

DEERFIELD TOWNSHIP ZONING ORDINANCE

Ordinance 112

Adopted May 9, 2002

***As Amended Through Ordinance 112-35
Adopted on January 11, 2024***

**Deerfield Township
Livingston County, Michigan**

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Deerfield Township Zoning Ordinance, Ord. 112 Summary Table of Amendments

Through Ordinance 112-35, January 11, 2024

NOTE: The ordinance number and adoption date of ordinances amending Sections of the Deerfield Township Zoning Ordinance, Ordinance #112, are listed in parenthesis at the end of the respective amended Section and at the end of each Article. An amendment ordinance providing for the substantial redrafting of an entire Article is noted at the beginning and end of each Article. This Summary Table of Amendments and the amendments referenced in parentheses in each Article are editorial notes only for the benefit of the reader and the references have no regulatory effect.

Ord. # and Adoption Date	Affected Section(s)	Affected Subject(s)
Jan. 12, 2002	2.02	Definition for Private Road
	12.02(E)(6)	A-2, A-3, & A-4 Minimum Floor Area
	20.10	Shared Driveways
112-1	2.02	Definition for Common Use Lots
Jan. 8, 2004	5.05	Changes to Approved Special Land Uses
	11.01(D)(8), 12.01(D)(17), 12.02(D)(13), 13.01(D)(6), 13.02(D)(5), 13.03(D)(2), 14.01(D)(20)	Common Use Lots authorized as special land uses.
	17.24	Common Use Lots Special Land Use Standards
	19.16	Lake Access and Common Use Lots
112-2	2.02	Definitions for Lot Area and Private Road
Sept. 9, 2004	4.03(B)	Site Plan Submittal Requirements
	4.06(A)	Preliminary Site Plan Submittal Requirements
	6.06(E)(2)	Variance Authorization Period
	Article 7	Procedures for Amendments
	12.02(E)(6)	A-2, A-3, & A-4 Minimum Floor Area
	12.02(D)(14)	A-2, A-3, & A-4 Rural Open Space Option
	13.01(D)(7)	R-1 Rural Open Space Option
	13.02(D)(6)	R-2 Rural Open Space Option
	13.02(E)(3)(a)	R-2 Front Yard Setback
	Article 15	Industrial Districts, fully redrafted Article
	Article 18	Rural Open Space Option (ROSO)
	19.14(B)	Frontage and Access Requirements
	Article 20	Private Roads and Shared Driveways
112-3 Feb. 10, 2005	Zoning Map	Parcel 4703-16-100-002, A-1 to A-3 (Narhi, 20 ac.)
112-4 July 14, 2005	Zoning Map	Parcel 4703-25-300-008, A-1 to A-4 (Butts, 5 ac.)
112-5 Nov. 10, 2005	Zoning Map	Parcel 4703-09-300-021, A-2 to A-3 (Englehardt, 17.8 ac.)
112-6, Feb. 9, 2006	19.12	Temporary Dwellings
	18.06(A) & (C)	Rural Open Space Option (ROSO)
112-7 April 13, 2006	Article 2	Definitions: Academies, Arcade, Banquet Hall, Medical Clinic, Outdoor Recreation Center
	4.04(A) & (B)	Distribution and Review of Site Plans
	5.02(B,C, & D)	Distribution/Review of Special Land Use Applications
	6.05(C)(1)	Standards for Variances
	Article 8	Nonconforming lots, structures, and uses; fully redrafted Article
	12.01(D)	Authorized Special Land Uses in A-1 District
	14.01(D)	Authorized Special Land Uses in B-1 District
	17.25	Standards for Day Care Centers
	17.26	Standards/Definitions for Adult Entertainment Businesses
	22.04(E)	Off-street parking setbacks
	20.14(C) & (D)	Review and Standards for Shared Driveways

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Ord. # and Adoption Date	Affected Section(s)	Affected Subject(s)
112-8 Apr. 13, 2006	Zoning Map	Multiple Parcels in Section 10, A-1 to I-1 (9.9 ac.)
112-8 Apr. 13, 2006	Zoning Map	Multiple Parcels in Section 10, A-1 to I-1 (9.9 ac.)
112-9, May 11, 2006	Article 2 3.03(F) 19.11(G)	Definition for Agricultural Building Building Permit Waivers for Agricultural Buildings Accessory Structure prior to a Principal Structure
112-10 Aug. 10, 2006	Zoning Map	West part of Parcel 47-03-10-200-025, A-4 to I-1 (Golla, 5.7 ac.)
112-11 Aug. 10, 2006	8.03(A)(5) 10.01 20.15 21.04(A)	Nonconforming Uses/Seasonal Sale of Farm Products Delineation of Districts Storage/Use of Recreational Vehicles Table 21-1, Standards for Signs
112-12 Sept. 14, 2006	Zoning Map	Parcel 47-03-2-100-002, A-3 to A-4 (Stark, 14.5 ac.)
112-13 Feb. 8, 2007	Preamble 3.01 3.07 5.02(D) & (E) 6.02 6.04 6.06(C) 6.08 7.03(B)(1), (B)(4) & (D) Article 2 11.01(C), 12.01(C), 12.02(C), 13.01(C), 13.02(C), 13.03(C) 11.01(D)6, 12.01(D)14, 12.02(D)12, 13.01(D)5, 13.02(D)4, 13.03(D)1 18.04(C) 19.10(B) 19.17	Reference to Michigan Zoning Enabling Act (MZEA) Zoning Administration/Michigan Zoning Enabling Act (MZEA) Public Hearing Notices/Michigan Zoning Enabling Act (MZEA) Special Land Use Procedures/MZEA ZBA Creation and Membership/MZEA ZBA Jurisdiction ZBA Hearing Notices/MZEA Circuit Court Review of ZBA Decisions Amendment Procedures including Hearing Notices/MZEA Definition for Home Occupation Permitted Accessory Uses/Class One Home Occupations in P-1, A-1, A-2, R-1, R-2, and R-3 Districts Class Two Home Occupations as Special land Uses in P-1, A-1, A-2, R-1, R-2, and R-3 Districts ROSO Density Increases Keeping of Household Animals/Kennels Home Occupation Definitions, Procedures, & Standards
112-14 Jan. 10, 2008	Article 2 3.03(C)(2) 3.03(C)(3) 3.08 4.03(B)(13) 4.04(E) 4.04(F) 4.05(P) 11.01(D)(3), 12.01(D)(4), and 12.02(D)(4) 17.22 18.12 19.12(A) 19.12(A)(1) 19.15(B)(3)(b)	Insert definitions for private and public campground Withholding of zoning permit Expiration of land use permit Site plan/special land use submittal delays and add'l reviews Construction schedule for project phases Preconstruction meeting required prior to issuance of permit Expiration of site plan approval Addition of phasing standard to site plan approval standards Authorization of private and public campgrounds in P-1, A-1, A-2, A-3, and A-4 Districts by special land use Application of Section 17.22 standards to public campgrounds ROSO phasing (deleted and relocated to 4.05(P)) Time limitations on temporary dwelling permits Authorization of temporary dwelling to replace current dwelling Site plan expiration for condominium subdivisions

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Ord. # and Adoption Date	Affected Section(s)	Affected Subject(s)
112-15 Feb. 12, 2009	Article 2	Insert definitions for private and commercial WECFs, wind energy conversion testing facility, and wind turbines
	3.07	Public Hearing Notices/Michigan Zoning Enabling Act (MZEA)
	6.02	ZBA membership/alternate members/terms/MZEA
	6.06(D) and (E)	ZBA procedures/MZEA
	6.08	Circuit court review of ZBA decisions
	7.03(D)	Township board hearings on amendments/MZEA
	12.01(D)(21)	Authorization of commercial WECFs in A-1 District
	17.27	Insert requirements for commercial WECFs
	19.12	Limitation on extensions of temporary dwelling permit
	19.18	Insert requirements for private WECFs
112-16 Nov. 12, 2009	19.19	Insert requirements for outdoor furnaces
112-17 June 9, 2011	Article 2	Revise definition for "agricultural labor housing"
	10.05(B)(1)	Prohibition of uses contrary to local, county, state or federal law
	Table 10-1, Article 10	Light Industrial District standards
	Table 10-1, Article 10	Footnote C – farmer friendly splits
	17.23	Revision to agricultural labor housing provisions
	21.03	Revision to sign application provisions
112-18 May 10, 2012	Article 3	Administration, enforcement and penalties; fully redrafted Article
	Article 4	Fully redrafted to address site plan review only
	19.03(C)	Revision to pool fencing provisions
	19.11(F)	Revision to fence height provisions
	19.17(C)1	Revision to home occupation outdoor display provisions
	19.17(D)5	Revision to home occupation outdoor storage provisions
	19.17(E)6	Revision to home occupation outdoor storage provisions
	19.20	Insertion of fence and wall provisions
	19.21	Insertion of farm-based biofuel production facility provisions
	Article 21	Signs, fully redrafted Article
112-19 Feb. 13, 2014	6.05	Revision to authorized actions of ZBA
	6.06(A) and (B)	Revision to ZBA procedures
	Table 10-1, Article 10	Revision to title and footnote C – farmer friendly splits
	10.08	Revision to uses generally permitted in districts
	10.09	Revision to Schedule of Regulations introduction
112-20 April 13, 2015	Zoning Map	Acreage along northeast side of Faussett Lake, A-1 to A-4 (Giammarco, 15.6 ac.)
112-21 Nov. 12, 2015	Article 2	Insertion of "driveway, shared" definition
	19.14	Access regulations deleted (relocated to Art. 20) and 19.14 reserved for future use
	19.22	Insertion of provisions addressing storage/use of recreational vehicles (relocated from 20.15)
	Article 20	Fully redrafted Article addressing access, private roads and shared driveways.

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Ord. # and Adoption Date	Affected Section(s)	Affected Subject(s)
112-22 Feb. 11, 2016	Article 2	Inserted phrase "wireless communication facilities" and reference to Sec. 17.28 for definitions
	5.01	Inserted new purpose statement, and deleted approval standards, for special land uses (relocated to Sec. 5.06)
	5.02(D)(2), 5.02(E)	Inserted updated references to the Section 5.06 general approval standards for special land uses
	5.06	Inserted general approval standards for special land uses (relocated from Sec. 5.01)
	11.01(C)(1), 12.01(C)(1), 12.02(C)(1), 13.01(C)(1), 13.02(C)(1), 13.03(C)(1), 14.01(C)(1), 15.01(C)(1),	Revised to reference Class 1 wireless communication facilities as authorized accessory use (all districts except A-3 and A-4)
	12.01(D)(22), 14.01(D)(26), 15.01(D)(10)	Inserted Class 2 wireless communication facilities as authorized special land use (A-1, B-1 and I-1 Districts)
	17.01	Revised to expand applicability of Art. 17 to all specified uses, not just special land uses
	17.28	Inserted wireless communication facilities provisions
112-23 10-13-16	Zoning Map	Parcel 47-03-28-400-021, north side of Faussett Rd. in SE 1/4 of Section 28, A-1 to A-4 (Wilson, 10.1 ac.)
112-24 10-13-16	Article 6	Fully redrafted Article 6, Zoning Board of Appeals
112-25A 12-8-16	Zoning Map	Parcels 47-03-10-200-035 and 036, NE ¼ of Sec. 10, A-4 to I-1 (Golla, 5.0 ac.)
112-25B 6-8-17	Zoning Map	Parcel 47-03-09-300-020, SW ¼ of Sec. 9, A-2 to A-3 (Allie, 12.6 ac.)
112-26 4-12-18	Zoning Map	Parcel 47-03-19-100-023, NW ¼ of Sec. 19, A-2 to A-3 (Beach, 20.2 ac.)
112-27 4-12-18	10.01	Reformatted section with District categories
	Article 21, Signs	Fully redrafted Article
112-28 August 9, 2018	Zoning Map	Parcel 47-03-12-200-005, NE ¼ of Sec. 12, A-1 to A-4 (Colbert, 18.5 ac.)
112-29 April 11, 2019	Zoning Map	Replaced the original Zoning Map with a new Zoning Map, dated Oct. 31, 2018.
112-30 Nov. 12, 2020	Article 2	Inserted phrases "accessory dwelling unit" and "Solar Energy Systems (SES)", with references to Sections 17.29 and 17.30 for the definitions.
	12.01(D)(23)	Authorized Large SES as Special Land Use in A-1 District.
	17.29	Inserted Sec. 17.29 addressing accessory dwelling units.
	17.30	Inserted Sec. 17.30 addressing solar energy systems.
112-31 Jan. 14, 2021	Entire Ordinance	Replaced "R-1 Medium Density Residential District" with "R-1 Low Density Residential District." Replaced "R-2 Shoreline Residential District" with "R-2 Medium Density Residential District." Replaced "R-3: Manufactured Housing Community District" with "R-MHC: Manufactured Housing Community District."
	2.02	Inserted definition for "assisted living facilities."
	10.02	Updated listing of Residential District names.
	10.09	Updated Schedule of Regulations (standards) for districts.
	13.01(A); 13.02(A);	Updated district intent statements for R-1 & R-2 Districts.
	13.01(E); 13.02(E)	Updated district development standards for R-1 & R-2 Districts.
	13.03	Inserted "R-3: High Density Residential District" regulations.

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Ord. # and Adoption Date	Affected Section(s)	Affected Subject(s)
112-31 (continued)	13.05	Inserted "R-MF: Multiple Family Residential District" regulations.
	17.31	Inserted Sec. 17.31 addressing multiple family developments.
	17.32	Inserted Sec. 17.32 addressing nursing homes/assisted living.
	20.03(A)(1)(c)(3)	Revised to prohibit changes to shared driveway maintenance agreements prior to township approval.
	20.04(B)(2)(d)	Revised to prohibit changes to private road maintenance agreements prior to township approval.
	Zoning Map	Revised Official Zoning Map legend to replace "R-1, R-2, R-3: RESIDENTIAL" with "R-1, R-2, R-3, R-MHC, R-MF: RESIDENTIAL."
112-32 Jan. 13, 2022	2.02	Revised definitions for "frontage," "lot lines," and "lot width," and inserted definition for "equestrian center."
	Article 10	Deleted and replaced with new Article 10, covering district regulations previously in Articles 11, 12, 13, 14, and 15.
	Article 11	Deleted content and reserved for future use.
	Article 12	Deleted content and reserved for future use.
	Article 13	Deleted content and reserved for future use.
	Article 14	Deleted content and reserved for future use.
	Article 15	Deleted content and reserved for future use.
	17.07	Replaced "commercial stable" with "equestrian center."
	20.02(A)	Frontage dimension requirements relocated to Table 10-4, Footnote 3.
	Zoning Map	Rezoning of Parcel #4703-32-400-014 from A-2 to A-3
112-34 August 10, 2023	Article 10, Table 10-3	Revised to authorize vehicle/watercraft service, repair, and storage as Special Land Use in I-1 District.
	10.07(B)(4)	Revised provisions addressing modifications to shared lot lines between adjacent nonconforming lots.
	19.09	Revised to prohibit outdoor storage on vacant land unless otherwise approved by issuance of land use permit.
	20.03(C) & (D)	Inserted (C) & (D) addressing approval to use a shared driveway and prohibition of assignment of tax parcel # until shared driveway construction is completed.
	20.04(G)	Inserted (G), prohibiting assignment of tax parcel # until private road construction is completed.
	112-35 Jan. 11, 2024	17.29(D)(8) & (9)
19.23		Inserted Sec. 19.23 addressing yard/garage sales.

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End of Summary Table of Amendments

PREAMBLE

An Ordinance enacted by Deerfield Township under Public Act 184 of 1943, as amended, to provide for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by Ordinance, and within which district provisions are adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, including tents and trailer coaches; to provide for administration and amendments of said Ordinance; to provide for appeals and for the organization and procedures to be followed by the Zoning Board of Appeals; and to provide for penalties for the violation of said Ordinance. The continued administration of this Ordinance, amendments to this Ordinance and all other matters concerning operation of this ordinance shall be done pursuant to P.A. 110 of 2006, as amended, the Michigan Zoning Enabling Act.

(Ord. 112-13, 2-8-07)

Article 1 TITLE and PURPOSE

Section 1.01 TITLE

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

Section 1.02 PURPOSE

It is the purpose of this Zoning Ordinance to promote the public health, safety, convenience, and general welfare of the inhabitants of Deerfield Township by encouraging the use of lands and natural resources in accordance with their character, adaptability and suitability for particular purposes; to enhance social and economic stability; to prevent excessive concentration of population; to reduce hazards due to flooding; to conserve and stabilize the value of property; to provide adequate open space for light and air and preserving community character; to prevent fire and facilitate the fighting of fires; to allow for a variety of residential housing types and commercial and industrial land uses; to lessen congestion on the public streets and highways; to facilitate adequate and economical provision of transportation, sewerage and drainage, water supply and distribution, education, recreation and other public services and facilities; to assure adequate provision of the state's citizens for food, fiber, energy and other natural resources; to ensure appropriate locations and relationships for uses of land; and to facilitate the expenditure of funds for adequate public facilities and services by establishing herein standards for physical development in accordance with the goals, objectives and policies contained in the Comprehensive Plan for the Township; and to provide for the administration and enforcement of such standards.

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End of Article 1

Article 2 DEFINITIONS

Section 2.01 CONSTRUCTION of LANGUAGE

For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

- A. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- B. The word "person" includes a corporation, association, partnership, trust, firm, or similar entity as well as an individual.
- C. The word "building" includes the word "structure" and both include any part thereof.
- D. The word "lot" includes the word "plot", "tract", or "parcel".
- E. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
- F. The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, and schedules, as included or attached as enacted or subsequently amended.
- G. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates the connected items, conditions, provisions or events may apply singly or in any combination.
 - 3. "Either...or" indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.
- H. The "Township" is the Township of Deerfield in the County of Livingston, State of Michigan; the "Township Board", "Board of Appeals" and "Planning Commission" are, respectively, the Township Board of Trustees, Zoning Board of Appeals, and Planning Commission of the Township.
- I. Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
- J. Where a specific agency, department, law, or rule is referred to in this Ordinance, such reference shall include any successor agency, department, law or rule.
- K. "Days" means calendar days unless otherwise stated.

Section 2.02 DEFINITIONS

Abutting (lot or parcel): A lot or parcel which shares a common border with the subject lot or parcel.

Accessory Building: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.

Accessory Dwelling Unit: See Section 17.29 for the definition of accessory dwelling unit and regulations regarding the same.

Academies, Schools and Other Instructional Uses: An educational facility, whether public or private, that provides education in pre-elementary, elementary, secondary, and/or post secondary curriculums; special arts such as crafts, dance, music, and/or self-defense; occupational trades; and similar areas of education. This definition shall not apply where the facility complies with this Ordinance's definition for "home occupation" and is approved as such.

Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

Adult Entertainment Business: See Section 17.26.

Agriculture: Any land, buildings, and machinery used in the commercial production of farm products as defined in the Michigan Right to Farm Act, P.A. 93 of 1981, including but not limited to pasturage, floriculture, dairying, horticulture, forestry, and livestock or poultry husbandry, but not including concentrated livestock operations as defined in this Ordinance.

Agricultural Building: A structure designed and constructed to house farm implements, poultry, livestock, hay, grain, or other horticultural products and that is clearly incidental to the commercial production of farm products as defined in the Michigan Right to Farm Act, P.A. 93 of 1981, including but not limited to pasturage, floriculture,

dairying, horticulture, forestry, and livestock or poultry husbandry, but excluding the sale of farm products not grown on the farm or produced from products not grown on the farm.

Agricultural Labor Housing: Housing consisting of mobile homes and/or recreational vehicles in association with a farm, the occupants of which are bona fide employees of the farm.

Alley: A public or legally established thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Alteration: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams or girders; or any change which may be referred to herein as altered or reconstructed.

Apartment: A room or suite of rooms, including bath and kitchen facilities, in a two-family or multiple family dwelling intended and designed for use as a residence by a single family.

Arcade: Any establishment which provides as a principal component of its operation machines which may be operated or used as a game, contest or for amusement of any description, not including devices used solely for playing music.

Assisted Living Facilities: Any facility licensed by the State of Michigan that provides residential services to adults in addition to any other services essential for sustaining the activities of daily living, and not otherwise constituting an adult foster care facility or nursing home as defined in this Ordinance. Such additional services may include, but need not be limited to, the provision of meals including congregate meals, transportation services, entertainment, nursing care, and day trips.

Automobile Service and Repair Stations: Buildings and premises for the primary purpose of the retail sales of gasoline, oil, grease, batteries, tires and other operational fluids and accessories for automobiles, and the installation of such items, and for other minor automobile repair not to include auto refinishing, body work or painting, dismantling of vehicles for the purpose of reuse or resale of parts, or storage of automobiles other than those in for immediate repair.

Banquet Hall: A facility available for lease or rent to accommodate special event gatherings such as family celebrations, company meetings and parties, and private interest gatherings. A banquet hall may include the preparation and serving of food and beverages, and entertainment including dancing and music.

Basement: That portion of a building which is partly or wholly below finished grade. A basement shall not be considered as a story except as included in the definition of "story."

Bed and Breakfast: A structure which was constructed for single family residential purposes but which may be used for the purpose of renting bedrooms on a nightly basis to tourists, including the provision of bathing and lavatory facilities and a breakfast meal, provided that certain zoning requirements are met.

Berm: A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

Billboard: A sign structure advertising a service, commodity or establishment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, also known as "off-premise sign" or "outdoor advertising structure." Such sign is subject to the requirements of the Highway Advertising Act, PA 106 of 1972 (as amended) as well as to the provisions of this Ordinance.

Buffer Area: A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts. Landscaping, berms, fencing or open space can also be used to buffer noise, light and related impacts from abutting properties even if not in a separately established buffer zone and may be so required by this Ordinance.

Building: Any structure, either temporary or permanent, having a roof supported by columns, walls, or any other supports, which is used for the purpose of housing, sheltering, storing, or enclosing persons, animals, or personal property, or carrying on business activities. This definition includes but is not limited to: mobile homes, tents, sheds, garages, greenhouses, and other principal or accessory structures.

Building Height: The vertical distance measured from the finished grade at the center of the building where the building abuts the front yard to the highest point of the roof surface, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see *Figure 2-1 at end of this Section*).

Building Inspector: An individual hired to administer the provisions of the building codes, pursuant to Public Act 230 of 1972, as amended.

Building Lines: A line which defines the minimum distance (as determined by the minimum front, side, or rear yard setback) which any building shall be located from a property line, existing street right-of-way line, or ordinary high water mark.

Cellar: See definition for "Basement".

Cemetery: Property, including crematories, mausoleums, and/or columbariums, used or intended to be used solely for the perpetual interment of deceased human beings or customary household pets.

Certificate of Occupancy: A document signed by the Building Inspector as a condition precedent to the commencement of a use or the construction/reconstruction of a structure or building which acknowledges that such use, structure or building complies with the provisions of this Ordinance and the State Building Code.

Change of Use: A use of a building, structure or parcel of land, or portion thereof which is different from the previous use in the way it is classified in this Ordinance or in the State Building Code, as amended.

Church: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, agriculture or similar activities, but not operated for profit and open only to members and not the general public.

Commercial Wind Energy Conversion Facility (Commercial WECF): An electricity generating facility consisting of one or more wind turbines under common ownership or operation control, and may include substations, cables, wires and other structures and buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers. A commercial WECF may be a principal or accessory use of the parcel on which it is located.

Common Use Lot: See Section 17.24 for definition.

Comprehensive Plan: The statement of policy by the Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written material representing in summary form the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating the very best community living conditions.

Concentrated Livestock Operations: A farm operation which exceeds the confinement of swine or fowl in excess of fifty (50) animal units per confined acre. An "animal unit" is a unit of measure of animal waste produced on a regular basis, as delineated below:

one (1) swine: 0.40 animal units one (1) fowl: 0.05 animal units

Condominium Project: A plan or project consisting of two (2) or more condominium units established and approved in conformance with the Condominium Act (Act 59, 1978).

Condominium Subdivision: A division of land on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act of 1967, Public Act 288 of 1967, as amended.

Condominium Subdivision Plan: The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the 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, recreational, use as a time-share unit, or any other type of use. A condominium unit may consist of either vacant land or space which either encloses or is enclosed by a building structure. Any "condominium unit", or portion thereof, consisting of vacant land shall be equivalent to the term "lot" for the purposes of determining compliance of the condominium subdivision with the provisions of this ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

Day Care Center: A facility, other than a private residence, receiving 1 or more preschool or school age children for care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. Child care center or day care center does not include any of the following:

- a. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period, or not greater than 8 hours per day for a period not to exceed 4 weeks during a 12-month period.
- b. A facility operated by a religious organization where children are cared for not greater than 3 hours while persons responsible for the children are attending religious services.
- c. A private home (private residence) in which the licensee or registrant permanently resides as a member of the household, which residency shall not be contingent upon caring for children or employment by a licensed or approved child placing agency. Private home includes a full-time foster family home, a full-time foster family group home, a group day care home, or a family day care home.

- Day Care Home; Family:** A private home in which the operator permanently resides as a member of the household in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.
- Day Care Home, Group:** A private home in which the operator permanently resides as a member of the household in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to more than six unrelated minor children for more than 4 weeks during a calendar year.
- District:** An area of land for which there are uniform regulations governing the use of buildings and land, density of development, yard requirements and height regulations. A "district" is also known as a "zone" or "zoning district".
- Drive-in Establishment:** An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.
- Driveway:** A means of access for vehicles from a road across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any requirements of the Livingston County Road Commission or State of Michigan.
- Driveway, Shared:** A driveway, serving no more than three (3) lots and no more than three (3) dwellings, conforming to the standards of this Ordinance.
- Dwelling:** Any building, or portion thereof, which is designed or used exclusively for residential purposes. In no case shall a motor home, trailer coach, automobile chassis, tent or portable building be considered a dwelling.
- Dwelling, Multiple Family:** A building containing three or more dwelling units designed for residential use for three or more families living independently of each other.
- Dwelling, Single Family:** A detached building or portion thereof designed and used exclusively as the home, residence or sleeping place of one family. In the case of a mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for purposes of this Ordinance and shall comply with the provisions herein relative to dwellings.
- Dwelling, Two Family (Duplex):** A building containing not more than two separate dwelling units designed for residential use.
- Dwelling Unit:** One or more rooms with bathroom and principal kitchen facilities designed as a self contained unit for occupancy by one family for living, cooking and sleeping purposes.
- Equestrian Center:** A facility designed for the conducting of horse shows, training exhibitions, horse auctions, or any other horse-based activity typically characterized by the gathering of spectators or participants.
- Erected:** The word "erected" means built, constructed, reconstructed, moved upon, or any physical activity upon a premises or lot required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection when done in conjunction with a structure.
- Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including towers, or office buildings, substations, or structures which are enclosures or shelters for service equipment, or maintenance depots.
- Excavation:** Any breaking of ground, except common household gardening, farming and ground care.
- Extraction Operations:** The removal, extraction, or mining of sand, gravel or similar material for commercial gain.
- Family:**
- a. An individual or group of two or more persons related by blood, marriage, or adoption, including foster children and servants, together with not more than two additional persons not related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit, or
 - b. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing nontransient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge,

coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.

Farm: Land used for agriculture comprising at least ten (10) contiguous acres, and which may contain other noncontiguous acreage, all of which is operated by a sole proprietorship, partnership, or corporation and including all necessary farm buildings, structures, and machinery.

Farm Building: Any building or accessory structure, other than a dwelling unit, which is used for farm operations such as, but not limited to, a barn, grain silo, farm implement storage building, animal housing, milkhouse, or produce storage.

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 produce at roadside stands or farm markets; noise; odors; dust; fumes; operation of machinery and irrigation pumps; ground and aerial seeding and spraying; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

Fence: An artificially constructed enclosure, such as wooden posts, wire, iron, etc., used to serve as an obscuring screen, physical barrier, and/or decorative landscape element.

Filling: The depositing or dumping of any matter into or onto the ground.

Floor Area, Gross: The sum of all gross horizontal areas of all floors of a building or buildings, measured from the outside dimensions of the outside face of the outside wall. Unenclosed and uncovered porches, unenclosed and covered porches, court yards, or patios shall not be considered as part of the gross area except where they are utilized for commercial purposes such as the outdoor sale of merchandise.

Floor Area, Usable: For the purposes of computing parking requirements, usable floor area shall be considered as that area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from this computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

Foster Care Facility: An establishment which provides supervision, assistance, protection, or personal care, in addition to room and board, to persons. A foster care facility does not include a home for the aged or nursing home, licensed under PA 139 of 1956, as amended, or a mental hospital for mental patients licensed under PA 151 of 1923.

a. Family Home: A facility which provides foster care to six (6) or fewer persons.

b. Group Home: A facility which provides foster care to seven (7) or more persons.

Frontage: The total continuous length of the front lot line, except that in the case of a residential lakefront lot, the term "frontage" shall apply to both the front and rear lot lines unless specified otherwise. See definition for "lot lines."

Garage: An accessory building or an accessory portion of a principal building designed or used primarily for the storage of noncommercial motor vehicles, boats, motor homes, snowmobiles, and similar vehicles owned and used by the occupants of the building to which it is accessory.

Golf Course/Country Club: A golf course, public or private, where the game of golf is played, including accessory uses and buildings customary thereto, but excluding golf driving ranges as a principal use.

Grade, Finished: The elevation of the ground upon completion of authorized improvements.

Grade, Natural: The elevation of the ground surface in its natural state, before man-made alterations.

Home Occupation: See Section 19.17.

Horse: Mule, burro, pony, jack, hinny, and all other quadrupeds of the genus equus.

Hospital: An institution or place where sick or injured in-patients are given medical or surgical care at either public or private expense, and operating under license from the Michigan Department of Public Health.

Inoperable or Abandoned Motor Vehicle: Any wheeled vehicle which is self-propelled or intended to be self-propelled, and which by reason of dismantling, disrepair or other cause is incapable of being propelled under its own power.

Junk Yard: Any land or building used: 1) for the abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, or other scrap or discarded materials; or 2) for the abandonment, demolition, dismantling,

storage or salvaging of machinery, automobiles or other vehicles not in normal running condition, or parts thereof.

Kennel: A lot or premises on which three (3) or more dogs, cats, or other domestic pets, six (6) months of age or older, are kept, either permanently or temporarily, for the purposes of breeding, boarding, training, sale, or transfer.

Land Use Permit: A permit signifying compliance with the provisions of this Ordinance.

Livestock: Cattle, sheep, goats, swine, poultry, and other animals or fowl, which are being produced primarily for use as food or food products for human consumption or for commercial gain.

Loading Space: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lot: Land described in a recorded plat or by metes and bounds description, or a combination thereof, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings, having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this Ordinance, and having its principal frontage upon a public street or on a private road approved by the Township (*see Figure 2-2 at end of this Section*).

Lot Area: The area of the horizontal plane within the lot lines of a lot, exclusive of any public or private road right-of-way or easement abutting any side of the lot, except that such right-of-way or easement may be included within the calculation of the area of a lot in the case where such lot is not part of a platted subdivision or condominium subdivision.

Lot, Corner: Any lot having at least two (2) contiguous sides abutting upon one or more streets or approved private roads, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees. A lot abutting a curved street(s) shall be a corner lot if the arc has a radius less than one hundred and fifty (150) feet. (*see Figure 2-2 at end of this Section*).

Lot Coverage: The amount of a lot, stated in terms of percentage, that is covered by all buildings, and/or structures located thereon. This shall be deemed to include all buildings, roofed porches, arbors, breezeways, patio roofs, whether open box types and/or lathe roofs, or fully roofed, but shall not be deemed to include fences, walls, or hedges used as fences, unroofed decks or patios or swimming pools. Lot coverage shall be measured from the edge of the roof or from the wall or foundation if there is no projecting portion of the roof.

Lot, Depth Of: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of and midway between the side lot lines of the lot. (*see Figure 2-3 at end of this Section*)

Lot, Flag: A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property and does not meet the frontage requirements of the district in which it is located. (*see Figures 2-3 and 2-4 at end of this Section*)

Lot, Interior: A lot other than a corner lot which, with the exception of a "through lot", has only one lot line fronting on a street (*see Figure 2-2 at end of this Section*).

Lot, lakefront: Any lot or parcel which abuts a lake of forty (40) acres or more in size.

Lot Lines: The lines bounding a lot or parcel (*see Figure 2-4 at end of this Section*).

a. Lot Line, Front:

1. In the case of an interior lot, the front lot line shall be the line separating said lot from the road right-of-way or easement from which it gains access, except in the case of a residential lakefront lot as regulated by subsection (2) below.
2. In the case of a lakefront lot used for residential purposes, the front lot line of the lot shall be the line separating the lot from the ordinary high water mark.
3. In the case of a corner lot, the front lot line shall be the shorter of the two (2) lines separating said lot from the adjacent road right-of-ways or easements unless designated otherwise on an approved plot plan or site plan based on such factors as traffic safety and compatibility with surrounding lot configurations.
4. In the case of a through lot, the front lot line shall be the line as designated on an approved plot plan or site plan.
5. In the case of a flag lot, the front lot line shall be the lot line most parallel to and nearest the road from which access is obtained. The front lot line shall not be construed to be the lot line adjacent to the road right-of-way or easement.

b. Lot Line, Rear: The lot line opposite and most distant from the front lot line except as follows:

1. In the case of a lakefront lot used for residential purposes, the rear lot line of the lot shall be the line separating said lot from the road right-of-way or easement from which it gains.
2. In the case of a triangular or otherwise irregularly shaped lot, an imaginary line at least ten feet in length entirely within the lot or parcel, parallel to and at a maximum distance from the front lot line (*see Figure 2-4 at end of this Section*).

c. Lot Line, Side: Any lot line other than a front or rear lot line (see Figure 2-4 at end of this Section).

Lot of Record: A lot which is part of a subdivision, the map of which has been recorded in the Office of the Livingston County Register of Deeds prior to the adoption or amendment of this Ordinance, or a tract, parcel or lot described by metes and bounds, the deed to which has been recorded in the Office of the Livingston County Register of Deeds prior to the adoption or amendment of this Ordinance.

Lot, Through: An interior lot having frontage on two (2) more or less parallel streets (see Figure 2-2 at end of this Section).

Lot Width: The straight-line horizontal distance measured between the intersections of the side lot lines with the front lot line. In the case of a lakefront lot used for residential purposes, "lot width" shall also apply to the straight-line horizontal distance measured between the intersections of the side lot lines with the rear lot line.

Major Thoroughfare: A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property and which is classified as a county primary road by the Livingston County Road Commission or as a principal or minor arterial by the Michigan Department of Transportation.

Manufactured Housing. A dwelling unit which is designed for long term residential use and is wholly or substantially constructed at an off-site location. Manufactured housing includes mobile homes and modular housing units.

Master Deed: The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

Medical Clinic: An establishment where human patients, not lodged overnight, are admitted for examination and treatment by a group of physicians, dentists, or similar professionals, all of which are part of a single entity providing the examination and treatment services versus doctors' offices operating independently of one another. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

Mini Storage (warehouse) Facilities: A building or group of buildings in a controlled access or fenced area that contains individual compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares which are generally not used on a daily basis.

Minor Thoroughfare: A public street identified as a county local road by the Livingston County Road Commission, except that no road in a platted subdivision nor any private road shall be considered a minor thoroughfare under this Ordinance.

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term mobile home shall not include pick-up campers, travel trailers, motor homes, modular homes, recreational vehicles, converted buses, tent trailers, or other transportable structures designed for temporary use.

Manufactured Housing Community: A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

Modular (Pre-Manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

Motel: A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units designed primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" shall include buildings designated as hotels, auto courts, tourist courts, motor courts, motor hotel, and similar appellations which are designed as integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple family dwelling.

Motor Home: A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

Nonconforming Building (Nonconforming Structure): A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.

Nonconforming Lot of Record (Substandard Lot): A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located.

Nonconforming Use: A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated.

Nuisance: An offensive, annoying, unpleasant, or obnoxious thing or practice or a cause or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things including but not limited to: noise, dust, smoke, odor, glare, fumes, flashes, vibration, objectionable effluent, noise of a congregation of people - particularly at night, passing traffic, or invasion of frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities. Farm operations, as defined by the Michigan Right To Farm Act, P.A. 93 of 1981, as amended, shall not be considered nuisances where generally accepted agricultural and management practices of the Michigan Commission of Agriculture are adhered to.

Nursing Home: An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.

Open Space, Common: Open space which is held for the collective use and enjoyment of the owners, tenants, or occupants of a single development.

Ordinary High Water Mark: The line between upland and bottomland 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. Where an artificial structure has been placed between an upland area and a lake, such as a wall, the ordinary high water mark shall be the edge of the structure closest to the lake.

Outdoor recreation center: A facility open to the public and devoted to outdoor recreation activities that such public may participate in for a fee. An outdoor recreation center shall not include facilities designed to accommodate spectators or which require a fee to observe a recreation or sporting event. An outdoor recreation center may include such activities as batting cages, miniature golf, go-kart track, and similar recreation or sport activities, along with accessory support services including food and beverage services.

Owner: The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, leasee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

Parcel: A lot described by metes and bounds or described in a recorded plat.

Park: A parcel of land, building or structure used for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

Parking Area, Off-Street: A land surface or facility providing vehicular parking spaces off of a street along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of three (3) or more automobiles or trucks.

Parking Space: An area of land provided for vehicles off of a street exclusive of drives, aisles, or entrances giving access thereto, which is fully accessible for parking of permitted vehicles.

Planning Commission: The Planning Commission of the Township.

Platted Subdivision: The partitioning of land to create a "subdivision" as defined by and according to the provisions of the Land Division Act, P.A. 591 of 1996, as amended, or a prior statute.

Plot Plan: A plan showing basic features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan depicts less detailed information compared to a site plan.

Principal Building: The main building on a lot in which the principal use exists or is served by.

Principal Use: The main use to which the premises are devoted and the main purpose for which the premises exist.

Private Campground: A predominantly outdoor facility operated by an organization or institution in which accommodations for temporary occupancy are located or otherwise provided, consisting of recreational vehicles, tents or cabins, which may include recreational, educational or spiritual programs, and which is of an open space or natural character and principally and predominantly available to only members of such organization or institution. A private campground may provide group kitchen facilities. A private campground may include conference facilities for such organization or institution, and may make such facilities available to other entities as an accessory and incidental part of the campground operations subject to limitations

established by the approving body. A private campground shall not be interpreted to include day or overnight camps open to the general public (See "public campgrounds").

Private Wind Energy Conversion Facility (Private WECF): An electricity generating facility consisting of one or more wind turbines, and may include cables, wires and other structures and buildings accessory to such facility, that is used to serve only the parcel on which the private WECF is located, and which facility generates no greater than thirty (30) kilowatts total peak capacity. A private WECF shall be construed as an accessory structure to the principle use of the parcel. This definition shall not be construed to prohibit a private WECF from transmitting or otherwise selling back to a public utility any excess generated electricity.

Prohibited Use: A use of land which is not permitted within a particular zoning district.

Public Campground: A predominantly outdoor facility operated by a public, non-public, for-profit and/or non-profit entity in which accommodations for temporary occupancy are located or otherwise provided, consisting of recreational vehicles, tents or cabins, which may include recreational, educational or spiritual programs and which is of an open space or natural character and available to the general public irrespective of whether any form of fee or other consideration is required for such temporary occupancy.

Public Sewer: A system of pipe owned and maintained by a governmental unit used to carry human, organic and industrial waste from the point of origin to a point of discharge.

Public Utility: Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing to the public under federal, state, or municipal regulations: gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation or water.

Recreational Vehicle: A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle. (Act 96, Michigan Public Acts of 1987, as amended).

Recreational Vehicle Park: All lands and structures which are owned and operated by private individuals, a business or corporation which are predominantly intended to accommodate recreational vehicles and provide for outdoor recreational activities.

Repair: The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

Restaurant, Drive-through: A restaurant in which all or a substantial portion of the business consists of serving foods and beverages in a ready-to-consume state from a drive-through window to patrons in motor vehicles. A drive-through restaurant may or may not also have indoor seating.

Restaurant, Standard: An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics:

- a. customers, normally provided with an individual menu, are served their food and beverage by a restaurant employee, at the same table or counter at which food and beverage are consumed;
- b. a cafeteria-type operation where food and beverage generally are consumed within the restaurant building.

Restoration: The reconstruction or replication of an existing building's original architectural features.

Right-of-Way: A street, alley, or other thoroughfare or easement permanently-established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

Road: Any public or private thoroughfare or right-of-way dedicated to or designed for travel and access to any land, lot or parcel, whether designated as a road, street, avenue, highway, boulevard, drive, land, court, or any similar designation.

Private Road: An undedicated, privately controlled easement designed and maintained in compliance with the provisions of this Ordinance, which provides access to four (4) or more dwellings, principal buildings, or lots. A private road may be used to provide public services such as utility easements, waste collection and emergency services. The definition of "private road" does not include parking lot aisles, drives connecting parking lots to internal roads, or common driveways approved under the Rural Open Space Option, or shared driveways authorized by Article 20 of this Ordinance.

Public Road: Any road or portion of a road that has been dedicated to and accepted for maintenance by the Livingston County Road Commission.

Roadside Stand: A temporary structure which is used solely for the seasonal display and sale of farm produce, specialty crops such as tree fruits, nuts, berries, and the like, or foodstuff made from such produce. The seasonal operation of a roadside stand shall not be considered a commercial use.

Rural Open Space Option: A tract of land, developed under single ownership or management as a separate neighborhood or community unit, that accommodates flexibility of design not available under normal zoning district requirements to more effectively encourage and accommodate the preservation of open space and natural resources in association with the residential development process.

- Screen:** A structure providing enclosure, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structural, consisting of shrubs or other growing materials.
- Secondary Containment:** A device and/or measures taken to prevent regulated substances that can be spilled at a loading or unloading facility from entering a public sewer, ground water, surface water, subsurface soils, or the impoundment area for the tanks.
- Setback:** The minimum unoccupied distance between the lot line and the principal and accessory buildings, as required herein.
- Front:** Minimum unoccupied distance, extending the full lot width, between the principal building and the front lot line.
 - Rear:** The minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.
 - Side:** The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.
- Shooting Range:** Any facility, whether operated for profit or not, and whether public or private, which is designed for the use of firearms which are aimed at targets, skeet or trap.
- Sign:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or other representation, or combination thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which is located upon any land or on or in any building, in such manner as to attract attention from outside the premises. (*Refer to Article 20: Signs, for additional definitions pertaining to signs.*)
- Site Plan:** A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance. A plot plan depicts a subset of the information required by this Ordinance for a site plan.
- Solar Energy Systems (SES):** See Section 17.30 for definitions pertaining to solar energy systems and regulations regarding the same.
- Solid Waste:** Garbage, rubbish, paper, cardboard, metal containers, yard clippings, wood, glass, bedding, crockery, demolished building materials, ashes, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and industrial waste, and animal waste, but does not include human body waste, liquid or other waste regulated by statute, ferrous or nonferrous scrap directed to a scrap metal processor or to a reuser of ferrous or nonferrous products, and slag or slag products directed to a slag processor or to a reuser of slag or slag products.
- Special Land Use:** Uses and structures which have been generally accepted as reasonably compatible with the primary uses and structures within a zoning district, but which have special characteristics and/or could present potential injurious effects upon the primary uses and structures within the zoning district and therefore require special consideration in relation to the welfare of adjacent properties and to the community as a whole. All such proposed uses shall be subject to a public hearing. Refer to Article 5: Procedures for Special Land Uses.
- Stable, Commercial:** A structure and/or land use where horses are bred, reared, trained and/or boarded for remuneration.
- Stable, Private:** An accessory structure and/or land use where horses are kept but are not for sale or hire.
- Stop Work Order:** An administrative order which is either posted on the property or mailed to the property owner which directs a person not to continue, or not to allow the continuation of an activity which is in violation of this Ordinance.
- Story:** That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A basement shall be considered a story if more than fifty (50) percent of its cubic content is above the grade level of the adjoining land.
- Story, Half:** That portion of a story which consists of half of its total height.
- Story, Height of:** The vertical distance from the top surface of one floor to the top surface of the next above. The height of the top-most story is the distance from the top surface of the floor to the top surface of the ceiling joists.
- Structural Alterations:** Any change in the supporting members of a building such as the bearing walls, columns, beams or girders, or any change in the dimensions or configuration of the roof, exterior walls or foundation.
- Structure:** Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services.
- Swimming Pool:** Any structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing.

Township Board: Elected members of the governing Board of Trustees of Deerfield Township.

Township Engineer: The staff engineer or consulting engineer of the Township.

Underground Storage Tank: A tank or combination of tanks, including underground pipes connected to the tank or tanks or underground ancillary equipment containment systems, if any, which is, was, or may have been, used to contain an accumulation of regulated substances and the volume of which, including the volume of the underground pipes connected to the tank or tanks is 10% or more beneath the surface of the ground.

Use: The purpose for which land or a building is arranged, designed or intended, or for which land or a building may be occupied.

Variance: A variance is a modification of the literal provisions of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in a practical difficulty or unnecessary hardship.

Wind Energy Conversion Testing Facility: A structure and accessory equipment used to determine the potential for the placement of a private or commercial WECF by measuring and recording the speed of the wind. A wind energy conversion testing facility may also be referred to as a "test tower."

Wind Turbine: A wind energy system that converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, and base, and may include a transformer.

Wireless Communication Facilities: See Section 17.28.

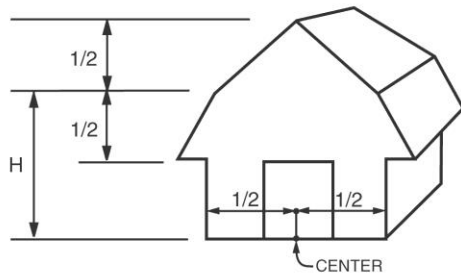
Yard: An open space, on the same lot with a principal building, unoccupied and unobstructed from the ground upward by a building or structure, except as otherwise permitted in this Ordinance and as defined herein (see *Figure 2-4 at end of this Section*):

- a. **Front Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the foundation. There shall be maintained a front yard on each street side of a corner lot.
- b. **Rear Yard:** An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the foundation of the main building. In the case of corner lots, there shall only be one rear yard which shall be determined by the owner.
- c. **Side Yard:** An open space between the principal building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the foundation of the main building.

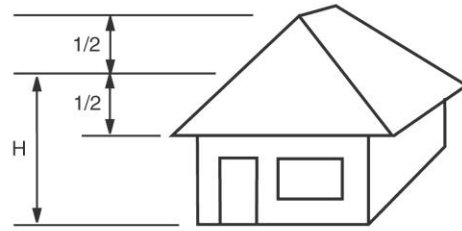
Zoning Administrator: The authorized individual charged with the responsibility of administering this Ordinance and appointed by the Township Board of Trustees.

Zoning District or Zone: A portion of the Township within which specific regulations and requirements, or various combinations thereof apply as provided in this Ordinance.

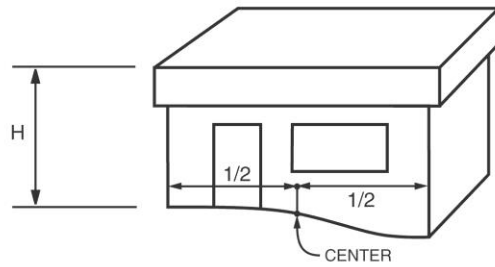
**Figure 2-1
BUILDING HEIGHTS**



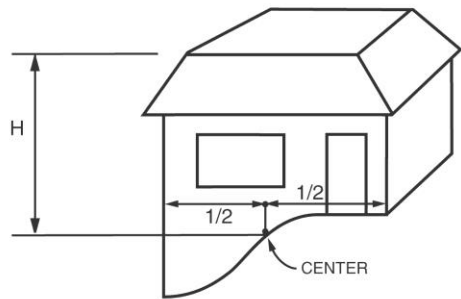
GAMBEL ROOF



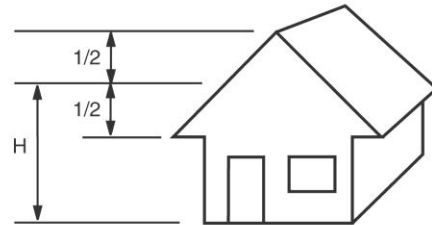
HIP ROOF



FLAT ROOF

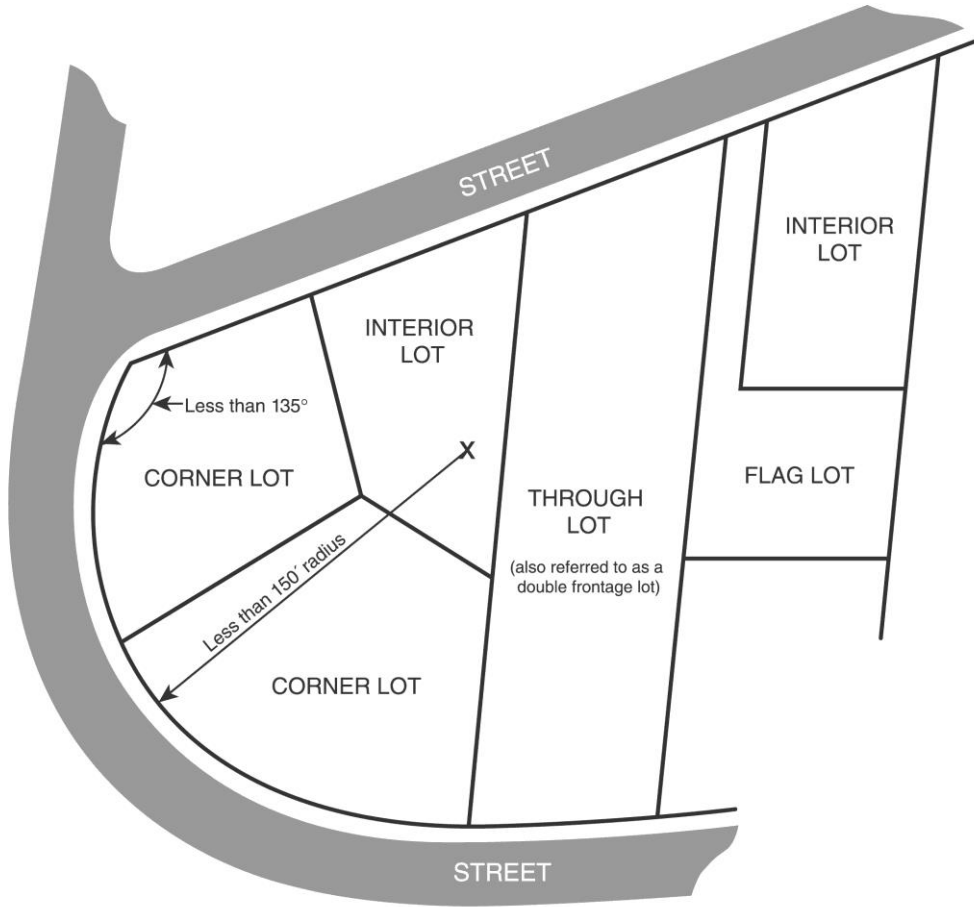


MANSARD ROOF

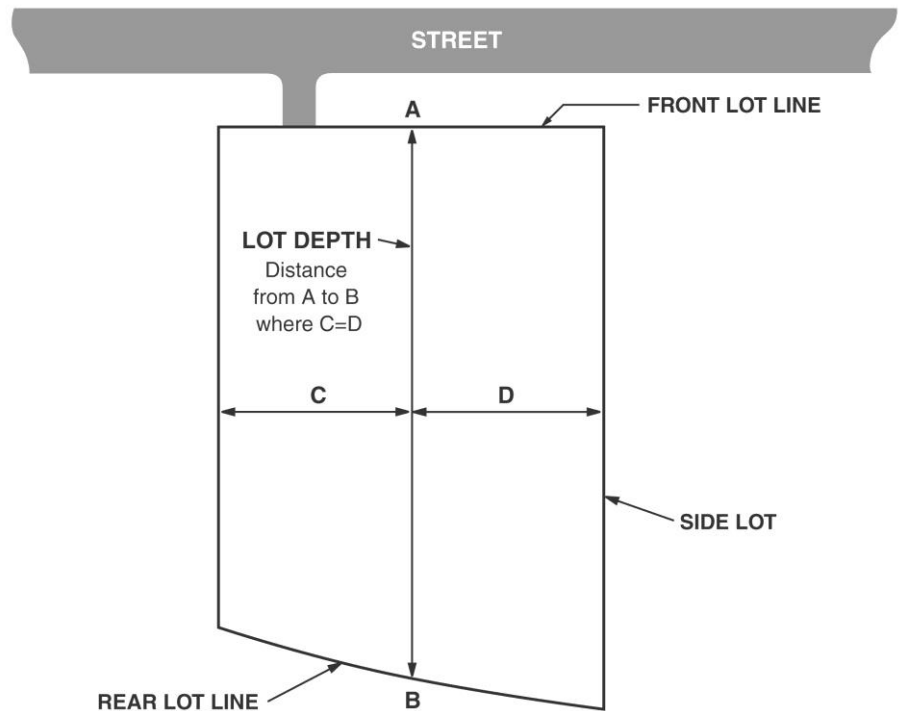


GABLE ROOF

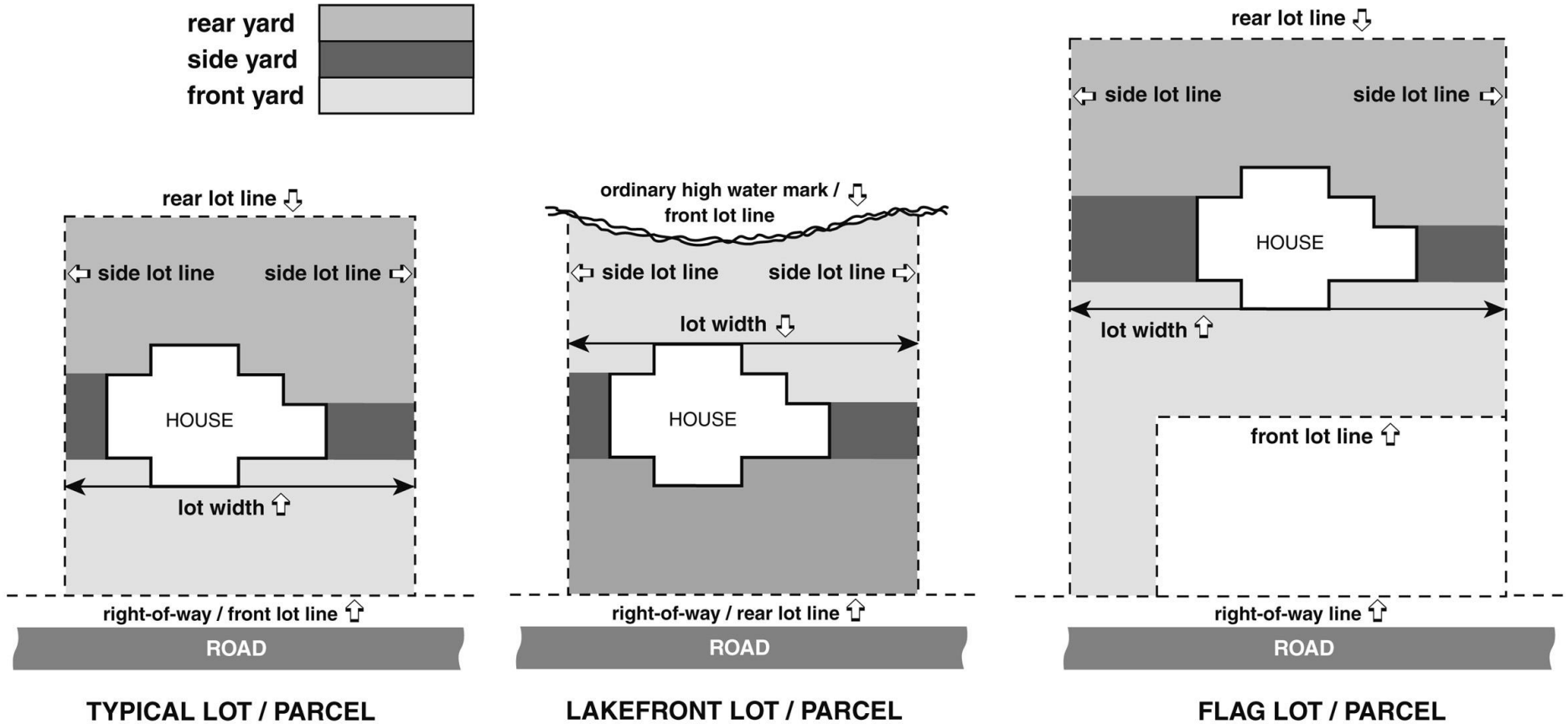
**Figure 2-2
LOT TYPES**



**Figure 2-3
LOT DEPTH**



**Figure 2-4
LOT LINES and YARDS**



End of Article 2

(Ord. 112-1, 1-8-04; Ord. 112-2, 9-9-04; Ord. 112-7, 4-13-06; Ord. 112-9, 5-11-06; Ord. 112-13, 2-8-07; Ord. 112-14, 1-10-08; Ord. 112-15, 2-12-09; Ord. 112-17, 6-9-11; Ord. 112-21, 11-12-15; Ord. 112-22, 2-11-16; Ord. 112-30, 11-12-20; Ord. 112-31, 1-14-21; Ord. 112-32, 1-13-22)

Article 3

ADMINISTRATION, ENFORCEMENT, and PENALTIES

(Ord. 112-18, 5-10-12, fully redrafted Article 3)

Section 3.01 PURPOSE

It is the purpose of this Article to provide for the administration and enforcement of this Ordinance, including the creation of a review and permit process. The primary permit process shall require the issuance of a Land Use Permit which shall indicate that the uses and plans for which the permit is requested comply with this Ordinance. Upon the issuance of a Land Use Permit, the applicant may establish the use for which the permit has been issued, including the erection of a building or structure, provided a Building Permit has been obtained from the Building Inspector demonstrating conformance to the requirements of the Michigan Construction Code.

Section 3.02 LAND USE PERMIT REQUIRED

A. Permit Required/Conformance to Ordinance: Except as provided in subsection (C) below, the following are prohibited until the Zoning Administrator has issued a Land Use Permit that shall signify the proposed activity conforms to the requirements of this Ordinance and, where required by state law, the Building Inspector certifies proposed structures and buildings comply with the Construction Code through the issuance of a Building Permit.

1. Grading or excavation.
2. The erection, alteration, or movement of any structure or building including but not limited to porches, decks or terraces.
3. The use of any land or building, or a change in use of any land or building, as delineated and authorized in Articles 10 – 16, including the conversion of an abandoned lot or building to an active use.

B. A Land Use Permit shall be on a form established for such purpose and the completed form shall identify the specific use authorized, the drawings that graphically portray the proposed alterations and improvements to the property, and any conditions made part of such permit. No Land Use Permit or Building Permit shall be issued for any structure, building or use of land where the use, construction, addition, or alteration would be in violation of this Ordinance. See Section 3.04 regarding application review procedures. An application for a Land Use Permit shall be available from the office of the Township Clerk.

C. Land Use Permit Exemption: A Land Use Permit shall not be required for the following, but the following shall comply with the standards of this Ordinance:

1. The alteration of any building wall provided no change is made to the location of an exterior wall and such alterations are in compliance with all requirements and standards of this Ordinance. A Building Permit may be necessary for such an alteration pursuant to the Construction Code.
2. Fences for single family and two family dwellings, and agricultural uses.

Section 3.03 RESPONSIBILITY for ADMINISTRATION

A. General Administration: The administration and enforcement of this Ordinance shall be the responsibility of the Township Board, the Planning Commission, the Zoning Board of Appeals, and such personnel as designated by the Township Board in accordance with P.A. 110 of 2006, as amended, and this Ordinance. The Township Board shall appoint a Zoning Administrator who shall act as an officer in the administration and enforcement of this Ordinance.

B. Duties of the Zoning Administrator: Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein. The Zoning Administrator is authorized to and shall perform the duties specified in this Ordinance including, at a minimum:

1. Review Applications: Undertake and/or assist in the review of Land Use Permit applications and other applications made under this Ordinance.
2. Issue Land Use Permits: Issue Land Use Permits and other approvals when all provisions of this Ordinance have been met and the necessary approval has been granted by the proper body or official.
3. File of Applications: Maintain files of all applications submitted under this Ordinance, action on such applications, and any performance guarantees associated with permits.
4. Inspections and Violations: Assist in the investigation and resolution of violations of this Ordinance including inspections to investigate, monitor and ensure conformance with this Ordinance, and the issuance of Notice of Violations and appearance tickets.
5. Record of Complaints: Maintain a record of any complaint of a violation of this Ordinance and of the

action taken consequent to each complaint.

6. Reports/Meetings: The Zoning Administrator shall report to and attend meetings of the Planning Commission, Zoning Board of Appeals, and Township Board, to report on activities pertaining to the issuance of permits, complaints of violation, actions taken on such complaints, and other Ordinance administrative and enforcement matters as may arise.

Section 3.04 LAND USE PERMIT APPLICATION and REVIEW PROCEDURES

A. General Application and Review Procedures: An application for a Land Use Permit shall be available from the Township Clerk. Upon approval of the application, which is to include, at a minimum, the application form and all required supporting data and documents including a plot plan or site plan, a Land Use Permit shall be issued. Whenever the Zoning Administrator determines an application for a single-family or two-family dwelling and accessory uses and structures thereto is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the Land Use Permit. Land Use Permit applications for uses, buildings and structures not associated with a single-family or two-family dwelling shall be issued by the Zoning Administrator only after the designated approving body, typically consisting of the Township Board as specifically delineated elsewhere in this Ordinance, approves such application and directs the Zoning Administrator to do so.

1. Plot Plan / Site Plan: An application for a Land Use Permit shall include the submittal of a plot plan or site plan.
 - a. An application for a single family or two-family dwelling and accessory structures thereto shall include the submittal of a plot plan according to subsection (B) below.
 - b. An application for a use or structure not otherwise included under (a) above, such as a multiple family development, commercial and industrial uses, churches, platted subdivisions and site condominiums, shall include a site plan prepared according to Article 4 unless provided otherwise by this Ordinance.
2. Special Land Uses: In addition to meeting the site plan requirements of Article 4, a Land Use Permit application for a use classified as a "special land use" according to Articles 10 – 16, or as specified elsewhere by this Ordinance, shall be processed according to the provisions of Article 5.
3. Variances: Where the approval of a variance by the Zoning Board of Appeals is necessary for a proposed plot plan or site plan, such plot plan or site plan shall not be acted upon prior to the Zoning Board of Appeals taking action on such variance request.
4. Incomplete Applications: If Land Use Permit application materials are not administratively complete when received by the body that is to take action on the application, the body may deny such application or otherwise delay action on the application until it is made complete in a readily comprehensible manner.
5. Permit Issuance/Refusal in Writing: After adequate review and whenever the buildings, structures, and uses as set forth in any application are in conformity with the provisions of this Ordinance, or a variance granted by the Zoning Board of Appeals, the Zoning Administrator shall issue the appropriate permit. In any case where a permit is refused, the reasons shall be stated in writing to the applicant. Such notification may include a copy of the meeting minutes and motion containing such reasons.
6. Performance Guarantees: A performance guarantee may be required as a condition to the issuance of a permit in order to ensure conformance with the requirements of this Ordinance (see Section 3.06).

B. Single Family and Two-Family Dwellings/Plot Plan Approval

1. Application Required: Application for a Land Use Permit for a single family or two-family dwelling, including alterations and accessory structures and buildings thereto, shall be submitted to the Zoning Administrator on a form for that purpose unless provided otherwise by this Ordinance. Three (3) copies of all application materials shall be submitted and shall consist of:
 - a. Application Form: The completed application form, and all permit applications, approvals and supporting documents associated with required county, state or federal permits or approvals.
 - b. Sanitary Sewer or Septic Approval: In the case of a permit for buildings proposed for human occupancy or required by law to have plumbing fixtures, either a report from the County Health Department certifying the approval of a private sanitary sewage disposal system or, when public sanitary sewage service is available and required by local ordinance or state law, a written notice of acceptance or hook-up fee receipt shall be required. Such approvals need not be made part of an application where the County Health Department requires the issuance of a Land Use Permit prior to the County's issuance of such sewer or septic approvals.
 - c. Water Supply Approval: When a municipal, public or private water supply system is required by law or proposed by the applicant, a report from the County Health Department certifying approval of the proposed private water supply system is required. In addition, when municipal or public water supply is required by local ordinance or state law, a written notice of acceptance or hook-up fee receipt shall be required. Such approvals need not be made part of an application where the County Health

Department requires the issuance of a Land Use Permit prior to the County's issuance of water supply approvals.

- d. An accurate, readable, scale drawing showing the following except in the case of minor alterations, repair, and demolitions as determined by the Zoning Administrator.
 - 1) Name, address and telephone number of the applicant (and owner if different).
 - 2) A scaled property line survey showing the location, shape, area and dimension of the lot including property line dimensions, bearings, legal description, and an arrow pointing north. The Zoning Administrator may require a property line survey prepared by a Michigan-licensed surveyor, and the delineation of existing structures on the property as part of such survey, in the case where a more detailed or official delineation of property lines and structures is necessary to ensure compliance with this Ordinance.
 - 3) The location, dimensions, height and area of the existing and/or proposed structures to be erected, altered, or moved on the lot, and their setback distances from lot lines.
 - 4) A description of proposed use of the building(s), land and structures.
 - 5) The proposed number of dwelling units and sleeping rooms.
 - 6) Areas set aside for parking and associated dimensions.
 - 7) Location of any septic system and well.
 - 8) Configuration of the driveway and parking, county drains and site drainage patterns.
 - 9) Existing public and private right-of-ways and easements.
 - 10) Any other information deemed necessary by the Zoning Administrator to determine and provide for the enforcement of this Ordinance.
2. Application Review: The Zoning Administrator shall review the Land Use Permit application and determine conformity with the provisions of this Ordinance including requirements pertaining to lot area, lot width, setbacks, building height, and permitted uses.
3. Action on Application: After conducting a review, the Zoning Administrator shall deny, approve, or conditionally approve the application as it pertains to requirements and standards contained in this Ordinance. The applicant shall be notified in writing of the Zoning Administrator's action on the application including any conditions associated with an approval. The decision by the Zoning Administrator shall be made within fifteen (15) days of the receipt of a complete plot plan application including copies of all required county, state and federal applications and permits. See subsection (C) below regarding withholding of approval. A plot plan shall be approved if it contains the information required by, and is in compliance with this Ordinance. Action by the Zoning Administrator on a Land Use Permit application may be appealed to the Zoning Board of Appeals pursuant to Article 6.
4. Approved Plot Plans: At least two (2) copies of an approved plot plan, with any conditions contained within, shall be maintained as part of the Township records for future review and enforcement. A third copy shall be returned to the applicant. For identification of the approved plans, each copy shall be signed and dated with the date of approval by the Zoning Administrator. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the plot plan and delivered to the applicant.
5. Plot Plan Changes: The Zoning Administrator shall review and act on proposed changes to an approved plot plan in the same manner as described by this subsection (B).

C. Permit Withholding, Expiration, and Revocation.

1. Withholding Permit: Where this Ordinance grants approval authority to a specific body, as in the case of plot plan approval by the Zoning Administrator and variance approval by the Zoning Board of Appeals, the designated approving body may withhold approval of an application pending verification that an applicant has received required county, state or federal permits including but not limited to sewage disposal and potable water permits, soil erosion and sedimentation control permits, flood plain permits, and MDEQ permits for alteration of wetlands. Similarly, such body may grant the requested approval on the condition that no clearing or grading or any other construction activity shall be initiated except upon receipt of any of the above mentioned approvals or direct the Zoning Administrator to withhold the issuance of a Land Use Permit until said approvals from other agencies have been obtained.
2. Revocation: A body which grants approval of a permit or application under this Ordinance, such as in the case of a Zoning Administrator's approval of a plot plan and the Township Board's approval of a Special Land Use application, may revoke or cancel such approval in the case of failure or neglect to comply with this Ordinance, or in the case of any false statement or misrepresentation made in the application. The Zoning Administrator may issue a stop work order to halt all construction activities and/or use of the premises pending a decision on the revocation. The owner or owner's agent shall be notified of a revocation in writing. Upon such revocation, all further construction activities and usage shall cease upon

the site.

3. Expiration of Permit:

- a. A Land Use Permit granted under this Ordinance, including the approved plot plan or site plan upon which the permit is based, shall expire after one (1) year from the date of granting such permit unless the development proposed or activity authorized shall have passed its first building inspection by the Building Inspector.
 - 1) Where a Land Use Permit does not provide for an immediate building or structure, such as in the case of a platted subdivision or site condominium, including a Rural Open Space Option project, such permit shall become null and void after one (1) year from the date of granting such permit unless the clearing, preliminary grading, and survey staking of roads and drives shall have been completed within such time. Such permit shall become null and void after two (2) years from the date of granting such permit unless utilities and access ways, including roads, have been completed.
- b. The Township Board may waive or extend the period of time in which a Land Use Permit is to expire, for multiple periods with each period not to exceed one (1) year, if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction and even though the permit and plot/site plan may not comply with the most current standards of this Ordinance due to amendments since the issuance of the permit. Before taking action, the Township Board may defer the matter to the Planning Commission and/or Zoning Administrator for a recommended course of action.
 - 1) In the case where a Land Use Permit is to expire more than three (3) years following the initial issuance of the permit, no extension shall be granted unless the Township Board finds that surrounding conditions and land uses, and the most current standards of this Ordinance, continue to support the adequacy of the plot/site plan, and the owner or developer is maintaining a good faith intention to proceed with construction.
 - 2) In the case of a multi-phased project, the expiration of a Land Use Permit for a specific phase shall similarly result in the expiration of all Land Use Permits previously granted for subsequent phases.
- c. Should a Land Use Permit expire, such use, building and/or activity shall not be initiated or continued except upon reapplication, subject to the provisions of all ordinances in effect at the time of reapplication. Upon expiration of the permit, failure to terminate the use for which the permit was issued is declared to be a nuisance per se and a violation of this Ordinance.
- d. Where there is a delay of more than sixty (60) days between the date a site plan is approved and the Land Use Permit is issued for such project, the time lines specified in this subsection (3) shall be computed from the date of the site plan approval.

D. Preconstruction Meeting Required Prior to Land Use Permit Issuance: Upon approval of a site plan, no clearing, grading or any other construction activities shall be initiated prior to a pre-construction meeting except where expressly authorized as part of the site plan approval motion. Following such meeting, the Zoning Administrator shall issue the Land Use Permit for the project, or a phase of the project, within ten (10) days of such meeting provided the applicant has addressed all matters of concern raised during the preconstruction meeting including acquisition of all required agency approvals and satisfactory construction drawings.

Section 3.05 BUILDING PERMIT / PERMIT of OCCUPANCY REQUIRED

A. Building Permit: No grading, excavation, or construction shall be initiated prior to the issuance of a Land Use Permit and, where required by the State Construction Code, the Building Inspector has issued the required building permits.

B. Occupancy Permit: No structure or use shall be occupied, in whole or in part, without first receiving a permit for occupancy from the Building Inspector pursuant to the State Construction Code.

C. Building Permit Waivers for Agricultural Buildings: Where the county building inspector requires Deerfield Township to make a determination as to whether a proposed building is for agricultural purposes on the same parcel on which the building is located, to be eligible for a waiver of applicable permit provisions of the State Construction Code as administered by the county building inspector, the Zoning Administrator shall make such determination. Such proposed building shall be determined to be an agricultural building under the Zoning Ordinance upon the Zoning Administrator receiving a written certification from the applicant attesting that the building is to be used for agricultural purposes only, and upon the Zoning Administrator determining that adequate conditions are present that support bona fide commercial agricultural operations such as, but not necessarily limited to, past commercial agricultural use of the parcel; existing potential for commercial agriculture including soil, slope, and drainage characteristics, and anticipated crop or product to be produced; anticipated income that

may be derived; presence of the parcel within an agricultural district; and the ability of the size and shape of the parcel to support such commercial agriculture. In the case where the parcel is less than twenty (20) acres in area, the applicant shall submit written documentation or evidence from the Natural Resources Conservation Service, or other recognized agricultural agency, that the proposed building is an integral part of the farm operation, and the proposed farm product is compatible with the features of the site including conditions pertaining to soils, topography, drainage, size, shape, and related features as applicable.

Section 3.06 PERFORMANCE GUARANTEE

A. Purpose: In authorizing any Land Use Permit or variance, the body or official which approves the respective request, as designated by this Ordinance, may require that a performance guarantee be furnished: (1) to insure compliance with the requirements, specifications and conditions imposed with the grant of such approval; (2) to insure the discontinuance of a temporary use by a stipulated time; and (3) to provide sufficient resources for the Township to complete required improvements or conditions in the event the permit holder does not.

B. Requirements of Guarantee: The performance guarantee shall meet the following requirements:

1. **Improvements Covered:** Improvements that may be covered by the performance guarantee include those features of a project that are considered necessary by the body or official granting approval to protect the natural resources or the health, safety and welfare of residents of the Township and future users or inhabitants of the proposed project area including roadways, lighting, utilities, sidewalks, screening and drainage. In no case shall any portion of a performance guarantee be required for improvements intended to serve the public at large versus users of the development site.
2. **Form:** The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, or surety bond, acceptable to the Township Treasurer, which names the property owner as the obligor and the Township as the obligee. If appropriate, based on the type of performance guarantee submitted, the Township shall deposit the funds in an account in a financial institution with which the Township regularly conducts business.
3. **Amount and Time Required:** The amount of the performance guarantee shall be equal to the estimated cost of improvements for which the performance guarantee is to cover, according to a detailed cost estimate submitted by the applicant and found satisfactory by the Township Board. After approval of the cost estimate, the performance guarantee shall be submitted at the time of issuance of the permit authorizing the approved use or construction. No performance guarantee shall be required prior to the date on which the Township is prepared to issue the Land Use Permit.

C. Return of Performance Guarantee or Bond: The following procedure shall be followed in the return of performance guarantees or bonds:

1. **Request for Payment:** As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the Township Clerk of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit recommendation to the body which approved the Land Use Permit, indicating either approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.
2. **Approval of Payment:** The body which approved the Land Use Permit shall either approve, partially approve or reject the improvements or conditions with the recommendation of the Zoning Administrator's written statement and shall notify the obligor in writing of the action of the approving body within forty-five (45) days after receipt of the notice from the obligor of the completion of the improvements. Where approval or partial approval is granted, the approving body shall notify the Township Clerk of such approval and the Township Clerk shall release the approved payment to the applicant. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement or condition.
 - a. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee or bond, except for that portion adequately sufficient to secure provision of the improvements not yet approved.
3. **Lack of Full Completion:** Should installation of improvements begin and fail to meet full completion based on the approved site plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the Township may complete the necessary improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the improvements or conditions against the performance guarantee or bond. Any balance remaining shall be returned to the applicant.

D. Performance Guarantee for Razing of Building: The Zoning Administrator may require a bond prior to the razing or demolition of principal structures and accessory structures having more than one hundred forty-four (144) square feet of floor area. The amount of the performance guarantee shall be determined according to a guideline of one thousand dollars (\$1,000.00) for each one thousand (1,000) square feet or fraction thereof of floor area of the structure to be razed. A guarantee shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator, Fire Chief or the Township Board may from time to time prescribe, including filling of excavations and proper termination of utility connections.

E. Record of Performance Guarantees: A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

Section 3.07 PUBLIC HEARING NOTICES

A. Hearing Notice Content: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall do all of the following:

1. Describe the nature of the request including whether the request is for a text amendment, zoning map amendment (rezoning), special land use, variance, appeal, ordinance interpretation or other purpose.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
3. Indicate the date, time and place of the hearing(s).
4. Indicate when and where written comments will be received concerning the request.

B. Recipients and Means of Notice: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, the following shall receive notice of the hearing, which notice shall include the information specified in (A) above.

1. General public, by publication of the hearing notice in a newspaper of general circulation in the Township.
2. To the owners of property for which approval is being considered, and the applicant if the applicant is different than the property owner, by mail or personal delivery.
3. To all persons to whom real property is assessed within 300 feet of the boundary of the project subject to the request, and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located in Deerfield Township, by mail or personal delivery. If the name of the occupant is not known, the term "occupant" may be used in making notification.
 - a. Subsection (3) above shall not apply in the case of rezoning requests involving eleven (11) or more adjacent properties, or an ordinance interpretation request or an appeal of an administrative decision that does not involve a specific property.
 - b. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, a single notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure.
4. To each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing, by mail, in the case of a text amendment or zoning map amendment.

C. Timing of Notice and Determination of Notice Given: Unless otherwise required by the Michigan Zoning Enabling Act or this Ordinance where applicable, all mail, personal and newspaper notices for public hearings shall be made not less than fifteen (15) days before the date the request will be considered, including applications for zoning map amendments (rezonings), text amendments, special land uses, variances, appeals and ordinance interpretations. The notice under subsection (B) shall be considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service.

D. Confirmation of Notices Made by Mail or Personal Delivery: The Township Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as anyone to whom personal notice was delivered.

Section 3.08 APPLICATION FEES

A. Application Fees: Fees for any approvals or permits requested under this Ordinance, including land use permits, applications to the Zoning Board of Appeals, and rezoning petitions, and for inspections necessary to ensure conformance with this Ordinance, shall be deposited with the Township Clerk prior to processing any application including the distribution of the application to review bodies. The amount of such fees shall be established from time to time by the Township Board and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance. Such fees may include but are not limited to all costs associated with conducting a public hearing or inspection, including newspaper notices; postage; photocopying; staff time; Planning Commission and/or Zoning Board of Appeals time; mileage; and any costs associated with reviews by qualified professionals including planners, engineers and legal counsel.

B. Professional Review and Fee

1. When Professional Review Fee is Required: For any application for approval under this Ordinance, including permit applications and applications to the Zoning Board of Appeals, a professional review fee shall be required where provided for according to a fee schedule as approved by the Township Board or, where in the opinion of the designated review body, professional input is desired before a decision is made.
2. Professional Review Report: Professional review shall result in a report to the Township indicating the extent of conformance or nonconformance with this Ordinance and identifying any issues which may pose a threat to public health, safety or the general welfare, and may include a recommended course of action. Mitigation measures or alterations to a proposal may be identified where they would serve to lessen or eliminate identified impacts. The applicant shall receive a copy of any professional review contracted by the Township and a copy of the statement of expenses for the professional services rendered.
3. Fee Balance: The applicant is entitled to a refund of any unused fee at the time a permit is either issued or denied in response to the applicant's request. If actual professional review costs exceed the amount of the initial fee, the applicant shall pay the balance due prior to receipt of any Land Use Permit or other approval issued by the Township in response to the applicant's request. The Township may delay continuing to process an application until such time that the applicant pays additional review fees following depletion of the initial review fee.

Section 3.09 TIMELY ACTION on APPLICATIONS

A. General Intent: All approvals applied for under this Ordinance shall be acted upon in a timely manner. However, in no case shall the matter of a timely decision undermine the intent of this Ordinance that all requested approvals undergo the necessary and adequate review to ensure all requirements and standards have been met and the public health, safety and welfare is preserved.

B. Specific Guidelines: The following time provisions shall apply unless specifically provided otherwise by this Ordinance or special circumstances arise such as delays associated with the acquisition of county, state or federal permits, the submittal of an incomplete application, the need to submit additional application materials following initial deliberations, or unforeseeable practical delays in distributing applications to the necessary review bodies. The prescribed review periods below require that an application must be received by the Township Clerk at least thirty (30) days prior to the meeting when the reviewing body would normally begin deliberation on such application and, if submitted within a lesser time, the reviewing body may delay initiating deliberations until its next regularly scheduled meeting or special meeting called for the purpose of deliberating said application.

1. Applications Requiring Zoning Administrator Action: A complete application for a Land Use Permit for a single-family or two-family dwelling or an accessory structure or use thereto shall be acted upon by the Zoning Administrator within fifteen (15) days of the submittal of a complete application.
2. Applications Requiring Planning Commission Action: Action on an application by the Planning Commission, as in the case of making a recommendation to the Township Board regarding an application for special land use approval or an amendment petition, shall occur within ninety (90) days of receipt of a complete application. Where a public hearing is required to be held, this time frame shall be extended by thirty (30) days.
3. Applications Requiring Township Board Action: Where this Ordinance requires the Township Board to act on an application, as in the case of a site plan, the Township Board shall take action on the application within ninety (90) days of the receipt of a complete application. Where the Township Board must delay action until receipt of a recommendation from the Planning Commission, the Township Board shall take action on the application within ninety (90) days of the receipt of such recommendation.

4. Applications Requiring Zoning Board of Appeals Action: Where the Zoning Board of Appeals is required by this Ordinance to act upon a request for a variance, ordinance interpretation, administrative appeal, or other request as provided by this Ordinance, the Zoning Board of Appeals shall take action on the request within sixty (60) days of the receipt of a complete application.
5. Public Hearing Notices: See Section 3.07 regarding minimum hearing notification periods.

Section 3.10 SITE INSPECTIONS

The Zoning Administrator shall have the authority to make inspections of premises for the purposes of verifying information on an application, monitoring conformance with the regulations and standards of this Ordinance, and for any other purpose associated with responsibilities of the Zoning Administrator granted by this Ordinance. The owner or owner's agent or representative, and the occupant or lessee of every premise, or other person having the care and management thereof, shall give the Zoning Administrator free access thereto upon request at all reasonable times. No person shall molest, hinder, or obstruct the Zoning Administrator in the discharge of his/her duties. The Zoning Administrator shall seek a search warrant through the Township Attorney any time a property owner refuses the Zoning Administrator access to property in carrying out the Zoning Administrator's responsibilities under this Ordinance.

Section 3.11 VIOLATIONS, PENALTIES and REMEDIES

A. Violations as Misdemeanors: Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with approved variances, site plans, permits, or other authorizations under this Ordinance, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500) or imprisoned for not more than thirty (30) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

1. The owner of record or tenant of any building, structure, premises, or part thereof, and any architect, building contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

B. Notice of Violation: The Zoning Administrator shall inspect each alleged or apparent violation. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, said Zoning Administrator shall issue a Notice of Violation or an appearance ticket, in writing, which specifies all circumstances found to be in violation.

C. Service of Notice: A Notice of Violation shall be directed to each owner of, or a party in interest, in whose name the property appears on the last local tax assessment records. All notices shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner or party in interest at the address shown on the tax records.

D. Violation Correction Period: All violations shall be corrected within a period of thirty (30) days after the violation notice is issued except where the Zoning Administrator permits a longer correction period due to seasonal or other conditions that make a thirty (30) day correction period impractical or unfeasible. In no case shall the authorized correction period exceed ninety (90) days. Should a violation not be corrected within the specified time period, the Zoning Administrator shall notify the Township Board of such lack of compliance.

E. Legal Action/Remedies: If the owner or party in interest fails to correct the violation within the time period specified by the Zoning Administrator, the Zoning Administrator shall notify the Township Board which may then direct its legal counsel to take appropriate actions to resolve the violation. The Township Attorney may then initiate prosecution proceedings. If the threat to public health and or safety necessitates immediate action, this procedure may be circumscribed and the Township Board may initiate injunctive action in Circuit Court or any such other remedy provided by Law. The Township Board may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, or jail sentence or both shall not exempt the violator from compliance with the provisions of this Ordinance.

Section 3.12 PROJECT DELAYS

In the case where an applicant has received a recommendation from the Planning Commission for a site plan and/or special land use application, and the applicant has requested that further action on the application be delayed by the Township Board as the final approving body, and more than 180 days have passed since the Planning Commission's recommendation and the applicant coming before the Township Board for action on such application, the Township Board may refer the application back to the Planning Commission and/or other review bodies for further consideration where the Township Board determines that there have been sufficient delays that justify additional review prior to final action by the Township Board. In the case where more than one (1) year has passed since the Planning Commission's recommendation and the applicant coming before the Township Board for action on such application, such application shall automatically go before the Planning Commission for additional review and a second recommendation. Nothing in this Ordinance shall prohibit the Planning Commission or Township Board from holding additional public hearings than normally required where such body determines that there have been sufficient delays in the deliberation of and/or action on an application, or that sufficient conditions or circumstances have changed or arisen, that justify additional opportunities for public comment. The applicant shall be responsible for any costs incurred by the Township for such additional reviews and hearings."

(Balance of Page Blank)

End of Article 3

(Ord. 112-18, 5-10-12, fully redrafted Article 3)

Article 4

PROCEDURES for SITE PLAN REVIEW

(Ord. 112-18, 5-10-12, fully redrafted Article 4)

Section 4.01 PURPOSE

It is the purpose of this Article to specify standards, application and data requirements, and the review process that shall be followed in the preparation of site plans as required by this Ordinance. These requirements are incorporated into the Land Use Permit application process to ensure that the appropriate bodies are afforded an opportunity to review and evaluate proposed uses and development of sites with regard to such considerations as parking, vehicular and pedestrian circulation, drainage, landscaping and screening, signage, lighting, environmental and community character protection, and conformance with all applicable provisions and standards of this Ordinance. This Article establishes a review process that requires the application materials to be subject to Planning Commission review and recommendation prior to final action by the Township Board.

Section 4.02 APPROVAL of SITE PLAN REQUIRED

A. Township Board Approval of Site Plans: Unless specifically noted otherwise, site plan approval is required by the Township Board, prior to the issuance of a Land Use Permit, for the following:

1. All principal permitted uses within any Business or Industrial zoning district.
2. All uses for which this Ordinance requires four (4) or more off street parking spaces.
3. All special land uses as specified in each zoning district.
4. All partitioning or subdividing of land subject to the platting requirements of P.A. 591 of 1996, the Land Division Act, as amended.
5. All condominium subdivisions subject to P.A. 59 of 1978, the Condominium Act, as amended.
6. Any other use so specified elsewhere in this Ordinance.

Section 4.03 SITE PLAN PREPARATION and DATA REQUIRED

A. Professional Quality Drawing, Scale and Information: Each site plan shall be provided on a professional quality drawing of scale not less than 1"=100'. The site plan shall be of sufficient clarity, scope and detail to adequately illustrate, for construction purposes, the character of proposed site improvements and the manner in which the site improvements are to be constructed. All information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan and shall bear the seal and signature of the licensed individual. In addition to the applicant's full name, address and phone number, the following minimum data shall be submitted with applications for Land Use Permits for uses requiring a site plan, except where the Planning Commission makes specific exceptions to the information required below on the basis that such information is not pertinent to the subject application or property:

1. A survey showing property dimensions and legal description, including angles, lot area and dimensions, and an arrow pointing north.
2. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, carports or garages, employees by shift, amount of recreational and open space, type of recreation facilities to be provided, and related information as pertinent or otherwise required by this Ordinance.
3. Natural features such as woodlands, marsh and wetland areas, streams, flood plains, county drains, lakes or ponds, topography (at two-foot intervals on-site and within one hundred fifty (150) feet of the site) and man-made features such as existing roads and structures, with indication as to which are to be retained and which removed or altered.
4. Existing public right-of-way, private easements of record, and deed restrictions.
5. Proposed streets and alleys, (including cross-sections), acceleration, deceleration or right turn lanes, driveways, parking spaces, sidewalks, with indication of direction of travel, the inside radii of all curves including driveway curb returns. The width of streets, driveways and sidewalks, the total number of parking spaces, and dimensions of a typical individual parking space and associated aisles. Proposed traffic control measures (including signs) and proposed street or road names shall also be indicated.
6. A vicinity sketch showing the location of the site in relation to the surrounding street system and other land uses within three hundred (300) feet in every direction of the proposed use including land uses on the opposite side of any public or private thoroughfare(s).
7. Location of utilities, water supply and the location and design of waste water systems as well as any easements that exist or are proposed to be established for installation, repair and maintenance of utilities.

8. Proposed location of trash receptacles, accessory buildings and uses, including the location and construction details for all free standing and wall mounted signs.
9. A landscaping plan indicating the locations of plant materials to be preserved and locations of proposed planting and screening, fencing, and lighting in compliance with the requirements of Article 23, Landscaping and Screening. Also, proposed locations of common open spaces, if applicable.
10. Proposed grading, storm drainage and storm water management plan, including soil erosion and sedimentation control measures and spot elevations where necessary to adequately portray drainage patterns and final elevations and grades. Such plan shall include the location of drainage easements, exterior drains, dry wells, catch basins, retention and/or detention areas, sumps and other facilities designed to collect, store or transport storm water. The point of discharge for all drains and pipes shall be specified on the site plan as well as invert and related elevations, and pipe lengths and slope, to construct the same. Such plans shall document the extent of clearing of vegetation and the extent of other clearing, cuts, fills, or other grading, and the finished floor elevations of all buildings.
11. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
12. A statement from the applicant identifying all other federal, state and local permits required, if any.
13. Project construction sequence and completion schedule and, in the case of a multi-phased project, the month and year for the initiation of each.
14. A written impact statement relative to the effects of the project on natural resources and the environment, public safety including police and fire protection, utilities, and public infrastructure including road capacity.
15. For uses that are expected to generate 100 or more vehicle trips per day along a non-paved road, a traffic impact study addressing the anticipated vehicle trips to be generated daily by the development; the impact of the development on road infrastructure, congestion levels, and turning patterns along the abutting and other nearby roads; and proposed mitigation measures to minimize any conflict issues.
16. Such other information as is necessary to enable the approving body to determine whether the proposed site plan will conform to the provisions of this Ordinance.

Section 4.04 SITE PLAN REVIEW PROCEDURES

A. Submittal and Distribution of Site Plans: At least twenty (20) copies of the Land Use Permit application and site plan shall be submitted to the Zoning Administrator. The Zoning Administrator shall record the date of their receipt and transmit seven (7) copies thereof to the Planning Commission; five (5) copies to the Township Board; one (1) copy to the Fire Department; one (1) copy to any review professionals or agencies as may be deemed necessary including planners, engineers, attorneys, County Road Commission, County Health Department, and the County Drain Commissioner; and the remaining shall be retained by the Township.

B. Planning Commission Review and Recommendation: The Planning Commission shall review the application and plans and determine their conformity with the provisions of this Ordinance, including the site plan submittal requirements of Section 4.03 and the site plan approval standards of Section 4.05. After conducting a review, the Planning Commission shall make recommendations for rejection, approval, or conditional approval of a site plan and forward its recommendation to the Township Board.

C. Township Board Review and Action: After conducting a review, the Township Board shall reject, approve, or conditionally approve the site plan, as it pertains to requirements and standards contained in the Zoning Ordinance including the site plan submittal requirements of Section 4.03 and the site plan approval standards of Section 4.05. Any conditions required by the Township Board shall be stated in writing, together with the reasons, and delivered to the applicant. A site plan shall be approved if it contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes.

D. Approved Site Plans: Three (3) copies of the approved site plan, with any conditions contained within shall be maintained as part of the Township records for future review and enforcement. Two (2) copies shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Township Supervisor and Township Clerk, for identification of the approved plans. If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the site plan and delivered to the applicant for information and direction.

E. Expiration of Site Plan Approval: An approved site plan shall expire upon the expiration of the Land Use Permit for which the site plan pertains. In the case of a multi-phased project, site plan approval for each phase shall expire when a land use permit for such phase has not been issued within one (1) year of the intended initiation of such phase, according to the construction/phase schedule of the approved site plan. The Township Board may extend the site plan approval time for such phase, for multiple periods with each period not to exceed one (1) year, provided the Township Board finds that surrounding conditions and land uses, and the most current standards of this Ordinance, continue to support the adequacy of the site plan. See also Section 3.03 regarding the expiration of a Land Use Permit.

Section 4.05 SITE PLAN APPROVAL STANDARDS

Each site plan shall conform to the applicable provisions of this Ordinance and the standards listed below:

- A.** All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings, and shall be of a character that supports the purpose of the District in which the development is to be located. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- B.** The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree, other vegetative material removal; soil removal; topographic modifications; and alterations of natural drainage courses and water bodies including lakes, ponds, marshes, swamps, wetlands, and continuous and intermittent streams and water courses; so as to assure maximum harmony with adjacent areas, environmental integrity, and preservation of important natural resources. Landscaping, buffering, and screening shall conform to the requirements of Article 23, Landscaping and Screening.
- C.** Special attention shall be given to proper site drainage so that removal of storm waters will not increase off-site sedimentation or otherwise adversely affect neighboring properties due to flooding.
- D.** The site plan shall provide reasonable, visual, and sound privacy for all dwelling units located therein. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- E.** All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- F.** Every structure or dwelling unit shall have access to a public street, private road, walkway, or other area dedicated to common use.
- G.** There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.
- H.** Exterior lighting shall be designed and arranged so that it is deflected away from adjacent streets and adjoining properties. Flashing or intermittent lights shall not be permitted.
- I.** The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way according to the standards of the County Road Commission.
- J.** All streets shall be developed in accordance with County Road Commission specifications, unless specifically provided for otherwise in this Ordinance.
- K.** All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at ingress and egress points to intersecting roads, including the use of service drives as appropriate, and minimize the negative visual impact of such parking areas.
- L.** Residential and nonresidential development shall employ the use of shared drives and/or service drives where beneficial and reasonably feasible, to minimize conflicting turning patterns, congestion, and traffic hazards.
- M.** The site plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible.
- N.** Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary state and federal permits before the final site plan approval is granted.

- O.** The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment including:
1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, ground water, lakes, streams, rivers, or wetlands.
 2. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances.
 3. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan ground water discharge permit.
 4. Federal, state, and county agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.
- P.** When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the development and the users and residents of the surrounding area.

Section 4.06 PRELIMINARY SITE PLAN REVIEW – OPTIONAL

An applicant may seek approval of a preliminary site plan, the purpose of which is to seek approval for the general design and layout of the project before a more detailed plan is prepared, or to seek approval for the general design and layout of a multi-phased project.

A. Preliminary Review Application: Applications for preliminary site plan approval shall be submitted to the Zoning Administrator on a special form for that purpose and shall consist of the following:

1. Fifteen (15) copies of a completed application form supplied by the Zoning Administrator.
2. Fifteen (15) copies of the preliminary site plan at a scale of not less than one (1) inch equals one hundred (100) feet, containing the same information as required by Section 4.03, except that detailed construction drawings to address specific site improvements are not necessary but the detail of the submitted information shall adequately portray the feasibility of critical components of the project such as, but not limited to, storm water management, grading, vehicular circulation, lot areas and arrangements, limits of clearing, and conceptual landscaping.

B. Planning Commission Recommendation and Township Board Action: The Planning Commission shall review the preliminary site plan and recommend to the Township Board either approval, approval with conditions, or denial of the plan, based on compliance with the standards of Section 4.05. The Planning Commission shall state the reasons for its recommendation. The Township Board shall then take final action on the preliminary plan and either approve, approve with conditions, or deny the plan, based on compliance with the standards of Section 4.05. The Township Board shall state the reasons for its recommendation. If approved, the applicant's submittal of a final site plan for the development or a phase of the development shall be in conformity with the approved preliminary plan.

1. Approval of the preliminary site plan is valid for a period of six (6) months. If a final site plan for the development, or any phase of the development, has not been submitted during that period, the approval of the preliminary site plan shall be null and void. This time limit may be extended by the Township Board upon finding that surrounding conditions and land uses, and the most current standards of this Ordinance, continue to support the adequacy of the preliminary site plan. The review and approval of a preliminary site plan that has expired shall be according to the procedures of this Section.

Section 4.07 CONFORMITY to APPROVED SITE PLANS

Property which is the subject of site plan approval must be developed in compliance with the approved site plan and any changes thereto that have received approval. If construction and development does not conform to such approved plans, the Land Use Permit shall be revoked by the Zoning Administrator pursuant to the revocation procedures of Article 3. Upon revocation of such approval, all construction activities shall immediately cease.

Section 4.08 SITE PLAN CHANGES

A. No changes shall be made to an approved site plan prior to or during construction except according to the following procedures;

1. **Minor Changes:** Minor changes to an approved site plan involving changes of less than five (5) feet in the location of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls; adjustment of utilities; and similar minor changes may be approved by the Zoning Administrator in writing unless the Zoning Administrator defers judgment to the Planning Commission.
2. **Major Changes:** Major changes or amendments to an approved site plan involving changes in excess of five (5) feet in the location of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls; the number and location of accesses to public streets and alleys; a reduction in the number of parking spaces; an increase in the gross floor area or heights of buildings; a reduction in the open space; and similar major changes, shall require the approval of the Township Board, in the same manner as the original application was submitted, reviewed, and approved and subject to the finding of all of the following:
 - a. Such changes will not adversely affect the initial basis for granting approval;
 - b. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this Article; and
 - c. Such changes shall not result in the reduction of open space area as required herein.”

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End of Article 4

(Ord. 112-18, 5-10-12, fully redrafted Article 4)

Article 5 PROCEDURES for SPECIAL LAND USES

Section 5.01 PURPOSE

A. Special Land Uses: It is the intent of this Ordinance to provide a set of procedures and standards for specific uses of land or structures that will allow, on one hand, practical latitude for the investor or developer, but that will, at the same time, promote the intent and purpose of this Zoning Ordinance, and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land uses. In order to provide control and reasonable flexibility, this Article permits detailed review of certain specified types of land use activities which, because of their particular and unique characteristics, require special consideration in relation to the welfare of adjacent properties and to the community as a whole. Land uses and structures possessing these characteristics may be authorized within certain zoning districts by the issuance of a Land Use Permit for a Special Land Use. By such a procedure, the Township shall have the opportunity to impose conditions upon each use which are deemed necessary for the protection of the public welfare. Such conditions shall be based on standards in this Ordinance

(Ord. 112-22, 2-11-16)

Section 5.02 PROCEDURES for SPECIAL LAND USES

An application for a Land Use Permit for any special land use or structure identified as such in a particular zoning district shall be submitted and processed under the following procedures. See also Section 18.03 for special procedures regarding Rural Open Space Option developments.

A. Submission of Application: Any person owning or having an ownership interest in the subject property may file an application for one or more Land Use Permits for a special land use as provided for in this Ordinance. An application shall be submitted through the Zoning Administrator on a special form for that purpose. Each application shall be accompanied by the payment of a fee as established by the Township Board to cover costs of processing the application. Payment of the fee, and twenty (20) sets of the following materials constituting the special land use application, shall be submitted to the Township Clerk at least thirty (30) days prior to the meeting at which the Planning Commission first considers the special land use application:

1. Special application form supplied by the Zoning Administrator.
2. Site plan meeting the requirements of Section 4.03
3. Written statement of analysis regarding the estimated population holding capacity of any proposed residential land use, the anticipated impact upon community facilities, such as schools and infrastructure, the anticipated new traffic generation including available roadway capacities and impact upon neighboring land uses and streets.

B. Reserved for Future Use.

C. Forwarding of Application: The Zoning Administrator shall record the date of the receipt of such application materials and transmit seven (7) copies thereof to the Planning Commission; five (5) copies thereof to the Township Board; one (1) copy to the Fire Department; and one (1) copy to any review professionals or agencies as may be deemed necessary including planners, engineers, attorneys, County Road Commission, County Health Department, and the County Drain Commissioner.

D. Planning Commission Action:

1. Application Review and Public Hearing:
 - a. Upon determination by the Planning Commission that the application materials are complete for public hearing purposes, the Planning Commission shall hold a public hearing on the special land use application. Notice of the hearing shall comply with Section 3.07.
2. Planning Commission Recommendation and Basis for Recommendation: Upon review of the special land use application and site plan, all supporting materials, and the hearing, the Planning Commission shall recommend to the Township Board that the application for the special land use be denied, approved, or approved with conditions. A recommendation on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed. In arriving at its recommendation, the Planning Commission shall refer to and be guided by those standards set forth in Section 4.05, Site Plan Approval Standards, and Section 5.06, Standards for Special Land Uses. The Planning Commission may recommend that a performance

guarantee, in accordance with Section 3.06 of this Ordinance, be deposited with the Township to insure completion of improvements.

E. Township Board Action: Upon review of the special land use application and site plan, all supporting materials and the hearing, and the recommendations of the Planning Commission, the Township Board shall deny, approve, or approve with conditions the application for the special land use. The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed. In arriving at its decision, the Township Board shall refer to and be guided by those standards set forth in Section 4.05, Site Plan Approval Standards, and Section 5.06, Standards for Special Land Uses. A request for approval of a special land use or activity which is in compliance with those standards, other applicable ordinances, and state and federal statutes shall be approved. The Township Board may require that a performance guarantee, in accordance with Section 3.06 of this Ordinance, be deposited with the Township to insure completion of improvements.

(Ord. 112-7, 4-13-06; Ord. 112-13, 2-8-07; Ord. 112-22, 2-11-16)

Section 5.03 APPEAL to CIRCUIT COURT

An appeal on a special land use application decision shall be taken to the Circuit Court.

Section 5.04 REAPPLICATION

No application for a Land Use Permit for a special land use which has been denied wholly or in part by the Township Board shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly-discovered evidence or proof of changed conditions. A reapplication shall require a new fee and the process will follow all provisions of Section 5.02.

Section 5.05 CHANGES

A. Site Plan: The Site Plan, as approved, shall become part of the record of approval, and subsequent actions shall be consistent with the approved site plan. Changes to the approved Site Plan shall comply with the application and review procedures of Section 4.08 except as follows:

1. The Planning Commission shall be the approving body in the case of a minor change as described in Section 4.08.
2. In the case of a major change as clarified in Section 4.08, the Planning Commission or Township Board may require that the proposed major change follow the same application and review procedure as required in Section 5.02, including a public hearing, where the Planning Commission determines that the proposed site plan change reflects a significant departure from the approved site plan, alters the overall character of the approved site plan, or otherwise raises concerns regarding the compatibility of the proposed change with surrounding conditions.

B. Use or Activity: A change in the character of the use or activity from what the originally approved Land Use Permit for the special land use authorized shall not occur until such change is applied for and approved according to the application and review procedures of this Article and all other applicable sections of this Ordinance.

Changes requiring a new application and review procedure include, but shall not be limited to:

1. the addition of land to the legal description of the original Special Land Use Permit;
2. the establishment of another special land use or uses;
3. the expansion, enlargement, or increase in intensity of use including but not limited to the addition of more sales or service area, the addition of dwelling units, the addition or expansion of the geographical area and/or number of lots or persons that are served by a common use lot or the repair or replacement of common use lot improvements that enable such expansion, enlargement, or increase in intensity of use.

(Ord. 112-1, 1-08-04)

Section 5.06 STANDARDS APPLICABLE to ALL SPECIAL LAND USES

A. General Standards: Each application for a special land use shall be reviewed for the purpose of determining that the land use or activity which may be authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The land use or activity shall be consistent with the public health, safety, and welfare of the Township and shall comply with the following standards:

1. Be harmonious with and in accordance with the general principles and objectives of the Master Plan of the Township.
2. Be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.
3. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. In determining whether this requirement has been met, consideration shall be given to:
 - a. The bulk, placement, and materials of construction of proposed structures.
 - b. Pedestrian and vehicular circulation.
 - c. The location of vehicular use or parking areas.
4. Not be hazardous or disturbing to existing or future uses in the same general vicinity.
5. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools, and minimize the impact of traffic generated by the proposed development on adjacent properties
6. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to the natural environment or to any person, property or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or similar nuisance.
7. Conform with all applicable county, state and federal requirements for that use.

B. Specific Standards: In addition to compliance with subsection (A), each application for a special land use and the associated site plan shall comply with the specific site development standards and requirements of this Ordinance including Section 4.06 and Article 17.

(Ord. 112-22, 2-11-16)

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End of Article 5

((Ord. 112-1, 1-08-04; Ord. 112-7, 4-13-06; Ord. 112-13, 2-8-07; Ord. 112-22, 2-11-16))

Article 6 **ZONING BOARD of APPEALS (ZBA)**

(Ord. 112-24, 10-13-16, fully redrafted Article 6)

Section 6.01 PURPOSE

The purpose of this Article is to establish a Zoning Board of Appeals (ZBA) pursuant to Public Act 110 of 2006, as amended, including its responsibilities, procedures, and standards of review, to ensure that the objectives of this Ordinance are fully and equitably achieved.

(Ord. 112-24, 10-13-16)

Section 6.02 Creation and Membership

A. Establishment and Appointment of Members: The ZBA previously created under the Deerfield Township Zoning Ordinance adopted on May 9, 2002 shall continue to function under this Ordinance, and each member shall remain in office until such time that the member is not reappointed or otherwise no longer eligible to serve. The ZBA is retained in accordance with Public Act 110 of 2006 as amended. The ZBA shall consist of three (3) members, appointed by the Township Board by majority vote. One (1) of the members shall be a member of the Planning Commission. One (1) regular or alternate member of a ZBA may be a member of the Township Board but shall not serve as the chairperson. The remaining regular members, and any alternate members, shall be selected from the electors of the Township residing within. The members selected shall be representative of the population distribution and of the various interests present in the Township. An employee or contractor of the Township Board may not serve as a member of the ZBA.

B. Alternate Members: The Township Board may appoint not more than two (2) alternate members to the ZBA. The alternate members shall be called on a rotating basis to sit as regular members of the ZBA in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings of the ZBA. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. An alternate member shall serve on a case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the ZBA.

C. Terms of Appointment: ZBA members, including alternate members, shall be appointed for three (3) year terms except in the case of a Planning Commission and/or Township Board member serving on the ZBA, whose terms on the ZBA shall be limited to the time they are members of the Planning Commission or Township Board. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term in the same manner as the original appointment. Members may be reappointed.

D. Removal from Office / Conflict of Interest: A member of the ZBA may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from deliberations and a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from deliberations and a vote in which the member has a conflict of interest constitutes malfeasance in office.

(Ord. 112-13, 2-8-07; Ord. 112-15, 2-12-09; Ord. 112-24, 10-13-16)

Section 6.03 Organization

A. Rules of Procedure and Officers: The ZBA shall adopt rules of procedure for the conduct of its meetings and the implementation of its duties. The ZBA shall annually elect from its members a chairperson, vice-chairperson, and secretary.

B. Meetings and Quorum: Meetings of the ZBA shall be held at the call of the chairperson and at such other times as the ZBA in its rules of procedure may specify. A majority of the regular membership of the ZBA shall comprise a quorum, which may include an alternate member(s) sitting in for a regular member(s). The ZBA shall not conduct official business unless a quorum is present. All meetings shall be open to the public and conducted pursuant to the requirements of the Open Meetings Act (P.A. 267 of 1976, as amended).

C. Oaths and Witnesses: The chairperson may administer oaths and compel the attendance of witnesses.

D. Records/Minutes: The ZBA shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk, and shall be a public record according to the Freedom of Information Act. All minutes shall state the grounds for each determination, including findings of fact and conclusions, and shall be available to the public according to the Open Meetings Act.

E. Legal Counsel: The Township Attorney shall act as legal counsel for the ZBA.

(Ord. 112-24, 10-13-16)

Section 6.04 Jurisdiction

The ZBA shall act upon questions as they arise in the administration of this Ordinance and take other actions as specified in this Ordinance. The ZBA shall perform its duties and exercise its powers as provided in Public Act 110 of 2006, as amended. The ZBA shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but shall have the power to act on those matters so specified in this Ordinance including Ordinance interpretations, variances, and the review of an order, requirement, decision, or determination made by an administrative official or body charged with the administration or enforcement of this Ordinance.

(Ord. 112-13, 2-8-07; Ord. 112-24, 10-13-16)

Section 6.05 Appeals for Administrative Reviews

A. Authority: The ZBA shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, or decision by the Zoning Administrator or by any other body or official in administering or enforcing the provisions of this Ordinance. Within this capacity the ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of such body or official. The ZBA shall have all the powers of the body or official that made the decision subject to the appeal. This authority shall not extend to decisions on Special Land Use applications and ordinance amendment petitions.

B. Standards: The ZBA shall reverse or otherwise modify the decision of such body or official from whom the appeal is taken only if it finds that the action or decision appealed meets any of the following conditions:

1. Was arbitrary or capricious.
2. Was based upon an erroneous finding of a material fact.
3. Constituted an abuse of discretion.
4. Was based upon erroneous interpretation of the Zoning Ordinance or zoning law.
5. Required procedures were not followed.

C. Procedures:

1. **Application Requirements:** A written application for an appeal for administrative review shall be completed and filed with the Zoning Administrator on forms established for that purpose, within twenty-one (21) days after the date of the meeting during which the meeting minutes addressing the decision being appealed was approved. Application for an administrative review shall specify, at a minimum, the name, address, and phone number of the applicant; the decision being appealed; and the basis for the appeal. A minimum of eight (8) copies of the application shall be submitted along with any required application fees.
2. **Stay:** An appeal of an administrative decision shall stay all proceedings in furtherance of the action appealed unless the officer or body that made the decision being appealed certifies to the ZBA, after the notice of appeal is filed, that by reason of facts stated in the certification, a stay would in the opinion of the officer or body would cause imminent peril to life or property. If such a certification is filed, the proceedings shall only be stayed by a restraining order. A restraining order may be granted by the ZBA or by the circuit court, on application, on satisfactory demonstration of due cause.
3. **Record of Facts / Transmission of Record:** Upon receipt of an application for administrative review, the officer or body that made the decision being appealed shall transmit to the ZBA all papers constituting the record associated with the decision being appealed. In hearing and deciding administrative appeals, the ZBA's review shall be based upon the record of the administrative decision being appealed.
 - a. The ZBA shall not consider new information which had not been presented to the administrative official or body that made the decision subject to the appeal except where the ZBA first remands the matter back to the body that made the original administrative decision with an order to consider the new information and affirm or modify its original decision.
4. **Hearing:** Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to

such hearing. Notice of the hearing shall comply with Section 3.07. See Sec. 3.09 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney. See subsection (5) below regarding participation at the hearing by a member of the ZBA who is also a member of the Planning Commission or the Township Board.

5. **Decision:** The ZBA shall render a decision in the form of a motion containing a full record of the findings and determination of the ZBA and basis for such determination, and shall be made part of the meeting minutes. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse or otherwise modify the action subject to the appeal. A member of the ZBA who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing, deliberation, or vote, on the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

(Ord. 112-7, 4-13-06; Ord. 112-19, 2-13-14; Ord. 112-24, 10-13-16)

Section 6.06 Interpretations

A. Authority: The ZBA shall hear and decide upon requests to interpret the provisions of this Ordinance when it is alleged that certain provisions are not clear or that they could have more than one meaning, including the determination of the precise location of the boundary lines between zoning districts, application of off-street parking requirements for a specific use, and whether a particular use is authorized in a particular district.

B. Standards: In deciding on an interpretation, the ZBA shall be guided by the following:

1. An interpretation shall be consistent with the intent and purpose of the Ordinance and the specific Article in which the language in question is contained.
2. A text interpretation shall apply to the specific provision for which the interpretation is requested, and shall not extend to matters beyond such specific provision.
3. A zoning district boundary interpretation shall be guided by Section 10.04.
4. All interpretations shall take into account any relevant interpretations previously issued by the ZBA and any relevant past ordinance administration practices.
5. Prior to deciding a request for an interpretation, the ZBA may confer with Township staff and consultants to gain insight into the provision subject to interpretation and any consequences which may result from differing decisions.

C. Procedures:

1. **Application Requirements:** A written application for an interpretation shall be completed and filed with the Zoning Administrator on forms established for that purpose. Application for an interpretation shall specify, at a minimum, the name, address, and phone number of the applicant; the standard, regulation or provision requiring an interpretation; and a plot plan, site plan, or similar drawing illustrating the application or relevance of such interpretation. A minimum of eight (8) copies of the completed application shall be submitted along with any application fees.
2. **Hearing:** Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 3.07. See Sec. 3.09 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney.
3. **Decision:** The ZBA shall render a decision in the form of a motion containing a full record of the ZBA's findings and determination, and basis for the determination, and shall be made part of the meeting minutes. A concurring vote of a majority of the ZBA members shall be necessary to make an interpretation.
 - a. A decision providing an interpretation may be accompanied by a ZBA recommendation to the Planning Commission for consideration of an amendment of the Ordinance to address what the ZBA may find is a problematic aspect of the Ordinance.

(Ord.112-2, 9-9-04; Ord. 112-13, 2-8-07; Ord. 112-15, 2-12-09; Ord. 112-24, 10-13-16)

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Section 6.07 Variances

A. Authority: The ZBA shall have the power to authorize specific variances from specific site development standards of this Ordinance, such as lot area and width requirements, building height and setback requirements, lot width and depth standards, lot depth to width ratio requirements, off-street parking and loading space standards, and sign standards. The ZBA shall not have the power to authorize variances from requirements of this Ordinance pertaining to permitted uses of land in a District.

B. Standards: The ZBA shall have the power to authorize variances from specific site development requirements provided that all of the standards listed below are met and the record of proceedings of the ZBA contains evidence supporting each conclusion.

1. That there are practical difficulties that prevent carrying out the strict letter of this Ordinance due to unique circumstances specific to the property such as its narrowness, shallowness, shape, or topography, that do not generally apply to other property or uses in the same district, and shall not be recurrent in nature. These difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
2. That the practical difficulty or special condition or circumstance is not a result of the actions of the applicant.
3. That the variance will relate only to property described in the variance application.
4. That the variance will be in harmony with the purpose of this Ordinance and the intent of the District, including the protection of public health, safety and welfare in general and vehicular and pedestrian circulation specifically.
5. That the variance will not cause a substantial adverse effect upon surrounding property including property values and the development, use and enjoyment of property in the neighborhood or District.
6. That strict compliance with the site development requirement in question would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
7. That the variance requested is the minimum amount necessary to overcome the inequality inherent in the particular property or mitigate the practical difficulty.

C. Procedures

1. **Application Requirements:** Application for a variance shall specify, at a minimum, the name, address, and phone number of the applicant; the legal description for the lot subject to the variance; a specification of the Ordinance's standards for which a variance is sought and the specific variance being requested; and a plot plan, site plan, elevation drawing or similar drawing prepared by a licensed land surveyor or engineer that clearly illustrates property lines, property line bearings and dimensions, existing buildings and structures, and the proposed improvements to the lot for which the variance is requested. In all variance proceedings, it shall be the responsibility of the applicant to provide information, plans, testimony and/or evidence the applicant believes supports the variance request including any information the applicant may choose to submit to demonstrate conformance with the standards of subsection (B) above. A minimum of eight (8) copies of the completed application shall be submitted along with any application fees.
2. **Hearing:** Upon receipt of an application, the chairperson of the ZBA shall fix a reasonable time and date for a hearing, taking into account adequate time for members of the ZBA to review the application prior to such hearing. Notice of the hearing shall comply with Section 3.07. See Sec. 3.09 regarding timely action. Upon the hearing, any party may appear in person or by agent or attorney.
3. **Decision:** The ZBA shall render a decision in the form of a motion containing a full record of the findings and determination of the ZBA, and basis for the determination, and shall be made part of the meeting minutes. A concurring vote of a majority of the ZBA members shall be necessary to grant a variance.
 - a. In granting a variance, the ZBA may prescribe appropriate conditions and safeguards in conformity with this Ordinance. In the case where the ZBA prescribes such conditions, the ZBA may require that a performance guarantee be furnished to ensure compliance with such conditions, according to Section 3.06. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance. See Section 19.08 regarding conditional approvals.
 - b. A variance shall become null and void unless the construction authorized by such variance has been commenced within one (1) year after the granting of the variance, the construction has been diligently pursued since commencement, and all construction is completed within two (2) years of the granting of the variance. The ZBA may extend this time limit once and for a period of no greater than

180 days, upon its finding that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that undermine the basis for the original issuance of the variance.

- c. No application for a variance which has been acted upon shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly-discovered evidence or proof of changed conditions having bearing on the basis for the original denial, in the discretion of the ZBA.

(Ord. 112-24, 10-13-16)

Section 6.08 Review by Circuit Court

A. Circuit Court Review: The decision of the ZBA shall be final. However, any party aggrieved by an order, determination or decision of the ZBA may obtain a review thereof in the Circuit Court provided that application is made to the Court within thirty (30) days after the ZBA issues its decision in writing signed by the chairperson, or within twenty-one (21) days after the ZBA approves the minutes of its decision. The Circuit Court shall review the record and decision of the ZBA to insure that the decision:

1. Complies with the constitution and laws of the State.
2. Is based upon proper procedure.
3. Is supported by competent, material, and substantial evidence on the record.
4. Represents the reasonable exercise of discretion granted by law to the ZBA.

(Ord. 112-13, 2-8-07; Ord. 112-15, 2-12-09; Ord. 112-24, 10-13-16)

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End of Article 6

*(Ord. 112-2, 9-9-04; Ord. 112-7, 4-13-06; Ord. 112-13, 2-8-07; Ord. 112-15, 2-12-09; Ord. 112-19, 2-13-14;
Ord. 112-24, 10-13-16)*

Article 7

PROCEDURES FOR AMENDMENTS

(Ord. 112-2, 9-9-04, fully redrafted Article 7)

Section 7.01 PURPOSE

The purpose of this Article is to establish the procedures for amending this Ordinance, including application requirements and the review of such applications. The purpose of this Ordinance is for establishing and maintaining sound, stable and desirable development and it is not intended that this Ordinance be amended except to further advance this purpose as in the case of, but not limited to, correction of an error in the Ordinance, to address changed or changing conditions, to conform with the planned future land use pattern for the Township, or to further protect the environment, neighborhoods, public infrastructure or other public investment in the Township.

Section 7.02 INITIATION OF AMENDMENTS

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

Section 7.03 PROCEDURES

A. Application, Distribution and Data: A petitioner shall submit fifteen (15) copies of a completed application for ordinance amendment to the Zoning Administrator on a form established for that purpose, which shall include a detailed description of the proposed amendment including the name and address of the applicant and the desired change(s) and reason(s) for such change(s). Upon receipt of the application forms, the Township Clerk shall record the date of their receipt and transmit copies to the Planning Commission, Township Board, and other agencies or individuals selected to review such plans including but not necessarily limited to Township departments and staff, consultants, Livingston County Drain Commissioner, and Livingston County Road Commission. See Section 3.03(B) regarding application fees.

1. When the petition involves a change in the Zoning Map, an application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment, and the applicant shall also submit the following information:
 - a. A legal description of the property.
 - b. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
 - c. The applicant's name and address and interest in the property, and if the applicant is not the owner, the name and address of the owner.
 - d. The desired change and reasons for such change.
 - e. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

B. Planning Commission Action

1. **Public Hearing:** Upon the Township Clerk's determination that the application materials appear complete, the Planning Commission shall establish a date for at least one (1) public hearing on the application and hold such hearing. The Township Clerk shall give notice of the public hearing according to Section 3.07.
2. **Planning Commission Review:** In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application. Findings of fact shall be gathered and shall be made a part of the public records of the meetings of the Planning Commission.
 - a. If the petition involves an amendment to the official zoning map, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
 - 1) What, if any, identifiable conditions related to the application have changed which justify the proposed amendment?
 - 2) Can all requirements in the proposed zoning classification be complied with on the subject parcel?
 - 3) What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
 - 4) Does the petitioned district change adversely affect the value of the surrounding property?

- 5) Does the petitioned district change adversely affect environmental conditions, and is the site's physical, geological, hydrological and other environmental features compatible with the host of uses permitted in the proposed district?
 - 6) Is the subject property able to be put to a reasonable economic use in the zoning district in which it is presently located?
 - 7) Does the petitioned district change generally comply with the planning goals of the Township?
 - 8) Is the proposed rezoning consistent with the zoning classification of surrounding land?
 - 9) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
- b. If the petition involves an amendment to the text of the Ordinance, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
- 1) Is the proposed amendment supported by documentation, such as from the Zoning Board of Appeals, Planning Commission, or Zoning Administrator, that the proposed amendment would minimize problems or conflicts with specific sections of the Ordinance?
 - 2) Is the proposed amendment supported by reference materials, planning and zoning publications, information gained at seminars or experiences of other communities to more effectively deal with certain zoning issues?
 - 3) Is the proposed amendment supported by significant case law?
4. **Planning Commission Recommendation:** The Planning Commission shall transmit its findings of fact, recommendations for disposition of the application, and a summary of comments received at the public hearing to the Township Board within a period of sixty (60) days following the required public hearing in subsection (C)(1) above. The Planning Commission shall simultaneously transmit its recommendations for disposition of the application to the County Planning Commission pursuant to the Michigan Zoning Enabling Act. If the Township has not received comments from the County Planning Commission within thirty (30) days after receipt of the Planning Commission's recommendation for disposition of the application, it shall be conclusively presumed that the County Planning Commission has waived its right for review and recommendation on the amendment.

D. Township Board Actions

1. After receiving and reviewing the findings and recommendations of the Township Planning Commission, and the recommendations of the County 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. Such action shall be by Ordinance, requiring a majority vote of the Township Board.
 - a. The Township Board may hold additional public hearings if the Township Board considers it necessary. The Township Board shall grant a hearing on the proposed amendment to any property owner who has filed a written request to be heard. This written request shall take the form of a certified mail letter from the property owner to the Township Clerk. The Township Board may require the interested property owner to justify the property owner's interest on which the additional hearing request is based. A hearing under this subsection (D) is not subject to the requirements of section 3.07, except that notice of the hearing shall be given to an interested property owner according to Section 3.08(A) and (C).
 - b. 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. Such referral shall identify the concerns or suggestions of the Township Board regarding the amendments.

E. Publication Of Notice Of Ordinance Amendments: Following adoption of subsequent amendments to this Ordinance by the Township Board, one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice shall include the following information:

1. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
2. The effective date of the amended Ordinance.
3. The place and time where a copy of the amended Ordinance may be purchased or inspected.

(Ord. 112-13, 2-8-07; Ord. 112-15, 2-12-09)

Section 7.04 RESUBMITTAL

No application for an amendment to the Zoning Map which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly-discovered evidence or proof of changed conditions, found upon inspection by the Planning Commission to be valid and to have significant bearing on the basis for the original denial.

Section 7.05 REVIEW OF ZONING ORDINANCE

The Planning Commission shall, from time to time, examine the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the Township Board recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

(Balance of Page Blank)

End of Article 7

(Ord. 112-2, 9-9-04; Ord. 112-13, 2-8-07; Ord. 112-15, 2-12-09)

ARTICLE 8

NONCONFORMING LOTS, BUILDINGS, STRUCTURES and USES

(Ord. 112-7, 4-13-06, fully redrafted Article 8)

Section 8.01 PURPOSE

It is recognized that there exists lots, structures and uses within the districts established by this Ordinance and subsequent amendments, which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance. It is the purpose of this Article to permit legal nonconforming lots, structures and uses to continue until they are removed or discontinued, and to provide for their maintenance and repair but not their expansion, enlargement, extension or other alteration which in any way increases its nonconformity, except as otherwise provided by this Article.

Section 8.02 NONCONFORMING LOTS

A. In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record. This provision shall apply even though such lot fails to meet the requirements for area, width, and/or frontage, that are generally applicable in the District; provided that yard dimensions, setbacks and other requirements not involving area, width and/or frontage shall conform to the regulations for the District in which such lot is located unless a variance is obtained through approval of the Zoning Board of Appeals.

Section 8.03 NONCONFORMING USES

A. Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance. However, a nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
2. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. A change of tenancy or ownership of a nonconforming use is allowed provided there is no increase in the degree of nonconformance of the nonconforming use.
4. Irrespective of other requirements of this Article, if no structural alterations are made, any nonconforming use of a structure and premises may be changed to another nonconforming use of less nonconformance, provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is more appropriate to the District than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require appropriate conditions and safeguards in accord with the purpose and intent of this Article. Where a nonconforming use, structure, or use and structure in combination is hereafter changed to a less nonconforming character, it shall not thereafter be changed to a greater nonconforming character.
5. If a nonconforming use of a parcel ceases for any reason for a period of more than one hundred and eighty (180) consecutive days, the subsequent use of such parcel or lot shall conform to the regulations and provisions of this Ordinance for the District in which such lot or parcel is located. This subsection shall not apply to the seasonal sale of farm products.
6. Any use of land or structure, or combination thereof, that is superseded by a permitted use, shall thereafter conform to the regulations for the District in which such use is located, and the nonconforming use may not thereafter be resumed.

(Ord. 112-11, 8-10-06)

Section 8.04 NONCONFORMING STRUCTURES

A. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance or subsequent amendment by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No nonconforming structure may be enlarged or altered in any way which increases its nonconformity. However the use of a structure and/or the structure itself may be changed or altered to a use permitted in the District in which it is located provided such changes are also in conformance with the requirements of the District in which it is located.
2. Should a nonconforming structure be destroyed by any means to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, it shall not be reconstructed except in conformity with the provisions of this Ordinance, including the respective site development standards for the District in which it is located. In identifying the extent of destruction and the cost to replace the damaged structure, the Zoning Administrator shall seek a written opinion from a qualified building appraiser and the opinion shall include the basis for the opinion.
 - a. The limitations of this subsection shall not apply in the case where the construction of the replacement structure in the same location as the destroyed structure is completed to an extent equal to fifty percent (50%) of its construction cost within eighteen (18) months of the previous structure's destruction, and the replacement structure is no more nonconforming then the previous destroyed structure.
3. Should such structure be moved for any reason for any distance, it shall thereafter conform to the regulations for the District in which it is located after it is moved.
4. Where nonconforming status applies to a structure and use in combination, removal or destruction of the structure to an extent of more than fifty percent (50%) of its replacement value, exclusive of foundations, shall eliminate the nonconforming status of the land, and all subsequent uses and structures on the land shall conform to the District regulations.

Section 8.05 REPAIRS AND MAINTENANCE

A. Nonconforming Structure: No nonconforming structure may undergo repairs or maintenance which has the effect of increasing its nonconformity.

B. Nonconforming Use: On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding ten (10) percent of the then building's replacement cost prior to the initiation of repairs, exclusive of foundations, provided that the cubic content of the building as it existed at the time of passage or amendment of this Article shall not be increased.

C. Unsafe Building: Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Building Inspector.

Section 8.06 DISTRICT CHANGES

Whenever the boundaries of a District shall be changed so as to transfer an area from one District to another District of another classification, the provisions of this Article shall also apply to any existing uses and structures that become nonconforming as a result of the boundary changes.

Section 8.07 ILLEGAL NONCONFORMITIES

Nonconforming uses of structures or land existing at the effective date of this Ordinance that were established without approval of zoning compliance or without a valid building permit, or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of this Ordinance, shall be declared illegal nonconforming uses and are not entitled to the status and rights accorded legally established nonconforming uses.

Section 8.08 HARDSHIP CASES

Variations from the limitations of this Article may be authorized by the Zoning Board of Appeals only upon a finding by the Zoning Board of Appeals that the request is a case of exceptional hardship or practical difficulty in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status, and a finding by the Zoning Board of Appeals that such departure shall not have an adverse affect on surrounding property and that it will be the minimum necessary to relieve the hardship.

End of Article 8

(Ord. 112-7, 4-13-06; Ord. 112-11, 8-10-06)

Article 9
(Reserved for Future Use)

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End of Article 9

Article 10 ZONING DISTRICTS, DISTRICT REGULATIONS and OFFICIAL ZONING MAP

(Ord. 112-32, 1-13-22, fully redrafted Article 10)

Section 10.01 Purpose

It is the purpose of this Article to establish the zoning districts into which the Township is hereby divided, to establish an Official Zoning Map that delineates the boundaries of the zoning districts, to identify the uses permitted in each district, and to establish basic site development standards for each District.

Section 10.02 Establishment of Districts

For the purpose of this Ordinance, the Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names, and shall have boundaries as delineated on the Official Zoning Map.

Conservation Districts

P-1: Natural Resources Protection District

Agricultural Districts

A-1: General Agriculture District

A-2: Small Farms/10 District

A-3: Small Farms/5 District

A-4: Small Farms/2 District

Residential Districts

R-1: Low Density Residential District

R-2: Medium Density Residential District

R-3: High Density Residential District

R-MHC: Manufactured Housing Community District

R-MF: Multiple Family Residential District"

Business Districts

B-1: Local Business District

Industrial Districts

I-1: Light Industrial District

(Ord. 112-31, 1-14-21)

Section 10.03 Official Zoning Map

A. Official Map Identification: The Official Zoning Map, which is an integral part of this Ordinance and shall be published as such, shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bearing the following: *This is to certify that this is the Official Zoning Map of the Deerfield Township Zoning Ordinance adopted on the ___th day of _____, 20__.* If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may, by Ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.

B. Official Map Location/Final Authority: The Official Zoning Map shall be located at the official office of the Township and shall be the final authority with regard to the current zoning status of all land in the Township, along with supporting minutes of Township Board meetings regarding zoning district changes, regardless of the existence of copies of the Official Zoning Map which may be made and from time to time.

C. District Boundaries: The boundaries of the respective Districts enumerated in Section 10.02 are defined and established as depicted on the Official Zoning Map with all notations and explanatory matter thereon.

1. District Boundaries in Addition to Those Identified on the Official Zoning Map. Due to the scale of the Official Zoning Map, there exists lots and parcels whose zoning classification cannot be accurately delineated on such Map, and it is the purpose of this Section to identify the Zoning classification of such lots and parcels. The following lots and parcels are zoned as identified below according to the specified property description irrespective of the zoning designation shown on the Official Zoning Map. The

common name and/or use of the properties, and parcel numbers, are included for convenience purposes only to assist in identification of the property location.

- a. B-1, Local Business: The following lots and parcels are zoned B-1, Local Business, as of the effective date of this Ordinance:
 - 1) Lots 15, 16, 17, 21, 22, and 23, except the south 10 feet of Lot 17, of the Lakeview Plat in Section 2. (Twin Gardens, 03-02-208-019)
 - 2) Point in the center of Bennett lake Road S. $0^{\circ} 10' 20''$ W. 1829.41 feet and W. 1076.46 feet from the N. $1/4$ corner then S. 150 feet then W. 282.38 feet then N. $0^{\circ} 10' 50''$ E. 150 feet then E. 281.9 feet to Point of Beginning, 0.97 acres. (Bennett Lake Market, 03-01-100-047)
 - 3) Commencing at the N.W. corner of Section 1, S. $00^{\circ} 18' 50''$ W. 1939.5 feet and N. $89^{\circ} 30'$ E. 635.24 feet to Point of Beginning then N $00^{\circ} 18' 50''$ W. 168.00 feet then N. $85^{\circ} 51'$ W. 38.01 feet then N. $18^{\circ} 50'$ W. 36.37 feet then N. $88^{\circ} 20' 25''$ E. 211.95 feet then S $00^{\circ} 59' 20''$ E. 97.11 feet then N. $85^{\circ} 51''$ E. 49.91 feet then S. $00^{\circ} 18' 52''$ E. 187.14 feet. then S. $89^{\circ} 30'$ W. 300 feet to POB, 1.38 acres. (Old Hickory Saloon, 03-01-100-054)
2. **Rules of Interpretation:** Where, due to the scale, lack of details, or illegibility of the Official Zoning Map, there is an uncertainty, contradiction, or conflict as to the intended location of any zoning district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, to the Zoning Board of Appeals. The Zoning Board of Appeals shall apply the following standards in arriving at a decision on such matters:
 - a. Boundaries indicated as approximately following roads or highways shall be construed as following the center lines of said roads or highways.
 - b. Boundaries indicated as approximately following section lines, quarter section lines, quarter-quarter section lines, or lot lines shall be construed as following such lines.
 - c. Boundaries indicated as approximately following Township boundary lines shall be construed as following such boundary lines.
 - d. Boundaries approximately parallel to the center lines of roads or highways shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Official Zoning Map.
 - e. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines. In the event of a change in the shoreline, the boundary shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerlines of streams, canals, or other water courses shall be construed to follow such centerlines.
 - f. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries between two (2) districts, the regulations of the more restrictive district shall govern. The "more restrictive district" shall be the district that places greater restrictions on development based on such factors as the intensity of authorized uses and the site development standards of Table 10-4.

Section 10.04 Scope of Regulation and Filling

A. General: Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure, and every enlargement of, or addition to an existing use, building and structure, occurring after the effective date of this Ordinance, shall be subject to all regulations of this Ordinance that are applicable in the District in which such use, building, or structure shall be located.

1. **Fill in Water:** Whenever any fill is placed in any lake or stream, the land thus created shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable for lands to which the same shall attach or be adjacent, and the same be used for those purposes as are permitted under this Ordinance for such adjoining lands. No use of the surface of any lake or stream shall be permitted for any purpose not permitted on the land from which the use emanates.

Section 10.05 Purposes of Zoning Districts

See Table 10-1.

Section 10.06 Permitted Uses in Zoning Districts

A. Principal Uses Permitted in Each Zoning District: Tables 10-2 and 10-3 of Article 10 identify the principal land uses permitted in each of the districts enumerated in Section 3.2. No principal land use shall be established on a lot except in conformance with Tables 10-2 and 10-3 unless expressly provided otherwise in this Ordinance. In order to ensure all possible benefits and protection for the districts in this Ordinance, the Tables delineate whether a land use permitted in a particular district is a “Principal Permitted Use” or a “Special Land Use.”

1. Uses Permitted by Right: Uses permitted by right are the primary uses and structures specified for which the District has been established and are subject to plot plan approval (Section 3.04) or site plan approval (Article 4) except where provided otherwise.
2. Special Land Uses: Special land uses are uses and structures that have been generally accepted as reasonably compatible with the “uses permitted by right” in the District but could present potential injurious effects upon such principal uses or are otherwise unique in character and therefore require special consideration in relation to the welfare of adjacent properties and to the Township as a whole. Special land uses shall be subject to a public hearing and site plan approval. See Article 5, Procedures for Special Land Uses.

B. Accessory Uses Permitted in Each Zoning District: Unless otherwise specified in this Ordinance, accessory uses that are clearly incidental to and customarily associated with the principal use of the property are permitted in all Districts and shall conform to all applicable standards of this Ordinance. Examples of such accessory uses include household gardening in association with a dwelling, the use of a building for storage in association with a dwelling, the repair of vehicles in association with an authorized vehicle dealership, a parking lot in association with an office building, and a home occupation conducted on a residentially used lot. Except in the case of an approved home occupation or as may be expressly authorized elsewhere in this Ordinance, in no case shall retail sales, the repair or the servicing of items, or other commercial or industrial activity, be construed as an authorized accessory use to the principal residential use of a lot.

C. Prohibited Uses:

1. Use Not Listed is Prohibited: Any use of land not specifically permitted is prohibited, including any use of land not specifically authorized in Tables 10-2 and 10-3 or elsewhere in this Ordinance. The Planning Commission may be petitioned to initiate an amendment to the Ordinance to authorize an otherwise prohibited use and the standards that will apply for that use. If the Township Board adopts such an amendment according to Article 7, then a land use permit application can be submitted for that use.
2. Non-Compliance with Local, County, State or Federal Law: No use shall be authorized or permitted that is not in compliance with all local, county, state and federal laws, rules and regulations.

Section 10.07 Site Development Requirements of Zoning Districts

A. Table 10-4 of Article 10 and Other Articles: All land uses shall comply with the site development requirements of the District in which it is located, as delineated in Table 10-4 of Article 10, in addition to all other applicable site development provisions of this Ordinance including:

1. Article 17: Requirements and Standards for Specific Land Uses.
2. Article 19: General Provisions.
3. Article 20: Access, Private Roads, and Share Driveways.
4. Article 21: Signs.
5. Article 22: Off-Street Parking and Loading.
6. Article 23: Landscaping and Screening.
7. Article 24: Environmental Standards.

B. Compliance with and Modifications to Yards, Setbacks, Area, Width and Frontage:

1. Compliance: Yards, setbacks, and lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein, including lot area, lot width and frontage.
2. Reductions: No yard, setback, or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements of this Ordinance.
3. Dividing: No portion of one lot shall be used in the creation of another lot unless each lot resulting from any modifications or sale shall conform to the requirements of this Ordinance.
4. Nonconforming Lots: The restrictions of this subsection shall not prohibit modifications to shared property lines between two (2) adjacent nonconforming lots provided all of the following conditions are met:
 - a. A resulting lot in an Agricultural District shall not be less than one (1) acre in lot area and shall have a minimum lot width and frontage of a minimum of one hundred fifty (150) feet.

- b. A resulting lot in a Residential District shall have an area of at least fifty percent (50%) of the respective district's required lot area, and shall have a width and frontage of at least fifty percent (50%) of the respective district's required width and frontage.
- c. All resulting lots shall have a maximum depth-to-width ratio of no greater than 5 to 1.
- d. All resulting lots shall be of sufficient area and configuration to assure a minimum fifty (50) foot by fifty (50) foot buildable area excluding the required setback areas of the respective district.

C. Most Stringent Requirements Apply: Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements, regulations, restrictions or limitations than are imposed or required by this Ordinance, the provisions of such law or ordinance shall govern.

(Ord. 112-34, 8-10-23)

Section 10.08 Special District Provisions

A. Manufactured Housing Community District (R-MHC)

1. Preliminary Plan: Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Manufactured Housing Commission Act, a preliminary plan shall be submitted to the Township for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans. In preparing the preliminary plan and when reviewing the plan, the developer and Planning Commission shall generally follow the procedures and requirements in Article 4 of this Ordinance, except where said procedures and requirements are superseded by the requirements in P.A. 96 of 1987, as amended, or the Manufactured Housing Commission Rules. Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Planning Commission shall take action on the preliminary plan within sixty (60) days after the Township receives the preliminary plan.
2. Site Development Standards: Except as provided by subsection (a), manufactured housing communities shall be constructed and maintained in accordance with P.A. 96 of 1987, as amended, and the rules and regulations promulgated by the Manufactured Housing Commission pursuant to the authority vested in the Manufactured Housing Commission by such Act. The construction of a manufactured housing community shall not be initiated, nor shall a manufactured housing community be inhabited or operated until all necessary permits have been acquired from the Michigan Department of Licensing and Regulatory Affairs and all other agencies pursuant to the Manufactured Housing Commission Act.
 - a. A manufactured housing community shall be developed with sites averaging five thousand five hundred (5,500) square feet per mobile home unit, except that the area of a site may be reduced by twenty (20) percent provided that for each square foot of land gained through the reduction of a site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space above and beyond the minimum required two (2) percent open space area.

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Table 10-1 continued.

DISTRICTS	PURPOSE
<u>RESIDENTIAL DISTRICTS (continued)</u>	
<p>R-MF Multiple Family</p>	<ol style="list-style-type: none"> 1) Provide opportunities for apartment, townhouse and similar multiple family development housing to meet the varied housing needs and preferences of current and future residents, in a manner that supports the stability of existing nearby neighborhoods and provides a healthy residential environment. 2) See also the “All Districts” purpose statement above.
<p>R-MHC Manufactured Housing Community</p>	<ol style="list-style-type: none"> 1) Provide opportunities for manufactured housing communities to meet the varied housing needs and preferences of current and future residents. 2) See also the “All Districts” purpose statement above.
<u>COMMERCIAL DISTRICTS</u>	
<p>B-1 Local Business</p>	<ol style="list-style-type: none"> 1) Provide opportunities for comparatively small commercial uses that primarily address the local day-to-day retail, office and service needs of Township residents and visitors, in a planned unified and integrated grouping. 2) Provide limited opportunities for more regional commercial land uses and/or land uses which are not of a typical retail or service character, after special review proceedings to assure such proposed uses are appropriate in their proposed locations. 3) Facilitate safe, convenient, and efficient pedestrian and other non-motorized modes of travel within the development including linkages to neighboring commercial uses. 4) Facilitate development that compliments the intended character of the Township through appropriate architectural design and building scale, building materials, setbacks, signage, landscaping, buffering, open spaces, lighting and similar development features. 5) See also the “All Districts” purpose statement above.
<u>INDUSTRIAL DISTRICTS</u>	
<p>I-1 Industrial Light</p>	<ol style="list-style-type: none"> 1) Provide for a variety of manufacturing and other industrial uses that can be generally characterized as being of low intensity including the absence of objectionable external affects such as noise, fumes, vibrations, odors and traffic patterns, and limited demands for public services. 2) Manufacturing uses are to be generally limited to those primarily involved in the making of products from previously prepared materials and not raw materials. 3) Facilitate development that complements the intended character of the Township through appropriate architectural design and building scale, building materials, setbacks, signage, landscaping, buffering, open spaces, lighting, and similar development features. 4) See also the “All Districts” purpose statement above.

End of Table 10-1

**Table 10-2
PERMITTED PRINCIPAL USES
P-1, A-1, A-2, A-3, A-4, R-1, R-2, and R-3 DISTRICTS^{1,2}**

See Sec. 19.11 regarding accessory uses, buildings, and structures.
See Sec. 19.17 regarding home occupations.

BR = Use Permitted by Right^{1,2} S = Special Land Use^{1,2} -- = Prohibited Use

PRINCIPAL USES ^{1,2}		ZONING DISTRICTS					
		P-1	A-1	A-2 A-3 A-4	R-1	R-2	R-3
	Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character^{1,2}						
1	Agriculture and hunt clubs.	BR	BR	BR	--	--	--
2	Facilities dedicated to the protection of wildlife and natural resources, wildlife management areas, nature preserves, and game refuges.	BR	BR	BR	--	--	BR
3	Extraction operations.	S	S	S	S	S	S
4	Public and private facilities dedicated principally to outdoor non-motorized recreation including parks, boat liveries, campgrounds, golf courses and country clubs, but excluding shooting ranges. See Line #6 below.	S ³	S	S	S ³	S ³	S ³
5	Public and private facilities dedicated principally to outdoor motorized recreation including race tracks and remote control aircraft fields.	--	S	--	--	--	--
6	Shooting ranges.	S	S	S	--	--	--
	Uses of a Primarily Residential Character^{1,2}						
1	Agricultural labor housing.	--	S	--	--	--	--
2	Rural opens space option.	S	S	S	S	S	S
3	Single family dwellings not within manufactured housing communities.	BR	BR	BR	BR	BR	BR
4	State licensed child day care family home and foster care family home, and adult foster care family home.	BR	BR	BR	BR	BR	BR
5	State licensed child day care group home and foster care group home, and adult foster care group home facilities.	--	S	S	S	S	S
6	Two-family dwellings.	--	--	--	BR	BR ⁴	BR
	Uses of a Primarily Commercial, Business or Industrial Character^{1,2}						
1	Bed and breakfasts.	--	S	S	--	--	--
2	Day care centers.	--	S	--	--	--	S
3	Equestrian centers.	--	S	--	--	--	--
4	Kennels.	S	S	S	--	--	--
5	Outdoor recreation centers	--	S	--	--	--	--
6	Private landing strips.	--	S	S	--	--	--
7	Radio and television communication towers.	--	S	S	--	--	--
8	Veterinarian clinics.	--	S	S	--	--	--
9	Wireless communication facilities, Class Two. ⁵	_5	S ⁵	_5	_5	_5	_5
	Other Uses Not Listed Above^{1,2}						
1	Churches and other religious institutions including housing for religious personnel that operate, administer, or manage the facility.	--	S	S	S	--	--
2	Common use lots.	S	S	S	S	S	S
3	Public facilities not otherwise addressed in this Table including cemeteries, parks, state-accredited schools, libraries, municipal offices, and similar uses and activities including administrative buildings.	S	S	S	S	S	S
4	Private cemeteries.	--	S	S	--	--	--
5	Solar energy systems (SES), Large. ⁶	_6	S ⁶	_6	_6	_6	_6
6	Utility substations and similar utility facilities including shelters for service equipment and maintenance depots.	S	S	S	S	S	S
7	Commercial wind energy conversion facilities (Commercial WECF).	--	S	--	--	--	--

Table 10-2 Continued Next Page. See End of Table for Footnotes.

Footnotes for Table 10-2:

1. Irrespective of the labeling of a cell in this table, the following are classified as a Use Permitted by Right (BR):
 - a. Any permitted use that is owned and operated by Deerfield Township.
2. In the case where a proposed use may be construed as both a Use Permitted by Right (BR) and a Special Land Use (S), the use shall be construed as a Special Land Use (S).
3. Golf courses and country clubs are prohibited in the P-1 District. Campgrounds are prohibited in the R-1, R-2, and R-3 Districts.
4. Two-family dwellings are prohibited in the R-2 District in plats recorded prior to the effective date of the Amendment Ordinance establishing this restriction, being February 15, 2022.
5. See Sec. 17.28 for terms and definitions pertaining to wireless communication facilities, and the authorization of Class One wireless communication facilities as accessory uses.
6. See Sec. 17.30 for terms and definitions pertaining to solar energy systems (SES) and the allowance of Small and Medium SES as accessory uses.

End of Table 10-2

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**Table 10-3
PERMITTED PRINCIPAL
R-MF, R-MHC, B-1 and I-1 DISTRICTS¹**

See Sec. 19.11 regarding accessory uses, buildings, and structures.

BR = Use Permitted by Right¹ S = Special Land Use¹ – = Prohibited Use

PRINCIPAL USES		ZONING DISTRICTS			
		R-MF	R-MHC	B-1	I-1
Uses of a Primarily Agricultural, Outdoor Recreation, or Natural Resource Based Character¹					
1	Extraction operations.	S	S	S	S
Uses of a Primarily Residential Character^{1,2}					
1	Assisted living facilities, convalescent homes and hospice care facilities.	BR	–	–	–
2	Dwellings when fully located on a second or third story above a business.	–	–	BR	–
3	Manufactured housing communities.	–	BR	–	–
4	Multiple family dwellings.	BR	–	–	–
Uses of a Primarily Commercial or Business Character¹					
1	Adult entertainment businesses.	–	–	S	–
2	Any generally recognized retail business that supplies commodities on the premises including, but not limited to, groceries, drugs, liquor, furniture, clothing, dry goods, books, flowers, jewelry, garden supplies, nursery stock, and hardware, but excluding sexually oriented businesses.	–	–	BR	–
3	Banquet hall.	–	–	S	–
4	Building material sales including lumber and incidental millwork, the sale of soil, mulch, sand, stone, and similar materials, and construction equipment.	–	–	S	BR
5	Centralized laundry services generally not open to the public.	–	–	–	S
6	Day care center.	S	S	S	–
7	Commercial recreation of an indoor character including theaters, bowling alleys, skating rinks, shooting ranges, arcades, and similar uses.	–	–	S	–
8	Commercial recreation constituting an outdoor recreation center.	–	–	S	–
9	Contractor's yard.	–	–	–	BR
10	Equipment rentals including party supplies and construction equipment but excluding vehicles.	–	–	–	BR
11	Funeral homes and mortuaries.	–	–	S	–
12	Health clubs and spas.	–	–	S	–
13	Hospitals.	–	–	S	–
14	Hotels, motels, and conference centers.	–	–	S	–
15	Lumber mill.	–	–	–	BR
16	Medical clinics.	–	–	BR	–
17	Mini-storage.	–	–	S	BR
18	Mobile and modular home sales.	–	–	–	–
19	Offices and showrooms of plumbers, electricians, decorators, or similar trades with no more than twenty-five (25) percent of the floor area of the building or part of the building occupied by said establishment to be used for making, assembling, remodeling, repairing, altering, or refinishing its products or merchandise, and provided that the ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices, or display.	–	–	S	–
20	Offices and showrooms of plumbers, electricians, decorators, and similar trades, with more than 25% of the floor area of the building or part of the building occupied by said establishment to be used for making, assembling, remodeling, repairing, altering, finishing, or refinishing its products.	–	–	–	BR
21	Offices which perform professional services on the premises such as accountants, doctors, lawyers, insurers, financial institutions, consultants, architects, real estate, artist offices and galleries, and similar office uses.	–	–	BR	–
22	Offices of an executive, administrative, clerical, and similar character, in which the principal function of the office does not entail on-site visits by customers.	–	–	BR	–

Table 10-3 Continued Next Page. See End of Table for Footnotes.

(Table 10-3 continued)

BR = Use Permitted by Right¹ S= Special Land Use¹ – = Prohibited Use

PRINCIPAL USES		ZONING DISTRICTS			
		R-MF	R-MHC	B-1	I-1
Uses of a Primarily Commercial or Business Character¹ <i>(continued)</i>					
23	Open air businesses devoted to the display and sale of automobile, truck, and boat sales; nursery and landscape supplies; lawn furniture; farm equipment; playground equipment; and similar outdoor businesses.	-	-	S	-
24	Personal service establishments that perform services on or off the premises such as appliance and similar equipment service and repair, shoe repair, upholstery repair, hair salons, photographic studios, laundry and dry cleaners, plumbing and electrical services, printing and reproduction, pet groomers, packaging and mailing/delivery services, and similar services.	-	-	BR	-
25	Restaurants classified as "standard," "delivery service," and "take-out."	-	-	BR ²	-
26	Restaurants classified as "drive-through," "drive-in" and "food truck."	-	-	S	-
27	Retail and wholesale sale of trees, shrubs, flowers, and other plant material.	-	-	-	-
28	Sale, rental, service, and repair of new or used cars, boats, mobile homes, farm machinery, and other vehicles and items intended for tow.	-	-	S	BR
29	Vehicle / car wash.	-	-	S	-
30	Vehicle repair shop.	-	-	S	S
31	Vehicle service station.	-	-	S	-
32	Veterinary clinic.	-	-	BR	-
33	Vehicle, trailer, and watercraft service, repair, and storage.	-	-	-	S
Uses of a Primarily Industrial Character¹					
1	Assembly of electrical appliances, electronic instruments and devices, including the manufacture of small parts such as computer parts.	-	-	-	BR
2	Concrete forms production.	-	-	-	BR
3	Dry cleaning facilities of a retail nature, open to the public.	-	-	BR	-
4	Dry cleaning facilities of a centralized nature, not generally open to the public.	-	-	-	S
5	Junkyards and salvage yards.	-	-	-	S
6	Manufacturing, compounding, assembling, treatment, and packaging of articles or merchandise from the following previously prepared materials: bone, cellophane, fur, glass, canvas, cork, felt, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood, sheet metal, wax, wire, and paint not requiring a boiling process. "Previously prepared materials" are materials processed, manufactured or created at another location and transported to the parcel in this District for assembly into new products.	-	-	-	BR
7	Manufacturing, compounding, processing, treatment, fabrication, or packaging of such products as perfumes, pharmaceuticals excluding marijuana, toiletries, ceramics, clothing, jewelry, instruments, optical goods, hardware, and food products except fish, meat, fowl, vegetables, vinegar, and yeast.	-	-	-	S
8	Manufacturing of machine parts.	-	-	-	S
9	Monument and art stone production and sales.	-	-	-	S
10	Plastic molding, forming, and extrusion.	-	-	-	BR
11	Printing, lithography and similar reproduction processes, and publishing.	-	-	-	S
12	Production, processing, or testing utilized in product prototyping.	-	-	-	BR
13	Research and testing laboratories.	-	-	-	BR
14	Sheet metal fabrication.	-	-	-	BR
15	Tool and die manufacturing.	-	-	-	BR
16	Warehousing, storage/ transfer establishments, and truck terminals.	-	-	-	S

Table 10-3 Continued Next Page. See End of Table for Footnotes.

(Table 10-3 continued)

BR = Use Permitted by Right¹ S= Special Land Use¹ – = Prohibited Use

PRINCIPAL USES		ZONING DISTRICTS			
		R-MF	R-MHC	B-1	I-1
Other Uses Not Listed Above¹					
1	Clubs.	–	–	S	–
2	Common use lots.	S	S	S	–
3	Utility substations and similar utility facilities including shelters for service equipment and maintenance depots.	–	–	S	S

Footnotes for Table 10-3

1. Exceptions and Interpretations:
 - a. Irrespective of the particular labeling of a cell in this table, the following are classified as a Special Land Use:
 - 1) Any use in the B-1 or I-1 District that exceeds a single building of 20,000 sq. ft. in gross floor area in any one (1) building, or exceeds 40,000 sq. ft. in gross floor area among two (2) or more buildings, excluding farm and residential buildings.
 - 2) Any use that serves, provides, permits, or makes available alcohol for consumption on the same lot.
 - 3) The provision of services or products to customers within their vehicle, and which are commonly described as drive-in or drive-through service.
 - b. Irrespective of the labeling of a cell in this table, any permitted use that is owned and operated by Deerfield Township is classified as a Use Permitted by Right (BR).
 - c. In the case where a proposed use may be construed as both a Use Permitted by Right (BR) and a Special Land Use (S), the use shall be construed as a Special Land Use (S).
2. Outdoor areas associated with a restaurant that are used or intended to be used for eating, drinking, sporting activities and/or other gathering of persons, are permitted by special land use only when such outdoor areas exceed one thousand (1,000) square feet in area or otherwise permit more than forty (40) persons to occupy such area.

End of Table 10-3

(Ord. 112-34, 8-10-23)

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Table 10-4
SITE DEVELOPMENT REQUIREMENTS
for “USES PERMITTED BY RIGHT” and “SPECIAL LAND USES”

All principal land uses and principal buildings shall comply with the site development requirements of Table 10-4 unless otherwise specified by this Ordinance.

See Section 10.08 regarding the R-MHC Manufactured Housing Community District

See Section 19.11 regarding development standards for accessory buildings and structures.

Zoning District	Minimum Lot Area	Minimum Lot Width	Maximum Building Height		Minimum Yard Setback			Maximum Lot Coverage	Minimum Dwelling Floor Area
			Stories	Feet	Front	Side	Rear		
P-1: Natural Resource Protection	20 acres ²	600 ft. ³	2 1/2	35 ft. ⁴	50 ft. ^{5,8}	20 ft. ^{6,8}	20 ft. ^{7,8}	5% ⁹	1,200 sq. ft. ¹⁰
A-1: General Agriculture	20 acres. ²	600 ft. ³	2 1/2	35 ft. ⁴	50 ft. ^{5,8}	20 ft. ^{6,8}	20 ft. ^{7,8}	10% ⁹	1060 sq. ft. ¹⁰
A-2: Small Farms/10	10 acres ²	330 ft. ³	2 1/2	35 ft. ⁴	50 ft. ^{5,8}	20 ft. ^{6,8}	20 ft. ^{7,8}	10% ⁹	1,200 sq. ft. ¹⁰
A-3: Small Farms/5	5 acres ²	330 ft. ³	2 1/2	35 ft. ⁴	50 ft. ^{5,8}	20 ft. ^{6,8}	20 ft. ^{7,8}	10% ⁹	1,200 sq. ft. ¹⁰
A-4: Small Farms/2	2 acres ²	200 ft. ³	2 1/2	35 ft. ⁴	50 ft. ^{5,8}	20 ft. ^{6,8}	20 ft. ^{7,8}	15% ⁹	1,200 sq. ft. ¹⁰
R-1: Low Density Residential	40,000 to 65,000 sq. ft. ²	100 ft. to 250 ft. ³	2 1/2	35 ft. ⁴	40 ft. ^{5,8}	20 ft. ^{6,8}	20 ft. ^{7,8}	25% ⁹	1,200 sq. ft. ¹⁰
R-2: Medium Density Residential	15,000 to 40,000 sq. ft. ²	50 ft. to 100 ft. ³	2 1/2	35 ft. ⁴	35 ft. ^{5,8}	6 ft. to 15 ft. ^{6,8}	20 ft. ^{7,8}	25% to 40% ⁹	1,200 sq. ft. ¹⁰
R-3 High Density Residential	7,000 to 40,000 sq. ft. ²	50 ft. to 150 ft. ³	2 1/2	35 ft. ⁴	25 ft. ^{5,8}	10 ft. ^{6,8}	20 ft. ^{7,8}	35% ⁹	1,200 sq. ft. ¹⁰
R-MF: Multiple Family Residential	1 acre ²	150 ft. ³	NA	35 ft. ⁴	40 ft. ^{5,8}	25 ft. ^{6,8}	25 ft. ^{7,8}	40%	750 sq. ft. ¹⁰
B-1: Local Business	1 acre ²	200 ft. ³	2	30 ft. ⁴	50 ft. ^{5,8}	20 ft. ^{6,8}	20 ft. ^{7,8}	50%	Not Applicable
I-1: Light Industrial	1 acre ²	200 ft. ³	2	30 ft. ⁴	50 ft. ^{5,8}	20 ft. ^{6,8}	20 ft. ^{7,8}	50%	Not Applicable

See table footnotes on next page.

Footnotes for Table 10-4

- 1. Other Standards and Regulations:** All uses shall comply with the site development requirements of Table 10-4 unless specified otherwise by this Ordinance. See also Article 17 - Requirements and Standards for Specific Land Uses, Article 19 - General Provisions, Article 20 - Access, Private Roads and Shared Driveways, Article 21 - Signs, Article 22 - Off-Street Parking and Loading, Article 23 - Landscaping and Screening, Article 24 - Environmental Standards, and other Articles as applicable.
- 2. Minimum Lot Area:** All lots shall conform to the following configuration requirements:
 - a. General: See Article 18 regarding opportunities for small lot areas or higher density development options as part of a Rural Open Space Option development.
 - b. A-1 District: A parcel of no less than 2 acres may be created for each 40 acres contained in the parcel to be divided, provided the total number of such parcels shall not exceed 6. The phrase "parcel to be divided" shall be construed to mean a single parcel or two or more parcels that share a common property line and common ownership, excluding a road right-of-way line or easement, of 40 acres or more. The 40 acres or any portion of the 40 acres that served or serves as the basis for the creation of a parcel of no less than 2 acres shall not be the basis for the creation of any subsequent parcel of no less than 2 acres, irrespective of how such 40 acres may have been divided since the effective date of this Ordinance.
 - c. R-1 District: Minimum lot width shall be 40,000 sq. ft. except 65,000 sq. ft. for two-family dwellings, provided that where public sewer is available, the minimum lot area shall be 30,000 sq. ft. except that there shall be a minimum of 40,000 sq. ft. for two-family dwellings.
 - d. R-2 District: Minimum lot area shall be 15,000 sq. ft. with public sewer, 40,000 sq. ft. otherwise.
 - e. R-3 District: Minimum lot area shall be 40,000 sq. ft. except 50,000 sq. ft. for two-family dwellings, provided that where public sewer is available, the minimum lot area shall be 7,000 sq. ft. except that there shall be a minimum of 10,000 sq. ft. for two family dwellings.
- 3. Minimum Lot Width, Frontage, and Configuration:** All lots shall conform to the following configuration requirements:
 - a. Depth to Width Ratio: The depth of a lot shall not exceed 4 times its width.
 - b. Lot Width and Frontage: The minimum lot width standard of Table 10-4 shall extend a minimum distance from the front lot line to the required building setback line. The minimum length of the frontage shall be at least the minimum required lot width of the District in which the lot is located and shall be measured at the front lot line or, in the case of a lakefront lot, along the front and rear lot line. In the case of a through lot, the minimum frontage standard shall apply to all lot lines abutting a road right-of-way or easement. See Footnote 3(c) for exceptions to minimum lot width and frontage standards.
 - 1). R-1 District: Minimum lot width shall be 100 feet except that the minimum lot width shall be 130 feet for two-family dwellings, provided that any lot that gains direct access to a minor or major thoroughfare shall have a minimum lot width of 250 feet.
 - 2) R-3 District: Minimum lot width shall be 100 feet except that the minimum width shall be 110 feet for two-family dwellings, provided that where public sewer is available, the minimum width shall be 50 feet except that the minimum width for a two-family dwelling shall be 65 feet. In no case shall a lot that gains direct access to a minor or major thoroughfare have a minimum width of less than 150 feet.
 - c. Lot Width and Frontage Reductions: The lot width and frontage of a lot may be reduced below the minimum requirements of the District in which the lot is located at the terminus of the access way or where the front lot line of such lot abuts a curvilinear segment of a road, including a cul-de-sac, where without such reduction, such lots would be unnecessarily excessive in lot width or lot area. Any frontage reduction shall provide for a minimum of 66 feet of frontage and the minimum front yard setback shall be extended to the line at which there is compliance with the lot width standard of Table 10-4.
- 4. Height Exceptions:**
 - a. Agricultural Buildings: Maximum height for farm buildings is 150 feet.
 - b. Other: The following height exemptions apply except where otherwise regulated by this Ordinance, provided no portion of the building or structure exceeding the District's height limitation may be used for human occupancy, the exemption shall conform to all rules and regulations of the Federal Communications Commission and Civil Aeronautics Administration, and the site plan approving body finds the exemption shall not undermine the character, use and enjoyment of nearby properties:
 - 1) Those features that are principally ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles, and monuments, provided such features occupy an area no

more than 10% of the structure's gross floor area of its upper most story.

- 2) Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, elevator and stairwell structures, ventilators, and transmission structures, but not to exceed 100 feet in height above the ground surface below.
- 3) Public utility structures.

5. Front Yard Setback

- a. Lakes, Ponds and Streams: A minimum setback of 50 feet shall be maintained between a principal building or structure and the ordinary high water mark of a lake, pond, or stream.
- b. R-MF District: The minimum front yard setback shall be 40 feet, except that the setback shall be increased to 75 feet along those portions of the front yard that are adjacent to a different Residential District except the R-3 District.

6. Side Yard Setbacks

- a. All Districts: For a corner lot, the minimum required side yard setback shall equal the minimum required front yard setback for the side yard abutting a road right-of-way/easement, except where a lesser or greater setback is otherwise permitted or required by subsection (b) or (c) or elsewhere in this Ordinance.
- b. R-2 District: The minimum side yard setback shall be equal to 10% of the lot's continuous road frontage but in no case shall such setback be less than 6 feet and need not be greater than 15 feet.
- c. R-MF District: The minimum side yard setback shall be 25 feet, except that the setback shall be increased to 50 feet along those portions of the side yard that are adjacent to a different Residential District except the R-3 District.
- d. B-1 and I-1 Districts: The minimum side yard setback shall be increased to 40 feet where a side yard abuts a Public Resources, Agriculture, or Residential District. The required 20-foot side yard setback shall not apply in the case of shared-wall construction.

7. Rear Yard Setbacks

- a. Lakes, Ponds and Streams: A minimum setback of 50 feet shall be maintained between a principal building or structure and the ordinary high water mark of a lake, pond, or stream.
- b. R-MF District: The minimum rear yard setback shall be 25 feet, except that the setback shall be increased to 50 feet along those portions of the side yard that are adjacent to a different Residential District except the R-3 District.

8. Additional Setback Provisions: The following setback provisions apply in addition to Footnotes 5, 6 and 7:

- a. Waterfront Setback: In no case shall a building be located closer than 50 feet from the ordinary high water mark of a year-round water body including lake, pond, river, or stream.
- b. Exceptions for Architectural Features and Platforms
 - 1) Cornices, eaves, gutters, chimneys, bay windows, pilasters, and similar architectural features shall not project more than 3 feet into the required front and rear setback, and 5 feet into the required rear yard setback. In no case shall such architectural features that extend into the otherwise required setback cumulatively exceed more than 30% of the length of the side of a building from which they extend, provided this restriction shall not prohibit roof overhangs of no greater than 2 feet along portions of or the entire perimeter of the roof. In no case shall a roof overhang extend from a permitted projection to result in the roof extending more than 3 feet into the normally required front and rear setback and 5 feet into the normally required rear yard setback.
 - 2) A raised unroofed and unenclosed platform in front of an exterior door or otherwise adjacent to a building wall, which extends from the building's principal foundation wall or footing, and the walking surface is no greater than 2 feet in height above the ground below, shall be set back from all lot lines a minimum distance of 5 feet. Such platforms in excess of 2 feet in height shall comply with the same setback requirements applicable to the building. A balcony shall project no more than 5 feet into the required building setback.
- c. Fire Escapes and Outside Stairways: Unenclosed fire escapes and outside stairways may project into a required side or rear yard a maximum of 4 feet.
- d. Barrier Free Access: Physical structures relating to barrier free access, such as ramps, shall not be required to comply with setback requirements provided such structures are designed to comply with the normally required setback to the greatest extent practical.

9. Lot Coverage

- a. All Districts Except R-2 District: Maximum lot coverage shall be as delineated in Table 10-4 but need not be less than 2,000 sq. ft.
- b. R-2 District: Maximum lot coverage shall be according to the following table based on the area of the lot.

Lot Area	Maximum Lot Coverage
5,000 sq. ft. or less.	40%
5,001 sq. ft. to 10,000 sq. ft.	35% or 2,000 sq. ft., whichever is greater.
10,001 sq. ft. to 20,000 sq. ft.	30% or 3,500 sq. ft., whichever is greater.
20,001 sq. ft. or more.	25% or 6,000 sq. ft., whichever is greater.

10. Minimum Dwelling Floor Area: Except as provided below, the minimum dwelling floor area shall be 1,200 sq. ft. provided that a minimum of 900 sq. ft. of floor area is contained on the first story of a multi-story dwelling:

- a. A-1 District: Minimum floor area shall be 960 sq. ft. provided that in the case of a multi-story dwelling, the dwelling foundation at ground level shall encompass a minimum area of 900 sq. ft.
- b. R-MF District: Minimum floor area shall be 400 square feet for units comprised of a single room in addition to a restroom and kitchen, commonly referred to as an efficiency unit. All other dwelling units shall have a minimum of 750 sq. ft. plus an additional 100 sq. ft. for each bedroom in excess of the first bedroom

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End of Article 10

(Ord. 112-11, 8-10-06; Ord. 112-17, 6-9-11; Ord. 112-19, 2-13-14; Ord. 112-27, 4-12-18; Ord. 112-31, 1-14-21, Ord. 112-32, 1-13-22; Ord. 112-34, 8-10-23)

Article 11
(Reserved For Future Use)

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End of Article 11

(Ord. 112-1, 1-08-04; Ord. 112-13, 2-8-07; Ord. 112-14, 1-10-08; Ord. 112-22, 2-11-16, Ord. 112-32, 1-13-22)

Article 12
(Reserved For Future Use)

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End of Article 12

(Ord. 112-30, 11-12-20; 112-31, 1-14-21; Ord. 112-32, 1-13-22)

Article 13
(Reserved For Future Use)

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End of Article 13

(Ord. 112-1, 1-08-04; Ord. 112-2, 9-9-04; Ord. 112-13, 2-8-07; Ord. 112-22, 2-11-16; Ord. 112-31, 1-14-21, Ord. 112-32, 1-13-22)

Article 14
(Reserved For Future Use)

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End of Article 14

(Ord. 112-1, 1-08-04; Ord. 112-7, 4-13-06; Ord. 112-22, 2-11-16; Ord. 112-32, 1-13-22)

Article 15
(Reserved For Future Use)

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End of Article 15

(Ord. 112-2, 9-9-04, fully redrafted Article 15; Ord. 112-22, 2-11-16; Ord. 112-32, 1-13-22)

Article 16
(Reserved For Future Use)

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End of Article 16

Article 17

REQUIREMENTS and STANDARDS for SPECIFIC LAND USES

Section 17.01 PURPOSE and APPLICABILITY

A. Purpose: The purpose of this Article is to establish standards and regulations in association with certain land uses to ensure such uses minimize negative impacts upon adjacent land uses and the Township as a whole, and encourage orderly development in coordination with surrounding conditions and in the development site itself. Where deemed beneficial to provide greater clarification of the purpose or character of regulations presented in this Article, some Sections are accompanied by a further defined “purpose” statement.

B. Applicability:

1. Unless otherwise specified, each use addressed in this Article shall be subject to all setback, lot area and other standards of the District in which the use is located.
2. Where this Article establishes a standard more stringent than that required elsewhere in this Ordinance, including the site development standards of each District and Table 10-1 of Article 10, the standard of this Article shall apply.
3. Any requirements of this Article regarding application submittal data, plans and drawings shall be in addition to the data requirements of Article 4, Site Plan Review.
4. Compliance with the standards in this Article does not relieve the owner or operator of a permitted use from complying with requirements and standards of other ordinances and county, state and federal laws and rules promulgated under such laws.

(Ord. 112-22, 2-11-16)

Section 17.02 ADULT FOSTER CARE FACILITY, LARGE GROUP HOME

A. The following site and developmental requirements shall apply:

1. A state licensed adult foster care group home shall not be located within fifteen hundred (1,500) feet of another similar state licensed facility.

B. Special Performance Standards:

1. Adult foster care home property, including landscape and structural elements, shall be maintained in a manner that is consistent with the residential character of the neighborhood.
2. Adult foster care group homes shall provide a loading/unloading area of adequate dimensions near a barrier-free entrance to the facility, and provide a loading/unloading area of adequate dimensions for delivery vehicles servicing the facility.

Section 17.03 PRIVATE LANDING STRIPS

A. The following site and developmental requirements shall apply:

1. Landing strips shall be situated on a parcel of at least twenty (20) acres in size
2. The landing strip shall be a minimum of one thousand two hundred feet in length and shall be free of obstructions for a minimum distance of fifty (50) feet to both sides of the landing strip, as measured from the centerline of the landing strip, and for a distance at the end of the landing strip to allow a clear approach slope of 20:1. The ends of a landing strip shall be a minimum of seven hundred (700) feet from a property line.

B. Special Performance Standards:

1. The private landing strip shall not be operated for commercial gain or in any way involve the payment of fees.
2. Approval of landing strips shall not be made prior to the submittal by the applicant of the Federal Aviation Authority's review of the proposed landing strip.

Section 17.04 SERVICE STATIONS and AUTOMOBILE REPAIR SHOPS

A. The following site and developmental requirements shall apply:

1. For facilities with new underground storage tanks, all tanks, pumps, and piping shall be a minimum of three hundred (300) feet from any residential well and two thousand (2,000) feet from any public water well.
2. Ingress and egress to the facility shall be only from a paved major thoroughfare, or from a shared access drive to such roadway.
3. No more than two (2) driveways shall be permitted and no driveway shall be located closer than fifty (50) feet from the right-of-way of an intersecting street, measured from the closest edge of the driveway to the right-of-way. Driveway width shall not exceed thirty (30) feet at the lot line.
4. The site shall be no less than two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church or other institution. Measurement shall be the closest distance between exterior lot lines.
5. All fuel pumps shall be located not less than one hundred (100) feet from any residential lot line and twenty (20) feet from all other lot lines, and shall be arranged so that motor vehicles using them will not be parked on or overhang any public sidewalk or street right-of-way.
6. The entire area used for vehicle service shall be hard-surfaced and adequately drained.

B. Special Performance Standards:

1. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure. All activities except those traditionally carried on adjacent to a fueling pump shall occur within a completely enclosed structure.
2. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall be limited to a period of not more than thirty (30) days and then only for the purpose of temporary storage pending transfer to another facility. Such storage shall not occur in front of the building.
3. A car wash may be established as part of the principal structure or as a separate structure but shall conform to all setback requirements for a principal structure.
4. All storage of fuels and other hazardous substances shall comply with all county, state, and federal regulations, including provisions for secondary containment.

Section 17.05 BED and BREAKFAST

A. The following site and developmental requirements shall apply:

1. No bed and breakfast use shall be permitted within a platted subdivision or condominium development, or on any property where there exists more than one (1) other bed and breakfast use within one thousand (1000) feet, measured between the closest lot lines.
2. One (1) parking space per room to be rented shall be provided on site, in addition to the parking required for a single family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.

B Special Performance Standards:

1. The bed and breakfast facility must be a single family dwelling which is operated and occupied by the owner of the dwelling. The bed and breakfast facility may have up to six (6) bedrooms used for transient guests for compensation and by prearrangement. Meals may be served to overnight guests only. Meals shall not be served to the public at large.
2. The applicant shall provide a scaled floor plan of the premise as part of the special land use application.
3. The exterior appearance of the structure shall not be altered from its single family character.
4. Retail sales are not permitted beyond those activities serving overnight patrons.
5. No receptions, private parties or activities for which a fee is paid shall be permitted.
6. The establishment shall contain at least two (2) exits to the outdoors.
7. No guest room shall be located in a basement or cellar unless that guest room is provided direct access to the outside by way of a door.
8. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) year.
9. Lavatories and bathing facilities shall be available to all persons using the premises.
10. No separate or additional kitchen facilities shall be provided to the guests.

Section 17.06 CEMETERIES

A. The following site and developmental requirements shall apply:

1. No more than five percent (5%) of the site area may be occupied by buildings.
2. All burial plots and all structures shall be set back no less than thirty (30) feet from any lot line or street right-of-way
3. Parking shall be provided on the site, at least fifty (50) feet from any lot line, and no cemetery parking shall be permitted on any public street.

B. Special Performance Standards: All facilities for the ground burial area of the site shall be designed and constructed in accordance with the requirements of the Livingston County Health Department and the State of Michigan.

Section 17.07 Equestrian Centers

A. The following site and developmental requirements shall apply:

1. Equestrian centers shall not be located in platted subdivisions or condominium subdivisions unless such subdivisions are specifically designed for such a facility.
2. The keeping of horses shall comply with Section 19.10.

B. Special Performance Standards:

1. All equestrian centers shall be operated in conformance with all applicable county, state and federal regulations.
2. The facility shall be constructed and maintained so that dust and drainage from the stable will not create a nuisance or hazard to adjoining property or uses.
3. Manure piles shall be stored, removed, and/or applied in accordance with Michigan Department of Agriculture and County Health Department regulations.
4. Enclosed riding arenas associated with equestrian centers shall not exceed fifteen thousand (15,000) square feet in gross floor area.
5. No living quarters shall be located in any arena building.
6. Special events for which a fee is paid, such as shows, exhibitions, and contests shall only be permitted after a temporary Land Use Permit has been secured.
7. The Planning Commission may limit the number of horses and prescribe the manner of keeping the animals as necessary to prevent offensive odors, the pollution of water supplies, and/or the spread of infectious disease.

(Ord. 112-32, 1-13-22)

Section 17.08 DRIVE-IN ESTABLISHMENTS

A. The following site and developmental requirements shall apply:

1. All egress and ingress to the site shall be from a paved minor or major thoroughfare.

B. Special Performance Standards:

1. No drive shall be closer than seventy-five (75) feet to any other drive and the maximum number of driveways permitted is two (2).
2. Vehicular circulation patterns into and out of such businesses shall be located and designed to minimize disruption of and conflicts with through traffic movement on abutting streets.
3. Adequate area shall be provided for the stacking of cars on the property to assure no cars overhang into or remain in a road right-of-way awaiting entry into the site.

Section 17.09 CHURCHES and RELIGIOUS INSTITUTIONS

A. The following site and developmental requirements shall apply:

1. The site shall be at least two (2) acres in size.
2. All ingress and egress for the site shall be from a paved major or minor thoroughfare.
3. No more than twenty-five (25) percent of the site area shall be covered by buildings. No more than sixty percent (60%) of the site shall be covered by impervious surface
4. No building shall be closer than twenty (20) feet from any lot line or right-of-way.
5. No building shall be erected to a height greater than that permitted in the district in which it is located unless the building is set back an additional one (1) foot for each one (1) foot of additional height above the district height limitation. A spire is excluded. No building shall exceed fifty (50) feet in height.

B. Special Performance Standards:

1. Use of the structure shall not result in accrual of distributable profits, realization of private gain resulting from payment or compensation in excess of a reasonable and customary allowance for salary or other compensation for services rendered, or realization of any other form of private gain.
2. No day care center, private school, or other use requiring Special Approval shall be allowed without a separately approved Land Use Permit for each use.

Section 17.10 GROUP HOME DAY CARE FACILITIES

A. The following site and developmental requirements shall apply:

1. A group day care home shall not be located closer than one thousand five hundred (1,500) feet to any of the following facilities as measured along a street, road, or other public thoroughfare, excluding an alley:
 - a. Another licensed group day care home.
 - b. An adult foster care large group home licensed by the State of Michigan.
 - c. A facility offering substance abuse treatment and rehabilitation services to seven (7) or more people which is licensed by the State of Michigan.
 - d. A community correction center, resident home, halfway house or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

B. Special Performance Standards:

1. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high, to adequately prohibit children from leaving the play area.
2. The property, including landscape and structural elements, shall be maintained in a manner that is consistent with the character of the neighborhood. A group day care home should not require exterior modifications to the dwelling nor should the front yard be the location of play equipment, except on a corner lot.
3. One identification sign shall be permitted. Such sign face shall not be greater than two (2) square feet, shall be mounted flush to a wall, made of a material that is compatible with the dwelling unit, and shall not be illuminated. Sign text shall be limited to the name of the facility and an address.
4. At least one (1) off-street parking space shall be provided for each non-family employee of the group day care home in addition to the parking normally required for the residence. A driveway may be used for this purpose. An off-street drop-off area is to be provided with the capability to accommodate at least two (2) automobiles in addition to the parking required for non-family employees of the dwelling and the parking normally required for the residence.
5. Hours of operation shall not exceed sixteen (16) hours in a twenty-four (24) hour period.

Section 17.11 VETERINARIAN CLINICS

A. The following site and developmental requirements shall apply:

1. Buildings where animals are kept, dogruns, paddocks, and/or exercise areas shall not be located nearer than one hundred feet (100) to any adjacent lot line in a residential zoning district, or to any adjacent building used by the general public, and shall not be located in any required yard.

B. Special Performance Standards:

1. Uses permitted include medical treatment, retail sales of animal care products, and boarding of animals under care.
2. All activities, except exercise or dogrun areas for dogs or paddocks associated with the keeping of large animals such as horses and cattle, shall be conducted within a totally enclosed building. There shall be no storage or boarding of dogs outside of the fully enclosed building.
3. No animals shall be permitted in outdoor exercise or run areas between the hours of 10:00 p.m. and 7:00 a.m.
4. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.
5. No boarding other than for animals receiving medical treatment shall be permitted, except where Special Approval has been granted.

Section 17.12 KENNELS

A. The following site and developmental requirements shall apply:

1. The lot shall be at least ten (10) acres in size and have a minimum road frontage of three hundred thirty (330) feet.
2. Kennels may not be located in a platted subdivision or condominium subdivision.
3. Buildings where animals are kept, runs, and exercise areas shall not be located nearer than two hundred (200) feet to a public right-of-way or one hundred (100) feet to any adjacent lot line in a residential district or any adjacent building used by the general public. Runs and/or exercise areas, and buildings where the animals are maintained, shall be located in the rear yard only.

B. Special Performance Standards:

1. The premises shall be kept in a clean and sanitary manner to prevent the accumulation of flies, the spread of disease or offensive odor. Boarding areas shall have concrete surfaces suitable for cleaning by high-pressure hot water or steam and shall be connected to an approved sewage disposal system. Dust and drainage from kennel enclosures shall not create a nuisance or hazard to adjoining property or uses.
2. All animals must be licensed and maintained in a healthful and careful manner.
3. The main kennel building used to house the animals shall be insulated in such a manner that animal noises are minimized. Habitual barking or unusual noise from the kennel which results in a nuisance to neighboring land owners or residents is prohibited.
4. Exercise yards, when provided for training or exercising, shall not be used between the hours of 10:00 p.m. and 7:00 a.m.
5. Animals shall be kept confined and not allowed to run at large on the property, except as part of supervised training.
6. The outside perimeter of the run and/or exercise area shall be enclosed by a minimum six (6) foot high chain link or cyclone fence or otherwise completely covered on sides and top to prohibit the escape of animals.

Section 17.13 MINI STORAGE FACILITIES

A. The following site and developmental requirements shall apply:

1. The minimum lot or parcel size for mini storage facilities shall be three (3) acres.
2. The facility shall have direct access to a paved major thoroughfare.
3. One (1) parking space shall be provided for each twenty (20) rental units, and one (1) parking space shall be provided for each employee.
4. There shall be a minimum of thirty five (35) feet (forty-five (45) feet if the driveway is two-way) between warehouses for driveway, parking, and fire lane purposes. Where no parking is provided within the building separation areas, said building separation need only be twenty five (25) feet. Traffic direction and parking shall be designated by signaling or painting.
5. The lot area used for parking and access shall be provided with a permanent, durable, dustless surface and drained so as to dispose of all surface water.

B. Special Performance Standards:

1. No retail, wholesale, fabrication, manufacturing, or service activities may be conducted from the storage units by the lessees.
2. Storage spaces shall not contain more than 400 square feet each.
3. No operation which requires the regular delivery or pick-up of goods in trucks in excess of a load capacity of three thousand (3,000) pounds shall be permitted.
4. All storage shall be within the enclosed building area. There shall be no outside storage or stockpiling except in the case of recreational vehicles or other licensed and operable vehicles, provided such vehicles are stored in a confined area and separated from other building storage areas.
5. No storage of hazardous, toxic, or explosive materials shall be permitted at the facility. Signs shall be posted at the facility describing such limitations.

Section 17.14 MOTELS

A. The following site and developmental requirements shall apply:

1. Ingress and egress to the motel shall be only from a paved major thoroughfare.

B. Special Performance Standards:

1. Provisions shall be made for safe and efficient egress and ingress to public streets and highways serving any development and shall be designed to minimize congestion and interference with normal traffic flow.
2. No guest shall establish permanent residence at the motel.

Section 17.15 AUTOMOBILE DEALERSHIPS and OPEN AIR BUSINESSES

A. The following site and developmental requirements shall apply:

1. All buildings and areas used for loading and unloading shall be set back a minimum of one hundred (100) feet from any lot line.
2. Ingress and egress to the facility shall be only from a major thoroughfare.
3. Storage yards associated with home and garden centers, lumber yards and nurseries shall be completely obscured from view from public streets.

B. Special Performance standards:

1. In the case of motor vehicle sales:
 - a. No vehicles which are unlicensed and/or inoperative shall be stored on the premises.
 - b. All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance, including tire replacement, adding oil and wiper replacement.
 - c. There shall be no test-driving of vehicles on local residential streets.
 - d. All areas subject to vehicular use shall be paved with a durable dust-free surface.
2. Storage or display of goods and materials, including motor vehicles, shall not occur in any required yard area.
3. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect on adjacent properties, water bodies, wetlands and drainage ways.

Section 17.16 RURAL OPEN SPACE OPTION (See Article 18)

Section 17.17 PUBLIC FACILITIES

A. The following site and developmental requirements shall apply:

1. No building or outdoor storage area shall be closer than fifty (50) feet to any property or street right-of-way line.
2. Facilities shall provide off-street parking and passenger loading areas at least twenty (20) feet from residential lot lines.
3. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.
4. All sports fields shall be a minimum of one hundred (100) feet from any lot line and two hundred (200) feet from any dwelling.

B. Special Performance Standards:

1. All buildings shall be harmonious in appearance with the surrounding area.

Section 17.18 SCHOOLS

A. The following site and developmental requirements shall apply:

1. Ingress and egress to the site shall be only from a paved minor or major thoroughfare.
2. The minimum lot or parcel size shall be five (5) acres.
3. No more than sixty (60) percent of the site shall be covered with impervious surface. The remainder shall be suitably landscaped.
4. Service areas and facilities, and outdoor recreation facilities, shall not be located within one hundred (100) feet of a residential use.
5. Student drop-off and vehicular turn-around facilities shall be provided on the site so that vehicles will not interfere with traffic.
6. No structure or parking area shall be closer than twenty (20) feet to any lot line or right-of-way.

Section 17.19 SHOOTING RANGES

A. The following site and developmental requirements shall apply:

1. Minimum lot area shall be forty (40) acres for outdoor shooting ranges.
2. Minimum front, side and rear yard setbacks shall be three hundred (300) feet.

B. Special Performance Standards:

1. All federal, state and county codes and ordinances in regard to firearms shall be strictly adhered to.
2. A site plan for the range, whether indoor or outdoor, shall be submitted to the Planning Commission clearly indicating all safety provisions to assure that any missile fired within the confines of a shooting range shall not carry into or over an adjacent property.

3. The operator shall have the County Sheriff review and comment on the site plan prior to submitting it to the Township Planning Commission.
4. Six (6) foot high fencing shall be provided around the entire area devoted to or used for the shooting of firearms to assure that individuals will not unknowingly trespass on the property.

Section 17.20 JUNKYARDS

A. The following site and developmental requirements shall apply:

1. The minimum lot or parcel size for junkyards shall be ten (10) acres.
2. Ingress and egress to the facility shall be only from a major thoroughfare. The Planning Commission may approve access to a minor thoroughfare if the Commission finds that such access point will further minimize impacts on other properties.
3. A solid fence, wall or earthen berm at least eight (8) feet in height, but no greater than twelve (12) feet in height, shall be provided around all sides of the area used to store junk to screen said site from surrounding property. Such fence, wall or berm shall be of sound construction, painted or otherwise finished neatly and inconspicuously. Fences and walls shall be of permanent finish and construction.
4. No portion of the enclosed area shall be located within five hundred (500) feet of schools, day care facilities, churches, hospitals, and convalescent or nursing homes.
5. All enclosed areas shall be set back at least one hundred (100) feet from any lot line and shall not be located within a front yard. Whenever the installation abuts land in a Public Resources, Agricultural, or Residential District, a grassed or similar buffer strip at least two hundred (200) feet in width shall be provided between the enclosed area and the adjoining district.
6. Adequate parking and unloading facilities shall be provided at the site so that no vehicle at any time stands on a public right-of-way awaiting entrance to the site.

B. Special Performance Standards:

1. All activities shall be confined within the enclosed area including any: storage of materials; stockpiling of materials; disassembly of materials, parts, and vehicles; and the storage or parking of all operative and inoperative vehicles. There shall be no stocking of material above the height of the fence, wall, or berm, except that moveable equipment used on the site may exceed that height. No equipment, material, signs, or lighting shall be used or stored outside the enclosed area.
2. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
3. All roads, driveways, parking lots, vehicle storage areas, and loading and unloading areas within any junk yard shall be paved. Adequate drainage shall be provided to collect contain oils, fuels, and other hazardous materials from seeping into the ground surface.
4. The operation shall be licensed by the Michigan Secretary of State to sell used vehicle parts or tow non-operational vehicles.
5. Any materials listed on the Michigan Critical Materials Register (gasoline and solvents) require secondary containment and a Pollution Incident Protection Plan filed with the Michigan Department of Environmental Quality.

Section 17.21 GOLF COURSES and COUNTRY CLUBS

A. The following site and developmental requirements shall apply:

1. The site shall be located on a minor or major thoroughfare.
2. All principal and accessory buildings shall be set back a minimum distance of seventy-five (75) feet from a front lot line and forty (40) feet from all other lot lines. All parking areas shall be set back at least forty (40) feet from all lot lines. This setback area shall be grassed or otherwise landscaped to minimize negative impacts upon abutting properties.

B. Special Performance Standards for Golf Courses and Country Clubs

1. Accessory uses may include; clubhouse/pro shop, managerial facilities, maintenance shed, toilets, lockers, standard restaurant and drinking establishments, tennis, racket sport, and swimming facilities.
2. The clubhouse design is to be of a residential character.
3. Major accessory uses such as a standard restaurant and bar shall be housed in a single building with the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures.
4. Additional parking is required for accessory uses that may be allowed.
5. All parking areas shall be surfaced or so treated as to prevent any dust nuisance.
6. The total lot area covered with principal and accessory buildings shall not exceed ten percent (10%).

7. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a one hundred (100) foot setback from all lot lines and be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties. In the consideration of golf driving ranges, additional buffering conditions necessary to minimize the impact of possible safety threats from projectiles upon adjacent land uses may be imposed by the Planning Commission.

Section 17.22 PUBLIC and PRIVATE CAMPGROUND

A. The following site and developmental requirements shall apply:

1. Minimum lot area shall be twenty (20) acres and minimum frontage shall be six hundred sixty (660) feet.
2. All campsites shall be setback a minimum of one hundred (100) feet from all lot lines. All common use areas intended for accommodating group recreation activities, such as playgrounds and sports fields, shall be set back a minimum of two hundred (200) feet from all lot lines.

B. Special Performance Standards

1. A common use area shall be provided in the parcel at a rate of five hundred (500) square feet per campsite.
2. There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development unless specifically permitted.
3. At least one public telephone shall be provided in the facility.
4. No more than one permanent dwelling shall be allowed in a campground and shall only be occupied by the owner, manager or an employee.
5. Each campsite shall have a picnic table and designated place for fires.
6. All campgrounds shall comply with all county, state, and federal regulations, and shall receive all necessary permits from the Michigan Department of Public Health.

(Ord. 112-14, 1-10-08)

Section 17.23 AGRICULTURAL LABOR HOUSING

A. The following site and developmental requirements shall apply:

1. No agricultural labor housing shall be established on any farm unless such farm includes at least one hundred twenty (120) acres, which may be contained in a single or contiguous farm parcels.
2. Mobile homes and recreational vehicles shall comply with all setback requirements for the principal dwelling, and in no case shall such mobile homes and recreational vehicles be located in the front yard of the principal dwelling.

B. Special Performance Standards

1. The special land use permit shall terminate at such time as the occupants of such mobile homes and/or recreational vehicles do not satisfy this Ordinance's definition for "agricultural labor housing."

(Ord. 112-17, 6-9-11)

Section 17.24 COMMON USE LOTS

A. Definitions: For the purposes of this Section, the following terms and phrases shall have the following meanings:

1. Boat: Any type of water craft or vessel used and or operated upon a lake. This definition shall also include amphibious craft capable of moving on land or in the air and floating in water.
2. Boat Launching: The placement of a boat in a lake by any means.
3. Commercial Marina: A facility for the secure mooring of boats, for use by the owner of the lot, and which is made available for use to non-owners of the lot for remuneration including, but not limited to rental fees and user fees. A marina may provide accessory services including boat service, repair, storage, and sales.
4. Common Use Lot: A lot, parcel, or condominium unit, with water frontage on a lake, which allows, has been created to allow, and/or is proposed to allow, the common use thereof by non-owners of the common use lot, multiple owners of the common use lot, non-riparian land owners, the public, members of an association, occupants of a campground, or by more than the residents of one single family dwelling unit or, in the case of a two family dwelling on such lot, parcel, or condominium unit, by more than the residents of such two family dwelling. The phrase "common use lot" shall apply to such lot, parcel or condominium unit irrespective of its creation or recordation date, or the date when such common use was initiated or permitted to be initiated, including in the case of a deed, grant, reservation, easement, covenant, or other recorded instrument.

5. Dock, Docked or Docking:
 - a) The mooring of a boat directly to a pier or structure, including but not limited to a platform, hoist, or other permanent or seasonal fixture or structure extending from the shore or place in the water off the shore, and directly accessible to water frontage; and
 - b) The regular anchoring of a boat adjacent to a water frontage; and
 - c) The placement or storage of a boat, temporarily or permanently, upon the shoreline or at the water frontage.
6. Lake: A body of water including but not necessarily limited to lakes of one acre or more in area with a water depth at any location of 24" or more, rivers, streams, and other watercourses, whether a natural body of water or artificially made.
7. Water Frontage: That portion of a lot, parcel, or condominium unit of land of record as documented by an instrument duly recorded within the Livingston County Register of Deeds, that abuts or intersects with the ordinary high water mark of a lake, irrespective of the nature or character of the ownership of such lot, parcel or condominium unit.

B. The following site and developmental requirements shall apply:

1. District Regulations: A common use lot shall comply with the regulations of the District in which it is located except as otherwise provided in this subsection (B).
2. Minimum Area: The minimum area of a common use lot shall be 40,000 square feet.
3. Minimum Water Frontage: The minimum water frontage of a common use lot, measured by a straight line which intersects each side lot line of the common use lot at the water's edge, shall be the greater of the following:
 - a. 120 feet; or
 - b. 60 feet of frontage for each dwelling unit or campground campsite served by the common use lot. For example purposes, a common use lot that serves four dwelling units shall have a minimum water frontage of 240 feet. Alterations to the shoreline shall not be a basis for increasing the calculated water frontage. In the case where the common use lot shall not be used for the docking or launching of motorized boats and/or is used as part of a campground, the Township Board may permit a lesser frontage than that of the 60 foot standard referenced above after finding that the proposed character and intensity of use complies with the provisions of Section 17.24(C).This subsection (3) shall not apply to common use lots used solely for the docking of boats. See Section 17.24(B)(7) below.
4. Minimum Road Frontage: The minimum road frontage of a common use lot shall be 120 feet.
5. Minimum Depth: The minimum depth of a common use lot shall be 200 feet.
6. Vehicular Parking: There shall be no vehicular parking on a common use lot except where expressly authorized according to an approved site plan that delineates the specific location and dimensions of such spaces, permissible hours of such parking, and screening measures to minimize the negative impacts of such parking areas on adjacent properties.
7. Boat Docking: The following regulations shall apply to common use lots that permit boat docking. Except for subsection (b) and (c) below, these regulations shall not apply to commercial marinas.
 - a. Common use lots devoted solely to the docking of boats shall have a minimum of 60 feet of water frontage, measured by a straight line which intersects each side lot line of the common use lot at the water's edge, for each single boat that may be docked on such lot. Alterations to the shoreline shall not be a basis for increasing the calculated water frontage.
 - b. The development of and the operation of a boat dock shall comply with all applicable local, county, state and federal rules and regulations, including but not limited to the rules and regulations of the Natural Resources and Environmental Protection Act, the Act 451 of 1994, as amended, the Michigan Department of Natural Resources, and the Michigan Department of Environmental Quality.
 - c. Boat docks and boat launching are not permitted from any manmade channel or canal.
 - d. Boat docks may be used only by individuals residing on or in the lot, parcel, condominium unit or dwelling unit identified as required in Section 17.24(B)(8).
 - e. Boat docks, boat slips, boat launching, lake access, docking privileges, or storage of boats upon the shore land of any lot, parcel or condominium unit shall not be leased, rented, conveyed, granted, gifted, or in any way used for compensation, except in conjunction with the lease or rental of the dwelling unit entitled to use the common use lot as provided by these regulations.
8. Application for a common use lot shall require the submittal and approval of a deed, plat, covenant, restriction, easement, or other instrument conveying, granting and/or reserving the right to common use of the lot, parcel or condominium unit, specifically identifying the parcels, lots, properties, dwelling units or persons that are entitled to use of the common use lot. Such instrument shall include a restrictive

covenant prohibiting the use of the common use lot for boat liveries, public or commercial beaches, commercial marinas, public boat launching sites, public access, or for any recreational use operated for profit, except where such uses and activities are the subject of the application for the common use lot. Said instrument shall further provide that the uses of the common use lot shall be limited to and enjoyed exclusively by the owners, occupants and designated users of the property included in said instrument, and that the right of use may not be further assigned, gifted, leased or rented.

C. Special Performance Standards:

1. The proposed use shall not unreasonably interfere with the rights of usage and enjoyment by owner's of property abutting the lake.
2. The proposed use shall not unreasonably interfere with the enjoyment of owner's of property in the general vicinity of the common use lot.
3. The proposed use shall not result in the overcrowding of the common use lot.
4. The proposed use shall not result in the overcrowding or overuse of the lake or the lake's surface, and that the lake has surface area capacity available to handle increased traffic upon the lake without impairment to health, safety and welfare of the users of the lake. The applicant shall submit evidence documenting the extent to which the application complies with these standards.
5. The proposed use shall not result in the environmental degradation of the lake.

D. Exemption for Existing Common Use Lots

1. Common use lots existing prior to the effective date of these regulations, that have been providing common use access to a lake through an association, subdivision, condominium deed, grant, reservation, covenant, or other recorded instrument, or by campground arrangement, are exempt from the regulations of this Section except under the following conditions:
 - a. where it is proposed to expand the geographical area, number of lots or persons that are provided common use access to a lake through said common use lot; or
 - b. where improvements on such common use lot, including repairs, shall result in the expansion, enlargement, or increase in intensity of use of such lot, parcel or condominium unit.

(Ord. 112-1, 1-08-04)

Section 17.25 DAY CARE CENTERS

A. The following site and developmental requirements shall apply:

1. No day care center shall be located within one thousand (1,000) feet of an adult entertainment business.
2. In the A-1 District, all buildings, parking areas, trash storage, and play areas shall be set back a minimum distance of seventy-five (75) feet from all lot lines.

B. Special Performance Standards

1. All buildings shall be of an overall residential character including exterior construction materials and general architecture.
2. All outdoor play areas shall be enclosed with fencing, a minimum of four (4) feet high.
3. No approval shall be granted prior to the applicant's receipt of a license from the Michigan Office of Child and Adult Licensing.

(Ord. 112-7, 4-13-06)

Section 17.26 ADULT ENTERTAINMENT BUSINESSES

A. Definitions: For the purpose of this Section and Ordinance, the following terms and phrases shall have the following definitions:

1. Adult Entertainment Business: Adult entertainment businesses shall include, but not be limited to, any of the following defined establishments:
 - a. **Adult Book Store:** An establishment partly or wholly devoted to the display, sale or rental of books, magazines or other periodicals, video tapes, electronic media, photographs or motion picture films which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein, where the floor area or shelf space made available for the display or sale of such material exceeds the lesser of one thousand (1,000) square feet or fifteen percent (15%) of the total floor area or shelf space made available for display or sale purposes.
 - b. **Adult Cabaret:** A nightclub, bar, restaurant, or similar commercial establishment where the provision of beverages or food by servers, or where live entertainment such as, but not limited to, dance, comedy or theater is provided, presented, permitted or performed, is distinguished or characterized

by their emphasis on the depiction, description, or relation to specified sexual activities or specified anatomical areas, for observation by or participating of patrons therein.

- c. Adult Motel: A hotel, motel or similar commercial establishment which:
 - 1) offers accommodations to the public for any form of consideration and provides patrons with closed-circuit television transmission, films, motion pictures, video tapes, electronic media, slides, or other photographic reproductions, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and has a sign visible from the public road right of way that advertises the availability of this adult type of entertainment; or
 - 2) offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
 - 3) allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twenty-four (24) hours.
- d. Adult Novelty Shop: Any establishment where the floor area or shelf space devoted to the sale of devices that are distinguished or characterized by their use in association with specified sexual activities or the sexual stimulation of specified anatomical areas exceeds the lesser of one thousand (1,000) square feet or fifteen percent (15%) of the total floor area or shelf space made available for display or sale purposes.
- e. Adult Theater: Any establishment where, for any form of consideration:
 - 1) films, motion pictures, video tapes, electronic media, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
 - 2) regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas.
- f. Massage Parlor: An establishment in which a substantial or significant portion of the business conducted involves the administration of non-therapeutic massage or touching of specified anatomical areas. The term "massage parlor" does not include medical or therapeutic massage services or any state licensed practitioners or medical or related services such as chiropractors or physical therapists.
- g. Public Bath: An establishment providing common bathing facilities or hot tubs for use for a fee. Shower facilities, swimming pools, saunas and similar facilities intended as accessory uses in a school, health club, motel, or similar facility not otherwise defined as an adult entertainment business, are not "public baths."
- h. Specified Anatomical Areas:
 - 1) Less than completely and opaquely covered human genitals, pubic regions, buttock, or any portion of the female breast below a point immediately above the top of the areola;
 - 2) human genitals in a discernibly turgid state, even if completely and opaquely covered.
- i. Specified Sexual Activities: Human genitals in a state of stimulation or arousal; acts of human or animal masturbation, sexual intercourse (homosexual or heterosexual), or sodomy; and/or fondling or other erotic touching of human genitals, pubic regions, buttocks or female breast.
- j. Taxi Dance Hall: An establishment which provides dance partners for one or more dances as the direct or indirect result of payment of a fee.

B. The following site and developmental requirements shall apply:

- 1. No adult entertainment business shall be established on any premises where there exists another adult entertainment business within one thousand (1,000) feet, measured as a straight line distance between the closest property lines.
- 2. The property on which an adult entertainment business is located shall be situated at least one thousand (1,000) feet from a state licensed child care facility, religious institution, public school, public building, public park, or any Residential District or residential use, measured as a straight line distance between the closest property lines.

C. Special Performance Standards

- 1. Premises shall be constructed and maintained in such a manner so that material depicting, describing, or relating to specified sexual activities or specified anatomical areas cannot be observed from any outdoor or indoor display, decoration, or sign; or any opening to the business including windows and doors; by pedestrians or motorists on a public right-of-way or from an adjacent land use. No shielding that may be used to comply with this subsection shall consist of a curtain alone or obstruct the exit sign or directional or instructional signs regarding emergency egress, nor be constructed in such a way as to block an exit. No exterior door shall be kept open at any time while the business is in operation.
- 2. Adult entertainment businesses shall not be located within, or otherwise be attached to, a building in which one (1) or more dwelling units or sleeping quarters are located, or on the same lot where one (1) or

more dwelling units or sleeping quarters are located. No person shall reside in or permit any person to reside in the premises of an adult entertainment business.

3. Operational hours shall be approved by the Township Board.
4. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access, at an illumination of not less than one (1) foot candle measured at floor level.
5. The premises shall be equipped with sufficient sound absorbing insulation so noise generated inside the premises shall not be audible anywhere on any adjacent property or public right-of-way.
6. The applicant shall submit a diagram of the premises showing a plan thereof and specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and illumination intensity of each. A manager's station shall not exceed thirty (30) square feet of floor area.
7. The premises shall be so configured and designed to provide an unobstructed view of each area of the premises to which any person is permitted access for any purpose from at least one (1) of the manager's stations.
8. All changing of attire by employees or performers shall be within a completely enclosed room into which access by patrons is prohibited.

(Ord. 112-7, 4-13-06)

Section 17.27 Commercial Wind Energy Conversion Facilities (Commercial WECFs)

A. Application Requirements: An application for a commercial WECF shall be accompanied by a site plan according to Article 4 including the identification of the proposed location of wind turbines, underground and overhead wiring including wiring depths, substations and accessory structures; the location and height of all proposed buildings, structures, electrical lines, towers, guy wires, guy wire anchors, security fencing, and other above-ground structures associated with the WECF; and engineering data concerning construction of the turbine towers and bases. In addition to the submittal requirements of Article 4, the following supplemental information shall be provided. Where the application is for a wind energy conversion test facility only, the designated approving body may waive any of the submittal requirements where it determines such information is not necessary in evaluating the application solely for testing purposes based on the character of the site, surrounding conditions, and the nature of the test tower.

1. Locations and height of all adjacent buildings, structures, and above-ground utilities located within 300 feet of the exterior boundaries of the parcel where the proposed commercial WECF and/or test tower will be located. Specific distances to other on-site buildings, structures, and utilities shall also be provided. The location of all existing and proposed overhead and underground electrical transmission or distribution lines shall be shown, whether to be utilized or not with the commercial WECF or test tower, located on the parcel involved, as well as within 1,000 feet of the boundaries of such parcel.
2. A lighting plan describing all lighting that will be utilized, including any lighting that may be required by the Federal Aviation Authority. Such plan shall include but shall not be limited to the planned number and location of lights, light color and whether any lights will be flashing.
3. Location of access drives and their dimensions and construction profiles.
4. Planned security measures to prevent unauthorized trespass and access.
5. Narrative description of facility operations including anticipated regular and unscheduled maintenance, and the manner in which the site will be returned to its original condition upon termination of its use as a commercial WECF.
6. Proof that the proposed WECF site has a minimum wind rating of 3 according to the U.S. Department of Energy, National Renewable Energy Laboratory.
7. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the county to accommodate construction vehicles, equipment or other deliveries.
8. The applicant shall conduct an analysis of the alternating changes in light intensity caused by the moving blades of a WECF casting shadows on the ground and stationary objects, commonly referred to as "shadow flicker." The analysis shall identify the locations of shadow flicker that may be caused by the WECF and the expected durations of the flicker at these locations where located on adjacent properties, from sunrise to sunset over the course of the year. The analysis shall identify areas where shadow flicker may affect such properties including persons in structures or on roads, measures that shall be taken to eliminate or mitigate flicker in such circumstances, and the source and basis for such flicker projections.
9. Where the Township Board determines that a proposed WECF site is part of an area characterized by a comparatively high concentration of birds, bat hibernacula, sites that are frequented by federally and/or state listed endangered species of birds and bats, significant bird migration pathways, and/or areas that

have landscape features known to attract large numbers of raptors, the applicant shall fund an environmental study assessing the potential impact on such wildlife. At a minimum, the analysis shall include a thorough review of existing information regarding species and potential habitats in the vicinity, the potential effects on species listed under the federal Endangered Species Act and Michigan's Endangered Species Protection Law, and the extent to which the WECF conforms to the "Interim Guidance on Avoiding and Minimizing Wildlife Impacts from Wind Turbines" as prepared by the U.S. Fish and Wildlife Service.

10. The applicant shall submit modeling and analysis that will confirm that the WECF will not exceed the maximum permitted sound pressure levels specified in subsection (C)(1). Modeling and analysis shall conform to International Electrotechnical Commission 61400 and International Organization for Standardization 9613.
11. A copy of the manufacturer's installation instructions and blueprints shall be provided to the Township. Included as part of or as an attachment to the installation instructions shall be standard drawings of the structural components of the WECF and support structures, including base and footings provided along with engineering data and calculations to demonstrate compliance with the structural design provisions of the Building Code as adopted by the Township. Drawings and engineering calculations shall be certified by a registered engineer licensed in the State of Michigan.

B. The following site development requirements shall apply:

1. Minimum Lot Area: The minimum lot area for a commercial WECF, or test facility, shall be as necessary to meet required setbacks and any other standards of this Ordinance, but in no case shall the lot be less than twenty (20) acres in the A-1 District and the minimum specified lot area in Table 10-1 of Article 10 for all other districts.
2. Height: The permitted maximum total height of a commercial wind turbine, measured from the normal ground elevation below to the highest point of the wind turbine including to a blade tip in its highest position (vertical, horizontal, and/or diagonal) if such tip is the highest point, shall be 350 feet. The permitted maximum total height of a test tower shall be 300 feet, measured from the normal ground elevation below to the tip of the highest point of the test tower.
 - a. All heights shall comply with the requirements of the Federal Aviation Authority and county, state and federal regulations including the Michigan Tall Structures Act and Airport Zoning Act.
 - b. As a condition of approval, the Township may require a lesser height for a wind turbine if reasonably necessary to comply with the general special land use approval standards of Section 17.01.
3. Setbacks and Separation Distances: WECFs shall comply with the following:
 - a. No part of a WECF or test tower (including guy wire anchors associated with a test tower) shall be located within or above any required front, side or rear yard setback according to Section 12.01(E).
 - b. All wind turbines shall be set back a minimum distance from all property lines, and above-ground public electrical and communication lines, a distance equal to the height of the wind turbine, as measured from the normal ground elevation at the wind turbine base to the highest point of the wind turbine including to a blade tip in its nearest position (vertical, horizontal, and/or diagonal) if such tip is the nearest point, but in no case shall a wind turbine be located within five-hundred (500) feet of an existing residence.
 - c. No wind turbine shall be located closer to another wind turbine than the minimum separation distance recommended by the manufacturer or the wind energy industry as may be published from time to time.
4. Rotor/Blade Clearance: No rotor/blade shall approach closer than twenty (20) feet to the ground surface below and seventy-five (75) feet to any structure or tree on the same parcel.
5. Safety Measures:
 - a. All access doors to turbine towers and electrical equipment shall be lockable, and no climbing device shall be made part of a wind turbine except within the interior of the tower from such lockable door or where not located within twelve (12) feet of the ground when placed on the exterior of the tower.
 - b. A tower capable of being climbed shall be enclosed by a locked, protective fence at least ten (10) feet high with barbed wire fence.
 - c. All electrical equipment shall include applicable warning signs.
 - d. All electrical wiring shall comply with all applicable safety and stray voltage standards including any connections to an off-site electrical network.
 - e. All electrical distribution lines from the WECF to the off-site electrical network shall be located and maintained underground on the property where the WECF will be located.
 - f. All WECFs shall include a system to prevent uncontrolled rotation at excess wind speeds unless the manufacturer certifies that such a system is not necessary.

6. Test Tower is Temporary: A test tower shall be temporary and removed within twenty-four months of erection.
7. Shadow Flicker: A WECF shall be sited in such a manner to minimize shadow flicker from the blades on any road or on any building on an adjacent property existing at the time the application is considered.
8. Local Codes, State and Federal Requirements: All WECFs and test towers shall comply with the electrical and building codes of the Township and all other regulations and requirements of county, state and federal agencies including those of the Federal Aviation Authority, the Michigan Public Service Commission, National Electric Safety Code, and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the permit is approved. A WECF shall meet the manufacture's specifications for erection and anchoring the wind turbine including foundation specifications, and shall exceed such specifications where local, state or federal regulations require so.

C. Special Performance Standards:

1. Noise Emissions: No WECF shall produce noise levels that exceed fifty-five (55) decibels on the dB(A) scale, measured along the property lines of the parcel on which the WECF is located. This sound pressure level shall not be exceeded for more than three (3) minutes in any hour of the day. If the ambient sound pressure level exceeds 55 d(B)(A), the standard shall be the ambient dB(A) plus 5 dB(A). Within sixty (60) days of the operation of a commercial WECF, the applicant shall submit sound pressure level measurements recorded by a third party who is a qualified professional, according to the procedures in the most current version of American National Standardization Institute S12.18. All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of American National Standardization Institute S1.4 specifications for a Type II sound meter.
2. Appearance:
 - a. Wind turbines shall be mounted on tubular towers and shall be of such color and finish to minimize visual intrusion and improve compatibility with surrounding conditions, subject to any applicable standards of the Federal Aviation Authority. Any additional buildings or structures shall, to the extent reasonably practical, use materials, colors, textures, screening and landscaping to enhance the compatibility of the facility with surrounding conditions.
 - b. WECFs shall not be artificially lighted, except to the extent required by the Federal Aviation Authority or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. Strobe lights, as may be required by the Federal Aviation Authority, shall be shielded from the ground.
 - c. Wind turbines shall not be used for displaying any advertising except that each wind turbine shall have one (1) or more signs of no greater than four (4) square feet each that shall provide operational information including, but not necessarily limited to, a warning of high voltage and a specification of the manufacturer's name, company/utility operator, and emergency number(s).
3. Electromagnetic Interference: No WECF shall be installed in any location where its proximity to existing fixed broadcast, retransmission, or reception antennae for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception unless the applicant provides a replacement signal to the affected party that will restore reception to at least the level present before operation of the WECF. No WECF shall be installed in any location within the line of sight of an existing microwave communications link where operation of the WECF is likely to produce electromagnetic interference in the link's operation unless the interference is insignificant.
4. Vibrations and Wind Currents: Under no circumstances shall a WECF or test tower produce vibrations or wind currents humanly perceptible beyond the property boundaries of the parcel on which the WECF or test tower is located.
5. Abandonment: Any WECF or test tower that is not used for one (1) year or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property. All above and below ground materials must be removed. The ground must be restored to its original condition within ninety (90) days of abandonment.

(Ord. 112-15, 2-12-09)

Section 17.28 Wireless Communication Facilities

A. Definitions: For the purposes of this Section and Ordinance, the following phrases shall have the following meanings:

1. **Collocate:** To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Collocation" has a corresponding meaning.
2. **Equipment Compound:** An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.
3. **Wireless Communications Equipment:** The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables and coaxial and fiber optic cables, but excluding wireless communications support structures.
4. **Wireless Communications Support Structure:** A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole tower, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.
5. **Wireless Communication Facility:** All structures and accessory facilities, and improvements thereto, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, equipment compounds, wireless communications equipment and wireless communications support structures. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; towers for personal communications only; and governmental facilities that are subject to state or federal law or regulations that preempt municipal regulatory authority.
6. **Class 1 Wireless Communication Facility:** Any wireless communication facility and modifications thereto that meet all of the following requirements:
 - a. No construction or other improvements provide for the erection of a new wireless communications support structure, but may provide for an increase in height of an existing tower as provided by subsection (d)(1) below.
 - b. All proposed wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
 - c. The existing wireless communications support structure or existing equipment compound is in compliance with this Ordinance or was previously approved by the municipality in which it is located.
 - d. The proposed collocation of equipment shall not do any of the following:
 - 1) Increase the overall height of the wireless communications support structure by more than 20 (twenty) feet or 10% (ten percent) of its original height, whichever is greater.
 - 2) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - 3) Increase the area of the existing equipment compound to greater than 2,500 square feet.
 - 4) Be in violation of the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the then-designated approving body.
7. **Class 2 Wireless Communication Facility:** The erection of a new wireless communications support structure, or any modification of an existing wireless communication facility that is not classified as Class 1 Wireless Communication Facility.

B. Application, Review and Approval for Class 1 Wireless Communication Facility: A Class 1 Wireless Communication Facility constitutes an accessory use subject to the approval of the Zoning Administrator.

1. **Application Review Time Frame and Fees**
 - a. After a Class 1 application for a wireless communication facility is filed with the Zoning Administrator, the Zoning Administrator shall determine whether the application is administratively complete. Unless the Zoning Administrator proceeds as provided under subsection (b) below, the application shall be considered to be administratively complete when the Zoning Administrator makes that determination or the passing of fourteen (14) business days after the Zoning Administrator receives the application, whichever occurs first.
 - b. If, before the expiration of the fourteen (14) day period under subsection (a) above, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under subsection (a) above is tolled until the applicant submits to the Zoning Administrator the specified information or fee amount due. The notice shall be given in writing or by

electronic notification.

- c. The Zoning Administrator shall approve or deny the application not more than sixty (60) days after the application is considered to be administratively complete. If the Zoning Administrator fails to timely approve or deny the application, the application shall be considered approved and the Zoning Administrator shall be considered to have made any determination required for approval.
- d. A fee required to accompany any application shall not exceed actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.

C. Application, Review and Approval for Class 2 Wireless Communication Facility: A Class 2 Wireless Communication Facility constitutes a special land use and shall be subject to this Ordinance's provisions addressing the same including compliance with Article 4 (Site Plan Review), Article 5 (Procedures for Special Land Uses) and the following provisions:

1. Application Review Time Frame and Fees: The provisions of subsection (B)(1) above shall apply to Class 2 applications for wireless communication equipment except that the Township Board shall approve or deny the application not more than ninety (90) days after the application is considered to be administratively complete.
2. Additional Application Requirements: In addition to submitting the information required for all special land use applications, including a site plan pursuant to Article 4, each applicant for a Class 2 wireless communication facility shall provide the following additional information. Any information of an engineering nature that the applicant submits, whether civil, mechanical, electrical, or structural, shall be certified by a licensed professional engineer of applicable expertise registered in the State of Michigan.
 - a. In the case of a Class 2 facility that is to exceed one hundred (100) feet in total height, the following additional information shall be provided:
 - (1) An inventory of the applicant's existing towers, antennas, or sites approved for towers or antennas, that are within Deerfield Township and one (1) mile of the border thereof, including information about the location, height and collocation availability of each tower, their distance from the proposed tower, the owner(s)/operator(s) of the existing tower(s), and any additional information that is relevant in terms of potential collocation or in demonstrating the need for the proposed Class 2 facility.
 - (2) Elevation drawings of the proposed tower and any other structures.
 - (3) The distance between the proposed tower to dwellings within a one-half (1/2) mile radius, and the distance to Residential districts and platted and similar neighborhood developments.
 - (4) Method of fencing and finished color.
 - (5) A written statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennae for future users.
 - (6) A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures, to provide the services of the proposed Class 2 facility.
 - (7) A certification by a professional engineer of applicable expertise licensed in Michigan that all construction features of the tower comply with the requirements of all agencies having jurisdiction and the State Construction Code.
 - b. In the case of a Class 2 facility that is to be no greater than one hundred (100) feet in total height, the following additional information shall be provided:
 - (1) An inventory of the applicant's existing towers, antennas, and sites approved for towers or antennas of a total height no greater than one hundred (100) feet, that are within two (2) miles of the proposed new Class 2 facility site, including information documenting the inadequacy of the other facilities to meet the current need for which the application has been submitted.
 - (2) The distance between the proposed tower to dwellings within a one-quarter (1/4) mile radius, and the distance to Residential districts and platted and similar neighborhood developments.
 - (3) Method of fencing and finished color.
 - (4) A certification by a professional engineer of applicable expertise licensed in Michigan that all construction features of the tower comply with the requirements of all agencies having jurisdiction and the State Construction Code.

D. The following site and development requirements shall apply:

1. Minimum Lot Area: The Class 2 facility shall comply with the minimum lot area requirement of the District in which it is located except that a smaller portion of said lot may be leased for tower purposes and such leased area need not comply with the District's area requirements.
2. Minimum Lot Line Setbacks: Class 2 towers shall be set back from lot lines a minimum distance equal to eighty percent (80%) of the tower's height, including antennas, but not case shall a tower in excess of one-hundred (100) feet in height be less than one-hundred (100) feet from a lot line.
3. Maximum Height: A Class 2 tower shall not exceed two hundred eighty-five (285) feet in height, measured from the base of the tower to the highest point of the tower including antennae, and shall comply with the height restrictions of any airport management plan filed with and approved by the Michigan Aeronautics Commission.
4. Separation Distances: The following separation distances shall apply to Class 2 wireless communication facilities except that the Township Board may reduce the specified separation distance by no greater than twenty-five percent (25%) upon a finding that there exist on-site or surrounding conditions that mitigate the need for such separation distances and that the purpose of this Ordinance will be preserved. Separation distances and setbacks shall be measured from the base of the tower to the specified feature.
 - a. The minimum separation distance between a Class 2 tower in excess of one-hundred (100) feet in total height and a Residential District shall be one-thousand (1,000) feet.
 - b. The minimum separation distance between Class 2 towers that are both in excess of one-hundred (100) feet in total height shall be two (2) miles.
 - c. The minimum separation distance between Class 2 towers that are both of one-hundred (100) feet or less in total height shall be one-quarter (1/4) mile.
 - d. The minimum separation distance between a Class 2 tower that is one-hundred (100) feet or less in total height and a Class 2 tower that is in excess of one-hundred (100) feet in total height shall be one-quarter (1/4) mile.
5. Fencing and Lighting
 - a. The base of a tower shall be fenced with a minimum eight (8) foot high fence with "No Trespassing" or similar signage. A tower of one-hundred (100) feet or less in total height need not be fenced.
 - b. Towers and antenna shall not be artificially lighted unless required by the Federal Aviation Administration or Federal Communications Commission. If lighting is required, the lighting plan shall cause the least disturbance to surrounding uses.
6. Tower Construction
 - a. Towers shall be of monopole, lattice or stealth/camouflage construction. Guy wires are prohibited except where the applicant demonstrates to the satisfaction of the Township Board that no practical alternative exists.
 - b. Towers shall be of a white, light gray, silver or other similar color that blends with the background sky, and shall be constructed of or treated with corrosive resistant material.
 - c. All towers and antennas including all support systems, antenna mounts, structural and electrical components, and wind load resistance, shall comply with and the most current standards and regulations of the Federal Aviation Authority, Federal Communications Commission, State Construction code and all other codes and agencies having jurisdiction, and shall be maintained in compliance with such standards and regulations. Upgrades to facilities, where required by a regulating agency, shall be completed within the time frame specified by such agency.
 - d. All information of an engineering nature that is made part of an application, including civil, mechanical, electrical or structural, shall be certified by a State of Michigan licensed professional engineer.
 - d. Antennae and other support structures shall be grounded for protection against a direct strike by lightning. The electrical wiring and connections on all towers and structures shall comply with all local, state and federal regulations and standards.
 - e. The base of a tower shall not exceed five hundred (500) square feet in area.
 - f. All Class 2 facilities that exceed one-hundred (100) feet in total height shall be designed and constructed so as to accommodate collocation of a minimum of three (3) wireless communication service providers.
7. Landscaping and Signage
 - a. Signage shall be limited to emergency information only except as may be required by law.
 - b. Trees shall be established, if not already present, that effectively screen the view of the lower limits of the tower facility from nearby properties, and shall provide for coniferous plantings spaced at no greater than fifteen (15) feet apart and located within forty (40) feet of the perimeter of the tower

- facility. The trees shall be within any leased land area comprising the tower facility.
8. Presence of Personnel: No persons shall be located on a communication tower site except for the occasional presence of personnel associated with periodic maintenance or emergency conditions.
 9. General Design: The design of buildings shall, to the greatest extent practical, use materials, colors, textures and screening that will encourage their compatibility with surrounding buildings. Where an antenna is installed on a structure other than a tower, the antenna and supporting equipment shall be of a color to make the antenna and equipment as visually unobtrusive as reasonably practical.
 10. Collocation
 - a. Statement of Policy: It is the policy of Deerfield Township to minimize the overall number of newly established locations for Class 2 towers within the community, and encourage the use of existing structures or towers while promoting the public health, safety and welfare and minimizing negative impacts of such sites. If a provider fails or refuses to permit collocation on a facility owned or otherwise controlled by it, where collocation is feasible, the result will be that a new and unnecessary additional structure will be compelled, contrary to the Township's policy for collocation. The provisions of this subsection are designed to carry out and encourage conformity with this policy.
 - b. Feasibility of Collocation: Collocation shall be deemed to be feasible and practical for purposes of this subsection (10) except where satisfactory evidence is submitted demonstrating that no existing tower, structure or alternative technology can accommodate the applicants proposed antenna. Such evidence may consist of any of the following:
 - 1) No existing towers or structures are located within the geographic area that meets applicants engineering requirements regarding height, structural strength, or other design feature.
 - 2) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - 3) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - 4) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - 5) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro cell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
 - c. Requirements for Collocation:
 - 1) A land use permit for a Class 2 wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the necessary coverage area.
 11. Removal
 - a. Any tower that is not operated for a continuous period of one hundred eighty (180) days shall be considered abandoned, and the owner of such tower shall remove the same and the site shall be restored to the condition it existed prior to the placement of the tower within sixty (60) days of receipt of notice from the Zoning Administrator for such removal. In the case where there are multiple users of a single tower, removal of the tower shall not be required until all users cease use of the tower for a continuous period of one hundred eighty (180) days.
 - b. If the required removal of a facility has not been completed within sixty (60) days of the condition specified in subsection (a) above, the facility may be removed with reliance on the security posted at the time application was made for establishing the facility.

(Ord. 112-22, 2-11-16)

Section 17.29 Accessory Dwelling Units (ADU)

A. Definitions: For the purpose of this Section, the following terms and phrases shall have the corresponding definitions.

1. Accessory Dwelling Unit (ADU): A second dwelling unit on the same lot as an existing single-family dwelling, where the physical character of such second dwelling unit is clearly subordinate to the existing single-family dwelling and the second dwelling unit functions in an accessory manner to the existing single-family dwelling. The existing dwelling on the lot is commonly referred to as the principal dwelling.
2. Attached: The sharing of a common wall between an ADU and the principal dwelling for a minimum length of ten (10) feet, or a fully enclosed corridor between an ADU and principal dwelling that does not exceed ten (10) feet in length.

B. Authorization: No ADU shall be established prior to the issuance of a land use permit for the ADU. The Zoning Administrator shall be the approving body for all ADUs. A land use permit for an ADU shall terminate at such time that the ADU does not conform to one (1) or more of the standards and requirements of this Section and the ADU has not been brought into compliance within the time period specified by the Zoning Administrator, but no greater than ninety (90) days. In the case of an ADU in a separate building from the principal dwelling, and which has not been brought into compliance with the period specified by the Zoning Administrator, the ADU shall be removed from the lot within sixty (60) days thereafter and the ground shall be returned to its pre-construction condition. No ADU shall be occupied upon termination of the land use permit for the ADU.

C. General Regulations and Standards: The following requirements shall apply to all accessory dwelling units (ADUs) except where provided otherwise:

1. Principal Dwelling Required: An ADU shall be established only on a lot on which a principal dwelling exists. The splitting of a lot that results in an ADU on a different lot than the principal dwelling to which it is accessory is prohibited.
2. Ownership, Occupancy and Bedrooms:
 - a. An ADU shall be established only on a lot owned by the occupant of the principal dwelling though upon construction of the ADU, the lot owner shall reside in the principal dwelling or the ADU.
 - b. A maximum of two (2) persons shall reside within an ADU.
 - c. An ADU shall have no more than one (1) bedroom except in an Agricultural District in which case the number of bedrooms shall not exceed two (2).
 - d. An ADU shall not be rented by or otherwise be made available to any one (1) or more persons for periods less than thirty (30) days.
3. Relationship to Principal Dwelling: An ADU shall be located in or be otherwise attached to the building containing the principal dwelling except that an ADU may be a separate accessory building or portion thereof when located in an Agricultural District provided the lot on which it is located is not a lakefront lot.
4. Prohibited Forms of ADUs: An ADU shall not be comprised of a mobile home or any device designed for regular or periodic movement including vehicles and cargo containers.
5. Number and Mailing Address: No lot shall have more than one (1) ADU on such lot and the lot shall maintain one (1) mailing address that shall service the ADU and principal dwelling.
6. Design Character: An ADU, and modifications to the principal dwelling to accommodate an ADU, shall be of similar or better workmanship as the principal dwelling, shall not detract from the appearance of the lot as a place of one (1) residence, and shall be aesthetically compatible in appearance with other single-family dwellings in the immediate area based on architectural design and exterior materials.

D. Site Development Standards: The following standards and requirements shall apply to all accessory dwelling units (ADUs) except where provided otherwise:

1. Lot Size: The minimum size of a lot containing an ADU shall be five thousand (5,000) sq. ft., except that the minimum size of a lot containing an ADU in a separate accessory building shall be two (2) acres.
2. Floor Area: An ADU shall not exceed six hundred (600) sq. ft. in gross floor area except that an ADU in an Agricultural District shall not exceed eight hundred (800) sq. ft. in gross floor area, but in no case shall the ADU's gross floor area exceed fifty (50%) of the gross floor area of the principal dwelling excluding the principal dwelling's basement.
3. Height: In the case of an ADU that is not part of or attached to the principal dwelling, the maximum height of the ADU shall be eighteen (18) feet or the principal dwelling's height, whichever is less.
4. Lot Coverage: An ADU shall be subject to the maximum lot coverage standards of the district in which the ADU is located.
5. Yard and Setback Restrictions:
 - a. In the case of an ADU that is not attached to the principal dwelling, the ADU shall be located in the rear yard only.

- b. An ADU shall comply with the setback standards as required for the principal dwelling.
- c. An ADU that is not part of or attached to the principal dwelling shall be located closer to the principal dwelling than to any non-ADU dwelling on another lot.
- 6. **Doors:** In the case of an ADU that is part of or otherwise attached to the principal dwelling, access to the ADU shall rely on doors in the side or rear yard only or otherwise rely on the shared use of a door of the principal dwelling facing the front door.
- 7. **Driveway and Parking:**
 - a. An ADU and principal dwelling shall be served by the same driveway.
 - b. An ADU shall be provided one (1) parking space in addition to the minimum two (2) spaces required for the principal dwelling.
 - c. In the case of the conversion of a garage to an ADU, a decrease in parking spaces for the principal dwelling below the minimum required two (2) spaces shall be replaced elsewhere on the lot.
- 8. **Utilities:** An ADU shall be connected to potable water and sanitary facilities approved by the County Health Department. Utility service to an ADU shall rely on the same metering and service panel as those that serve the principal dwelling except as may be otherwise required by the building inspector according to the State Construction Code. Separate utility billings for an ADU by the utility provider are prohibited.
 - a. No construction of an ADU, including excavation and clearing, shall be initiated prior to the Zoning Administrator receiving adequate evidence that the County Health Department has approved potable water and sewage disposal plans.
- 9. **Garages:** A garage may be erected to serve an ADU subject to the following requirements:
 - a. An ADU garage shall be part of the same structure as the ADU or otherwise be located within 10' of the ADU.
 - b. No structure or enclosed space serving as a linkage between an ADU and the ADU garage shall be greater than 10' in length. The floor area of an enclosed linkage shall be included in any floor area calculation of the ADU.
 - c. An ADU garage shall be no greater than 450 sq. ft. in gross floor area.
 - d. An ADU garage shall be no higher than 15' as measured to the highest point of the roof.
 - e. An ADU garage shall comply with the same setback standards as required for a principal dwelling in the district.
 - f. No more than one (1) ADU garage shall be erected on a lot.

(Ord. 112-30, 11-12-20; Ord. 112-35, 1-11-24)

Section 17.30 Solar Energy Systems (SES)

A. Definitions: For the purpose of this Section, the following phrases shall have the following corresponding definitions.

1. **Solar Energy System (SES):** A system consisting of a device or combination of devices, structures or parts thereof, that collect, transfer or transform solar radiant energy into thermal, chemical or electrical energy, excluding systems that substantially rely on mirrors or similar technologies to focus solar radiant energy onto a considerably smaller area and are sometimes referred to as "concentrated solar power" systems or "CSP" systems.
2. **Small Solar Energy System (Small SES):** A SES located on the same lot as the use served by the SES and which relies on roof mounted and/or ground mounted collection systems that occupy no more than two thousand (2,000) sq. ft. of roof and/or land area, including access aisles between solar panels. A Small SES is typically intended to serve a single residential unit, agricultural operation or other business.
3. **Medium Solar Energy System (Medium SES):** A SES located on the same lot as the use served by the SES and which relies on roof mounted and/or ground mounted collection systems that occupy more than two thousand (2,000) sq. ft. but not more than ten thousand (10,000) sq. ft. of roof and/or land area, including access aisles between solar panels. A Medium SES is typically intended to produce energy for use in association with multiple dwellings and/or businesses on a single lot.
4. **Large Solar Energy System (Large SES):** A solar energy system that relies on roof mounted and/or ground mounted collection systems that occupy more than ten thousand (10,000) sq. ft. of roof and/or land area, including access aisles between solar panels. A Large SES is typically intended to produce energy for use principally in association with multiple dwellings and/or businesses on a single lot on which the system is located and/or for use by off-lot properties and persons including in association with energy utility providers. A Large SES may be commonly referred to as a "solar farm."
5. **Solar Collection Panels:** Panels and tiles comprised of semiconductor devices and typically referred to as photovoltaic cells, which collect and convert solar energy directly into electricity. Ground mounted solar

collection panels are panels attached to the ground by a pole, metal frame or other similar support structure.

B. Authorization, Review and Approval Procedures

1. Small SES: Small SES are permitted as accessory uses and structures only, and are authorized in all districts. Small SES shall be subject to Zoning Administrator approval. An application for a Small SES shall be accompanied by a plot plan prepared according to Section 3.04(B), including the delineation of all SES structures and equipment.
2. Medium SES: Medium SES are permitted as accessory uses and structures only, and are authorized in all districts provided the principal use of the lot is not residential. Medium SES shall be subject to site plan approval according to Article 4 except that if the principal use constitutes a special land use, the approval process for the Medium SES shall be subject to the special land use review and approval provisions of Article 5.
3. Large SES: Large SES are permitted as accessory and principal uses and structures, constitute a special land use, and are authorized in the A-1 District only. Large SES are subject to the special land use review and approval provisions of Article 5.

C. General Standards

1. Buildings: Unless provided elsewhere in this Section, all buildings shall comply with Section 10.09 unless the approving body determines a building functions in an accessory manner, in which case the standards of Section 19.11 shall apply.
2. Structures: Unless provided elsewhere in this Section, all structures that do not constitute buildings shall comply with the accessory structure standards of Section 19.11,
3. Glare/Radiation: SES collection panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties and public roads. The applicant shall submit documentation to verify compliance with this section. When deemed necessary, the reviewing body may require a report from a registered civil engineer or other professional deemed qualified by the Zoning Administrator, attesting to the glare and radiation impact on nearby properties and public roads.
4. Panel Setbacks and Heights: Ground mounted SES panels shall be set back a minimum of twenty-five (25) feet from lot lines and shall not exceed fifteen (15) feet in height as measured from the ground below. In the case of a Medium or Large SES, the minimum setback shall be increased to fifty (50) feet.
5. Maximum Lot Coverage: Maximum lot coverage restrictions shall not apply to solar collection panels. Any other regulated structures on the lot are subject to maximum lot coverage restrictions.
6. Yard Restrictions: No ground mounted SES panels, and support equipment that exceeds twenty (20) sq. ft. in area or six (6) feet in height, shall be located in a front yard unless such panels and equipment are set back a minimum distance of seventy-five (75) feet from the front lot line and screening is provided according to the landscape screening height and spacing provisions of subsection (8)(a) – (c). In the case of a lot that does not include a building not otherwise part of the SES, the front yard shall be construed to extend from the front lot line to a distance of seventy-five (75) feet.
7. Lighting: No SES exterior lighting shall be erected except upon satisfactory evidence that such lighting is necessary for the proper operation or security of the facility. No light may adversely affect adjacent lots. All lighting shall be shielded from adjoining lots, and light poles are restricted to eight (8) feet in height from the ground except upon satisfactory evidence that a greater height is necessary, no reasonable alternatives are available, and the greater height shall not create nuisance conditions.
8. Screening: In the case of Medium and Large SES ground mounted solar collection panel(s) located on a lot that is adjacent to a lot in an Agricultural or Residential District, where the panels are to be located within one hundred (100) feet of a shared lot line with such lot, the panels shall be screened from view from such lot.
 - a. Screening shall be comprised of trees and shrubs, with a minimum of fifty percent (50%) of the trees to be of evergreen species, and all trees shall be a minimum of six (6) feet in height at the time of planting, have a projected growth rate of a minimum of six (6) inches per year, and have a minimum projected growth height of at least fifteen (15) feet. The screening shall consist of a minimum of one (1) evergreen tree and one (1) low-branching deciduous tree per forty (40) linear feet of perimeter panel length, and one (1) shrub per twenty (20) linear feet of perimeter panel length. Shrubs shall be of a dense growth habit and shall be a minimum of two and one-half (2.5) feet in height at the time of planting.
 - b. The approving body may permit a maximum fifty percent (50%) reduction in the number and size of tree plantings where the adjacent property is vacant and not likely to be developed within the next three (3) years based on nearby development trends during the preceding three (3) years, where natural features are present that serve to assist in the screening of the panel(s) such as existing

topographic or vegetative conditions, where existing structures will assist in the screening of the panel(s), and/or where other conditions may be present that make the normally required screening requirements ineffective or otherwise unnecessary.

- c. Required screening shall be located and configured to encourage a natural appearance such as clustering and non-linear plantings, and need not be in the immediate area of the panels that the plantings are intended to screen if the planting locations provide for the intended screening effect. No tree shall be located within five (5) feet of a lot line.
 - d. All plant material shall be maintained in a healthy condition to provide the intended screening, shall be permitted to grow according to its natural habit, and shall be replaced upon death or disease.
 - e. The screening requirements of this Section shall replace the screening provisions of Article 23 except as the Township Board may determine otherwise appropriate.
 - f. The site plan shall specify the proposed plant material according to common name, botanical name, and minimum planting size, and the selected plant material shall be predominantly species native to Michigan.
9. **Roof-Mounted Systems:** Roof-mounted SES may exceed the maximum height standard for the structure to which it is attached according to the District in which it is to be located, but no portion of the system shall extend more than five (5) feet above the roof surface to which it is attached directly below.
 10. **Abandonment:** If a ground mounted SES ceases to operate or is abandoned for six (6) months, or is deemed by the Building Inspector to be unsafe or not consistent with the building code, the applicant shall repair and restore the system to good working order within a reasonable time set by the Zoning Administrator or otherwise remove the system in its entirety including posts, equipment, panels, foundations and other features and restore the ground to its preconstruction state.

D. Self-Contained Solar Energy Systems: Solar energy systems that do not exceed four (4) square feet in total solar collector panel area, intended to provide energy to operate a device to which such panel is attached such as in the case of a panel powering an exterior light or an attic fan, are permitted in all districts and may be erected without the issuance of a zoning permit.

1. **Setbacks:** Self-contained solar energy systems shall comply with the setback restrictions applicable to accessory structures in the respective District.
2. **Heights:** Self-contained solar energy systems shall comply with the height restrictions applicable to accessory structures in the respective District except that in the case of a roof-mounted system, no portion of the system attached to the roof shall exceed three (3) feet above the roof surface below.

E. Exempt Solar Energy Systems: The following are exempt from the regulations of this Section and are not subject to the issuance of a zoning permit.

1. Roof-mounted solar energy systems that function as shingles or are otherwise shingle-like in general character.

F. Additional Submittal Requirements for Medium and Large SES: In the case of an application for a Medium or Large SES, the following information shall be provided in addition to the information required by Article 4 for site plan review and Article 5 for special land use applications.

1. **Project Description and Rationale:** The type, size, rated power output, performance, safety and noise characteristics of the system, including the name and address of the manufacturer, and model. Identify time frame, project life, development phases, likely markets for the generated energy, and possible future expansions.
2. **Operator's Agreement:** The operator's agreement, which shall set forth the operations parameters, the name and contact information of the certified operator, inspection protocol, emergency proceedings and general safety documentation.
3. **Analysis of Traffic:** An assessment of anticipated traffic to the SES during construction phases and once the CSES is operational, including the anticipated daily vehicles by frequency and type such as construction workers' and employees' personal vehicles, earth moving and clearing vehicles, and other construction vehicles.
4. **Visual Impacts:** A presentation of the visual impact using photos or renditions of the project with consideration given to the tree plantings and setback requirements and shall include setbacks, panel size, location of the property lines, buildings, fences, greenbelts and road right of ways.
5. **Wildlife:** A review of the real and potential impacts on wildlife on the site and in the surrounding area.
6. **Lighting:** Indicate the extent of exterior lighting to be installed including locations, heights, fixture specifications, light levels along property lines, and the frequency of lights to be illuminated.
7. **Transportation Plan:** An access plan during construction and operation phases including the proposed SES service road system and ingress and egress onto public roads.

8. **Public Safety:** A description of the public health and safety risks the SES may present and measures to address such risks including emergency and standard shutdown procedures, and any security measures that may be employed to manage access to the facility by the general public.
9. **Telecommunications Interference:** Provide a description of the extent to which the SES may interfere with wireless communications within one (1) mile of the SES, or otherwise alter electromagnetic field conditions.
10. **Power:** Identify how the SES will connect to the power grid.
11. **Glare:** Provide a report prepared by a qualified person with documented training, certification and/or licensing in glare associated with SES including training in the use of computer software designed to assess glare potential, attesting to the glare and radiation impact on nearby properties and public roads and verifying compliance with this Section.
12. **Project Duration, Decommissioning, and Reclamation:** Provide a detailed decommissioning plan addressing the project's estimated duration period, the manner in which all SES features shall be removed, and the manner in which the site shall be reclaimed to its former condition. The decommissioning plan shall include a detailed description of the financial security guaranteeing removal of the system and which shall be posted at the time of receiving a construction permit for the facility. The security shall be in a form as required by Section 3.06. The amount of such guarantee shall be no less than the estimated cost of removal and may include a provision for inflationary cost adjustments. The estimate shall be prepared by the engineer for the developer, shall present a detailed basis for the estimate including estimated hours and costs for labor and equipment, and shall be subject to approval by the Township.

(Ord. 112-30, 11-12-20)

Section 17.31 Multiple Family Developments

A. The following site and developmental requirements shall apply:

1. Buildings shall be a minimum twenty-five (25) feet from the edge of parking lots and access drives not otherwise comprising a road right-of-way. In no case shall a residential building be more than one hundred fifty (150) feet from the parking lot from which it is served.
2. The minimum distance between any two buildings on the lot shall be fifty (50) feet except that the minimum distance between any two buildings on the lot that are generally arranged end-to-end shall be the height of the taller building but no less than twenty (20) feet.
3. There shall be provided easily accessible and usable open space on the lot in an amount of a minimum of ten percent (10%) of the lot area or one hundred (100) square feet per dwelling unit, whichever is greater, but in no case shall less than ten thousand (10,000) square feet be provided.
4. No building shall exceed two hundred fifty (250) feet in length except upon a finding by the site plan approving body that architectural features and/or other site conditions support the building's scale with the surrounding area.
5. All access drives shall have a minimum pavement width of thirteen (13) feet for one-way travel and twenty-four (24) feet for two-way travel.

B. Special Performance Standards:

1. Accessory buildings, structures, and uses that are clearly customary and incidental to the functioning of the development are permitted, including business and administrative offices, laundry facilities and auxiliary storage for tenants, swimming pools, and club houses.

(Ord. 112-31, 1-14-21)

Section 17.32 Nursing Homes and Assisted Living Facilities

A. The following site and developmental requirements shall apply:

1. Multiple family dwellings shall comply with Sec. 17.31 unless provided otherwise by this Section 17.32.
2. There shall be provided easily accessible and usable open space on the lot in an amount of a minimum of five percent (5%) of the lot area or fifty (50) square feet per dwelling unit, whichever is greater, but in no case shall less than five thousand (5,000) square feet be provided.
3. The maximum building height standard of the District may be exceeded provided all minimum yard setbacks are increased by two (2) feet for each one (1) foot that the building height standard is exceeded, but in no case shall a building exceed forty-five (45) feet in height.
4. In the case of single and two-family dwellings, such dwellings shall comply with the following minimum setbacks. In the case where lot lines are not present, setbacks shall be measured from where such lot lines may typically be expected if developed as a platted subdivision or site condominium.

- a. Minimum front yard setback: Twenty (20) feet.
 - b. Minimum rear yard setback: Twenty (20) feet.
 - c. Minimum side yard setback: Ten (10) feet.
 - c. Minimum setback between buildings: Ten (10) feet.
5. The principal means of ingress and egress shall be from a paved major thoroughfare.

B. Special Performance Standards:

1. Retail sales and support services are permitted provided such sales and services are clearly accessory in character and are located or otherwise designed to discourage use by persons other than patients and residents of the facility and visitors of such facility.
2. Adequate measures shall be made for clear and convenient access to all major entrances for emergency medical services.

(Ord. 112-31, 1-14-21)

End of Article 17

(Ord. 112-1, 1-08-04; Ord. 112-7, 4-13-06; Ord. 112-14, 1-10-08; Ord. 112-15, 2-12-09; Ord. 112-17, 6-9-11; Ord. 112-22, 2-11-16; Ord. 112-30, 11-12-20; Ord. 112-31, 1-14-21; Ord. 112-32, 1-13-22; Ord. 112-35, 1-11-24)

Article 18

RURAL OPEN SPACE OPTION

Section 18.01 PURPOSE

A. The purpose of the Rural Open Space Option (ROSO) is to permit residential development while preserving the Township's rural character and encouraging the preservation of agricultural lands. The regulations in this section propose to accomplish this purpose by providing for grouping of new homes onto the most buildable portions of sites while the remaining sites can be preserved as open space or for agricultural use. The regulations in this section are also intended to accomplish the following purposes, at minimum:

1. Preserve natural drainage systems, open space, farmlands, rural character, woodlands and wetlands, natural topography, and environmentally sensitive areas.
2. Achieve a higher quality of development than could be achieved under conventional zoning.
3. Achieve development that is consistent with the Master Plan.
4. Preserve as much natural vegetation and terrain as possible.

(Ord. 112-2, 9-9-04)

Section 18.02 APPLICABILITY

Property in Public Resources, Agricultural and Residential Districts may be developed according to the standard conditions and requirements for the specific zoning district, or it may be developed according to the ROSO standards in this Article. If the ROSO is selected, the property shall be developed under the conditions and requirements of this Article, other applicable zoning regulations, and any other applicable laws, codes, and ordinances.

(Ord. 112-2, 9-9-04)

Section 18.03 REVIEW and APPROVAL PROCESS

A. Proposals for Rural Open Space development shall be reviewed following the same procedures used for special land uses under Article 5, except as follows:

1. **Environmental Inventory and Impact Assessment:** The submittal of the natural features information required by Section 4.03(B)(3) shall include both maps and written analysis which shall identify, describe and quantify such natural features, the anticipated impacts of the development upon such features, and measures proposed to be taken to protect the quality and quantity of such features.
2. **Conventional Plan:** At the time the applicant submits a site plan application, the applicant shall also submit a conventional plan. The conventional plan shall illustrate a practical and reasonable manner for developing the project parcel according to the standard lot area, width and other site development standards of the District in which the ROSO is to be located, except that conventional plans in a A-1 or P-1 District shall be based upon a minimum lot area of five (5) acres and a minimum lot width of three-hundred (300) feet. The conventional plan shall identify the total number of lots and dwellings reasonably attainable, taking into account proper road design, storm water management including storm water detention/retention areas, and similar site development considerations. The Planning Commission shall review the conventional plan and recommend to the Township Board the number of dwellings attainable by conventional design. This information shall be used by the Township Board when it determines the permissible number of dwellings in the ROSO development during preliminary site plan deliberations.
3. **Exceptions for Small-Scale Projects:**
 - a. ROSOs that do not exceed six (6) dwelling units are exempted from the following procedures and standards:
 - (1) The Environmental Inventory and Impact Assessment required by (1) above. This exception shall not extend to the information required by Section 4.03(B)(3).
 - (2) A final site plan need not be submitted for Planning Commission review. Only the Township Board's review and action on a final site plan is required.
 - (3) Dedicated open space that is not dedicated to continued agricultural use need not be accessible to all residents of the ROSO development, as otherwise required by Section 18.06.

(Ord. 112-2, 9-9-04)

Section 18.04 PERMITTED USES and NUMBER of DWELLINGS

A. Within ROSO developments, permitted principal uses shall be open space and single family and two family dwellings, including platted and condominium subdivisions , except that multiple family dwellings shall be permitted if the District in which the ROSO is to be located expressly authorizes such dwellings.

B. The number of dwellings in a ROSO development shall not exceed the number approved in the conventional plan except for the following:

1. P-1 District: An ROSO in the P-1 District shall be permitted a maximum twenty-five percent (25%) increase in the number of dwellings otherwise attainable under the conventional plan.
2. A-1 District: An ROSO in the A-1 District shall be permitted a maximum twenty-five percent (25%) increase in the number of dwellings otherwise attainable under the conventional plan. However, the Township Board may grant an additional increase in the number of dwellings, above and beyond the twenty-five percent (25%) standard identified above, for proposals that exhibit superior design character. An additional five percent (5%) increase in the number of dwellings attainable under the conventional plan shall be authorized for each of the following attributes that the Township Board finds is substantially reflected in the proposed Rural Open Space design, based upon the reasonable discretion of the Township Board. In no case shall the total additional number of dwellings authorized for superior design exceed twenty-five percent (25%) of the number of dwellings that would otherwise be attainable under the conventional plan.
 - a. Preservation of sensitive natural resources, topography, vegetation, and stream corridors.
 - b. The dedication of usable open space to a public entity or nonprofit land or nature conservancy that has the effect of increasing or enhancing the public use and enjoyment of scenic areas, natural areas, or other significant environmental areas; and/or the dedication of usable open space for other public use that clearly addresses a need in the community.
 - c. Dedication of more than sixty-five percent (65%) of the project parcel as permanent open space.
 - d. Effective preservation of rural character along the public road frontages that the development abuts, either through building setbacks, retention of existing vegetation and topography, proposed native plantings, strategic placement of dedicated open space, and/or other means.
 - e. Strategic placement of dedicated open space in relation to abutting Rural Open Space projects to support continuous networks of important environmental resource systems including, but not limited to, wetlands, woodlands, stream corridors, and wildlife corridors and habitats.
 - f. Strategic placement of dwellings and dedicated open space in relation to adjacent agricultural operations to minimize conflicts between ongoing farming activities and residents in the Rural Open Space development.
 - g. Allowance of farming operations within the dedicated open space, according to easement provisions.

C. The Township Board may deny any portion of an increase in lots in a ROSO that would not be attainable under the conventional manner of development under the District's normal lot area and width requirements upon a finding that roads providing access to the project site, or other public services, are not sufficient to justify the increased demand or impacts that will be generated by the increased number of dwellings.

(Ord. 112-2, 9-9-04; Ord. 112-13, 2-8-07)

Section 18.05 DIMENSIONAL STANDARDS

A. Setbacks: Buildings in Rural Open Space developments shall comply with the following minimum yard setback requirements:

1. Along perimeter adjacent to public road: Fifty (50) ft.
2. Along perimeter, but not adjacent to a road: Thirty-five (35) ft.
3. Along an internal collector or local road: Twenty-five (25) ft.
4. Between parking lot and property line
 - a. Adjacent to road: Fifty (50) ft.
 - b. Not fronting on road: Twenty (20) ft.
5. Setback from lakes, ponds, rivers, streams, and wetlands: Fifty (50) ft.
 - a. Docks, bulkheads, patios, terraces, decks and pathways shall be permitted within the fifty (50) foot waterfront setback, subject to review and approval by the Township.

B. Parcel and Lot Size.

1. Residential dwelling units served by individual septic systems shall have a minimum lot size of 0.75 acres (32,750 sq. ft.), unless a larger lot size is recommended by the Livingston County Health Department.
2. The minimum lot size in developments served by public or common wastewater treatment services shall be 10,000 sq. ft.

C. Distances Between Buildings: The minimum rear and side yard setback for detached single family structures and accessory structures thereto shall be based on good planning and design principles, taking into account the degree of compatibility between adjoining uses, sensitivity to the characteristics of the site, the need for free access for emergency vehicles, the need for adequate amounts of light and air between buildings, and the need for proper amounts of open space for the use of residents on the site. However, in no case shall a side yard setback be less than ten (10) feet nor shall a rear yard setback be less than forty (40) feet.

D. Floor Area and Height Standards: Buildings in a Rural Open Space development shall comply with the floor area and height standards for the district in which the development is located.

(Ord. 112-2, 9-9-04)

Section 18.06 OPEN SPACE REQUIREMENTS

Rural Open Space developments shall provide and maintain usable open space that is accessible to all residents or that is dedicated to continue agricultural use, which shall comply with the following requirements:

A. Dedicated open space shall include the portion of the ROSO parcel that is characterized by year-round submerged land such as ponds, lakes, and year-round submerged wetlands; and shall include a minimum of fifty percent (50%) of the ROSO parcel not otherwise part of such year-round submerged land including upland areas and wetlands that are not year-round submerged. Such required open space shall remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, acceptable to the Township Board. For the purposes of this Section, the following terms and phrases shall have the following meanings:

1. "Conservation easement" means an interest in land that provides limitation on the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will, or other instrument executed by or on behalf of the owner of the land or body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.
2. "Undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.
3. "Greenway" means a contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

B. Open Space shall be located on the parcel to meet the following objectives:

1. To preserve distinctive natural features and rural characteristics.
2. To preserve farm lands.
3. To minimize impact from development on wetlands, rivers, and other sensitive environmental areas.
4. To maintain open, rural character along main roads.

C. Required open space shall not include the following:

1. The area of any public or private road right-of-way or easement abutting the ROSO parcel or providing access to within the ROSO parcel.
2. The area of any commercial recreation use (such as a golf course), or
3. The area of any required setbacks.

D. The required open space shall be set aside by the developer through an irrevocable conveyance, such as deed restrictions and covenants that run with the land or through a conservation easement, whereby all rights to develop the land are conveyed to a land conservation organization or other public body, assuring that the open space will be developed or maintained according to the site plan. Such conveyance shall:

1. Indicate the proposed use(s) of the required open space.
2. Provide for the privately-owned open space to be maintained by private property owners with an interest in the open space.
3. Provide maintenance standards and a maintenance schedule.
4. Provide notice of possible assessment to the private property owners by the Township of Deerfield for the maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance or in the event that other public facilities are not maintained.
5. After approval by the Township of Deerfield for compliance with this Section, be recorded with the Livingston County Register of Deeds to provide record notice of the restrictions to all persons having an interest in the property contained in the Rural Open Space development.

(Ord. 112-2, 9-9-04; Ord. 112-6, 2-9-06)

Section 18.07 BUILDING LOCATION

Where feasible, Rural Open Space developments shall comply with the following building location requirements. Modification to these locational requirements may be approved upon making the determination that other building locations would be more appropriate because of topography, existing trees or vegetation, proposed grading or landscaping, or other existing or proposed site features or conditions.

- A. Buildings shall be located on the edges of fields and in wooded areas to minimize the visual impact of development. Buildings should not be located in open fields unless no other feasible option exists.
- B. Buildings shall not be located on the tops of ridge lines or in areas with slopes that exceed thirty-five (35%) percent.
- C. Buildings shall not be located in wetlands or flood plains.
- D. Buildings shall be set as far back from public roads as possible so as to maintain the rural appearance of the Township from the road. This goal can also be achieved by placing buildings behind or within a woodlands or tree line that screens the buildings from the road.

Section 18.08 ROADS and DRIVEWAYS

The amount of site disruption caused by roads and driveways and associated grading required for construction shall be minimized in Rural Open Space developments. Accordingly, where feasible Rural Open Space developments shall comply with the following standards (provided that all roads shall comply with required engineering and safety standards):

- A. Roads shall follow existing contours to minimize the amount of cut and fill.
- B. Where sites include linear features such as existing access roads, tree lines, and stone rows, roads shall follow these features to minimize their visual impact.
- C. Roads shall not be located in open fields.
- D. Use of common driveways to serve up to four (4) units is permitted to minimize the amount of paving and reduce the number of curb cuts onto public roads. The specifications and design standards for such common driveways shall be subject to approval by the Township Board.
- E. All dwellings shall gain access from an interior road within the Rural Open Space development.

Section 18.09 UTILITIES and STORM WATER MANAGEMENT

- A. Existing natural drainage shall be maintained to the maximum extent feasible.
- B. Where storm water management facilities (e.g. detention or retention basin) are required, they shall be designed in as small an area as possible. The ratio of the basin's area to volume shall be minimized.
- C. Retention or detention basins, where required, shall resemble natural ponds with gradual slopes and shall be landscaped with plant material that enhances the wildlife habitat.
- D. All utilities shall be installed underground.
- E. Public water and sanitary sewer service shall be provided if available.

F. Where public water is available, hydrants shall be installed in such manner as to enable the fire department to effectively respond to a fire emergency.

G. Maintenance agreements and/or easements shall be established, where deemed necessary by the Township Board, to assure all storm water management facilities are maintained in proper operating condition.

Section 18.10 LANDSCAPING and LAWNS

A. Existing trees and other plant growth shall be preserved in areas where disturbance is not necessary outside of the building envelope.

B. Conversion of woods, meadows, and other natural features into lawns shall be avoided, if possible, except where lawn areas are part of the open space design or serve as residential yard space.

C. Where landscaping is proposed, native species shall be used. The Township may use publications of the Michigan State University Extension Service for identifying the appropriateness of proposed species.

(Ord. 112-2, 9-9-04)

Section 18.11 EXISTING STRUCTURES

A. When a tract contains existing structures deemed to be of historic, cultural or architectural significance (such as appropriate farm structures), and where these structures are suitable for rehabilitation, the structures shall be retained.

B. Adaptive reuse of the existing structures for residential use or permitted accessory residential uses shall be permitted.

Section 18.12 RESERVED for FUTURE USE

(Ord. 112-14, 1-10-08)

Section 18.13 WAIVER of STANDARDS

The Township Board may waive any of the standards for a Rural Open Space development contained in this Section, except those of Sections 18.02, 18.04, and 18.06, where the following findings are documented along with the rationale for the decision:

A. No good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.

B. The spirit and intent of this Section will still be achieved.

C. No nuisance will be created.

(Ord. 112-2, 9-9-04)

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End of Article 18

(Ord. 112-2, 9-9-04; Ord. 112-6, 2-9-06; Ord. 112-13, 2-8-07; Ord. 112-14, 1-10-08)

Article 19 GENERAL PROVISIONS

Section 19.01 PURPOSE

The intent of this Article is to recognize that there are certain conditions concerning land uses that warrant specific exceptions, regulations or standards in addition to the requirements of the zoning district which they are permitted to be located. The following general provisions establish regulations which are applicable to all zoning districts unless otherwise indicated.

Section 19.02 ESSENTIAL SERVICES

Essential services shall be permitted as authorized and regulated by law and other ordinances of the Township, it being the intention hereof to exempt such essential services from the application of this Ordinance, except that essential services do not include those uses listed as special land uses in Articles 11 through 16.

Section 19.03 SWIMMING POOLS

A. Classification: A swimming pool shall be considered as an accessory building for the purposes of determining maximum lot coverage.

B. Application: A land use permit application is required for a grade-level swimming pool. The application shall include the name of the owner, a plot plan and location of adjacent buildings, fencing, gates, and other detailed information affecting construction and safety measures.

C. Fencing: Yard areas with grade-level pools are to be fenced to discourage unsupervised access. Such fencing, including access gates, shall comply with the minimum height and other standards of the State Construction Code. Such fencing may be omitted where building walls abut the pool area, provided the lack of such fencing complies with the State Construction Code and that the entire remaining perimeter of the pool area is fenced.

D. Sanitation: Sanitation standards as now or any time adopted by the State Department of Health or the County Health Department to protect the public health shall be conformed with.

E. Placement: No swimming pool shall be located in an easement or under any overhead wiring, nor within five (5) feet of a lot line. Service drop conductors and any other overhead wiring shall not be installed above a swimming pool.

(Ord. 112-18, 5-10-12)

Section 19.04 FRONT SETBACK REDUCTIONS and INCREASES

Any front setback area in any residential district may be reduced below the minimum requirements when the average front setback of existing principal buildings within two hundred (200) feet of a proposed principal building location are less than the minimum required, in which case the required minimum front setback shall be based on the established average. Where the established setback is greater than the required minimum, the required setback for the proposed building shall be the average of the existing buildings.

Section 19.05 HEIGHT REQUIREMENT EXCEPTIONS

The following are exempted from height limit requirements, provided that no portion of the exempted structure may be used for human occupancy:

A. Those purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flagpoles and monuments, provided the total height of the building or structure does not exceed seventy-five (75) feet.

B. Agricultural buildings and structures, such as barns, silos, elevators and the like, provided they shall not exceed one-hundred fifty (150) feet in height.

Section 19.06 ONE SINGLE-FAMILY DWELLING to a LOT

No more than one (1) single family dwelling may be permanently established on a lot or parcel, unless specifically provided for elsewhere in this Ordinance.

Section 19.07 ALLOCATION of LOT AREA and CONFIGURATION of LOTS

A. No portion of a lot can be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.

B. The depth of lots created in all zoning districts after the effective date of this Ordinance shall not be more than four (4) times longer than their width.

Section 19.08 CONDITIONAL APPROVALS

A. Conditions on Discretionary Decisions: The Planning Commission, Zoning Board of Appeals, and Township Board may attach conditions to the approval of a site plan, special land use, variance or other discretionary approval.

B. Requirements for Valid Conditions: Conditions imposed shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic well being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

C. Record of Conditions and Changes: Any conditions imposed shall be recorded in the record of the approval action. These conditions shall not be changed except upon the mutual consent of the approving authority and the property owner.

D. Performance Guarantees: Performance guarantees may be required to insure compliance with conditions on discretionary decisions pursuant to the requirements of Section 3.06.

Section 19.09 OUTDOOR STORAGE, SALES and MERCHANDISE DISPLAY

A. Outdoor Display and Sales: Outdoor display and sales of merchandise is permitted within Business Districts only. The permitted outdoor display area shall not exceed twenty-five percent (25%) of the use's indoor retail sales floor area, except a minimum of two hundred (200) square feet of outdoor display area shall be permitted in all cases but shall not exceed an area of eight hundred (800) square feet. These regulations shall not apply to the display and sales of motor vehicles, boats, items intended for tow, wholesale building supplies, or live retail and wholesale landscape materials.

B. Storage: Excepting the display and sales of motor vehicles, items intended for tow, wholesale building supplies, or live retail and wholesale landscape materials, and unless specifically noted otherwise elsewhere in this Ordinance, all storage of materials or products in Business and Industrial Districts shall be conducted within a completely enclosed building.

C. Outdoor Storage on Vacant Land Prohibited: Nothing in this Section shall be construed as authorizing a vacant lot to be used for the storage of recreational vehicles, construction vehicles, or any other type of vehicle including watercraft; construction equipment and construction materials; waste products, garbage, or other waste materials; or any other items and materials. Such storage of items and materials on a vacant lot is prohibited. This subsection (C) shall not apply in the case where a land use permit has been issued for the use of the lot or construction on the lot and the stored items and materials are necessary for the use or construction authorized by the permit.

(Ord. 112-34, 8-10-23)

Section 19.10 KEEPING of ANIMALS

A. Definitions: For the purposes of this Section, the following terms and phrases shall have their corresponding meanings:

1. **Household Animal** (also referred to as a household pet): A domesticated animal that is typically found in residential dwellings and is not typically disruptive to the residential character of an area. This definition would include, by way of example and not by way of exclusion, such animals as domesticated dogs, cats, gerbils, hamsters, turtles, tropical fish, parrots, canaries, and parakeets. This definition does not include a farm animal or wild animal as described herein.
2. **Farm Animal:**
Large: A large domestic animal that is typically kept on farms or is typically associated with farms or farming operations. This definition includes, but is not limited to such animals as cows, pigs, horses, goats, llamas, buffalo, and sheep. This definition does not include a wild animal as defined herein.
Small: A small domestic animal that is typically kept on farms or is typically associated with farms or farming operations. This definition includes, but is not limited to such animals as chickens. This definition does not include a wild animal as defined herein.
3. **Wild Animal:**
Non-Predatory: An animal that is not typically domesticated nor found on farms, but typically exists in the wild and is typically found in zoos, circuses, wildlife sanctuaries, or nature preserves, and does not typically attack, bite, or injure human beings or domesticated animals without adequate provocation nor, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals. This definition includes, but is not limited to, such animal as quails, pheasants, peacocks, turkeys, deer, and non-poisonous snakes that will not exceed six (6) feet in length at maturity.
Predatory: An animal that is not typically domesticated nor found on farms, but typically exists in the wild and is typically found in zoos, circuses, wildlife sanctuaries, or nature preserves, and attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals. This definition includes, but is not limited to such animals as lions, tigers, leopards, panthers, cheetahs, cougars, jaguars, lynx, mountain lions, puma, badgers, bears, bobcats, coyotes, crocodiles, alligators, chimpanzees, monkeys, gorillas, poisonous snakes, snakes over six (6) feet, wolves, or any hybrid of a wild animal.

B. Household Animals: Household animals are permitted within all zoning districts. Kennels are permitted by special land use in specified districts only. See Article 2 for definition of kennel.

C. Predatory Wild Animals: Predatory wild animals are prohibited in all zoning districts.

D. Farm Animals and Non-Predatory Animals: The raising and keeping of farm animals and non-predatory animals may be conducted as accessory to the principal residential use of a lot of two (2) acres or larger in an A-1, A-2, A-3, A-4, R-1, and R-2 District, provided activities associated with the keeping of such animals are in accordance with the Generally Accepted Agricultural and Management Practices of the Michigan Agriculture Commission, and all applicable county, state and federal regulations. However, the following additional provisions shall apply in the A-2, A-3, A-4, R-1, and R-2 Districts:

1. No more than one (1) large farm animal shall be permitted per one (1) acre of lot area, except that in no case are swine permitted in such Districts.
2. No more than one (1) non-predatory wild animal over fifty (50) pounds in weight, or ten (10) non-predatory wild animals of fifty (50) pounds or less in weight, shall be permitted per one (1) acre of lot area.

(Ord. 112-13, 2-8-07)

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Section 19.11 ACCESSORY USES, BUILDINGS, and STRUCTURES

A. Permit Required: A Land Use Permit must be issued prior to the erection of an accessory building or structure. Applications for accessory buildings and structures shall be administered and reviewed as part of the original or proposed revised plot plan or site plan, depending upon the nature of the principal use of the lot and pursuant to Article 4. Accessory uses, buildings and structures shall be subject to the following regulations except for agriculturally related accessory structures on parcels greater than twenty (20) acres in size, or as otherwise permitted in this Ordinance.

B. Attached: An accessory building, including carports which are attached to the principal building, shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Any covered or roofed structure, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered habitable floor area.

C. Separation Distance: An accessory building or structure unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to any other structure on the lot.

D. Placement: Except as provided below in (1) and (2), accessory buildings and structures are subject to all side yard setback requirements of the District in which it is located, shall be no closer than ten (10) feet to any rear lot line, and, on a lot of less than two (2) acres, shall not be located in any front yard. On lots of two (2) acres or more, accessory buildings and structures may be placed in a front yard but shall comply with the front yard setback requirements of the District.

1. Boathouses and other structures constructed solely for the purpose of storing or mooring vehicles intended for use upon the water body which the rear yard abuts need not be set back a minimum of ten (10) feet from the rear yard lot line.
2. Uncovered paved terraces, patios, and porches may extend to within four (4) feet of a property line provided the finished grade of such terrace, patio, or porch shall not be more than three (3) feet higher than the surrounding finished grade.

E. Lot Coverage: An accessory building or structure shall not occupy more than thirty (30) percent of the area of any rear yard.

F. Height: No detached residential accessory building or structure shall exceed thirty-five (35) feet in height from the established grade to the highest point of the accessory building or structure. See Section 19.20 regarding fence and wall heights.

G. Not Permitted Prior to a Principal Structure: Accessory buildings and structures shall not be erected on a lot or parcel in any district prior to the establishment of a principal structure except that agricultural buildings may be erected prior to the establishment of a principal structure provided the building is to be located on a parcel of a minimum of twenty (20) acres and a minimum of fifty percent (50%) of the parcel has been under active commercial agricultural operations for a minimum of two consecutive calendar years. See definition for "agricultural building" in Article 2. Where the Zoning Administrator is uncertain of the extent of active commercial agricultural operations, such as commercial crop or livestock farming, the Zoning Administrator may request the applicant to submit substantiating evidence. Where two or more abutting lots are held under one ownership in a residentially zoned district, the owner may erect an accessory building on a lot separate from that one which the principal building is located, provided both lots are used as one with a single tax description.

H. Habitation of Accessory Structures: No garage, barn, or accessory building, or basement, whether fixed or portable, shall be used or occupied as a dwelling.

(Ord. 112-9, 5-11-06; Ord. 112-18, 5-10-12)

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Section 19.12 TEMPORARY DWELLINGS

A. No temporary dwelling shall be erected or placed upon a lot or parcel except as authorized by a temporary land use permit issued by the Zoning Administrator. The Zoning Administrator may issue a temporary land use permit for a temporary dwelling, consisting of a mobile home or recreational vehicle, subject to (1), (2), and (3) below. A performance guarantee shall be required from the property owner prior to placing a temporary dwelling for temporary use, to ensure removal of the temporary dwelling at termination of the permit. The temporary dwelling shall be removed, or demolished in the case of (1)(a) below, no later than the permit expiration date stated on said permit or within sixty (60) days of the issuance of a certificate of occupancy for the new permanent dwelling, whichever comes first.

1. **New Construction:** When a permanent dwelling is to be constructed upon a lot, a temporary land use permit may be issued to allow a temporary dwelling less than twenty (20) feet in width to be placed on the property upon the request of the owner, to be used for residential purposes by the landowners during the time which the permanent dwelling is being constructed. Said permit shall be in effect for no more than one (1) year. Any extension must be approved by the Planning Commission, who may grant the same for a period of not more than one (1) year during which time a permanent dwelling shall be erected on the property.
 - a. When a permanent dwelling is to be constructed upon a lot with the intent that it replace an existing dwelling on the same lot, a temporary land use permit may be issued to allow the existing dwelling to be used as a temporary dwelling by the landowners during the time when the replacement permanent dwelling is being constructed. Such permit shall be subject to the same time limitations as specified above in (1).
2. **Emergency Housing:** When a dwelling is destroyed by fire, collapse, explosion, Acts of God, or acts of a public enemy to the extent that it is no longer safe for human occupancy, as determined by the Building Inspector, a temporary land use permit may be issued to allow a temporary dwelling less than twenty (20) feet in width to be placed on the property upon the request of the owner. Said permit shall be in effect for no more than one (1) year. The Planning Commission may grant one (1) extension of not more than one (1) year during which time a permanent dwelling shall be erected on the property.
3. **Medical Reasons:** A person(s) may make application to the Zoning Administrator to occupy a temporary dwelling as an accessory use to the principal dwelling if a medical condition exists such that the intended occupant requires continued supervision. Such medical condition shall be attested to by a licensed physician, stating the nature of the disorder and specifying the level and type of continued care needed by the patient. A temporary housing permit shall be granted if the Zoning Administrator finds adequate evidence of the need for supervision. Such permit issued to the party with the medical condition is for the applicant's use only and not transferable to any other owner or occupant. The permit shall expire in one (1) year. One (1) extension of not more than one (1) year may be issued upon review by the Zoning Administrator. All temporary dwellings shall be located within two-hundred (200) feet of the dwelling occupied by the person providing the continued supervision and shall comply with all setback requirements for principal buildings.

B. A temporary land use permit for a temporary dwelling shall not be granted, for any reason, unless the Zoning Administrator finds:

1. Proposed water supply and sanitary facilities have been approved by the County Health Department where necessary.
2. All applicable setback requirements within said district are met.

(Ord. 112-6, 2-9-06; Ord. 112-14, 1-10-08; Ord. 112-15, 2-12-09)

Section 19.13 DWELLING STANDARDS

All single family and two family dwelling units shall comply with the following standards.

A. Dwellings shall comply with all living area requirements of the zoning district within which it is proposed, shall have a minimal elevation width of twenty-two (22) feet, and, except for renovations, shall have a minimum roof pitch of 4:12 (four (4) feet vertical rise per twelve (12) feet of horizontal run). Single family dwellings shall comply in all respects with the Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with federal or state standards or regulations for construction (as in the case of mobile homes) and where such standards or regulations for construction are different than those imposed by the Building Code, then and in that event such federal or state standard or regulation shall apply.

B. All dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such

materials and type as required in the applicable Building Code for such dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device, and shall be set on a concrete footing with a masonry wall extending from perimeter to ground, or on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground, made of commercial quality or equivalent, and comply with the rules and regulations of the Michigan Mobile Home Commission, the Public Health Department, and HUD Regulations 24 CFR 3280, being the "Mobile Home Construction and Safety Standards".

C. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.

D. All dwellings shall be connected to a public sewer and water supply or to such private facilities approved by the Livingston County Health Department.

E. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by State and Federal law or otherwise specifically required in this ordinance pertaining to mobile home parks.

Section 19.14 RESERVED FOR FUTURE USE

(Ord. 112-2, 9-9-04; Ord. 112-21, 11-12-15)

Section 19.15 CONDOMINIUM SUBDIVISIONS

A. Purpose: The purpose of this Section is to insure that subdivision plans for developments within Deerfield Township proposed under the provisions of the Condominium Act, Act 59 of the Public Acts of 1978, shall be reviewed with the objective and intent of achieving the same characteristics and land use result as if the development and improvements therein were being proposed pursuant to the Subdivision Control Act, Act 288, of the Public Acts of 1967 as amended, including, without limitation, conformance with all site development requirements of the zoning district within which the development is proposed. Nothing in this Ordinance shall be construed as requiring a Condominium Subdivision to obtain plat approval under the Deerfield Township Subdivision Control Ordinance.

B. Procedures For Review And Approval: A condominium subdivision shall not be considered a special land use, but shall be reviewed and, if appropriate, approved by the Township Board according to the same application and review procedures specified for special land uses in Article 5, except that the following exceptions shall be made:

1. **Preapplication Meeting:** The applicant is required to submit a preliminary site plan. Prior to the applicant submitting a preliminary site plan for the condominium subdivision, the applicant may contact the Clerk to request a preapplication meeting with the Planning Commission. The applicant may, at this time, submit a pre-preliminary plan which describes existing and proposed features of the site including land uses and other man-made features, natural features including soil and topographic conditions, the proposed phasing of the project, and the overall layout of the project, including property line dimensions and area. The applicant shall receive general comments at the preapplication meeting regarding initial impressions of the proposed development by Planning Commission members, although such comments shall in no way be construed to represent the comments of the Planning Commission as a whole nor guarantee any subsequent approval or denial of the proposed project.
2. **Preliminary Plan:** The applicant shall submit a preliminary site plan of the condominium subdivision project which shall be reviewed and acted upon according to the provisions of Article 4. The preliminary site plan shall include all of the information identified in Section 4.05 and the following additional information.
 - a. A statement of intended specific uses and locations thereof in the proposed condominium subdivision, including single family residences, two-family residences, multiple family dwellings, and common elements.
 - b. A map of the entire area scheduled for development if the proposed condominium subdivision is a portion of a larger parcel intended for subsequent development and staging of development of the entire subdivision as well as the relation of each stage to the entire condominium subdivision shall be clearly shown.
 - c. A location map showing the relationship of the proposed project to the surrounding area and showing connections with adjoining platted streets and layout of condominium units adjacent to the exterior lot lines of the condominium subdivision project.
 - d. Streets, street names, alleys, sidewalks, right of way and roadway widths as well as surfacing of all streets. The locations, widths, names of any existing streets within or adjacent to the proposed

condominium subdivision, as well as county drains, water courses, railroads, section lines, existing structures, and similar physical elements shall also be identified.

- e. Identification of all proposed condominium unit boundaries and the total number of units, shown by numerical order commencing with Number 1 and with no omissions or duplications. All setback requirements for each condominium unit shall also be shown as well as any lands reserved for common use and any conditions related to such common use.
 - f. Statement describing the sewage system and method to be approved by the County Health Division. If private septic systems are to be utilized such systems shall be contained within the lot area, and shall be limited to the exclusive use of the owner of the condominium unit.
 - g. The location and size of all existing and proposed sanitary sewer, storm sewer and water supply facilities, points of connection to existing lines, elevations and grades of such lines, direction of flow, location of valves and hydrants as well as location of gas, electric, telephone, and any other utility lines.
 - h. Right of way easements, showing locations widths, and purpose.
 - i. Street lighting standards, street trees, curbs, water mains, sanitary sewer and storm drains, man-holes, catch basins and underground conduits.
 - j. In the case where the applicant wishes to develop a given area, but wishes to begin with only a portion of the total area, the preliminary plan shall include the proposed general layout for the entire area. The part which is proposed to be developed first shall be clearly superimposed upon the overall plan in order to illustrate clearly the method of development which the applicant intends to follow. Each subsequent development shall follow the same procedure until the entire area controlled by the applicant is subdivided. Each phase of the development shall not exceed, on a cumulative basis, the average density allowed for the entire development.
3. Final Site Plan:
- a. The proposed final site plan shall be submitted and reviewed according to Article 4 and shall include all information required by Section 4.03 and 19.15(B)(2), and the following additional information:
 - 1) Final engineering plans which shall include plans and information in sufficient detail for the Township and appropriate consultants to determine compliance with all applicable laws, codes, ordinances, rules, and regulations, enforceable by the Township and any conditions applied as part of the Township's review under this Ordinance.
 - 2) The Master Deed as required by State law and any additional documentation to be recorded with the Register of Deeds and filed with the Clerk.

C. Construction:

1. A permit for construction of buildings shall be issuable at such time as all infrastructure improvements for the project have been constructed, provided, however, the Township Board may determine that certain improvements need not be constructed prior to issuance of a building permit on the condition that all improvements will be completed prior to issuance of certificate of occupancy and the developer posts cash, or a letter of credit in the form and amount determined appropriate by the Township Board following advice of Township consultants, for the timely completion of such improvements. No permits shall be issued unless there is compliance with all applicable laws, ordinances, and regulations of governmental bodies having jurisdiction. Prior to the issuance of building permits, the developer shall demonstrate approval by County and State entities having jurisdiction with regard to any aspect of the development, including, without limitation, water supply and sewage disposal.
2. Prior to issuance of certificates of occupancy, the developer shall demonstrate approval by any other governmental entities having jurisdiction, and demonstrate that all improvements have been completed in accordance with approved plans. A temporary certificate of occupancy may be issued prior to full completion, for a specified period on the condition that the developer posts cash or a suitable letter of credit in the form and amount approved by the Township on the advice from Township consultants. The security shall be in an amount equal to one and one-half times the cost of the improvement based upon either a contract executed for completion of the improvement or estimate of the cost by the Township Engineer.

D. Requirements And Standards

1. For developments where construction is to occur in phases, that portion which is constructed shall conform with all laws, ordinances and regulations of all governmental bodies having jurisdiction, and be capable of functioning independently without further improvements, including, without limitation, without the necessity of constructing any additional roads, drainage or utilities.
2. All provisions of the approved final site plan must be incorporated, as approved, in the Master Deed for the condominium project. A copy of the Master Deed as filed with the Livingston County Register of

Deeds for recording must be provided to the Township Clerk within ten (10) days after such filing with the County.

3. All provisions of the condominium subdivision plan which are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision. Any proposed changes to the approved condominium subdivision plan shall be subject to review and approval by the Township Board as a major amendment to the permit, subject to the procedures of Section 4.08. Any proposed changes shall first require the approval of the Township Board prior to recordation, and shall be subsequently filed with the Township Clerk.

(Ord. 112-14, 1-10-08)

Section 19.16 Lake Access and Frontage, Common Use Lots

A. The following regulations shall apply to all land in all Districts that abut a lake, pond or stream regardless of whether access to the lake, pond or stream shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, or lease, except where such land has been approved as a common use lot according to Article 5 and Section 17.24. See Section 17.24 for definition of "common use lot."

1. There shall be at least one hundred twenty (120) feet of water frontage, measured by a straight line which intersects each side lot line along the ordinary high water mark of such frontage, for each single family home, dwelling unit, cottage, condominium unit, or apartment unit using or accessing such frontage.
2. Any multiple-unit residential development, such as but not limited to a platted or condominium subdivision, that shares a common water frontage, shall not permit the use or access to such frontage to more than one (1) single family home, dwelling unit, cottage, condominium unit, or apartment for each one hundred twenty (120) feet of such frontage, as measured by a straight line which intersects each side lot line along the ordinary high water mark of such frontage.
3. Any multiple-unit residential development, such as but not limited to a platted or condominium subdivision, that shares a common water frontage, shall have not more than one (1) dock for each one hundred twenty (120) feet of such frontage, as measured by a straight line which intersects each side lot line along the ordinary high water mark of such frontage.
4. No lake access, boat ramp, dock, boat launch, or shoreline abutting a lake shall be used for commercial, business, outdoor recreation or entertainment facilities, institutional or nonresidential or nonagricultural uses or purposes.
5. No easement, private park, common area, lot or access property with water frontage shall be used to permit access to the lake or stream for more than one (1) single family home, dwelling unit, cottage, condominium unit, or apartment for each one hundred twenty (120) feet of such frontage, as measured by a straight line which intersects each side lot line along the ordinary high water mark of such frontage.
6. Refer to the Deerfield Township Dock and Boat Ordinance and other applicable Township ordinances for other applicable regulations.

(Ord. 112-1, 1-08-04)

Section 19.17 HOME OCCUPATIONS

A. Definitions: For the purpose of this Section and Ordinance, the following phrases shall apply:

1. **Home Occupation:** An occupation or profession conducted within a dwelling including an attached garage, or a building accessory to the dwelling, and complies with the standards of this Section.
 - a. **Class 1 Home Occupation:** A home occupation that is conducted entirely within a dwelling, including an attached garage, and complies with the standards of subsection (C) and (D) below.
 - b. **Class 2 Home Occupation:** A home occupation that is conducted wholly or in part in an accessory building, or which exceeds the standards for Class 1 Home Occupation in subsection (D) below, and complies with the standards of subsection (C) and (E) below. Examples of a Class 2 home occupation include, but are not limited to, occupations involving a building accessory to a residence which is used as an office of a contractor or landscaping service or used to store earth moving or other excavation or construction vehicles used in association with such business and driven or transported by employees arriving at the building to the work site, used for providing appliance or other equipment repairs, or used to provide educational services such as in the area of hand crafts, musical instruments, and self-defense.

B. Authorization: The operating or conducting of a home occupation is permitted according to the regulations and standards of this Section.

1. Class 1 Home Occupation: A Class 1 Home Occupation is permitted as an accessory use to the principal residential use of a lot. A zoning permit for such an occupation is not required, but such occupation shall comply with the standards of subsection (C) and (D) below.
2. Class 2 Home Occupation: A Class 2 Home Occupation is classified as a special land use, and shall be subject to the application and review provisions of Article 5, and the standards of subsection (C) and (E) below.

C. Standards Applicable to Both Class 1 and Class 2 Home Occupations:

1. The outdoor display of items on the lot of the home occupation and produced by the home occupation is permitted provided the display area is contained within a 15' by 30' area, is set back a minimum distance of fifteen (15) feet from a road right-of-way and fifty (50) feet from side and rear lot lines, and the lot is a minimum of five (5) acres in size with 330 feet of frontage. A single sign pertaining to the display is permitted provided it does not exceed six (6) square feet in area and three (3) feet in height and is located in the display area.
2. Refuse generated by the occupation shall be safely and properly disposed of.
3. The occupation, including associated equipment, shall not produce any noise, odors, vibration, fumes or smoke detectable to normal sensory perception beyond the lot lines. No equipment or process shall be used which creates electrical interference in any radio, television, or communication receivers off the premises, or cause fluctuations in line voltage off the premises.
4. A resident of the dwelling on the lot shall be actively and personally engaged in and responsible for all home occupation operations.
5. The occupation shall comply with all applicable federal, state and local laws, including, but not limited to, laws regarding licensing, occupational health and safety, and the environment.
6. There shall be no on-street parking.
7. The occupation shall be clearly secondary and incidental to the use of the dwelling as a place of residence, and shall not result in a change to the essential character of the premises including both the dwelling and yard areas.
8. All storage associated with a home occupation shall be limited to items produced on the lot by the home occupation or otherwise used in the production of such items.

D. Additional Standards Applicable to Class 1 Home Occupations Only:

1. The home occupation shall not occupy an area greater than one-third (1/3) of the floor area of the dwelling including the basement.
2. The home occupation shall employ no persons on the premises during the ordinary course of business, except residents of the dwelling on the premises.
3. There shall be no customers, salesmen, or other business visitors on the premises during the ordinary course of business.
4. No traffic shall be generated by the home occupation in volumes in excess of that which is normally associated with a single family dwelling, and such traffic shall be limited to passenger vehicles, delivery vans, and similarly sized vehicles.
5. Except as permitted by Sec. 19.17(C)(1), all of the activities on the property related to the occupation shall be carried on indoors including the storage of materials, goods, supplies, refuse and waste materials, equipment or products related to the occupation.

E. Additional Standards Applicable to Class 2 Home Occupations Only:

1. The home occupation shall not occupy an area greater than one-half (1/2) of the floor area of the dwelling including the basement, nor shall the occupation occupy a greater area of an accessory building than the first floor area of the dwelling.
2. The home occupation shall employ no more than three (3) persons on the premises during the ordinary course of business, excluding the resident owner, other employees residing in the dwelling, and employees who do not physically report to the site or perform occupational duties on the site.
3. Visitors, customers and deliveries shall not exceed a total of eight (8) during a single day. The Township Board may decrease this standard in the case where the Township Board determines that, without such reduction in the standard, the operation of the home occupation will unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area.
4. No traffic shall be generated by the home occupation in volumes in excess of that which is normally associated with a single family dwelling, and such traffic shall be limited to passenger vehicles, delivery vans, and similarly sized vehicles. The Township Board may waive this requirement upon a finding that

the allowance of a specified increase in traffic, including truck traffic, will not undermine the public safety and welfare based on such factors as the size of the lot, the proximity of nearby residences, and road and dust conditions, nor unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. Nothing in this subsection (4) shall be interpreted to allow outdoor parking in excess of that regulated by subsection (5) below.

5. In no case shall more than eight (8) motor vehicles be temporarily or permanently parked or located outdoors, including vehicles owned or used by residents of the dwelling and employees of the business. The Township Board may decrease the above standard in the case where the Township Board determines that, without such reduction in the standard, the operation of the home occupation will unreasonably interfere with the use and enjoyment of nearby properties and/or undermine the intended character of the area. The Township Board may require screening of parking areas to minimize negative impacts on neighboring properties.
6. In addition to the display of items permitted by Sec. 19.17(C)(1), a Class Two home occupation may include other outdoor areas intended to be used as part of the home occupation, including the storage of materials, goods, supplies, refuse and waste materials, equipment or products related to the occupation, provided such areas are fully screened from surrounding properties and road right-of-ways.

F. Special Application and Approval Requirements for Class 2 Home Occupations:

1. An application for a Class 2 Home Occupation shall include a site plan. The site plan shall be to scale and need only illustrate property lines with dimensions and bearings; existing and proposed structure and building locations and footprints; driveways and off-street parking areas; and any proposed screening. The Township Board may require additional information if it determines the character of the project, site or surrounding conditions necessitates additional information to make a sound decision on the application.
2. In addition to the information required by Article 5 and the site plan described in (1) above, the applicant shall submit a detailed description of the nature of the occupation, which shall clearly specify the following minimum features:
 - a. A detailed description of the character of the home occupation including but not limited to the service or product offered and the typical daily schedule of activities of such business.
 - b. The type and frequency of vehicular traffic to be generated by the home occupation, the location of all outdoor parking, delivery and storage areas, if proposed, and the maximum number of vehicles to be parked or otherwise located outdoors including vehicles owned or used by residents of the dwelling and employees of the home occupation.
 - c. Proposed landscaping/screening in association with any parking and outdoor storage areas to minimize negative impacts on nearby properties.
 - d. The number of full-time and part-time employees of the business and the frequency at which such employees will be present at the site.
 - e. The location(s) and square footages to be occupied by the home occupation, including within both the dwelling and any accessory building.
 - f. The location, character, and dimensions of any structural additions or modifications to an existing dwelling or accessory building to accommodate the home occupation.
3. Any approval of a Class 2 Home Occupation, and any permit issued for such occupation, shall clearly delineate any conditions upon which such approval is granted including any conditions pertaining to the number of employees, outdoor parking of vehicles, and related operational features.

(Ord. 112-13, 2-8-07; Ord. 112-18, 5-10-12)

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Section 19.18 PRIVATE WIND ENERGY CONVERSION FACILITIES (PRIVATE WECF)

A. Authorization and Approval Procedures:

1. Authorization: Private WECFs shall be construed as accessory structures, as defined in this Ordinance, and are permissible in all districts.
2. Approval Procedures:
 - a. Zoning Administrator Approval. A private WECF that is no greater than sixty (60) feet in height, measured from the normal ground elevation below to the highest point of the wind turbine including to a blade tip in its highest position (vertical, horizontal, and/or diagonal) if such tip is the highest point, and is not to be located within one-hundred fifty (150) feet of an existing building on another parcel, is subject to Zoning Administrator approval according to Section 4.02. The applicant shall submit a plot plan containing the information required by Section 4.03(A) and any additional information necessary to demonstrate conformance with the standards of subsection (B) below. The Zoning Administrator shall approve such application upon finding that the WECF application complies with the standards and regulations of this Section and Ordinance.
 - b. Planning Commission Approval. A private WECF that is greater than sixty (60) feet in height, measured from the normal ground elevation below to the highest point of the wind turbine including to a blade tip in its highest position (vertical, horizontal, and/or diagonal) if such tip is the highest point, or is to be located within one-hundred fifty (150) feet of an existing building on another parcel, is subject to Planning Commission approval. The applicant shall submit a plot plan containing the information required by Section 4.03(A) and any additional information necessary to demonstrate conformance with the standards of subsection (B) below. The Planning Commission shall approve such application upon finding that the WECF application complies with the standards and regulations of this Section and Ordinance, and that the WECF is sited to maximize compatibility with surrounding conditions to the greatest extent practical.

B. Site Development Requirements: A private WECF shall comply with the same standards applicable to commercial WECF according to Section 17.27(B) and (C) except as provided below:

1. Maximum Height: The permitted maximum total height of a wind turbine, or test tower, measured from the normal ground elevation below to the highest point of the wind turbine including to a blade tip in its highest position (vertical, horizontal, and/or diagonal) if such tip is the highest point, shall be ninety (90) feet.
2. Setbacks from Property Lines: A wind turbine and test tower shall be set back a minimum distance from all property lines, a distance equal to two (2) times the height of the wind turbine, as measured from the normal ground elevation at the wind turbine base to the highest point of the wind turbine including to a blade tip in its nearest position (vertical, horizontal, and/or diagonal) if such tip is the nearest point. No setback shall be required in the case where the WECF is mounted on a roof or similar support structure and does not increase the height of such structure by more than ten (10) feet provided such structure complies with all required setbacks. In addition, for a WECF of less than sixty (60) feet in height, the approving body may decrease the required setback to no less than one (1) times the height of the wind turbine upon finding that existing site and surrounding conditions warrant a more flexible setback requirement, such as due to the proximity of nearby dwellings or the screening effects of site conditions.
3. Rotor/Blade Clearance: The lowest point of the arc created by rotating wind vanes or blades shall be no less than twenty (20) feet from the ground below except where the turbine is attached to a roof or other structure that prohibits vehicular and pedestrian movement below such blades.
4. Shadow Flicker: A private WECF shall be sited in such a manner to minimize shadow flicker from the blades on any road or on any building on an adjacent property existing at the time the application is considered. The approving body may require the applicant to submit a shadow report illustrating or otherwise delineating the projected shadow pattern of the WECF on June 21 and December 21, specific to the Deerfield Township area, including the source and basis for such projections.
5. Appearance: A private WECF tower, or test tower, may be of lattice construction provided the total height of the turbine, or test tower, measured from the normal ground elevation below to the highest point of the wind turbine or test tower including to a blade tip in its highest position (vertical, horizontal, and/or diagonal) if such tip is the highest point, is no greater than sixty (60) feet.

(Ord. 112-15, 2-12-09)

Section 19.19 OUTDOOR FURNACES

A. Definitions: For the purpose of this Section and Ordinance, the following definitions shall apply:

1. Natural wood: Tree trunks and branches of a minimum diameter of two (2) inches excluding leaves and needles, and wood that has been milled and dried including wood pellets, and corn and agricultural seeds, provided all of which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint or other substance.
2. Outdoor furnace: An accessory structure intended not to be located within a building occupied by humans or domestic animals, which is designed for heating spaces or liquids within such occupied buildings, or outdoor swimming pools and spas, through the burning of fuel.

B. Approval Procedure: Outdoor furnaces are classified as an accessory structure and shall be subject to Zoning Administrator approval including plot plan approval according to Article 4. The Zoning Administrator shall issue a zoning permit for an outdoor furnace upon finding that the application complies with the standards and regulations of this Section and Ordinance.

C. Standards:

1. An outdoor furnace shall be equipped with properly functioning spark arrestors and shall comply with all building codes of the Township and all other regulations and requirements of county, state and federal agencies. Where local codes, state or federal regulations establish standards in excess of the manufacturer's specifications, such furnace shall not be erected.
2. Outdoor furnaces are authorized in the A-1, A-2, A-3, and A-4 Districts only and provided the lot is of a minimum two (2) acres in area.
3. No outdoor furnace shall be located in a front yard. The furnace shall be located a minimum of one hundred (100) feet from a lot line.
4. The outdoor furnace shall have a chimney that extends at least fifteen (15) feet above the average ground surface below as measured at all corner points of the furnace, and in no case shall the chimney be less than two (2) feet above the peak of any existing building on a separate lot that is within five hundred (500) feet of the furnace and intended for human occupancy. "Existing building" shall mean any building existing on the effective date of this Section 19.19 or any building for which a building permit has been issued prior to the effective date of this Section 19.19 but yet to be constructed. Nothing in this subsection (4) shall be construed to authorize a chimney height that exceeds the manufacturer's specifications. See subsection (1) above.
5. No outdoor furnace shall rely on any fuel except natural wood as defined in subsection (A) above. For clarification purposes, prohibited fuels include, but are not limited to, rubbish or garbage including but not limited to food wastes; food wraps; packaging; animal carcasses; paint or painted materials; furniture; composite shingles; construction or demolition debris or other household or business wastes; asphalt and products containing asphalt; plywood or composite wood; any plastic material including but not limited to nylon, PVC, polystyrene or urethane foam, synthetic fabrics, plastic films and plastic containers; rubber including tires and synthetic rubber-like products; and newspaper, corrugated cardboard, container board, office paper and other similar materials.

(Ord. 112-16, 11-12-09)

Section 19.20 FENCES and WALLS

A. Residential: Fences and walls used for residential purposes shall comply with the following standards:

1. No fence or wall exceeding six feet (6') in height shall be erected in any yard except no portion of a fence or wall in a front yard shall exceed a height of three feet six inches (3'6") unless located within twenty (20) feet of the dwelling.
2. In addition to the restrictions of subsection (1) above, and in the case of a fence or wall in the front yard of a waterfront lot in a Residential District, the front yard being the yard adjacent to the water, such fence or wall shall not extend from the dwelling toward the water, either in front of the dwelling or to the side of the dwelling such as along a side lot line, a distance greater than twenty (20) feet unless the height of the portion of the fence that exceeds this distance shall not exceed three feet six inches (3'6") and such fence or wall shall not extend closer than ten (10) feet to the ordinary high water mark.
 - a. Subsection (2) above shall not prohibit the erection of a fence or wall on a waterfront lot of up to six (6) feet in height, along any lot line that also serves as a public road right-of-way line, where such road right-of-way terminates at the water's edge. Such a fence shall not extend closer than ten (10) feet to the ordinary high water mark.
3. In the case where a proposed fence or wall is within forty (40) feet of a dwelling on an abutting lot, the

finished side of the fence or wall shall face the abutting lot.

4. Fences and walls with barbs, spikes, nails, or other sharp or electrified devices shall be prohibited.
5. Fences and walls shall not be subject to setback requirements.
6. No fence or wall shall be erected along or near a road in such a manner as to obstruct safe, free and clear vision of oncoming traffic or vehicles attempting to access such road or negotiate movement through an intersection.
7. The restrictions of this subsection (A) shall not apply to those portions of a fence or wall located within twenty (20) feet of an entrance to a driveway providing access to the property that is served by such fence or wall.

B. Commercial, Industrial, Public, and Institutional: The location, height and character of all fences and walls proposed as part of the commercial, industrial, public and/or institutional use of a lot, or any other use of a lot requiring site plan approval pursuant to Article 4, shall be reviewed according to the site plan review provisions of Article 4.

C. Section 19.11 Not Applicable: The provisions of Section 19.11 regarding accessory uses, buildings and structures shall not apply to fences and walls.”

(Ord. 112-18, 5-10-12)

Section 19.21 FARM-BASED BIOFUEL PRODUCTION FACILITIES

A. Definitions: For the purpose of this Section, the following terms and phrases shall have the following meanings:

1. Biofuel: Any renewable fuel product, whether solid, liquid, or gas, that is derived from recently living organisms or their metabolic by-products and meets applicable quality standards, including, but not limited to, ethanol and biodiesel. Biofuel does not include methane or any other fuel product from an anaerobic digester.
2. Ethanol: A substance that meets the ASTM international standard in effect on July 19, 2011 as the D-4806 specification for denatured fuel grade ethanol for blending with gasoline.
3. Farm: That term as defined in section 2 of the Michigan Right to Farm Act, 1981 PA 93, MCL 286.472.
4. Proof gallon: That term as defined in 27 CFR 19.907.

B. Production Facilities Classified as “Accessory Uses”: A biofuel production facility located on a farm with an annual production capacity of not more than 100,000 gallons of biofuel, is classified as an “accessory use” and is not subject to special land use approval, provided all of the following requirements are met:

1. The biofuel production facility is located not less than 100 feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all other applicable setback requirements of this Ordinance.
2. On an annual basis, not less than 75% of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than 75% of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.

C. Production Facilities Classified as “Special Land Uses”:

1. A biofuel production facility located on a farm with an annual production capacity of not more than 100,000 gallons of biofuel is classified as a “special land use” if the facility meets the requirements of subsection (B)(1) but that does not meet the requirements of subsection (B)(2).
2. A biofuel production facility located on a farm with an annual production capacity of more than 100,000 gallons but not more than 500,000 gallons of biofuel, is classified as a “special land use” if the facility meets the requirements of subsection (B)(1).

D. Application Requirements: An application for special land use approval for a biofuel production facility described in subsection (C) shall include the required information according to Article 5 in addition to the following:

1. A description of the process to be used to produce biofuel.
2. The number of gallons of biofuel anticipated to be produced annually.
3. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.
4. For an ethanol production facility that will produce more than 10,000 proof gallons annually, completed United States department of the treasury, alcohol and tobacco tax and trade bureau, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the national

environmental policy act of 1969, 42 USC 4321 to 4347, and the federal water pollution control act, 33 USC 1251 to 1387.

5. Information that demonstrates that the biofuel production facility will comply with the requirements of subsections (2) and (5).
6. Any additional information requested by the Planning Commission or Township Board and relevant to compliance with this Ordinance.

E. Special Land Use Public Hearing: The Township shall hold a hearing on a special land use application for a biofuel production facility under subsection (C) not more than 60 days after the application is filed.

F. Special Land Use Conditional Approval: Special land use approval of a biofuel production facility described in subsection (C) shall be made expressly conditional on the facility meeting all of the following requirements before the facility begins operation and no additional requirements:

1. Buildings, facilities, and equipment used in the production or storage of biofuel comply with local, state, and federal laws.
2. The owner or operator of the biofuel production facility provides the local unit of government with proof that all necessary approvals have been obtained from the department of environmental quality and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:
 - a. Air pollution emissions.
 - b. Transportation of biofuel or additional products resulting from biofuel production.
 - c. Use or reuse of additional products resulting from biofuel production.
 - d. Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.
3. The biofuel production facility includes sufficient storage for both of the following:
 - a. Raw materials and fuel.
 - b. Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

(Ord. 112-18, 5-10-12)

Section 19.22 STORAGE and USE of RECREATIONAL VEHICLES

A. The overnight parking or storage of a recreational vehicle on a parcel on which a permanent dwelling is not located, irrespective of whether such vehicle is used for sleeping purposes, is prohibited except for the following:

1. When expressly authorized as part of an approved site plan where the overnight parking or storage of a recreational vehicle is an integral component of the approved principal use of the parcel, such as in the case of recreational vehicle sales.
2. A lot or parcel may be used for the outdoor parking or storage of recreational vehicles, irrespective of whether such vehicle is used for sleeping purposes, provided the following conditions are met:
 - a. The lot is a minimum of five (5) acres in size and located in an A-1, A-2, or A-3 District.
 - b. The recreational vehicle shall be a minimum of fifty (50) feet from all lot lines.
 - c. Sewage disposal shall comply with federal, state, county and local regulations. In no case shall sewage be disposed of on the lot except by a septic system approved by the county health department.
 - d. The lot shall not be used for such overnight parking or storage for more than sixty (60) days in any twelve month period.

B. This Section shall not apply to recreational vehicles authorized as temporary dwellings under Section 19.12.

(Ord. 112-21, 11-12-15)

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Section 19.23 Yard Sales

A. Definition: For the purpose of this Section, “yard sale” shall be defined as the temporary sale or offering for sale to the public items of personal property commonly associated with a household, and which may also be referred to as a “rummage sale” or “garage sale.”

B. Restrictions and Standards: Garage sales shall comply with the following:

1. No more than four (4) yard sales shall be conducted on the same lot between January 1 and December 31, irrespective of the length of duration of each yard sale, and there shall be a minimum of thirty (30) days between any two (2) yard sales held on the same lot as measured from the day after the first yard sale ends to the first day of the next yard sale.
2. No garage sale shall extend more than four (4) days in duration.
3. A garage sale shall be located only on a lot on which a dwelling is located except as provided by subsection (a):
 - a) Two (2) or more households may conduct a yard sale on the same lot that does not include a dwelling, where such lot is part of a platted or condominium subdivision, provided the lot owner notifies the Zoning Administrator in writing a minimum of five (5) days prior to such yard sale, and only one (1) such sale may be held on the same lot between January 1 and December 31.
4. A yard sale shall not provide for the sale of items purchased with the principal intent of resale.
5. No garage sale shall be conducted before 8:00 a.m. or continue later than 9:00 p.m.
6. Signs associated with a garage sale shall comply with Section 21.07. In addition, no such sign shall not be erected more than five (5) days prior to the start of the sale and shall be removed within twenty-four (24) hours of the conclusion of the sale.
7. A zoning permit shall not be required for a garage sale.

(Ord. 112-35, 1-11-24)

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End of Article 19

*(Ord. 112-1, 1-08-04; Ord. 112-2, 9-9-04; Ord. 112-6, 2-9-06; Ord. 112-9, 5-11-06; Ord. 112-13, 2-8-07;
Ord. 112-14, 1-10-08; Ord. 112-15, 2-12-09; Ord. 112-16, 11-12-09; Ord. 112-18, 5-10-12; Ord. 112-21, 11-12-15;
Ord. 112-34, 8-10-23; Ord. 112-35, 1-11-24)*

Article 20
ACCESS, PRIVATE ROADS and SHARED DRIVEWAYS

(Ord. 112-21, 11-12-15, fully redrafted Article 20)

Section 20.01 PURPOSE

The purpose of this Article is to provide regulations and standards that will facilitate safe, practical and efficient traffic movement and vehicular access, including provisions addressing the design, construction and maintenance of shared driveways and private roads. The standards contained herein are intended to protect the public health, safety, and welfare, including minimizing congestion and potential for accidents, and better assure accessibility to property under emergency conditions. The regulations and standards of this Article apply to all properties in the Township unless specified otherwise, and shall be applied in addition to the requirements of the County Road Commission and other provisions of this Ordinance.

Section 20.02 GENERAL ACCESS REQUIREMENTS

A. Lots To Have Frontage and Access: All lots and parcels upon which a building is to be constructed shall have frontage upon a dedicated public road, a private road or shared driveway approved according to this Ordinance, or other approved means of access provided under this Ordinance, and shall take their access from such frontage to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking. Wherever a corner lot exists at the intersection of two (2) major thoroughfares, then access shall be taken from the thoroughfare presenting the least hazard. See Table 10-4, Footnote #3.

1. **Frontage Dimension:** The length of the frontage shall be at least the minimum required lot width of the District in which the lot or parcel is located. The lot frontage of a lot may be reduced below the minimum lot width requirement of the District where the lot is located at the terminus of the access way or where the front lot line of such lot abuts a curvilinear segment of a road, including a cul-de-sac, where without such reduction, such lots would be unnecessarily excessive in lot width or lot area. Any frontage reduction shall provide for a minimum of sixty-six (66) feet of frontage and such lot shall comply with the minimum lot width requirement of the District over a minimum of sixty percent (60%) of the lot area.
 - a. Frontage of lots or parcels shall be measured at the front lot line or right-of-way line, except that the frontage of an irregularly shaped lot shall be measured at the front building line.
 - b. Wherever a corner lot exists at the intersection of two (2) major thoroughfares, then access shall be taken from the thoroughfare presenting the least hazard.

B. Driveways: Curb cuts and driveways shall be located only upon the approval of the County Road Commission and appropriate state authorities as required by law. All plans for structures to be erected, altered, moved or reconstructed, and use of premises shall contain a plan for the proposed driveway access to the premises, which shall be part of a required plot plan or site plan. Said plan shall be approved by the Zoning Administrator, or the Township Board in the case of a site plan, prior to the issuance of a Land Use Permit. No driveway shall be approved unless such driveway access is onto a dedicated public road, a private road or shared driveway approved according to this Ordinance, or other approved means of access provided under this Ordinance. Driveways shall meet the following minimum standards:

1. Driveways shall be within ten (10) degrees of perpendicular to the road at their point of intersection.
2. No driveway shall serve more than one (1) single-family dwelling unless specifically approved otherwise.
3. Driveways serving one (1) dwelling shall be a minimum of twelve (12) feet in clear unobstructed width, be clear and unobstructed to a minimum height of fifteen (15) feet and have a sand, gravel, stone or paved surface to facilitate emergency access.
4. Non-residential driveway ingress and egress points shall not be closer than one-hundred (100) feet to the intersection of any two (2) roads or closer than one hundred (100) feet to an adjacent driveway, except upon a finding by the site plan approving body that lesser separation distances shall not undermine the public health, safety and welfare based on vehicle speeds, projected turning patterns and vehicle trips.

(Ord. 112-32, 1-13-22)

Section 20.03 SHARED DRIVEWAYS

A. Authorization and Review Procedures: Shared driveways are authorized according to the regulations and standards of this Article. No shared driveway shall be constructed, extended, improved, or relocated unless a zoning permit has been issued for such construction by the Zoning Administrator, after approval of the Township Board.

1. **Application:** Shared driveways are subject to the approval of an application for the same. An application for a shared driveway shall be available from the Zoning Administrator and shall be accompanied by the following:
 - a. A plot plan provided on a professional quality drawing and drawn to a scale of not less than one inch equals 100 feet (1" = 100'), designed by a professional engineer licensed in Michigan and bearing the seal and signature of the licensed individual, delineating the proposed alignment of the driveway and the lots it is to serve; a typical cross-section of the proposed shared driveway and any portions to address special conditions such as stream crossings; the delineation of soil conditions based on the USDA Livingston County Soil Survey and/or on-site soil borings; topographic contours according to USGS quadrangle maps or on-site topographic surveys of equal or more detailed contour intervals; and any special on-site environmental conditions such as wetlands, ponds, streams, and other water bodies. The Township Engineer may require additional data to be submitted, such as proposed grades, where such data is needed to determine the adequacy of the proposed driveway.
 - b. Maintenance agreement signed by applicant/owner(s) to be recorded with the Township Clerk and County Register of Deeds providing for:
 - 1) A method of initiating and financing such shared driveway in order to keep the shared driveway up to the specifications of this Section.
 - 2) A workable method of apportioning the costs of maintenance and improvements to current and future lots along such shared driveway.
 - c. Easement agreement signed by the applicant/owner(s) , to be recorded with the Township Clerk and County Register of Deeds providing for:
 - 1) Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
 - 2) A provision that the owners of any and all of the property using the shared driveway shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress, egress , public utilities, and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitee, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the driveway.
 - 3) A provision that no modifications to the township-approved maintenance agreement shall be made prior to Township Board approval of such proposed modification, and that any such modification shall be null and void without prior Township Board approval.
2. **Review:** The approving body for an application for a shared driveways shall be the Township Board following the receipt of a recommendation from the Planning Commission. Copies of all relevant application materials shall be forwarded for review and comment to the Township Board, Planning Commission, Fire Chief, Township Attorney, and any other Township staff or consultants whose review is desired. Upon a finding that the application materials conform to the requirements and standards of this Section and Ordinance, the Township Board shall approve, or approve with conditions, the application. Decisions by the Township Board shall be made within ninety (90) days of the receipt of the completed application unless, in the opinion of the Township Board, an extension of time is necessary to adequately collect and review information pertinent to a decision.

B. Design Standards: Shared driveways shall comply with the following standards in addition to all other applicable standards of this Ordinance including Table: 20.04-1.

1. **Maximum Length:** The shared driveway shall not exceed one thousand feet (1,000') in length. In the case where a shared driveway extends from a private road, the distance from the beginning point of the private road to the ending point of the shared driveway shall not exceed one thousand feet (1,000').
2. **Address Signs:** All addresses served by the shared driveway shall be clearly marked at its point of intersection with a road, and such addresses shall also be clearly marked at any location a private driveway splits from the shared driveway.
3. **Driveway Names:** No shared driveway shall be posted with a name.
4. **New Lots/Extensions:** A shared driveway shall be improved for its entire length to comply with the private road standards of this Article, including Table 20.04-1, where modifications are to be made that cause such shared driveway to serve a total of four (4) or more lots or dwellings, and shall thereafter be construed to be a private road for the purposes of this Article and Ordinance.

C. Use of Shared Driveway: Upon completion of the construction of a shared driveway as authorized by an approved site plan and land use permit, no construction shall be initiated nor shall any land use permit be granted for any structure or use of a lot that relies on such driveway for access until the Township Board grants final approval for use of the driveway as stated in the application. The Township Board shall grant final approval when the following conditions have been met:

1. The Township Board's engineer has determined that the required improvements were made in accordance with this Article and Ordinance and all approved plans, where requested by the Township Board to perform such an assessment.
2. The Township Board has received copies of the approved shared driveway easement agreement and maintenance agreement recorded with the County Register of Deeds.
3. The Township Board has received an agreement from the applicant that indemnifies and holds harmless the municipality and its representatives from any and all claims of personal injury and property damage arising from the use of the shared driveway.
4. All fees associated with inspection activities and reports have been paid by the applicant.

D. Assignment of Parcel Numbers: The Township shall not assign a tax number to a parcel or lot that relies on a shared driveway for access prior to the approval of the use of the shared driveway according to subsection (C).

(Ord. 112-31, 1-14-21; Ord. 112-34, 8-10-23)

Section 20.04 PRIVATE ROADS

A. Authorization and Review Procedures: Private roads are authorized according to the regulations and standards of this Article. No private road, including a new private road or a private road existing on the effective date of this Ordinance, shall be constructed, extended, improved, or relocated unless a land use permit has been issued for such construction by the Zoning Administrator, after approval of the Township Board.

1. **Application:** Private roads are subject to the approval of an application for the same. An application for a private road shall be available from the Zoning Administrator and shall be accompanied by a site plan and private road easement and maintenance agreement as required by subsection (B). The site plan shall clearly specify the construction plans and drawings illustrating the proposed design and construction features of the proposed road and easement including existing and proposed elevation contours within all areas to be disturbed or altered by construction. Proposed traffic control measures (including signs) and proposed road names shall be indicated.
2. **Review:** The approving body for an application for a private shall be the Township Board following the receipt of a recommendation from the Planning Commission. Copies of all relevant application materials shall be forwarded for review and comment to the Township Board, Planning Commission, Fire Chief, Township Attorney, and any other Township staff or consultants whose review is desired. Upon a finding that the application materials conform to the requirements and standards of this Section and Ordinance, the Township Board shall approve, or approve with conditions, the application.

B. Private Road Easement and Maintenance Agreement

1. **Easement Agreement:** A private road easement agreement signed by the applicant/owner(s) to be recorded with the County Register of Deeds, shall be part of the application materials and shall provide for:
 - a. Easements to the public for purposes of emergency and other public vehicles, and easements for utilities.
 - b. A provision that the owners of any and all of the property using the road 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, vendors, tradesman, delivery persons and others bound to or returning from any of the properties having a need to use the road.
 - c. A provision that substantially conforms to the following:

"This parcel of land has private road access across a permanent easement which is a matter of record and a part of the deed. This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only. Neither Deerfield Township or Livingston County has any responsibility for maintenance or upkeep of any improvement across this easement, except as may be provided by an established special assessment district. Maintenance is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private easement and may provide service only to the closest public access."

2. **Maintenance Agreement:** A private road maintenance agreement signed by the applicant/owner(s) and all property owners to be served by the private road, to be recorded with the County Register of Deeds, shall be part of the application materials and shall provide:
 - a. A method of initiating and financing such road in order to keep the road up to properly engineered specifications and free of snow or debris.
 - b. A workable method of apportioning the costs of maintenance and improvements to current and future owners.
 - c. A notice specifying that Deerfield Township and Livingston County bear no responsibility to maintain the road on the private easement, including snow removal, dust control or accessibility; that such roads are not maintained by public funds; and that land owners of interest are responsible for the maintenance of the road to prevent conditions that would cause vehicles to be immobilized due to potholes, uneven surfacing or similar conditions, or would otherwise impair emergency vehicle access year round; and that Deerfield Township may establish a special assessment district as provided by law to ensure continued and adequate maintenance of the road in the event the necessary maintenance is not undertaken by the property owners that are served by the road.
 - d. A provision that no modifications to the township-approved maintenance agreement shall be made prior to Township Board approval of such proposed modification, and that any such modification shall be null and void without prior Township Board approval.

C. Existing Private Roads

1. **Vacant Lots on Nonconforming Roads:** Existing private roads that were lawfully established and which do not comply with this Ordinance and any subsequent amendments thereto, may continue and undergo routine maintenance. New construction may occur on existing vacant lots with frontage along such roads provided the Zoning Administrator determines, after consultation with the Fire Chief, that the road is reasonably capable of providing sufficient access for emergency service vehicles. The extension of a nonconforming road to serve new lots shall be subject to subsection (2) below.
2. **New Lots/Extensions of Roads:** No existing lawfully established private road shall be subject to an increase in the number of lots or dwellings accessing such road, beyond what had been previously approved for such road under this Ordinance, unless the entire road providing access to such additional lots or dwellings is improved to comply with the most current design standards of this Article including Table 20.04-1.

D. Construction and Inspections

1. Construction permit(s) shall be obtained from the Livingston County Road Commission before entrances are constructed into County road right-of-ways. Land use permits for all private roads shall be obtained from Deerfield Township according to Section 20.04(A). Private roads constructed under the provisions of this Ordinance shall not require the Township or the Livingston County Road Commission to accept said roads for maintenance at any future date.
2. During and after private road construction, inspections shall be made by the Township Engineer or an appointed representative. Payment of any inspection fees shall be the obligation of the developer and may be made part of a required performance guarantee.
3. A road maintenance agreement must be recorded with the Livingston County Register of Deeds prior to issuing any building permits.
4. Land use permits for any dwelling or building on any parcel served by the private road shall not be issued until the developer's licensed engineer certifies to the Zoning Administrator that the private road was constructed according to the specifications of this Article. Where a parcel has the required frontage and direct access on and approved direct access to a public street, this provision may be waived.

E. Use of Private Road: Upon completion of the construction of a private road as authorized by an approved site plan and land use permit, no construction shall be initiated nor shall any land use permit be granted for any structure or use of a lot that relies on such road for access until the Township Board grants final approval for use of the road as stated in the application. The Township Board shall grant final approval when the following conditions have been met:

1. The applicant's civil engineer shall certify to the Township Board, in writing, that the required improvements were made in accordance with this Article and Ordinance and all approved plans. The applicant's engineer shall be registered in the State of Michigan.
2. The Township Board's engineer has determined that the required improvements were made in accordance with this Article and Ordinance and all approved plans, where requested by the Township Board to perform such an assessment.
3. The Township Board has received copies of the approved road easement agreement and road

maintenance agreement recorded with the County Register of Deeds.

4. The Township Board has received an agreement from the applicant that indemnifies and holds harmless the municipality and its representatives from any and all claims of personal injury and property damage arising from the use of the private road.
5. All fees associated with inspection activities and reports have been paid by the applicant.

F. Design Standards: Private roads shall comply with the following design standards and those of Table 20.04-1, except that the Township Board may waive or otherwise modify the design standards of this Article only upon a finding that the standards, as applied to the specific conditions of the site and proposed development plan, are not applicable due to specific features of the site such as soil, slope or other environmental conditions, and that such waiving or modifications and requirements reasonably maintain the public health, safety and welfare including adequate provisions for emergency vehicle access. The Township Board may require special fire protection features, such as sprinkler systems within buildings, where it determines, after consulting with emergency services providers, that modifications to the private road design standards suggest alternative fire protection measures to ensure public safety.

1. **Maximum Length, Cul-De-Sac Turnarounds:** Maximum length of a private road providing access to more than two (2) lots, buildings or dwellings units shall be one thousand (1000) feet with a maximum twenty-four (24) lots or dwelling units served by a single means of access. Any single means of access serving more than five (5) lots or dwelling units shall include a turn-around.
2. **Intersection Design Standards:** Private roads that intersect with existing or proposed private road or public road rights-of-way shall intersect at a ninety degree (90^o) angle.
3. **Intersection Offsets from Public Streets:** Proposed private roads or entrances to a development shall align directly across from, or be offset at least two-hundred-fifty (250) feet from, public or private road intersections on the opposite side of the street, measured centerline to centerline.
4. **Minimum Offsets along Private Roads:** Private roads and driveways (excluding driveways serving one or two dwelling units) within a development shall align directly across from other private roads or driveways or be offset at least one-hundred-fifty (150) feet measured centerline to centerline.
5. **Vertical Clearance:** Fifteen (15) feet of overhead tree clearance shall be provided within the width of the intended traveled road surface.
6. **Road Names and Signs:** All private roads shall be posted with clearly visible road names. These signs shall contrast in terms of color with public street signs, and shall clearly indicate the road is private. All signs within the private road or access easement shall be identified on the site plan and be in accordance with the Michigan Manual of Uniform Traffic Control Devices, unless the Township Board approves another type of design for consistency with the character of the development. Street signs shall be provided at all intersections.
7. **Drainage:** Underground crossroad drainage shall be provided where the proposed private road crosses a stream or other drainage course. Necessary culverts and erosion treatments shall be provided in accordance with the specifications of the Livingston County Drain Commissioner.
 - a. The private road easement and road shall be adequately drained so as to prevent flooding or erosion of the roadway. Ditches shall be located within the private road easement. Road drainage shall be constructed so that the runoff water shall not be discharged upon the land of another property owner unless the water is following an established watercourse. The discharged water onto adjoining properties shall also not exceed the normal pre-development rate. Connection to county drains shall be approved by the Livingston County Drain Commissioner prior to the issuance of a permit. Connection to roadside ditches within public road rights-of-way shall be approved by the County Road Commission prior to the issuance of a permit.

G. Assignment of Parcel Numbers: The Township shall not assign a tax number to a parcel or lot that relies on a private road for access prior to the approval of the use of the private road according to subsection (F).

(Ord. 112-31, 1-14-21, Ord. 112-34, 8-10-23)

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**Table 20.04-1
Shared Driveway and Private Road Design Standards¹**

Design and Construction Standards	Shared Driveways (Serves no more than 3 dwellings.)	Class 3 Road (Serves 4 – 5 dwellings, principal buildings, or lots.)	Class 2 Road (Serves 6 – 15 dwellings, principal buildings, or lots.)	Class 1 Road (Serves 16 or more dwellings, principal buildings, or lots.)
Min. Easement Width	66'	66'	66'	66'
Min. Surface and Base Width	20'	20'	20'	22'
Min. Surface Material	6" of MDOT 22A processed road gravel in 2 equal compacted courses.	6" of MDOT 22A processed road gravel in 2 equal compacted courses.	6" of MDOT 22A processed road gravel in 2 equal compacted courses.	3" bituminous aggregate, #1100 Mix.
Min. Base Material	Compacted subgrade	6" Class 2 sand.	6" Class 2 sand.	6" Class 2 sand below 7" crushed limestone, slag, or MDOT 21A processed road gravel, in 2 equal compacted courses.
Min. & Max. Horizontal Roadway Grades	Min. 0.5%; Max. 20%, provided grades exceeding 15% do not exceed 200' in length. ⁵	Min. 0.5%; Max. 20%, provided grades exceeding 15% do not exceed 200' in length. ⁵	Min. 0.5%; Max. 10.0% ⁵	Min. 0.5%; Max. 10.0% ⁵
Min. Vertical Roadway Curves	75' long for grade changes of 3.0% or more.	75' long for grade changes of 3.0% or more.	75' long for grade changes of 3.0% or more.	100' long for grade changes of 2.0% or more.
Min. Horizontal Roadway Curves	100' from centerline radius.	100' from centerline radius.	230' from centerline radius. ²	230' from centerline radius. ²
Drainage Courses	Roadside swales or ditches shall be of sufficient width and grade to provide adequate drainage. ³	Roadside swales or ditches shall be of sufficient width and grade to provide adequate drainage. ³	Roadside swales or ditches shall be of sufficient width and grade to provide adequate drainage. ³	Roadside swales or ditches shall be of sufficient width and grade to provide adequate drainage. Side slopes shall not exceed 1:4 slope. ³
Turn Arouds	Compliance with 2000 International Fire Code if 300' or more in length.	Compliance with 2000 International Fire Code.	Compliance with 2000 International Fire Code.	Compliance with 2000 International Fire Code.

1. See Section 20.04 for additional design standards. See also Section 20.03 regarding waivers of the standards of this Article. Alternative design standards that an applicant may propose, that provide equal or greater structural stability and longevity, may be considered by the Township Board after consultation with the Township Engineer and if adequate engineering data is submitted for analysis.
2. The Township Board may reduce this radius to no less than 150' where such reduction would minimize alteration of important natural features such as rolling terrain or mature tree stands, or where the width of the parcel cannot accommodate a wider radii, provided such reduction is found to adequately accommodate expected traffic speeds.
3. Centerline of ditches or swales shall be treated as follows:
 - 0.5% – 4.0%: Topsoil, seeding, and mulch.
 - 4.1% – 6.0%: Topsoil and sodding or seed blankets/matting.
 - 6.1% – 10%: Riprap lining.
4. A shared driveway exceeding 500' in length shall meet Class 3 private road design standards for the first 500'.
5. Grades within 75' of an intersection shall not exceed 5.0%.

End of Article 20

(Ord. 112-21, 11-12-15; Ord. 112-31, 1-14-21, Ord. 112-32, 1-13-22; Ord. 112-34, 8-10-23)

Article 21 SIGNS

(Ord. 112-18, 5-10-12, fully redrafted Article 21; Ord. 112-27, 4-12-18, fully redrafted Article 21)

Section 21.01 PURPOSE

The purpose of this Article is to provide a framework for the display of signs to accommodate the legitimate identification, advertising and informational needs of all land uses and to ensure free speech rights guaranteed by the First Amendment to the U.S. Constitution, including the expression of personal, religious, political and ideological views. It is the purpose of this Article to provide such signage needs and opportunities in a manner that is balanced with the desired stability and enhancement of residential and non-residential areas including property values, the safety of the Township's road corridors, and the Township's prevailing desired visual character. It is recognized that unrestricted or unregulated signage does not support the desired character of the Township nor benefit either private enterprise or the community-at-large. Unrestricted signage encourages traffic safety hazards, visual clutter, confusion for vehicle drivers, visual blight, and decreased property values, and undermines the desired visual character of the Township including its business centers and residential neighborhoods, and its economic development initiatives. This Article recognizes that certain activities and uses of land are temporary in nature and though temporary, have reasonable signage needs, and this Article is intended to permit temporary signage consistent with the regulatory framework described above.

Section 21.2 DEFINITIONS

- A. Awning/Canopy Sign:** A sign part of or otherwise affixed to a sheet of canvas, plastic or other non-rigid material stretched on a frame so as to be roof-like in function for coverage of the ground area below and/or for architectural purposes. An awning/canopy sign may be in a permanently extended position or may be retractable.
- B. Business Center:** A grouping of two or more businesses on one (1) or more lots and in one (1) or more buildings, which may share parking and access and are linked architecturally or otherwise developed as a unified grouping of businesses.
- C. EMC or Electronic Message Center (EMC) Signs:** A sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. An EMC sign may be a free-standing sign or wall sign as defined herein.
- D. Freestanding Sign:** A sign that is erected upon or supported by the ground, including ground signs as defined herein and signs supported by one or more poles, columns or similar supports.
- E. Ground Sign:** A self-supporting, base-mounted freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message is painted, posted or otherwise affixed. A ground sign may also consist of a base-mounted cylindrical structure upon which a message is affixed, and a sign that is supported by one (1) or more posts that are less than two (2) feet in height.
- F. Illumination/Illuminate:** The act of highlighting the visual presence and/or impact of a sign by the use of artificially created light, such as through electrical devices.
1. "Internal illumination" refers to the incorporation of the light source behind the sign face intended to be highlighted and enclosed within the framing of the sign. For the purpose of this Article, an EMC sign shall be construed to be an internally illuminated sign.
 2. "External illumination" refers to the placement of the light source in front, above, below and/or to the side of the sign face intended to be highlighted. External illumination is not enclosed within the framing of the sign but may be attached to the sign.
- G. Marquee Sign:** A sign affixed to a permanent rigid roof-like structure that extends from a building for coverage of the ground or entrance area below, and/or for architectural purposes, and which is not supported by columns, posts or other similar features.
- H. Permanent Sign:** A sign designed and/or intended to last indefinitely in the same location, structurally attached to the ground, or a wall or other structure, in such manner that the sign cannot be easily removed and/or relocated. A permanent sign shall be construed to be the same permanent sign despite modifications to the message of such sign.
- I. Projecting Sign:** A sign, other than a wall sign, that projects more than eighteen (18) inches from the face of the building or structure upon which it is located, irrespective of the direction from which the sign is intended to be viewed.

J. Sign: Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, banner, flag, pennant, trade names or marks, or other representation, or combination thereof, designed for the purpose of directing or attracting attention to, advertising, identifying, expressing or making known something. Unless otherwise indicated, the definition of "sign" includes interior and exterior signs that are visible from any public street, sidewalk, alley, park, or public or private property.

1. **Exception:** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, banner, flag, pennant, trade names or marks, or other representation, or combination thereof, that do not exceed two (2) sq. ft. in area, and designed for the purpose of directing or attracting attention to, advertising, identifying, expressing or making known something, shall not be construed as a sign. This exception shall not apply in the case where such words, lettering, parts of letters, figures, or other representations, or combinations thereof, are placed on multiple structures or other supports that are each no greater than two (2) sq. ft. in area but exceed two (2) sq. ft. in total cumulative area and are intended to be read or viewed together as a single or unified message or purpose, and such arrangements shall constitute a sign.

K. Temporary Sign: A sign designed to be moved periodically or displayed for a limited and comparatively short period of time only, without a foundation, footing or similar permanent underground, wall or structure anchoring system, such as in the case of a "grand opening" sign, a sign announcing an upcoming community event, and signs mounted on wheeled trailers. A temporary sign shall be construed to be the same temporary sign despite modifications to the location or message of such sign during the period the sign is displayed.

L. Wall Sign: A sign that is attached directly to a building wall that is flat against or generally parallel to the building wall and not extending more than eighteen (18) inches from the face of the wall, including signs painted on a building wall, and including signs on a marquee, canopy or awning-type structure. A wall sign shall not be construed to include a sign attached to or otherwise part of a roof, a sign attached to a wall but which extends above the lowest portion of a roof, or a "projecting sign" as defined herein.

M. Window Sign: A sign that is attached to the interior or exterior of any window. Permanent window signs that are not affixed directly to a window or are positioned within twelve (12) inches of a window so that they are visible from the outside, shall be considered wall signs.

Section 21.03 APPLICATION and PERMIT REQUIREMENTS

A. Permits and Review

1. **Required Permit and Review:** All signs shall require a land use permit prior to placement, erection, replacement or alteration unless exempted by subsection (2) below. If site plan review is required for a proposed project that a proposed sign shall be part of, the proposed signage shall be reviewed as part of the site plan review procedure for the entire project, pursuant to Article 4, and a separate sign application shall not be necessary. If the proposed signage is to be part of an existing development for which site plan approval has already been granted or was not necessary, the Zoning Administrator shall review the sign application to ensure all applicable ordinance standards have been met prior to issuing a permit for the sign.
2. **Signs Exempt from Permit/Review:** The following signs are exempt from the provisions of subsection (1) above but shall conform to all other regulations and standards of this Article including area and height.
 - a. Signs erected by a governmental entity.
 - b. Indoor signs affixed to or covering windows.
 - c. Signs authorized under Section 21.07.
 - d. The maintenance or replacement of sign information on a previously approved sign.
 - e. Signs less than six (6) square feet in area.

B. Application Information: Application for a land use permit for a sign shall include the following minimum information, which may be submitted as part of a larger development application:

1. Name, address, and telephone number of the applicant.
2. A copy of the approved or proposed site plan for the lot on which the sign is to be placed.
3. Construction specifications including dimensions, materials, height, ground clearance if applicable, total display area, method of attachment to the wall or ground, and in the case of an EMC sign, the manufacturer's sign brightness specifications according to nit level.
4. Location of the sign on the building and, in the case of a ground sign, its location on the lot and in relation to nearby buildings, structures, and property lines, and setbacks from lot lines, right-of-ways, and access drives.
5. The height and width of the building if the sign is a wall sign.

6. Lot area and frontage.
7. Elevational view of sign including proposed sign copy.
8. Information concerning required electrical connections.
9. Certification by the manufacturer that the sign complies with the Michigan Construction Code.
10. Written consent of the owner or lessee of the premises upon which the sign is to be erected, if different than the applicant.
11. Other information as may be required to ensure compliance with all applicable laws and regulations.

Section 21.04 DESIGN AND CONSTRUCTION STANDARDS

A. Materials, Construction and Maintenance:

1. All signs shall be constructed and maintained in a manner consistent with building code provisions and maintained in good structural condition at all times, free of hazards to the general public. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose. All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports. Signs shall be maintained free of peeling material, fading, rust, rot, insect infestation or other conditions reflective of a state of disrepair.
2. A sign shall be integrally designed so that its elements are of a unified character versus comprised of an assemblage of different sign types and materials. In the case where two (2) opposing sign faces are of differing shapes and/or sizes, resulting in the back of one (1) face not being fully obscured by the opposing face of the sign, the exposed backing shall be of a finished material and designed and constructed to appear as an integral part of the entire sign and of a similar character. No pole, column or similar support shall be used to accommodate more than one (1) sign serving the same business, tenant or occupant of a lot.
3. All signs shall be designed so that the supporting framework, other than the supporting poles on a freestanding sign, is contained within or behind the face of the sign or within the building to which it is attached so as to be totally screened from view.

B. Wall Sign Dimensions and Heights for Non-Residential Uses. Wall signs in association with commercial, industrial, institutional and other non-residential uses shall comply with the following:

1. Wall Sign Vertical Dimension: The maximum vertical dimension of any wall sign shall not exceed one third (1/3) of the building height.
2. Wall Sign Horizontal Dimensions: The maximum horizontal dimension of any wall sign shall not exceed three-fourths (3/4) of the width of the building.
3. Wall Sign Height: The top of a wall sign shall not be higher than the lowest of the following:
 - a. Twenty-five (25) feet.
 - b. The top of the sills on windows above the first story.
 - c. The height of the building wall on which the sign is located.

C. Lighting:

1. Authorized Lighting: Signs may be illuminated unless specified otherwise, and may be internally or externally illuminated unless specified otherwise.
2. Moving Illumination: No sign shall include flashing, blinking, intermittent, moving or variable intensity illumination except as authorized in association with an electronic message center (EMC) sign.
3. Exterior Illumination: Exterior illumination of a sign shall not result in reflected light that exceeds a brightness level of 0.3 foot candles above ambient light as measured according to the same specifications for EMC signs in Section 21.09(A)(3). Use of glaring undiffused lights or bulbs is prohibited. Sign illumination shall not distract motorists or otherwise create a traffic hazard.
4. Interior Illumination: Within Conservation, Agricultural and Residential Districts, sign illumination shall be externally only unless the interior illumination is limited to individual letters, lettering, symbols and logos on a sign, and all other sign elements shall be opaque or otherwise not illuminated. This subsection shall not apply to temporary signs authorized by Section 21.07.
5. Source and Projection of Illumination: The source of sign illumination shall be shielded from traffic and adjacent properties and shall not be visible beyond the property line of the lot on which the sign is located. All externally lit signs shall be illuminated by lights affixed to the sign and only directed downward on the sign face.
 - a. This subsection shall not apply to neon lights and exposed bulbs, including marques signs, provided such lights and bulbs shall not exceed fifteen (15) watts.
6. EMC Signs: See Section 21.09(A)(3) regarding lighting requirements for EMC signs.

D. Measurements

1. Sign Area: The area of a sign shall be computed by calculating the square footage of a sign face as measured by enclosing the most protruding points or edges of all sign faces of the sign within a parallelogram, rectangle, triangle, circle, cylinder, cone or combination thereof, including any framing.
 - a. Where a sign has two (2) or more similarly shaped faces placed back-to-back, and at no point are less than eighteen (18) inches apart from one another, the area of the sign shall be the area of one (1) face. Where a sign has two (2) or more similarly shaped faces placed back-to-back, and are greater than eighteen (18) inches apart from one another at any point, the area of the sign shall be the combined area of each face.
 - b. Where a sign has two (2) faces placed back-to-back, and at no point are less than eighteen (18) inches apart from one another, but the signs are of differing sizes, the sign area shall be that of the larger sign.
 - c. In the case of a sign with three or more faces, the area of the sign shall be the area of all faces combined.
2. Sign Setbacks:
 - a. The distance between two signs shall be measured along a straight horizontal line that represents the shortest distance between the nearest parts of the two signs as viewed from above in plan or bird's eye view.
 - b. The distance between a sign and a property line, parking lot or building, shall be measured along a straight horizontal line that represents the shortest distance between the property line or outer edge of the parking lot or building, and the leading edge of the sign as viewed from above in plan or bird's eye view.
3. Sign Height: The height of a sign shall be measured from the highest point of the sign, including all frame and structural members of the sign, to the ground elevation directly below the sign face. The height of a sign placed upon a berm or other artificially raised ground area shall be measured from the base elevation of the berm or artificially raised ground area.

Section 21.05 NONCONFORMING SIGNS

A. General/Article 6: Nonconforming signs shall be subject to the provisions of Article 6 except as otherwise provided by the following:

1. Destruction: A nonconforming sign that is destroyed to an extent greater than thirty percent (30%) of the sign's replacement cost, exclusive of the foundation, shall not be reconstructed.
2. Maintenance: Normal sign maintenance is permitted including painting of chipped or faded signs, replacement of faded or damaged surface panels, and repair or replacement of electrical wiring or electrical devices.
3. Change of Copy: The sign copy of a nonconforming sign may be changed provided that the change does not create any greater nonconformity or otherwise alter the sign's framing and structural features.

Section 21.06 PROHIBITED SIGNS:

A. Signs Prohibited: The following signs are prohibited, whether temporary or permanent, except where expressly authorized elsewhere in this Article.

1. Signs that, due to location, design, color, or lighting, encourage confusion among drivers due to unauthorized traffic signs, signals or devices, or signs that make use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse drivers or pedestrians.
2. Signs that obstruct free and clear vision of approaching, intersecting or merging traffic.
3. Signs greater than fifteen (15) sq. ft. in area, affixed to a parked vehicle or truck trailer, where such vehicle or trailer is being used principally for advertising purposes due to its parked location, rather than for transportation purposes.
4. Signs that extend higher than the surface of a roof, and signs that extend above the top edge of a roof or building parapet, whichever is higher, excluding cupolas, pylons, chimneys, and similar minor projections.
5. A sign, other than a flat wall sign, that projects more than eighteen (18) inches from the face of the building or structure upon which it is located.
6. Signs that obstruct ingress or egress from a required door, window or other required point of access.
7. Signs comprised of banners except as otherwise expressly authorized in association with a temporary sign according to Section 21.07.
8. Signs placed in, upon, or over any public right-of-way, alley, or other public place, except upon approval

- of the governmental entity having jurisdiction over such right-of-way.
9. Signs that have any moving or flashing lights, signs that revolve or have any visible moving parts, revolving parts or visible mechanical movement of any type, or signs that have other apparent visible movement irrespective of the cause of the movement.
 - a. Banners, pennants, festoons, spinners and streamers, and similar devices, that move due to wind or mechanical devices and that are intended to draw attention to a location are considered moving signs and are prohibited except as otherwise expressly authorized in association with a temporary sign according to Section 21.7. This limitation shall not be construed to prohibit EMC signs or signs that rely on light-emitting diodes (LEDs) provided such signs are in compliance with Section 21.10(A)(3).
 10. Signs that have any words, lettering, photographs, silhouettes, drawings, or pictorial representations of a sexually explicit character including any sign elements portraying “specified anatomical areas” or “specified sexual activities” as defined in Section 17.26(A).
 11. Signs that constitute a temporary sign as defined in this Article, except as authorized according to Section 21.07.
 12. All other signs not expressly authorized by this Ordinance.

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Section 21.07 PERMITTED TEMPORARY SIGNS

A Authorization: In addition to all other signs authorized by this Article, temporary signs are permitted according to the requirements and limitations of this Section. Signs permitted by this Section shall not be applied toward the permissible sign areas authorized by other sections of this Article.

B. Purpose: A temporary sign may be used for any purpose including, but not limited to, announcements pertaining to a grand opening, an upcoming special event, or the availability of a dwelling or real estate for sale or rent; seasonal celebrations; signs erected during construction activities; and expressions of political, religious and ideological views.

C. Limitations: Temporary signs shall comply with the standards of Table 21.07-1 regarding sign type, number, area, height and setbacks. In the case where Table 21.07-1 does not address a district established under this Ordinance, the unaddressed district shall be subject to the same standards to which it is most similar in the scope of permitted uses. The following additional limitations shall apply:

1. Illumination: A temporary sign shall not be illuminated within an Agricultural or Residential District, and shall not be illuminated from 11:00 p.m. to 7:00 a.m. in all other districts, unless otherwise provided in this Section.

Table 21.07-1

See “Special Provisions” on following page.

Districts	Maximum Permitted Number of Temporary Signs and Corresponding Maximum Sign Area	Maximum Sign Height	Minimum Sign Setback from Lot Lines
Conservation, Agricultural and Residential	Two (2) signs, not to exceed three (3) sq. ft. each	6'	20'
Business and Industrial	Two (2) signs not to exceed five (5) sq. ft. One (1) sign not to exceed ten (10) sq. ft. One (1) sign not to exceed sixteen (16) sq. ft. provided such sign is not displayed for more than thirty (30) days during any consecutive six (6) calendar days.	6' except one (1) sign shall not exceed 10'.	15' from all lot lines, except 30' if the adjacent yard is in a District other than a Business or Industrial District.

Table 21.07-1 Special Provisions

1. Number and Spacing: No more than two (2) temporary signs shall be displayed on a lot at any time for the first fifty (50) feet of the lot’s road frontage or portion thereof, and no more than one (1) additional temporary sign shall be erected for each additional full fifty (50) feet of additional lot frontage, subject to the limitations on the total number of signs according to the Table.
2. Multiple Tenants: In addition to the temporary signs authorized by Table 21.07-1, in the case of a lot that is occupied by two (2) or more dwelling units or two (2) or more tenant spaces, each dwelling or tenant may display a temporary sign not exceeding a height of three (3) feet and an area of three (3) sq. ft. Such temporary signs shall be set back from all lot lines a minimum distance of ten (10) feet and no two (2) temporary signs shall be located within fifty (50) feet of one another when oriented toward a road right-of-way and within fifty (50) feet of such right-of-way line.

3. Exceptions for Temporary Activities: In addition to the temporary signs authorized by Table 21.07-1, additional temporary signs shall be permitted under the following conditions.
- a. Construction Sites: Temporary signs are permitted on lots on which a building is being erected or altered and for which all necessary land use and building permits have been granted, provided such signs do not exceed two (2) per road frontage, do not exceed a cumulative total of forty-eight (48) sq. ft. in area per road frontage, and do not exceed a maximum six (6) feet in height. Such signs shall be erected no earlier than thirty (30) days prior to the commencement of construction and shall be removed no later than thirty (30) days after a certificate of occupancy is issued or eighteen months, whichever occurs first.
 - 1) In the case of a sign in association with the construction of a single-family or two-family dwelling, no more than one such sign is permitted and shall not exceed a height of four (4) feet in height and six (6) sq. ft. in area.
 - b. Public Vote: Temporary signs may be displayed during the 60-day period prior to and the 15-day period after a public vote, and such signs shall not exceed four (4) feet in height and six (6) sq. ft. in area.
 - c. Real Estate:
 - 1) In the case of the sale or lease of a lot, building, building space, or residence, one (1) temporary sign shall be permitted for each three hundred (300) feet of road frontage or portion thereof. No sign shall exceed an area of six (6) sq. ft. and a height of four (4) feet except that in a Business or Industrial District, and on lots of a minimum area of twenty (20) acres in other districts, no such sign shall exceed an area of twenty (20) sq. ft. and a height not exceeding six (6) feet.
 - 2) A platted subdivision, site condominium, multiple family development, manufactured housing community, or other unified residential or non-residential development consisting of at least five (5) dwelling units or tenant spaces, or at least three (3) buildings used for commercial, industrial or institutional purposes, is permitted one (1) temporary not exceeding eighteen (18) sq. ft. in area and five (5) feet in height. Such sign shall be removed after two (2) years after initial erection or after the sale of ninety percent (90%) of all lots, units, tenant spaces or buildings within said development, whichever occurs first.

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Section 21.08 PERMITTED PERMANENT SIGNS by DISTRICT

Table 28.01-1 identifies authorized permanent signs in each district according to the limitations specified in the Table regarding sign type, number, area, height and setbacks. Nothing in this Table shall be construed as authorizing a sign, sign area, sign height or sign setback that is otherwise regulated by other Sections of this Article. The signs authorized by this Section are permitted in addition to other signs authorized by the Article, and the signs permitted by this Section shall not be applied toward the permissible sign areas authorized by other Sections of this Ordinance. See Section 21.07 regarding temporary signs.

**Table 28.01-1
See “Table 28.01-1 Special Provisions” following Table.**

FS = Free-Standing Sign WS = Wall Sign

District	Authorized Signs And Number	Maximum Area of Signs	Maximum Sign Height	Minimum Sign Setback from Lot Lines
Conservation and Agricultural Districts See “Table 28.01-1 Special Provisions” for signs for dwellings.	FS: 1 per road frontage provided the frontage dimension meets a minimum of 50% of the District’s required frontage dimension. WS: 1 per road frontage provided the frontage dimension meets a minimum of 50% of the District’s required frontage dimension.	FS: 32 sq. ft. WS: 32 sq. ft.	FS: 6’ if part of a planting bed; 5’ otherwise. WS: Top of wall to which it is attached, but no higher than the roof eave.	FS: 15’, except 50’ from an adjacent yard if such yard is in a Conservation, Agricultural or Residential District.
Residential Districts See “Table 28.01-1 Special Provisions” for signs for dwellings.	FS: 1 per road frontage provided the frontage dimension meets a minimum of 50% of the District’s required frontage dimension. WS: 1 per road frontage provided the frontage dimension meets a minimum of 50% of the District’s required frontage dimension.	FS: 20 sq. ft. WS: 32 sq. ft.	FS: 5’ if part of a planting bed; 4’ otherwise. WS: Top of wall to which it is attached, but no higher than the roof eave.	FS: 15’, except 25’ from an adjacent yard if such yard is in a Conservation, Agricultural or Residential District.
Business and Industrial Districts See “Table 28.01-1 Special Provisions” for signs for dwellings.	FS: 1 per road frontage provided the frontage dimension meets a minimum of 50% of the District’s required frontage dimension. WS: 1 per road frontage provided the frontage dimension meets a minimum of 50% of the District’s required frontage dimension.	FS: 2 sq. ft. per 1’ of building length, measured as a straight line between building corners, but no single sign shall exceed 48 sq. ft. WS: 10% of the vertical surface area of the building façade to which the sign is attached, but not to exceed 48 sq. ft.	FS: 6’ if part of a planting bed; 5’ otherwise. If not a ground sign, the maximum height shall be 12’. WS: Top of wall to which it is attached, but no higher than the roof eave.	FS: 15’, except 50’ from an adjacent yard if such yard is in a Conservation, Agricultural or Residential District.

Table 21.08-1 Special Provisions

A. Business Centers

1. Freestanding Signs: A business center shall be permitted one (1) free-standing sign according to the height, area and setback standards of Table 21.08-1. In the case of a business center that exceeds three hundred (300) linear feet of building along a single road, one (1) additional such sign is permitted.
2. Ground Signs: In the case of a business center comprised of multiple buildings and served by an internal road network, one (1) ground sign shall be permitted for each building provided such sign is located in the immediate proximity of the building to which it pertains, does not exceed five (5) feet in height and twenty (20) sq. ft. in area, and complies with the setback standards of Table 21.08-1.

3. Wall Signs:

- a. A business center shall be permitted one (1) wall sign according to the height and area standards of Table 21.08-1.
- b. In addition to subsection (a), the business center shall be permitted wall signage for each business or tenant space. The total area of all wall signs for all business and tenant spaces shall not exceed two (2) sq. ft. per one (1) foot of total building length, measured as a straight line between building corners, but no single sign shall exceed 48 sq. ft. The total wall sign area for a specific business or tenant shall not exceed two (2) sq. ft. per one (1) foot of building length occupied by such business or tenant, measured as a straight line between the corners of such occupied space, but no single sign shall exceed 48 sq. ft.

B. Dwellings: Permanent signs on a lot on which the principal use is one (1) or more dwelling units shall comply with the following:

1. Single and Two-Family Dwellings: One (1) sign may be erected for each dwelling unit on a lot where such lot is used for single-family or two-family dwelling purposes, each not to exceed three (3) sq. ft. in area and shall be setback a minimum distance of five (5) feet from all lot lines.
2. Multiple Family Dwelling: One (1) sign may be erected within ten (10) feet of a building entrance within a multiple family dwelling development. Such sign shall not exceed six (6) ft. in height and six (6) sq. ft. in area, and shall comply with the setback standards of Table 21.08-1.
3. Postal Address: The limitations of subsections (a) and (b) shall not prohibit the display of an additional non-illuminated address identification sign, part of a mailbox or mailbox support, to facilitate identification of the property for postal, emergency, and other vehicles. Such sign shall not exceed one (1) sq. ft. in area.

C. Driveway/Entrance Signs: The following permanent signs are permitted, excluding on lots used for single and two-family dwelling purposes:

1. One (1) sign is permitted at the intersection area of a public road and an access drive to a parking lot. Such sign shall not exceed four (4) sq. ft. in area and three (3) feet in height and shall be located within ten (10) feet of the edge of the driveway and road right-of-way.
2. One (1) sign is permitted at an entrance to a residential or non-residential development consisting of a platted subdivision, condominium subdivision, multiple family development, manufactured housing community, or other unified development consisting of at least five (5) dwelling units or at least three (3) buildings used for commercial, industrial or institutional purposes. Such sign shall not exceed thirty-two (32) sq. ft. in area and six (6) feet in height, and shall comply with the setback standards of Table 21.08-1.
3. One (1) sign is permitted at a door of a building. Such sign shall have a maximum height of six (6) feet and shall not exceed six (6) sq. ft. in area. The sign shall not be farther than ten (10) feet from such door and shall comply with the setback standards of Table 21.08-1.

D. Drive-In/Drive-Through Signs: One (1) sign, with a maximum height of eight (8) feet and a maximum area of thirty-two (32) sq. ft., is permitted per drive-through lane and/or drive-in station and shall be oriented to drivers within such lane or station. Such sign shall comply with the setback standards of Table 21.08-1 except that no such sign shall be located within thirty (30) feet of a road right-of-way. If such sign is legible from a road right-of-way, the area of such sign shall be included in the computation of total permanent wall or freestanding sign area for the lot, as applicable.

Section 21.09 ADDITIONAL PROVISIONS FOR SPECIFIC SIGNS

A. Applicability: The following provisions shall apply in addition to the other provisions of this Article:

1. Window Signs: Temporary and permanent window signs shall be permitted in Business Districts only, and only on the inside of first story windows.
 - a. The total combined area of all temporary and permanent window signs shall not exceed thirty percent (30%) of the total first-floor window area.
 - b. The total sign area of permanent window signs shall not exceed ten percent (10%) of the total first-floor window area. The area of permanent window signs shall be counted in determining compliance with standards for total area of wall signage.
 - c. Temporary window signs shall not exceed ten percent (10%) of the total first-floor window area. The area of temporary window signs shall not be counted in determining compliance with standards for total area of wall signs.
2. Underhanging Signs: One (1) sign that hangs above a sidewalk from the underside of a roof or other structure shall be permitted for each business in a business center, subject to the following conditions:
 - a. A minimum vertical clearance of eight (8) feet shall be provided between the bottom edge of the sign and the surface of the sidewalk.

- b. Underhanging signs shall be oriented to serve pedestrians walking along the sidewalk.
 - c. Underhanging signs shall not exceed five (5) square feet in area.
3. Electronic Message Center (EMC) Signs:
- a. That portion of a sign comprised of an EMC sign shall not exceed sixteen (16) sq. ft. in area.
 - b. That portion of a sign comprised of an EMC sign shall not exceed a height of eight (8) feet.
 - c. One (1) EMC sign may be erected on a lot, irrespective of the number of road frontages along the lot.
 - d. Lighting:
 - 1) An image on an EMC sign, and any portion of an image on an EMC sign, shall stay constant for a minimum of fifteen (15) seconds, without any change in movement, light intensity or color. Message scrolling and similar moving messages, including animation and animation-like imaging, are prohibited.
 - 2) Any change or transition in display on an EMC sign shall not exceed one (1) second in duration.
 - 3) An EMC sign shall be equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions. No EMC sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle meter at a distance determined by the square root of the sign's square foot area multiplied by 100. An example of such a determination in the case of a 12 sq. ft. sign is:
$$\sqrt{\text{of the product of } (12 \times 100) = 34.6 \text{ feet measuring distance}}$$
 - 4) The measure of light emitted from an internally illuminated sign at its surface shall not exceed 500 nits from dusk to dawn and 2,000 nits during all other times of a day.
4. Marquee Signs: Marquee signs shall be permitted according to the following provisions:
- a. Marquee signs shall be permitted only for theaters located in Business Districts.
 - b. Marquee signs shall be constructed of hard noncombustible materials.
 - c. The written message shall be affixed flat to the vertical face of the marquee structure.
 - d. A minimum vertical clearance of ten (10) feet shall be provided beneath any marquee structure.
 - e. Marquee signs shall comply with the setback requirements for the district in which they are located.
 - f. No portion of a marquee sign shall be higher than the roof.
 - g. One (1) marquee sign shall be permitted per road frontage.
 - h. The area of any permanent information on a marquee sign shall be counted in determining compliance with the standards for total area of permanent wall signs permitted on the lot according to Table 21.08-1.
 - i. The area of any temporary information on a marquee sign shall be counted in determining compliance with the standards for total area of temporary wall signs permitted on the lot according to Table 21.07-1.
5. Awning/Canopy Signs: Awning/canopy signs shall be permitted according to the following provisions:
- a. Awning/canopy signs are only permitted in Agricultural, Commercial and Industrial Districts.
 - b. The total area of the sign shall not exceed twenty-five percent (25%) of the total area of the awning or canopy that is visible from beyond the lot.
 - c. The area of awning/canopy signs shall be counted in determining compliance with the standards for total area of permanent wall signs permitted on the lot according to Table 21.07-1.
 - d. Awning/canopy signs shall comply with the setback requirements for the district in which they are located according to Article 10.

End of Article 21

*(Ord. 112-18, 5-10-12, fully redrafted Article 21)
(Ord. 112-27, 4-12-18, fully redrafted Article 21)*

Article 22 OFF-STREET PARKING and LOADING

Section 22.01 PURPOSE

It is the intent of this Ordinance that parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles for the use of occupants, employees and patrons of each building and premise constructed, altered or enlarged under the provisions of this Ordinance. In order to prevent undue interference with public use of streets and alleys, every facility customarily receiving or distributing goods by motor vehicle shall provide space for such receiving or distributing.

Section 22.02 GENERAL REQUIREMENTS

A. Fractional Space: When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

B. Requirements for a Use Not Mentioned: In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. The Planning Commission shall make this determination and a record of the rationale applied documented in a file established for that purpose. An appeal may be taken to the Zoning Board of Appeals.

C. Use of Parking Areas: Parking space shall be used only for the parking of vehicles used to service the establishment to which it is accessory and by its patrons. No commercial repair work, servicing or selling of any kind shall be conducted in any parking area or parking garage unless specifically authorized by a temporary land use permit.

D. Building Additions or Other Increases in Floor Area: Whenever a use requiring off-street parking is increased in floor area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity.

E. Location and Joint Use of Parking Areas:

1. All off-street parking areas shall be located on the same lot, or, in the case of nonresidential land uses, on the adjacent premises in the same district as the use they are intended to serve, under a joint use agreement.
2. The joint use of parking facilities by two or more uses may be granted by the Planning Commission whenever such use is practical and satisfactory to each of the uses intended to be served, and when all site development requirements of Section 22.04 are met.
 - a. **Computing Capacities:** In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.
 - b. **Record of Agreement:** A copy of an agreement between joint users shall be filed with the application for a land use permit and a copy shall be recorded with the Register of Deeds of the County upon approval of the application. The agreement shall include a guarantee for continued use of the parking facility by each party.

F. Queued Vehicles: There must be a minimum of fifty (50) linear feet of on-site storage to accommodate queued vehicles waiting to park or exit the site without using any portion of the public street right-of-way or in any other way interfering with street traffic.

G. Decrease in Parking Areas: No off-street parking area or parking space which exists at the time this Ordinance becomes effective or which is subsequently provided for the purpose of complying with this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless additional parking area or space is provided sufficient to meet the requirements of this Article and Section 4.08.

H. Commercial Vehicles in Residential Areas: No outdoor storage or overnight parking of commercial vehicles over one ton capacity shall be permitted in any residential district.

Section 22.03 PARKING SPACE REQUIREMENTS

The number of required off-street parking spaces in all districts, by land use type, shall be as follows:

A. Residential Uses:

1. **One and Two Family Dwellings:** Two (2) spaces for each single family dwelling unit.
2. **Multiple Dwellings:** Two (2) spaces for each multiple family dwelling unit plus one space per five (5) units for guest parking.
3. **Mobile Home Park:** Two (2) spaces for each mobile home site plus one (1) space per three (3) units for guest parking.
4. **Group Homes (adult foster care):** One (1) space per employee on the largest work shift, plus one (1) space for every three (3) residents of the home.

B. Commercial Uses:

1. **Automobile Service and Repair Stations:** Two (2) spaces for each repair and service stall (a service stall is not considered a parking space), plus one space per every two (2) employees.
2. **Barber Shops and Beauty Parlors:** Two (2) spaces for each beauty and/or barber chair.
3. **Bowling Alleys:** Two (2) spaces for each alley plus one (1) space for each employee on the largest shift.
4. **Clinics:** Two (2) spaces for each examination or treatment room, plus one (1) space for each doctor or dentist and other employees.
5. **Clothing, Furniture, Appliance, Hardware, Automobile, Machinery Sales, Shoe Repair, Personal Services (other than beauty and barber shops):** One (1) space per four hundred (400) feet of gross floor area.
6. **Commercial and Institutional Recreational Facilities:** One (1) space per three (3) patrons to the maximum capacity of the facility.
7. **Convalescent Homes, Convents or Similar Uses:** One (1) space for each six (6) beds plus one (1) space for every employee on the largest working shift.
8. **Dance Halls, Pool and Billiard Rooms:** One (1) space for every three (3) persons allowed within maximum capacity load.
9. **Drive-In Banks, Cleaners, Car Laundries, and Similar Businesses:** Stacking space for five (5) cars and one (1) space for each employee on the largest shift.
10. **Drive-in Restaurants or Fast-Food Restaurants:** One (1) space for every four (4) seats plus one (1) space for each employee on the largest shift; plus sufficient area for eight (8) stacking spaces for drive-in windows.
11. **Funeral Homes and Mortuaries:** One (1) space for every twenty-five (25) square feet of floor area of chapels and assembly rooms.
12. **Kennels:** One (1) space for each five (5) animals of the facility's capacity, plus one (1) space for every two (2) employees.
13. **Laundromat:** One (1) space for every three (3) washing or drying machines.
14. **Miniature or Par 3 Golf Courses:** Three (3) spaces for each hole plus one (1) space for each employee.
15. **Motels, Auto Courts, Tourist Homes:** One (1) space for each sleeping unit plus one (1) space for each employee on the largest shift.
16. **Private Recreational Facilities:** One (1) space for every six (6) potential members based on the capacity of the facility as determined by the fire marshal.
17. **Retail Stores, (except as otherwise specified herein):** One (1) space for every three hundred (300) square feet of gross floor area.
18. **Standard Restaurants, Cafeterias, Taverns, Bars:** One (1) space for every three (3) seats up to the capacity of the facility as determined by the fire marshal, plus one (1) space for each employee on the largest shift.
19. **Shooting Ranges:** One (1) space for each unit station plus one (1) space for each two (2) employees.
20. **Stables (commercial):** One (1) space for each five (5) animals of the facility's capacity, plus one (1) space for every two (2) employees.
21. **Supermarket, Self-Service Food Store:** One (1) space for every one-hundred (100) square feet of gross floor area.

C. Office Uses:

1. **General Offices:** One (1) space for every two hundred (200) square feet of gross floor area.
2. **Professional Offices and Banks:** One (1) space for every three hundred (300) square feet of gross floor area.

D. Industrial Uses:

1. **Extraction Operations:** One (1) space for every employee on the largest shift.
2. **Industrial or Manufacturing Establishments:** One (1) space for every three (3) employees for industry's largest working shift.
3. **Junkyard:** One (1) space for every two (2) employees.
4. **Warehouses, Wholesale Stores:** One (1) space for every eight-hundred (800) square feet of floor area.

E. Institutional Uses:

1. **Auditoriums (incidental to schools), Churches, Stadiums, Gyms, Theaters, and Buildings of Similar Use with Fixed Seats:** One (1) space for each four (4) seats plus one (1) space for every two (2) employees.
2. **Boarding and Lodging Houses, Fraternities:** One (1) space for each bedroom or each two (2) occupants of the structure, whichever is greater, plus one (1) additional space for the owner or operator.
3. **Day care facilities (day care center and group day care home, but not a family home day care):** One (1) space for each employee, plus a paved, unobstructed stacking space for pick-up and drop-off, plus one (1) space per four (4) persons of licensed capacity.
4. **Elementary and Middle Schools:** One (1) space for every two (2) employees, plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
5. **Golf Clubs, Swimming Pool Clubs, Tennis Clubs or Other similar Uses:** Four (4) spaces for each green, plus one (1) space for every two (2) employees on the largest shift, plus fifty (50) percent of the spaces otherwise required for any accessory uses (e.g., restaurant, proshop, etc.).
6. **High Schools and Colleges:** One (1) space for every employee plus one (1) space for each five (5) students (based on the capacity of the facility as determined by the fire marshal), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
7. **Hospitals, Sanitariums:** One (1) space for each three (3) patient beds, plus one (1) space for each two (2) employees on the largest shift, plus one (1) space for each visiting doctor.
8. **Libraries, Museums, Post Offices:** One (1) space for every eight hundred (800) square feet of floor area plus one (1) space for every two (2) employees on the largest shift.

Section 22.04 SITE DEVELOPMENT REQUIREMENTS

All off-street parking areas, except those serving single family and two family dwellings, shall be designed, constructed and maintained in accordance with the following standards and requirements.

A. Marking and Designation: Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.

B. Driveways: Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided.

1. Drives for ingress and egress to the parking area shall be not less than thirty (30) feet wide and so located as to secure the most appropriate development of the individual property.
2. Each entrance to and exit from an off-street parking area shall be at least twenty-five (25) feet from any adjacent lot within a residential district.

C. Site Maneuverability: Each parking space within an off-street parking area shall be provided with adequate access by means of maneuvering lanes. Except for single family and two family dwellings, backing directly onto a road shall be prohibited. The minimum width of required maneuvering lanes may vary depending upon the proposed parking pattern, as follows:

1. For ninety (90) degree right angle parking patterns, the maneuvering lane width shall be a minimum of twenty two (22) feet for a two-way aisle and fifteen (15) feet for a one-way aisle.
2. For sixty (60) degree parking patterns, the maneuvering lane width shall be a minimum of eighteen (18) feet.
3. For forty-five (45) degree parking patterns, the maneuvering lane width shall be a minimum of eleven (11) feet.
4. For parallel parking patterns, the maneuvering lane width shall be a minimum of twelve (12) feet for a one-way aisle and twenty-four (24) feet for a two-way aisle.

5. All maneuvering lane widths shall permit one-way traffic movement only, except for ninety (90) degree and parallel parking patterns which may provide for two-way traffic movement.
6. All parking spaces shall be at least nine (9) feet wide and twenty (20) feet in length.

D. Surface: Parking areas with a capacity of four (4) or more vehicles shall be surfaced with a material that shall provide a durable smooth and dustless surface and shall be graded and provided with adequate drainage.

E. Setback: Unless otherwise permitted within this Ordinance, no off-street parking area shall be located closer to a front, side or rear yard lot line than the setback standard required by the respective district for principal buildings, as specified in the Section 10.09 Schedule of Regulations.

F. Lighting: All parking and loading area lighting shall comply with Section 24.05.

G. Directional Signs: No sign shall be erected in parking areas other than not more than one directional sign at each point of ingress or egress, such sign may also bear the name of the enterprise the lot is intended to serve. Such signs shall not exceed three (3) feet in height above the parking lot surface and four (4) square feet in area and shall not project beyond the property line of the premises.

H. Barrier-Free Parking Spaces: Barrier-free parking spaces, measuring a minimum of twelve (12) feet in width, shall be provided in accordance with the most current standards and rules of the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division.

(Ord. 112-7, 4-13-06)

Section 22.05 LOADING and UNLOADING SPACE REQUIREMENTS

A. Additional Parking Space: Loading space required under this Section shall be provided as area additional to off-street parking space as required under Section 22.03 and shall not be considered as supplying off-street parking space.

B. Space Requirements: There shall be provided an adequate space for standing, loading, and unloading service adjacent to the building opening for loading and unloading of not less than twelve (12) feet in width, fifty-five (55) feet in length, and fifteen (15) feet in height, open or enclosed, and shall be provided according to the following table:

Usable Floor Area (square feet)	Space Required
Commercial uses, such as retail stores, personal services, amusement, automotive service	First 2,000 sq. ft.; none. Next 20,000 sq. ft. or fraction thereof; one (1) space. Each additional 20,000 sq. ft. or fraction thereof; one (1) space.
Hotels, Offices, Clinics	First 2,000 sq. ft.; none. Next 50,000 sq. ft. or fraction thereof; one (1) space. Each additional 100,000 sq. ft. or fraction thereof; one (1)space.
Wholesale and storage, contractor's yards	First 20,000 sq. ft.; one (1) space, including building. Each additional 20,000 sq. ft. or fraction thereof; one space.
Manufacturing uses	First 20,000 sq. ft. or fraction thereof; one (1) space. Each additional 20,000 sq. ft. or fraction thereof; one (1)space.
Funeral Homes and Mortuaries	First 5,000 sq. ft. or fraction thereof; one space. Each additional 10,000 sq. ft. or fraction thereof; one (1) space.
Hospitals	First 20,000 sq. ft.; one (1) space. Next 100,000 sq. ft. or fraction thereof; one (1) space. Each additional 200,000 sq. ft. or fraction thereof; one (1) space.
Schools, Churches, Clubs, Public Assembly Buildings, Auditoriums, Boarding Houses, Convalescent Homes	For each building, one (1) space.

C. Access: Access to a truck standing, loading, and unloading space shall be provided directly from a public street or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley.

D. Screening: All loading and unloading areas, including areas for the storage of trash which abut another District or residential property or which face or are visible from residential properties or public thoroughfares, shall be screened according to Section 23.04(A).

E. Location: A loading-unloading area shall not be located within any front yard nor within any required side or rear yard setback.

End of Article 22

Article 23 LANDSCAPING and SCREENING

Section 23.01 PURPOSE

The intent of this Section is to promote the public's health, safety, and general welfare by: minimizing noise, air, and visual pollution; improving the appearance of off-street parking and other vehicular use areas; requiring buffering between incompatible land uses; regulating the appearance of property abutting public rights-of-way; protecting and preserving the appearance, character, and value of the community and its residential neighborhood areas; preventing soil erosion and soil depletion; and promoting soil water retention.

Section 23.02 APPLICATION

These requirements shall apply to all uses for which site plan review is required under Article 4, Procedures for Site Plan & Plot Plan Review, and any other use so specified in this Ordinance. No site plan shall be approved unless said site plan shall show landscaping, buffer areas, and screening consistent with the requirements set forth herein. No land use permit is required to erect a fence although the requirements of this Article shall be met.

Section 23.03 LANDSCAPE PLAN REQUIRED

A separate detailed landscape plan shall be required to be submitted as part of a site plan review (see Article 4). The landscape plan shall identify all buffer areas (see Section 23.04) and parking lot landscaping (see Section 23.05), and shall include, but not necessarily be limited to, the following items:

1. Location, spacing, size, and root type [bare root (BR) or balled and burlapped (BB)] and descriptions for each plant type proposed for use within the required landscape area.
2. Minimum scale: 1" = 100'.
3. Existing and proposed contours on-site and 150 feet beyond the site at intervals not to exceed two (2) feet.
4. Typical straight cross-section including slope, height, and width of berms and type of ground cover, or height and type of construction of wall or fence, including footings.
5. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
6. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
7. Identification of existing trees and vegetative cover to be preserved.
8. Identification of grass and other ground cover and method of planting.
9. Identification of landscape maintenance program including a statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this Ordinance.

Section 23.04 BUFFER AREAS

A. Side and Rear Yard Buffer Areas: All commercial and industrial land uses for which a site plan is required shall be screened by a buffer area at least six (6) feet in height along all adjoining side and rear yard boundaries with residentially zoned property or with other commercial or industrially zoned property located in a different district. The required screening shall be provided by the applicant according to one of the following:

1. A buffer consisting of a fence, wall, earthen berms, or living materials, or a combination thereof, so as to maintain a minimum opacity of at least eighty (80) percent. Opacity shall be measured by observation of any two (2) square yard area of the landscape buffer between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The plantings must meet this standard based upon reasonably anticipated growth over a period of three (3) years. The applicant shall install a solid fence or wall after the expiration of three (3) years along those areas of the vegetative screen in the event that the landscaping has not provided the minimum opacity required.
2. Where there is a need to provide a greater noise or dust barrier or to screen more intense development not adequately screened by the application of Section 23.04(A)(1) above, a solid wall shall be required by the Planning Commission. Such wall shall be six (6) feet or more in height as measured on the side of the proposed wall having the higher grade.

B. Front Yard Buffer Areas: A strip of land with a minimum width equal to the front yard setback of its zoning classification shall be located abutting the right-of-way of a minor or major thoroughfare, and shall be landscaped with a minimum of one (1) tree not less than twelve (12) feet in height or a minimum caliper of 2 ½ inches for each thirty (30) lineal feet of frontage abutting said right-of-way. At least ninety (90) percent of the remainder of the front yard buffer area, excluding access ways, shall be landscaped in grass, ground cover, shrubs, and/or other natural, living, landscape material. Access ways from public rights-of-way through required buffer areas shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of required trees.

C. Impervious Surfaces: Required side and rear yard setback areas shall be landscaped with trees, shrubs, and/or groundcovers and shall be free of impervious surfaces within twenty (20) feet of such lot lines, except in the case of paved surfaces crossing setback areas providing pedestrian or vehicular access between adjoining lots.

Section 23.05 PARKING LOT and LOADING AREA LANDSCAPING:

A. Landscaped areas shall be established inside of and/or within ten (10) feet of parking lots, consisting of the following:

1. There shall be provided a minimum of one (1) tree for every eight (8) parking spaces. Trees used for the purposes of complying with front yard buffer requirements in Section 23.04 above shall not be counted toward fulfilling the tree requirements for parking areas.
2. Where a parking area containing more than four (4) parking spaces is within one hundred (100) feet of a Residential district, a minimum four (4) foot vegetative screen or fence shall be installed to fully screen views to the parking area from the neighboring Residential district pursuant to Section 23.04(A)(1). This provision shall not apply to roadside stands or uses granted a temporary land use permit.

B. All loading and unloading areas which abut another District or residential property or which face or are visible from residential properties or public thoroughfares, shall be screened according to Section 23.04(A)(1).

C. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the edge of curbing and pavement.

Section 23.06 MINIMUM STANDARDS of LANDSCAPE ELEMENTS

A. Quality: Plant material and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to the climate, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections. Plant species which are generally considered undesirable due to limited disease tolerance, low wood strength, and/or high tendencies toward splitting of wood, such as boxelder, mulberry, and willows, are not permitted unless specifically authorized otherwise by the Planning Commission.

B. Composition: A mixture of plant material, such as evergreen, deciduous trees and shrubs, is recommended as a protective measure against insect and disease infestation. A limited mixture of native hardy species is recommended rather than a large quantity of different species, to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.

C. Berms: Berms shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion, and with a rounded top surface a minimum of three (3) feet in width at the highest point of the berm, extending the length of the berm.

D. Existing Trees:

1. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the Township, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material, shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the Township.
2. In the event that existing healthy trees which are used to meet the minimum requirements of this Ordinance, or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the Township, the applicant shall replace them with trees which meet Ordinance requirements.

Section 23.07 INSTALLATION, MAINTENANCE and COMPLETION

A. All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy unless the applicant can clearly demonstrate to the Planning Commission that seasonal conditions prohibit the planting of the landscape material, in which case the Planning Commission may authorize an extension period for the planting of no more than six (6) months after receipt of such certificate occurs.

B. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner and according to accepted good planting and grading procedures.

C. The owner of property required to be landscaped by this Ordinance shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first. All landscaped areas shall be provided with a readily available and acceptable water supply.

Section 23.08 FENCING and WALLS

A. Construction

1. Materials:

a. Fencing shall consist of one or more of the following:

1) Solid board fences with wood posts not less than three and one half inches (3 1/2") by three and one half inches (3 1/2") and solid board cover not less than three quarters (3/4) inches thick. Masonry piers may be substituted for wood posts. Posts or piers shall be spaced not more than eight (8) feet on center. The finished side of fencing shall face abutting properties.

2) Wrought iron, open mesh or slatted fencing, provided that the ratio of one part open to six-parts of solid fencing is not exceeded.

b. Walls shall be of masonry designed and constructed to facilitate maintenance and not modifying natural drainage in such a way as to endanger adjacent property. The faces of such walls are to be of face brick, poured-in-place simulated face brick, precast brick panels having simulated face brick, stone, embossed or pierced concrete block, or other decorative masonry material.

2. Height: Unless otherwise specified or determined by the Planning Commission or Zoning Board of Appeals, fencing and screening is to be six (6) feet in height. Gateposts and other superstructures over site entrances and exits may be up to twelve (12) feet in height. Fencing and screening materials of a height greater than three (3) feet are not to be located within a required front setback or side setback adjacent to a street.

B. Application: Fences and walls shall be provided according to the provisions of Section 23.04 and 23.05 in addition to the following:

1. Mechanical Equipment:(this subsection does not apply to single-family or two family residential uses, or to any use in an Industrial district except if it abuts a Residential district): When located outside of a building, support equipment including air conditioning and heating devices and water and gas meters, but not including plumbing or exhaust vents or chimneys, are to be screened from the view of the street or surrounding properties by landscaping, a solid wall, or fencing, to the height of the particular piece of equipment.

2. Outdoor Storage in Commercial and Industrial districts: To be screened on all sides by a solid wall or fencing of not less than six (6) feet in height.

3. Public Utility Substations In Any District: To be screened on all sides by a solid wall or fencing of not less than six (6) feet in height, and live landscape materials.

C. Exceptions to Fencing and Wall Requirements:

1. Location Adjustment: Where property line screening is required, the location may be adjusted so the fence or wall may be constructed at or within the setback line, provided the areas between the fence and the lot lines are landscaped, or retained in their natural vegetative state at the discretion of the Planning Commission.

2. Existing Screening: Any fence, screen, wall or hedge which does not conform to the provisions of this Section and which is legally existing at the effective date of this Ordinance may be continued and maintained, provided there is no physical change other than necessary maintenance and repair in such fence, screen, wall, or hedge except as permitted in other sections of this Ordinance.

3. Barrier Fences: Barrier fences containing barbed wire, electric charges or sharp materials at the top of a fence or wall less than eight (8) feet in height are prohibited unless needed to protect the public safety or manage livestock and is approved by the Planning Commission.

4. Fire Hazard: No fence shall be approved which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, nor which will interfere with access in case of fire to buildings in the vicinity or which will constitute a hazard to street traffic or to pedestrians.

Section 23.09 WAIVERS and MODIFICATIONS

A. Any of the requirements of this Article may be waived or modified through site plan review and approval, provided the approving body first makes a written finding that specifically identifies characteristics of the site or site vicinity would make required buffer areas, fencing, or screening unnecessary or ineffective, or where it would impair vision at a driveway or street intersection.

B. The Zoning Board of Appeals may require or waive any fencing, screening, landscaping or buffering as may be provided for in this Article as a condition of a variance or other authorization in whatever manner necessary to achieve an identified public purpose. The Zoning Board of Appeals shall record the reason for the condition and clearly specify what is required in any approval granted.

End of Article 23

Article 24

ENVIRONMENTAL STANDARDS

Section 24.01 PURPOSE

The purpose of this Article is to promote a healthy environment in Deerfield Township as it relates to the Township's natural resources, sensitive ecosystems, and the integrity of the Township's land, water, and air. The intent of this Article is to provide a heightened level of protection to the integrity of the Township's natural environment to better assure a desirable quality of life, including the protection of sensitive environmental resources such as wetlands and drainage courses and their benefits to wildlife, runoff purification, flood control, and groundwater recharge. All provisions of this Article apply to all structures and uses unless otherwise noted.

Section 24.02 COMPLIANCE with LOCAL, COUNTY, STATE, and FEDERAL REGULATIONS

A. The Township shall not approve any use which requires a county, state, or federal permit, until such permit has been obtained and satisfactory evidence has been submitted verifying the acquisition of the necessary county, state, and/or federal permits, except where law requires the Township to take action prior to the issuance of such permits. Permits may be required for, but not necessarily be limited to:

1. activities or construction near or in water bodies or drainage courses.
2. activities or construction near or in wetlands.
3. private on-site sewage disposal or public on-site sewage disposal.
4. activities involving hazardous substances.
5. access to a major or minor thoroughfare.

B. All land uses and construction activities shall conform with the provisions of this Ordinance and the following:

1. Surface water drainage standards of the Livingston County Road Commission and Livingston County Drain Commissioner.
2. Soil erosion and sedimentation requirements of the Livingston County Drain Commissioner.
3. Requirements of the Michigan Department of Public Health and the Livingston County Health Department.
4. Michigan Department of Environmental Quality requirements for air and water quality protection, wetlands, stream crossings, and fills in or near water bodies or in flood plains, including the following:
 - a. Provisions of the Michigan Environmental Protection and Natural Resources Act, P.A. 451 of 1994, as amended.
 - b. Provisions of the Michigan Inland Lakes and Streams Act, P.A. 346 of 1972.
 - c. Provisions of the Michigan Soil Erosion and Sedimentation Control Act, P.A. 347 of 1972, as amended.
5. All local, county, state and federal regulations related to loading/unloading, transport, storage, use and/or disposal of hazardous substances.
6. Applicable rules and regulations of the Federal Communications Commission in regard to propagation of electromagnetic radiation shall be used as standards for this Ordinance.
7. No dust, fumes, or noxious, odorous matter shall be discernible at or beyond the property line except as a result of agricultural activities in accordance with the generally accepted agricultural and management practices of the Michigan Agriculture Commission for manure management and utilization, and with Michigan Department of Agriculture and County Health Department regulations.
8. Any atmospheric discharge requiring a permit from the Michigan Department of Natural Resources or federal government shall have said permit(s) as a condition of approval. The escape of or emission of any gas which is injurious or destructive or explosive is prohibited.
9. It shall be unlawful to discharge at any point any materials in such a way or of such nature or temperature as can contaminate any surface waters, land or aquifers, or otherwise cause the emission of dangerous or objectionable elements, except in accord with standards approved by the Michigan Department of Environmental Quality.
10. Radio active materials shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, as amended from time to time.

Section 24.03 CLEARING, GRADING, and FILLING

A. In order to protect soil resources, adjacent properties, public roads, public watercourses, and to provide for adequate drainage of surface water, the following rules shall apply to all construction activities requiring permits pursuant to this Ordinance.

1. **Clearing of a Site:** Stripping and removal of topsoil from the site is prohibited.
2. **Flow Restrictions:** The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface water flows away from the building or structure and is managed in a manner which avoids increased flow onto adjacent properties or public roads, the erosion or filling of a roadside ditch, the blockage of a public watercourse or the creation of standing water over a sewage disposal drainage field.
3. **Elevation Restrictions:** Filling a parcel of land with earth or other materials to an elevation above the established grade of adjacent developed land is prohibited without the expressed written approval of the Planning Commission.

Section 24.04 POTABLE WATER and SEWAGE DISPOSAL

A. Any structure for human occupancy and used for dwelling, business, industrial, recreational, institutional, mercantile or storage purposes shall not be erected, altered, used or moved upon any premises after the effective date of this Ordinance unless said structure shall be provided with a potable water supply and waste water disposal system that ensures a safe and effective means of collection, treatment, and disposal of human, commercial, and industrial wastes.

B. All on-site sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the Livingston County Public Health Department as well as those of other applicable local, county, state, or federal agencies. A sanitary sewer system serving two (2) or more dwellings shall meet all federal, state, county and Township requirements for a public sanitary sewer system and shall be operated and maintained as a public system.

Section 24.05 LIGHTING

A. No lighting shall in any way impair the safe movement of traffic on any street or highway.

B. Screening at least six (6) feet in height shall be erected to prevent headlight glare from commercial or industrial land uses from shining onto adjacent residential property. No screening shall in any way impair safe vertical or horizontal sight distance for any moving vehicles.

C. Exterior lighting of commercial and industrial structures, parking areas, and yard areas shall be so installed so that the surface of the source of light shall not be visible from a point five (5) feet above an abutting residential lot line, and shall be so designed and arranged as far as practical to reflect light away from any residential use or above the horizontal plane of the lowest point of the light fixture.

D. In no case shall more than one foot candle power of light cross a lot line five (5) feet above the ground in a residential district. This provision shall not apply to Township approved street lighting programs.

E. Lighting shall be provided throughout a parking associated with a business only during business hours, and shall comply with the following:

1. Lighting shall be designed and constructed so that:
 - a. direct or directly reflected light is confined to the development site
 - b. all light sources and light lenses are shielded
 - c. any light sources or light lenses are not directly visible from beyond the site boundary.
2. Lighting fixtures shall be a down-type having one hundred percent (100%) cut off. The light rays may not be emitted by the installed fixture at angles above the horizontal plane of the lowest point of the light source, as may be certified by photometric test. Protruding lenses shall be prohibited.
3. The applicant shall submit the specifications for the lights, poles, fixtures and light sources to the Township for approval prior to installation. Unless as otherwise approved by the Planning Commission, light sources shall be high pressure sodium. Approved exceptions shall use warm white or natural lamp colors.
4. Recreation area and amusement area lighting shall be equipped with baffling or other devices to assure that the above requirements are achieved.

Section 24.06 SURFACE WATER and GROUNDWATER MANAGEMENT and PROTECTION

A. All businesses and facilities which use, store, or generate hazardous substances in quantities greater than one hundred (100) kilograms per month shall comply with the following requirements:

1. The project and related improvements shall be designed to protect groundwater and water bodies on or near to the site, including lakes, ponds, streams, wetlands, floodplains, and groundwater.
2. Stormwater management and drainage shall be designed to maintain the natural retention and storage capacity of any wetland, water body, or watercourse, and shall not increase flooding or the potential for pollution of surface or groundwater, on-site or off-site. All lots shall retain storm water runoff on-site, or detain it so as to allow discharge without any impact on adjacent lands, streams or water bodies above the existing pre-development runoff impact.
3. Any general purpose floor drain, where there is a potential for hazardous substances to flow into the floor drain, shall be connected to a public sewer system if so authorized to accept hazardous waste, or to an on-site holding tank specifically constructed to accommodate hazardous wastes, in accordance with state, county and township requirements, unless a groundwater discharge permit has been obtained from the Michigan Department of Natural Resources. Any such holding tank shall not be part of any septic system and shall be emptied by a licensed disposer of hazardous wastes. Hazardous substances shall be isolated from all floor drains which do not drain into a containment tank. Monitoring manholes may be required by the Township Board.
4. Sites at which hazardous substances and polluting materials are stored, transported, used or generated shall be designed to prevent spills and discharges of polluting materials to the air surface of the ground, groundwater, lakes, streams, rivers or wetlands.
5. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharge to groundwater, including direct and indirect discharges, shall be permitted without appropriate state and county permits and approvals.
6. Outdoor storage of hazardous substances is prohibited except in product-tight containers which are protected from weather, leakage, accidental damage, and vandalism.
7. Secondary containment of hazardous substances shall be provided for all storage use areas and shall be sufficient in cubic area to store one hundred twenty (120) percent of the volume of stored hazardous substance for the maximum time period necessary for the operator to recover any released substance.
8. All state and federal requirements for storage, leak detection, record keeping, spill prevention, emergency response, transport and disposal shall be met.
9. Existing and new underground storage tanks shall be registered with the Michigan Department of Natural Resources in accordance with federal and state requirements.
10. Installation, operation, maintenance, closure and removal of underground tanks shall be in accordance with the requirements of all local, state and federal agencies including any such requirements for leak detection measures, corrosion protection, spill prevention and overflow protection.
11. Records of monthly monitoring or inventorying shall be retained and available for review by state and local officials.

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End of Article 24

**Article 25
(Reserved For Future Use)**

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End of Article 25

Article 26
INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL,
and EFFECTIVE DATE

Section 26.01 INTERPRETATION

In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or structures or land or upon the courtyards or other open spaces than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

Section 26.02 SEVERANCE CLAUSE

Sections of this Ordinance, and any amendments made to such Sections of this Ordinance and the provision of wholly new Sections, shall be deemed to be severable and should any section, paragraph, or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid.

Further, if any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot use building or structure not specifically included in said ruling.

Section 26.03 VESTED RIGHT

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 26.04 REPEAL

All ordinances and amendments thereto enacted and/or adopted by the Township by virtue of Act 184 of the Public Acts of 1943, as amended, and all ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. The repeal of existing ordinances or parts of ordinances and their amendments does not affect or impair any act done, offense committed or right accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time it was enforced, prosecuted or inflicted.

Section 26.05 EFFECTIVE DATE

This Ordinance shall take effect seven (7) days following adoption and publication of a notice of adoption in accordance with the provisions and procedures of the Township Zoning Act, PA 184 of 1943 as amended. Made and passed by the Township Board of the Township of Deerfield, Livingston County, Michigan on this 9th day of May, 2002.

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End of Article 26