

**DEERFIELD TOWNSHIP ZONING ORDINANCE  
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**ZONING ORDINANCE**  
**TOWNSHIP OF DEERFIELD**  
**LAPEER COUNTY, MICHIGAN**  
**ORDINANCE NO. 101**

AN ORDINANCE to regulate the use of land and buildings by dividing the Township into districts; imposing regulations, prohibitions and restrictions governing the erection, construction, and reconstruction of structures and buildings; specifying the districts within which lands may be used for agriculture, trade, industry, residence, and other specified purposes; regulating and limiting the height and bulk of buildings and other structures; regulating lot size, yards, and other open spaces; regulating the density of population; preserving the agricultural, forestry, and land resources of the Township; limiting congestion upon the public streets by providing for the off-street parking and loading of vehicles; establishing a Zoning Board of Appeals, defining and limiting the powers and duties of said Board; and providing the means of enforcing said ordinance in accordance with the Michigan Zoning Enabling Act, so as to promote the health, safety and welfare of the public.

**THE TOWNSHIP OF DEERFIELD ORDAINS:**

**ARTICLE 1**  
**TITLE and REFERENCES**

**SECTION 1.01.** This ordinance shall be known and cited as the Deerfield Township Zoning Ordinance.

**SECTION 1.02.** Within many of the sections and articles of this ordinance there are references to other sections and articles that pertain to the issue. These references are for ease of use. All provisions of all Township ordinances are to be adhered to even if not referred to.

**ARTICLE 2**  
**DEFINITIONS**

**SECTION 2.01.** For the purpose of this ordinance, certain terms are herewith defined. Terms not herein defined shall have the meanings customarily assigned to them unless further defined in the Section.

ACCESSORY BUILDING. A building related to the main use of the premises or to an accessory use.

ACCESSORY USE. A use naturally and normally incidental and subordinate to the main use of the premises.

ADULT BOOK STORE. An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals 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, or an establishment with a segment or section devoted to the sale or display of such material.

ADULT MOTION PICTURE THEATER. A facility used for presenting films and other materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined herein, for observation by patrons therein.

AGRICULTURAL LAND. Substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

ALTERATIONS. Any change, addition or modification in construction of the structural members of a building, such as walls, partitions, columns, beams, or girders.

ANTENNAE. A rod, wire or other device used to transmit or receive radio, cell phone, television, or internet service.

ATTACHED. A completely enclosed permanent structure including roof, walls, and floor, joining main structure.

BED & BREAKFAST. An establishment providing transient accommodations to the public, may include meals, including Air B & B.

BOARD OF APPEALS. The duly appointed Board of Zoning Appeals for the Township of Deerfield.

BUILDABLE AREA. The buildable area of a lot is the space remaining after the minimum setback requirements of this ordinance have been complied with.

BUILDING. A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or chattels. This shall include motor vehicles, trailers, or mobile homes situated on private property and used for purposes of a building.

CABARET. A facility which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.

COMMUNICATION TOWER. A tower where an antennae and/or electronic communication equipment are placed.

CONDOMINIUM ACT. Michigan Public Act 59 of 1978, as amended.

CONDOMINIUM MASTER DEED. The condominium document recording the condominium project as approved by the Township, to which is attached as exhibits and incorporated by reference the approved bylaws for the project and the approved Condominium Subdivision Plan for the site.

CONDOMINIUM SUBDIVISION PLAN. The site plan illustrating the existing site features and all proposed improvements pursuant to the requirements for site plan review and pursuant to the requirements of Section 66 of the Condominium Act.

CONDOMINIUM UNIT. That portion of the condominium project designed and intended for separate ownership and use, as described in the master deed.

DAY CARE HOMES; FAMILY AND GROUP: PEOPLE CARE. Private homes in which minor children, other than those related to an adult member of the family by blood, marriage or adoption, receive care and supervision. All family day care homes and group day care homes shall comply with the regulations and statutes of the State of Michigan regulating family and group day care homes.

DWELLING, MULTIPLE. A building used or designed as a residence for three (3) or more families.

DWELLING, SINGLE FAMILY. An entire building which is designed or occupied exclusively by one family.

DWELLING, TWO-FAMILY. An entire building, designed for or occupied by two (2) families.

DWELLING UNIT. Any house, building mobile home, or portion thereof which is designed for or occupied as a residence or sleeping quarters for a person, persons, or family.

ERECTED. The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required to construct a building. Excavations, fill, or drainage shall be considered a part of erecting.

EXCAVATING. The removal of sand, stone, gravel or dirt from its natural location.

FARM. All of the associated land operated as a single unit on which bona fide farming is carried on, including livestock and poultry raising, dairying, crop production, forestry, tree and shrub nurseries, greenhouses, sod production, and similar enterprises involving agricultural production, but not including caregiver raising of medical marijuana.

FARM BUILDINGS. Any building or structure, other than a dwelling, which is customarily used on farms for the pursuit of their agricultural activities.

FILLING. The depositing or dumping of sand, clay, gravel, stone, soil or other materials onto or into the ground. Filling is not deemed to include work undertaken pursuant to a currently valid building permit, as long as the fill material is approved by the building inspector. Filling also is not deemed to include natural materials which are transferred within the same parcel of property on which the materials were originally located.

FLOOR AREA. The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The "floor area" of a building shall include the basement floor area when more than one-half (½) of the basement height is above the finished lot grade.

HOME OCCUPATION. A commercial activity allowed by this zoning ordinance as an accessory use which is clearly incidental and secondary to the primary use of the property for dwelling purposes and which is carried on only by the immediate family members residing in the dwelling.



JUNK. Any motor vehicles, machinery, appliances, product, merchandise, scrap metals or other scrap materials that are deteriorated, or are in a condition which cannot be used for the purpose that the product was manufactured.

JUNK YARD. Any area of more than two hundred (200) square feet used for the storage, keeping, or abandonment of junk, or for the dismantling, demolition, or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses contained entirely within enclosed buildings.

KENNEL. Any lot or premises on which four (4) or more dogs, four (4) months old or older, are kept either permanently or temporarily.

LIVESTOCK. Horses, cattle, sheep, goats, mules, donkeys, hogs, and other hoofed animals.

LOT OF RECORD. Any parcel of land which is separately described in a document filed with the Lapeer County Register of Deeds.

MASSAGE. Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hands or with the aid of any electrical apparatus or appliance with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in the practice.

MASSAGE PARLOR. Any modeling school, modeling studio, baths, bath houses, mineral baths, sauna bath, steam bath, magnetic healing institute, or any room place establishment, or institution other than a regularly licensed hospital or dispensary, where nonmedical and nonsurgical manipulative exercises are practiced upon the body or where treatment of any nature for the body by massage is made available, by anyone not a physician or surgeon, or of a similarly registered status, or where treatment of any nature for the human body if given by means of massage, as herein defined, and where a massage, alcohol rub, fomentation, bath, physiotherapy, manipulation of the body or similar treatment is given.

MASSAGE THERAPIST AND/OR MASSEUSE. 1) State of Michigan licensed Massage Therapist and/or Masseur; 2) An accredited certification from a college or school as a Massage Therapist and/or Masseur (3) Any Occupation licensed under any other State of Michigan license that practices massage within the established limits of their license.

MASTER PLAN. The Deerfield Township Master Plan as adopted by the Deerfield Township Planning Commission.

MEDICAL MARIJUANA CAREGIVER. A person who is registered with the State of Michigan to assist with up to five (5) patients with their medical use of marijuana, as provided in the Michigan Medical Marijuana Act of 2008.

MOBILE HOME. (includes house trailer, trailer coach, and double-wide mobile homes). A dwelling unit designed for long term occupancy and designed to be transported after fabrication on its own wheels as one or more units. This includes all units which could be licensed under the provisions of Act 300 of the Public Acts of 1949, as amended.

MOBILE HOME PARK. Any parcel of land which has been designed, improved, or used for the placement of three or more mobile homes for dwelling purposes.

NON-USE VARIANCE. A variance granted by the Zoning Board of Appeals which allows for a variation of a dimensional requirement of the Zoning Ordinance or which allows for a variation of a requirement of the Zoning Ordinance not involving the uses permitted within the particular zoning district.

NUDE MODELING STUDIO. An establishment which offers for observation of patrons a nude human body or "Specified Anatomical Areas", as herein defined.

PARKING SPACE. An area of not less than nine and one-half (9-1 2) feet wide by twenty (20) feet long, designed for the parking of a motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits and being fully accessible for the storage or parking of permitted vehicles.

PLANNING COMMISSION. The duly appointed Planning Commission of Deerfield Township, as authorized by Michigan Public Act 168 of 1959.

QUARRYING. The removal or mining of sand, clay, gravel, stone, soil or similar material from its natural location for use on a parcel of land other than the parcel on which the material was originally located. The digging of basements, foundations or ponds under one (1) acre in size shall not be deemed to constitute quarrying.

RECEPTION / BANQUET HALL. A facility for hosting public or private events including but not limited to weddings, receptions, business conferences, social events or parties and/or workshops. Reception/Banquet Halls do not include accommodations.

RECREATION AREA (PRIVATE). A parcel of property which is developed for recreational purposes for use by persons other than the family of the owner. Riding stables, campgrounds, race tracks, shooting ranges, and all similar activities shall be deemed to be private recreation areas. The term "private" shall include ownership or lease of property by persons or entities other than governmental agencies.

RESIDE. The place that a person lives as a permanent primary residence, evidenced by the address on a driver's license, voter registration card, and utility billings. Vacation homes and seasonal homes are not considered to be a place where a person resides.

SETBACK. The minimum distance between a building and the street right-of-way line or property line.

SIGN. Any writing, illustration, symbol, illuminated display or visual display affixed or painted on a building, pole, structure, or device which is visible from any roadway and which advertises a commercial business, an industry, or other commercial facility.

SIGN AREA. The total of the surface area of one side of a sign, computed in square feet. The total area shall be determined by multiplying the total height of the sign surface by the total width of the sign surface.

SIGN DIGITAL. A sign that uses digital display technology such as liquid crystal displays ("LCDs"), plasma or light emitting diodes ("LEDs") to communicate a message.

SIGN, OFF SITE (BILLBOARD). Any sign located on a parcel of land separate from the commercial, industrial or other facility being advertised.

SIGN, PERMANENT. Any sign designed or intended to be placed on a parcel of land for more than six (6) months.

SIGN, TEMPORARY. Any sign which is not permanently attached to real estate in accordance with the construction requirements of the Township Building Code.

SINGLE-FAMILY DETACHED CONDOMINIUM. A condominium unit which is physically separated from any other condominium unit and which is designed and intended for occupancy by a single family.

SPECIFIED ANATOMICAL AREAS.

- a. Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the tope of the areola; and
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES.

- a. Human genitals in a state of sexual stimulation or arousal.
- b. Acts of human masturbation, sexual intercourse or sodomy.
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STRUCTURE. Anything constructed, erected, or placed on a parcel of land which is permanently located on the ground or attached to something having a permanent location. This shall include mobile homes, pre-manufactured units, modular units, truck or bus bodies, and similar structures. Any structure located on the same premises for more than six months shall be deemed to be permanently located within the meaning of this definition.

SWIMMING POOL. The term "swimming pool" shall mean any structure or container intended for swimming, located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches.

TOWNSHIP. The Township of Deerfield.

TOWNSHIP BOARD. The duly elected and appointed Township Board of the Township of Deerfield.

TRAVEL TRAILERS. (including recreational vehicles, camping trailers, truck campers, and motor homes). Vehicular-type portable structures, primarily designed as temporary living accommodations for recreational, camping or travel use. These vehicles can either be towed, hauled or affixed to another vehicle and driven from one site to another without requiring a Special Transportation Permit for travel.

TRAVEL TRAILER PARK. Any parcel of land designed, improved, or used for the placement of two (2) or more travel trailers or tents (used for recreation, camping or travel use) for overnight accommodations.

UNDEVELOPED STATE. A natural state preserving natural resources, natural features, 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.

USE. The purpose for which land or a building thereon is designed, arranged, or intended, or for which it is occupied, maintained, or leased.

USE VARIANCE. A variance granted by the Zoning Board of Appeals which allows a land use within a zoning district which is not otherwise permitted by the terms of the Zoning Ordinance.

YARD. An open space of prescribed width or depth on the same land with a building or group of buildings, which open space lies between the building or group of buildings, and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

### **ARTICLE 3**

#### **SCOPE of ORDINANCE**

No building or structure, or part thereof, shall hereinafter be erected, constructed, placed, altered, or moved; and no new use or change in use shall be made of any building, structure, or land, or part thereof; except in conformity with the provisions of this ordinance.

### **ARTICLE 4**

#### **ADMINISTRATION**

**SECTION 4.01. ZONING ADMINISTRATOR.** The provisions of this ordinance shall be administered by a Zoning Administrator appointed by the Township Board. The Zoning Administrator shall serve under such terms and at such rate of compensation as the Township Board may determine.

**SECTION 4.02. ZONING COMPLIANCE PERMITS.** A zoning compliance permit shall be acquired from the Zoning Administrator before any construction is undertaken or any structure is moved within the Township and-before any change in the use of any land, structure, or building is undertaken.

A. APPLICATION. A zoning compliance permit shall be applied for in writing on an application form provided by the Township.

B. ISSUANCE. A zoning compliance permit shall be issued by the Zoning Administrator whenever the proposed use complies with the provisions of this ordinance.

C. PRIVATE COVENANTS. The Zoning Administrator shall not refuse to issue a zoning compliance permit due to violations of private covenants agreements, or deed restrictions.

D. REVOCATION. Any zoning compliance permit issued in error or pursuant to an application containing any false statements shall be void.

E. FEES. The amount of any fees charged for zoning compliance permits or inspections shall be established by motion of the Township Board.

## **ARTICLE 5**

### **ZONING DISTRICTS**

**SECTION 5.01. DISTRICTS.** The Township is hereby divided into the following zoning districts:

|     |                              |
|-----|------------------------------|
| R-1 | Agricultural-Residential     |
| R-2 | Single Family Residential    |
| RM  | Multiple Family Residential  |
| RMH | Mobile Home Park Residential |
| O-1 | Office                       |
| C   | Commercial                   |
| I   | Industrial                   |

**SECTION 5.02. MAP.** The boundaries of the zoning districts are drawn upon the map attached to this ordinance and made a part hereof. The map shall be designated as the Deerfield Township Zoning Map.

**SECTION 5.03. PRINCIPAL USES PERMITTED.** All uses of land or structures listed as principal uses permitted are permitted throughout the district under which they are listed. Any uses not expressly listed as "Principal Uses Permitted" are prohibited in that district, unless they are listed as "Uses Permitted After Special Approval" in the district.

**SECTION 5.04. USES PERMITTED AFTER SPECIAL APPROVAL.** All uses of land or structures listed as "Uses Permitted After Special Approval" are permitted within the district under which they are listed, provided that Planning Commission approval has been granted pursuant to the provisions of Article 16.

**SECTION 5.05. SITE PLAN REVIEW.** Whenever a building permit is required for the erection or structural alteration of any building (other than single-family dwellings, two-family dwellings, farm buildings, or building accessory thereto) a site plan shall be prepared and submitted to the Planning Commission for review pursuant to the requirements of Article 18.

**SECTION 5.06. AREA, SETBACK AND HEIGHT.** All uses of land or structures shall comply with the area, setback, and height requirements of Section 17.01, for the zoning district in which they are located, unless different requirements are specified as a condition for a use permitted after special approval.

## **ARTICLE 6**

### **R-1 RESIDENTIAL-AGRICULTURAL DISTRICT**

#### **SECTION 6.01. R-1 PRINCIPAL USES PERMITTED.**

##### **REFERRAL SECTION(S) :**

1.02 Referral, 13.01 Conflicting Regulations, 13.02 Road Frontage, 13.03 Moving Buildings, 13.04 Public Services Facilities, 13.05 Occupancy, 13.06 Fences, 13.07 Performance Standards, 13.08 Signs, 13.09 Swimming Pools, 13.10 Ponds, 13.11 Greenbelts and Landscape, 13.12 Single Family Dwellings, 13.13 Temporary Mobile Homes, 13.14 Additional Dwellings, 13.15 Accessory Buildings, 13.16 Condominium Subdivision Approval, 13.17 Driveways, 13.18 Replacement of Non-conforming Mobile Homes, 13.19 Home Occupations, 13.20 Crop Production and the Keeping of Livestock, Poultry and Rabbits, 13.21 Homeowner/Personal Communication Equipment, 13.22 Outdoor Sales, Storage and Display

- A. **FARMS, FARM BUILDINGS and FARM USES.** (Does not include growing Commercial Recreational Marijuana or Commercial Medical Marijuana) Referral GAAMP, Right to Farm Act, 5.03, 5.05, 5.06, 15.03 Farm Markets
- B. **SINGLE FAMILY DWELLINGS.** Referral Section(s) 5.03, 5.05, 5.06, 13.12
- C. **PUBLICLY-OWNED PARKS and CONSERVATION AREAS.** Referral Section(s), 5.03, 5.05, 5.06 Article 18
- D. **CHURCHES.** Referral Section(s) 5.03, 5.05, 5.06, Article 18
- E. **Public or parochial SCHOOLS and related EDUCATION FACILITIES.** Referral Section(s) 5.03, 5.05, 5.06, Article 18
- F. **CLASS I HOME OCCUPATIONS.** Referral Section(s) 5.03, 5.05, 5.06, 13.19
- G. **CEMETERIES.** Referral Section 5.03, 5.05, 5.06, Article 18
- H. **PEOPLE CARE FACILITIES.** Referral Section(s) 5.03, 5.05, 5.06, 15.06
- I. **PUBLIC SERVICE FACILITIES.** Referral Section(s) 5.03, 5.05, 5.06, 13.04, Article 18
- J. **HOMEOWNER/PERSONAL COMMUNICATION EQUIPMENT.** Section(s) 5.03, 5.05, 5.06, 13.21
- K. **BUILDINGS, STRUCTURES, and USES** which are normally accessory to the above permitted uses. Referral Section(s) 5.03, 5.05, 5.06, Article 18

**SECTION 6.02. R-1 USES PERMITTED AFTER SPECIAL APPROVAL.**

**REFERRAL SECTION(S) :**

1.02 Referral, 13.01 Conflicting Regulations, 13.02 Road Frontage, 13.03 Moving Buildings, 13.04 Public Services Facilities, 13.05 Occupancy, 13.06 Fences, 13.07 Performance Standards, 13.08 Signs, 13.09 Swimming Pools, 13.10 Ponds, 13.11 Greenbelts and Landscape, 13.12 Single Family Dwellings, 13.13 Temporary Mobile Homes, 13.14 Additional Dwellings, 13.15 Accessory Buildings, 13.16 Condominium Subdivision Approval, 13.17 Driveways, 13.18 Replacement of Non-conforming Mobile Homes, 13.19 Home Occupations, 13.20 Crop Production and the Keeping of Livestock, Poultry and Rabbits, 13.21 Homeowner/Personal Communication Equipment, 13.22 Outdoor Sales, Storage and Display

- A. **CLUSTER HOUSING and OPEN SPACE.**  
Referral Section(s) 5.04, 5.05, 5.06, 15.11 Article 18
- B. **PRIVATE RECREATION AREAS, CAMGROUNDS, and SHOOTING RANGES.**  
Referral Section(s) 5.04, 5.05, 5.06, 15.07, Article 18



- C. **GOLF COURSES**. Referral Section(s) 5.04, 5.05, 5.06, 15.08, Article 18
- D. **DOG KENNELS** and the raising of **FUR BEARING ANIMALS**. Referral Section(s) 5.04, 5.05, 5.06, 15.02, Article 18
- E. **CLASS II HOME OCCUPATIONS**. Referral Section(s) Article 18, 5.04, 5.05, 5.06, 15.04
- D. **FARM MARKETS**. Referral Section(s) 5.04, 5.05, 5.06, 15.03
- E. **QUARRYING, MINING** or **FILLING** of soil, sand, clay, gravel, stone or any other materials. Referral Section(s) 5.04, 5.05, 5.06, 15.09, Article 18
- F. **UTILITY/GOVERNMENT COMMUNICATION EQUIPMENT**. Referral Section(s) 5.04, 5.05, 5.06, 15.12 Article 18
- G. **BED & BREAKFAST**. Referral Section(s) 5.04, 5.05, 5.06, Article 18
- H. **RECEPTION / BANQUET HALL** Referral Section(s) 5.04, 5.05, 5.06, Article 18

## **ARTICLE 7**

### **R-2 SINGLE FAMILY RESIDENTIAL DISTRICT**

#### **REFERRAL SECTION(S):**

1.02 Referral, 13.01 Conflicting Regulations, 13.02 Road Frontage, 13.03 Moving Buildings, 13.04 Public Services Facilities, 13.05 Occupancy, 13.06 Fences, 13.07 Performance Standards, 13.08 Signs, 13.09 Swimming Pools, 13.10 Ponds, 13.11 Greenbelts and Landscape, 13.12 Single Family Dwellings, 13.13 Temporary Mobile Homes, 13.14 Additional Dwellings, 13.15 Accessory Buildings, 13.16 Condominium Subdivision Approval, 13.17 Driveways, 13.18 Replacement of Non-conforming Mobile Homes, 13.19 Home Occupations, 13.20 Crop Production & the Keeping of Livestock, Poultry & Rabbits, 13.21 Homeowner/Personal Communication Equipment, 13.22 Outdoor Sales, Storage and Display

#### **SECTION 7.01. R-2 PRINCIPAL USES PERMITTED**

- A. **SINGLE FAMILY DWELLINGS**. Referral Section(s) 5.03, 5.05, 5.06, 13.12 B.
- B. **RECREATIONAL FACILITIES** which are operated by a governmental agency. Referral Section(s) 5.03, 5.05, 5.06, Article 18

- C. **CHURCHES, CEMETERIES and SCHOOLS.** Referral Section(s) 5.03, 5.05, 5.06, Article 18
- D. **CLASS I HOME OCCUPATIONS.** Referral Section(s) 5.03, 5.05, 5.06, 13.19
- E. **GOLF COURSES.** Referral Section(s) 5.03, 5.05, 5.06, 15.08 Article 18
- F. **CROP PRODUCTION** (Does not include growing Commercial Recreational Marijuana or Commercial Medical Marijuana) and the keeping of **LIVESTOCK, POULTRY and RABBITS.** Referral Section(s) 5.03, 5.05, 5.06, 13.20
- G. **PEOPLE CARE FACILITIES.** Referral Section(s) 5.03, 5.05, 5.06, 15.06
- H. **PUBLIC SERVICE FACILITIES.** Referral Section(s) 5.03, 5.05, 5.06, 13.04, Article 18
- I. **HOMEOWNER/PERSONAL COMMUNICATION EQUIPMENT.** Section(s) 5.03, 5.05, 5.06, 13.21
- J. **BUILDINGS, STRUCTURES and USES** which are normally accessory to the above permitted uses. Referral Section(s) 5.03, 5.05, 5.06, Article 18

**SECTION 7.02. R-2 USES PERMITTED AFTER SPECIAL APPROVAL.**

**REFERRAL SECTION(S) :**

1.02 Referral, 13.01 Conflicting Regulations, 13.02 Road Frontage, 13.03 Moving Buildings, 13.04 Public Services Facilities, 13.05 Occupancy, 13.06 Fences, 13.07 Performance Standards, 13.08 Signs, 13.09 Pools, 13.10 Ponds, 13.11 Greenbelts and Landscaped Areas, 13.12 Single Family Dwellings, 13.13 Temporary Mobile Homes, 13.14 Additional Dwellings, 13.15 Accessory Buildings, 13.16 Condominium Subdivision Approval, 13.17 Driveways, 13.18 Replacement of Non-conforming Mobile Homes, 13.19 Home Occupations, 13.20 Crop Production & Keeping Livestock, Chickens & Rabbits, 13.21 Homeowner/Personal Communication Equipment, 13.22 Outdoor Sales, Storage and Display

- A. **TWO-FAMILY DWELLINGS.** Referral Section(s) 5.04, 5.05, 5.06, 15.01
- B. **ACCESSORY BUILDINGS ON NON-CONTIGUOUS LOTS.** Referral Sections 5.04, 5.05, 5.06, 13.15, Article 18
- C. **CLASS II HOME OCCUPATIONS.** Referral Section(s) 5.04, 5.05, 5.06, 15.04
- D. **CLUSTER HOUSING and OPEN SPACE.** Referral Section(s) 5.04, 5.05, 5.06, 15.11, Article 18

- E. **UTILITY/GOVERNMENT COMMUNICATION EQUIPMENT.** 5.04, 5.05, 5.06, 15.12, Article 18
- F. **BED & BREAKFAST.** Referral Section(s) 5.04, 5.05, 5.06, Article 18
- G. **RECEPTION / BANQUET HALL** Referral Section(s) 5.04, 5.05, 5.06, Article 18

**ARTICLE 8**  
**RM MULTIPLE FAMILY RESIDENTIAL**

**SECTION 8.01. RM PRINCIPAL USES PERMITTED.**

**REFERRAL SECTION(S) :**

1.02 Referral, 13.01 Conflicting Regulations, 13.02 Road Frontage, 13.03 Moving Buildings, 13.04 Public Services Facilities, 13.05 Occupancy, 13.06 Fences, 13.07 Performance Standards, 13.08 Signs, 13.09 Swimming Pools, 13.10 Ponds, 13.11 Greenbelts and Landscape, 13.12 Single Family Dwellings, 13.13 Temporary Mobile Homes, 13.14 Additional Dwellings, 13.15 Accessory Buildings, 13.16 Condominium Subdivision Approval, 13.17 Driveways, 13.18 Replacement of Non-conforming Mobile Homes, 13.19 Home Occupations, 13.20 Crop Production and the Keeping of Livestock, Poultry and Rabbits, 13.21 Homeowner/Personal Communication Equipment, 13.22 Outdoor Sales, Storage and Display

- A. **SINGLE FAMILY DWELLINGS.** Referral Section(s) 5.03, 5.05, 5.06, 13.12
- B. **TWO-FAMILY DWELLINGS.** Referral Section(s) 5.03, 5.05, 5.06, 15.01
- C. **MULTIPLE FAMILY DWELLINGS.** Referral Section(s) 5.03, 5.05, 5.06, Article 18
- D. **SCHOOLS, CHURCHES and CEMETERIES.** Referral Section(s) 5.03, 5.05, 5.06, Article 18
- E. **PUBLICLY-OWNED BUILDINGS, PARKS and RECREATIONAL FACILITIES.** Referral Section(s) 5.03, 5.05, 5.06, Article 18
- F. **CROP PRODUCTION.** (Does not include growing Commercial Recreational Marijuana or Commercial Medical Marijuana) Referral Section(s) 5.03, 5.05, 5.06, 13.20
- G. **PEOPLE CARE FACILITIES.** Referral Section(s) 5.03, 5.05, 5.06, 15.06

- H. **PUBLIC SERVICE FACILITIES.** Referral Section(s) 5.03, 5.05, 5.06, 13.04, Article 18
- I. **HOMEOWNER/PERSONAL COMMUNICATION EQUIPMENT.** Section(s) 5.03, 5.05, 5.06, 13.21
- J. **BUILDINGS, STRUCTURES and USES** which are accessory to any of the above permitted uses. Referral Section(s) 5.03, 5.05, 5.06, Article 18

**SECTION 8.02. RM USES PERMITTED AFTER SPECIAL APPROVAL.**

**REFERRAL SECTION(S) :**

1.02 Referral, 13.01 Conflicting Regulations, 13.02 Road Frontage, 13.03 Moving Buildings, 13.04 Public Services Facilities, 13.05 Occupancy, 13.06 Fences, 13.07 Performance Standards, 13.08 Signs, 13.09 Swimming Pools, 13.10 Ponds, 13.11 Greenbelts and Landscape, 13.12 Single Family Dwellings, 13.13 Temporary Mobile Homes, 13.14 Additional Dwellings, 13.15 Accessory Buildings, 13.16 Condominium Subdivision Approval, 13.17 Driveways, 13.18 Replacement of Non-conforming Mobile Homes, 13.19 Home Occupations, 13.20 Crop Production and the Keeping of Livestock, Poultry and Rabbits, 13.21 Homeowner/Personal Communication Equipment, 13.22 Outdoor Sales, Storage and Display

- A. **UTILITY/GOVERNMENT COMMUNICATION EQUIPMENT.** Referral Section(s) 5.04, 5.05, 5.06, 15.12, Article 18
- B. **BED & BREAKFAST.** Referral Section(s) 5.04, 5.05, 5.06, Article 18
- C. **RECEPTION / BANQUET HALL** Referral Section(s) 5.04, 5.05, 5.06, Article 18

**ARTICLE 9**

**RMH MOBILE HOME PARK RESIDENTIAL DISTRICT**

**SECTION 9.01. RMH PRINCIPAL USES PERMITTED.**

**REFERRAL SECTION(S) :**

1.02 Referral, 13.01 Conflicting Regulations, 13.02 Road Frontage, 13.03 Moving Buildings, 13.04 Public Services Facilities, 13.05 Occupancy, 13.06 Fences, 13.07 Performance Standards, 13.08 Signs, 13.09 Swimming Pools,

13.10 Ponds, 13.11 Greenbelts and Landscape, 13.12 Single Family Dwellings, 13.13 Temporary Mobile Homes, 13.14 Additional Dwellings, 13.15 Accessory Buildings, 13.16 Condominium Subdivision Approval, 13.17 Driveways, 13.18 Replacement of Non-conforming Mobile Homes, 13.19 Home Occupations, 13.20 Crop Production and the Keeping of Livestock, Poultry and Rabbits, 13.21 Homeowner/Personal Communication Equipment, 13.22 Outdoor Sales, Storage and Display

- A. **SINGLE FAMILY DWELLINGS.** Referral Section(s) 5.03, 5.05, 5.06, 13.12
- B. **TWO-FAMILY DWELLINGS.** Referral Section(s) 5.03, 5.05, 5.06, 15.01
- C. **MOBILE HOME PARKS.** Referral Section(s) 5.03, 5.05, 5.06, Article 18
- D. **SCHOOLS, CHURCHES and CEMETERIES.** Referral Section(s) 5.03, 5.05, 5.06, Article 18
- E. **PUBLICALLY-OWNED BUILDINGS, PARKS and RECREATIONAL FACILITIES.** Referral Section(s) 5.03, 5.05, 5.06, Article 18
- F. **PEOPLE CARE FACILITIES.** Referral Section(s) 5.03, 5.05, 5.06, 15.06
- H. **PUBLIC SERVICE FACILITIES.** Referral Section(s) 5.03, 5.05, 5.06, 13.04, Article 18
- I. **HOMEOWNER/PERSONAL COMMUNICATION EQUIPMENT.** Section(s) 5.03, 5.05, 5.06, 13.21
- J. **BUILDINGS, STRUCTURES and USES** which are accessory to any of the above permitted uses. Referral Section(s) 5.03, 5.05, 5.06, Article 18

**SECTION 9.02. RMH USES PERMITTED AFTER SPECIAL APPROVAL.**

**REFERRAL SECTION(S) :**

1.02 Referral, 13.01 Conflicting Regulations, 13.02 Road Frontage, 13.03 Moving Buildings, 13.04 Public Services Facilities, 13.05 Occupancy, 13.06 Fences, 13.07 Performance Standards, 13.08 Signs, 13.09 Swimming Pools, 13.10 Ponds, 13.11 Greenbelts and Landscape, 13.12 Single Family Dwellings, 13.13 Temporary Mobile Homes, 13.14 Additional Dwellings, 13.15 Accessory Buildings, 13.16 Condominium Subdivision Approval, 13.17 Driveways, 13.18

Replacement of Non-conforming Mobile Homes, 13.19 Home Occupations, 13.20 Crop Production and the Keeping of Livestock, Poultry and Rabbits, 13.21 Homeowner/Personal Communication Equipment, 13.22 Outdoor Sales, Storage and Display

- A. **UTILITY/GOVERNMENT COMMUNICATION EQUIPMENT.** Referral Section(s) 5.04, 5.05, 5.06, 15.12, Article 18
- B. **BED & BREAKFAST.** Referral Section(s) 5.04, 5.05, 5.06, Article 18
- C. **RECEPTION / BANQUET HALL** Referral Section(s) 5.04, 5.05, 5.06, Article 18

## **ARTICLE 10**

### **O-1 OFFICE**

#### **SECTION 10.01. O-1 PRINCIPAL USES PERMITTED.**

##### **REFERRAL SECTION(S) :**

1.02 Referral, 13.01 Conflicting Regulations, 13.02 Road Frontage, 13.03 Moving Buildings, 13.04 Public Services Facilities, 13.05 Occupancy, 13.06 Fences, 13.07 Performance Standards, 13.08 Signs, 13.09 Swimming Pools, 13.10 Ponds, 13.11 Greenbelts and Landscape, 13.12 Single Family Dwellings, 13.13 Temporary Mobile Homes, 13.14 Additional Dwellings, 13.15 Accessory Buildings, 13.16 Condominium Subdivision approval, 13.17 Driveways, 13.18 Replacement of Non-conforming Mobile Homes, 13.19 Home occupations, 13.20 Crop Production and the Keeping of Livestock, Poultry and Rabbits, 13.21 Homeowner/Personal Communication Equipment, 13.22 Outdoor Sales, Storage and Display

- A. **OFFICE ESTABLISHMENTS** which do not involve the sale of merchandise on the premises, such as insurance offices, real estate offices, and offices for attorneys, accountants, architects, engineers and similar professionals. Referral Section(s) 5.03, 5.05, 5.06, Article 18
- B. **PHOTOGRAPHIC STUDIOS.** Referral Section(s) 5.03, 5.05, 5.06, Article 18
- C. **FINANCIAL INSTITUTIONS.** Referral Section(s) 5.05, 5.05, 5.06, Article 18

- D. **PROFESSIONAL SERVICE ESTABLISHMENTS** providing human health care on an outpatient basis. Referral Section(s) 5.03, 5.05, 5.06, Article 18
- E. Establishments related to **MEDICAL USES** when located in a medical complex and when intended primarily to serve the occupants of the complex in which they are located, such as pharmacies, laboratories, or stores offering supportive or corrective garments and prosthetic appliances. Referral Section(s) 5.03, 5.05, 5.06, Article 18
- F. **MISCELLANEOUS BUSINESS SERVICE OFFICES**, such as consumer credit, services, or duplicating services. Referral Section(s) 5.03, 5.05, 5.06, Article 18
- G. **GOVERNMENTAL OFFICE BUILDINGS**. Referral Section(s) 5.03, 5.05, 5.06, Article 18
- H. **MORTUARIES, FUNERAL HOMES, and CEMETERIES**. Referral Section(s) 5.03, 5.05, 5.06, Article 18
- I. **CHURCHES**. Referral Section(s) 5.03, 5.05, 5.06, Article 18
- J. **PEOPLE CARE FACILITIES**. Referral Section(s) 5.03, 5.05, 5.06, 15.06
- K. **SCHOOLS**. Referral Section(s) 5.03, 5.05, 5.06, Article 18
- L. **PUBLIC SERVICE FACILITIES**. Referral Section(s) 5.03, 5.05, 5.06, 13.04, Article 18
- M. **HOMEOWNER/PERSONAL COMMUNICATION EQUIPMENT**. Section(s) 5.03, 5.05, 5.06, 13.21
- N. **BUILDINGS, STRUCTURES and USES** which are accessory to any of the above permitted uses. Referral Section(s) 5.03, 5.05, 5.06, Article 18

**SECTION 10.02. O-1 USES PERMITTED AFTER SPECIAL APPROVAL.**

**REFERRAL SECTION(S) :**

1.02 Referral, 13.01 Conflicting Regulations, 13.02 Road Frontage, 13.03 Moving Buildings, 13.04 Public Services Facilities, 13.05 Occupancy, 13.06 Fences, 13.07 Performance Standards, 13.08 Signs, 13.09 Swimming Pools, 13.10 Ponds, 13.11 Greenbelts and Landscape, 13.12 Single Family Dwellings, 13.13 Temporary Mobile Homes, 13.14 Additional Dwellings, 13.15 Accessory Buildings, 13.16 Condominium Subdivision Approval, 13.17 Driveways, 13.18

Replacement of Non-Conforming Mobile Homes, 13.19 Home Occupations, 13.20 Crop Production and the Keeping of Livestock, Poultry and Rabbits, 13.21 Homeowner/Personal Communication Equipment, 13.22 Outdoor Sales, Storage and Display

- A. **UTILITY/GOVERNMENT COMMUNICATION EQUIPMENT.** Referral Section(s) 5.04, 5.05, 5.06, 15.12, Article 18
- B. **BED & BREAKFAST.** Referral Section(s) 5.04, 5.05, 5.06, Article 18
- C. **RECEPTION / BANQUET HALL** Referral Section(s) 5.04, 5.05, 5.06, Article 18

**SECTION 10.03. SCHEDULE OF REGULATIONS APPLICABLE.** Land, buildings, and structures located in the Office zoning district (O-1) shall be subject to the area, setback and height requirements for the (C) Commercial Zoning District as specified in Section 17.01.

## **ARTICLE 11**

### **C COMMERCIAL**

#### **SECTION 11.01. C PRINCIPAL USES PERMITTED.**

**REFERRAL SECTION(S):** 1.02 Referral, 13.01 Conflicting Regulations, 13.02 Road Frontage, 13.03\* Moving Buildings, 13.04 Public Services Facilities, 13.05 Occupancy, 13.06 Fences, 13.07 Performance Standards, 13.08 Signs, 13.09 Pools, 13.10 Ponds, 13.11 Greenbelts and Landscape, 13.12 Single Family Dwellings, 13.13 Temporary Mobile Homes, 13.14 Additional Dwellings, 13.15 Accessory Buildings, 13.16 Condominium Subdivision Approval, 13.17 Driveways, 13.18 Replacement of Non-conforming Mobile homes, 13.19 Home Occupations, 13.20 Crop Production and the Keeping of Livestock, Poultry and Rabbits, 13.21 Homeowner/Personal Communication Equipment, 13.22 Outdoor Sales, Storage and Display

- A. Any **RETAIL BUSINESS** which sells or rents merchandise within a completely enclosed building (Does not include Marijuana). Referral Section(s) 5.03, 5.05, 5.06, 15.13, Article 18
- B. **PERSONAL SERVICE ESTABLISHMENTS** such as restaurants, taverns, laundromats, barber shops, beauty shops, and dry-cleaning establishments. Referral Section(s) 5.03, 5.05, 5.06, Article 18



- C. **REPAIR SHOPS** for consumer items such as watches, shoes, furniture and appliances. Referral Section(s) 5.03, 5.05, 5.06, Article 18
- D. **PROFESSIONAL** and **BUSINESS OFFICES**. Referral Section(s) 5.03, 5.05, 5.06, Article 18
- E. **FINANCIAL INSTITUTIONS**. Referral Section(s) 5.03, 5.05, 5.06, Article 18
- F. **FUNERAL HOMES, MORTUARIES** and **CEMETERIES**. Referral Section(s) 5.03, 5.05, 5.06, Article 18
- G. **INDOOR RECREATION ESTABLISHMENTS**. Referral Section(s) 5.03, 5.05, 5.06, Article 18
- H. **HOTELS, MOTELS, LODGE HALLS, PRIVATE CLUBS** and **AUDITORIUMS**. Referral Section(s) 5.03, 5.05, 5.06, Article 18
- I. **SCHOOLS, CHURCHES** and **PUBLICALLY-OWNED BUILDINGS**. Referral Section(s) 5.03, 5.05, 5.06, Article 18
- J. **PUBLIC SERVICE FACILITIES**. Referral Section(s) 5.03, 5.05, 5.06, 13.04, Article 18
- K. **HOMEOWNER/PERSONAL COMMUNICATION EQUIPMENT**. Referral Section(s) 5.03, 5.05, 5.06, 13.21
- L. **PEOPLE CARE FACILITIES**. Referral Section(s) 5.03, 5.05, 5.06, 15.06
- M. **BUILDINGS, STRUCTURES** and **USES** which are accessory to any of the above permitted uses. Referral Section(s) 5.03, 5.05, 5.06, 13.22, Article XVIII

**SECTION 11.02. C USES PERMITTED AFTER SPECIAL APPROVAL.**

**REFERRAL SECTION(S) :**

1.02 Referral, 13.01 Conflicting Regulations, 13.02 Road Frontage, 13.03 Moving Buildings, 13.04 Public Services Facilities, 13.05 Occupancy, 13.06 Fences, 13.07 Performance Standards, 13.08 Signs, 13.09 Swimming Pools, 13.10 Ponds, 13.11 Greenbelts and Landscape, 13.12 Single Family Dwellings, 13.13 Temporary Mobile Homes, 13.14 Additional Dwellings, 13.15 Accessory Buildings, 13.16 Condominium Subdivision Approval, 13.17 Driveways, 13.18 Replacement of Non-Conforming Mobile Homes, 13.19 Home Occupations, 13.20 Crop Production and the Keeping of Livestock, Poultry and Rabbits, 13.21 Homeowner/Personal Communication Equipment, 13.22 Outdoor Sales, Storage and Display

- A. **OPEN-AIR BUSINESSES** such as drive-in theaters, race tracks, used car sales, farm machinery sales, fruit markets, or any retail business activities which are conducted outside of an enclosed building. Referral Section(s) 5.04, 5.05, 5.06, Article 18
- B. **REPAIR OR SERVICE FACILITIES** for automobiles, trucks, farm machinery, and similar equipment. Referral Section(s) 5.04, 5.05, 5.06, Article 18
- C. **ADULT BOOK STORES**, adult motion picture **THEATERS**, **CABARETS**, **ESCORT SERVICES**, **MASSAGE PARLORS** and **NUDE MODELING STUDIOS** as defined in Article II of this Ordinance. Referral Section(s) 5.04, 5.05, 5.06, 15.10, Article 18
- D. **UTILITY/GOVERNMENT COMMUNICATION EQUIPMENT**. Referral Section(s)\* 5.04, 5.05, 5.06, 15.12, Article 18
- E. **BED & BREAKFAST**. Referral Section(s) 5.04, 5.05, 5.06, Article 18
- F. **RECEPTION / BANQUET HALL** Referral Section(s) 5.04, 5.05, 5.06, Article 18

## **ARTICLE 12**

### **I INDUSTRIAL**

#### **SECTION 12.01. I PRINCIPAL USES PERMITTED.**

##### **REFERRAL SECTION(S) :**

1.02 Referral, 13.01 Conflicting Regulations, 13.02 Road Frontage, 13.03 Moving Buildings, 13.04 Public Services Facilities, 13.05 Occupancy, 13.06 Fences, 13.07 Performance Standards, 13.08 Signs, 13.09 Swimming Pools, 13.10 Ponds, 13.11 Greenbelts and Landscape, 13.12 Single Family Dwellings, 13.13 Temporary Mobile Homes, 13.14 Additional Dwellings, 13.15 Accessory Buildings, 13.16 Condominium Subdivision Approval, 13.17 Driveways, 13.18 Replacement of Non-Conforming Mobile Homes, 13.19 Home Occupations, 13.20 Crop Production and the Keeping of Livestock, Poultry and Rabbits, 13.21 Homeowner/Personal Communication Equipment, 13.22 Outdoor Sales, Storage and Display

- A. **WAREHOUSING** and **STORAGE** within an enclosed building. Referral Section(s) 5.03, 5.05, 5.06, Article 18
- B. **WHOLESALE ESTABLISHMENTS**. Referral Section(s) 5.03, 5.05, 5.06, Article 18
- C. **LABORATORIES**. Referral Section(s) 5.03, 5.05, 5.06, Article 18

- D. **MANUFACTURING, COMPOUNDING, PROCESSING, PACKAGING, ASSEMBLING** or treatment of such products as: pharmaceuticals, food products, paper, cloth, electronic instruments, electrical appliances, and similar items not involving stamping, foundry work, or similar heavy manufacturing processes. Referral Section(s) 5.03, 5.05, 5.06, Article 18
- E. **TOOL and DIE SHOPS.** Referral Section(s) 5.03, 5.05, 5.06, Article 18
- F. **REPAIR or SERVICE FACILITIES** for automobiles, trucks, farm machinery and similar equipment. Referral Section(s) 5.03, 5.05, 5.06, Article 18
- G. **PUBLIC SERVICE FACILITIES.** Referral Section(s) 5.03, 5.05, 5.06, 13.04, Article 18
- H. **PEOPLE CARE FACILITIES.** Referral Section(s) 5.03, 5.05, 5.06, 15.06
- I. **BUILDINGS, STRUCTURES and USES** which are accessory to any of the above permitted uses. Referral Section(s) 5.03, 5.05, 5.06, 13.22, Article 18

**SECTION 12.02. I USES PERMITTED AFTER SPECIAL APPROVAL.**

**REFERRAL SECTION(S):**

1.02 Referral, 13.01 Conflicting Regulations, 13.02 Road Frontage, 13.03 Moving Buildings, 13.04 Public Services Facilities, 13.05 Occupancy, 13.06 Fences, 13.07 Performance Standards, 13.08 Signs, 13.09 Swimming Pools, 13.10 Ponds, 13.11 Greenbelts and Landscape, 13.12 Single Family Dwellings, 13.13 Temporary Mobile Homes, 13.14 Additional Dwellings, 13.15 Accessory Buildings, 13.16 Condominium Subdivision Approval, 13.17 Driveways, 13.18 Replacement of Non-Conforming Mobile Homes, 13.19 Home Occupations, 13.20 Crop Production and the Keeping of Livestock, Poultry and Rabbits, 13.21 Homeowner/Personal Communication Equipment, 13.22 Outdoor Sales, Storage and Display

- A. **FACTORIES** engaged in manufacturing, assembling, or machining, including any manufacturing process involving stamping or foundry work. Referral Section(s) 5.04, 5.05, 5.05, Article 18
- B. **TRUCK TERMINALS or RAILROAD YARDS.** Referral Section(s) 5.04, 5.05, 5.06, Article 18

- C. **AIRPORTS.** Referral Section(s) 5.04, 5.05, 5.06, Article 18
- D. **WAREHOUSING, STORAGE or WHOLESALE FACILITIES.** Referral Section(s) 5.04, 5.05, 5.06, Article 18
- E. **Removal, QUARRYING, or processing of sand, gravel, or similar materials** under the conditions required by Section 16.10. Referral Section(s) 5.04, 5.05, 5.06, Article 18
- F. **OUTDOOR STORAGE** of products or raw materials. Referral Section(s) 5.04, 5.05, 5.06, Article 18
- G. **JUNK YARDS** completely enclosed by an obscuring wall or fence. Referral Section(s) 5.04, 5.05, 5.06, Article 18
- H. **UTILITY/GOVERNMENT COMMUNICATION EQUIPMENT.** Referral Section(s) 5.04, 5.05, 5.06, 15.12, Article 18
- I. **BUILDINGS, STRUCTURES** and USES which are accessory to any of the above permitted uses. Referral Section(s) 5.04, 5.05, 5.06, Article 18
- J. **BED & BREAKFAST.** Referral Section(s) 5.04, 5.05, 5.06, Article 18
- K. **RECEPTION / BANQUET HALL** Referral Section(s) 5.04, 5.05, 5.06, Article 18

## **ARTICLE 13**

### **PROVISIONS**

**SECTION 13.01. CONFLICTING REGULATIONS.** Whenever 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.

**SECTION 13.02. ROAD FRONTAGE and HIGHWAY ACCESS.**

Every dwelling or other building shall be located on a parcel of land which fronts upon a public road or upon a private road or private driveway in compliance with the standards of the Deerfield Township Private Road and Driveway Easement Ordinance. In the case of public roads and private roads, the minimum road frontage shall be the same as the minimum lot width established in Section 17.01 of this Ordinance. A private driveway in compliance with the driveway standards of the Deerfield Township Private Road and Driveway Easement Ordinance may be used in lieu of road frontage.

**SECTION 13.03. MOVING OF BUILDINGS OR STRUCTURES.** Any building or structure shall not be moved upon any premises in the Township until a building permit for such moving shall have been secured. Any such building or structure shall fully conform to all the provisions of this Ordinance and the Township Building Code in the same manner as a new building or structure. No building or structure shall be moved to any site within the Township until the owner has posted a cash deposit in any amount specified by the Township Board, guaranteeing full compliance with the building permit and Township ordinances.

**SECTION 13.04. PUBLIC SERVICES FACILITIES AND COMMUNICATION TOWERS.**

Certain facilities provided by utility companies or by the Township government shall be permitted in all zoning districts. Facilities permitted by this section shall include transmission lines, sewer lines, water mains, pumping stations, substations, utility poles, and related equipment. Any equipment storage units, substations or similar structures shall be subject to the site plan review requirements of Article 18. Any office, warehouse, manufacturing, or sales buildings must be located in a zoning district permitting that use.

**SECTION 13.05. OCCUPANCY OF BUILDINGS OTHER THAN COMPLETED**

**DWELLINGS.** Industrial buildings, basements, garages, barns, and other accessory buildings shall not be occupied either temporarily or permanently as dwellings. No commercial building shall be occupied for dwelling purposes unless the building contains a complete dwelling unit which has been constructed, inspected, and approved by the Township for dwelling purposes.

**SECTION 13.06. FENCES.** The erection, construction or alteration of any fence, wall or other type of protective barrier, shall comply with the following requirements:

- A. No fence, wall, plantings or structure shall be erected, established or maintained on any corner lot which will obstruct the view of a driver of a vehicle approaching the intersection.

B) No fence in any residential zoning district (R-1, R-2, RM, and RMH) shall be erected along the line dividing lots or parcels of land or within any required setbacks if the fence exceeds seventy-eight (78) inches in height. The height measurement will be taken between fence posts or a minimum of every 8 feet from the highest portion of the ground up to the top wire/wall/panel/barrier other than for agricultural purposes.

C. No barbed wire, spikes, nails or any other sharp instrument of any kind shall be placed on any fence and no electric fences shall be permitted in any residential zoning district (R-1, R-2, RM or RMH) other than for agricultural purposes.

D. In the C Commercial, I Industrial or O-1 Office zoning districts, fencing shall be detailed on the site plan and shall be subject to approval by the Planning Commission.

**SECTION 13.07. PERFORMANCE STANDARDS.** No use otherwise allowed shall be permitted within any district which are harmful to the public health, safety welfare or morals or which do not conform to the following standards:

A. Smoke or Air Pollution. The emission of gases, smoke, dust, dirt, and fly ash should in no manner be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare.

B. Open Storage. The outdoor storage of junk, scrap, salvage materials and similar items is prohibited except in approved areas within the I Industrial zoning district.

**SECTION 13.08. SIGNS.**

A. General Sign Requirements. All signs erected within the Township shall comply with the following requirements:

1. Permits and Site Plan Review. A building permit shall be required for the new construction or erection of any sign, except for temporary signs or signs specified in subsection B below. Site plan review by the Planning Commission shall be required for any billboard and for any new sign involved in projects for which a site plan review is being conducted. Other signs may be reviewed and approved by the Zoning Administrator.

2. Flashing Signs. There shall be no flashing, oscillation or intermittent type of illumination on any sign. No mechanical moving parts shall be allowed on any sign. However, changeable message digital signs are allowed subject to the requirements of subsection 4 below.
3. Lighting. All signs shall comply with the Deerfield Township Lighting Ordinance.
4. Digital Signs. Digital signs shall be permitted, subject to the following restrictions:
  - a. Only one (1) digital sign shall be permitted on any one lot or parcel and only one (1) such sign shall be allowed for any one business. In the case of corner lots, a digital sign shall be allowed on both frontages.
  - b. Messages displayed on digital signs shall have a minimum duration of six (6) seconds.
  - c. All messages or images on digital signs shall be static and the transition between messages shall be instantaneous with no more than three-tenths (0.3) of a second between messages.
  - d. No digital sign shall create glare or have characteristics that unreasonably impair the vision of motorists or create a nuisance for surrounding properties.
  - e. A digital sign shall not be illuminated beyond the default settings of the manufacturer's brightness or dimming controls.
  - f. A digital sign shall have automatic capabilities that adjust the brightness of the sign to changes in the ambient light levels at all times of the day and night.
5. Right of Ways and Setbacks. No sign shall overhang or encroach upon any public right-of-way. All free standing signs shall be set back at least five (5) feet from all public or private road right-of-way lines and from all property lines.
6. Height. No sign shall be over twenty-five (25) feet in height.

7. Maintenance. All signs shall be maintained in good condition. Any signs that are deteriorated or in poor condition shall be repaired or removed.

B. Exempt Signs. The following types of signs shall comply with any requirements specified in this subsection, but shall not be exempt from requirements for building permits or site plan review:

1. Small Signs. Signs less than three (3) square feet in shall be permitted in all zoning districts so long as the signs are not within the road right of way.

2. Real Estate Signs. Signs advertising real estate for sale or rent or directing the public to such real estate are permitted in all districts, provided that they are not larger than nine (9) square feet in area. Signs advertising industrial, commercial, or office real estate may be as large as thirty-two (32) square feet in sign area.

2. Personal Property Sale Signs (including garage sales). Signs which advertise for sale either garden produce grown on the premises or other personal property owned by the resident of said premises, provided the personal property was not purchased for the purpose of resale. Any such sign shall not exceed nine (9) square feet in sign area. Any signs shall be removed within ten (10) days of the end of the sale.

3. Home Occupations Signs. Signs advertising home occupations authorized pursuant to the Zoning Ordinance shall be permitted, providing said signs do not exceed nine (9) square feet in sign area.

4. Farms Signs. Signs advertising farm products grown on the farm or stating the name of a farm shall be permitted, provided said signs do not exceed thirty-two (32) square feet in sign area.

5. Political Signs. Temporary signs promoting political candidates or election issues shall be permitted in all districts, provided that such signs shall not exceed thirty-two (32) square feet in area. Such signs shall be removed within ten (10) days after the election.

6. Governmental Signs. Any signs erected by the Michigan Department of Transportation, Lapeer County Road Commission or other governmental agencies which are within the road right of way.



7. Parking Lot Signs. Directional signs; public purpose or safety signs; signs required by law such as handicap, fire lane markers, etc.; works of art without a commercial message; religious symbol or holiday lights; governmental flags; graphics integrated into coin operated machines, vending machines, fuel pump, and telephone booth; warning signs; addresses; historical signs; parking or directional signs on pavement; flags for Miss Dig and similar markings; signs depicting ownership, brand or logo; etc.

C. Commercial, Industrial and Institutional Signs. Signs advertising commercial, industrial, institutional facilities located on the same parcel of land as the facility advertised shall be permitted subject to the following conditions:

1. No more than two (2) permanent signs shall be permitted for each business or institution. One of the two allowed signs must be on the business structure or building. In the case of corner lots, the allowable number of signs shall be permitted on both road frontages.

2. Buildings or structures (i.e. strip malls) containing two (2) or more businesses are allowed one (1) combined sign out front and one (1) sign on each business.

3. Each permanent sign shall not exceed ninety-six (96) square feet in sign area.

4. Each business, industry, or other facility shall be allowed temporary signs at a ratio of one (1) temporary sign for each one hundred (100) feet of road frontage utilized by the business, industry, or facility.

5. Temporary signs shall not exceed thirty-two (32) square feet in sign area.

7. Temporary signs shall not be permitted for a period of more than six (6) months within a calendar year.

D. Off Site Signs (Billboards). Signs located on parcels of land separate from the commercial, industrial or other facilities advertised on the signs are considered off site signs or billboards. Such signs shall be permitted in all zoning districts but shall not exceed thirty-two (32) square feet in sign area. No more than two

(2) off-site signs shall be permitted for any one commercial business, industrial facility, or other facility. No off-site sign shall be placed within one hundred (100) feet of any other off-site sign.

E. Prohibited signs. The following signs are inconsistent with the purposes and standards of this Ordinance and are prohibited in all zoning districts unless authorized by another section of this ordinance:

1. Notices, posters, banners, signs, or other devices designed to attract the attention of the public that are posted or otherwise affixed upon any road right-of-way, public sidewalk, tree, utility pole, or any public lighting or communication system.
2. Signs attached to or painted on motor vehicles that are parked adjacent to any public road for more than thirty (30) consecutive days.
3. Any sign not expressly authorized by this ordinance.

**SECTION 13.09. SWIMMING POOLS.** All swimming pools erected in the Township shall comply with the following requirements:

A. Building Permit. An application for a building permit to erect a swimming pool shall include the name of the owner; the location of the pool; a plot plan showing the location of adjacent buildings, fencing, gates, and public utilities; specifications and plans to scale of pool walls, slope, bottom, walkway and diving boards; type and rating of auxiliary equipment, piping and valve layout; and any other detailed information affecting construction and safety features deemed necessary by the Building Inspector.

B. Fence. All swimming pools shall be completely enclosed by a fence. All openings in any such fence shall be equipped with a self-closing, self-latching gate which shall be securely locked when the pool is not in use. This requirement shall not apply to above-ground swimming pools which have walls which extend four (4) or more feet above the ground and which have an adequate means of preventing unsupervised access by small children.

**SECTION 13.10. PONDS.** Ponds may be excavated for non-commercial purposes providing the following requirements are met:

A. A pond must be located on a parcel of land containing no less than four (4) acres.

B. The pond must be located at least 100 feet from property lines, road easements, and dwellings. The property line setback may be varied by written consent of the adjoining property owner.

C. The pond shall be constructed in conformity with current Soil Conservation Service standards.

**SECTION 13.11. GREENBELTS and LANDSCAPED AREAS.** The following requirements shall apply to all properties developed for any use other than agricultural, single-family residential, or two-family residential:

A. No area within a required front yard setback shall be used for any permanent or temporary structures other than signs permitted by this ordinance. No area within a required side yard or rear yard setback shall be used for any permanent or temporary structure of any kind. Up to fifty (50%) percent of the required front yard setback may be used for off-street parking and driveways. The remainder shall be maintained as a greenbelt area. No greenbelt area required by this ordinance or any site plan shall be used for the purpose of storing or displaying vehicles, merchandise, or other items.

B. A greenbelt area of at least ten (10) feet in width shall be maintained along the front and rear lot lines of all property developed for any purpose other than agricultural use. For purposes of the required minimum front greenbelt, the greenbelt shall extend back at least ten (10) feet from the road right of way line except for necessary driveways. In the case of side lot lines, a minimum ten (10) feet wide greenbelt shall also be maintained except that the Planning Commission may waive or reduce the side lot line greenbelts where two non-residential properties abut each other.

C. Detailed landscaping plans for all greenbelts shall be provided on the site plan relating to the development and shall be considered as a material part of the site plan. No site plan shall be considered as having been complied with until the landscaping features have been completed.

D. The Planning Commission shall review and approve the type of plantings required to provide a satisfactory greenbelt in any specific situation.

E. All required greenbelt areas shall be perpetually maintained as greenbelts unless a site plan amendment is subsequently granted by the Planning Commission. Any trees or shrubbery in a greenbelt shall be replaced as soon as possible if they do not survive.

**SECTION 13.12. SINGLE FAMILY DWELLINGS.** All single family dwellings (other than temporary mobile homes approved pursuant to Section 13.13 or replacement mobile homes approved pursuant to Section 13.18) shall comply with the minimum standards specified in this section.

A. Minimum Size. Each dwelling shall contain the minimum number of square feet specified in Section 17.01 and shall be at least twenty-four (24) feet in width for at least sixty (60) percent of its length, prior to any alterations or additions.

B. Foundation. Each dwelling shall be provided with adequate foundation supports. At a minimum, this shall include a concrete foundation at least eight inches in width which extends at least 42 inches below grade and which extends around the complete outside perimeter of the dwelling. Either a basement or else a crawl space of not less than 24 inches shall be provided. Adequate additional support in the form of columns or beams shall be provided as required by the building inspector. Each dwelling shall be securely anchored to the foundation.

C. Storage Facilities. Each dwelling shall have either a basement, garage or storage building containing at least 100 square feet of storage area constructed at the same time as the dwelling.

D. Roof. Each dwelling shall have a roof with no less than a 4/12 pitch.

E. Construction Code. Each dwelling which is moved within the Township and each dwelling and dwelling addition which is constructed in the Township shall comply with the current building code requirements.

**SECTION 13.13. TEMPORARY MOBILE HOMES.** Permission to place a temporary mobile home on parcels of land in the R-1 and R-2 zoning district may be granted by the Planning Commission in the following situations:

- A. Temporary Residence While Constructing a Single Family Dwelling. Prior to placing the mobile home on the premises, the applicant shall have installed an adequate well, septic system and electrical power source for the proposed new dwelling and the applicant shall temporarily connect the mobile home to those facilities. In addition, all necessary building permits must have been acquired for the construction of a single family dwelling and the foundation for the single family dwelling must have been completed. The approval for occupancy of the temporary mobile home may be granted by the Planning Commission for an initial six month period. The zoning administrator may grant six months extensions providing reasonable progress is being made on construction of the single family dwelling. No more than three (3) six months extensions may be granted by the zoning administrator.
- B. Temporary Housing for Aged or Disabled Relatives of the Homeowner. Permission to use a mobile home for the temporary housing of aged or disabled relatives of a homeowner may be granted by the Planning Commission for as long a period as is needed by the designated relatives. When the temporary mobile home is no longer occupied by the aged or disabled relatives designated in the approval or in the event the property is sold, the mobile home shall be immediately removed from the property. The mobile home must be connected to an adequate well, septic system and electrical power source.
- C. Emergency Approval. The Supervisor or the designee of the Supervisor is authorized to grant emergency approval for a temporary mobile home in the case where the existing home has been rendered unlivable due to fire, flood, tornado or other disaster.
- D. Affidavit Required. Any person granted permission to use a temporary mobile home pursuant to this section shall execute an affidavit guaranteeing removal of the temporary mobile home and shall provide either a surety bond or cash deposit in the sum of Two Thousand (\$2,000.00) Dollars with the Township Treasurer to guarantee the removal from the premises upon the termination of

the temporary use. In the case of a bond the initial term shall be for fourteen (14) months and renewed every twelve (12) months from the approval date of temporary use. The affidavit shall be executed by the property owners and recorded with the Register of Deeds. In the event that the Township is required to take enforcement action to remove the mobile home, the costs of such enforcement action shall be deducted from the deposit. The deposit, less any enforcement costs, shall be returned to the applicant after the mobile home is removed from the property and all appropriate ordinances have been complied with. The affidavit shall also be released at that time.

**SECTION 13.14. ADDITIONAL DWELLINGS.** Any parcel of land on which two or more dwellings are constructed shall be of sufficient size so as to comply with all area and setback requirements of Article XVII for each dwelling. Such dwellings shall be located on the parcel in such a manner so that the parcel could be divided into separate parcels for each dwelling and meet all the requirements of Article XVII. This section is not applicable to the RMH District.

**SECTION 13.15. ACCESSORY BUILDINGS.**

A. No mobile home, trailer, truck body, motor vehicle chassis, tent or similar structure shall be used for an accessory building anywhere within the Township.

B. All accessory buildings shall be constructed in conformity with the Township Building Code pursuant to a permit issued by the Building Inspector.

C. In the R-2 Single Family Residential Rezoning District no accessory building shall be constructed until such time as a dwelling is constructed on the same property.

D. Within the subdivision plats which have access to Barnes Lake or Miller Lake, an accessory structure may be erected on a non-contiguous lot of record, provided that the dwelling and vacant parcel both have access to the same lake. Any such accessory building shall not exceed 1200 square feet in size. If special approval is granted by the Zoning Administrator, the lot owner must execute and record with the Register of Deeds an affidavit stating that the lots will **NOT** be sold separately.

E. In the R-2 Single Family Residential Zoning District on lots which are less than one (1) acre in size, no accessory building shall exceed 15 feet in mean height nor shall any accessory building contain more square feet of area than 1 ½ times the square footage of the dwelling's floor area. Total square footage floor area of all the buildings, including the dwelling, shall not exceed 35% of the square footage of the lot size. On lots one (1) acre or more, accessory building size requirements shall comply with R-1.

**SECTION 13.16. CONDOMINIUM SUBDIVISION APPROVAL.**

Single-family detached condominiums may be allowed as a permitted use in any single-family zoned district, subject to the requirements of this section. The intent of these requirements is to ensure that all condominium subdivisions are developed in compliance with standards applicable to similar forms of development under Township ordinances.

A. Review. Pursuant to authority conferred by Section 141 of the Condominium Act, all Condominium Subdivision Plans shall require approval by the Planning Commission before site improvements may be initiated. The review process shall consist of the following two steps:

1. Preliminary Plan Review. In the preliminary review phase, the Planning Commission shall review the overall plan for the site including basic road and unit configurations and the consistency of the plans with all applicable provisions of Township ordinances. The appropriate School Superintendent shall be informed of the proposed preliminary plan by the proprietor. The proprietor shall submit evidence that a copy of the preliminary plan has been delivered to the appropriate school district for its information. Plans submitted for preliminary review shall include information specified in items 1, 2, and 3 of the submission requirements in subsection B below.

2. Final Plan Review. Upon receipt of preliminary plan approval, the applicant should prepare the appropriate engineering plans and apply for final review by the Planning Commission. Final plans shall include information as required by items 1-7 of the submission requirements. Such plans shall have been submitted for review and comment to all applicable county and state agencies. Final Planning Commission approval shall not be granted until such time as all applicable review agencies have had an opportunity to comment on the plans.

B. Submission Requirements. All Condominium Subdivision Plans shall be submitted for review as required by Article 18 of this ordinance (Site Plan Review) and Section 66 of the Condominium Act, and shall also include the following information:

1. A survey of the condominium subdivision site.
2. A plan delineating all natural features on the site including, but not limited to ponds, streams, lakes, drains, flood plains, wetlands and woodland areas.
3. The location size, shape, area and width of all condominium units, and the location of all proposed streets.
4. A copy of the master deed and a copy of all restrictive covenants to be applied to the project.
5. A utility plan showing all sanitary sewer, water, and storm drainage improvements, plus any easements granted for installation, repair and maintenance of utilities.
6. A street construction, paving, and maintenance plan for all streets within the proposed Condominium Subdivision Plan.
7. A storm drainage and storm water management plan, including all swales, drains, basins, and other facilities.

C. District Requirements. The development of all condominium subdivisions shall observe the applicable yard setback and minimum floor area requirements for structures within the zoning district within which the project is located. The dwelling unit density of the project shall be no greater and spacing no less than would be permitted if the parcel were subdivided into individual lots.

D. Streets. All streets for a condominium subdivision in the R-2 zoning district shall conform to the Lapeer County Road Commission standards for subdivision streets. Streets for a condominium subdivision in the R-1 zoning district shall conform to Deerfield Township Private Road ordinance standards or to Lapeer County Road Commission standards for subdivision streets. The Planning Commission shall determine which street standard shall apply based upon the nature of the subdivision being proposed. Dedication of public streets may be required by the Planning Commission where necessary to provide continuity to the public road system.



E. Utility Easement. The Condominium Subdivision Plan shall include all necessary easements for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including the conveyance of sewage, water and storm water run-off across, through, and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.

F. Engineering Reviews. Copies of an "as built" survey shall be provided to the Township demonstrating compliance with applicable Township Ordinances.

**SECTION 13.17. DRIVEWAYS.** The following requirements shall apply to all driveways, other than those used for agricultural or single-family residential purposes:

1. All site plans shall contain the minimum number of driveway entrances needed for adequate traffic circulation. Generally, one driveway entrance per site plan shall be provided so as to prevent highway safety problems resulting from multiple driveways onto public roads.
2. For any development for which a site plan is required, no building permit shall be issued until the zoning administrator has been provided with written proof that a driveway permit has been granted by the County Road Commission or the Michigan Department of Transportation.
3. Driveway improvements shall be fully completed no later than the date of occupancy of the project.
4. The performance bond for site plan compliance shall not be released until such time as the site plan is fully complied with, including all driveway improvements.

**SECTION 13.18. REPLACEMENT OF NON-CONFORMING MOBILE HOMES.**

Single-wide mobile homes which lawfully existed within the Township prior to July 1, 1997 may be replaced within one (1) year if they are destroyed or otherwise removed from the Township. Any such replacement mobile home shall be at least 14 feet in width.

**SECTION 13.19. HOME OCCUPATIONS.**

A. GENERAL REQUIREMENTS. The following requirements shall apply to all home occupations:

1. A home occupation shall only be operated by a person who permanently resides in a dwelling on the property. Without an occupied dwelling, there can be no home occupation.
2. A home occupation shall not change the primary residential nature of the property, both in terms of use and appearance.
3. A home occupation shall not endanger or infringe upon the health, safety, welfare, or enjoyment of any other person in the area, by reason of noise, vibration, glare, fumes, odor, unsanitary or unsightly conditions, electrical interference, fire hazards, or the like.
4. A home occupation shall involve no employees, either gratuitously or for compensation of any kind, other than members of the immediately family, who permanently reside in the dwelling. In the case of medical marijuana, only a caregiver registered with the State of Michigan and who resides on the property may conduct any medical marijuana operations.
5. All activities relating to a home occupation shall be carried on entirely indoors. There shall be no outdoor storage.
6. All parking generated by the home occupation must be provided entirely on the premises and not on streets or roads.

B. CLASS I HOME OCCUPATIONS. Class I home occupations are allowed in the R-1 and R-2 zoning districts after obtaining a zoning compliance permit from the Zoning Administrator. In addition to the general home occupation requirements in section 13.19 A, a Class I home occupation must also comply with the following restrictions:

1. All Class I Home occupation activities must be carried on entirely inside the dwelling itself and shall not involve more than twenty percent (20%) of the square foot area of the dwelling as shown on the Deerfield Township assessor valuation reports. No Class I home occupation activities shall be conducted in attached or detached garages, sheds, barns or other accessory structures on the property.

2. A Class I home occupation must not be visible from outside the dwelling and shall have no impact on the residential character of the neighborhood.
3. No more than ten (10) vehicle trips relating to the home occupation shall be permitted each day.
4. If the Class I home occupation involves the caregiver growing of medical marijuana, no more than one caregiver shall be allowed to operate on the property.
5. If the Class I home occupation involves the caregiver growing of medical marijuana, the premises shall be subject to inspection by township officials or their agents at any reasonable time. The inspections shall determine compliance with township ordinance requirements and state caregiver restrictions as to the number of marijuana plants permitted.

C. CLASS II HOME OCCUPATIONS. Class II home occupations shall only be permitted by special approval of the Planning Commission pursuant to the requirements of Section 15.04.

**SECTION 13.20. CROP PRODUCTION and the KEEPING OF LIVESTOCK, POULTRY AND RABBITS. R-2 subject to the following requirements:**

1. No livestock shall be kept on parcels of land containing less than two (2) acres.
2. No more than one (1) head of livestock can be kept on the first two (2) acres of land. One (1) additional head of livestock can be kept for each additional two (2) acres of land.
3. Land on which livestock, poultry, or rabbits are kept shall not be within a platted subdivision except that a maximum of five (5) rabbits or hens shall be allowed on lots containing less than two (2) acres.
4. Livestock, poultry, or rabbits in the single family residential district shall be kept only for non-commercial purposes such as 4-H projects or family use.
5. Adequate fencing and housing for the livestock, poultry, or rabbits shall be constructed prior to placing the animals on a parcel of land. Any such housing shall be no less than twenty-five (25) feet from any property line.

6. Does not include the growing of Commercial Medical Marijuana

**SECTION 13.21. HOMEOWNER/PERSONAL COMMUNICATION EQUIPMENT.**

Communication antennas and related facilities belonging to homeowners and used for personal communication shall be exempt from the requirements of Section 15.12 and shall be allowed as a permitted use in all residential zoning districts. This shall include equipment used by ham radio operators as well as residential television and radio antennas.

**Section 13.22. OUTDOOR SALES, STORAGE AND DISPLAY- C&I**

An area used for display and sales of merchandise or goods available for purchase (includes any inventory, goods, raw, semi-finished and finished materials or merchandise) from the business located outside the building that is accessory to the primary use of the establishment.

Outdoor sales, storage and display shall be permitted in the C-Commercial and I- Industrial Zoning Districts in accordance with the following requirements:

1. Outdoor sales, storage and display shall only be accessory to the primary use of the property in the Commercial and Industrial Zoning Districts and not a consignment operation or arrangement unless it is a primary use.
2. The outdoor sales, storage and display shall only be permitted within an area not greater than eight hundred (800) square feet or ten (10) percent of the gross floor area of the ground floor of the building; whichever is greater.
3. Any areas purposed to be used for outdoor sales, storage and display shall be accurately delineated on applicable site plans.
4. When outdoor sales, storage and display occur within fifty (50) feet of a public right-of-way, item(s) shall not exceed five (5) feet in height.
5. No material shall be stored within five (5) feet of a building entry. Walkways shall not be blocked (a minimum of thirty-six inches must be provided for a walkway and it must be free of all trip hazards).

6. The outdoor sales, storage and display shall be located at least twenty-five (25) feet from any residentially zoned property and shall be screened from view from the residential property.
7. No outdoor sales, storage and display shall be allowed in areas set aside, required, or designated for driving aisles, walkways, driveways, maneuvering areas, emergency access ways, public right-of-ways, parking, required landscaping or loading/unloading.
8. No Outdoor sales, storage and display areas shall be located in the sight distance area or located in any manner that would restrict or limit adequate sight distances for vehicular traffic movement.
9. Vending and ice machines shall be permitted outside of the building when located against and parallel to the building and shall not block walkways (a minimum of thirty-six inches must be provided for a walkway and it must be free of all trip hazards). These items shall count toward the total outdoor sales, storage and display area permitted. Vending dispensers shall include newspaper, beverage, food, snack, etc. machines.
10. Outdoor sales, storage and display of items shall be located on a hard and durable surface.
11. Outdoor sales, storage and display areas shall be kept free of garbage and other debris.
12. One additional parking space shall be required for each five hundred (500) square feet of outdoor sales, storage and display area.
13. Any outdoor display or sale item located outdoors in a manner constituting a sign must conform to the appropriate sign and/or lighting ordinance or regulations.
14. All items stored outside must be done in a safe manner so as not to compromise the safety of any person(s) from falling or toppling material and must be in compliance with applicable public health standards.

15. Outdoor storage of new or used tires shall meet the following standards:
- a. Tires shall be stored in compliance with applicable public health regulations.
  - b. Outdoor tire storage shall not occupy an area greater than 300 square feet.
  - c. Tires stored outside shall be neatly stacked; no stack shall be higher than eight (8) feet.

## **ARTICLE 14**

### **NON-CONFORMING LOTS, USES, AND STRUCTURES**

**SECTION 14.01. CONTINUED USE PERMITTED.** Within the districts established by this ordinance there exist lots, structures, and uses of land and structures, which were lawful prior to adoption of this ordinance. These non-conformities may continue until they are removed. Said non-conformities shall not be enlarged upon, expanded or extended.

**SECTION 14.02. NON-CONFORMING LOTS OF RECORD.**

A. In the R-1 Zoning District, a Single Family Dwelling and permitted accessory structures may be erected on any non conforming lot of record at the effective date of this ordinance, provided the width, setbacks and area are not less than the minimum requirements for the R-2 District.

B. In the R-1 & R-2 zoning district, on **non conforming** lots, a single family dwelling and related accessory structures may be erected on any lot of record at the effective date of adoption of this ordinance. The side yard setbacks can be reduced to no less than seven (7) feet. The rear and front yard setbacks for any structures constructed pursuant to this provision may be reduced by up to one-third by the Zoning Administrator in the event that it is shown that it is not possible to comply with the full setback requirements. For all legally non-conforming lots with access to Barnes Lake and Miller Lake, the front, side and rear setbacks **CANNOT** be reduced by the Zoning Administrator.

C. In the event that contiguous non-conforming lots are under the same ownership, said contiguous lots shall be combined so that the minimum requirements of Section 17.01 of this ordinance can be complied with.

**SECTION 14.03. NON-CONFORMING STRUCTURES.** Where a lawful structure exists at the effective date of adoption of this ordinance that could not be built under the terms of this ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provision:

A. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity.

B. Should such **non-conforming structure** be destroyed by any means to an extent of more than 75 percent of its assessed value, it shall not be reconstructed except in conformity with the provisions of this ordinance.

**SECTION 14.04. NON-CONFORMING USES OF LAND OR STRUCTURES.** Where at the time of passage of this ordinance lawful use of land or structures exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise lawful, provided:

A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land or additional structures than that occupied at the effective date of adoption or amendment of this ordinance.

B. No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.

C. If any such non-conforming use of land ceases for any reason for a period of more than twelve (12) months, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

D. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land.

E. No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

F. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.

**Section 14.05. EXPIRATION.** If a property on which a Use Permitted After Special Approval has been granted and thereafter ever ceases to operate for a period of one (1) year, then the special land use shall expire.

## **ARTICLE 15**

### **USES AFTER SPECIAL APPROVAL**

#### **SECTION 15.01. TWO-FAMILY DWELLINGS. R-2**

1. The lot on which a two family dwelling is located must contain one and one-half times the area and road frontage required for single family dwellings.

1. Each dwelling unit in a two-family dwelling shall contain not less than 720 square feet of floor area.

#### **SECTION 15.02. DOG KENNELS AND RAISING OF FUR BEARING ANIMALS. R-1**

1. All animals shall be adequately housed, fenced and maintained so as not to create a nuisance.

2. All gates on fences where the animals are enclosed must have a self closing latch to which a lock may be fastened.

2. All pens and runaways shall be covered and shall be screened from view from any residences or roads. Kennels shall also have restrictive fencing at least six (6) feet in height.

3. Kennels shall be set back a minimum of 50 feet from each property line and 150 feet from the road.

5. Any kennel having more than ten (10) dogs shall provide indoor housing in compliance with American Kennel Club standards.



**SECTION 15.03. FARM MARKETS. R-1**

1. No less than 75% of any products sold at a farm market must have been produced on the farm where the market is located.
2. Any building constructed for the farm market shall be compatible with farm use.
3. Any signs shall comply with the requirements of Section\* 13.08.B.4.
4. Adequate off-road parking shall be provided.

**SECTION 15.04. CLASS II HOME OCCUPATIONS.** Class II home occupations are allowed in the R-1 and R-2 zoning districts if special approval has been granted by the Planning Commission. In addition to the general home occupation requirements in Section 13.19 A., a Class II home occupation must comply with the following requirements:

1. Class II home occupations may involve the use of existing accessory buildings, if approved by the Planning Commission. However, a home occupation involving caregiver medical marijuana may only be operated within a dwelling. No more than twenty percent (20%) of the total floor area of the dwelling as shown on the Deerfield Township assessor valuation report shall be used to grow medical marijuana.
2. A Class II home occupation shall not offer for sale any article or service which is not produced on the premises, except products incidental to service performed or articles produced on the premises.
3. The Planning Commission may stipulate reasonable hours of operation for a Class II home occupation.
4. If an approved Class II home occupation ceases operation for a period of one (1) year, or if the type of home occupation changes, re-application must be made and approval must be obtained from the Planning Commission.
5. If the Class II home occupation involves the caregiver growing of medical marijuana, no more than two (2) caregivers shall be allowed to operate on the property.

6. If the Class II home occupation involves the growing of medical marijuana, the premises shall be subject to inspection by township officials or their agents at any reasonable time. The inspections shall determine compliance with township ordinance requirements and state caregiver restrictions as to the number of marijuana plants permitted, as well as State requirements as to water quality, air quality or permissible activities.

**APPROVAL PROCEDURE FOR CLASS II HOME OCCUPATIONS.**

1. Class II home occupations can only be approved by the Planning Commission after a public hearing and pursuant to the requirements of Article 16.
2. A site plan for a home occupation does not need to be a formal site plan complying with the requirements of Article XVIII. The applicant shall submit a plot plan and letter describing the proposed use, the portion of the dwelling or other building devoted to the home occupation use, lot identification (address and property number), size of lot, dimensions of lot lines, existing improvements, location of structures on adjacent lots within one hundred (100) feet, abutting streets, driveways, and parking areas.
3. Prior to granting approval, the Planning Commission must determine that a proposed Class II home occupation is compatible with already existing land uses in the area; would not be detrimental to the safety or convenience of vehicular or pedestrian traffic and complies with the general conditions of Section 13.19 A.
4. A home occupation approval shall be limited to the applicant and members of his or her immediate family. Home occupation approval shall not be transferable with sale, rental, or lease of the dwelling unit.

**SECTION 15.05. BUILDING LOTS LESS THAN THE MINIMUM SIZE REQUIRED BY ARTICLE XVII. R-1**

1. Building lots containing less than the minimum size and dimension requirements contained in Article 17 may be created within the R-1 Agricultural and Residential District for the following purposes:

- a) When an existing dwelling is being divided from a parcel of farmland, provided that the remaining land is to be used for farming purposes.
- b) When a dwelling is to be constructed on an operating farm for use by a person who works the farm, provided that the smaller lot size is necessary to prevent encroachment on tillable farmland or farm buildings.
- c) When a parcel of land which does not meet the size requirements of Article 17 was given or sold to a party prior to the effective date of this zoning ordinance, May 11, 1983.

2. Any building lots given special approval pursuant to this section shall be designed to come as close as possible to meeting the size, dimension and setback requirements of Article XVII as possible without impeding farming operations on the surrounding property. In no case shall a building lot be approved under this provision unless it contains a minimum of one acre and unless it is a minimum of 100 feet in width.

**SECTION 15.06. PEOPLE CARE FACILITIES. R-1, R-2, RM, RMH, O-1, C, I**  
Group Homes, Family Homes, Adult Foster Care, Convalescent Homes, etc. must abide by the State of Michigan, Department of Human Services and/or Bureau of Children and Adult Licensing.

**SECTION 15.07. PRIVATE RECREATION AREAS, CAMPGROUNDS AND SHOOTING RANGES. R-1**

1. Site requirements.
  - a) Minimum site size shall be twenty (20) acres.
  - b) All development features shall be set back a minimum of one hundred (100) feet from property lines and roads.
  - c) The recreation area or campground must have direct access to a state highway or paved county road.
2. Related accessory commercial uses may be permitted in conjunction with the recreation use when the commercial use is clearly incidental to the main recreational character of the property and the commercial services will be restricted to persons using the recreation facilities.

3. Whenever a swimming pool is to be provided, said pool shall be provided with a protective fence six (6) feet in height. Entry shall be by means of a controlled gate.

4. Campgrounds shall also comply with the following requirements.

a) The number of camp sites shall not exceed 15 per gross acres. The minimum area of a campsite shall not be less than 1200 square feet, with no dimension less than 30 feet.

b) No tent, camper, travel trailer or recreation vehicle shall be used as a permanent residence.

c) A minimum of 25% of the total campground area shall be reserved for recreation purposes or open space.

5. Shooting ranges and gun clubs shall also comply with the following requirements:

a) Every shooting range shall be constructed and maintained in accordance with nationally recognized safe practice standards set forth by the National Rifle Association. Each range shall be of sufficient size and appropriate design to permit the discharge of firearms without endangering the safety of persons within the velocity area of the various firearms utilized.

b) Every shooting range shall be posted with signs that indicate the area as a shooting range. Adequate backstops, benchrests, baffles and necessary safety features shall be provided. There shall be a greenbelt or open area not used for shooting along the perimeter of the shooting range. Such greenbelt or open space shall be a minimum of two hundred (200) feet in width.

c) The Commission shall consider safety and noise factors and methods of minimizing related problems. There shall be no shooting between the hours of 7 p.m. and 9 a.m.

d) Any trap and skeet shooting shall be operated under the rules and regulations of the Michigan Trap and Skeet Association.

**SECTION 15.08. GOLF COURSES. R-1**

1. Site requirements.
  - a) Minimum site size shall be 40 acres.
  - b) Any buildings or other development features shall be located at least 100 feet away from all property lines.
  - c) The golf course must have direct access to either a state highway or a paved county road.
2. Golf course operations may include the sale or rental of golf equipment and the sale of food and non-alcoholic beverages, providing that such activities are limited to persons using the golf course rather than the general public.
3. The sale of alcoholic beverages or the operation of a restaurant or other facility for the general public shall not be permitted unless the property is rezoned for commercial use.

**SECTION 15.09. QUARRYING, MINING, OR FILLING OF SOIL, SAND, CLAY, GRAVEL, STONE OR ANY OTHER MATERIAL. R-1, I**

1. Each application for quarrying, mining, or filling shall contain the following:
  - a) Names and addresses of all owners and operators and the address and legal description of the property on which the quarrying, mining, or filling will occur.
  - b) Detailed statement as to method of operation, hours of operation, type of machinery or equipment to be used and estimated number of years that the operation will continue.
  - c) Detailed statement as to the type of deposit proposed for extraction and the estimated number of cubic yards of material projected to be quarried, mined or filled.
  - d) Topographical survey map (may be waived by Planning Commission for small projects).

e) Reclamation site plan and detailed statement as to the proposed use of the land after quarrying, mining or filling operations are complete.

f) Such other information as may be reasonably requested by the Planning Commission.

2. An application fee shall be set by the Township Board to defray the cost of legal fees, engineering services, investigation, publication charges, and other miscellaneous administrative expenses necessary to process the application. The fee shall be paid before a public hearing is scheduled.

3. Operational Requirements and Impact Fee.

a) Fence. Where deemed necessary by the Planning Commission, a fence shall be erected completely surrounding the excavation with gates which can be kept locked when operations are not being carried on.

b) Dust Control. Any gravel or dirt roads, whether public or private, used for the purpose of ingress or egress to said excavation site shall be kept dust free by hard topping or chemical treatment.

c) Slopes. The completed slopes of the banks of the excavation upon rehabilitation shall in no event exceed a minimum of three (3) feet to one (1) foot (three foot horizontal to one foot vertical).

d) Setbacks. No cut or excavation shall be made closer than two hundred (200) feet from the centerline of any road right-of-way line nor nearer than fifty (50) feet to any property line.

e) Water. No soil, sand, gravel, clay, stone or similar materials shall be removed in such manner as to cause water to collect in areas other than fully developed ponds. The premises shall be graded so that surface water drainage is not interfered with.

f) Top Soil. Sufficient top soil shall be stock-piled on the site so that the entire site, when operations are

completed, may be covered with a minimum of six (6) inches of top soil. The replacement of such top soil shall be made immediately following the termination of quarrying, mining or filling operations. Any stored piles of top soil shall not be placed closer than fifty (50) feet to any property line nor shall any pile exceed a 3 to 1 slope.

g) Impact fee. The operator shall annually pay to the Township an impact fee equal to Ten (10¢) Cents per cubic yard of material removed from the site. Said fee shall be paid no later than December 31 of each year and shall be accompanied by a sworn statement as to the number of cubic yards extracted during the year.

4. Reclamation.

a) Restoration of top soil and revegetation of the site shall be started as soon as the first ten (10) acres are completely excavated and shall progress in stages as the excavation progresses. The slopes of the site shall be graded and seeded in accordance with the approved reclamation site plan and in a manner that prevents erosion.

b) The property shall be fully reclaimed, in accordance with the approved reclamation site plan, no later than one (1) year after extractive operations are completed. Non-compliance with this requirement shall be grounds for forfeiture of the operator's surety bond.

5. Surety Bond.

a) The Township shall require each permittee to furnish a surety bond to ensure strict compliance with this ordinance and any conditions attached to a permit. The Bond shall be in an amount equal to One (\$1.00) Dollar for each cubic yard of material projected to be mined or filled. In no event shall the bond amount be less than Ten Thousand (\$10,000.00) Dollars.

b) The surety bond shall be used for rehabilitating the premises in the event of default by the operator, expenses to compel the operator to comply by Court Decree, and any other expenses that may be incurred by the Township in securing compliance with the requirements of this ordinance or conditions of the permit.

**SECTION 15.10. ADULT BOOK STORES, ADULT MOTION PICTURE THEATERS, CABARETS, ESCORT SERVICES, MASSAGE PARLOORS, AND NUDE MODELING STUDIOS as defined in Article II of this Ordinance. C**

1. It is recognized that there are some uses which, when several of them are concentrated under certain circumstances, have a deleterious effect upon adjacent areas. The purpose of this Ordinance is to preserve the quality of life threatened by a concentration of such uses by preventing the secondary effects of crime, protecting the retail trade and maintaining property values. Regulation of these uses is necessary to ensure that these secondary effects will not contribute to the blighting or downgrading of the surrounding neighborhood.

2. It shall be unlawful to hereafter establish any adult book store, adult motion picture theater, escort service, massage parlor, nude modeling studio, or cabaret within:

- a) Five hundred (500) feet of any building containing a residential dwelling or rooming unit.
- b) Five hundred (500) feet of any public or private school.
- c) Five hundred (500) feet of any church or other religious facility or institution;
- d) Five hundred (500) feet of any public park.
- e) One thousand (1,000) feet of any other adult use.

This prohibition may be waived if the person applying for the waiver shall file with the Township Planning Commission a petition which indicates approval of the proposed regulated use by 51 percent of the persons owning, residing or doing business within a radius of one thousand (1,000) feet of the boundary of the property being considered for the proposed use.

The circulator of a petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the circulator personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon.

3. The Planning Commission may waive the location requirements established for adult book stores, adult motion



picture theaters, escort services, massage parlors, cabarets, or nude modeling studios if the following findings are made:

- a) That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Ordinance will be observed.
- b) That the proposed use will not encourage the development of a "skid row" area.
- c) That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal.
- d) That all applicable regulations of this Ordinance will be observed.

**SECTION 15.11 CLUSTER HOUSING AND OPEN SPACE. R-1, R-2**

1. Open Space. Land qualifying as open space shall be land set aside for recreational, conservation or agricultural uses and preserved in an undeveloped state. Open space shall not be deemed to include areas within road rights of way, county drain easements or residential yard areas. Development of preserved open space lands or their use for other than recreation, conservation or agriculture purposes shall be prohibited.
2. Minimum Site Size. The clustering of single-family dwellings may only be permitted on parcels of land containing at least eight (8) acres in the R-1 District and twelve (12) acres in the R-2 District.
3. Open Space Minimum. A single-family cluster development must preserve open space equal to a minimum of fifty (50%) percent of the total area of the parcel on which the cluster housing is constructed.
4. Features To Be Preserved. In order to approve a cluster housing proposal, the Planning Commission must determine that the parcel of land contains natural features which would be preserved through the use of cluster development. Such features must include at least one (1) of the following:

- a) Natural stands of large trees
  - b) Natural habitat for wildlife
  - c) Unusual topographic features
  - d) Productive farmland
  - e) Water or wetland areas

5. Maximum Number of Dwelling Units Allowed and Minimum Lot Area. Within a cluster housing development, the Planning Commission may allow a dwelling unit density greater than otherwise permitted in the R-1 and R2 zoning district. The maximum number of dwelling units within a cluster housing development which may be allowed by the Planning Commission shall be an average of one (1) dwelling unit per three (3) acres in the R-1 District and 1.08 dwelling units per acre in the R-2 District, based on the total land area of the parcel on which the cluster housing is constructed. The minimum lot area for each dwelling unit required in the R-1 zoning district may be reduced by the Planning Commission to no less than one (1) acre to accommodate a cluster housing development. The R-2 zoning district may be reduced by the Planning Commission to no less than twenty thousand (20,000) square feet to accommodate a cluster housing development.

6. Minimum Lot Width and Setbacks . In areas approved for cluster housing, the required lot widths and setbacks may be reduced by the Planning Commission, subject to the following minimums:

- a) The minimum lot width shall be at least one hundred (100) feet.
- b) The minimum side yard and rear yard setbacks in the R-1 District shall be at least fifteen (15) feet.

7. Road Access. All dwelling units within a cluster housing development shall enter only onto a private road or a new public road in the R-2 District while in the R-1 District it can only enter onto a private road.

8. Common Ownership of Preserved Areas. Any land intended to be used as common area by home owners shall be set aside for their exclusive use. All such lands shall be designated on the site plan and shall be protected by restrictions running with the land. The restrictions shall be reviewed and approved by the Township Attorney to assure the following:

- a) That title to the open space would be held in common by the owners of all dwelling units in the cluster development.
- b) That a permanent organization for maintenance and management of such areas would be assured by legal documents prior to the issuance of any building permits or the sale of any property.
- c) That the restrictions would be sufficient to assure the permanent preservation of the open space.
- d) That the restrictions could be enforced by all property owners and by the Township.

9. Preserved Areas Not Owned in Common. Land areas which are to be preserved but not held in common ownership shall be designated on the site plan and shall be protected by restrictions necessary with the land. The restrictions shall be reviewed and approved by the Township Attorney to assure the following:

- a) That the proposed manner of holding title to the preserved open land is acceptable to the Township.
- b) That the proposed restrictions would adequately preserve the natural features and regulate the use of the open land.
- c) That the restrictions could be enforced by all property owners and by the Township.

**SECTION 15.12. UTILITY/GOVERNMENT COMMUNICATION EQUIPMENT. R-1, R-2, RM, RMH, O-1, C, I**

All communication towers, including transmission towers, relay or receiving antennas, and normal accessory facilities involved in telephone, television, radio, microwave, cable systems, cellular, and similar communication services, may be allowed as special land uses in all zoning districts, pursuant to Article 16, subject to\* the following requirements:

1. The applicant shall submit a written statement and technical verification regarding the nature of any transmissions, electromagnetic fields, or any other radiation emitted from the facility, and any potential hazards to humans, animals, vegetation or property in the area. The applicant shall also submit a written explanation of the design characteristics and the ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards. This information shall address the potential for the tower or other mounting structure and/or antennas to topple over or collapse, and what tower configuration should be expected in such an event. Technical documentation of any information regarding these concerns shall also be provided.
2. The minimum setback from any property line or road right-of-way shall be equal to the height of the tower.
3. The tower or antenna shall not be unreasonably injurious to the safety, aesthetics, or market value of nearby properties.
4. All towers and related equipment shall be designed to be as compatible and harmonious as possible in style and building materials to the surrounding area.
5. Monopole antenna structures shall be encouraged in all areas where technologically feasible. "Web" or "lattice" type towers shall not be allowed, unless absolutely necessary for structural reasons.
6. All tower bases and related equipment shall be screened from view and shall be surrounded by a full perimeter fence to prevent unauthorized access. The fence shall have locked gates and shall be cyclone fence at least six (6) feet in height.
7. Towers over 200 feet tall must be at least one (1) mile from other 200 feet or more towers.
8. In order to maximize the efficiency of the provision of telecommunication services, while also minimizing the impact of such facilities on the Township, co-location, or the provision of more than one antenna and more than one user on a single tower at a single location, shall be strongly encouraged. Before approval is granted for a new facility,

the applicant shall demonstrate that it is not feasible to co-locate at an existing site.

9. Co-location shall be deemed to be "feasible" for the purposes of this Section, where all of the following are met:

(1) The site on which co-location is being considered, including reasonable modification or replacement of a facility, is able to provide structural support.

(2) The co-location being considered is technologically reasonable, i.e., the co-location will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.

(3) Existing towers or structures are located within the geographic area which meet the applicant's engineering requirements.

(4) The fees, costs or contractual provisions required in order to share an existing tower or structure or to adapt an existing tower or structure for co-location are not unreasonable. For the purposes of this paragraph, costs exceeding new tower development are presumed to be unreasonable.

10. Applicants receiving approval for a tower shall agree to allow co-location on the tower for reasonable market compensation as long as the conditions described in subsection 9 (1), (2) and (3) are met.

11. A condition of every approval of a communication tower shall be adequate provision for the removal of the facility whenever it ceases to be used for 180 days or more. Removal includes the proper receipt of a demolition permit from the Building Official and proper restoration of the site to the satisfaction of the Building Official. Removal of the tower and its accessory use facilities shall include removing the top three (3) feet of the caisson upon which the tower is located. This area shall then be filled and covered with top soil and restored to a state compatible with the surrounding vegetation.

12. To ensure proper removal of the tower when it is abandoned, any application for a new tower shall include a description of financial security to be posted at the time of receiving a building permit for the facility. In this regard, the security shall be in the form of: 1) cash bond; 2) irrevocable bank letter of credit for the term of lease; or 3) performance bond in a form approved by the Township Attorney, establishing the obligation of the applicant to remove the facility in a timely manner. The amount of such guarantee shall be no less than 110 percent of the estimated cost of removal. The estimate shall be prepared by the developer and approved by the Building Inspector. The applicant shall also be responsible for the payment of any costs or attorney fees incurred by the Township in securing removal.

## **ARTICLE 16**

### **APPROVAL PROCEDURE FOR USES PERMITTED AFTER SPECIAL APPROVAL**

**SECTION 16.01. APPLICATION.** For all uses permitted after special approval, a written application shall be submitted to the Planning Commission. Such application shall contain a description of the proposed use, a legal description and street location of the property on which the proposed use would be located, the signature of the property owner, the signature of the petitioner (if different from the property owner), and a scale drawing of the site. The scale drawing shall show existing and proposed buildings, driveways, points of ingress and egress, parking areas, fencing, landscaping, signs, and road right of ways.

**SECTION 16.02. HEARING.** Requests for Uses Permitted After Special Approval (special land uses) may be heard and decided at any regular or special meeting of the Planning Commission, provided the petitioner has presented all required information and the public hearing has been held. Notice of public hearing shall be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 500 feet of the property and to the occupants of all structures within 500 feet of the property regardless of whether the property or occupant is located in the Township. A notice shall also be published once in a newspaper of general circulation. All notices, whether mailed, personally delivered, or published, shall be done not less than 15 days prior to the hearing.

**SECTION 16.03. STANDARDS.** Requests for uses permitted after special approval shall be granted or denied based on the following standards:

- A. The location, size, and character of the proposed use shall be in harmony with and appropriate to the surrounding neighborhood.
- B. The proposed use shall not result in the creation of a hazardous traffic condition.
- C. The site layout, intensity of use, and time periods of use shall not be such as to create a nuisance due to dust, noise, smell, vibration, smoke, or lighting.
- D. All specific requirements of the zoning district where the proposed use would be located shall be complied with.

**SECTION 16.04. DECISIONS.** The Planning Commission may deny, approve, or approve with conditions any request for a Use Permitted After Special Approval. A Use Permitted After Special Approval shall be approved if the request is in compliance with the standards stated in the Zoning Ordinance. The decision of the Planning Commission shall be incorporated in a statement containing the findings and conclusions on which the decision is based and any conditions imposed. Any conditions imposed shall meet all of the following requirements:

- A. 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.
- B. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
- C. 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 ensure compliance with those standards.

**SECTION 16.05. EXPIRATION.** If a property on which a Use Permitted After Special Approval has been granted is not subsequently used for the purpose granted for a period of one year, the special land use shall expire.

ARTICLE XVII  
Section 17.01

**AREA, SETBACK AND HEIGHT REQUIREMENTS**

| Zoning District | Minimum Lot Area Per Dwelling Unit or Commercial or Industrial Building<br>(H) | Minimum Lot Width In Feet<br>(A, E) | Minimum Front Yard Setback in Feet<br>(B, H, N)<br>Q | Minimum Side Yard Setback in Feet<br>(H, N)<br>Q | Minimum Rear Yard Setback In Feet<br>(H, N)<br>Q | Minimum Floor Area Per Dwelling In Sq. Feet | Maximum Building Mean Height In feet<br>(D) |
|-----------------|--|-------------------------------------|--|--|--|---|---|
| R-1<br>(M)      | 4 acres<br>(G)   | 330<br>(G)                          | 100<br>(G, C)  | 15<br>(G, C)                                     | 25<br>(G, C)                                     | 720<br>(F, I)                               | 25  |
| R-2<br>(M)      | 1 acre<br>(J, K, L)  | 165<br>(J, L)                       | 100<br>(C)   | 15<br>(C)  | 25<br>(C)  | 720<br>(F, I)                               | P   |
| RM<br>(M)       | 5,000 sq. feet   | 100                                 | 100  | 15   | 10   | 600   | 30  |
| RMH<br>(M)      | 20,000 sq. feet  | 100                                 | 100  | 15   | 10   | 720   | 25  |
| O-1<br>(M)      | 20,000 sq. feet  | 100                                 | 100  | 20   | 25   | --  | 30  |
| C<br>(M)        | 30,000 sq. feet  | 100                                 | 100  | 20   | 25   | --  | 50  |
| I<br>(M)        | 1 acre   | 165                                 | 100  | 20   | 35   | --  | 50  |



- (A) Measured at the minimum front yard setback line.
- (B) Measured from center of road right-of-way or shoreline for lakefront properties. For non-conforming lots with access to Barnes Lake and Miller Lake see "Q".
- (C) In the R-1 & R-2 Zoning Districts on non-conforming lots for the front, side, and rear setbacks, refer to Section 14.02B of this Ordinance.
- (D) Not applicable to farm structures such as barns, silos, or grain elevators.
- (E) Maximum depth-to-width ratios of all parcels shall be 4 to 1.
- (F) Subject to the requirements of Section 13.12 as to single-family dwellings.
- (G) In the R-1 Zoning District, a Single Family Dwelling and permitted accessory structures may be erected provided the width, setbacks and area are not less than the minimum requirements for the R-2 District. Subject to the requirements of 13.15.
- (H) Subject to the requirements of Section 13.10 (Ponds).
- (I) 720 square feet per dwelling unit for two-family dwellings
- (J) In platted subdivisions in the R-2 District, the minimum lot size shall be 36,000 square feet, and the minimum lot width shall be 130 feet.
- (K) Within the R-2 Zoning District, the maximum percent of lot area covered shall be thirty-five (35%) percent.
- (L) In cluster housing developments in the R-2 District, the Planning Commission may reduce the minimum lot size to 20,000 square feet and the minimum lot width to 100 feet.
- (M) Any driveway, private drive, road, street or easement that connects to a State Highway has to contact Michigan Department of Transportation for requirements.
- (N) All setbacks are measured to the furthest protruding portion of the building.
- (P) Dwelling unit height is restricted to 25 foot mean height while accessory buildings are restricted to 14 foot mean height. Refer to section 13.15E
- (Q) For non-conforming lots with access to Barnes Lake or Miller Lake:
  - Front yard setback is a minimum 35 feet from edge of existing road to building and minimum 35 feet from water's edge to building for lakefront properties.
  - Side yard setback is minimum 10 feet to building.
  - Rear yard setback is minimum 15 feet from rear property line to building or for lakefront properties from existing road to building.

**ARICLE 18**  
**SITE PLAN REVIEW**

**SECTION 18.01. SITE PLAN REVIEW.** A site plan shall be submitted for any construction of a new structure or for any construction involving the exterior alteration of an existing structure. A site plan shall also be submitted for any change in use of any land or structures. No site plan shall be required for farms, single family residences, two-family residences or residential and agricultural accessory buildings and structures.

**SECTION 18.02. PROCEDURE.** All site plans shall be submitted first to the Zoning Administrator, who shall review the plans for compliance with the requirements of the zoning ordinance. The Zoning Administrator shall then refer the site plan to the Planning Commission for review and decision. Once a site plan is approved by the Planning Commission, it shall not be altered without the consent of the Planning Commission.

**SECTION 18.03. SITE PLAN CONTENTS.** Each site plan shall include the following:

- A. Area of the site in acres.
- B. Date, north point, and scale.
- C. Dimensions of all property lines.
- D. Location and dimensions of all existing and proposed structures on the property or on adjacent properties within 100 feet of the property lines.
- E. Location and dimensions of all existing and proposed roads, driveways, sidewalks, and parking areas.
- F. Location of all existing and proposed utility lines, wells, septic systems, and storm drainage.
- G. Location, dimensions and details of proposed fences, plantings, greenbelts and landscaped areas.

- H. Exterior drawings of proposed new buildings or major additions to existing buildings.
- I. Location, dimensions, and drawings of existing and proposed signs.
- J. Location and detail of any proposed outdoor lighting.
- K. All site plans shall be prepared and sealed by a registered architect, engineer, or land surveyor, except plans for projects which involve no new structures. The zoning administrator may waive the requirement for a plan by a registered architect, engineer, or land surveyor if the zoning administrator determines that a proposed building addition, renovation, or sign is so minor as not to necessitate professional plan preparation.
- L. Detail as to potential noise, including decibel levels, may be required by the Planning Commission.

**SECTION 18.04. STANDARDS.** In determining whether to approve, modify, or deny a site plan, the Planning Commission shall consider the following:

- A. Adequacy of traffic ingress, egress, circulation, and parking.
- B. Adequacy of landscaping to protect adjoining properties and enhance the environment of the community.
- C. Location and design of proposed structures so as to ensure that detrimental effects on adjacent properties will be minimized.
- D. Adequacy of storm drainage.
- E. Location and design of signs so as to prevent highway visibility obstructions, driver distractions, encroachments, and adverse effects on the community environment.
- F. Compliance with all Deerfield Township Ordinances.

**SECTION 18.05. SITE PLAN FINANCIAL GUARANTEES.**

A cash bond, surety bond or bank letter of credit shall be posted with the Township Treasurer as a guarantee that the project will be completed in accordance with the approved site plan. Upon the completion of the project in accordance with the approved site plan, the bond shall be released. The amount of the bond shall be equal

to five (5%) percent of the total construction cost or Five Hundred (\$500.00) Dollars, whichever amount is greater. Any bond or letter of credit provided to comply with this section shall have an expiration date no sooner than fourteen (14) months from the date the building permit is issued. The bond shall be renewed every twelve (12) months from the original building permit date.

**SECTION 18.06. EXPIRATION.**

Planning Commission approval for a site plan shall expire one (1) year from the date of the meeting at which site plan approval was granted unless the site plan has been fully complied with or substantial construction has been undertaken within the one (1) year period.

**ARTICLE 19**

**OFF-STREET PARKING AND LOADING REQUIREMENTS**

**SECTION 19.01. PARKING REQUIREMENTS.** In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings erected, altered or extended after the effective date of this ordinance, shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this ordinance.

A. Area for Parking Space. For the purpose of this Section, three hundred (300) square feet of lot area shall be deemed a parking space for one (1) vehicle, including access aisles.

B. Location of Parking Space for one and Two Family Dwellings. The off-street parking facilities required for one and two family dwelling shall be located on the same lot as the building they are intending to serve, and shall consist of a parking strip, parking apron, and/or garage.

C. Location of Parking Space for other Land Uses. The off-street parking facilities required for all other uses shall be located on the lot or within five hundred (500) feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served.

D. Seating Capacity of Seats. As used in this Article for parking requirements, seats shall mean that each twenty-four (24) inches of

seating facilities shall be counted as one (1) seat, except that where specifications and plans filed with the Building Inspector specify a certain seating capacity for a particular building, such specified seating capacity shall be used as the basis for required parking space.

E. Similar Uses and Requirements. In the case of a use not specifically mentioned, the requirements of off-street parking facilities for a use which is so mentioned, and which said use is similar, shall apply.

F. Existing Off-Street Parking at Effective Date of ordinance. off-street parking existing at the effective date of this ordinance which serves and existing building or use, shall not be reduced in size less than that required under the terms of this ordinance.

G. Collective Provisions. Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computed separately.

H. General Use Conditions. Except when land is used as storage space in connection with the business of a repair or service garage, a twenty-four (24) hour time limit for parking in off-street parking areas shall prevail, it being the purpose and intention of the foregoing that the requirements of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off the streets, but such requirement is not designed to provide storage or parking on such open land of wrecked, junked, or inoperable vehicles. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited within the required off-street parking.

**SECTION 19.02. TABLE OF OFF-STREET PARKING REQUIREMENTS.** The amount of required off-street parking space for new uses of buildings, additions thereto, and additions to existing buildings as specified above shall be determined in accordance with the following table, and the space so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use.

| Use   | Required Number<br>of Parking Spaces | Per Each Unit of<br>Measure as Follows:   |
|---|--------------------------------------|---|
| 1. Auditoriums, assembly<br>halls, and theaters | 1                                    | Two seats based upon<br>maximum seating capacity in<br>the main place of assembly |

therein, plus one space for every two employees.

|  |   |   |
|--|---|---|
| 2. Automobile service stations   | 2 | Each gasoline pump and lubrication stall.   |
| 3. Banks (other than drive-in type), business or professional office of lawyers, architects, engineers, or similar professions   | 1 | Two hundred (200) square feet of usable floor area.   |
| 4. Barber shops and beauty parlors   | 3 | Each barber or beauty operator.   |
| 5. Bowling alleys  | 4 | Each bowling lane.  |
| 6. Churches  | 1 | Two seats, based on maximum seating capacity in the main place of assembly.                                       |
| 7. Drive-In banks  | 4 | Each teller window.   |
| 8. Drive-In restaurants  | 1 | Twenty-five square feet of usable floor space, with a minimum of forty parking spaces.                            |
| 9. Furniture, appliances and household equipment repair shops; showroom of a plumber, decorator, electrician or similar trade; clothing and shoe repair; laundry, motor vehicle salesroom, hardware stores, wholesale stores and machinery sales | 1 | Six hundred square feet of usable floor area, plus one space for each two employees.                              |
| 10. Golf courses   | 1 | Each two employees plus one space for every five hundred square feet of usable floor area in the club house, plus |

a minimum of ten parking spaces per hole on the golf course.

|   |   |  |
|---|---|--|
| 11. Hotels, tourist homes, motels   | 1 | Guest Bedroom.   |
| 12. Industrial establishments   | 1 | one and one-half employees the greatest number of persons employed at any one period during the day. |
| 13. Laundromat and/or dry cleaning center   | 1 | Every two washing machines.  |
| 14. Libraries and museums   | 1 | Two hundred square feet of floor space.  |
| 15. medical offices   | 1 | one hundred square feet of usable floor area.  |
| 16. Mortuary establishments, funeral homes  | 1 | Fifty square feet floor space in the slumber rooms, parlors or individual funeral service rooms.     |
| 17. Motor vehicle/car wash<br>(a) self-service operation                                      | 4 | Each motor vehicle wash establishment.   |
| (b) other than self-service operation   | 8 | Each car wash establishment plus one for each employee.  |
| 18. Private clubs, or lodges  | 1 | Each 3 persons at minimum occupancy.   |
| 19. Residential-single, two-family or multiple dwelling or mobile home                        | 2 | Each dwelling unit.  |
| 20. Restaurant or single establishments, other than drive-ins, in which is conducted the sale | 1 | Fifty square feet of usable floor area, plus one space for each four employees.                      |

and consumption on the premises of beverages, food or refreshments.

- |  |   |   |
|--|---|---|
| 21. Retail store, except as otherwise specified herein                       | 1 | one hundred square feet of usable floor space.  |
| 22. Sanitariums, convalescent homes, hospitals                               | 1 | Two beds.   |
| 23. Schools  | 1 | Two teachers, employees or administrators in addition to the requirements of the auditorium or assembly hall therein.   |
| 24. Service garage, auto salesrooms, auto repair, collision or bumping shops | 1 | Two hundred square feet of usable floor area, plus one space for each two employees on the basis of the maximum number of employees on duty any one time, plus two spaces for each auto services.                   |
| 25. Stadiums and sports arenas   | 1 | Four seats or eight feet of benches.  |
| 26. Warehouse and storage buildings  | 1 | One employee computed on the basis of the greatest number of persons employed at any one period during the day or night, or one space for every seventeen hundred square feet of floor space, whichever is greater. |

**SECTION 19.03. OFF-STREET LOADING REQUIREMENTS.** On the same premises with every structure used for manufacturing, storage, warehousing, wholesale or retail sales, hospital, mortuary, laundry, dry cleaning, or other uses involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained adequate space for loading and unloading in order to avoid undue interference with public use of the roads and parking areas.



The off-street loading area, unless adequately provided for within a building, shall be an area ten feet by fifty feet, with fourteen foot height clearance, and shall be provided according to the following schedule:

| Gross Floor Area<br>in Square Feet | Loading and Unloading Spaces Required:  |
|------------------------------------|---|
| 0-2,000                            | None  |
| 2,000-20,000                       | One space   |
| 20,000-100,000                     | one space plus one space for each<br>20,000 square feet in excess of 20,000<br>square feet.       |
| 100,000-500,000                    | Five spaces plus one space for each<br>40,000 square feet in excess of<br>100,000 square feet.    |
| Over 500,000                       | Fifteen spaces plus one space for each<br>80,000 square feet in excess of<br>500,000 square feet. |

**SECTION 19.04. CONSTRUCTION REQUIREMENTS.** All required driveways and parking areas, other than those related to single family dwellings, two-family dwellings, and farms, shall comply with the following requirements:

- A. All such areas shall be hard surfaced with a pavement having an asphalt or concrete binder.
- B. All such areas shall be graded and drained so as to dispose of surface waters which might accumulate thereon.
- C. Any illumination for parking areas shall be deflected away from adjacent property or public streets.
- D. The bond required for site plan approval pursuant to Section 18.05 shall guarantee compliance with these construction requirements within two (2) years of the date a building permit is issued for the project.

**ARTICLE 20**  
**ZONING BOARD OF APPEALS**

**SECTION 20.01. ESTABLISHMENT AND MEMBERSHIP OF ZONING BOARD OF APPEALS.** There is hereby established a Zoning Board of Appeals. The Zoning Board of Appeals shall consist of five members appointed

by the Township Board. One member shall be a member of the Township Board. One member shall be a member of the Planning Commission. The remaining three members and any alternate members shall be electors who are not employees or contractors of the Township. One or two alternate members may be appointed. An alternate member may be called to serve on the Zoning Board of Appeals if a regular member is absent or if a regular member has abstained for reasons of conflict of interest. An alternate member who participates in a public hearing shall continue to serve for that case until a final decision is made. Each member and alternate member shall be appointed for staggered terms of three years, except that the term of office of the members who are also members of the Township Board or Planning Commission shall terminate if their membership on the Township Board or Planning Commission terminates. 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. The Zoning Board of Appeals shall elect a chairman, vice-chairman, and secretary. The Township Board member may not serve as chairman. No business shall be conducted unless a majority of the regular members of the Zoning Board of Appeals are present.

**SECTION 20.02. APPLICATIONS AND NOTICES OF HEARING.** All applications for variances or appeals shall be applied for in writing on forms provided by the Township. The Zoning Board of Appeals may require the appellant to provide such additional information as is necessary to make a decision. The Zoning Board of Appeals shall give notice of the hearing by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the

Township. Notice shall also be published in a newspaper of general circulation. All notices, whether mailed, personally delivered, or published shall be done at least 15 days prior to the hearing.

#### **SECTION 20.03. ZONING BOARD OF APPEALS POWERS.**

A. Administrative Appeals. The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the Zoning Ordinance, including the interpretation of the zoning maps. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of the

Zoning Ordinance. This shall include appeals from Planning Commission decisions as to Uses Permitted After Special Approval and Planned Unit Developments. However, the Zoning Board of Appeals shall not have the authority to rezone property or to hear appeals from Township Board decisions to grant or deny rezoning.

B. Non-Use Variances. The Zoning Board of Appeals shall have the power to vary non-use or dimensional ordinance provisions whenever there are practical difficulties imposed on a property owner if the strict letter of the ordinance is carried out.

C. Use Variances. The Zoning Board of Appeals shall also have the power to grant use variances whenever there are unnecessary hardships imposed on a property owner if the strict letter of the ordinance is carried out. In order to grant a use variance, each of the following requirements shall be met:

1. The situation cannot be self-created.
2. The circumstances must be unique to the property.
3. The character of the neighborhood cannot be altered by the granting of the variance.
4. The land cannot be reasonably built upon in conformity with the Zoning Ordinance.

#### **SECTION 20.04. DECISIONS.**

A. The Zoning Board of Appeals shall decide appeals and variance requests in such a manner that the spirit of the ordinance is observed, public safety secured, and substantial justice done.

B. No variance may be granted or decision overruled unless at least three members vote in favor thereof. In the case of use variances, at least four members must vote in favor. No decision can be made unless a majority of the regular members are present. The Zoning Board of Appeals shall state the grounds of each decision.

C. In making a decision, the Zoning Board of Appeals may impose such conditions as it may deem necessary to comply with the spirit and purpose of the Zoning Ordinance. Any conditions imposed by the Zoning Board of Appeals shall meet 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 ensure compliance with those standards.

D. Any variance shall expire six months from the date it is granted unless a building permit has been acquired and construction undertaken pursuant to the variance.

## **ARTICLE 21**

### **AMENDMENTS**

#### **SECTION 21.01. ZONING ORDINANCE AMENDMENTS AND REZONING OF PROPERTY.**

The Township Board may, after a public hearing by the Township Planning Commission, amend the regulations or the district boundaries of this ordinance pursuant to the authority and according to the procedures set forth in Act 110 of the Public Acts of 2006, as amended. Proposed amendments to the regulations or district boundaries of the ordinance may be initiated by the Township

Planning Commission, Township Board, or an individual applicant. Whenever an individual applicant requests a rezoning amendment, the

applicant shall be the fee owner of the premises concerned or else have the fee owner also subscribe to the application. An application for rezoning shall be submitted to the Township Clerk. Any applicant desiring to have any change made in this ordinance shall, with the application for such change, deposit a fee as established by the Township Board. The Township Clerk shall have a notice of public hearing published at least one time in a newspaper of general circulation within the Township. The Township Clerk shall also send notices of public hearing by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 500 feet of the property and to the occupants of all structures within 500 feet of the property regardless of whether the property or occupant is located in the Township. Publication, mailing or personal delivery of notices shall occur not less than fifteen (15) days prior to the public hearing.

#### **SECTION 21.02. VOLUNTARY REZONING AGREEMENTS.**

A. AUTHORITY. The Township Board may, after public hearing by the Township Planning Commission, enter into an agreement with a property owner to rezone property pursuant to the authority contained in Michigan Compiled Law Section 125.3405, being part of the Township Zoning Enabling Act.

B. APPLICATION. Any offer to enter into a rezoning agreement shall be submitted to the Township Clerk along with a rezoning agreement fee, in an amount established by the Township Board. Whenever a petitioner offers to enter into a rezoning agreement, the person shall be the fee owner of the premises concerned or else have the fee owner subscribe to the offer. Proposed rezoning agreements may only be initiated by a property owner and not by the Township.

C. PRE-HEARING MEETING. Whenever an application for a voluntary rezoning agreement is submitted, a pre-hearing meeting shall be scheduled between the applicant and the Planning Commission. At the pre-hearing meeting, the applicant shall fully explain the agreement being proposed. The Planning Commission and the developer shall then discuss the proposed agreement and put it into appropriate form for a public hearing.

D. PUBLIC HEARING AND RECOMMENDATION. After due notice, a public hearing in compliance with all procedural rezoning requirements shall be conducted by the Planning Commission as to the proposed rezoning agreement. The Commission shall subsequently adopt recommendations as to the approval, approval with revisions, or denial of the proposed rezoning agreement.

E. TOWNSHIP BOARD. Upon receipt of the recommendations of the Township Planning Commission, the Township Board shall undertake consideration of the proposed rezoning agreement. Any decision by the Township Board which results in a rezoning agreement shall be incorporated in a written document duly executed by the Township Board and the property owner. The proposed agreement shall be reviewed for legal sufficiency by the Township Attorney prior to final approval. Any such agreement shall be recorded with the Register of Deeds and shall run with the land. The Township shall either record the agreement or shall receive verification that the applicant has done the recording.

F. STANDARDS FOR DECISION. In deciding whether or not to approve a proposed rezoning agreement, the Planning Commission and the Township Board shall base their decisions on the following factors:

1. The terms of the offer must be reasonably related to the property covered in the agreement.
2. The proposed land use must be designed in such a way as to be compatible with surrounding land uses.
3. The proposed land use must be consistent with the goals and policies of the Township, including the Township Master Plan.

G. LIMITATIONS ON AGREEMENTS. A rezoning agreement shall not be used to allow anything that would not otherwise be permitted in the proposed new zoning district. Any agreement shall include a specific time period during which the terms of the agreement must be completed.

H. ZONING REVERSION. In the event that the terms of a zoning agreement are not fulfilled within the time specified in the agreement, the Township Board shall initiate a proposed rezoning to revert the property back to the original classification.

**ARTICLE 22**  
**REPEAL OF PRIOR ORDINANCES**

The Zoning Ordinance for the Township of Deerfield adopted March 10, 1976, and all amendments thereto are hereby repealed. All other ordinances and parts of ordinances in conflict with this ordinance to the extent of such conflict and no further, are hereby repealed.

**ARTICLE 23**  
**VIOLATIONS**

**SECTION 23.01. VIOLATIONS AND PENALTIES.** Any person, firm or corporation or anyone acting on behalf of said person, firm or corporation who shall violate any of the provisions of this ordinance, or who shall violate any of the provisions of this ordinance, or who shall fail to comply with any of the regulatory measures or the conditions of Zoning Board of Appeals or the Township Board, adopted pursuant hereto is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00, plus costs and other sanctions, for each infraction. Repeat offenses under this ordinance shall be subject to increased fines as provided for in the Civil Infraction Ordinance, being Ordinance Number 40. Each day that a violation continues shall be deemed a separate offense.

**SECTION 23.02. NUISANCE PER SE.** Any building or structure which is used, erected, altered, razed, or converted or any use of the premises which is begun or changed subsequent to the passage of this ordinance and in violation of any provision of this ordinance, is hereby declared to be a nuisance per se.

**ARTICLE 24**  
**SEVERABILITY**

This ordinance and the various articles, sections, paragraphs, sentences, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph, sentence, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby.

**ARTICLE 25**  
**ENACTMENT**

**SECTION 25.01. ORDINANCE ENACTED.** The provisions of this ordinance are hereby enacted and declared to be immediately necessary for the preservation of the public health, safety, and welfare of the people of the Township of Deerfield.

**SECTION 25.02. EFFECTIVE DATE.** This ordinance is therefore ordered to be given immediate effect as of the date of its passage by the Township Board, pursuant to Section 11 of Act 184, Michigan Public Acts of 1943, as amended.

**SECTION 25.03. CERTIFICATION.** I, Debra S. Oliver, Deerfield Township Clerk, do hereby certify that this compiled Zoning Ordinance is a true copy of Ordinance 101 adopted on February 13, 2017. Which is a reorganization and restatement of Ordinance 100 originally adopted on May 11, 1983, as amended through January 11, 2023.

\_\_\_\_\_  
Debra S. Oliver  
Deerfield Township Clerk

Caregiver Medical Marijuana amendment was added on 6/24/21  
Section 13.19 and 15.04  
Commercial Medical Marijuana was removed 6/24/21  
Non-conforming lots was amended 1/11/23 Section 14.02 B and Q added  
Section 17.01

\_\_\_\_\_  
Debra S. Oliver  
Deerfield Township Clerk

Supervisor Computer 1/11/2023