

4.07 RESTORATION AND REPAIR:

- (1) Only repairs and maintenance work required to keep a non-conforming structure in sound condition may be made.
- (2) A structure or use damaged by the elements, public enemy or other casualty may be rebuilt or restored, not to exceed its original size prior to such damage and located on the original site, and its use resumed if the cost of such restoration and repair does not exceed 50% of the appraised replacement cost of the building or use which was damaged. The Township Building Inspector shall make such determination. Persons aggrieved by the determination of estimated replacement cost by the Building Inspector may appeal such determination to the Board of Appeals. Rebuilding must begin within one year of the occurrence and be completed within the following six months.
- (3) No non-conforming structure or use shall be rebuilt or reconstructed and resumed if the cost thereof exceeds the formula established in paragraph (2) unless the Board of Appeals has made the following determination:
 - (a) The circumstances are such that the lot previously occupied by such non-conforming use cannot then be advantageously used for a use permitted in the district in which it is situated, and all repairs shall be commenced within one year from the time of the casualty. A Building Permit shall be first obtained.
 - (b) Reconstruction of the structure or use and its resumption will not adversely affect adjacent properties or the Township for reasons of health, safety or general welfare.

4.08 NON-CONFORMING LOTS:

In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling may be erected on any single lot of record recorded with the Register of Deeds at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that setbacks and all other requirements not involving area or width, or both, of the lot, shall conform to the regulations for the district in which such lot is located.

However, if two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of the Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an individual parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or divided in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.

4.09 ILLEGAL NON-CONFORMING USES:

Non-conforming uses of structures, or land existing at the effective date of this Ordinance that were established without a Zoning Permit or without a valid Building Permit, or those non-conforming uses which cannot be proved conclusively as existing prior to the effective date of this Ordinance, are illegal non-conforming uses and are not entitled to the status and rights accorded legally established non-conforming uses.

SECTION 5 – DISTRICTS

5.01 DISTRICTS:

To carry out the purpose of this Ordinance, Deerfield Township is hereby divided into the following districts:

“A.P.” –	Agricultural Preservation
“R.R.” –	Rural Residential
“R.S.” –	Residential Services
“C” –	Commercial
“I” –	Industrial
“W/S” –	Waterfront-Shore Land

5.02 SCOPE OF REGULATIONS:

Except as herein provided, no structure shall be erected or altered nor shall any building or premises be used for any purpose other than is permitted in the district in which such building or premises is located.

5.03 PROVISION FOR OFFICIAL ZONING MAP:

For the purpose of this Ordinance, the zoning districts as provided herein are bound and defined as shown on a map entitled "Official Zoning Map of Deerfield Township." The Official Zoning map, with all explanatory matter thereon, is hereby made a part of this Ordinance. The signature of the Township Clerk and the Deerfield Township Supervisor shall designate the Official Zoning Map.

5.04 AUTHORITY OF OFFICIAL ZONING MAP:

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Zoning Administrator and open to public inspection, shall be the source of final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

5.05 SCHEDULE OF DISTRICT REGULATIONS: (See chart next page)

ZONING DISTRICT	LOT AREA (min.) (sq. ft.)	LOT DEPTH (max)	LOT WIDTH (min)	FRONT YARD (min)	SIDE YARD (min total)	LEAST ONE SIDE YARD (min)	REAR YARD (min)	HEIGHT (max) (*3)	LOT COVERAGE (max)
AGRICULTURAL PRESERVATION "A.P."	43,560	(*2)	165'	50'	40'	20'	20'	35'	10%
RURAL RESIDENTIAL R.R."	43,560		150'	40'	40'	20'	20'	35'	50% (*1)
RESIDENTIAL SERVICES R.S."									
- WITHOUT PUBLIC SERVICES	43,560		165'	35'	30'	15'	20'	35'	50%
- WITH PUBLIC SERVICES	12,000		80'	35'	20'	8'	20'	35'	50%
COMERCIAL "C"	12,000		80'	50' (*4)	10'	10'	25'	35'	50% (*4)
PUBLIC "P"	43,560		200'	50'	40'	20'	35'	35'	
INDUSTRIAL "I"	174,420		200'	50'	50'	50'	50'	35'	50%
QUASI-PUBLIC "Q-P"									

* Footnotes are an integral component of this section and should be read in conjunction with the above table.

Other regulations in this Ordinance may require larger lot sizes and setback requirements, and those other provisions shall prevail.

FOOTNOTES TO SCHEDULE OF DISTRICT REGULATIONS

- 1) Lot width shall be measured at the front of the building line. For lots with irregular shapes, the minimum horizontal distance between two side lot lines shall not be less than 75% of the minimum lot width. Where lot frontage is on the inside of a curve, a cul-de-sac, or similar condition, the width shall be determined as the average of the total of the front and rear lot lines.
- 2) For purposes of this Ordinance the Agricultural Preservation District (AP) will allow a corridor of 330 feet deep, on lots of 3 acres or less, from the middle of the road for building purposes.
- 3) Heights are measured at the midway point between the peak of the roof and the eave.
- 4) In the "C" District, a front yard of at least 75 feet must be provided on state highways. No principal or accessory building in "C" district shall be closer than 60 feet to the property line of any residential use or district as provided in this Ordinance.

SECTION 6 – (A.P.) AGRICULTURAL PRESERVATION DISTRICT

6.01 DESCRIPTION AND PURPOSE:

The AP District is intended to encourage the retention of the best lands in agricultural production, to protect viable agricultural enterprises, and to prevent the encroachment of incompatible land uses into agricultural areas. These regulations are designed to discourage uses and buildings which demand public services and infrastructure such as major thoroughfares and public sewer, water and drainage facilities.

- (1) The A. P. District acknowledges that agriculture is a specialized form of industry characterized by the production through biological and botanical processes of saleable farm products as a result of the combination of raw materials (soils, seeds, plants, water and nutrients), manpower (farm labor and machinery), and energy (solar and power equipment).
- (2) Other specific purposes for which this district is established include:
 - (a) To preserve woodlands and wetlands associated with farms which because of their natural physical features, are useful as water retention and groundwater recharge areas and as habitat for plant and animal life, and which have important aesthetic and scenic values which contribute to the unique character of the agricultural district.
 - (b) To prevent the conversion of agricultural land to scattered nonfarm development which, when unregulated, unnecessarily increases the cost of public services to all citizens and results in the premature disinvestment in agriculture.
- (3) The agricultural district boundaries are based on an analysis of soils that identified those especially well-suited for farming as classified by the Natural Resources Conservation Service (based on the characteristics of soils, drainage, topography, and the availability of water). Other factors were also taken into consideration when establishing the district boundaries, including the existing investment in agriculture, the extent of and proximity to nonfarm development, the average parcel size of existing farms and the minimum acreage needed for most farm operations. These factors are discussed in the current Deerfield Township Master Plan.

6.02 PERMITTED USES:

The following uses of land and structures are permitted in the Agricultural Preservation District:

- (1) Centralized collection, refinement, storage and distribution of farm

products to wholesale and retail markets (such as grain cleaning and shelling)

- (2) Borrow Pits
- (3) Agricultural Preservation and Farm Operations
- (4) Facilities used in the research and testing of farm products and techniques
- (5) Single Family Dwelling
- (6) Farm equipment sales, service and repair
- (7) Family Day Care Homes
- (8) Home Occupations
- (9) Milling and Processing of Farm Products
- (10) Nursery (including landscaping services and Christmas trees)
- (11) Sorting, grading and packaging of fruits and vegetables for grower
- (12) State Licensed Residential Facilities (six or fewer residents)
- (13) Storage and sale of seed, feed, fertilizer and other products essential to agricultural production
- (14) Veterinary services
- (15) On site wind energy system

6.03 SPECIAL LAND USES:

The following uses may be permitted by Special Land Use in the Agricultural Preservation “A.P.” District:

- (1) Airports
- (2) Cemeteries
- (3) Golf Courses and Country Clubs
- (4) Religious Institutions
- (5) Kennels

- (6) Mineral Extraction
- (7) State Licensed Residential Facility (more than 6)
- (8) Outdoor Recreation Facilities
- (9) Planned Unit Development
- (10) Private Roads
- (11) Communication Towers and Antennas
- (12) Salvage Yards

6.04 SITE DEVELOPMENT STANDARDS:

The Agricultural Preservation District shall seek to maximize agricultural productivity and shall meet the dimensional requirements specified in this Ordinance.

6.05 ADDITIONAL REQUIRMENTS:

Roadside stands may be allowed, provide access to an off-street parking area on the property of three parking spaces for each 50 square feet of gross floor area and/or display area. A minimum of 540 square feet of off-street parking area is required. Parking requirements for roadside stands do not need to conform to parking and loading standards section in this Ordinance.

SECTION 7 – (R-R) RURAL RESIDENTIAL DISTRICT

7.01 DESCRIPTION AND PURPOSE:

This Rural Residential District provides for a desirable residential area for single-family dwellings. The district would not normally have public sewer or public water. The district is intended for larger lots or tracts of land intended for low density single family residential use and other specialized uses requiring relatively larger tracts of land. Some light agricultural activity is permitted.

7.02 PERMITTED USES:

The following uses of land and structures are permitted in the Rural Residential District:

- (1) Family Day Care Homes
- (2) Home Occupations
- (3) Single-family Dwelling
- (4) On Site Wind Energy Systems

7.03 SPECIAL LAND USES:

The following uses of land and structures may be permitted upon the issuance of a Special Land Use permit:

- (1) Planned Unit Development
- (2) Outdoor Recreational Facilities
- (3) Religious Institutions
- (4) Kennels
- (5) Private Roads
- (6) Communication Towers and Antennas
- (7) State Licensed Residential Facilities (more than 6)
- (8) Group Day Care Homes
- (9) The keeping of livestock in compliance with the Michigan Right to Farm Act provided all Generally Accepted Agricultural Management Practices are

met.

7.04 SITE DEVELOPMENT STANDARDS:

The Rural Residential District shall seek to provide a larger lot residential area desirable for single family residential use including other specialized large lot uses and all uses shall meet the dimensional requirements specified in this Ordinance.

SECTION 8 – (R-S) RESIDENTIAL SERVICE DISTRICT

8.01 DESCRIPTION AND PURPOSE:

The Residential Service District is intended for single and two-family dwellings. The district shall be located in those areas with the greatest likelihood of access to public sewer and/or public water service, and is within or adjacent to a community.

8.02 PERMITTED USES:

The following uses of land and structures are permitted in the Residential Service District:

- (1) Family Day Care Homes
- (2) Home Occupations
- (3) Single-family Dwellings
- (4) Multi-family Dwellings

8.03 SPECIAL LAND USES:

The following special uses of land and structures may be permitted upon the issuance of a Special Land Use Permit in accordance with this Ordinance:

- (1) Group Day Care Homes
- (2) Planned Unit Development (single, two and multi-family dwellings only)
- (3) Public and Institutional Uses
- (4) Recycling Drop-off Sites
- (5) Religious Institutions
- (6) State Licensed Residential Facilities (more than 6)
- (7) Private Roads
- (8) Communication Towers and Antennas

8.04 SITE DEVELOPMENT STANDARDS:

The Residential Service District shall seek to provide smaller lots in a residential area desirable for higher densities of residential uses and all uses shall meet the dimensional requirements specified in this Ordinance.

SECTION 9 – (C) COMMERCIAL DISTRICT

9.01 DESCRIPTION AND PURPOSE:

The Commercial District is designed to meet the diversified and day-to-day shopping and service needs of persons residing in the Township as well as the needs of highway traffic along the major transportation routes in the Township. An integrated or planned cluster of establishments served by a common parking area and generating somewhat large volumes of vehicular and pedestrian traffic may characterize these districts.

9.02 PERMITTED USES:

The following uses of land and structures are permitted in the Commercial District:

- (1) Generally recognized retail businesses, which supply commodities when conducted completely within an enclosed building such as, but not limited to: groceries, meats, dairy products, baked goods or other foods, drugs, dry goods, clothing, notions and hardware.
- (2) Retail sales of plant material not grown on the premises, lawn furniture, playground equipment and garden supplies.
- (3) Personal service establishments, which perform services on the premises such as, but not limited to: repair shops (watches, radio, television, shoes, etc.), tailor shops, beauty parlors or barber shops, photographic studios, self-service laundries and dry cleaners, and service garages.
- (4) Dry cleaning establishments or pick-up stations dealing directly with the consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.
- (5) Business establishments, which perform services on the premises such as, but not limited to: banks, loan companies, insurance offices and real estate offices.
- (6) Professional services such as, but not limited to: offices of doctors, dentists, osteopaths and similar or allied professions including clinics.
- (7) Auto wash establishments when completely or partially enclosed in a building.
- (8) Bowling alley, billiard hall, indoor archery range, indoor tennis courts, indoor skating rink or similar forms of indoor commercial recreation when located at least 100 feet from any residential use or district.
- (9) Bus Passenger Stations.

- (10) Hotels, Motels and Other Transient Lodging
- (11) New and Used Car Sales and Service
- (12) Miniature Golf and Golf Driving Ranges.
- (13) Restaurants and other places serving food or beverage.
- (12) Theaters, assembly halls, concert halls, or other similar places of assembly when conducted completely within an enclosed building.

9.03 SPECIAL LAND USES:

The following special uses of land and structures may be permitted upon the issuance of a Special Land Use Permit in accordance with this Ordinance:

- (1) Adult Entertainment Activities
- (2) Multiple Family Dwellings
- (3) Day Care Center
- (4) Meat Processing Plant
- (5) Mini-Warehouses
- (6) Planned Unit Development
- (7) Recycling Drop-off Sites
- (8) Open Air Business
- (9) Private Roads

9.04 SITE DEVELOPMENT STANDARDS:

The Commercial District shall seek to provide commercial uses and all uses shall meet the dimensional requirements specified in this Ordinance.

9.05 ADDITIONAL REQUIRMENTS:

- (1) All outdoor storage shall be restricted to rear and side yards and shall be completely screened in accordance with this Ordinance. All outdoor sales areas shall be set back a minimum of 50 feet from any residential building and shall be screened in accordance with this Ordinance.
- (2) All development shall be physically separated from the local road by a curb

and 10 foot landscaped area or other suitable barrier. Such barrier shall effectively eliminate un-channeled vehicle ingress or egress except for authorized access ways.

- (3) No principal or accessory building shall be closer than 60 feet to the property line of any residential use or district. A planted landscaped area of at least 10 feet in width, meeting the screening standards specified in this Ordinance shall be provided in the required setback.
- (4) Establishments where alcoholic beverages or entertainment are permitted, no building shall be located closer than 200 feet from any residential district.
- (5) No parking lot or driveway shall be located within 50 feet of a residential district.
- (6) All refuse containers shall be located in the rear yard and be screened from view with a solid fence or wall in accordance with the screening provisions of this Ordinance.
- (7) Service stations, motor vehicle repair facilities, and convenience centers shall also comply with the following:
 - a. Curb cuts for access to a filling station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 100 feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
 - b. The minimum lot area shall be 15,000 square feet and arranged so that ample space is available for all motor vehicles. Filling stations and convenience centers which are intended solely for the sale of gasoline, oil and minor accessories, including those having facilities for repair or servicing of automobiles (including lubricating facilities), may be permitted on lots meeting the lot area requirements of the district in which it is located.

SECTION 10 – (I) INDUSTRIAL DISTRICT

10.01 DESCRIPTION AND PURPOSE:

The Industrial District is designed to accommodate wholesale activities, warehouses and industrial operations whose external and physical effects are for the most part restricted to the district. The District permits manufacturing, compounding, processing, and packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material. The general goals of this District are as follows:

- (1) To provide sufficient space in appropriate locations to meet the needs of the Township's future economic growth for all types of manufacturing and related uses.
- (2) To protect residential areas by separating them from manufacturing activities and by prohibiting the use of industrial areas in or near new residential development.
- (3) To promote the development of manufacturing which is free from danger of fire, explosions, toxic and noxious matter, radiation and other hazards from offensive noise, vibration, smoke, odor and other objectionable influences.
- (4) To promote the most desirable use of land in accordance with the Master Plan for the Township. To protect the character and established pattern of adjacent developments and to conserve the value of land and buildings and other structures in the Township.

10.02 PERMITTED USES:

The following uses of land and structures are permitted in the Industrial District:

- (1) Any use charged with the principal function of basic research design and pilot or experimental product development. Such uses shall be conducted within a completely enclosed building, except those uses, which by their nature, require outside testing.
- (2) Any of the following uses when the manufacturing, compounding or processing is wholly within an enclosed building, provided they meet the industrial performance standards specified in this Section.
 - (a) Warehousing wholesale establishments and trucking facilities.
 - (b) The manufacturing, compounding, processing, packaging or treatment of products such as, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware, cutlery, tool, die, and gauge and machine products.

- (c) The manufacturing, compounding, assembling or treatment of sections of merchandise from previously prepared materials such as, but not limited to, bone, canvas, cellophane, cloth and cork, elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semi-precious metals or stones, sheet metal, textiles, tobacco, wax, wire, wood and yarns.
 - (d) The manufacturing of pottery and figurines or other similar ceramic products.
 - (e) The manufacturing of musical instruments, toys, novelties, metal or rubber stamps and molded rubber products.
 - (f) The manufacturing of electrical appliances, electronic instruments and devices, radios and other similar devices.
 - (g) Laboratories and other similar uses.
 - (h) The manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and other similar products.
 - (i) Central dry cleaning plants or laundries, provided that such plants shall not deal directly with the consumer at retail.
 - (j) All public utilities including buildings, necessary structures, storage yards and other related uses.
- (3) Warehouse storage, transfer, electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and substations, gas regulator stations, water and gas tank holders, railroad transfer and storage tracks and freight terminals.
 - (4) Storage facilities for building materials, such as, but not limited to sand, gravel, stone, lumber, storage of contractor's equipment and supplies.
 - (5) Municipal uses such as water treatment plants, reservoirs, sewage treatment plants and all other municipal buildings and uses, including outdoor storage.
 - (6) Greenhouses
 - (7) Trade or Industrial School
 - (8) Mini-Warehouses
 - (9) Auto Engine and Auto Body Shops including undercoating shops when

completely contained within an enclosed building, provided that the additional requirements of this section are met.

- (10) Lumber and Planning Mills when completely contained within an enclosed building, provided that the additional requirements of this section are met.
- (11) Metal Plating, Buffing and Polishing subject to appropriate measures to control the type of process, to prevent noxious results and/or nuisances and provided that the additional requirements of this section are met.
- (12) Heating and Electric Power Generating Plants and all necessary uses.
- (13) The Production, Refining and Storage of Petroleum or other flammable liquids.
- (14) Accessory Structures as provided for in this Ordinance.

10.03 SPECIAL LAND USES:

The following special uses of land and structures may be permitted only upon the issuance of a Special Land Use Permit in accordance with this Ordinance:

- (1) Kennels
- (2) Meat Processing Plants
- (3) Mineral Extraction Industries, including sand and gravel
- (4) Planned Unit Developments, including Industrial Parks
- (5) Salvage Yards
- (6) Communication Towers and Antennas

10.04 SITE DEVELOPMENT STANDARDS:

The Industrial District shall seek to provide light industrial uses and all uses shall meet the dimensional requirements specified in this Ordinance.

10.05 ADDITIONAL REQUIRMENTS:

- (1) The portion of the land used for open storage facilities for materials or equipment shall be totally screened from view on those sides abutting agricultural, residential or commercial districts and on any front yard abutting a public thoroughfare. The extent of such screening may be determined by the Planning Commission on the basis of usage and shall be

in conformance with this Ordinance.

- (2) If deemed necessary by the Planning Commission, the applicant shall sign an agreement that the use of the property will meet the following performance standards, or that any violation of these standards in subsequent operations will be corrected, the costs of inspection by experts for compliance to be borne by the applicant:
 - (a) All activities shall be carried on only in buildings conforming to the building code, and the operation shall be carried on in such a manner and with such precaution against fire and explosion hazards as to produce no explosion hazards as determined by the local fire department. Flammable liquids, other than fuels used for heating, shall be stored in an entirely enclosed building which shall be used for no other purpose, or in underground tanks provided said storage building is not closer than 100 feet to any building occupied by one or more persons.
 - (b) There shall be no emission of any smoke, atomic radiation, fumes, gas, dust, odors, or any other atmospheric pollutant, which will disseminate beyond the boundaries of the lot occupied by such use in such a manner as to create a public nuisance.
 - (c) The discharge of untreated industrial waste is prohibited. No effluent shall contain any acids, oils, dust, toxic metals, corrosives or other toxic substance in solution or suspension which would create odors, or discolor, poison or otherwise pollute the surface or groundwater in anyway.
 - (d) There shall be no vibration, which is discernable to the human senses beyond the property line of the site in which such use is conducted.
 - (e) There shall be no noise emanating from the operation, which will be more audible beyond the boundaries of the site than the volume of traffic noise on the nearest adjacent street.
 - (f) There shall be no direct or sky reflected glare exceeding 1 and 1/2 foot candles or which would be damaging to the human eye measured at the property line of the lot occupied by such use. This regulation shall not apply to lights used at the entrance or exit of service drives leading to a parking lot. Exterior lighting sources shall be directed away from any neighboring residential district.
- (3) No industrial use shall be located nearer than 500 feet to a residential district.

- (4) The site of all permitted industrial uses shall have direct access to a public or private road.

SECTION 11 – (W-S) WATERFRONT-SHORELAND OVERLAY DISTRICT

11.01 DESCRIPTION AND PURPOSE:

The Waterfront-Shoreland District is an overlay district intended to ensure that the environment and aesthetic quality of the surface water resources and wetlands of Deerfield Township are protected from misuse and degradation. The Waterfront-Shoreland District includes all lands in any zoning district within the following distances of the ordinary high water mark of the state's navigable water: 500 feet from a lake, pond or impoundment, and 300 feet from a river or stream. Waterfront-Shoreland District provisions shall apply to all lakes, ponds or impoundments greater than 25 acres in water surface area and the rivers and streams in the Township.

- (1) The purpose of this district is to provide specific regulations, which shall further the maintenance of safe and healthful conditions, prevent and control water pollution, reduce hazards to persons and damage to property as a result of flood conditions, protect fish and other aquatic life, provide for the wide utilization of water and related land resources, and control development so as to preserve the economic and natural environmental value of shorelands.
- (2) It is recognized that the surface water resources of the Township are a shared resource of relatively fixed supply and, thus, must be regulated in a manner which will ensure reasonable usage by riparian property owners and the general public.
- (3) Further, it is the intent of this section to comply with the provisions and requirements of the National Flood Insurance Program as constituted in accord with the National Flood Insurance Act of 1968 and sequent enactment and the rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency, as published in the Federal Register. Vol. 41 No. 207, Tuesday October 26, 1976, and redesigned at 44 FR 31177 May 31, 1979 or subsequent statutes.

11.02 SITE DEVELOPMENT STANDARDS:

- (1) Shoreland Vegetation: The cutting of trees and shrubbery shall be regulated so as to protect natural beauty, control erosion and reduce the flow of sediments and nutrients from the shoreland area.
 - (a) A 35-foot strip bordering and adjacent to all waters within the Waterfront-Shoreland District shall be established as a "Vegetative Buffer Strip."
 - (b) The "Vegetative Buffer Strip" shall be maintained to grasslands, trees and shrubs or its natural state. Natural growth shall be preserved as practical and when removed, it shall be replaced with other vegetation

that is equally effective in controlling runoff.

- (c) In the strip of land 35 feet wide inland from the ordinary high water mark of a lake, pond, or flowage or the full bank stage of a river or stream, not more than 30 feet in any 100 feet of frontage may be denuded of vegetation provided such disturbance does not cause excessive erosion and sedimentation or an adjacent watercourse.
 - (d) The tree and shrubbery cutting regulations outlined herein shall not apply to the removal of dead, diseased or dying trees or shrubs.
- (2) **Building Setback:** No building will be allowed within the vegetative buffer strip.
- (3) **Wetlands:** Wetlands shall be defined as land characterized by hydric soils and the presence of water at a frequency and duration sufficient to support wetland vegetation or aquatic life. In the absence of wetland inventory maps, the following soil types shall be considered wetlands for the purpose of this Ordinance:

Pinnebog Muck, Adrian Muck, Edwards Muck, Histosols and Aquepts

- (a) The construction of any wastewater disposal system within a wetland in the Waterfront-Shoreland District is prohibited. Raising the elevation of ground by adding fill materials to create a mounded disposal tile field is not permitted.
 - (b) Any activity, which may adversely impact a wetland, is subject to review and permit approval by the Michigan Department of Environment Quality and/or the U.S. Department of Environmental Protection Agency pursuant to provisions of the Wetland Protection Act (Act 203 of 1979) and other state statutes.
- (4) **Soil Erosion:** Any earth moving operation such as grading, clear-cutting, cut and fill construction and other similar activities which may cause soil erosion and sedimentation of the water resources of the Township will conform to provisions of the Soil Erosion and Sedimentation Control Act (Act 347 of 1972).
- (5) **Steep Slopes:** If any building is proposed on slopes greater than 15% within the Waterfront-Shoreland District as determined by available topographic maps or field inspections, the Township shall be provided evidence in writing of the following:
- (a) That a plan has been prepared for the disposal of storm waters without serious erosion of topsoil or impairment of slope stability and without sedimentation of any stream or body of water.

- (b) The District Health Department has approved of the on-site water and wastewater disposal system.
- (6) Canal and Channel Construction: The construction of any canal or channel or similar activity within the Waterfront-Shoreland District must be done in accordance with Michigan Department of Environmental Quality rules and regulations.
 - (a) Before any construction can commence, the Township shall be provided evidence in writing that said construction activity meets all appropriate State guidelines. The written evidence will include a copy of the permit(s), which may be required pursuant to provisions of the Inland Lake and Streams Act (Act 346 of 1972), the Soil Erosion and Sedimentation Control Act (Act 347 of 1972), the Wetland Protection Act (Act 203 of 1979) or any other statute deemed appropriate.
 - (b) The construction of a canal, channel or any artificial waterway, which traverses a wetland for the primary purpose of providing a navigable waterway, which would promote or encourage development of a contiguous upland area, is hereby forbidden.

11.03 FUNNELING REQUIRMENTS:

- (1) Funneling is defined as the use of a waterfront property, parcel or lot as common open space for waterfront access for a larger development located away from the waterfront.
 - (a) Recreational areas such as parks, beaches, camping facilities, parkways and other similar recreational activities owned and operated by the Federal, State or local governmental agencies, divisions or authority thereof, and located on lakefront property and riparian rights are not subject to the standards set forth in this section provided they are intended for the use of the general public.
 - (b) Non-riparian property providing non-public lakefront access privileges to a commonly owned riparian parcel of land shall have these rights only by deeded conveyance assigned to the non-riparian property. These riparian rights to the waterfront property shall not be sold, rented or leased to another unless the selling, leasing or renting of the non-riparian property conveys such rights.
- (2) Funneling Controls:
 - (a) It has been determined that funneling is harmful to the public health, safety and welfare and constitutes an improper use of land and natural resources in that it causes overcrowding of lakes, streams and lands

adjacent to them, contributes to pollution and degradation of public waters, creates hazards to life and property by increasing the risk of boating accidents, adversely affects the recreational experiences of both riparian and the general public and adversely impacts property values of shoreline properties located near funnel developments.

- (b) It is the declared purpose of this Zoning Ordinance provision to regulate funneling so as to protect the health, safety and general welfare of the citizens of Deerfield Township and carry out the intent of the Michigan Zoning Enabling Act (PA 110 of 2006).

(3) Funneling Standards:

- (a) Any development in any zoning district which abuts a common lakefront or stream area may not permit more than one single family home, cottage, condominium or apartment unit to the use of each 25 feet of lake or stream frontage in such common lakefront or stream area as measured along at the water's edge of the normal high water mark of the lake or stream. In addition, a minimum common area of 1,250 square feet is required per each 25 feet of water frontage. These restrictions are intended to limit the number of users of the lake or stream frontage to preserve the quality of the waters, and to preserve the quality of recreational use of all waters within the county. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease.
- (b) Wetlands shall not be utilized to calculate water frontage or the lot area of a common waterfront access site.
- (c) On common waterfront access sites with water frontage greater than 300 feet, vegetative buffers shall be established of sufficient size and location to afford adequate screening from adjacent properties.
- (d) Not more than one dock space for each 100 feet of common water frontage shall be provided for the mooring and docking of boats. Not more than three motor powered craft shall be permitted per 100 feet of common lake or stream frontage. Boat mooring facilities shall be located with due respect to swimming beaches and docks on the same property or on adjoining properties. No facilities for launching power craft from the common waterfront site shall be permitted.
- (e) Overnight vehicle parking and the usage of camping tents, motor homes and trailers shall not be permitted within the boundaries of the common waterfront site.

SECTION 12 – OFF-STREET PARKING AND LOADING

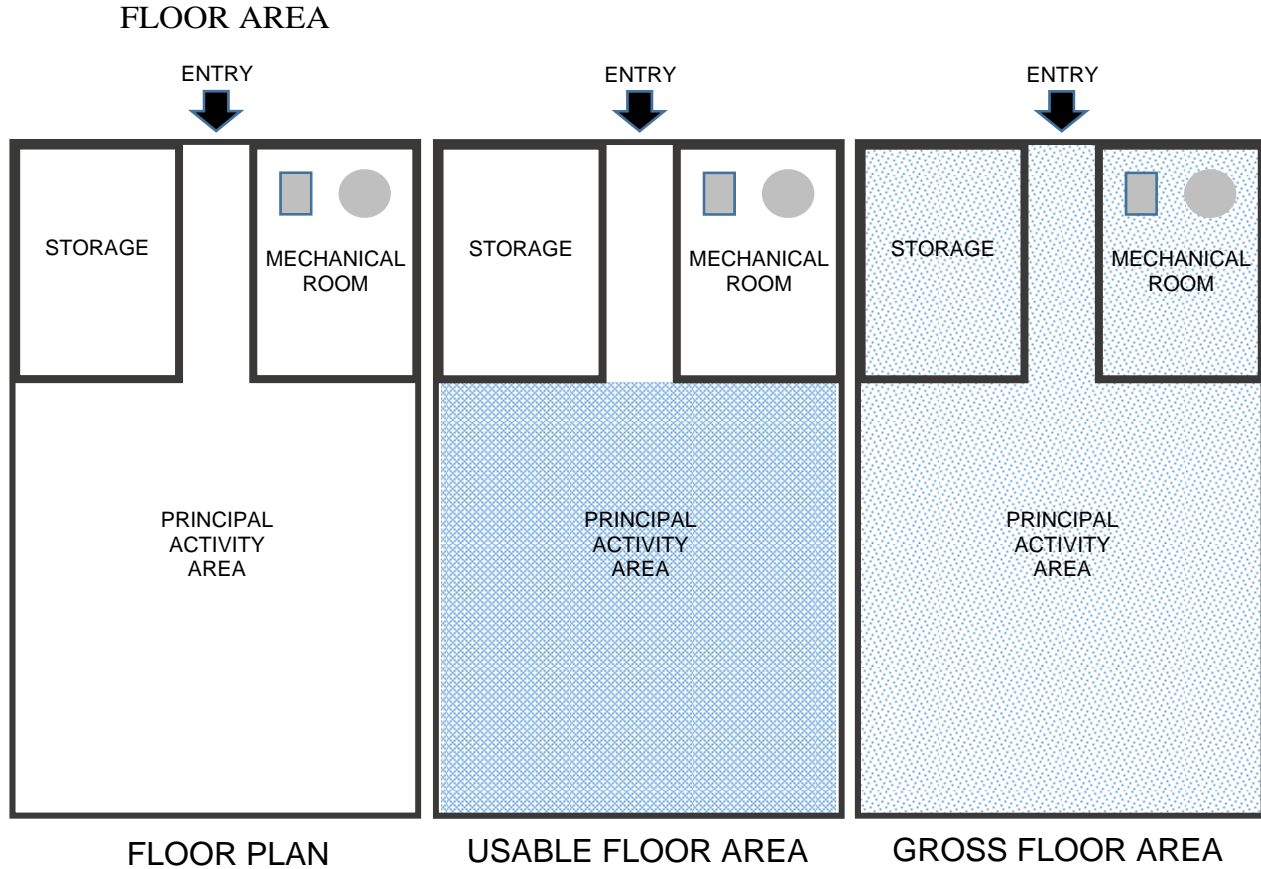
12.01 SCOPE:

In all zoning districts, off-street parking facilities for the parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance shall be provided as herein prescribed.

12.02 MEASUREMENT UNITS:

For the purpose of determining the off-street parking and loading facilities required as accessory to a use, definition and standards are established as follows:

- (1) **Off-Street Parking Area:** An open or enclosed area directly accessible from a public or private street for parking of automobiles of owners, occupants, employees, customers or tenants of the main use. Each space shall be directly accessible from a drive or aisle.
- (2) **Usable Floor Area (UFA):** Used in determining parking requirements, usable floor area shall mean the total area of all the floors and the building used by the principal activities as specified in the Parking Schedule, measured from the exterior faces of the building. The areas used for storage, mechanical equipment, and stairwells or otherwise not occupied by people shall be excluded from the floor area calculation.
- (3) **Gross Floor Area (GFA):** Used in determining loading equipment, gross floor area means the total floor area used for the main and accessory activities and storage areas of the building served.
- (4) **Seating Capacity:** The number of seating units installed or indicated on plans for places of assembly. Where not indicated on plans, it shall be assumed that seating will occupy six square feet of floor area exclusive of all aisles. Where benches, pews or other similar seating is provided, each 20 inches of such seating shall be counted as one seat.
- (5) **Employees:** Wherever the parking requirement is based on employees, it shall mean the maximum number of employees on duty on the premises at one time or on any two successive shifts, whichever is greater.
- (6) **Off-street Loading Space:** An open space or enclosed area as part of a building directly accessible to a public street and available whenever needed for the loading or unloading of goods and products to the main use.



12.03 REQUIRED PARKING FACILITIES:

The Zoning Administrator shall determine the minimum number of spaces required for accessory off-street parking by applying the schedule of parking requirements for the various uses and any other applicable provisions of this Ordinance. Where the computation results in a fractional space, it shall be counted as one additional space required. The Planning Commission may vary the parking requirements of this section where it finds that due to the nature of the particular use, said requirements will not be adequate to provide sufficient parking or where the strict application of the requirements will result in an excessive amount of parking related to the particular use.

12.04 SCHEDULE OF PARKING REQUIREMENTS:

The number of off-street parking spaces required by type of use shall be determined in accordance with the following schedule:

Use	Parking Requirement Spaces per unit of measurement
Residential	
One and two family dwellings	2 Per dwelling unit
Multiple family, townhouses, Manufactured homes	2 Per dwelling unit
Bed and breakfasts	1 Per rented room <u>plus</u> 2 for resident family
Fraternities, Sororities	1 Per each bed
Institutional	
Child care center, day nurseries, nursery schools	1 Per 400 sq. ft. UFA <u>plus</u> 1 Per each employee
Churches	1 Per four (4) seats
Schools	1 Per teacher <u>plus</u> 1 Per employee <u>plus</u> 1 Per each four (4) high School students
Libraries, museums, public office buildings, post offices	1 Per 800 sq. ft. UFA <u>plus</u> 1 Per each two (2) employees
Private clubs or lodges	1 Per three (3) members allowed by law
Public golf courses	6 Per hole <u>plus</u> 1 Per employee
Private golf, tennis swim clubs	1 Per two (2) member (families or individual membership)
Theaters, auditoriums, assembly halls	1 Per four (4) seats
Hospitals and nursing homes	1 Per each four (4) beds <u>plus</u> 1 Per each staff doctor + <u>plus</u> 1 Per each two (2) employees
Public outdoor recreation facilities	2 Per each four (4) seats OR eight (8) feet of benches <u>plus</u> 10 Per each one (1) acre of undesignated area
Businesses	
Animal hospitals and kennels	1 Per each 400 sq. ft. UFA <u>plus</u> 1 Per each two (2) employees
Auto salesrooms, and automobile service garages	1 Per each 200 sq. ft. UFA <u>plus</u> 2-3 Per each service stall
Automobile wash establishments	4 Per each unit (computed by dividing the line dimension of the operation by 20; for in-line waiting lanes) <u>plus</u> 1 Per each Employee
Beauty or barber shops	1 Per each (3) chairs <u>plus</u> 1 Per each employee
Bowling alleys	5 Per bowling lane
Dance halls, exhibition halls, pool halls, and assembly halls without fixed seats	1 Per each two (2) persons within the maximum occupancy load
Drive-in restaurants or similar drive-in uses for food, beverages or refreshments	1 Per each 50 sq. ft. UFA (for in-line waiting lanes), <u>plus</u> (continued on P.58)

Use	Parking Requirement Spaces per unit of measurement
	1 Per employees, with a minimum total of 40 parking spaces
Furniture, appliances and household equipment, repair shops, hardware stores and other similar uses	1 Per each 800 sq. ft. UFA <u>plus</u> 1 Per each two (2) employees
Laundromats, coin operated and dry cleaning establishment	1 Per each three (3) washing machines
Miniature or “Par 3” golf courses	2 Per each hole <u>plus</u> 1 Per each employee
Mortuary establishments	1 Per each 25 sq. ft. assembly room
Motels and hotels	1 Per each guest bedroom, <u>plus</u> 1 Per each employee
Restaurants and other establishments (other than drive-in restaurants) in which is conducted the sale and consumption on the premises of food, beverages or refreshments	1 Per each 75 sq. ft. UFA <u>plus</u> 1 Per each three (3) bar seats
Retail stores, mixed commercial uses or personal service establishments, except as otherwise specified herein	1 Per each 200 sq. ft. UFA
Offices	
Banks (other than drive-in banks) and business and professional offices	1 Per each 300 sq. ft. UFA
Drive-in banks	3 Per each teller window (in-line waiting lanes) <u>plus</u> 1 Per each employee
Medical clinics and dental clinics	3 Per each staff or visiting doctor <u>plus</u> 1 Per each employee
Industry	
Industrial or manufacturing establishments, research establishments, warehouses and storage buildings	1 Per each two (2) employees (or) 1 Per each 1,500 sq. ft. GFA (whichever is greater)

12.05 PARKING AND DRIVEWAY PLANS:

Any person desiring to establish or change a driveway or parking area, except for farming or single family residential purposes, shall submit plans to the Zoning Administrator showing the location, size, shape, design, landscaping, surface marking, lighting, drainage, curb cuts, entrances and any other features of the driveways and parking lot. The Planning Commission, which may request advice and comment of staff or consultants, shall approve plans. All non-residential and multiple family dwelling parking areas and driveways shall be designed to:

- (1) Provide convenient and safe automobile circulation and parking in relation to streets, pedestrian walkways and adjoining properties or parking areas.

- (2) Insure adequate visual sight distances.
- (3) Minimize conflicts to traffic movement on public streets.
- (4) Insure the safety, convenience and well-being of adjoining property owners and the public.

12.06 PLANS FILED:

All approved plot or development plans for parking areas shall be signed and kept on file by the Zoning Administrator.

12.07 LOCATION OF PARKING:

In residential districts, all required parking areas shall be provided on the same lot with the principal use. In Commercial or Industrial Districts required parking shall be provided within 300 feet walking distance of the principal building.

12.08 COMMUNITY PARKING:

Where a property owner participates or has participated in the cost of a public parking area, it shall be stated on plans as required by this Ordinance.

12.09 MINIMUM STANDARDS:

Every off-street parking, loading or driveway area hereafter enlarged, altered or constructed, shall be developed and maintained in accordance with the following:

- (1) Surfacing: These areas shall be surfaced with durable material and graded and drained to dispose of all surface water to the nearest storm drain or street or as required by the Township. Acceptable materials are asphalt, concrete and gravel.
- (2) Driveways: Driveways in commercial or industrial districts shall be no closer than 30 feet to a property zoned for residential purposes.
- (3) Parking in Front Yard: Off-street parking areas in a commercial or industrial district shall be permitted to occupy a portion of the required front yard provided that there shall be maintained a landscaped area of 10 feet between the parking area and the road right-of-way. No parking area in a commercial or industrial district located in the front yard shall be closer than 20 feet to any side or front lot line.
- (4) Screening: All driveway and parking areas in commercial or industrial districts shall be effectively screened from any property zoned for

residential purposes in accordance with this Ordinance.

- (5) **Lighting:** Lighting shall be reflected down and away from any residential property or public street.
- (6) **Area:** The minimum area of a parking space shall be 180 square feet except that such space shall be at least 250 square feet for spaces required for handicapped parking.
- (7) **Landscaping:** All parking areas containing 20 or more parking spaces shall have a minimum of 10% of the surface landscaped as required by the Planning Commission.
- (8) **Maneuvering Lanes:** The layout of off-street parking facilities shall be in accordance with the following minimum specifications:

Maneuvering Lane Width & Parking Space Dimensions Regular Car

Pattern	One-Way	Two-Way	Width	Length
0° - Parallel	12 ft.	20 ft.	10 ft.	24 ft.
30° - 53°	12 ft.	20 ft.	10 ft.	18 ft.
54° - 74°	15 ft.	22 ft.	10 ft.	18 ft.
75° - 90°	20 ft.	22 ft.	10 ft.	18 ft.

- (9) **Transport and Recreational Vehicles:** The Planning Commission, upon review, may require additional parking for oversized vehicles. Spaces for such vehicles shall be a minimum of 12 feet in width, 50 feet in length and shall adequately serve such vehicles to not interfere with other vehicles in the parking lot.
- (10) All barrier-free standards shall meet the local building code standards and be reviewed for compliance with the local Building Official. The Building Official shall provide the Planning Commission with written evidence of compliance.

12.10 JOINT USE OF PARKING FACILITIES:

- (1) The joint use of parking facilities by two or more entities is encouraged whenever practical and satisfactory to each of the entities to be served. The Planning Commission, in cases, may permit a reduction of individual parking requirements where neighboring entities have significantly different hours of operation from each other. However, each entity shall provide a minimum of 75% of its individual off- street parking requirements.
- (2) Prior to approving any request for joint use of parking facilities, the Planning Commission shall consider:

- (a) The location, number and spacing of driveways.
 - (b) The use of landscaping to soften the visual impact of the parking lot.
 - (c) Internal circulation patterns and access to all participating uses.
 - (d) Potential conflicts among users and changes in parking demand.
- (3) The Planning Commission may require, as a condition of approval, a copy of an agreement among participants to share parking facilities. Such agreement shall specify the time period for which such arrangement is made.

12.11 OFF-STREET LOADING REQUIRMENTS:

On the same premises with every building or part thereof, erected and occupied for manufacturing, storage, warehouse, goods display, department store, wholesale market, hospital, laundry, dry cleaning or other uses similarly involving the receipt or distribution of vehicles, material or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with street or parking areas. In Commercial and Industrial Districts, such space shall be provided for any new building hereafter erected or enlarged regardless of the intended use.

- (1) Such loading and unloading space shall be at least 12 feet in width, 50 feet in length and accessible from the street, alley or private drive.
- (2) Such spaces shall be provided according to the following schedule:

Gross Floor Area in Square Feet	Loading and Unloading Spaces Required
0-10,000	One space
Each additional 20,000	One additional space

- (3) An off-street loading space shall not be construed as, or counted toward, the supplying of area required as off-street parking space are.

SECTION 13 – SIGNS AND BILLBOARDS

13.01 GENERAL SIGN REGULATIONS:

No sign shall be erected at any location where by reason of position, size, shape, color, movement or illumination, said sign may interfere with or obstruct the view of or be confused with any authorized traffic sign, signal or device so as to interfere with, mislead or confuse traffic. Consideration of traffic visibility and injurious effect on adjacent properties is essential. All signs shall be designed, constructed and maintained so as not to change the essential character of such areas.

13.02 LOCATION OF SIGNS:

No sign shall be placed within the road right-of-way and no sign shall obstruct ingress or egress to the property.

13.03 TEMPORARY SIGNS:

Temporary signs may be erected in all districts for a period of not to exceed 30 days in any six month period. Temporary signs may be displayed for any new business or owner for a period of time not to exceed three months, except as otherwise permitted by the Zoning Administrator.

13.04 POLITICAL SIGNS:

Signs announcing the candidacy of persons running for public office or an issue to be voted upon at an election and other information pertinent thereto shall be permitted in all districts and shall not be greater than 32 square feet in size.

13.05 REAL ESTATE SIGNS:

One (1) non-illuminated real estate sign per lot or premises, not to exceed twelve (12) square feet in sign area is permitted. On parcels located in commercial or industrial districts, real estate signs may not exceed a sign area of sixteen (16) square feet, and on parcels that are two (2) acres in size or larger, a real estate sign may not exceed a sign area of thirty-two (32) square feet. In the case of corner lots, not more than two (2) real estate signs may be permitted per lot or premises.

13.06 PERMITTED SIGNS IN AGRICULTURAL DISTRICT:

In the Agricultural Preservation “AP” District, one sign of each of the following types shall be permitted on each lot or parcel, unless otherwise specified herein:

- (1) A non-illuminated sign advertising the sale or rental of the building or premises not exceeding six square feet in area.

- (2) A non-illuminated sign announcing a home occupation or service offered on the premises provided that such a sign shall not exceed four (4) square feet in area and shall be attached flat against a building wall.
- (3) A sign or bulletin board identifying a church, school, park or other authorized use not to exceed 32 square feet in area and placed no nearer than 15 feet to any property line. A non-flashing reflective light may illuminate such sign and the source of illumination shall be shielded from direct view of vehicular traffic or adjacent property.
- (4) Non-illuminated trespassing, safety, directional, or caution announcement signs or signs announcing the sale of produce each not exceeding four (4) square feet in area.

13.07 PERMITTED SIGNS IN RESIDENTIAL DISTRICTS:

In any Rural Residential "RR" or Residential Service "RS" District, only one sign of each of the following types shall be permitted on each lot or parcel unless otherwise specified herein:

- (1) A non-illuminated sign advertising the sale or rental of the building or property not exceeding six (6) square feet in area.
- (2) A non-illuminated sign announcing a home occupation or service that is offered on the premises provided that such sign shall not exceed four (4) square feet in area and shall be attached flat against a building wall.
- (3) One sign advertising a recorded subdivision or development not to exceed 18 square feet in area.
- (4) A sign or bulletin identifying a church, school or other authorized use, not to exceed 32 square feet in area and placed no nearer than 20 feet to any property line. A non-flashing reflective light may illuminate such sign. The source of illumination shall be shielded from direct view of vehicular traffic or adjacent property.

13.08 PERMITTED SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS:

Signs in any Commercial District shall conform to the building setback and height requirements except for any addition to the requirements provided below:

- (1) In any Commercial District, a sign may be affixed flat against the wall of the building or may project from there for not more than 48 inches provided that such signs do not project over a sidewalk or public

right-of-way. Projecting signs shall be at least 12 feet above finished grade. The total sign area shall not exceed more than one square foot for each foot in length or height of the wall to which it is affixed, whichever is greater. No such sign shall extend more than four feet in height above the building to which it is affixed.

- (2) One free-standing identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area for said sign shall be based on one square foot for each foot of lot frontage; however, it shall not exceed 100 square feet in area, nor be closer to the side or rear property line than one third the distance of the required building setback.
- (3) One free-standing identification sign may be erected for each separate enterprise situated on an individual lot not located within a shopping center. Such sign shall not exceed 80 square feet in area and not be closer to the side or rear property line than one-third the distance of the required building setback.
- (4) All signs may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises. No illumination involving movement by reason of the lighting arrangement or any other devices shall be permitted except signs which display time and temperature.
- (5) Portable signs are allowed for 10 consecutive days in any 90-day period for advertising specials only, and then must be removed.

13.09 OUTDOOR ADVERTISING SIGNS:

Outdoor advertising signs (billboards) along all public highways shall be permitted when in compliance with the State Highway Advertising Act.

13.10 PROHIBITED SIGNS IN COMMERCIAL OR INDUSTRIAL DISTRICTS:

The following types of signs are not permitted in the Commercial or Industrial Districts:

- (1) Abandoned signs.
- (2) Air-filled or gas-filled balloon signs.
- (3) Signs imitating or resembling official traffic or government signs or signals.
- (4) Vehicle signs not used during the normal course of business which are parked or located for the primary purpose of displaying the

advertising copy.

13.11 INVALID SIGNS:

The owner must remove a sign that no longer advertises an existing business or service establishment within 30 days after written notification from the Zoning Administrator.

13.12 SIGNS FOR COMMERCIAL AREAS:

Notwithstanding other provisions of this Ordinance, one free-standing permanently installed sign shall be permitted on each street frontage. Said sign shall be installed so that a clear view of street traffic by motorists or pedestrians shall not be obstructed in any way to a height of twenty-five (25) feet, other than necessary supports, and not exceeding three hundred (300) square feet in area. A sign or legend may also be placed flat on the main building or fuel pump canopies.

- (1) Measurement for the sign shall be from the top of the sign and may include the area below to ground level.
- (2) Must conform to the State Highway Advertising Act.

13.13 ELIMINATION OF NON-CONFORMING SIGNS:

Non-conforming signs in use on the effective date of this Ordinance shall be permitted to remain, provided they are properly maintained. Such maintenance is restricted to painting and minor repairs that cannot be considered rebuilding of the sign.

13.14 BILLBOARDS:

- (1) Billboards shall not be permitted in residential or agricultural districts.
- (2) No billboard shall be located within one hundred (100) feet of any Rural Residential "RR" or Residential Service "RS" District.
- (3) No billboard shall be constructed or erected on a lot at any location whereby such structure partially or wholly obstructs adjoining commercial or industrial properties from enjoying equal opportunity for advertising.
- (4) All billboards shall conform to any applicable building or front, side, or rear yard requirements of the district in which they are located, except that, at the intersection of any state or federal highway, with a major or minor street, there shall be a setback of not less than one hundred (100) feet from the established right-of-way of each such highway or street.

- (5) The maximum height of billboards in all districts shall be twenty-five (25) feet.
- (6) Minimum spacing between billboards on either side of the street shall be one thousand (1,000) feet.

13.15 SIGN PERMIT REQUIRED:

When permitted, any billboard, business sign, or other type of permanent sign shall not be constructed or erected, or attached to a building prior to the issuance of a permit by the Zoning Administrator.

SECTION 14 – SPECIAL LAND USES

14.01 PURPOSE:

Special land uses are those uses of land which require individual review and restrictions in order to ensure compatibility with the surrounding area, public services and facilities, and adjacent land uses. The purpose of this section is to establish procedures and criteria, which shall be applied in considering a special use request. The criteria provided in this section shall be in addition to those required elsewhere in this Ordinance. The following special land uses are subject to the conditions of this section:

Adult Entertainment Activities	Mini-Warehouses
Airport	Motor Vehicle Repair Facilities
Cemeteries	Multiple Family Dwellings
Communication Towers and Antennas	Open-air Business
Day Care Center	Outdoor Recreational Facilities
Golf Courses and Country Clubs	Planned Unit Development (PUD's)
Group Child Care Homes	Private Roads
Keeping of Livestock	Public and Institutional Uses
Kennels	Recycling Drop-Off Sites
Meat Processing Plants	Salvage Yards
Mineral Extraction	State Licensed Residential Facilities (more than 6)

14.02 APPLICATION PROCEDURES:

An application for a Special Land Use Permit shall comply with the following procedures:

- (1) **Application:** Applications for Special Land Use Permits shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board. No part of any fee shall be refundable.
- (2) **Required Information:** An application for a Special Land Use Permit shall include the following information:
 - (a) A completed application form, supplied by the Zoning Administrator.
 - (b) A site plan as required in this Ordinance.

- (3) Hearing: After a preliminary review of an application for a Special Land Use Permit, the planning commission shall hold a public hearing or hearings on the special use request.
 - (a) Notice of said hearing shall be given by one publication in a newspaper published in the county and shall be printed not less than 15 days before the date of such hearing. The notices shall include:
 - (I) The nature of the request.
 - (II) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the 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.
 - (III) When and where the Ordinance, request and pertinent material may be examined.
 - (IV) When and where written comments may be received concerning the request.
 - (b) Not less than 15 days before the date of such hearing, a notice containing the aforementioned information shall be sent, by first class mail or personal delivery, to all persons to whom real property is assessed and to the occupants of all dwellings within 300 feet of the boundary of the property in question, including owner of said property.
- (4) Review: Within a reasonable time following the public hearing, the Planning Commission shall make a determination on the Special Land Use Permit request. A decision may or may not be made at the time of request. The determination shall be in accordance with the criteria for approval stated in this Section and such other standards contained in this Ordinance. The Planning Commission may request a report on any special land use application from the Zoning Administrator regarding conformance of the special land use request with the requirements of this ordinance and the development objectives of the Township.
- (5) Issuance of a Special Land Use Permit: Upon the approval by the Planning Commission, the Chairperson of the Planning Commission and the Zoning Administrator shall sign the Special Use Permit. The permit shall include any conditions necessary to ensure conformance with this Ordinance and the requirements of Act 110 of the Public Acts of 2006, as amended.

- (6) Decisions: All decisions shall contain a statement of findings and conclusions specifying the basis for the decision and any conditions imposed upon the special land use.
- (7) Inspections and Revocation: The special land use permit shall be revoked if any of the conditions imposed in the granting of the permit are not met and maintained. Instances where development authorized by a Special Use Permit has not commenced within one year from the date of issuance, the permit shall be void.

14.03 GENERAL REQUIRMENTS FOR SPECIAL LAND USES:

The general requirements for all special land uses are as follows:

- (1) Whether the proposed development is in general agreement with the Township's adopted Master Plan.
- (2) Whether the density or use characteristics of the proposed development are detrimental or could be considered to be significantly detrimental to adjacent properties and land uses.
- (3) Whether the special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
- (4) Whether the special land use shall not be hazardous to adjacent property or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property due to traffic, noise, smoke, odor, fumes or glare.
- (5) Whether the special land use shall be adequately served by essential public facilities and services; or it shall be demonstrated that the person responsible for the proposed special use shall be able to continually provide adequate services and facilities deemed essential to the special use under consideration. Services may include roads, schools, police, fire, etc. that are not under the Health Department jurisdiction.

14.04 PERFORMANCE BONDS:

The planning commission may require a performance bond to be posted by the applicant or by some other reasonable surety arrangement at appropriate stages of development to ensure that the development will be executed in accordance with the approved plan.

14.05 DESIGN STANDARDS FOR SPECIAL LAND USES:

All special land uses shall be subject to the requirements of the district in which they are located in addition to the following design standards:

(1) **Adult Entertainment Activities:**

In the development of a community it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that their adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e.; not more than two such uses within 1,320 feet of each other which would create such effects).

- (a) The adult entertainment activities itemized in this section shall be limited to the Commercial District. Additionally, each shall be subject to the specific requirements of each zoning district and all other applicable regulations.
- (b) These activities include: Adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, massage establishments, establishments for consumption of beer or intoxicating liquor on the premises and having adult entertainment, steam baths, health clubs, dance premises, and other uses which provide goods or services which are distinguished or characterized by their emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”.
- (c) An application to establish an adult entertainment activity shall not be approved if there is already in existence two or more adult entertainment activities within 1,320 feet of the boundaries of the site of the proposed activities, excepting as otherwise provided for within the Ordinance.
- (d) An application to establish an adult entertainment activity shall not be approved if the proposed location is within 1,320 feet of any residentially zoned district mobile home park, licensed day care center, adult foster care home, senior citizens’ center, K through 12 school, park or church, excepting as otherwise provided for within this Ordinance.

- (e) Definitions for Purposes of this section are set forth in Section 2 of the Zoning Ordinance.

(3) **Cemeteries:**

- (a) Cemeteries shall be permitted by Special Land Use Permit in the Agricultural Preservation “AP” District.
- (b) No building shall be located closer than 200 feet to an existing residential use.
- (c) Driveways and parking areas shall be setback at least 100 feet from an adjacent property line.
- (d) The maximum lot size shall be 10 acres.

(4) **Communication Towers and Antennas:**

- (a) Communication Towers and Antennas are permitted by Special Land Use Permit in the Agricultural Preservation “AP”, Rural Residential “RR”, Residential Service “RS” and Industrial “I”
- (b) All applications for new Communication Towers and for Collocation shall be processed per the specific requirements of the Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended).
- (c) The applicant shall provide evidence that there is no reasonable or suitable alternative for collocation of antennas on an existing communication tower within the service area of the proposed tower.
- (d) The applicant shall provide an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within Isabella County or within one (1) mile of the border thereof, including specific information about the location, height and design of each tower. The planning commission may share such information with other applicants applying for approval under this ordinance or other organizations seeking to locate antennas within Isabella County, provided, however that the planning commission is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- (e) All towers and antennas shall be located so that they do not interfere with reception in nearby residential areas. In the event a communication tower causes interference, the communication company shall take all steps necessary to correct and eliminate such interference.

- (f) No new communication tower or antenna shall be located within a three (3) mile radius of an existing communication tower or antenna. This requirement may be waived by the planning commission if one of the following is met:
 - (a) The proposed communication facility is located on an existing communication tower.
 - (b) The communication tower is to serve solely a governmental or educational institution.
- (g) No communication tower or antenna shall be located closer than five hundred (500) feet from a residential use or a residentially zoned property. This requirement may be waived by the planning commission if one of the following conditions are met:
 - (I) The proposed communication facility is located on an existing communication tower.
 - (II) The communication tower is to serve solely a governmental or educational institution.
- (h) No communication tower and antenna shall be greater than two hundred (200) feet in height, except if in the opinion of the planning commission, the applicant has sufficiently demonstrated that a proposed communication tower in excess of two hundred (200) feet will reduce the total number of potential communication towers in the area.
- (i) The tower base shall be setback, a distance equal to one and a half (1 ½) times the height of the tower. All other buildings or structures shall meet the minimum setback requirements of the zoning district.
- (j) The applicant shall provide verification with a certified sealed print that the antenna and the communication tower have been reviewed and approved by a professional engineer and that the proposed installation is in compliance with all the applicable codes.
- (k) The applicant shall provide the legal description of the parent parcel and any leased parcels.
- (l) A security fence at least six (6) feet in height, but not more than ten (10) feet, shall be constructed around the tower and any other related apparatuses (i.e. ground antennas, satellite dishes, accessory structures).

- (m) The planning commission may require a ten (10) foot wide buffer of planted material that effectively screens the view of the tower compound.
- (n) All communication towers shall be equipped with an anti-climbing device to prevent unauthorized access.
- (o) No signs, except for warning, or other cautionary signs not to exceed two (2) square feet in area shall be permitted on site.
- (p) All new communication towers and antennas shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, be painted a neutral color so as to reduce visual obtrusiveness.
- (q) Collocation does not require an additional special use permit or any other zoning approval if the following requirements are met:
 - (I) The existing communication tower or existing communications equipment compound is in compliance with the Isabella County Zoning Ordinance and/or was approved by the Planning Commission or Zoning Administrator.
 - (II) The collocation will not increase the overall height of the communication tower by more than 20 feet or 10% of its original height, whichever is greater.
 - (III) The collation will not increase the width of the communication tower by more than the minimum necessary to permit collocation.
 - (IV) The collocation will not increase the area of the existing communications equipment compound by more than 2500 square feet.
 - (V) The collocation complies with the terms and conditions of any previous final approval of the communications tower or equipment compound by the Planning Commission or Zoning Administrator.
- (r) The applicant shall submit details of communication tower lighting approved by the Federal Aviation Administration. All lights shall be restricted to the extent that is required for compliance with Federal Aviation Administration regulations and on site security.

- (s) All communication tower permits issued by the Isabella County Planning Commission shall be contingent upon any necessary approval of the Federal Aviation Administration, Federal Communication Commission, State Bureau of Aeronautics/Tall Structures Act and any other applicable state or federal acts.
 - (t) A report or letter from the Federal Aviation Administration that the proposed tower complies with all airport safety requirements for all public and private airports in or within four (4) miles of Deerfield Township.
 - (u) Communication towers and antennas shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
 - (v) Any communication tower which becomes abandoned or discontinued for a period of twelve (12) months shall be required to be removed immediately by the owner and/or lessee. Abandonment or discontinuance shall be determined when any of the following conditions are evident: disconnection of electricity; property, buildings, or grounds that have fallen into disrepair; or the removal of all antennas or support structures.
 - (w) The application shall include a description of security to be posed at the time of receiving a building permit for the communication tower to ensure removal of the communication tower when it has been abandoned or is no longer needed. In this regard, a \$15,000 security shall, at the election of the applicant, be in the form of cash; or surety bond; establishing a promise of the applicant and owner of the property to timely remove the communication tower as required under this section of the ordinance, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney's fees incurred by the community in securing removal.
- (5) **Day Care Centers:**
- (a) Day Care Centers are permitted by Special Land Use Permit in the Commercial "C" District.
 - (b) All outdoor play areas shall comply with State of Michigan licensing rules and regulations.

- (c) Fencing of at least-48 inches and not more than 7 feet in height shall be provided around all outdoor areas accessible to children.

(6) **Golf Courses and Country Clubs:**

- (a) Golf Clubs and Country Clubs are permitted by Special Land Use Permit in the Agricultural Preservation “AP” District.
- (b) All uses, operations and structures permitted herein, including fences, fronting any public road or thoroughfare used for access or exit purposes shall be landscaped in accordance with plans approved by the Planning Commission.
- (c) No principal or accessory building shall be closer than 200 feet to any side or rear lot lines.

(7) **Group Day Care Homes:**

- (a) Group Day Care Homes are permitted by Special Land Use Permit in the Agricultural Preservation “AP”, Rural Residential “RR” and Residential Service “RS” Districts.
- (b) All Group Day Care Homes shall be licensed and comply with PA 116 of 1973 (Child Care Organizations).
- (c) A drop-off/pick-up area shall be provided for motorists off the public street or road.
- (d) Fencing of at least-48 inches and not more than 7 feet in height shall be provided around all outdoor areas accessible to children.
- (e) The property shall be consistent with the characteristics of the neighborhood.
- (f) One non-illuminated sign measuring not more than two (2) square feet in area may be permitted if attached to the principal structure.

(8) **Keeping of Livestock:**

- (a) Keeping of Livestock is permitted by Special Use Permit in the Rural Residential “RR” District.
 - (b) The keeping of livestock in compliance with the Michigan Right to Farm Act is permitted provided all Generally Accepted Agricultural Management Practices are met and followed.
- (9) **Kennels:**
- (a) Kennels are permitted by Special Land Use Permit in the Agricultural Preservation “AP” District.
 - (b) The minimum lot size shall be at least 5 acres and the maximum lot size shall be 10 acres.
 - (c) The animals shall be housed at least 100 feet from any adjoining property and at least ½ mile from any residential district.
 - (d) The kennel area shall be screened from view by appropriate screening as determined by the planning commission in conformance with this Ordinance.
 - (e) A kennel permit shall be obtained from the Isabella County Animal Control.
- (10) **Meat Processing Plants:**
- (a) Meat Processing Plants are permitted by Special Land Use Permit in the Commercial “C” District.
 - (b) Minimum lot size shall be three (3) acres.
 - (c) No such use shall be located within 100 feet of any property line or within 1,000 feet of any residential use or district.
- (11) **Mineral Extraction:**
- (a) Mineral Extraction activities are permitted by Special Land Use Permit in the Agricultural Preservation “AP” District.
 - (b) It shall be the responsibility of the landowner or permit holder to use ecological conservation practices for all areas used for said mineral extraction activity.

- (c) The Planning Commission may require screening in conformance with this Ordinance.
- (d) No excavation should come within 100 feet of a property line or a road right-of-way. The Planning Commission may allow excavation activities within this minimum set back area during the reclamation process provided no excavation is allowed within 50 feet of any property line.
- (e) The planning Commission shall determine the truck route. All truck operations shall be directed away from residential streets whenever practical.
- (f) 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 vibration, which are not necessary in the operation of such equipment.
- (g) 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 injurious 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.
- (h) Reclamation and rehabilitation of mined areas shall be accomplished progressively as the area is being mined. Not more than 50% of the intended project area for projects of greater than 40 acres, or more than 75% for projects of 40 acres or less may be excavated before restoration must begin. Substantial completion of reclamation and rehabilitation shall be effected within one year after the termination of mining or excavation activity in each area. Inactivity for a 12 month consecutive period shall constitute, for this purpose termination of mining activity.
- (i) 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, which shall not be steeper than one foot vertical to three feet horizontal.

- (j) Topsoil 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, topsoil shall be applied to a minimum depth of four inches sufficient to support vegetation.
- (k) 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 shall restore vegetation similar to that, which existed prior to the excavation process.
- (l) Upon cessation of mining operations by abandonment or otherwise, the operation 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 the buildings and structures which have a function under the requirements of the zoning district in which they are located may be retained.
- (m) No mineral extraction activity shall be allowed or commenced until a plan has been submitted to the Planning Commission disclosing compliance with all of the provisions of the Ordinance or the manner in which the applicant will secure compliance. Such plans include, among other things, the following:
 - (1) A contour map of the tract of land involved in the operations including dimensions of the same, access thereto, abutting public streets, additional roads, if any, are to be constructed and the location and nature of abutting improvements on adjoining property.
 - (2) 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 and the planned stages of reclamation.
 - (3) The type of mining or process proposed to be conducted and the nature of the equipment to be used.
 - (4) The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.
 - (5) 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.

- (n) For the purpose of legal non-conforming mineral extraction industries, expansion shall not be permitted if the expansion exceeds 50% of the area, disturbed by mining activities as of the date of adoption of this Ordinance.
- (o) All permit applications for exaction must be co-signed by both the landowner and the operator.

(12) **Mini-Warehouses:**

- (a) Mini-Warehouses are permitted by Special Use Permit in the Commercial “C” District.
- (b) All vehicular access to and from the site shall be from an arterial street and shall be approved by the Planning Commission.
- (c) Fences and screening in accordance with this Ordinance may be required by the Planning Commission to protect adjacent property.
- (d) There shall be no outside storage or stockpiling. All merchandise shall be stored within an enclosed building.

(13) **Motor Vehicle Repair Facilities:**

- (a) Motor Vehicle Repair Facilities are permitted by Special Use Permit in the Commercial “C” and Industrial “I” District.
- (b) Curb cuts shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 100 feet from a street intersection (measured from the road right of way) or 50 feet from adjacent residential districts.
- (c) The minimum lot area shall be 15,000 square feet and arranged so that ample space is available for all motor vehicles.
- (d) No principal or accessory building shall be closer than 60 feet from any residential district.
- (e) Fences and screening in accordance with this Ordinance may be required by the Planning Commission to protect adjacent property.

- (f) The number of vehicles stored out-doors may only be two (2) licensed and one unlicensed.

(14) **Multiple Family Dwellings:**

- (a) Multiple Family Dwellings are permitted by Special Use Permit in the Commercial “C” District.
- (b) The residential space shall be safe, convenient access that is independent of the commercial use.
- (c) There shall be a minimum of two parking spaces per bedroom.

(15) **Open Air Business:**

- (a) Open Air Businesses are permitted by Special Use Permit in the Commercial “C” District.
- (b) Open Air Businesses shall have a minimum lot area of one (1) acre.
- (c) All outdoor lighting shall be installed in such a way as to not create a traffic hazard on abutting streets or which will cause a glare or direct illumination to be cast onto adjacent properties.
- (d) All parking and loading or unloading areas shall conform to the provisions of this Ordinance.
- (e) All signs shall conform to the sign provisions of this Ordinance.

(16) **Outdoor Recreational Facilities:**

- (a) Outdoor Recreational Facilities are permitted by Special Use Permit in the Agricultural Preservation “AP” District.
- (b) Minimum lot size shall be three (3) acres.
- (c) No commercial enterprise shall be permitted to operate on the grounds, except those activities which are solely for the use of patrons of the outdoor facilities.
- (d) No target ranges shall be located within one half mile of any residential district and shall be screened and bermed as required by the Planning Commission.

- (e) No operation of ORV's shall be located within 100 feet of any property line.
- (f) Fences and Screening in conformance with this ordinance may be required by the Planning Commission to protect adjoining property owners.
- (g) Campgrounds shall conform to all applicable State regulations.

(17) **Planned Unit Development:**

- (a) Planned Unit Developments are permitted by Special Use Permit in the Rural Residential "R.R.", Residential Service "R.S.", Commercial "C" and Industrial "I" Districts.
- (b) The standards specified in the Planned Unit Development Section of this Ordinance shall apply to all Planned Unit Developments.

(18) **Private Roads:**

- (a) The Township has determined that it is in the best interest of the public health, safety, and welfare to regulate the construction, improvement, extension, relocation, maintenance and use of private roads.
- (b) Private roads shall include all non-public roads providing access to three or more dwelling units, parcels, and lots or building sites. Private driveways shall include those providing access to one or two dwelling units, parcels, lots or building sites. Private driveways shall provide a 16 foot unobstructed, cleared width along the entire length of the driveway.
- (c) Private roads are permitted as a Special Land Use in all Districts in the Township.
- (d) The owner shall submit an application for a Preliminary Private Road Permit, together with the application review fee to the Planning Commission. The Application package shall include a written description for the proposed development to be served, detailed site plans and construction plans, a detailed description of how the road will be operated and maintained and how the costs of operation and maintenance will be apportioned and paid for by benefitting property owners.
- (e) In reviewing the preliminary application, the Planning Commission shall consider the impact of the proposed development on adjacent

properties, as to the health, safety and general welfare of persons or property. An architect, engineer or other persons will be consulted if deemed necessary. If the Planning Commission approves the preliminary application, the Zoning Administrator shall issue a Preliminary Private Road Permit.

- (f) No construction shall begin on the private road or on adjacent properties which depend on the private road for access until the Preliminary Private Road Permit has been issued. The owner shall notify the township at least 72 hours prior to initiation of construction of the Private Road. Upon final review and approval of the completed Private Road improvement, the Zoning Administrator shall issue a Private Road Permit to the owner. Building permits for construction on properties served by the Private Road shall not be issued until the final Private Road Permit has been issued.
- (g) Maintenance, repair and liability for private roads shall be the responsibility of property owners adjacent to the private roads and not the responsibility or liability of the County or Township.
- (h) For private roads serving less than four (4) lots, adequate ditching, drainage and culverts shall be provided so that the roadbed will not become saturated or that the natural flow of water will not be impeded.
- (i) Design Standards for private roads serving residential uses shall meet the standards of the following table:

Lots Served	1 - 3	4-12	over 12
Right of Way width	44ft	66ft.	66ft.
Width of traveled surface (centered within ROW)	12ft.	22ft.	22ft.
Grade width	12 ft.	24 ft.	30ft.
Subbase	Constructed of soils and granulated materials of sufficient load bearing capabilities to support a loaded tandem axle truck weighing up to 46,000 lbs under normal conditions.	12 inches of 95% compacted MDOT Class II granular material, to extend full width across grade	12 inches of 95% compacted MDOT Class II granular material, to extend full width across grade
Base	Minimum, 4 inches of 98% compacted MDOT 23A aggregate	6 inches of 98% compacted MDOT 23A aggregate	6 inches of 98% compacted MDOT 22A aggregate
Surface	Base shall serve as surface	Base shall serve as surface	Bituminous mixture No. 13A, 2 ½ inches thick, 275 #/syd
Shoulder width	---	---	4ft. each side
Maximum length	---	---	---
Maximum grade	7%	7%	7%
Minimum drainage slope from center of traveled surface to edge of grade width	5%	5%	2.5%

- (j) The Planning Commission may, upon review of information provided, increase or decrease the above standards. This includes possible use of a geotextile stabilization fabric where certain conditions warrant the use of such material. The Planning Commission may request review, by an independent engineer, on any request for deviation to the above standards. Costs for independent review will be passed on to the applicant.

- (k) A series of dead-ends or cul-de-sacs are discouraged. Court or loop roads are preferred. Reasonable accommodation shall be made for future road extensions and possible interconnections with adjacent properties. All private roads, serving more than three (3) lots, which

do not terminate at another public or private road right-of-way shall terminate with a cul-de-sac or tee turnaround. A cul-de-sac shall have a minimum external diameter of 140 feet and a tee turnaround shall have a minimum 82 foot long by 22 foot wide driving surface.

- (l) The Planning Commission may allow the width of private roads to be reduced to 18 feet of traveled surface at points of significant topography, wetlands, or other natural features. Private road construction will preserve as much as practical, significant natural features such as mature trees, natural slopes, wetlands, and bodies of water.
- (m) Regulation Michigan State Highway stops signs shall be positioned and installed in accordance with the Michigan State Manual of Uniform Traffic Control Devices on all private roads. All private roads shall have names approved in accordance with the Uniform House Numbering Ordinance. The developer and/or the property owners within the development served by the private road shall be responsible to erect and maintain road name signs at all intersections with both public and private roads. The design and location of the signs shall be the same as those used by the Isabella County Road Commission for similar purposes. Signs shall be marked as private.
- (n) Owners of any and all of the property using the easement shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen and others bound or returning from any of the properties having a right to use the road. Provisions shall be included to allow ingress and egress of emergency and other public vehicles for whatever public services are necessary.
- (o) No public funds of Deerfield Township are to be used to build, repair or maintain a private road. No private road shall be incorporated into the public road system unless it is constructed to the specifications of the Isabella County Road Commission for all sub base, base and surface requirements. The property owners served by the private road shall be responsible for bringing the road up to those standards, if necessary.

(19) Public and Institutional Uses:

- (a) Public and Institutional Uses, including Churches are permitted by Special Use Permit in the Agricultural Preservation “AP”, Rural Residential “RR” and Residential Service “RS” Districts.

- (b) Such use shall be in conformance with the character of the adjacent neighborhood and shall be essential to service the neighborhood or community.
- (c) The planning commission shall establish requirements for setback, lot size, side yard, parking, screening and other conditions necessary for the use to conform to the character of the adjacent neighborhood.
- (d) The maximum lot size shall be 10 acres in the Agricultural Preservation “AP” District, except for linear parks.

(20) **Recycling Drop-off Sites:**

- (a) Recycling Drop-off Sites are permitted by Special Use Permit in the Residential Service “RS” and Commercial “C” Districts.
- (b) Setbacks shall be 100 feet from any existing residence.
- (c) Sites shall be supervised during hours of operation, or receptacles shall be provided to ensure complete containment of materials.
- (d) Operations shall be conducted in such a way that will control litter and pestilence, and will not contribute to unsightliness.

(21) **Salvage Yards:**

- (a) Salvage Yards are permitted by Special Use Permit in the Agricultural Preservation “AP” and Industrial “I” Districts.
- (b) All uses shall be established and maintained in accordance with all applicable state and county laws.
- (c) The site shall be a minimum of three acres.
- (d) A solid fence or wall a minimum of eight (8) feet in height but no more than twelve (12) feet in accordance this Ordinance shall be provided around the periphery of the site to screen said site from surrounding property.
- (e) All activities shall be confined within the enclosed area. There shall be no stocking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs or lighting shall be used or stored outside the enclosed area.
- (f) All enclosed areas shall be set back at least 50 feet from any front street

or property line and 1,000 feet from any residential district. Such setbacks shall be planted with trees, grass and shrubs to improve the appearance of the installation. The spacing and type of plant materials shall be in accordance with this Ordinance and shall be approved by the Planning Commission.

- (g) No open burning shall be permitted. All industrial processes involving the use of equipment for cutting, compressing or packaging shall be conducted within a completely enclosed building.

(22) **State Licensed Residential Facilities (more than 6):**

- (a) State Licensed Residential Facilities (more than 6) are permitted by Special Use Permit in the Agricultural Preservation “AP”, Rural Residential “RR” and Residential Service ”RS” Districts.
- (b) Must comply with all State and local laws and ordinances.

SECTION 15 – PLANNED UNIT DEVELOPMENTS (PUD)

15.01 INTENT AND PURPOSE:

- (1) The Planned Unit Development is a method by which creative large scale development of land is encouraged in appropriate locations. The PUD is a device which makes use of varying lot sizes and integrates different building structures. Typically, structures in these developments are clustered in such a manner as to achieve the same overall density that would be achieved if the developer had laid out the development in the conventional grid zoning pattern. In addition to the clustered structures, open spaces are provided to insure recreational opportunities.
- (2) The general objectives of this section are as follows:
 - (a) To provide more desirable living, shopping and working environments by preserving the natural character of open fields, stands of trees, brooks, ponds, floodplains, hills and similar natural assets.
 - (b) To encourage with regard to residential use the provision of open space and the development of recreational facilities and neighborhood commercial facilities in a generally central location within reasonable distance of all living units.
 - (c) To encourage developers to use a more creative and imaginative approach in the development of residential areas, especially through the mixture of several housing types in one development.
 - (d) To encourage underground utilities which can be more efficiently designed when master planning a larger area.
 - (e) To allow phased construction with the knowledge that subsequent phases will be approved as originally planned and approved by the Township.

15.02 NON-CONFORMING LAND TRACTS:

Through careful land use and site planning, substantial tracts of land which are not fully in conformance with the provisions of this ordinance, but are not harmful to the public health, safety and welfare may be beneficial to the community through improved efficiency.

15.03 PRE-APPLICATION CONFERENCE:

- (1) Before submitting an application for approval of a PUD, the applicant shall confer in a meeting with a review committee appointed by the Planning

Commission to obtain information and guidance regarding land development regulations, the Township’s Master Plan and the application process. At the pre-application conference, the applicant shall submit a preliminary sketch plan for the proposed PUD. All maps shall show enough of the surrounding area to demonstrate the relationship of the PUD to adjoining uses, both existing and proposed. The review committee shall review the preliminary sketch plan to determine its conformance with the intent of this section and the Master Plan.

- (2) The maps which are a part of the preliminary sketch plan may be in general, schematic form and must contain the following:
 - (a) A recent map of the site, reflecting area size and boundary line dimensions.
 - (b) Existing and proposed land uses and their approximate locations.
 - (c) Existing topographic character of the site.
 - (d) The character, approximate net residential density and expected final population of the proposed PUD.
 - (e) Circulation patterns including pedestrian walkways and arterial, collector or local streets.
 - (f) Any proposed public or common use areas including schools, parks, open space, etc.
 - (g) Existing floodplains, bodies of water and other unbuildable areas.

15.04 FINAL APPLICATION:

Upon completion of the pre-application review, an application may be submitted to the Planning Commission. Such application shall be accompanied by the following:

- (1) An application fee.
- (2) A completed site plan as required in this Section provided that if the PUD is to be developed in phases, a sketch site plan may be accepted for the entire site and a detailed site plan shall be submitted for each phase as approval is sought.
- (3) A development schedule indicating:
 - (a) Approximate date for commencement of construction.
 - (b) Phases, if any, in which the project will be built and the expected starting and completion dates of each project.
 - (c) Size and location of each area of common use for recreation or open

space purposes.

- (4) Proposed agreements, covenants, deed restrictions or other provisions, which are proposed to govern the use, maintenance and continued protection of the PUD and any of its common use and open areas.
- (5) The following additional information may also be required at the discretion of the Planning Commission:
 - (a) A description of the proposed operation in sufficient detail to indicate the noise, smoke, odor, vibration, dust and dirt, noxious gases, glare and heat, fire hazards, industrial wastes and traffic which may be produced by such operation.
 - (b) Engineering and architectural plans for controlling problems of the type enumerated above, if deemed necessary by the developer or if required by the Planning Commission or their authorized representative.
 - (c) Final development architectural sketches or general specifications as to the type of construction materials to be used in the proposed PUD.
 - (d) A market analysis, stating the economic justification and need for the establishment of the type and size proposed by the applicant.
 - (e) A traffic survey, prepared by a qualified traffic engineer, indicating the effect of the proposed shopping center on adjacent streets. Said survey shall disclose the points of origin, direction and amount of traffic flow to and from the proposed PUD as well as adequate means of ingress and egress.
 - (f) Engineering and architectural plans for: The treatment and disposal of sewage; the disposal of storm waters from roof, parking lots, and all hard surfaced areas of the development; and the proposed handling of traffic congestion, glare, air pollution, fire or safety hazards.
- (6) Upon receipt of the application and accompanying materials, the Planning Commission shall conduct a public hearing, notice of which shall be given in accordance with the statutory requirements for special land uses. In formulating its decision, the Planning Commission shall consider the following:
 - (a) General requirements for special land uses as stated in this Ordinance.
 - (b) General objectives of a PUD as stated in this Ordinance.
 - (c) Specific purpose, qualifying conditions, permitted uses and applicable requirements for the district in which the proposed PUD is located.

- (7) The Planning Commission shall make final approval or disapproval of the Site Plan. The Planning Commission shall prepare a report stating its conclusions on the request for a Planned Unit Development, the basis for its decision to approve or disapprove the request, the decision and the conditions relating to that approval. A copy of the report and the approved final site plan, shall be forwarded to the Zoning Administrator.
- (8) As applicable, the requirements of the Michigan Land Division Act (Public Act 288 of 1967) as amended, and/or the Condominium Act (Public Act 59 of 1978) as amended, shall be met in addition to all other PUD requirements.

15.05 PERMITTED USES:

- (1) The following uses may be permitted within the districts in which the PUD is located.
 - (a) AP Districts. All uses allowed by right within the AP District, plus the following uses:
 - I. Residential Subdivisions.
 - II. Clubhouses and Golf Courses.
 - III. Nursery Schools.
 - IV. Nursing Homes
 - V. Public and Private Campgrounds
 - VI. Recreational Parks
 - VII. Residential Subdivisions.
 - Condominium Projects and Condominium Subdivisions
 - Multi-Family Dwellings
 - Specialty Shops
 - (b) “C” Districts. All uses allowed by right in their respective districts.
 - (c) “I” Districts. All uses allowed by right within the “I” Districts including industrial parks.
- (2) The Planning Commission may have the discretion to allow mixed use developments provided that no more than 25% of the land and floor area of the proposed PUD is devoted to a use that is not specially permitted in this Section.

15.06 REQUIRED CONDITIONS FOR PUD’S:

The following minimum conditions and requirements shall be complied with and shown on all plans and specifications.

- (1) **Density:** The density of the Planned Unit Development shall not exceed the density of the district in which the proposed PUD is located except that the Planning Commission may authorize a density increase of up to 15 percent where evidence is documented which shows no adverse effect on public services and facilities, on adjacent properties, the natural environment or county plans, provided that an equal amount of land is preserved as usable open space (not including wetlands). In determining the gross site area of the proposed development, wetlands or land within the floodplain shall not be included. The density standards contained in Section 15.06 (12) below shall also be required for Condominium Projects and Condominium Subdivisions.
- (2) **Height:** A dwelling or principal building shall be not more than two and one-half stories, nor exceed 35 feet in height. Accessory buildings shall not exceed a height of 20 feet.
- (3) **Building Space:** The lot area (except where otherwise noted in this Section), and the front, side and rear yard requirements of the District in which the PUD is located shall serve as the building space standards for all PUDs, although the Planning Commission has the discretion of altering these standards where the Planning Commission determines that the alteration is best suited to the intent of the Ordinance.
- (4) **Useable Open Space:** A minimum usable open space area of 30 square feet per dwelling shall be provided within group housing developments. Such open space shall be provided at ground level, unoccupied by principal or accessory buildings, and available to all occupants of the group housing development. Each open space area, so provided, shall have a minimum total area of 1,200 square feet and shall be unobstructed to the sky. It shall not be devoted to service driveways or off street parking or loading space, but shall be usable for greenery, drying yards, recreational space and other leisure activity.
- (5) **Closed Courts:** No closed courts shall be permitted. Open arcades or garden walls not over six feet in height shall not be deemed enclosing features.
- (6) **Lot Area:** Minimum site areas for a Planned Unit Development shall be as follows:
 - (a) Residential PUD’s shall have a minimum lot size of 10 acres.
 - (b) Commercial PUD’s shall have a minimum lot size of 3 acres.

- (c) Industrial PUD's shall have a minimum lot size of 5 acres and industrial parks shall have a minimum lot size of 20 acres.
- (d) Mixed use PUD's shall have a minimum lot size of 10 acres.
- (7) Parcel Width: The minimum width for a lot used for group housing shall be that area necessary for achieving open space requirements and yard requirements.
- (8) Parking and Signs: Off street parking and signs shall meet the provisions of Section 12 and Section 13.
- (9) Environmental Design: Planned Unit Developments shall be designed to enhance environmental features such as the preservation of trees, flood plains, natural areas and shall promote proper site landscaping.
- (10) Circulation: The Isabella County Road Commission shall specify standards for circulation of traffic. This shall include the relationship on internal circulation systems to external collectors and arterials, as well as the relationships of streets to structures. This shall also include standards governing private streets.
- (11) Perimeter Area: To ensure the PUD is compatible with adjacent land uses, there shall be a buffer zone surrounding the development. This buffer zone shall be left to the discretion of the Planning Commission to ensure uniformity with adjacent districts.
- (12) Dwelling Unit Size: The minimum building dimension requirements of the District in which the PUD is located shall serve as the dwelling unit size standards for all PUDs although the Planning Commission has the discretion of altering these standards where the Planning Commission determines that the alteration is best suited to the intent of the Ordinance.

SECTION 16 – SITE PLAN REVIEW

16.01 PURPOSE:

It is the purpose of this Section to require site plan approval for commercial, industrial and similar use structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and land uses, and on the character of future development. It is further the purpose of this Article to achieve, through site plan review, safe and convenient traffic movement; harmonious relationships of buildings, structures and uses; and the conservation of natural features and resources.

16.02 USES REQUIRING SITE PLAN APPROVAL:

The following buildings, structures and uses require site plan approval by the Planning Commission:

- (1) All Special Land Uses.
- (2) All uses within a Commercial or Industrial District.
- (3) All uses which are required to provide parking areas containing 10 or more parking spaces.
- (4) Multi-family housing.

16.03 PRELIMINARY SITE PLAN REVIEW:

A preliminary site plan may be submitted by an applicant to the Zoning Administrator before undertaking the expenses associated with the preparation and submission of a final site plan. This provision is to allow an applicant to defer the costs of engineering drawings and other related expenses that are typically part of a site plan process until an informal review is completed by the Zoning Administrator.

16.04 FINAL SITE PLAN REQUIREMENTS:

Each site plan submitted shall contain the following information, unless specifically waived by the Planning Commission, in whole or in part:

- (1) The date, north arrow and scale. The scale shall be not less than 1" = 20' for property under three acres and at least 1" = 100' for those three acres or more.
- (2) All lot and/or property lines are to be shown and dimensioned including building setback lines on corner lots.

- (3) The location of all existing and proposed structures on and within 100' of the subject property's boundary.
- (4) The location dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, curbing, parking areas (showing dimensions of a typical parking space), unloading areas, recreational areas, common use areas and areas to be conveyed for public use and purpose.
- (5) The location and pavement width, and right-of-way width of all abutting roads, streets and alleys or easements.
- (6) The name and address of the individual or firm responsible for the preparation of the site plan.
- (7) The name and address of the property owner or petitioner.
- (8) A location sketch drawn to scale.
- (9) The respective zoning abutting the subject property.
- (10) The location, height and types of fences, walls and landscaping.
- (11) Size and location of existing and proposed utilities, including proposed connections to public sewer or water supply systems.
- (12) The location and size of all surface water drainage facilities.
- (13) For residential developments requiring site plan review, contour intervals shall be shown (two foot intervals for average slopes ten percent (10%) and under, five foot intervals for slopes over ten percent (10%). Topography is encouraged to be shown on all site plans.

16.05 REVIEW PROCEDURE:

The proposed site plan shall be submitted with 11 copies to the Zoning Administrator who shall keep one copy of the proposed site plan and deliver 10 copies of the proposed site plan to the secretary of the Planning Commission. The Planning Commission shall study the site plan and shall approve or disapprove the proposed site plan. The site plan may be approved with conditions. If the site plan is disapproved, the reasons for the disapproval shall be stated. Upon approval of a site plan, at least two copies of the Site Plan as finally approved shall be signed and dated by the Secretary of the Planning Commission. One copy of the signed site plan shall be kept filed in the Township's records and the other returned to the applicant.

16.06 STANDARDS FOR SITE PLAN REVIEW:

In reviewing a site plan, the Planning Commission shall determine whether the applicant has established that the site plan is consistent with this ordinance and in accordance with the adopted Master Plan of the Township and more specifically:

- (1) That the site plan conforms with the purpose of the applicable district.
- (2) That the site plan minimizes disturbance to on-site natural features.
- (3) That the site plan is in compliance with the Master Plan.
- (4) That the movements of vehicular and pedestrian traffic within the site and in relation to access streets will be safe and convenient. Where appropriate, the Planning Commission may require alternate access such as shared driveways, access roads, or similar means of ensuring safe and efficient traffic flow.
- (5) That the site plan is harmonious with, and not injurious or objectionable to, existing and projected uses in the immediate area.
- (6) That the site plan shows the use will be adequately served by necessary improvements, including but not limited to, sewage collection and treatment, potable water supply, storm drainage, lighting, roads and parking.
- (7) That the site plan is adequate to provide for the health, safety and general welfare of the persons and property on the site and in the neighboring community.

16.07 SITE PLAN CHANGES AND REVISIONS:

The Zoning Administrator shall be notified by the applicant of all proposed changes to an approved site plan.

- (1) A minor change or modification may be approved by the Zoning Administrator upon notification by the applicant and a determination that the proposed change or modification meets the standards of the Ordinance. The Zoning Administrator shall further determine that the proposed change or modification does not alter any specified conditions imposed as part of the original approval. Minor changes or modifications shall include the following:
 - (a) Change in the building size, up to five percent (5%) in total floor area.
 - (b) Movement of buildings or other structures by no more than ten (10) feet.
 - (c) Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size.

- (d) Relocation of an outdoor waste receptacle.
- (e) Modification of up to ten percent (10%) of the total parking area provided the number of parking spaces is not reduced below that required by this Ordinance.
- (f) Sign location or reduction in size or height.
- (g) The addition of small accessory buildings of not more than two hundred (200) square feet in area.
- (h) Changes in floor plans which do not alter the character of the use.
- (i) Changes required or requested by a local, State, or Federal regulatory agency in order to conform to other laws or regulations.

In the event that the Zoning Administrator determines that a change or modification may have a major impact on the overall design or surrounding area, the proposed change or modification may be referred to the Planning Commission and the proposed change or modification shall be reviewed in the same manner as the original application.

- (2) A proposed change or modification not determined by the Zoning Administrator to be minor shall be submitted to the Planning Commission as a site plan amendment and shall be reviewed in the same manner as the original application.

16.08 REGULATIONS:

- (1) No grading, removal of trees or other vegetation, land filling, or construction of improvements shall commence for any development which requires a site plan approval until an approved site plan has been approved by the Planning Commission.
- (2) The Zoning Administrator shall not issue a Zoning Permit for any use requiring site plan approval until the Planning Commission has approved the site plan.
- (3) The building inspector shall not issue a building permit for any use requiring site plan approval until the Planning Commission has approved the site plan.

SECTION 17 – ZONING BOARD OF APPEALS

17.01 APPOINTMENT:

The Deerfield Township Board shall establish a Zoning Board of Appeals which shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act as amended (2006 PA 110). The Zoning Board of Appeals shall act upon questions which may arise in the administration of this Ordinance and as herein provided.

- (1) The Zoning Board of Appeals shall consist of a five (5) member board appointed by the Deerfield Township Board. Members shall be composed of the following: one (1) member shall be a member of the Township Planning Commission, one (1) member shall be a member of the Township Board, and three (3) members shall be selected from the electors residing within Deerfield Township.
- (2) The Township Board may appoint up to two (2) alternate members from the electors residing in the Township. Alternate members may be called upon to serve in place of a regular member of the Board in the absence of a regular member or for the purpose of reaching a decision in a case where the regular member has abstained for reasons of conflict of interest. An alternate member shall have full voting rights when serving as an alternate and shall serve until a final decision is made on an application.

17.02 PROCEDURES OF THE BOARD OF APPEALS:

The Board shall have the power to adopt rules and regulations not inconsistent with law or with provisions of this and any other Ordinances of Deerfield Township.

- (1) Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson, or in his absence, the Vice Chairperson, may administer oaths and compel the attendance of witnesses.
- (2) Public notice of the time, date and place of the meeting shall be given in the manner required by Act 267 of the Public Acts of 1976.
- (3) A concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator; or to decide in favor of an applicant on any matter upon which is required to pass under this Ordinance.
- (4) The Board may call upon the Township for assistance in the performance of its duties. It shall be the duty of the Township to

render such assistance to the Board as may reasonably be necessary.

17.03 POWERS AND DUTIES:

- (1) The Zoning Board of Appeals is hereby granted all powers provided under Public Act 110 of 2006, as amended.
- (2) The Zoning Board of Appeals, in conformity with the provisions of this Ordinance and Public Act 110 of 2006, as amended shall act upon all questions that arise in the administration of this Ordinance including the following:
 - (a) Interpretation of the Zoning Map and Zoning Text.
 - (b) Appeals of any decision of an official or body charged with administration of this Ordinance.
 - (c) Issuance of a dimensional or non-use variance to deviate from the requirements of this Ordinance.

17.04 VARIANCE REQUESTS:

- (1) A variance from the terms of this ordinance may be requested by any property owner, tenant or governmental agency, department, bureau or board.
- (2) Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this ordinance in said district.
- (3) The Zoning Board of Appeals may grant a dimensional variance or non-use variance from such provisions of this Ordinance as, building setback requirements, height requirements, lot size requirements, lot coverage requirements, landscaping requirements and sign regulations.
- (4) A completed written application for a dimensional or non-use variance must be submitted to the Zoning Administrator and be accompanied by the appropriate fees.
- (5) The issuance of a dimensional or non-use variance shall occur only in cases where the Zoning Board of Appeals finds that the applicant has demonstrated in writing and provided reasonable evidence that all of the following facts and conditions have been proven by the applicant through the application:
 - (a) The physical nature of the property in question is such that strict application of the Ordinance requirements creates a practical difficulty that unduly burdens the proposed development or use of the property.
 - (b) The condition or situation of the property is unique and not shared by

neighboring properties in the same district and amending the Ordinance text or rezoning is not a reasonable solution.

- (c) The variance would not be significantly detrimental to adjacent property and the surrounding neighborhood.
- (d) The practical difficulty was not created by an action of the applicant and either existed at the time of adoption of the requirement from which the variance is requested, or is necessary as the result of governmental actions such as a road expansion.
- (e) The variance granted would be the minimum necessary to permit reasonable use of the land and buildings.

17.05 DECISIONS OF THE ZONING BOARD OF APPEALS:

- (1) The Zoning Board of Appeals may attach thereto such conditions regarding the location, character and other features of the application as it may deem reasonable in furtherance of the intent and spirit of this Ordinance and the protection of the public interest or as otherwise permitted by law.
- (2) The decision of the Zoning Board of Appeals shall be final; however, any person having an interest affected by any such decision shall have the right of appeal to the Circuit Court on questions of law and fact.
- (3) No application which has been denied wholly or in part by the Zoning Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, unless permitted by the Zoning Administrator after a demonstration by the applicant of a substantial change of circumstances from the previous application.
- (4) Time Limitations on Variances:
 - (a) Any approval given by the Zoning Board of Appeals under which the premises are not used or work is not started within one (1) year, or when the use or work has been abandoned for a period of six (6) months, shall lapse and cease to be in effect.
 - (b) The holder of the variance may, at no cost, request up to one (1) three (3) month extension of the variance from the Zoning Administrator, if applied for in writing prior to the expiration of the variance approval.
 - (c) The Zoning Administrator may only grant an extension when the original circumstances authorizing the variance have not changed and that the circumstances creating the need for the extension were beyond the control of the applicant.

17.06 APPEAL REQUESTS AND PROCEDURES:

- (1) An appeal may be taken from any person or any governmental agency affected or aggrieved, and review any order, requirement, decision or determination where it is alleged by the appellant that there is error or misinterpretation in any order, requirement, decision, grant or refusal made by the Zoning Administrator or other administrative official or body charged with the enforcement of any section of this Ordinance.
- (2) An appeal shall be filed with the Zoning Board of Appeals, using the appropriate form supplied by the Zoning Administrator within twenty-one (21) days of the decision being appealed. The filing shall clearly specify the grounds of the appeal. The appeal shall be transmitted to the Zoning Board of Appeals together with all the papers constituting the record upon which the action being appealed is taken.
- (3) An appeal shall stay all proceedings in furtherance of the action appealed unless the Zoning Administrator certifies to the Zoning Board of Appeals, after notice of appeal has been filed, that, by reason of the facts stated, a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed other than by a restraining order, which may be granted by a court of record.
- (4) The Zoning Board of Appeals shall select a reasonable time and place for hearing the appeal, give due notice thereof to the parties, and render a decision on the appeal without unreasonable delay. A person may appear and testify at the hearing, whether in person or by duly authorized agent or attorney.
- (5) In deciding the appeal, the Zoning Board of Appeals shall be limited to determining whether or not the decision that was made was done so using the proper standards and guidelines in the Ordinance. The decision of the Zoning Board of Appeals is limited to the information that was available to the administrative official or body who made the decision initially. Additional testimony shall not be allowed.
- (6) If a determination is made that the administrative official or body making the decision did so improperly, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify, the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the administrative official or body from whom the appeal was taken.
- (7) The Zoning Board of Appeals may hear and decide appeals from the decisions of the Zoning Administrator pertaining to interpretations of the Zoning Map to determine the precise location of boundary lines between Zoning Districts. In making its determination of the boundary lines, the Zoning Board of Appeals shall be governed by the rules of this Section.

17.07 HEARING PROCEDURES:

Upon receipt of a notification of an appeal or a request for variance, the Zoning Board of Appeals shall fix a reasonable time for a public hearing and give notice of that public hearing as required by Act 110 of the Public Acts of 2006, as amended.

- (1) Notice of said hearing shall be given by one publication in a newspaper published in the Township and shall be printed not less than 15 days before the date of such hearing. The notice shall do all of the following:
 - (a) The nature of the request.
 - (b) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the 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.
 - (c) State when and where the request will be considered.
 - (d) Indicate when and where written comments will be received concerning the request.
- (2) Not less than 15 days before the date of such hearing a notice containing the aforementioned information shall also be sent, by first class mail or personal delivery, to all persons to whom real property is assessed and to the occupants of all dwellings within 300 feet of the boundary of the property in question, including owner of said property.
- (3) In cases where additional information, site inspections, or other activities may be necessary to make a proper decision, the zoning board of appeals shall have the power to adjourn a hearing to a later date. Announcement of such later date at the original hearing shall be deemed proper public notification.

17.08 PERFORMANCE BONDS:

The zoning board of appeals shall have authority to require such assurance, surety or performance bond in the form, manner and amount as in its discretion, may be required to compel compliance with and performance of all conditions incident to appeals and requests granted by said board; provided, however, that such requirement shall not be for amounts greater than the reasonable cost of performing or complying with the conditions attached to such decision approval.

17.09 NON-EXEMPT PUBLIC UTILITY FACILITIES:

The Zoning Board of Appeals shall have the power to permit any public service corporation to erect and use a building or an addition to an existing building, or a structure for public utility purposes on a different lot area, lot width, or lot coverage, or

with different yard and setback requirements, or to a different height than the district requirements herein established, provided the Zoning Board of Appeals finds such modifications necessary for public convenience and service.

SECTION 18 – ADMINISTRATION AND ENFORCEMENT

18.01 ZONING ADMINISTRATOR:

- (1) Deerfield Township shall employ a Zoning Administrator to act as its officer to effect proper administration of this Ordinance. The term of employment and rate of compensation and any other conditions of employment shall be established by the Township Board.
- (2) The responsibilities of the Zoning Administrator are on file in the Township office.
- (3) For the purposes of this Ordinance, Zoning Administrator or duly authorized representative may enter at all reasonable times in or upon any private or public property for the purpose of inspecting or investigating the conditions and practices which may be in violation of this Ordinance. A written notice shall be sent to the person, firm or corporation who is deemed to be in violation. Such entrance may take place only after the Zoning Administrator or duly authorized representative has obtained permission from the property owner or serves a warrant that has been issued.

18.02 ZONING PERMIT REQUIRED:

No building or part thereof, or other structure shall be erected, raised, moved, reconstructed, extended, or enlarged without first applying for and obtaining a Zoning Permit from the Zoning Administrator. No building, structure or land shall be used or occupied except in conformance with the provisions of this Ordinance. An accessory building or structure of 200 square feet or less in area shall not require a Zoning Permit and shall be placed a minimum of ten (10) feet from any side or rear property line.

18.03 APPLICATION FOR ZONING PERMIT:

To obtain a Zoning Permit a written application is required by this ordinance. The applicant shall ensure himself of the following requirements:

- (1) Every application for a Zoning Permit shall be accompanied by an accurate plan drawn to scale in ink, or prints of same, showing the actual shape and dimensions of the lot to be built upon including the legal description of the property. The Plan shall show the exact location of any existing or proposed septic tanks, drain fields, potable water supplies and any other related utilities, including driveway and parking area locations. All buildings and structures shall include accurate setback distances to all property lines. It shall also show the exact locations, size and height of the existing buildings and accessory buildings, and the lines within which the proposed building or structure is to be erected or altered. The existing and intended use of each building, or part of a

building; the number of families or housekeeping units the building is designed to accommodate; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this ordinance shall be furnished. One copy of such plans shall be returned to the Owner when such plans have been approved by the Zoning Administrator together with permit as may be granted. The lot and the location of the building thereon must be staked out on the ground and inspected by the Zoning Administrator before construction is started.

- (2) Where sewage disposal is a requirement, the sewage disposal system must be approved by the Central Michigan District Health Department prior to issuing a zoning permit for a new structure and/or prior to approval for change of use of an existing structure.
- (3) Before a zoning or building permit may be issued, there must be compliance with this ordinance.
- (4) Except as herein after provided, no building, structure or land shall be used or occupied and no building or part thereof, or other structure shall be erected, raised, moved, reconstructed, extended, enlarged or altered, except in conformity with this ordinance.
- (5) Permits shall be nontransferable and shall expire after one year from the date of issuance, if construction has not progressed in a reasonable manner as determined by the Zoning Administrator.

18.04 REQUIRMENTS FOR TEMPORARY PERMIT:

All temporary buildings and uses shall meet the following requirements:

- (1) Temporary dwellings must be self-contained for sewage disposal or a valid permit must be obtained from the Central Michigan District Health Department for the disposal of sewage.
- (2) Setbacks shall be in accordance with the district in which the temporary permit is to be issued.
- (3) Temporary permits are nontransferable.
- (4) Temporary permits shall terminate within the time specified on the permit.
- (5) The use of mobile homes, when properly permitted for a temporary use, does not require skirting, pads, runners or piers.

18.05 APPLICATION FOR A TEMPORARY PERMIT:

A written application shall include:

- (1) Statement of the anticipated duration of said temporary use.
- (2) Purpose and description of said temporary use.
- (3) Written permission from land owner, if other than applicant.

18.06 FEES:

- (1) A fee, as set by the Deerfield Township Board upon recommendation from the Planning Commission to defray the cost of administration and inspection, shall be paid prior to issuance of any permit.
- (2) A person undertaking and commencing a use without the proper permit is subject to all the penalties in this Ordinance. In lieu of commencing prosecution, the Zoning Administrator shall have the option to issue a zoning permit and to charge a double fee.
- (3) Fees shall be established by the Township Board for the following:
 - (a) Special Land Use Permits
 - (b) Rezoning Requests
 - (c) Site Plan Review
 - (d) Variance Applications
 - (e) Appeals
 - (f) Temporary Permits
 - (g) Private Roads
 - (h) Zoning Permits
 - (i) Home Occupation Annual Permits
 - (j) Other appropriate fees as determined by the Township Board.
- (4) Additional fees for special public hearings or meetings of the Planning Commission or Zoning Board of Appeals that are requested by an applicants shall be charged to cover the costs of required notices and membership per diem for the meetings or hearing.

18.07 VIOLATIONS AND PENALTIES:

- (1) Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this ordinance, are hereby declared to be a nuisance per se and conviction of such shall constitute a civil infraction. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100.00 and pay all costs of enforcement and prosecution. Each day such violation continues after receipt of a violation notice shall be considered a separate offense.
- (2) The owner or tenant of any building, structure, premises or part thereof, architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separated offence and suffer the penalties herein provided.
- (3) Nothing here contained shall prevent Deerfield Township from taking such other lawful action as is necessary to prevent or remedy any violation, nor shall imposition of any fine exempt the violator from compliance with the provisions of this ordinance.

18.08 ADDITIONAL REMIDIES:

In addition to the above remedies, the following additional remedies may be instituted.

- (1) The Zoning Administrator and/or legal counsel, in coordination with one another, may institute any appropriate action or proceedings to prevent any erection, construction, alteration, repair, maintenance or use of any building or premises constituting a violation of any of the provisions of this ordinance; to restrain, correct or abate such violation; to prevent any unlawful act, business activity or other use in or about such premises.
- (2) The Zoning Administrator may initiate a show cause hearing before the board of appeals when said Administrator believes a violation of the zoning ordinance has occurred. The purpose of this hearing is to seek voluntary compliance with the Deerfield Township Zoning Ordinance. However, the alleged violator or his agents shall be allowed an opportunity to show cause why the provisions of the ordinance should not be enforced. The show cause hearing shall be held under the following guidelines:
 - (a) Notice shall be served by mailing of a notice by first class mail to the property address if occupied of the alleged violator or to the address of the owner of the property as shown on the most recent tax records of the township in which the subject property is located not less than 10 days

prior to the hearing date. The notice shall contain the purpose of the hearing, the time, date and place it is to be held, a description of the alleged violation and that the owner or violator shall have an opportunity to be heard at the hearing.

- (b) At the hearing, the Zoning Administrator shall have the burden of establishing, through the use of witnesses and/or other evidence at the Zoning Administrator's discretion, which the alleged violation has occurred by a preponderance of the evidence.
 - (c) The owner or violator shall upon establishment of the alleged violation, have the burden of showing good cause why the Ordinance should not be enforced, and may present witnesses and/or other evidence at the owner or violator's discretion.
 - (d) At the conclusion of the hearing, the Zoning Board of Appeals shall, within a reasonable time, take such action as it deems necessary or proper, and within the scope of its authority, to effect the intent of those provisions of the Zoning Ordinance pertaining to the subject matter of the hearing.
- (3) The Zoning Administrator is specifically authorized to issue and serve appearance tickets, based on probable cause, on any person, business, or organization in violation of any of the provisions of this zoning ordinance and for which a fine may be levied as a result of such violation. Appearance ticket means a complaint or notice upon which the Zoning Administrator shall record an occurrence involving one or more violations of the zoning ordinance by the person cited. Each citation shall consist of the following parts:
- (a) The original which shall be a complaint or notice to appear by the Zoning Administrator and filed with the court.
 - (b) The second copy which shall be retained by the Zoning Administrator.
 - (c) The third copy which shall be delivered to the alleged violator. Such citation may be appropriately modified as to consent or number of copies to accommodate zoning ordinance enforcement and local court procedures and practices.

SECTION 19 – AMENDMENTS AND ADOPTION

19.01 INITIATION OF AMENDMENTS

The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Map of Deerfield Township may be amended pursuant to PA 110 of 2006, as amended.

- (1) Amendments may be initiated by the Township Board, the Township Planning Commission, or by written application of one or more persons having an interest in the property to be affected by the proposed amendment.
- (2) Written application shall be accompanied by a fee established by the Township Board and no part of such fee shall be refundable. Fees shall not be required for amendments proposed or requested by a governmental agency or body.

19.02 PUBLIC HEARING

After receipt of a request to amend this Ordinance the Planning Commission shall hold at least one public hearing as follows:

- (1) Notice of said hearing shall be given by one publication in a newspaper published in the township and shall be printed not less than 15 days before the date of such hearing. The notice shall do all of the following:
 - (a) Describe the nature of the request.
 - (b) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the 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.
 - (c) State when and where the request will be considered.
 - (d) Indicate when and where written comments will be received concerning the request.
- (2) If the request is to rezone 10 or fewer adjacent properties, a notice containing the aforementioned information shall also be sent, by first class mail or personal delivery, to all persons to whom real property is assessed and to the occupants of all dwellings within 300 feet of the boundary of the property in question, including owner of said property. The notice shall also be sent to the supervisor of the township in which the property in question is located. This notice shall be sent not less than 15 days before the date of such hearing.
- (3) If the request is to rezone 11 or more adjacent properties, notice of the public hearing shall be given in the same manner as required above, except for the

requirement of 19.02 (2) and except that no individual addresses of properties are required to be listed under Section 19.02 (1)(b).

19.03 PLANNING COMMISSION REVIEW AND RECOMMENDATION

- (1) The Planning Commission shall take action to recommend approval or denial of the proposed amendment based upon the conformity with the Township Master Plan and based upon the following findings of fact:
 - (a) The proposed amendment would clarify the intent or correct an error in the Ordinance.
 - (b) The proposed amendment would address changes to the State legislation, recent case law or opinions from the Attorney General of the State of Michigan; or would promote compliance with changes in other County, State, or Federal regulations.
 - (c) The proposed amendment shall be consistent with the Township’s desire to protect the public health, safety and general welfare of the residents of the community.
 - (d) The proposed amendment is consistent with the goals, policies and future land use map of the Township; or, have conditions changed significantly since the Township Master Plan was adopted which are inconsistent with recent development trends in the area.
 - (e) The proposed amendments concerning uses shall be compatible with surrounding uses in terms of land suitability, impacts on the community, potential influence on property values and traffic impacts.
 - (f) Any other factor or fact deemed appropriate by the Township Planning Commission.
- (2) After the hearing, the Planning Commission shall submit a summary of the comments received at the public hearing, its findings of fact, and the proposed amendment, including any zoning maps, and other related material to the Township Board for action. All findings of fact shall be made a part of the official public record of the meeting of the Planning Commission.

19.04 CONSIDERATION BY THE TOWNSHIP BOARD

After receiving the recommendation of the Planning Commission, the Township Board, at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the proposed amendment.

- (1) All findings of fact shall be made a part of the public records of the meeting of the Township Board.

- (2) The Township Board may approve or deny the amendment as proposed. However, if the board decides to make any changes, it shall return the proposed amendment with a report on the changes to the Planning Commission for review and comment.
- (3) The Township Board may refer any proposed amendments back to the Planning Commission for further consideration and comment within a time specified by the Township Board.
- (4) The Township Board may hold additional public hearings as it sees necessary.

19.05 NOTICE OF ADOPTION

A notice of adoption shall be published in a newspaper of general circulation within the Township within 15 days after adoption by the Township Board. Said notice shall include the following:

- (1) In the case of a newly adopted zoning ordinance, the following statement: A zoning ordinance regulating the development and use of land has been adopted by the Deerfield Township Board.
- (2) In the case of an amendment to an existing zoning ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
- (3) The effective date of the Ordinance.
- (4) The place and time where a copy of the Ordinance may be purchased or inspected.

SECTION 20 – MISCELLANIOUS PROVISIONS

20.01 SERVABILITY:

In case any section or provision of this Ordinance shall be held to be invalid by a court of competent jurisdiction, the same shall not affect any other provision of this Ordinance, except so far as the provision declared to be invalid should be inseparable from the remainder of any provision.

20.02 EFFECTIVE DATE:

This Ordinance shall become effective on the 8th day after publication following adoption by the Deerfield Township Board.

20.03 APPLICATION OF TOWNSHIP ORDINANCE:

As of the effective date of this Ordinance, and except as otherwise provided by the Michigan zoning enabling act, MCL 125.3101 et seq. (“the Act”), Deerfield Township shall not be subject to an ordinance, rule or regulation adopted by Isabella County under the Act per MCL 125.3209.

20.04 AUTHENTICATION:

This Zoning Ordinance shall become effective on April 18, 2001. The Ordinance was adopted on March 31, 2001 by the Deerfield Township Board and published in the newspaper on April 21st, 2001.