

DEEP RIVER TOWNSHIP ZONING ORDINANCE

Deep River Township, Arenac County, MI

DRAFT

Deep River Planning Commission

Peter Babcock, Chair
Todd Switala, Vice-Chair
Casey Gwisdala, Secretary
Heath Kroczaleski, Member
Diane Potts, Member
Lindsay Richardson, Member
Alex Rosebrugh, Member

Deep River Township Board of Trustees

Karla Kroczaleski-Raymond, Supervisor
Casey Gwisdala, Clerk
Marianne Flick, Treasurer
Matt Stawowy, Trustee
Kevin Kroczaleski, Trustee

Prepared by:

Spicer Group

230 S Washington Ave
Saginaw, MI 48607
www.spicergroup.com
Ph: 989-7544717

Funding Provided by:

The Saginaw Chippewa Indian Tribe

Adopted

Table of Contents

| Chapter | | Page # |
|----------|-----------------------------------------------------------------------|--------|
| 1 | Purpose | |
| | Section 1.0 Overview | 1-1 |
| | Section 1.1 Purpose | 1-1 |
| | Section 1.2 Authority | 1-1 |
| | Section 1.3 Title | 1-1 |
| 2 | Definitions | |
| | Section 2.0 Rules Applying to Text | 2-1 |
| | Section 2.1 Definitions | 2-1 |
| 3 | General Provisions | |
| | Section 3.0 Application of Regulations | 3-1 |
| | Section 3.1 Conflicting Regulations | 3-2 |
| | Section 3.2 Lot-Building Relationship | 3-2 |
| | Section 3.3 Restoration of Unsafe Buildings/Barrier Free Modification | 3-2 |
| | Section 3.4 Continued Conformance with Regulations | 3-2 |
| | Section 3.5 Accessory Structures | 3-2 |
| | Section 3.6 Temporary Buildings | 3-4 |
| | Section 3.7 Illegal Dwellings | 3-5 |
| | Section 3.8 Moving Buildings | 3-6 |
| | Section 3.9 Demolition of Buildings | 3-6 |
| | Section 3.10 Projections | 3-6 |
| | Section 3.11 Intersection Visibility and Street Rights-of-Way | 3-7 |
| | Section 3.12 Sanitary Waste Systems | 3-7 |
| | Section 3.13 Manufactured Homes on Individual Lots or Parcels | 3-7 |
| | Section 3.14 Recreational Vehicles or Travel Trailers | 3-8 |
| | Section 3.15 Home Based Businesses and Cottage Industries | 3-8 |
| | Section 3.16 Stormwater Retention | 3-10 |
| | Section 3.17 Groundwater Protection | 3-10 |
| | Section 3.18 Hazardous Substances | 3-11 |
| | Section 3.19 Salvage or Dumping of Motor Vehicles | 3-11 |
| | Section 3.20 Dumping of Materials | 3-11 |
| | Section 3.21 Excavation or Holes | 3-12 |
| | Section 3.22 Temporary Storage of Used Materials | 3-12 |
| | Section 3.23 Pets and Livestock | 3-12 |
| | Section 3.24 Size of Dwellings | 3-13 |
| 4 | Zoning Districts and Maps | |
| | Section 4.0 Classification of Zoning Districts | 4-1 |
| | Section 4.1 Zoning Map | 4-1 |
| | Section 4.2 Boundaries of Districts | 4-1 |
| | Section 4.3 Public Right-of-Way | 4-2 |
| | Section 4.4 Zoning of vacated areas | 4-2 |
| | Section 4.5 Zoning of filled areas | 4-2 |
| | Section 4.6 Zoning District Changes | 4-2 |
| 5 | District Regulations | |
| | Section 5.0 General | 5-1 |

| | | | |
|-----------|--------------------------------------------------------------------|------------------------------------------------------------|-------|
| | Section 5.1 | Schedule of Regulations | 5-2 |
| 6 | Single Family Residential District Regulations (R-1) | | |
| | Section 6.0 | Purpose | 6-1 |
| | Section 6.1 | Permitted Uses | 6-1 |
| | Section 6.2 | Special Land Uses | 6-1 |
| | Section 6.3 | Dimensional Requirements | 6-3 |
| 7 | Recreational Residential District Regulations (R-2) | | |
| | Section 7.0 | Purpose | 7-1 |
| | Section 7.1 | Permitted Uses | 7-1 |
| | Section 7.2 | Special Land Uses | 7-2 |
| | Section 7.3 | Dimensional Requirements | 7-6 |
| 8 | Agricultural Residential District Regulations (R-3) | | |
| | Section 8.0 | Purpose | 8-1 |
| | Section 8.1 | Permitted Uses | 8-1 |
| | Section 8.2 | Special Land Uses | 8-2 |
| | Section 8.3 | Dimensional Requirements | 8-6 |
| 9 | Mixed Use Commercial District Regulations (C-1) | | |
| | Section 9.0 | Purpose | 9-1 |
| | Section 9.1 | Permitted Uses | 9-1 |
| | Section 9.2 | Special Land Uses | 9-5 |
| | Section 9.3 | Dimensional Requirements | 9-7 |
| 10 | Commercial/Industrial District Regulations (C-2) | | |
| | Section 10.0 | Purpose | 10-1 |
| | Section 10.1 | Permitted Uses | 10-1 |
| | Section 10.2 | Special Land Uses | 10-5 |
| | Section 10.3 | Dimensional Requirements | 10-6 |
| 11 | Nonconforming Buildings, Structures, Uses, Lots & Signs | | |
| | Section 11.0 | Purpose | 11-1 |
| | Section 11.1 | Nonconforming Buildings & Structures | 11-1 |
| | Section 11.2 | Nonconforming Uses | 11-2 |
| | Section 11.3 | Nonconforming Lots of Record | 11-3 |
| | Section 11.4 | Nonconforming Contiguous Parcels | 11-3 |
| | Section 11.5 | Nonconforming Signs | 11-3 |
| | Section 11.6 | Zoning Board of Appeals Variance | 11-4 |
| 12 | Plot Plans and Site Plan Requirements & Review | | |
| | Section 12.0 | Purpose | 12-1 |
| | Section 12.1 | Plot Plan | 12-1 |
| | Section 12.2 | Site Plan Review | 12-2 |
| | Section 12.3 | Site Plan Waiver | 12-10 |
| | Section 12.4 | Conditions | 12-10 |
| 13 | Special Land Uses | | |
| | Section 13.0 | General Requirements | 13-1 |
| | Section 13.1 | Special Land Use Procedures | 13-1 |
| 14 | Supplemental Development Regulations | | |
| | Section 14.0 | Supplemental Regulations | 14-1 |
| | Section 14.1 | Airports and Landing Fields | 14-1 |
| | Section 14.2 | Assisted Living Homes, Nursing Homes, & Convalescent Homes | 14-1 |
| | Section 14.3 | Automobile Repair/Automobile Service Station | 14-2 |

| | | | |
|-----------|----------------------------------------------------|-----------------------------------------------------------------------------|-------|
| | Section 14.4 | Bed & Breakfast Facilities/Tourist Homes/Short-Term Rentals | 14-2 |
| | Section 14.5 | Child Care Home (Group)/Child Care Center | 14-3 |
| | Section 14.6 | Campgrounds & Travel Trailer Parks | 14-3 |
| | Section 14.7 | Car Wash Facilities | 14-4 |
| | Section 14.8 | Cemeteries | 14-4 |
| | Section 14.9 | Commercial & Industrial Uses with Outdoor Storage | 14-4 |
| | Section 14.10 | Drive-Through Businesses | 14-4 |
| | Section 14.11 | Extractive Industry | 14-5 |
| | Section 14.12 | Junkyards, Salvage Yards, & Sanitary Landfills | 14-5 |
| | Section 14.13 | Kennels or Veterinary Clinic/Animal Hospital | 14-6 |
| | Section 14.14 | Keyhole Development (Residential uses with common use waterfront property) | 14-6 |
| | Section 14.15 | Lumber Yards | 14-7 |
| | Section 14.16 | Mills-Lumber, Planning and Veneer | 14-7 |
| | Section 14.17 | Manufactured Housing Developments | 14-8 |
| | Section 14.18 | Multiple-Family Dwelling Units | 14-8 |
| | Section 14.19 | Outdoor Recreational Facilities (Commercial) | 14-10 |
| | Section 14.20 | Outdoor Sales Facilities | 14-10 |
| | Section 14.21 | Planned Unit Development (PUD) | 14-11 |
| | Section 14.22 | Sexually Oriented Businesses | 14-13 |
| | Section 14.23 | Stables | 14-14 |
| | Section 14.24 | Storage Uses | 14-15 |
| | Section 14.25 | Telecommunication Towers & Antennae Facilities/Alternative Tower Structures | 14-15 |
| | Section 14.26 | Wind Energy Systems | 14-18 |
| | Section 14.27 | Solar Energy Systems | 14-25 |
| 15 | Administration and Enforcement of Ordinance | | |
| | Section 15.0 | Zoning Administrator | 15-1 |
| | Section 15.1 | Zoning Permit | 15-1 |
| | Section 15.2 | Public Notification | 15-3 |
| | Section 15.3 | Registration to Receive Notice by Mail | 15-4 |
| | Section 15.4 | Fees | 15-4 |
| | Section 15.5 | Performance Guarantee | 15-6 |
| | Section 15.6 | Violations and Penalties | 15-7 |
| | Section 15.7 | Actions Summary Table | 15-8 |
| 16 | Signs | | |
| | Section 16.0 | Outdoor Advertising Signs | 16-1 |
| | Section 16.1 | Substitution Clause | 16-10 |
| 17 | Parking | | |
| | Section 17.0 | Parking & Loading Space Requirements | 17-1 |
| | Section 17.1 | Outdoor Lighting | 17-6 |
| 18 | Landscaping | | |
| | Section 18.0 | Landscaping and Buffering | 18-1 |
| | Section 18.1 | Fences, Walls, and Hedges | 18-4 |
| 19 | Zoning Board of Appeals | | |
| | Section 19.0 | Creation & Membership of the Zoning Board of Appeals | 19-1 |
| | Section 19.1 | Meetings | 19-2 |
| | Section 19.2 | Jurisdiction | 19-2 |
| | Section 19.3 | Procedure and Decisions | 19-2 |

| | | |
|--------------|-------------------------|------|
| Section 19.4 | Stay | 19-3 |
| Section 19.5 | Variance Standards | 19-4 |
| Section 19.6 | Appeal to Circuit Court | 19-4 |

Chapter 1 - Purpose and Authority

Section 1.0 - Overview

An ordinance to establish zoning districts, provisions, and regulations for Deep River Township, County of Arenac, State of Michigan in accordance with the provisions of Public Act 110 of 2006, as amended. Such enabling act is hereby made a part of this Ordinance just as if said Act were repeated word for word herein.

Section 1.1 - Purpose

The fundamental purpose of this Ordinance is to promote and safeguard the public health, safety, and general welfare of the people of Deep River Township. The provisions herein are intended to regulate land development; establish districts within Deep River Township which regulate the use of land and structures to meet the needs of citizens for food, fiber, energy, natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to ensure that use of the land is situated in appropriate locations and relationships; to provide for adequate light, air and health conditions in dwellings and buildings hereafter erected or altered; to limit the overcrowding of land and congestion of population, transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements; to conserve the expenditure of monies for public involvements and services to conform with the most advantageous uses of land, resources and properties; and to be one means of implementing the policies, goals, and objectives as set forth in the current Master Plan.

It is the purpose of this Ordinance to regulate and restrict the location of trades and industries, the location of buildings designed for specified uses, and for such purposes, to divide Deep River Township into zoning districts. Within each district, regulations shall be imposed designating the allowed uses for buildings and structures and designating the trades and industries that are permitted or excluded or subjected to special regulations. The designations shall be made in accordance with a plan designed to lessen the congestion on the public streets, to promote the public health, safety, and general welfare and shall be made with reasonable consideration given to the character of the district, its particular suitability for particular uses, the preservation of property values, and the general trend and character of building and population development.

Section 1.2 - Authority

This Ordinance is enacted into law pursuant to Public Act 110 of 2006, as amended.

Section 1.3 - Title

This Ordinance shall be known as the Deep River Township Zoning Ordinance of 2014 shall be referred to herein as “this Ordinance.”

Chapter 2 - Definitions

Section 2.0 - Rules Applying to the Text

For the purposes of this Ordinance, certain terms are defined to clarify the intent of the provisions of the Ordinance. The following rules shall apply, except, when clearly indicated otherwise.

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this Ordinance and any caption, the text shall control.
- C. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; words in the singular number shall also denote the plural and the plural shall also denote the singular.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
- G. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms "and", "or", "either...or", such conjunction shall be interpreted as follows:
 - 1. "And" denotes that all the connected items, conditions, provisions, or events apply in combination.
 - 2. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
- H. The term "person" shall mean an individual, firm, corporation, association, partnership, limited liability company or other legal entity, or their agents.
- I. Any word or term not defined herein shall be assumed to have the meaning customarily assigned them.
- J. "Township" shall refer specifically to Deep River Township.
- K. Any necessary interpretation of this Ordinance shall be made by the Deep River Township Zoning Board of Appeals.

Section 2.1 - Definitions

For the purpose of this Ordinance, the following terms and words are defined as follows:

Abutting: Having property or district line in common, e.g., two lots are abutting if they have property lines in common.

Accelerated soil erosion: The increased lay of the land surface that occurs as a result of human activities.

Access: A way of approaching or entering a property. For purposes of this Ordinance, all lots of record shall have access to a public street or highway or to a private street meeting public standards.

Accessory Apartment: A dwelling unit accessory to a single-family residence, located in the principal residential structure. An accessory apartment commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

Accessory Building or Accessory Structure: A supplemental building or structure devoted to an accessory use and located on the same lot or parcel of land as the main building, or buildings. An accessory structure attached to a main structure shall be considered part of the main structure

Accessory Building or Accessory Structure, Temporary: An accessory structure with no permanent footings or foundations.

Accessory Sign: A subordinate sign for information or directional purposes only and that is located on the same lot or parcel as the principle sign (i.e. parking signs).

Accessory Use: A use or activity normally and naturally incidental to, subordinate to, and devoted exclusively to the principal use of the land or buildings, including all structures detached from the principal structure above and below ground; such as garages, sheds, barns, television satellite dishes, and designed surface structures and areas.

Acreage, Net: The actual land available for development within a parcel after the exclusion of road rights-of-way and other such areas not available for development purposes (i.e. steep slopes, wetlands, and the like).

Adjacent Property: All lands which adjoin any side or corner of a specific parcel of land including, but not limited to, those lands separated from the parcel by a road right-of-way, easements or public utility right-of-ways.

Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

Adult Bookstore or Adult Video Store: A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:

- A. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or

- B. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies 25% or more of the floor area or visible inventory within the establishment.

Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:

- A. Persons who appear in a state of nudity;
- B. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
- C. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
- D. Persons who engage in lewd or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

Adult Foster Care Facility: See State Licensed Residential Facility.

Adult Motel: A hotel, motel or similar commercial establishment that:

- A. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;
- B. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
- C. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

Adult Motion Picture Theater: A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

Agriculture: The art and science of cultivating the ground for the purpose of raising and harvesting trees, fruit or field crops, or animal husbandry for economic gain.

Alley: Any dedicated public right of way affording a secondary or service means of access to abutting property and not intended for general traffic circulation.

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

Alternative Tower Structure: Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Animal Hospital: A self-enclosed building wherein animals including domestic household pets and farm animals are given medical or surgical treatment and use as a boarding place for such animals limited to short time boarding incidental to hospital use. Such hospitals include only those under direction of a licensed veterinarian registered in the State of Michigan.

Animal Shelter: A building supported by a governmental unit or agency or by a nonprofit corporation where domestic pets or other animals are kept because of requirements of public health officials, loss by owner, neglect or violation of a public law or ordinance.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals or other communication signals.

Apartment: The term "Apartment" shall mean the dwelling unit in a multiple dwelling as defined herein:

Efficiency Unit: A dwelling unit consisting of not more than one (1) room, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density shall be considered as a one (1) room unit.

One Bedroom Unit: A dwelling unit consisting of not more than two (2) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a two (2) room unit.

Two Bedroom Unit: A dwelling unit consisting of not more than three (3) rooms, in addition to kitchen, dining and necessary sanitary facilities, and for the purpose of computing density, shall be considered as a three (3) room unit.

Three or More Bedroom Unit: A dwelling unit wherein for each room in addition to the three (3) rooms permitted in a two (2) bedroom unit, and for the purpose of computing density, said three (3) bedroom unit shall be considered a four (4) room unit, and each increase in a bedroom over three (3) shall be an increase in the room count by one (1) over the four (4).

Apartment, Accessory: See "Accessory Apartment"

Appeal: See "Zoning Appeal"

Applicant: Any person that applies for a permit.

Application: The process by which the owner of a parcel of land within the township submits a request to develop, construct, build, modify, or erect a structure or commence a Special Use upon such parcel of land. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the township concerning such a request.

Architectural Features: Architectural features of a building shall include cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys and decorative ornaments.

Attached: Any structure or part of a structure immediately adjacent to another structure or part of a structure and fastened securely to same by common walls.

Automobile Car Wash: A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.

Automobile Repair: A place where, with or without the sale of engine fuels, the following services may be rendered: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair; or painting and undercoating of motor vehicles.

Automobile Service Station: A place where gasoline or any other automobile engine fuel, kerosene or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on premises; including sale of minor accessories and service for automobiles.

Automobile or Trailer Sales Area: Any enclosed building or area or open space used for display, sales, or rental of motor vehicles or trailers in new or used and operable condition.

Automobile Storage, Damaged: Any storage of inoperable vehicles intended to be repaired back to operable condition, but not including such vehicles which are incidental or accessory to an automotive repair garage or a licensed salvage yard used as a depository for such vehicles.

Average: For the purpose of this Ordinance, the term, "average" will be an arithmetic mean.

Awning: Roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

Banner, Flag, or Pennant: Any cloth, bunting, plastic, paper, or similar non-rigid material used for advertising purposes attached to any structure, pole, line, framing, or vehicle, not including the official flags of the United States, the State of Michigan, and other states of the nation, counties, municipalities, official flags of foreign nations and nationally or internationally recognized organizations.

Basement: That portion of a building partly below grade, but so located that the vertical distance from the grade level to the basement floor is greater than the vertical distance from the grade level to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted as floor area, unless the room has walkout capability. A "walkout basement" shall be defined as a room with at least one wall below grade, which provides barrier free access to the exterior of the structure and with at least fifty percent of one wall with no grade. Basements must have fire escape routes as designated in the Arenac County Building Code.

Bed and Breakfast Facility: Any family-occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation.

Bedroom: A bedroom is a dwelling room used for or intended to be used safely for sleeping purposes by human beings.

Billboard: An outdoor sign advertising services or products, activities, persons, or events which are not made, produced, assembled, stored, distributed, leased, sold, or conducted upon the premises upon which the billboard is located. Billboards may also be referred to as off-premise signs. Billboards do not include bulletin boards on governmental property used to display official or public notices and information.

Block: A property surrounded by streets or abutting one side of a street and situated between the two nearest intersecting streets, or bounded by a combination of streets, waterways, parks, unplanted acreage, corporation boundary lines, or other natural or man-made, physical or artificial barrier to continual development.

Board of Appeals: See "Zoning Board of Appeals"

Boarding House: See Rooming House.

Boat Livery and/or Canoe Livery and Boat Yard: Any premise on which boats or floats of any kind are kept for the purpose of renting, leasing, repairing, servicing, storing, or providing use thereof to persons other than the owners for a charge or fee.

Bordering Lands: See "Adjacent Property"

Breezeway: Any covered passageway with open sides between two buildings.

Buffer Strip: A strip of land not less than ten (10) feet in width for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance. See also "greenbelt". When a screen buffer is required, it shall consist of a dense evergreen planting or a solid fence or wall.

Buildable Area: That portion of a lot remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

Buildable Land(s): All areas of a parcel not defined as Unbuildable Land(s)

Building: Any structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, or property of any kind.

Building, Farm: Any building or structure other than a dwelling, maintained, used, or built on a farm which is essential and customarily used on farms for the pursuit of their agricultural activities, including the storage or housing of farm implements, produce or farm animals.

Building Height: The elevation measured from the average finished lot grade at the front of the building to the highest point on the roof.

Building Line: A line formed by the face of the building, and for the purposes of this Ordinance, a minimum building line is the same as a front setback line.

Building, Main: The building or structure in which the principal use or authority on a lot or parcel takes place.

Building Permit: A building permit is the written authority issued by the Arenac County Building Inspector in conformity with the provisions of the Construction Code Ordinance.

Building, Principal: A building in which is conducted the principal use of the premises on which it is situated.

Building, Temporary: A nonpermanent structure.

Cabin: Any building, tent or similar structure which is maintained, offered or used for dwelling or sleeping quarters for transients, or for the temporary residence, but shall not include what are commonly designated as hotels, lodges, houses or tourist homes.

Cabin Court: One (1) or more cabins used for seasonal occupancy as dwelling or sleeping quarters for transients or tourists for a fee.

Campgrounds: Any parcel or tract of land, under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for five (5) or more recreational units.

Canopy: A permanent roof-like shelter that extends from part or all of a building face and is constructed of non-rigid material, except for the supporting framework.

Carport: A permanent roof-like shelter that extends from part of a building and is constructed of rigid material.

Certification of Completion: A signed written statement by the Building Inspector that specific construction has been inspected and found to comply with all grading plans and specifications.

Child Care Facility: A facility for the care of children (persons under 18 years of age), as licensed and regulated by the state under Act 116 of the Public Acts of 1973, being M.C.L.A. §§ 722.111 through 722.128 as amended, and the associated rules promulgated by the State Department of Human Services. Such organizations shall be further defined as follows:

- A. **Family Child Care Home:** A private home operated by a Michigan licensed day care operator in which at least one (1) but less than (7) seven children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- B. **Group Child Care Home:** A private home operated by a Michigan licensed day care operator in which more than six (6) but not more than 12 children are given care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.
- C. **Child Care Center:** A facility, other than a private residence, receiving one (1) or more preschool or school-age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. Child care center or day care center includes a facility that provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.
- D. **Private Home:** A private residence in which the registered facility operator permanently resides as a member of the household.

Clinic, Animal: A building or group of buildings and/or structure where domestic animals are admitted for examination, treatment and care by a licensed veterinarian or related paraprofessionals and technicians and where such animals may be provided with overnight housing.

Clinic, Human: A building or group of buildings where human patients are admitted for examination and treatment by a professional; such as, a physician, dentist, or the like, except that such human patients are not lodged therein overnight.

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

Cluster Development: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

College: A place of higher learning providing facilities for teaching and research of a general, technical, or religious nature, either public or private, and which is operated on a nonprofit basis.

Commercial: A term relating to the use of property in connection with the purchase, sale, or trading of goods for personal services or maintenance of service offices or recreation or amusement enterprise or garage/basement/porch sales lasting more than 14 days during any twelve-month period.

Commission: Deep River Township Planning Commission.

Common Areas, Uses and Services: Land areas, facilities and utilities which are intended to be shared by the owners and occupants of individual building units in a subdivision or a planned development.

Condominium Unit: That portion of a condominium development designed and intended for separate ownership and use consistent with the provisions of the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time share unit or any other type of use.

Construction Code: Means the Michigan State Construction Code or any Code established in accordance with its provisions or adopted by reference thereunder.

Convalescent or nursing home: A structure, qualified for license under applicable Michigan law, for the care of children, aged, or infirm.

Cottage Industry: A home-based service conducted entirely within an accessory structure.

Crawl Space: An open area between the floor of a building and the ground.

Critical area: Land significantly or seriously affected by development.

Deck: An unroofed structure used for outdoor living purposes that may or may not be attached to a building and which protrudes more than four inches above finished grade.

Density: The number of dwelling units on, or to be developed upon, a net acre of land.

District: A portion of Deep River Township in which certain building and activities are permitted and in which certain regulations, in accordance with this Ordinance, are applicable. "District" as used herein is synonymous with the word "zone" or "zoning district". See "Zoning District"

Dock: A temporary or permanent structure, built on or over the water, supported by pillars, pilings, or other supporting devices.

Drive-In Establishment: A business establishment primarily developed so that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles, so as to serve patrons while in the motor vehicle while parked.

Drive-In Restaurant: A Drive-in Restaurant shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food served directly to or permitted to be consumed by patrons in cars or other vehicles parked on the

premises, or permitted to be consumed by patrons elsewhere on the site outside the main building.

Drive-Through Establishment: A business establishment primarily developed so that its retail or service character is dependent on providing a driveway approach for motor vehicles so as to provide patrons with a service while in the motor vehicle which is in the drive-through lane(s). This service is provided from the establishment by means of a window or similar device.

Driveway: A driveway is that portion of a lot intended to be the area upon which vehicles travel from a road (private or public) to a dwelling or other improvements located upon the lot. For single-family dwellings, one (1) driveway may provide access to not more than two (2) units.

Dwelling, Apartment: See “Apartment”.

Dwelling, Atrium House: A single-family dwelling attached to other similar single-family units, all having a common courtyard.

Dwelling - Condominium: An apartment building or multiple unit single-family dwelling in which each tenant holds full title to his unit and joint ownership in the common grounds.

Dwelling, Farm: A dwelling used to house the principal family operating the farm, and which is accessory to the operation of the farm, which is the principal use of the land upon which it is located.

Dwelling - Garden Apartment: A building divided into separate living quarters, each having living and sleeping facilities and all units with common yard areas for outdoor recreation.

Dwelling, Manufactured: A factory-built, single-family structure that is transportable in one (1) or more sections, is built on a permanent chassis, is designed to be used as a dwelling with or without a permanent foundation, is designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, and electrical systems in the structure, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame. A manufactured home is constructed according to the National Mobile Home Construction and Safety Standards Act of 1974, as amended. The manufactured home shall meet the minimum floor area requirements of this Zoning Ordinance (750 sq ft) and installed in accordance with all of the other requirements of this Ordinance specified for dwellings when located outside of a licensed Manufactured Housing Development.

Dwelling, Multiple-Family: A building containing three (3) or more dwelling units designed for residential use.

Dwelling - Patio House: A single-family detached or semi-detached dwelling unit, enclosed by walls for privacy.

Dwelling, Single-Family: A detached building containing not more than one (1) dwelling unit designed for residential use.

Dwelling - Town House: A single-family attached dwelling with units sharing common side walls and usually situated in a straight line with each other.

Dwelling, Two-Family or Duplex: A multiple family dwelling structure designed exclusively for occupancy by two (2) families independent of each other; such as, a duplex dwelling unit.

Dwelling Unit: A building or portion of a building, either site-built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family, either permanently or transiently. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

Dwelling Unit, Secondary: A dwelling unit accessory to a single-family residence with its own kitchen, bath, living area, sleeping area, and separate entrance.

Earth Change: A man-made change in the natural cover or topography of land, including cut and fill activities, which may result in or contribute to soil erosion or sedimentation of the waters of the State.

Easement: The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Efficiency Unit: A dwelling unit consisting of one (1) room, exclusive of bathroom, hallway, closets, and the like providing not less than three hundred and fifty (350) square feet of usable floor area.

Erected: Includes built, constructed, reconstructed, moved upon or any physical operation on the premises intended or required for a building or structures. Excavation, fill drainage, land clearing, and general property improvements are not considered part of this definition.

Erosion: The process by which the ground surface is worn away by action of wind, water, gravity, or by a combination thereof.

Essential Services: The phrase "essential services" means the erection, construction, alteration, or maintenance by public utilities or municipal department or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Telecommunication towers or facilities, alternative tower structures, wireless communication antenna, and wind turbine generators are not included within this definition.

Excavation: The removal of rock, sand, soil, or fill material below the average grade of the surrounding land and/or road grade, whichever is highest. This does not include alterations for farming purposes, gardening purposes, and ground care.

Family: An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not to exceed four (4) persons not related by blood or marriage, occupying the premises and living as a single non-profit housekeeping unit with single culinary facilities, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity or similar dwelling for group use.

Farm: Structures, facilities, and lands for carrying on of any agricultural activity or the raising of livestock or small animals. Farms include the general as well as the specialized (furs, fowl, dairy, fruits, vegetables, and livestock), but excludes kennels and/or reptiles.

Farm Building: See Building, Farm.

Feed Lot: Any tract of land or structure wherein any type of fowl, or the byproducts thereof, are raised for retail or wholesale trade, or wherein cattle, horses, sheep, goats, or swine are kept, for the purpose of fattening such livestock for final shipment to market or where swine are kept under any conditions.

Fence: A permanent partition, structure or gate erected as a dividing marker, barrier or enclosure, and not a part of a principal building or structure or other accessory structure. An ornamental fence is one that is less than three (3) feet in height, and is normally used in setting off planting areas and gardens.

Filling: The depository or dumping of any matter into or onto the ground, except common household gardening and general care, which alters the topography of the land.

Flood Plain: The relatively flat area or lowlands adjoining the channel of watercourse or a body of standing water, which has been or may be covered by flood water. Determination of a flood plain is:

- A. Contiguous areas paralleling a river, stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of 100 years.
- B. Principal estuary courses of wetland areas that are part of the river flow system.
- C. Contiguous areas paralleling a river, stream or other body of water that exhibit unstable soil conditions for development.

Floor Area: The square footage of floor space measured from exterior to exterior wall for all floors, but not including enclosed and unenclosed porches, breezeways, garages, attic, basement and cellar area.

Floor Area, Usable Commercial: All floor area used for the sale of merchandise or services or for use to serve patrons, clients, or customers. Floor area used principally for the storage or processing of merchandise, hallways or for utilities, shall be excluded for the computation of usable floor area; For uses not enclosed within a building, the area used for the sale of merchandise, display of merchandise, and/or area used to serve patrons shall be measured to determine necessary parking spaces.

Floor Area, Usable Residential: The floor area available for living purposes exclusive of that used for parking vehicles, utility closets, and the like.

Gasoline Service Station: See "Automobile Service Station"

Gazebo: An accessory building of an open ("see through") design permitted in front or back yard but meeting established setback and size requirements. The open area may be glass and/or screen enclosed.

Grade: An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Greenbelt: A strip of land not less than ten (10) feet in width for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance. When a screen buffer is required, it shall consist of a dense evergreen planting or a solid fence or wall.

Greenbelt, Shoreline: A strip fifty (50) feet wide parallel to the bank of a stream or lake maintained in trees and shrubs or in its natural state to serve as a waterfront buffer.

Hazardous Substances: Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such materials or substances.

Heavy Industry: Manufacturing, fabricating activities or other large scale specialized industrial operations having external effects that will be felt to some degree by surrounding uses.

Highway: A public thoroughfare or street, excluding alleys, but including Federal, State and County roads and those appearing upon plats recorded in the office of the Register of Deeds and accepted for public maintenance.

Home-Based Business: A profession, occupation, activity or use conducted within a dwelling which is clearly incidental and secondary to the use of the lot and dwelling for residential purposes, and which does not alter the exterior of the property or affect the residential character of the neighborhood and which does not endanger the health, safety, and welfare of any other persons residing in that area by reasons of noise, noxious odor, unsanitary, or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, profession, or hobby. Such occupation shall not require external alterations of construction features, outdoor storage, or signs not customarily in residential areas.

Hospital: An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities and staff offices. Those institutions whose primary function is the care of the infirm or mentally ill are not considered hospitals.

Hotel: A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms and in which rooms there is no provision for cooking.

Illegal Sign: A sign which does not meet the requirements of this Ordinance and which has not received legal nonconforming status.

Industry: A use engaged in manufacturing, fabricating, and/or assembly activities.

Industrial Park: A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors.

Junk: All rubbish, refuse, waste material, garbage, including, but not limited to, the following: waste composed of animal, fish, fowl, fruit or vegetable matter, dead animals, solid waste which is both capable and incapable of decaying (except human body wastes), ashes, glass, cans, bottles, discarded or abandoned machinery (except farm equipment), household appliances, industrial wastes, discarded, inoperative, dismantled or partially dismantled motorized vehicles or parts thereof. This shall not preclude home or farm composting for on-site use.

Junkyard: An open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to scrap or other metals, paper, rags, rubber tires and bottles. A "Junkyard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. Also, any premises upon which three or more unlicensed used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen (15) days or more.

Kennel: Any lot or premises on which six (6) or more dogs six (6) months of age or older are kept temporarily or permanently. Kennel shall also include any lot or premise where household pets are bred or sold.

Keyhole Development: The use of water front property as common open space for water front access for a larger development located away from the water front.

Lake Frontage: The land adjacent to and abutting the mean high-water mark of all inland lakes and Great Lakes.

Lakefront Lot - Front: The single parcel of property which lies between the building line of a dwelling unit and the mean high-water mark of the lake.

Lakefront Lot - Rear: The portion of a single parcel of property which lies between the lot line furthest from the water's edge and the building line of a dwelling unit furthest from the mean high-water mark of the lake.

Land Use: A use of land which may result in an earth change, including, but not limited to, subdivision, residential, commercial, industrial, recreational, or other development, private and public highway, road and street construction, drainage construction, logging operations, agricultural practices, and mining.

Landscaping: Any combination of existing or planted trees, shrubs, vines, ground covers, flowers, lawns, fences, fountains, pools, artworks, screens, walls, benches, walks, paths, steps, terraces and garden structures.

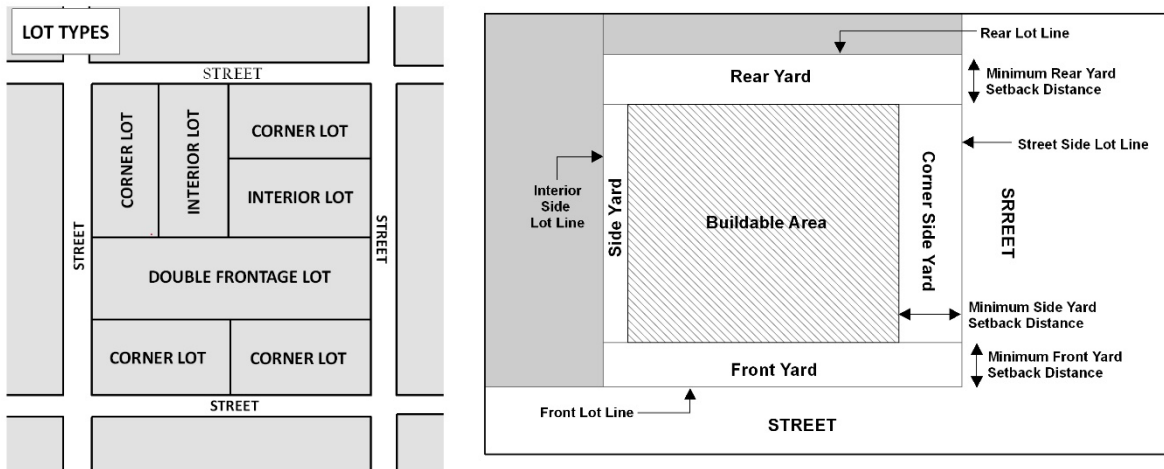
Land Use Permit: See "Zoning Permit".

Livestock: Domesticated animals raised for home use or profit. Livestock includes such farm animals as horses, pigs, poultry, cows, goats, sheep, fowl, rabbits, camelids and similar animals.

Loading Space: An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as an off-street parking space in computation of required off-street parking.

Lot: The parcel of land or site condominium unit occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this Ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane. A lot may or may not be specifically designated as such on public records.

Lot, Corner: A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less.



Lot Coverage: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box type and/or lathe roofs or fully roofed, but shall not include fences, walls or hedges used as fences or swimming pools.

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel roads. If there are existing structures in the same block fronting on one (1) or both of the roads, the required front yard setback shall be observed on those roads where such structures presently front. See also “Through Lot”.

Lot, Interior: A lot other than a corner lot with only one (1) lot line fronting on a street.

Lot Width: The mean horizontal distance between the side lines, measured at right angles to the side lot line. Where side lot lines are not parallel, the lot size shall be considered as the average of the width between such said lot lines.

Lot Lines: The exterior perimeter boundary lines of a lot or parcel.

Lot Line, Front: In the case of an interior lot abutting upon a road, the front lot line shall mean the line separating such lot from road right-of-way. In the case of a corner lot, the front lot line shall be that line separating said lot from the road on the side of the lot that has the narrowest road frontage, or if the two lot lines have an equal amount of frontage, the front lot line shall be on the most improved or best rated road according to the Arenac County Road Commission.

Lot Line, Rear: The lot line being opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than twenty (20) feet long lying farthest from the front lot line and wholly within the lot.

Lot Line, Side: Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: A parcel of land defined by a legal description and recorded in the office of the Arenac County Register of Deeds, or site condominium unit established and recorded by master deed in the Arenac County Register of Deeds on or before the effective date of this Ordinance.

Lot, Through: See Lot, Double Frontage

Lot, Waterfront: A lot having frontage directly upon a lake, river, or stream. The portion adjacent to the water is considered the water frontage.

Lot Width: The horizontal distance between the side lot lines, measured at the two (2) points where the front setback line intersects the side lot line.

Manufactured Home: see Dwelling, Manufactured.

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

Manufactured Housing Community Homesite: The designated parcel of land within a manufactured housing community upon which one (1) single-family manufactured home and accessory buildings, if any, are placed.

Marquee: A permanent, roof-like shelter that extends from part or all of a building face and is constructed entirely of non-combustible materials.

Migratory Labor: Temporary or seasonal labor employed in planting or harvesting.

Mobile Home: see Dwelling, Manufactured.

Mobile Home Park: see Manufactured Housing Community.

Mobile Home Site: see Manufactured Housing Community Homesite.

Motel or Motor Court: A series of attached, semi-detached or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

Nonconforming Building or Structure: A building, or structure, lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to regulations of the Zoning District in which such building or structure is located.

Nonconforming Lot of Record: A lot of record that legally existed on or before the effective date of this Ordinance or any amendment to this Ordinance which does not meet dimensional requirements of this Ordinance or amendment.

Nonconforming Sign: A sign lawfully existing on the effective date of this Zoning Ordinance, which does not conform to one or more of the regulations set forth in this Zoning Ordinance.

Nonconforming Use: A use of land lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to the use regulations of the Zoning District in which it is located.

Nude Model Studio: Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

Nudity or a State of Nudity: Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

- A. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
- B. Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
- C. Sexually explicit visual material as defined in section 3 of Act No. 33 of Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

Nuisance Factor: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being of reasonable sensibility, or the generation of an excessive or concentrated movement of people or things, such as noise; dust; heat; electronic or atomic radiation; objectionable effluent; noise or congregation of people, particularly at night.

Nursing Home: See "Convalescent Home"

Nursery, Plant Materials: A space, building or structure, or combination thereof, for the growing, harvesting, processing, and storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery *does not include* roadside stand.

Off-Street Parking Lot: A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted ingress and egress to at least two (2) vehicles.

Open Air Business: Are business uses operated for profit, substantially in the open air, usually without buildings or structures, including uses such as the following:

- A. Bicycle, utility truck or trailer, motor vehicle, boats or home equipment sale, repair, or rental services.
- B. Outdoor display and sales of garages, motor homes, mobile homes, snowmobiles, farm implements, swimming pools and similar products.
- C. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer.
- D. Tennis courts, archery courts, shuffleboard, horseshoe courts, rifle ranges, miniature golf, golf driving range, children's amusement park or similar recreation uses.

Open Space: Land upon which no structures, parking, rights-of-way, easements, sewage disposal systems (including backup areas for sewage disposal) or other improvements have or will be made that commit land for future use other than outdoor recreational use. Land proposed for outdoor recreational use that will result in the development of impervious surfaces shall not be included as open space.

Open Storage: A land area occupied and used for outdoor storage of building materials, sand, gravel, stone, lumber, equipment and other supplies.

Ordinary High Water Line: The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. On an inland lake which has had a level established by law, it means the high established level. On a river or stream, the ordinary high water line shall be the ten year flood limit line. On Lake Huron, the ordinary high water line is set by Michigan Great Lakes submerged lands act at 581.5 feet above mean sea level, per international Great Lake datum of 1985.

Owner: A person holding any legal, equitable, option or contract of interest in land.

Parcel: See "Lot".

Parent Parcel: Any lot, from which sublots or subparcels are created after the adoption date of this Ordinance.

Park: Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, which are open to the general public for recreational purposes.

Parking, Off-Street: Vehicular parking provided on a lot or parcel, but not within a highway or road right-of-way.

Parking, Off-street, Lot: see Off-Street Parking Lot.

Parking Space: An area not less than eight-and-one-half (8 1/2) feet wide and not less than twenty (20) feet long for standard-sized automobiles or not less than sixteen (16) feet long for compact-sized automobiles. Said area shall be exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles on lots or parcels, but not within public highway or public or private road rights-of-way.

Patio: A paved open space, used for outdoor living purposes and constructed of any materials providing a hard, durable surface, which does not protrude more than four inches above the finished grade of the property.

Pet: Shall mean only such animals as may commonly be housed within domestic living quarters.

Performance Guarantee: Means a cash deposit, certified check, irrevocable bank letter of credit or a performance or surety bond approved by the Deep River Township Board.

Permanent Soil Erosion Control Measures: Those control measures which are installed or constructed to control soil erosion and which are maintained after completion of the project.

Person: An individual, firm, corporation, association, partnership, limited liability company or other legal entity, or their agents.

Place of Worship: See Religious Institution.

Planned Unit Development (PUD): A use which allows a development to be planned and built as a unit and which permits upon review and approval, variation in many of the traditional controls related to density, land use, open space and other design elements, and the timing and sequencing of the development.

Planning Commission: The commission appointed by the Township Board under the provisions of Public Act 168 of 1959, the "Township Planning Act" as amended. Refers to the Deep River Township Planning Commission.

Plat: A map or plan of the layout of the subdivision of a parcel of land which is in conformance with all of the provisions of Public Act 288 of 1967; The Land Division Act as amended (formerly

the Subdivision Control Act).

Plot Plan: The drawings and documents depicting and explaining all salient features of a proposed development which requires a Zoning Permit but is not required to prepare a site plan, in order to evaluate compliance with Zoning Ordinance standards and requirements.

Porch, Enclosed: A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Porch, Open: A covered entrance to a building or structure which is not enclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Principal Structure: The main structure on the premises devoted to the principal use.

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

Private Road: See "Road, Private".

Professional Office: The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent, and the like.

Public Place: Any real property or an appurtenance to the real property which is owned by this state, any municipality of this state, a public agency, or by a college or university in this state and may include a structure, enclosure, facility, or complex, including a court, mall, park, or other area, feature, or element; a public place shall also mean a business or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public.

Public Sewer Systems: A central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid waste of such a nature as to be capable of adversely affecting the public health operated and maintained by the general public.

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

Recreational Vehicle: A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities; or a unit designed to be attached

to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and tent trailers.

Recreation Vehicle Park (RV Park): A family recreation-oriented facility for the overnight, short-term or seasonal, but not permanent or year-round, parking of travel trailers, recreation vehicles or tents. May also be known as a campground.

Religious Institution: A building wherein persons assemble regularly for religious worship, maintained and operated by an organized religious body. Accessory uses, buildings and structures customarily associated with the religious institution are classified as part of the principal use as a church, temple or synagogue.

Residential Structures: Means any structure used as a dwelling for permanent year-round, seasonal, vacation or temporary housing by human families or individuals.

Resort: A parcel of land which may contain cabins and/or rooms with or without kitchen facilities, used primarily for vacation and/or recreational activity, and which may or may not contain a small commercial grocery, sporting goods, gasoline service outlet, and/or food service facility.

Restaurant: A building in which food or beverages are cooked or prepared and offered for sale, and where consumption is permitted on the premises whether or not entertainment is offered, having suitable kitchen facilities connected therewith, containing conveniences for cooking and assortment of foods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of food.

Retail and Retail Stores: Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.

Right-of-Way: A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles

Road, Private: Any road which is privately constructed and has not been accepted for maintenance by the Arenac County Road Commission, State of Michigan or the federal government.

Road, Public: Any road or portion of road which has been dedicated to and accepted for maintenance by the County Road Commission, State of Michigan or federal government.

Road Right-of-Way Line: The line which forms the outer limits of a road right-of-way or easement, and which forms the line from which all setbacks and front yards are measured, unless otherwise specified in this Ordinance.

Roadside Stand: An accessory and temporary farm structure operated for the purpose of selling agricultural products grown or produced on premises or on other properties under the same ownership or management. The operation of only a roadside stand on premises otherwise classified as agricultural or residential shall not make it a commercial district or land nor shall its use be deemed a commercial activity.

Rooming House: Any family-occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for indefinite periods of time and meals may be served for compensation.

Sanitary Landfill: A private or public landfill that meets all of the requirements of Part 115 of Public Act 451 of 1994, as amended and the rules promulgated under these Acts by the Michigan Department of Natural Resources.

School: A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

Screening: The separation of an area by a visual barrier, which may include a landscape buffer, solid fencing or other materials.

Seasonal Residence: A dwelling unit not normally the permanent residence of the occupant(s) and not normally used as a dwelling unit for more than six (6) months during the calendar year.

Seasonal Use: Any use or activity that can not be conducted or should not be conducted during each month of the year.

Setback: The minimum required horizontal distance from the applicable right-of-way line, easement, or property line of a lot within which no buildings or structures may be placed.

Setback, Waterfront: The minimum required horizontal distance measured from the ordinary high water mark within which no buildings or structures may be placed.

Sexually Oriented Business: A business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; and (8) nude model studio.

Shopping Center: A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

Shoreline: The line which separates land from a surface water feature may be (a) established as a matter of record as the mean level elevation of the surface water or (b) as determined by the legal establishment of the surface water level elevation by the County or other public agency. For the purpose of this Ordinance the legally established surface water level elevation shall take precedence, if established, over the mean level elevation.

Sign: Any structure or part thereof, or device attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, code mark or other representation used as, or in the nature of, an announcement, advertisement, direction or designation, of any person, firm, organization, place, commodity, service, business, profession, or industry, which is located upon any land or in any building, in such manner as to attract attention from outside the premises. Signs not exceeding one (1) square foot in area bearing only property

numbers, mail box numbers or names of occupants of premises are excluded from this definition.

Sign, Abandoned: A sign, which no longer advertises or identifies a business, lessor, owner, or activity conducted upon or product available on the premises where such sign is displayed.

Sign, Animated or Moving: A sign that uses movement, lighting, or special materials to depict action or create a special effect to imitate movement.

Sign Area: The entire area within a circle, triangle, parallelogram or any other shape which encloses the extreme limits of writing, representation, emblem, logo, or any other figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area. In the case of a circle or sphere, the total area of the circle or sphere is divided by two for purposes of determining the maximum permitted sign area. Where a sign consists solely of writing, representation, emblems, logos, or any other figure of similar character which is painted or mounted on a wall or fence, without a distinguishing border the area of such sign shall be computed as if it were framed by a border consisting of horizontal and vertical lines extending not more than six (6) inches from such sign elements.

Sign, Awning: A sign painted on, printed on, incorporated in, or attached flat against the surface of an awning.

Sign, Blade/Bracket: A sign that projects in a perpendicular manner from a structure (bracket sign) or is hung beneath a canopy (blade sign).

Sign, Canopy: Any sign attached to or constructed within or on a canopy.

Sign, Changeable Copy: A sign designed so that the message displayed can be changed.

Sign Clearance: The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

Sign Copy: The wording on a sign surface in either permanent or removable letter form.

Sign Face: The area of a sign on which the copy is placed.

Sign, Free-Standing: A sign supported by permanent uprights or braces in the ground.

Sign Height: The vertical distance measured from the ground immediately beneath the sign to the highest point of the sign or its projecting structure.

Sign, Lighted: Any sign having a conspicuous, continuous or intermittent variation in the illumination of the physical position of any part of the sign.

Sign, Marquee: A sign displayed on a marquee that does not extend vertically or horizontally beyond the limits of the marquee.

Sign, Monument: A sign where the entire bottom of the sign is affixed to the ground.

Sign, Off-Premise: A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located.

Sign, On-Premise: A commercial sign relating in its subject matter to the premises on which it is located, or to activities, products, services, or accommodation of the immediate site.

Sign, Overhanging: A sign that extends beyond any structure wall and is affixed to the structure so that its sign surface is perpendicular to the structure wall.

Sign, Portable: Any sign not permanently attached to the ground or a building and is designed to be transported including but not limited to signs:

- With wheels removed;
- With chassis or support constructed without wheels;
- Designed to be transported by trailer or wheels;
- Converted A- or T-frame signs;
- Attached temporarily to ground, a structure, or other signs;
- Mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, except signs identifying the related business when the vehicle is being used in normal day-to-day operations of that business;
- Menu and sandwich boards;
- Searchlight stand; and
- Hot-air or gas-filled balloons or umbrellas used for advertising.

Sign, Primary: Any sign not designated an accessory sign or a changeable copy sign and is used for the purpose of displaying primary information about the establishment.

Sign, Real Estate: A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Sign, Roof: Any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

Sign Surface: That portion of a sign excluding its base, foundation and erection supports on which is displayed information pertaining to a product, use, occupancy, function, service, or activity located within that structure, on the same property as the sign, or at a location different than the property on which the sign is located.

Sign, Temporary: A sign that is intended to be displayed for a limited period of time.

Sign, Wall: Any sign attached parallel to a wall, painted on the wall surface of or erected and confined within the limits of an outside wall of any building or structure, which is supported by such a wall or building, and which displays only one sign surface.

Sign, Window: Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Site Plan: The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this Ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

Small-Scale Craft-Making: Encompasses the production and sale of hand-made items including furniture, clothing, art, jewelry, toys, candles, collectibles and similar items on a scale that does not require a manufacturing plant and a large amount of specialized equipment and chemicals. No more than fifty percent (50%) of the structure is devoted to making crafts.

Soil Conservation District Standards: Soil Conservation Service handbook.

Special Land Use: A use which is subject to approval by the Township. A Special Land Use may be granted when specified by this Ordinance. A permitted Special Land Use is not considered to be a Nonconforming use.

Special Land Use Permit: A permit issued by the Township Board/Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure which is not specifically mentioned in this Ordinance and possesses a unique characteristic found to be not injurious to the health, safety, convenience and general welfare of the Township's inhabitants.

Spot Zoning: A change in the zoning map (rezoning) that violates sound principles of zoning and is characterized by the following:

- A. The parcel is small in size relative to its surroundings; and
- B. The proposed rezoning confers benefits and privileges to the property owner which are not generally extended to property similarly located in the area; and
- C. The proposed rezoning allows uses are that are not compatible or consistent with uses in the vicinity; and
- D. The proposed rezoning does not comply with the current Master Plan.

Stable: A building for housing domestic animals, other than dogs, cats, or similar small animals, when not conducted as a business and solely for the personal use of the residents of the premise or owner of the property.

Stable, public: Building in which any horses are kept for hire or sale.

State Licensed Residential Facility: A structure constructed for residential purposes that is licensed by the State pursuant to Act No. 218 of the Public Acts of 1979 (Adult Foster Care Licensing Act), as amended, being Sections 400.701 to 400.737 of the Michigan Compiled Laws, or Act No. 116 of the Public Acts of 1973 (Child Care Organizations), as amended, being Sections 722.111 to 722.128 of the Michigan Compiled Laws, which provides resident services or care for six (6) or fewer individuals under twenty-four (24) hour supervision for persons in need of that supervision or care.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor immediately above, except that the top story shall be that portion of a building included between the upper surface of the upper-most floor and the ceiling or roof immediately above. A basement shall be considered a full story only if fifty percent (50%) or more of the vertical distance between the basement floor and the basement ceiling is above the ground level from which the height of the building is measured.

Story, half: An uppermost story lying between the top part of a full story and a sloping roof, provided said floor area does not exceed one-half (1/2) of the full story, contains at least 160 square feet and has a minimum floor-to-ceiling clearance of 7 feet, 6 inches.

Story Height: The vertical distance from the top surface of one (1) floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the ceiling above it.

Street: A public or private thoroughfare which affords the principal means of access to abutting property, but not an alley.

Stripping: Any activity which removes or significantly disturbs the vegetative surface cover including clearing and grubbing operations.

Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to something having permanent location on the ground. Driveways, vehicles, sidewalks, parking areas, septic systems and tanks are excluded from this definition.

Subdivision: The division of land, lot, tract, or parcel into two or more lots, parcels, plats, or sites, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, commercial, industrial, agricultural, or other land whether by deed, metes and bounds description, lease, map, plat or other instrument.

Swimming Pool: Any permanent, non-portable structure or container located either above or below grade designed to hold water to depth greater than eighteen (18) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

Telecommunication Towers and Facilities or Tower: All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone

transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

Temporary Accessory Building or Structure: see Accessory Building or Structure, Temporary.

Temporary Building: see Building, Temporary.

Temporary Sign: see Sign, Temporary.

Temporary Soil Erosion Control Measures: Interim soil erosion control measures which are installed or constructed until permanent soil erosion controls are completed.

Temporary Use: See Use, Temporary.

Tent: As used in this Ordinance, shall mean a shelter of canvas or the like supported by poles and fastened by cords or pegs driven into the ground and shall not include those types of small tents used solely for children's recreational purposes.

Tourist Home: Any family-occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation for definite periods of time. For the purpose of this Ordinance, the term tourist home also includes bed and breakfast facility.

Township: Means Deep River Township, Arenac County, Michigan.

Township Board: Means the Deep River Township Board of Trustees.

Travel Trailer: See Recreational Vehicle.

Travel Trailer Park: See Recreation Vehicle Park (RV Park).

Use: The lawful purpose of which land or premises, or a building thereon, is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased, according to this Ordinance.

Use, Accessory: See "Accessory Use".

Use, Land: The principal and accessory uses and activities being made of all land areas, buildings and structures located upon a lot or parcel.

Use, Principal: See Principal Use.

Use, Public: Any of the publicly-owned or leased uses of land, buildings or structures administered and operated by a public agency or official.

Use, Temporary: A use, activity, or building permitted to exist during the period of construction

of the main building or use or for special events.

Variance: A modification of literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provision would cause practical difficulty owing to circumstances unique to the individual property on which the variance is sought.

Variance, Dimensional: A variance granted to provide relief from a specific standard in this Zoning Ordinance which usually relates to an area, dimension, or construction requirement/limitation. It is the most common type of variance and, unlike use variances, does not affect what land use may be established on a parcel. Rather it is granted only to allow permitted structures to be developed in the face of a "practical difficulty."

Vehicle Sales - New: An authorized dealership primarily for the sale of new vehicles but as an incidental use may include the sale of used vehicles, and having complete and enclosed facilities on the premises for the display, service, repair and sale of new vehicles and accessories.

Vehicle Sales - Used: An authorized dealership for the sale of used vehicles with completely enclosed-office and sales facilities on the premises. All related activities incidental to the sale of used vehicles such as minor repairing, servicing and restoring, shall be performed within completely enclosed facilities.

Wind Energy Definitions:

Ambient: Ambient is defined as the sound pressure level exceeded ninety (90) percent of the time.

Anemometer: A device used to measure wind speed.

dB(A): The sound pressure levels in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

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

Hub Height: The distance measured from the ground level to the center of the turbine hub.

Small On-Site Wind Energy Systems: A wind energy conversion system consisting of a wind turbine (horizontal or vertical axis), a tower, and associated control or conversion electronics which has a rated capacity of not more than one hundred (100) kW and which is intended to primarily reduce on-site consumption of utility power.

Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as window of a dwelling.

Sound Pressure: Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

Sound Pressure Level: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Wind Energy Facility (Commercial): A power generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET

towers, cables/wires, and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.

Wind Turbine Generator: A wind energy conversion system which converts wind energy into electrical energy. Includes a tower, pylon, or other structures including all accessory facilities

Wind Turbine Generator Total Height: The distance between the ground and the highest point of the wind turbine generator including the top of the blade in its vertical position.

Window Area: Window area shall be computed by calculating each window pane or panel. The area shall be separate for each building face and for each window. A group of window panes or panels may be considered one window if they are adjoining on the building face and are less than six (6) inches apart.

Yard: An open space on the same lot with a building or building group lying between the front, rear or side wall of a building and the nearest lot line, unoccupied except for projections, such as porches and steps, and the specific minor uses or structures allowed in such open space under the provisions of this Ordinance.

Yard, Front: A yard across the full width of the lot extending from the front line of the principal building to the front lot line, or road-right-of-way line as the case may be.

Yard, Rear: A yard extending across the full width of the lot from the rear line of the building to the rear property lot line.

Yard, Side: A yard between the side lot line and the nearest side of the building, extending between the front yard and rear yard.

Yard, Waterfront: A yard, any part of which abuts on a lake, stream or any other natural or artificial watercourse.

Zero Lot Line: The location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line.

Zoning Administrator: Means the person retained by the Township Board to administer and enforce this Zoning Ordinance.

Zoning Appeal: An entreaty or demand for a hearing and/or review of facts and/or actions by the Zoning Board of Appeals.

Zoning Board of Appeals: As used in this Ordinance, the term "Board of Appeals" or "ZBA" means the Zoning Board of Appeals.

Zoning District: A portion of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

Zoning Permit: A standard form issued by the Zoning Administrator upon application and declaration by the owner or his duly authorized agent regarding proposed construction and use of land, building and structures thereon granting approval for the construction or use applied for.

Chapter 3 - General Provisions

Section 3.0 - Application of Regulations

Zoning affects every structure and use and extends vertically (the airspace above). The provisions of this Chapter shall apply to all districts, except as noted herein. The following shall apply to all of Deep River Township.

- A. In order to carry out the intent of this Ordinance, no use or activity on a piece of land shall be commenced or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Ordinance, with the provisions and intent of the specific zoning district in which it is located, and a Zoning Permit has been obtained. Lawful nonconforming uses are subject to the provisions of **Chapter 11 – Nonconforming Buildings, Structures, Uses, Lots, and Signs**.
- B. No building shall hereafter be erected or altered to exceed the height limitations, or to occupy a greater percentage of lot area, or intrude upon the required front yard, rear yard, side yard or inner or outer courts, or so as to accommodate or house a greater number of families, or so as to provide less space per dwelling unit than is specified for the district in which such building is located.
- C. No lot area and no yard, court, parking area or other required space shall be so divided, altered, reduced or diminished as to make said area or dimension less than the minimum required under this Ordinance, except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets, roads or highways. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced. No parcel may be divided in a manner which conflicts with the requirements set forth in the Michigan Land Division Act, as amended.
- D. If any activity, use, building, structure or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building or structure shall be declared a *nuisance per se* and may be required to be vacated, dismantled, abated, or ceased by any legal means necessary. Such use, activity, building or structure shall not be allowed to function until it is brought into conformance with this Ordinance.
- E. In the event that any lawful use, activity, building or structure which exists or is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and shall be allowed to remain as such, including the completion of construction, providing said construction does not require more than two (2) years from the effective date of this Ordinance for completion.
- F. Violations and nuisances shall be addressed via the provisions of **Chapter 15 – Administration and Enforcement of Ordinance**.

Section 3.1 - Conflicting Regulations

Wherever in Deep River Township there are provisions in two (2) or more laws or ordinances concerning identical subjects and there are conflicts between said provisions, the law or ordinance with the more stringent requirements, regulations, restrictions or limitations shall govern. Where the requirements of a general provision of this Ordinance and a District regulation differ, the more restrictive requirement shall prevail.

Section 3.2 - Lot-Building Relationship

Hereafter, every building erected, altered or moved shall be located on a zoning lot. Except as provided for temporary dwelling occupancy during construction of a dwelling, multi-family developments, Planned Unit Developments, office complexes, retail business complexes, or industrial complexes, there shall be no more than one (1) principal building and its permitted accessory structures located on each lot in any zoning district. No building, structure or permanent accessory building shall be erected without first obtaining a Zoning Permit from the Zoning Administrator.

Section 3.3 - Restoration of Unsafe Buildings/Barrier Free Modification

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Zoning Administrator, Building Inspector, or Public Health Inspector.

Nothing in this Ordinance shall prevent the unlimited modification of a building only as may be necessary to comply with barrier free requirements and the Americans with Disabilities Act.

Section 3.4 - Continued Conformance with Regulations

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or property or use is located.

Section 3.5 - Accessory Structures

Accessory structures, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

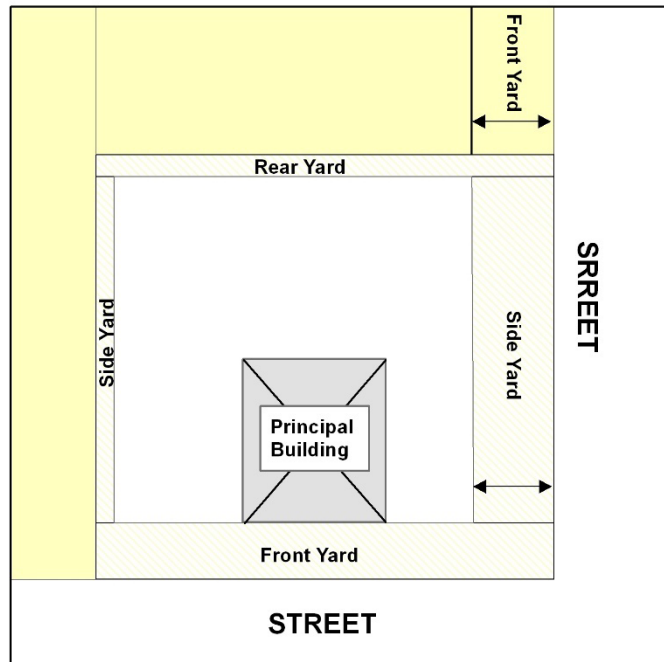
- A. **Authorized accessory structures** may be connected to the principal building by a roofed porch, patio, breezeway or similar structure or may be completely detached from the principal building.

B. Attached Accessory Structures:

Where any accessory structure is attached to a principal building by a common wall, such accessory structure shall be considered part of the principal building for purposes of determining yard dimensions, regardless of whether the accessory building was constructed as a detached building and then attached.

C. Accessory Structures on Corner Lots:

When an accessory structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line on the lot to its rear, said building shall not project beyond the front yard setback line required on the lot in the rear of such corner lot.



Accessory Structures on Corner Lots

D. Setbacks of Accessory Structures:

1. **Non Waterfront Property** - No detached accessory structure shall be located closer than 50 feet to any street right-of-way line, nor shall it be located closer than 10 feet to any side or rear lot line.
2. Decks are also permitted within the waterfront setback but must not exceed 12 inches above ground level at the side away from the water front. Necessary safety railings are permitted.

E. Gazebos: A gazebo must be an open (“see through”) structure.

1. **Gazebos on Non-Waterfront Property:** Gazebos are permitted in the front yard on non-waterfront property but must meet the setback requirements (40 feet from front property line and 10 feet from the side property line).

F. Accessory Building Height: For one- and two-family dwellings, no detached accessory building shall exceed thirty (30) feet in height. There shall be no height regulations for uses other than one-and two-family dwellings.

G. A detached accessory building shall not be located nearer than 10 feet to the main building.

H. Accessory Buildings as Storage: Truck bodies, school bus bodies, mobile homes, travel trailers or other items built and intended for other uses shall not be used as permanent accessory buildings.

I. Accessory Building as a Dwelling: No detached accessory building or structure (including boathouses) shall be used for dwelling purposes unless in conformance with Section 3.5(K), below.

- J. **Wind Turbines:** Wind turbines are regulated by **14.26**.
- K. **Accessory Dwelling Units:** ADUs are permitted by right within the R-1, R-2, and R-3 zoning districts. An ADU is a small dwelling unit which is part of an existing one-family owner-occupied home. The ADU must be clearly secondary to the single-family home. ADUs shall comply with all of the following standards:
1. **Number Permitted:** One ADU may be permitted per lot containing an existing detached single-family dwelling unit if the ADU complies with all of the requirements of this section.
 2. **Minimum Lot Standards:** ADUs may only be permitted on lots that meet the minimum lot area and width standards of the zoning district.
 3. **Owner-Occupancy Required:** Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the person who has a legal or equitable ownership interest with the property, and who bears all or part of the economic risk of decline in value of the property and who receives all or part of the payment, if any, derived from the lease or rental of the dwelling unit. The owner-occupant shall prove residency by means such as a principal residence exemption, a voter registration, car registration, or other method acceptable to the Township.
 4. **Ownership of the ADU:** Ownership of the ADU shall remain with the owner of the property, and shall only be rented to tenants. In no case may the owner of the property divide ownership rights between the principal and ADUs through condominium or other means.
 5. **Floor Area:** The floor area of the ADU shall not exceed 750 square feet, or 50% of the gross floor area of the principal residence, whichever is less.
 6. **Location:** The ADU may be located within the single-family structure, within an attached accessory structure, or in a detached accessory structure on the site. An ADU which is located within a detached accessory structure must conform to the setback regulations identified in Section 3.5(D) and may not be subdivided from the parcel which it is established upon in the future.

Section 3.6 - Temporary Buildings

A. Temporary Buildings for Construction Purposes:

Temporary buildings may be utilized during construction for the storage of construction materials and for construction offices during a construction period as permitted herein. Temporary structures utilized as dwellings during the construction of a permanent dwelling are controlled by **3.6 (B)** of this Ordinance. Temporary buildings for use incidental to construction work shall be removed within thirty (30) days after the completion or abandonment of the work. No structures shall be used for temporary dwelling purposes that do not comply with the requirements of this Ordinance or any applicable building codes, provided the Zoning Board of Appeals may allow variances on the size of temporary dwelling units. No garage or other accessory building or structure, travel trailer, basement, tent, barn, partial or temporary structure, whether of a fixed or portable construction, shall be

erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a Zoning Permit by the Zoning Administrator.

All construction debris shall be removed from the site within thirty (30) days after the completion or abandonment of the work. Failure or refusal to remove a temporary building within thirty (30) days after the completion or abandonment of work constitutes a violation of this Ordinance.

B. Temporary Dwelling Occupancy During Construction of a Dwelling:

For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Township, and of reducing hazards to health, life and property, no basement-dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, mobile home not installed according to the requirements of this Ordinance, or other temporary structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except under the following applicable conditions:

1. The location shall conform to the provisions governing yard requirements of standard dwellings in the district where located.
2. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in the process of erection, construction and completion, but not to exceed twelve (12) months. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator upon expiration of the original Zoning Permit. Permanent residential use of the temporary dwelling shall not be permitted. The temporary dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this Ordinance. Failure or refusal to remove a temporary dwelling within the time frame specified constitutes a violation of this Ordinance.
3. Required water and sanitary facilities will be determined by the District Health Department and shall precede occupancy of the temporary dwelling.
4. On approval and delivery of the temporary dwelling Zoning Permit, the applicant shall certify in a space allotted for that purpose, and on the copy retained for filing by the township, that the applicant has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
5. No additions shall be constructed to temporary dwellings.

Section 3.7 - Illegal Dwellings

The use of any portion of a basement or partially completed structure shall not be occupied for dwelling purposes unless the structure conforms to the current building code utilized by the township. Garages, accessory buildings, motor homes, travel trailers, trucks, buses, or other such portable structures shall not be occupied for permanent dwelling purposes except as otherwise allowed in this Ordinance.

Section 3.8 - Moving Buildings

The moving of a building to a different location shall be considered the same as erection of a new building. All provisions, regulations or requirements relative to the erection of a new building shall be applicable to a structure that is moved. No building shall be moved within or into Deep River Township without first obtaining a Zoning Permit from the Zoning Administrator.

Section 3.9 - Demolition of Buildings

The demolition of buildings shall be completed under conditions that may be specified by the Arenac County Building Official deemed necessary to protect the public health, safety and welfare. Demolished buildings shall be inspected by the Arenac County Building Official.

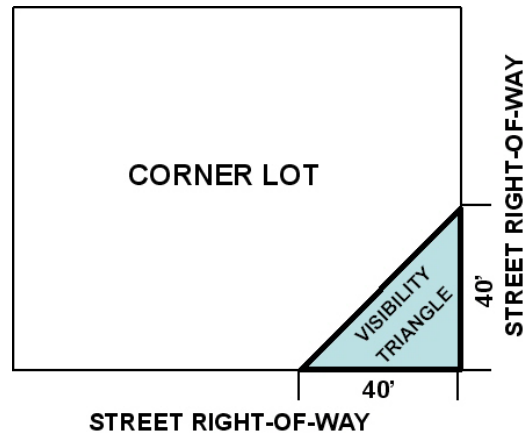
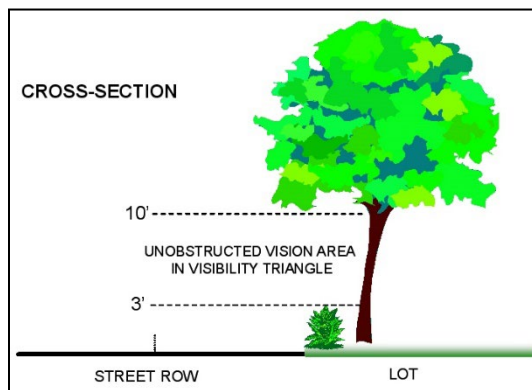
Section 3.10 - Projections

The following encroachments shall be permitted into the setbacks specified in all zoning district classifications:

- A. Terraces, patios, decks, and similar structures may project into the front or rear setback requirements provided that such structure is unroofed and without walls or other continuous enclosures and the same is not constructed in the road right-of-way. Porches and other appurtenances shall be considered an integral part of the building to which they are attached and shall be subject to all setback requirements thereof. All terraces, patios, decks, and similar structures shall conform to the stated side yard setbacks in that district.
- B. Chimneys, flues, cornices, eaves, gutters and similar features may project into any required setback a maximum of twenty-four (24") inches.
- C. Unenclosed and unroofed fire escapes, outside stairways and balconies may project into a required setback a maximum of five (5') feet.

Section 3.11 - Intersection Visibility and Street Rights-of-Way

On any corner lot, no fence, wall, screen, hedge, sign or other structure or planting shall obstruct vision between the heights of three (3') feet and ten (10') feet within the triangular area formed by the intersecting street right-of-way lines and a straight line intersecting them at points which are on said right-of-way lines and forty (40') feet distant from their point of intersection. Such heights of clear vision areas shall be measured from the elevation of the street center-lines at the point of intersection. No fence, wall, screen, hedge, sign or other structure or planting shall obstruct vision from a driveway between the heights of three (3') feet and ten (10') feet, measured above the elevation of the street center line, within ten (10') feet of any front property line.



Section 3.12 - Sanitary Waste Systems

- A. All water and sewer services shall be in compliance with the District Health Department's rules and the State of Michigan Laws. Outside toilets shall not be permitted in Deep River Township except in designated park areas and portable toilets on a temporary basis.

Section 3.13 - Manufactured Homes on Individual Lots or Parcels

A manufactured home newly sited on an individual lot shall meet the standards for minimum lot size, yard set-backs, and minimum floor area of 720 square feet for the district in which it is located and shall meet the following additional standards:

- A. Manufactured homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Manufactured Housing Commission requirements.
- B. The wheels, axles and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.
- C. Manufactured homes shall be installed according to the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Installation Standards", and the construction of the unit shall comply with the United States

Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Construction and Safety Standards", being 24 CFR part 3280, as amended.

- D. Manufactured homes shall not be attached to each other. Additions, new roofs and accessory buildings may be attached to a manufactured home.
- E. No person shall occupy a manufactured home as a dwelling within Deep River Township until a certificate of compliance with the HUD Code has been issued by the Deep River Township Building Official.
- F. No manufactured home shall be located or placed in Deep River Township without prior completion of site preparation to include electric, water, sewage disposal and foundation to meet the current HUD rules and regulations and District Health Department regulations.
- G. Manufactured homes shall not be used as accessory buildings.
- H. No unoccupied manufactured home shall be "stored" on any lot or parcel in Deep River Township for more than 60 days.

Section 3.14 - Recreational Vehicles or Travel Trailers

- A. In all districts, travel trailers and similar recreational vehicles may be stored on a lot or parcel of land containing a dwelling unit subject to the following conditions:
 - 1. Travel trailers or recreational vehicles shall be owned by the property owner and shall carry a current state license plate.
 - 2. Travel trailers or recreational vehicles may be stored on a lot containing a permanent dwelling, provided the yard setback requirements are met.
 - 3. The unit is not used for permanent/continuous dwelling purposes.

Section 3.15 - Home-Based Businesses and Cottage Industries

While Deep River Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance conditions which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to provide standards to ensure Home-Based Businesses and Cottage Industries are compatible with other allowed uses in residential districts, and thus to maintain and preserve the residential character of the neighborhood.

A. Home-Based Business

- 1. Home-Based Businesses are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right.
- 2. Home Based Businesses shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or the neighborhood
- 3. Home-Based Businesses shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners, nor to the Township as a whole.

Any machinery, mechanical devices, or equipment employed in the conduct of a Home-Based Business shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the dwelling for residential purposes.

4. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
5. The outdoor storage of goods and/or materials of any kind is prohibited. Goods or materials not produced through the conduct of the Home-Based Business shall not be sold.
6. There shall be no parking permitted within any setback areas.
7. No process, chemicals, or materials shall be used which are contrary to an applicable state or federal laws.
8. The utilization of a dwelling for instruction in a fine art or craft is specifically permitted.

B. Cottage Industries

1. Cottage Industries are permitted as a Permitted Use in any Zoning District in which single-family dwellings are permitted as a matter of right. A zoning permit is required. If the premises is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed by the Zoning Administrator for compliance with the original permit.
2. Cottage Industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. There shall be no exterior evidence of such industry.
3. A Cottage Industry shall occupy not more than one building. The floor area of such buildings shall not exceed twenty four hundred (2,400) square feet.
4. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and bordering road rights-of-way. If screening is required, the type and location of the same shall be approved by the Zoning Administrator.
5. Cottage Industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding zoning districts. Machinery, mechanical devices or equipment employed in the conduct of a Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the premises for residential purposes.
6. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
7. To ensure that the Cottage Industry is compatible with surrounding residential use, the Zoning Administrator shall limit the number of vehicles that may be parked on the Cottage Industry premises during business operations.

C. Termination, Extensions, Revisions, and Inspections

1. Upon written application by the owner, the Zoning Administrator may, for just cause,

grant a time extension for compliance with the conditions of this Section.

2. Any Home-Based Business or Cottage Industry shall be subject to periodic review by the Zoning Administrator.
3. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or that grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the Home-Based Business or Cottage Industry and to the owner of the real property premises, if different from the operator of the Home-Based Business or Cottage Industry. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a Special Land Use.
4. Following the public hearing, the Planning Commission shall make a decision about the alleged violation based on specific written and recorded findings of fact. The Planning Commission shall have the authority to limit the hours of operation, to impose conditions of operation or, if deemed necessary, to order the complete termination of the activity if the activity is found to be in conflict with provisions of this section.
5. Proposed revisions or additions to a Home-Based Business or Cottage Industry shall constitute a change of use and shall be subject to new permit approval.

Section 3.16 - Stormwater Retention

The property owner or developer is required to retain on site all stormwater drainage in excess of natural conditions. This provision may require stormwater retention ponds where appropriate. An exception can be made for water leaving the site via an existing stormwater pipe, or through other stormwater facilities which will be developed at the same time as the proposed new use. All stormwater facilities, including detention or retention ponds, shall be designed at minimum to handle a storm with the projected frequency of once every ten years (ten year design storm).

Section 3.17 - Groundwater Protection

These provisions apply to persons, businesses or entities that use, generate or store hazardous substances in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month.

- A. Sites at which hazardous substances and polluting material are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water and wetlands.
- B. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- C. General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.

- D. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
- E. The Planning Commission may require a performance bond or similar assurance for safeguards prior to approval. The Planning Commission may require site plan review at five-year intervals.

Section 3.18 - Hazardous Substances

All hazardous substances shall be disposed of in accordance with all state or federal laws, rules and regulations governing the disposal of specific hazardous substances.

Section 3.19 - Salvage or Dumping of Motor Vehicles

There shall be no salvaging or dumping of automobiles, trucks, trailers, tractors, or other similar vehicles within the Township, except in a legally authorized junk yard. Not more than two (2) unlicensed or inoperable motor vehicles shall be stored on any property unless stored within a totally enclosed structure or screened from adjacent properties and roads.

Section 3.20 - Dumping of Materials

The natural terrain shall not be altered in any fashion to create safety and health hazards or substantially alter the character of the land so as to make it unsafe for the uses for which it was originally zoned or to create olfactory or visual pollution.

- A. Dumping or stockpiling of waste material or junk; the collection, accumulation, storage or disposal of waste material, used construction material, junk, debris, or refuse is prohibited, except under the following circumstances as properly sealed and adequately concealed materials:
 - 1. Such practices are a necessary accessory use to a permitted agricultural use.
 - 2. Such practices occur in a junk yard authorized under this Ordinance, and are included in the approved site plan.
 - 3. Such practices are a necessary accessory use to a commercial or industrial use authorized under this Ordinance, and are included in the approved site plan.
- B. Dumping of soil, sand and clay materials: Material to be placed on the site shall be of such a composition as not to create potential contamination of the natural environment including groundwater, vegetation, soils and surface waters. No dumping of soil, sand, clay or similar material shall be undertaken that appreciably increases the surface runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by retention on the development parcel, percolation into the soil, evaporation, or by transport by natural drainage way or conduit to any appropriate point of discharge.

- C. Dumping of hazardous substances and/or nuclear wastes shall not be allowed within Deep River Township, except as permitted by 1978 P.A.113, State of Michigan.

Section 3.21 - Excavation or Holes

The construction, maintenance or existence of unprotected or unbarricaded holes, pits, wells, building pads or similar excavations which cause, or are likely to cause a danger to life, health and safety to the general public shall be prohibited. This section shall not, however, prevent any excavation which is required for the construction, remodeling or expansion of structures, or industrial or farming operations. Nothing in this section shall apply to bodies of water, ditches, streams or other major natural resources created or existing by the authority of the State of Michigan, Arenac County, Deep River Township, or other units of government. Excavation resulting from the extraction of sand, gravel or other minerals for commercial purposes shall be required upon termination of such activities for a period of one (1) year or more, to be refilled by the person, firm or corporation engaging in such excavation. The excavated site shall be graded and returned, as near as possible to its natural state, including planting of vegetation indigenous to the area.

Section 3.22 - Temporary Storage of Used Materials

The temporary storage, collection or placing of used or discarded material, such as lumber, scrap iron, slag, ashes or other such matter shall be allowed only during demolition and or construction periods, not to exceed six (6) months. Temporary storage must comply with all Federal and State Regulations. After six (6) months, the Zoning Administrator shall require the removal of such material. Such removal shall take place in a time frame at the discretion of the Zoning Administrator after written notice is sent by the Zoning Administrator to the person or persons responsible for said storage, notifying him/her that such material must be removed and stating the date on which such materials must be removed from the premises.

Section 3.23 - Pets and Livestock

- A. The keeping of more than three (3) dogs or cats or the keeping of poultry, hogs, or other livestock is prohibited with R-1 Zoning District; provided, however, that any litter of dogs or cats which causes the aforesaid limit of three (3) to be exceeded shall not constitute a violation of this provision for a period of six (6) months after birth; and provided further, however, that no more than two (2) such litters shall be allowed to remain on said premises within any consecutive 12-month period.
- B. The keeping of horses for recreational shall be permitted in R, AR, and R-1 Districts provided that the minimum land area shall be five (5) acres and that such use shall be for the private personal use of the owner or lessee of such land, his family and friends, and shall not constitute a commercial occupation nor a public stable.

Section 3.24 - Size of Dwellings

No single family dwelling shall be hereinafter erected, altered or moved, on any land or premises in this district which provides for less than four hundred eighty (480) square feet of living area in the R-1, R-2, and R-3 zoning districts. Multiple family dwellings shall provide a minimum of four hundred eighty (480) square feet of living area per unit. Townhouses and condominiums shall be subject to the same size restrictions. The living area herein referred to shall mean the outside dimensions of such area, exclusive of attached garages, porches, or other accessory structures.

Chapter 4 - Zoning Districts and Map

Section 4.0 - Classification of Zoning Districts

For the purpose of this Ordinance, Deep River Township is hereby divided into the following Zoning Districts:

R-1 – Single-Family Residential District

R-2 – Recreational Residential District

R-3 – Agricultural Residential District

C-1 – Mixed Use Commercial District

C-2 – Commercial/Industrial District

Section 4.1 - Zoning Map

The areas assigned to each Zoning District and the boundaries thereof shown on the map entitled "Deep River Township Zoning Map, Arenac County, Michigan" are hereby established, and said map and all proper notations and other information shown thereon are hereby made a part of this Zoning Ordinance (page 4-3). The official Zoning Map shall be located in the Deep River Township Hall and shall be the final authority in any dispute concerning district boundaries. The official map shall be kept up to date. The official zoning map, including legally adopted amendments, shall be designated as such by the signature of the Zoning Administrator and attested to by the Township Clerk.

Section 4.2 - Boundaries of Districts

The boundaries of these districts are hereby established as shown on the "Official Zoning Map of Deep River Township", which accompanies this Ordinance, and which with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein:

- A. Unless shown otherwise, the boundaries of the districts are lot lines, section lines, the centerlines of streets, alleys, roads, or such lines extended, and the unincorporated limits of the Township.
- B. A boundary indicated as following a shoreline shall be construed as following such shoreline, and in the event of change in a shoreline shall be construed as following the actual shoreline.
- C. A boundary indicated as following the centerline of a stream, river, canal, lake, or other body of water shall be construed as following such centerline.
- D. When shorelines of lakes have changed, the boundary line shall be construed as following the contour of the new shoreline and in case of changes in the course in the stream, the boundary shall be considered as the centerline of the new course.

- E. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Zoning Board of Appeals.

Section 4.3 - Public Rights-of-Way

Each street, alley, railroad right-of-way, or other public right-of-way is zoned to the center line according to the zoning of the properties immediately adjacent to the public right-of-way.

Section 4.4 - Zoning of Vacated Areas

Whenever any street, highway, or other public right-of-way within Deep River Township shall have been abandoned by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the zoning district of the abutting property without further governmental action. In the case of an abandoned right-of-way which also served as a district boundary, the centerline of such abandoned right-of-way shall remain the boundary line and the lands on either side of said centerline shall become attached to their respective adjoining properties without further governmental action.

Section 4.5 - Zoning of Filled Areas

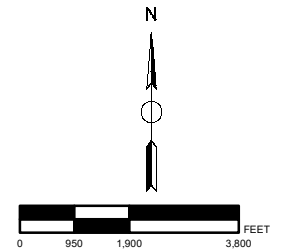
Whenever, after appropriate permits are obtained, any fill material is placed in any lake, stream, or wetland so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the Ordinance provisions on the property from which said property emanates. No fill material shall be placed in any lake or stream within the Township unless appropriate permits are obtained.

Section 4.6 - Zoning District Changes

When district boundaries change, any legal non-conforming use may continue subject to all other applicable provisions of this Ordinance.

PATH: Q:\PROJ\2020\128397SG2020 - DEEP RIVER TOWNSHIP ZONING ORDINANCE UPDATE\MAPPING\DRZ - ZONING_DRAFT.MXD, PRINTED ON: 9/13/2020, BY: JENNIFER STEWART

Deep River Township - Zoning Map



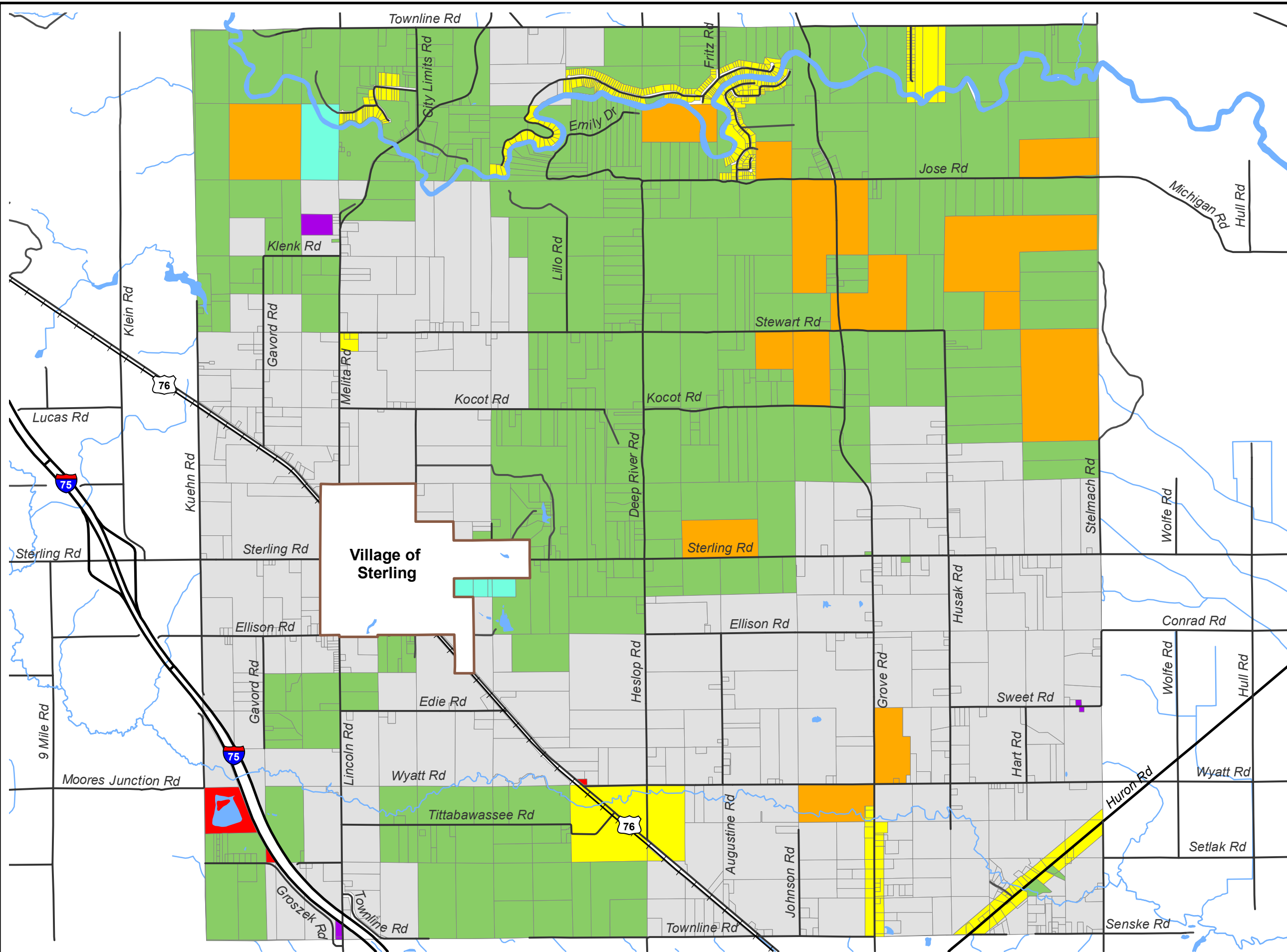
LEGEND

- R-1 Residential
- R-2 Recreational Residential
- R-3 Agricultural Residential
- C-1 Commercial
- I-1 Industrial
- PL Public Lands
- VIL - Village of Sterling

DRAFT
September 24, 2020

Spicer group
 SAGINAW'S OFFICE
 230 S Washington Ave
 Saginaw, MI 48607
 Tel. 989-754-4747
 www.SpicerGroup.com

Date March 2020



Chapter 5 - District Regulations

Section 5.0 - General (All Districts)

- A. Permitted Uses: Permitted uses in all districts shall be limited to the Permitted Uses listed in Sections 6.1 (R-1), 7.1 (R-2), 8.1 (R-3), 9.1 (C-1), and 10.1 (C-2). Farming is a use by right in all districts throughout the Deep River Township.
- B. Uses by Special Land Use Permit: Permitted Special Land Uses in all districts shall be limited to the Special Land Uses listed in Sections 6.2 (R-1), 7.2 (R-2), 8.2 (R-3), 9.2 (C-1), and 10.2 (C-2) and shall be subject to the provisions of Chapter 3: General Provisions, Chapter 12: Site Plan Review, Chapter 13: Special Land Uses and the applicable portions of Chapter 14: Supplemental Regulations.
- C. Area and Height Regulations: No building or structure shall hereafter be erected, altered or enlarged unless the height, setback, and lot requirements in Section 5.1: Schedule of Regulations are provided and maintained in connection with such building, erection, alteration or enlargement. Legal nonconforming structures and buildings shall be regulated by Chapter 11.

Section 5.1 - Schedule of Regulations

| Zoning District | Minimum Lot Area ¹ | | Maximum Structure Height ² | Minimum Setbacks | | | | Minimum Floor Area ³ | Maximum Lot Coverage ⁴ |
|----------------------------------------|--------------------------------------|---------------------------------|----------------------------------------------|-------------------------|----------------------|--------------------|-------------|----------------------------------------|------------------------------------------|
| | <i>Area</i> | <i>Width</i> | | <i>Front</i> | <i>Interior Side</i> | <i>Corner Side</i> | <i>Rear</i> | | |
| R-1 (Single-Family Residential) | 43,560-sf (1 acre) | 150' | 30' | 50' | 10' | 10' | 25' | 480-sf | 30% |
| R-2 (Recreational Residential) | 43,560-sf (1 acre) | 150' | 30' | 50' | 10' | 10' | 25' | 480-sf | 30% |
| R-3 (Agricultural Residential) | 43,560-sf (1 acre) | 150' (200' for multiple-family) | 30' | 50' | 10' | 10' | 25' | 480-sf | 30% |
| C-1 (Mixed Use Commercial) | n/a | n/a | 45' | 75' | 30' | 30' | 35' | n/a | n/a |
| C-2 (Commercial/Industrial) | n/a | n/a | 45' | 85' | 50' | 50' | 50' | n/a | n/a |

¹ Each lot will not exceed a depth to width ratio of 4:1 except as allowed by Act 288 of 1967 (Land Division Act) Section 560.109 (lb). (The municipality having authority to review proposed divisions may allow a greater depth to width ratio than that otherwise required based on exceptional topographic or physical conditions with respect to the parcel and compatibility with surrounding lands.) The depth to width ratio requirements of this land division do not apply to parcels larger than then (10) acres.

² Height regulations shall apply to any area that could be used as living or commercial space (belfries, etc.), but shall not apply to areas that could not be used for living or commercial space (chimneys, etc.). Height restrictions do not apply to agricultural accessory structures, wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities.

³ Applies to permanent dwelling units and does not include seasonal cottages, cabins, motels or similar uses.

⁴ Applies to percentage of lot coverage by permanent structures.

Schedule of Regulation Footnotes:

- a) Each multiple-family dwelling unit in this zoning district shall have a minimum of six hundred (600) square feet of usable floor area exclusive of unenclosed porches, garages, and basements.
- b) Manufactured Housing Communities shall be developed and licensed pursuant to the requirements of the Michigan Manufactured Housing Commission, Public Act 96 of 1987 and any rules promulgated pursuant to this Act, as amended. This includes but is not necessarily limited to compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces. All other uses shall comply with the area and height regulations of the District.
- c) Where established buildings on adjacent lots vary from this minimum, a new building may be constructed with a front setback equal to the average setback of the existing buildings on immediately adjacent lots. This shall not be interpreted to require a front setback of

more than forty (40) feet nor less than fifteen (15) feet. In addition, if parking and loading spaces are confined to the rear of the principal structure, the required front yard setback may be reduced to twenty (20) feet but no less than the average setback of existing buildings on immediately adjacent lots.

- d) Side yards may be omitted if walls abutting adjacent buildings are of fireproof construction and wholly without openings or as otherwise specified in the Building Code. Where a side yard abuts a lot with a residential use, there shall be provided a setback of not less than twenty (20) feet on the side abutting the residential use.

Chapter 6 - Single-Family Residential District Regulations (R-1)

Section 6.0 - Purpose

This district is established to provide for the most restricted desirable residential area to protect from problems normally associated with residential, recreational and seasonally occupied developments. The primary goals are the preservation of water quality, protection of aesthetic or historic areas, the protection of sound low-density residential development, promotion of recreational facilities for public use, and the minimization of adverse environmental impacts of urban development. This district will only be a single-family residential district with not many other uses allowed without special provisions and permission of the Planning Commission.

Section 6.1 - Permitted Uses

Residential:

- Accessory Buildings/Structures
- One-Family Dwelling (year-round and seasonal)
- Amateur Radio Antennae (roof- or ground-mounted)

Arts, Entertainment, and Recreation:

- Nature Parks & Recreation Areas (private)
- Museums

Public Facilities:

- General Government Administration Facilities
- Libraries
- Police/Fire Stations
- Public Parks, Playgrounds, and Recreation Areas

Agriculture/Forestry/Fishing/Hunting:

- Farming

Utilities/Energy/Communications:

- Personal On-Site Wind Energy Systems (see Chapter 14 for additional applicable regulations)
- Public Utility Facilities (without storage yards)
- Personal Solar

Section 6.2 - Special Land Uses

All Special Land Uses are subject to the provisions of:

Chapter 3: General Provisions

Chapter 12: Plot Plan and Site Plan Requirements and Review

Chapter 13: Special Land Uses

Applicable portions of Chapter 14: Supplemental Development Regulations

Residential:

- Home Occupations/Cottage Industry
- Manufactured Housing Community
- Townhouses/Condominiums
- Planned Unit Development (see Chapter 9 for additional applicable regulations)
- Platted Subdivisions
- Keyhole Development (see Chapter 9 for additional applicable regulations)

Human Care and Social Assistance:

- Family Child Care Home
- Group Child Care Home (see Chapter 9 for additional applicable regulations)
- Child Care Center or Day Care Center (see Chapter 9 for additional applicable regulations)
- State-Licensed Residential Facilities (6 or fewer adults)

Educational & Institutional Services:

- Private Instructional Facilities
- Religious Institutions

Arts, Entertainment, and Recreation:

- Boat & Canoe Liveries/Marinas
- Docks, Launch Ramps, Associated Parking Area, and other water related supportive uses (provided they are located a minimum of fifty (50) feet from a residential use.
- Private Clubs, Lodges

Accommodation and Food Services:

- Restaurants without Drive-Through

Retail Trade:

- Florists
- Small-Scale Craft Making (e.g. cabinet shop, candle-making, etc.)

Public Facilities:

- Community Centers

Agriculture/Forestry/Fishing/Hunting:

- Roadside Stands
- Seasonal "U-Pick" Fruit and Vegetable Operations

- Agricultural Tourism Ancillary Uses, restricted to selling goods grown primarily on-site, gift shops for agriculturally-related products and crafts, kitchen facilities for processing/cooking items for sale, picnic areas (including restrooms)

Utilities/Energy/Communications:

- Public Utility Facilities (with storage yards)

Transportation/Warehousing/Storage:

- Couriers/Parcel Packing/Delivery Establishments
- Postal Service

General Commercial/Business/Service:

- Electronic & Precision Equipment Repair and Maintenance
- Personal & Household Goods Repair & Maintenance
- Personal Services (barber/beauty shops, tailoring)

Section 6.3 - Dimensional Requirements

- a) Lot Area, minimum – 43,560 square feet (1 acre)
- b) Lot Width, minimum – 150 feet
- c) Structure Height, maximum – 30 feet
- d) Front Setback, minimum – 50 feet
- e) Interior Side Setback, minimum – 10 feet
- f) Corner Side Setback, minimum – 10 feet
- g) Rear Setback, minimum – 25 feet
- h) Floor Area, minimum – 480 square feet
- i) Lot Coverage, maximum – 30%

Refer to Section 5.1 – Schedule of Regulations for additional requirements described in the footnotes to the table.

Chapter 7 - Recreational Residential District Regulations (R-2)

Section 7.0 - Purpose

This district is designed to permit a more varied density of residential development than that provided in the Single-Family Residential District (R-1). This district is established to provide for the most restricted desirable residential area to protect from problems normally associated with residential, recreational and seasonally occupied developments. The primary goals are the preservation of water quality, protection of aesthetic or historic areas, the protection of sound low-density residential development, promotion of recreational facilities for public use, and the minimization of adverse environmental impacts of urban development.

This District will be a combination of the Recreational District (R) and Residential Multiple-Family Districts from the old ordinance February 11, 2014. Permitted Special Land Uses in all districts shall be limited to the uses listed below in Section 7.2. Desired development includes single-family and two-family dwellings. Services, facilities and uses incidental or accessory to residential development are included. Recreational uses along with or independent of a dwelling will be allowed. Multiple family dwellings, Home Based Businesses, Bed and Breakfast, Public Riding Stables, Public Golf Courses/Driving Ranges and other uses compatible with residential and recreational development including commercial uses may be permitted providing they comply with the applicable regulations pertaining to Special Uses as outlined in Chapter 13: Special Land Uses of this Ordinance.

Section 7.1 - Permitted Uses

Residential:

- Accessory Buildings/Structures
- One-Family Dwelling (year-round and seasonal)
- Two-Family Dwelling
- Amateur Radio Antennae (roof- or ground-mounted)

Human Care and Social Assistance:

- Social Assistance for Individual & Family Services
- Social Assistance for Community/Emergency & Other Relief Services
- Social Assistance for Vocational Rehabilitation Services

Educational & Institutional Services:

- Private Instructional Facilities

Accommodation and Food Services:

- Caterers
- Food Service Contractors
- Rooming Houses (more than 2 roomers)

Construction:

- Building, Developing & General Contracting (no outside storage of materials)
- Special Trade Contractors (e.g. electrical plumbing)

Agriculture/Forestry/Fishing/Hunting:

- Agricultural business related to the sale of field crops, forest products, and livestock raised or cultivated on the property
- Farms and Agricultural Operations
- Forestry and Forest Management (including timber harvesting)
- Game Preserves (where game is hunted)
- Greenhouse, Nursery, Landscaping, and Floriculture Production
- Raising and Growing Plants, Trees, Shrubs, Nursery Stock
- Riding Arenas or Boarding Stables (private)
- Roadside Stands
- Seasonal Outdoor Mazes (of agricultural origin)
- Seasonal "U-Pick" Fruit and Vegetable Operations
- Agricultural Tourism Ancillary Uses, restricted to: Selling goods grown primarily on-site; Educational tours, classes, lectures, and seminars; Family-oriented animated barns (fun houses, haunted houses); Gift shops for agriculturally-related products and crafts; Historical agricultural exhibits; Kitchen facilities for processing/cooking items for sale; Petting farms, animal display, and pony rides; Picnic areas (including restrooms); and Playgrounds, wagon/sleigh rides, nature trails

Utilities/Energy/Communications:

- On-Site Wind Energy Systems (see Chapter 14 for additional applicable regulations)
- Public Utility Facilities (without storage yards)
- Public Utility Facilities (with storage yards)

General Commercial/Business/Service:

- Cemeteries – (see Chapter 14 for additional applicable regulations)

Section 7.2 - Special Land Uses

All Special Land Uses are subject to the provisions of:

Chapter 3: General Provisions

Chapter 12: Plot Plan and Site Plan Requirements and Review

Chapter 13: Special Land Uses

Applicable portions of Chapter 14: Supplemental Development Regulations

Residential:

- Home Occupations/Cottage Industry

- Manufactured Housing Community
- Multiple-Family Dwelling (see Chapter 14 for additional applicable regulations)
- Townhouses/Condominiums
- Planned Unit Development (see Chapter 14 for additional applicable regulations)
- Keyhole Development
- Platted Subdivisions

Human Care and Social Assistance:

- Family Child Care Home
- Group Child Care Home (see Chapter 14 for additional applicable regulations)
- Child Care Center or Day Care Center (see Chapter 14 for additional applicable regulations)
- Health Care Clinics/Dental Clinics
- Hospitals
- State-Licensed Residential Facilities (6 or fewer adults)
- State-Licensed Residential Facilities (more than 6 adults)
- Nursing/Convalescent Home (see Chapter 14 for additional applicable regulations)
- Other Residential Care Facilities (substance abuse, correctional)

Educational & Institutional Services:

- Private Instructional Facilities
- Religious Institutions

Arts, Entertainment, and Recreation:

- Amusement Arcades
- Boat & Canoe Liveries/Marinas
- Bowling Centers/Billiard Clubs
- Docks, Launch Ramps, Associated Parking Area, and other water related supportive uses (provided they are located a minimum of fifty (50) feet from a residential use.
- Fitness/Recreational Sports Centers/Indoor Skating Rinks
- Golf Courses/Country Clubs (see Chapter 14 for additional applicable regulations)
- Nature Parks & Recreation Areas (private)
- Museums
- Outdoor Recreational Facilities, Private (examples: mini golf, go karts)
- Performing Arts Companies: Dance, Music, Voice Studio
- Private Club, Lodges
- Riding Stables (Public)
- Shooting Range (in a completely enclosed building)
- Spectator Sports Arenas (private)
- Sports Clubs
- Theaters
- Theaters – Drive-In
- Zoos & Botanical Gardens

Accommodation and Food Services:

- Bakeries
- Bed & Breakfasts (see Chapter 14 for additional applicable regulations)
- Campgrounds & Travel Trailer Parks
- Drinking Establishments (bars and taverns)
- Hotels and Motels
- Mobile Food Services
- Resorts
- Restaurants without Drive-Through
- Restaurants with Drive-Through
- Tourist Homes (see Chapter 14 for additional applicable regulations)

Retail Trade:

- Building Material & Garden Equipment & Supplies Dealers
- Electronics & Appliance Stores
- Clothing & Clothing Accessories Stores
- Florists
- Food & Beverage Stores
- Furniture & Home Furnishings Stores
- General Merchandise Stores; Medical Supplies; Pharmacy
- Hardware Stores
- Health & Personal Care Stores
- Home Improvement Centers
- Manufactured Home Dealer
- Movie Rental Stores
- Office Supply Stores
- Outdoor Sales Facilities (open air sales) – (see Chapter 14 for additional applicable regulations)
- Pawn Shops/Resale Shops
- Small-Scale Craft Making (e.g. cabinet shop, candle-making, etc.)
- Sporting Goods, Hobby, Book & Music Stores
- Truck and Heavy Equipment Sales/Service Establishments – (see Chapter 14 for additional applicable regulations)
- Vehicle Dealers & Leasing – (see Chapter 14 for additional applicable regulations)

Public Facilities:

- Community Centers
- General Government Administration Facilities
- Libraries
- Police/Fire Stations
- Public Parks, Playgrounds, and Recreation Areas

Construction:

- Storage Facilities for Building Materials/Contractor's Equipment – (see Chapter 14 for additional applicable regulations)

Agriculture/Forestry/Fishing/Hunting:

- Animal Shelter/Kennels – (see Chapter 14 for additional applicable regulations)
- Agricultural Products Processing
- Bulk Seed, Feed, Fertilizer and Nursery Stock Outlet and Distribution Centers
- Cider Mills/Wineries
- Lumberyards – (see Chapter 14 for additional applicable regulations)
- Sawmills, planing mills, and veneer mills (that operate for more than 60 days)
- Slaughterhouses/Meat Packing Houses
- Veterinary Services, Animal Clinics, Animal Hospitals – (see Chapter 14 for additional applicable regulations)
- Agricultural Tourism Ancillary Uses, restricted to: Organized meeting space (weddings, birthdays, corporate picnics); Restaurant operations related to the agricultural use of the site; and Small-scale entertainment (music concert, car show, art fair)

Utilities/Energy/Communications:

- Commercial Wind Energy Facilities and Anemometer Towers – (see Chapter 14 for additional applicable regulations)
- Antenna co-located on existing telecommunications towers or alternative tower structures – (see Chapter 14 for additional applicable regulations)
- Telecommunications Towers & Facilities & Alternative Tower Structures – (see Chapter 14 for additional applicable regulations)

Manufacturing/Industrial/Wholesale Trade/Waste Management:

- Bulk Storage and Distribution Facilities for Petroleum and Gas Products, Paint, and Chemicals
- Computer, Electronic, and Appliance Product Manufacturing
- Dry Bulk Blending Plants
- Food/Beverage Processing and Packaging
- Furniture and Related Product Manufacturing – (see Chapter 14 for additional applicable regulations)
- Glass Products Manufacturing
- Industrial Parks
- Leather & Allied Product Manufacturing
- Mines, quarried, gravel pits, and materials processing – (see Chapter 14 for additional applicable regulations)
- Miscellaneous Manufacturing
- Oil and Gas Processing Facilities
- Printing & Related Support Activities
- Recycling Facilities/Transfer Stations

- Textile & Apparel Manufacturing
- Tool, Die, Gauge, Metal, Machine Shops
- Waste Collection Services
- Waste Treatment & Disposal Services
- Wholesale Trade
- Wood Product Manufacturing

Transportation/Warehousing/Storage:

- Airports & Landing Fields
- Couriers/Parcel Packing/Delivery Establishments
- Postal Service
- Rail Yards
- Scenic/Sightseeing Transit/Ground Passenger Transportation
- Truck Transportation Facilities
- Warehousing & Storage

General Commercial/Business/Service:

- Automotive Refueling Station (Gas Station) – (see Chapter 14 for additional applicable regulations)
- Business, Labor, Political & Like Organizations
- Carwashes – (see Chapter 9 for additional applicable regulations)
- Commercial/Industrial Equipment Rental/Leasing/Sales Yards
- Commercial Equipment Repair & Maintenance
- Dry Cleaning & Laundry Services
- Electronic & Precision Equipment Repair and Maintenance
- Financial Institutions
- Financial Institutions with Drive-Through
- Funeral Homes & Mortuaries
- Furniture Refinishing
- General Rental Centers
- Personal & Household Goods Repair & Maintenance
- Personal Services (barber/beauty shops, tailoring)
- Pet Care (except Veterinary and Animal Shelters)
- Photofinishing/Photographers
- Printing/Publishing/Copying/Newspaper Office
- Professional Cleaning Services
- Professional Offices/Real Estate Offices/Insurance Offices
- Sexually Oriented Businesses – (see Chapter 14 for additional applicable regulations)
- Tattoo/Piercing Parlor

Section 7.3 - Dimensional Requirements

- a) Lot Area, minimum – 43,560 square feet (1 acre)
- b) Lot Width, minimum – 150 feet (200 feet for multiple-family)

- c) Structure Height, maximum – 30 feet
- d) Front Setback, minimum – 50 feet
- e) Interior Side Setback, minimum – 10 feet
- f) Corner Side Setback, minimum – 10 feet
- g) Rear Setback, minimum – 25 feet
- h) Floor Area, minimum – 480 square feet
- i) Lot Coverage, maximum – 30%

Refer to Section 5.1 – Schedule of Regulations for additional requirements described in the footnotes to the table.

Chapter 8 - Agricultural Residential District Regulations (R-3)

Section 8.0 - Purpose

This district is designed to primarily use the land for agricultural and farming related uses along with residential development.

This district is established in recognition of the areas of sparse development customarily occurring in agriculturally oriented communities. The areas which comprise the majority of this zoning district contain the principal agricultural activities and the uses which are customarily associated with or accessory to the agricultural activities. It is not intended that high concentration of development be permitted in this district except as authorized by the Ordinance. Uses which are not of an agricultural nature may be permitted in this district as Special Land Uses providing they comply with the applicable regulation(s) pertaining to Special Land Uses as outlined in Chapter 13: Special Land Uses of this Ordinance.

Section 8.1 - Permitted Uses

Residential:

- Accessory Buildings/Structures
- One-Family Dwelling (year-round and seasonal)
- Two-Family Dwelling
- Amateur Radio Antennae (roof- or ground-mounted)

Accommodation and Food Services:

- Caterers
- Food Service Contractors

Agriculture/Forestry/Fishing/Hunting:

- Agricultural business related to the sale of field crops, forest products, and livestock raised or cultivated on the property
- Cider Mills/Wineries
- Farms and Agricultural Operations
- Forestry and Forest Management (including timber harvesting)
- Game Preserves (where game is hunted)
- Greenhouse, Nursery, Landscaping, and Floriculture Production
- Raising and Growing Plants, Trees, Shrubs, Nursery Stock
- Riding Arenas or Boarding Stables (private)
- Roadside Stands
- Seasonal "U-Pick" Fruit and Vegetable Operations
- Agricultural Tourism Ancillary Uses, restricted to: Selling goods grown primarily on-site; Educational tours, classes, lectures, and seminars; Historical agricultural exhibits; Petting farms, animal display, and pony rides; Picnic areas (including restrooms); and Playgrounds, wagon/sleigh rides, nature trails

Utilities/Energy/Communications:

- On-Site Wind Energy Systems
- Public Utility Facilities (without storage yards)

Manufacturing/Industrial/Wholesale Trade/Waste Management:

- Printing & Related Support Activities

Transportation/Warehousing/Storage:

- Rail Yards

General Commercial/Business/Service:

- Cemeteries – (see Chapter 14 for additional applicable regulations)

Section 8.2 - Special Land Uses

All Special Land Uses are subject to the provisions of:

Chapter 3: General Provisions

Chapter 12: Plot Plans and Site Plan Requirements and Review

Chapter 13: Special Land Uses

Applicable portions of Chapter 14: Supplemental Development Regulations

Residential:

- Home Occupations/Cottage Industry
- Manufactured Housing Community
- Multiple-Family Dwelling (see Chapter 14 for additional applicable regulations)
- Townhouses/Condominiums
- Planned Unit Development (see Chapter 14 for additional applicable regulations)
- Platted Subdivisions
- Keyhole Development

Human Care and Social Assistance:

- Family Child Care Home
- Group Child Care Home (see Chapter 14 for additional applicable regulations)
- Child Care Center or Day Care Center (see Chapter 14 for additional applicable regulations)
- Health Care Clinics/Dental Clinics
- Hospitals
- State-Licensed Residential Facilities (6 or fewer adults)
- State-Licensed Residential Facilities (more than 6 adults)

- Nursing/Convalescent Home (see Chapter 14 for additional applicable regulations)
- Other Residential Care Facilities (substance abuse, correctional)
- Social Assistance for Individual & Family Services
- Social Assistance for Community/Emergency & Other Relief Services
- Social Assistance for Vocational Rehabilitation Services

Educational & Institutional Services:

- Private Instructional Facilities
- Public or Private Schools
- Religious Institutions

Arts, Entertainment, and Recreation:

- Amusement Arcades
- Boat & Canoe Liveries/Marinas
- Bowling Centers/Billiard Clubs
- Docks, Launch Ramps, Associated Parking Area, and other water related supportive uses (provided they are located a minimum of fifty (50) feet from a residential use.
- Fitness/Recreational Sports Centers/Indoor Skating Rinks
- Museums
- Nature Parks & Recreation Areas (private)
- Riding Stables (Public)
- Golf Courses/Country Clubs
- Outdoor Recreational Facilities, Private (examples: mini-golf, go-karts)
- Performing Arts Companies: Dance, Music, Voice Studio
- Private Clubs, Lodges
- Shooting Range (in a completely enclosed building)
- Spectator Sports Arenas (private)
- Sports Clubs
- Theaters
- Theaters – Drive-In
- Zoo & Botanical Gardens

Accommodation and Food Services:

- Bakeries
- Bed & Breakfasts (see Chapter 14 for additional applicable regulations)
- Campgrounds & Travel Trailer Parks
- Mobile Food Services
- Resorts
- Restaurants without Drive-Through
- Restaurants with Drive-Through
- Rooming Houses (more than 2 roomers)

Retail Trade:

- Food & Beverage Stores
- Furniture & Home Furnishings Stores
- Movie Rental Stores
- Pawn Shops/Resale Shops
- Small-Scale Craft Making (e.g. cabinet shop, candle-making, etc.)

Public Facilities:

- Community Centers
- General Government Administration Facilities
- Libraries
- Police/Fire Stations

Public Parks, Playgrounds, and Recreation Areas

Construction:

- Building, Developing & General Contracting (no outside storage of materials)
- Storage Facilities for Building Materials/Contractor's Equipment – (see Chapter 14 for additional applicable regulations)
- Special Trade Contractors (e.g. electrical plumbing)

Agriculture/Forestry/Fishing/Hunting:

- Agricultural Products Processing
- Animal Shelter/Kennels – (see Chapter 14 for additional applicable regulations)
- Bulk Seed, Feed, Fertilizer and Nursery Stock Outlet and Distribution Centers
- Lumberyards – (see Chapter 14 for additional applicable regulations)
- Sawmills, planing mills, and veneer mills (that operate for more than 60 days)
- Seasonal Outdoor Mazes (of agricultural origin)
- Slaughterhouses/Meat Packing Houses
- Veterinary Services, Animal Clinics, Animal Hospitals – (see Chapter 14 for additional applicable regulations)
- Agricultural Tourism Ancillary Uses, restricted to: Family-oriented animated barns (fun houses, haunted houses); Gift shops for agriculturally-related products and crafts; Kitchen facilities for processing/cooking items for sale; Organized meeting space (weddings, birthdays, corporate picnics); Restaurant operations related to the agricultural use of the site; and Small-scale entertainment (music concert, car show, art fair)

Utilities/Energy/Communications:

- Commercial Wind Energy Facilities and Anemometer Towers – (see Chapter 14 for additional applicable regulations)
- Antenna co-located on existing telecommunications towers or alternative tower structures – (see Chapter 14 for additional applicable regulations)
- Telecommunications Towers & Facilities & Alternative Tower Structures – (see Chapter 14 for additional applicable regulations)

Manufacturing/Industrial/Wholesale Trade/Waste Management:

- Dry Bulk Blending Plants
- Food/Beverage Processing and Packaging
- Furniture and Related Product Manufacturing – (see Chapter 14 for additional applicable regulations)
- Junkyards/Landfills/Salvage Yards – (see Chapter 14 for additional applicable regulations)
- Leather & Allied Product Manufacturing
- Mines, quarried, gravel pits, and materials processing – (see Chapter 14 for additional applicable regulations)
- Miscellaneous Manufacturing
- Oil and Gas Processing Facilities
- Recycling Facilities/Transfer Stations
- Textile & Apparel Manufacturing
- Tool, Die, Gauge, Metal, Machine Shops
- Waste Collection Services
- Waste Treatment & Disposal Services
- Wood Product Manufacturing

Transportation/Warehousing/Storage:

- Airports & Landing Fields
- Couriers/Parcel Packing/Delivery Establishments
- Postal Service
- Scenic/Sightseeing Transit/Ground Passenger Transportation
- Truck Transportation Facilities
- Warehousing & Storage

General Commercial/Business/Service:

- Business, Labor, Political & Like Organizations
- Carwashes – (see Chapter 14 for additional applicable regulations)
- Commercial/Industrial Equipment Rental/Leasing/Sales Yards
- Commercial Equipment Repair & Maintenance
- Dry Cleaning & Laundry Services
- Electronic & Precision Equipment Repair and Maintenance
- Extermination & Pest Control Services
- Financial Institutions
- Financial Institutions with Drive-Through
- Funeral Homes & Mortuaries
- General Rental Centers
- Interior Designers/Showrooms
- Laboratories
- Personal & Household Goods Repair & Maintenance
- Personal Services (barber/beauty shops, tailoring)
- Pet Care (except Veterinary and Animal Shelters)

- Professional Offices/Real Estate Offices/Insurance Offices
- Sexually Oriented Businesses – (see Chapter 14 for additional applicable regulations)
- Tattoo/Piercing Parlor

Section 8.3 - Dimensional Requirements

- a) Lot Area, minimum – 43,560 square feet (1 acre)
- b) Lot Width, minimum – 150 feet (200 feet for multiple-family)
- c) Structure Height, maximum – 30 feet
- d) Front Setback, minimum – 50 feet
- e) Interior Side Setback, minimum – 10 feet
- f) Corner Side Setback, minimum – 10 feet
- g) Rear Setback, minimum – 25 feet
- h) Floor Area, minimum – 480 square feet
- i) Lot Coverage, maximum – 30%

Refer to Section 5.1 – Schedule of Regulations for additional requirements described in the footnotes to the table.

Chapter 9 - Mixed Use Commercial District Regulations (C-1)

Section 9.0 - Purpose

- A. This district is designated as a district to serve the local populace. The activities permitted within this zone are compatible with each other and are designed to promote efficiency in the administration of local services. This Mixed-Use District is a special district created in this ordinance to allow a range of uses from residential, recreational to light commercial.

This is a newly created zone in the township. There are no parcels zoned under this at the time of initial adoption of this ordinance. The Township intends to allow growth in identified portions for sustainable growth management. At the same time this will allow the mixed-use development to happen in contiguous locations rather than spread around the township. This is most feasible for planning land development and infrastructure provisions. This zone will allow multiple-family residential, light commercial and retail uses.

B. Other Development Regulations

1. A site plan shall be submitted for each permitted use in this zoning district in accordance with Chapter 12 of this Ordinance. Said plan shall indicate or illustrate how the requirements of this section are being met.
2. All outside storage areas for trash shall be enclosed by a six (6) foot high solid wall or fence.
3. A greenbelt and/or buffer strip, as defined herein, shall be provided when a commercial use in this zone abuts a residential use or a conservation resources use on either of the side lot lines or on the rear lot line. This may be provided as part of the side setback or rear setback requirement.
4. When discontinued or abandoned, the site shall be left in a reusable condition and free of hazards related to dangerous structures, pits, pools, excavations, electric circuits, and similar features.

Section 9.1 - Permitted Uses

Residential:

- Accessory Buildings/Structures
- Dwelling Units in Support of Commercial Establishment
- Home Occupations/Cottage Industry
- Multiple-Family Dwelling (see Chapter 14 for additional applicable regulations)
- Townhouses/Condominiums
- One-Family Dwelling (year-round and seasonal)
- Two-Family Dwelling
- Amateur Radio Antennae (roof- or ground-mounted)

Human Care and Social Assistance:

- Health Care Clinics/Dental Clinics

- Hospitals
- Nursing/Convalescent Home (see Chapter 14 for additional applicable regulations)
- Social Assistance for Individual & Family Services
- Social Assistance for Community/Emergency & Other Relief Services
- Social Assistance for Vocational Rehabilitation Services

Educational & Institutional Services:

- Private Instructional Facilities

Arts, Entertainment, and Recreation:

- Amusement Arcades
- Boat & Canoe Liveries/Marinas
- Bowling Centers/Billiard Clubs
- Docks, Launch Ramps, Associated Parking Area, and other water related supportive uses (provided they are located a minimum of fifty (50) feet from a residential use.
- Fitness/Recreational Sports Centers/Indoor Skating Rinks
- Riding Stables (Public)
- Nature Parks & Recreation Areas (private)
- Museums
- Performing Arts Companies: Dance, Music, Voice Studio
- Private Clubs, Lodges
- Shooting Range (in a completely enclosed building)
- Sports Clubs
- Theaters
- Theaters – Drive-In

Accommodation and Food Services:

- Bakeries
- Caterers
- Drinking Establishments (bars and taverns)
- Food Service Contractors
- Hotels & Motels
- Rooming Houses (more than 2 roomers)

Retail Trade:

- Building Material & Garden Equipment & Supplies Dealers
- Electronics & Appliance Stores
- Clothing & Clothing Accessories Stores
- Florists
- Food & Beverage Stores
- Furniture & Home Furnishings Stores
- General Merchandise Stores; Medical Supplies; Pharmacy

- Hardware Stores
- Health & Personal Care Stores
- Home Improvement Centers
- Manufactured Home Dealer
- Movie Rental Stores
- Office Supply Stores
- Pawn Shops/Resale Shops
- Small-Scale Craft Making (e.g. cabinet shop, candle-making, etc.)
- Sporting Goods, Hobby, Book & Music Stores
- Truck and Heavy Equipment Sales/Service Establishments – (see Chapter 14 for additional applicable regulations)
- Vehicle Dealers & Leasing – (see Chapter 14 for additional applicable regulations)

Public Facilities:

- Community Centers
- General Government Administration Facilities
- Libraries
- Police/Fire Stations
- Public Parks, Playgrounds, and Recreation Areas

Construction:

- Building, Developing & General Contracting (no outside storage of materials)
- Special Trade Contractors (e.g. electrical plumbing)

Agriculture/Forestry/Fishing/Hunting:

- Agricultural business related to the sale of field crops, forest products, and livestock raised or cultivated on the property
- Cider Mills/Wineries
- Farms and Agricultural Operations
- Forestry and Forest Management (including timber harvesting)
- Greenhouse, Nursery, Landscaping, and Floriculture Production
- Lumberyards – (see Chapter 14 for additional applicable regulations)
- Raising and Growing Plants, Trees, Shrubs, Nursery Stock
- Riding Arenas or Boarding Stables (private)
- Roadside Stands
- Agricultural Tourism Ancillary Uses, restricted to: Selling goods grown primarily on-site; Educational tours, classes, lectures, and seminars; Family-oriented animated barns (fun houses, haunted houses); Gift shops for agriculturally-related products and crafts; Historical agricultural exhibits; Kitchen facilities for processing/cooking items for sale; Petting farms, animal display, and pony rides; Picnic areas (including restrooms); and Playgrounds, wagon/sleigh rides, nature trails

Manufacturing/Industrial/Wholesale Trade/Waste Management:

- Furniture and Related Product Manufacturing – (see Chapter 14 for additional applicable regulations)
- Industrial Parks
- Printing & Related Support Activities
- Textile & Apparel Manufacturing
- Tool, Die, Gauge, Metal, Machine Shops
- Wholesale Trade
- Wood Product Manufacturing

Transportation/Warehousing/Storage:

- Couriers/Parcel Packing/Delivery Establishments
- Postal Service
- Rail Yards
- Scenic/Sightseeing Transit/Ground Passenger Transportation
- Truck Transportation Facilities
- Warehousing & Storage

General Commercial/Business/Service:

- Automotive Refueling Station (Gas Station) – (see Chapter 14 for additional applicable regulations)
- Automotive Service Stations/Oil Change & Lubrication Shops – (see Chapter 14 for additional applicable regulations)
- Business, Labor, Political & Like Organizations
- Carwashes – (see Chapter 14 for additional applicable regulations)
- Dry Cleaning & Laundry Services
- Electronic & Precision Equipment Repair and Maintenance
- Extermination & Pest Control Services
- Financial Institutions
- Financial Institutions with Drive-Through
- Furniture Refinishing
- General Rental Centers
- Interior Designers/Showrooms
- Personal & Household Goods Repair & Maintenance
- Personal Services (barber/beauty shops, tailoring)
- Pet Care (except Veterinary and Animal Shelters)
- Photofinishing/Photographers
- Printing/Publishing/Copying/Newspaper Office
- Professional Cleaning Services
- Professional Offices/Real Estate Offices/Insurance Offices

Section 9.2 - Special Land Uses

All Special Land Uses are subject to the provisions of:

Chapter 3: General Provisions

Chapter 12: Plot Plan and Site Plan Requirements and Review

Chapter 13: Special Land Uses

Applicable portions of Chapter 14: Supplemental Development Regulations

Residential:

- Manufactured Housing Community
- Planned Unit Development (see Chapter 14 for additional applicable regulations)
- Keyhole Development

Human Care and Social Assistance:

- Family Child Care Home
- Group Child Care Home (see Chapter 14 for additional applicable regulations)
- Child Care Center or Day Care Center (see Chapter 14 for additional applicable regulations)
- State-Licensed Residential Facilities (more than 6 adults)
- Other Residential Care Facilities (substance abuse, correctional)

Educational & Institutional Services:

- Public or Private Schools
- Religious Institutions

Arts, Entertainment, and Recreation:

- Golf Courses/Country Clubs
- Outdoor Recreational Facilities, Private (examples: mini-golf, go-karts)
- Spectator Sports Arenas (private)
- Zoos & Botanical Gardens

Accommodation and Food Services:

- Bed & Breakfasts (see Chapter 14 for additional applicable regulations)
- Campgrounds & Travel Trailer Parks
- Mobile Food Services
- Resorts
- Restaurants without Drive-Through
- Restaurants with Drive-Through
- Tourist Homes – (see Chapter 14 for additional applicable regulations)

Retail Trade:

- Outdoor Sales Facilities (open air sales) – (see Chapter 14 for additional applicable regulations)

Construction:

- Storage Facilities for Building Materials/Contractor's Equipment – (see Chapter 14 for additional applicable regulations)

Agriculture/Forestry/Fishing/Hunting:

- Agricultural Products Processing
- Animal Shelter/Kennels – (see Chapter 14 for additional applicable regulations)
- Bulk Seed, Feed, Fertilizer and Nursery Stock Outlet and Distribution Centers
- Slaughterhouses/Meat Packing Houses
- Veterinary Services, Animal Clinics, Animal Hospitals – (see Chapter 14 for additional applicable regulations)
- Agricultural Tourism Ancillary Uses, restricted to: Organized meeting space (weddings, birthdays, corporate picnics) and Small-scale entertainment (music concert, car show, art fair)

Utilities/Energy/Communications:

- Commercial Wind Energy Facilities and Anemometer Towers – (see Chapter 14 for additional applicable regulations)
- On-Site Wind Energy Systems
- Public Utility Facilities (without storage yards)
- Public Utility Facilities (with storage yards)
- Antenna co-located on existing telecommunications towers or alternative tower structures – (see Chapter 14 for additional applicable regulations)
- Telecommunications Towers & Facilities & Alternative Tower Structures – (see Chapter 14 for additional applicable regulations)

Manufacturing/Industrial/Wholesale Trade/Waste Management:

- Bulk Storage and Distribution Facilities for Petroleum and Gas Products, Paint, and Chemicals
- Computer, Electronic, and Appliance Product Manufacturing
- Dry Bulk Blending Plants
- Food/Beverage Processing and Packaging
- Glass Products Manufacturing
- Junkyards/Landfills/Salvage Yards – (see Chapter 14 for additional applicable regulations)
- Leather & Allied Product Manufacturing
- Mines, quarried, gravel pits, and materials processing – (see Chapter 14 for additional applicable regulations)
- Miscellaneous Manufacturing

- Oil and Gas Processing Facilities
- Recycling Facilities/Transfer Stations
- Waste Collection Services
- Waste Treatment & Disposal Services

General Commercial/Business/Service:

- Automotive Body/Paint/Interior & Glass Repair – (see Chapter 14 for additional applicable regulations)
- Automotive Mechanical & Electrical Repair & Maintenance – (see Chapter 14 for additional applicable regulations)
- Commercial/Industrial Equipment Rental/Leasing/Sales Yards
- Commercial Equipment Repair & Maintenance
- Funeral Homes & Mortuaries
- Laboratories
- Sexually Oriented Businesses – (see Chapter 14 for additional applicable regulations)
- Tattoo/Piercing Parlor

Section 9.3 - Dimensional Requirements

- a) Lot Area, minimum – n/a
- b) Lot Width, minimum – n/a
- c) Structure Height, maximum – 45 feet
- d) Front Setback, minimum – 75 feet
- e) Interior Side Setback, minimum – 30 feet
- f) Corner Side Setback, minimum – 30 feet
- g) Rear Setback, minimum – 35 feet
- h) Floor Area, minimum – n/a
- i) Lot Coverage, maximum – n/a

Refer to Section 5.1 – Schedule of Regulations for additional requirements described in the footnotes to the table.

Chapter 10 - Commercial/Industrial District Regulations (C-2)

Section 10.0 - Purpose

- A. This district is intended to provide for the construction or continued use of land for general community-wide commercial and heavy commercial to industrial service uses and to provide for orderly development and concentration of such uses to satisfy the needs of the overall community. Preferred uses are those which are intended to serve the regular needs of the surrounding community and those deemed necessary for its economic growth. It is also intended that any uses permitted do not create a nuisance to the surrounding area by the emission of noise, fumes, smoke, vibrations, odors or other similar by-products which are not compatible with the general atmosphere of the total community. It is not intended that residential development be permitted in this district except as authorized by this Ordinance.
- B. Other Development Regulations
1. A site plan shall be submitted for each permitted use in this zoning district in accordance with Chapter 12 of this Ordinance. Said plan shall indicate or illustrate how the requirements of this section are being met.
 2. All outside storage areas for trash shall be enclosed by a six (6) foot high solid wall or fence.
 3. A greenbelt and/or buffer strip, as defined herein, shall be provided when a commercial use in this zone abuts a residential use or a conservation resources use on either of the side lot lines or on the rear lot line. This may be provided as part of the side setback or rear setback requirement. A greenbelt and/or buffer strip, as defined herein, shall be provided whenever outdoor storage areas or operational activities abut a public street that extends through the Industrial District and serves non-industrial areas. This may be provided as part of the side setback or rear setback requirement. The buffer strip may be composed of vegetation, fencing, walls, or a combination therein as determined by the Planning Commission.
 4. When discontinued or abandoned, the site shall be left in a reusable condition and free of hazards related to dangerous structures, pits, pools, excavations, electric circuits, and similar features.

Section 10.1 - Permitted Uses

Residential:

- Accessory Buildings/Structures
- Amateur Radio Antennae (roof- or ground-mounted)

Human Care and Social Assistance:

- Health Care Clinics/Dental Clinics
- Social Assistance for Individual & Family Services
- Social Assistance for Community/Emergency & Other Relief Services
- Social Assistance for Vocational Rehabilitation Services

Educational & Institutional Services:

- Private Instructional Facilities
- Public or Private Schools

Arts, Entertainment, and Recreation:

- Amusement Arcades
- Boat & Canoe Liveries/Marinas
- Bowling Centers/Billiard Clubs
- Fitness/Recreational Sports Centers/Indoor Skating Rinks
- Performing Arts Companies: Dance, Music, Voice Studio
- Private Clubs, Lodges
- Shooting Range (in a completely enclosed building)
- Spectator Sports Arenas (private)
- Sports Clubs
- Theaters
- Theaters – Drive-In

Accommodation and Food Services:

- Bakeries
- Caterers
- Drinking Establishments (bars and taverns)
- Food Service Contractors
- Hotels & Motels
- Mobile Food Services
- Resorts
- Restaurants without Drive-Through
- Restaurants with Drive-Through

Retail Trade:

- Building Material & Garden Equipment & Supplies Dealers
- Electronics & Appliance Stores
- Clothing & Clothing Accessories Stores
- Florists
- Food & Beverage Stores
- Furniture & Home Furnishings Stores

- General Merchandise Stores; Medical Supplies; Pharmacy
- Hardware Stores
- Health & Personal Care Stores
- Home Improvement Centers
- Manufactured Home Dealer – (see Chapter 14 for additional applicable regulations)
- Movie Rental Stores
- Office Supply Stores
- Outdoor Sales Facilities (open air sales) – (see Chapter 14 for additional applicable regulations)
- Pawn Shops/Resale Shops
- Small-Scale Craft Making (e.g. cabinet shop, candle-making, etc.)
- Sporting Goods, Hobby, Book & Music Stores
- Truck and Heavy Equipment Sales/Service Establishments – (see Chapter 14 for additional applicable regulations)
- Vehicle Dealers & Leasing – (see Chapter 14 for additional applicable regulations)

Public Facilities:

- Community Centers
- General Government Administration Facilities
- Libraries
- Police/Fire Stations
- Public Parks, Playgrounds, and Recreation Areas

Construction:

- Building, Developing & General Contracting (no outside storage of materials)
- Storage Facilities for Building Materials/Contractor's Equipment – (see Chapter 14 for additional applicable regulations)
- Special Trade Contractors (e.g. electrical plumbing)

Agriculture/Forestry/Fishing/Hunting:

- Agricultural business related to the sale of field crops, forest products, and livestock raised or cultivated on the property
- Agricultural Products Processing
- Bulk Seed, Feed, Fertilizer and Nursery Stock Outlet and Distribution Centers
- Cider Mills/Wineries
- Farms and Agricultural Operations
- Forestry and Forest Management (including timber harvesting)
- Greenhouse, Nursery, Landscaping, and Floriculture Production
- Lumberyards – (see Chapter 14 for additional applicable regulations)
- Raising and Growing Plants, Trees, Shrubs, Nursery Stock
- Roadside Stands
- Sawmills, planing mills, and veneer mills (that operate for more than 60 days)

- Agricultural Tourism Ancillary Uses, restricted to: Selling goods grown primarily on-site; Educational tours, classes, lectures, and seminars; Family-oriented animated barns (fun houses, haunted houses); Gift shops for agriculturally-related products and crafts; Historical agricultural exhibits; Kitchen facilities for processing/cooking items for sale; Petting farms, animal display, and pony rides; Picnic areas (including restrooms); and Playgrounds, wagon/sleigh rides, nature trails

Manufacturing/Industrial/Wholesale Trade/Waste Management:

- Bulk Storage and Distribution Facilities for Petroleum and Gas Products, Paint, and Chemicals
- Computer, Electronic, and Appliance Product Manufacturing
- Dry Bulk Blending Plants
- Food/Beverage Processing and Packaging
- Furniture and Related Product Manufacturing – (see Chapter 14 for additional applicable regulations)
- Glass Products Manufacturing
- Industrial Parks
- Mines, quarried, gravel pits, and materials processing – (see Chapter 14 for additional applicable regulations)
- Printing & Related Support Activities
- Recycling Facilities/Transfer Stations
- Textile & Apparel Manufacturing
- Tool, Die, Gauge, Metal, Machine Shops
- Wholesale Trade
- Wood Product Manufacturing

Transportation/Warehousing/Storage:

- Couriers/Parcel Packing/Delivery Establishments
- Postal Service
- Rail Yards
- Scenic/Sightseeing Transit/Ground Passenger Transportation
- Truck Transportation Facilities
- Warehousing & Storage – (see Chapter 14 for additional applicable regulations)

General Commercial/Business/Service:

- Automotive Refueling Station (Gas Station) – (see Chapter 14 for additional applicable regulations)
- Business, Labor, Political & Like Organizations
- Carwashes – (see Chapter 14 for additional applicable regulations)
- Commercial/Industrial Equipment Rental/Leasing/Sales Yards
- Commercial Equipment Repair & Maintenance
- Dry Cleaning & Laundry Services

- Electronic & Precision Equipment Repair and Maintenance
- Extermination & Pest Control Services
- Financial Institutions
- Financial Institutions with Drive-Through – (see Chapter 14 for additional applicable regulations)
- Funeral Homes & Mortuaries
- Furniture Refinishing
- General Rental Centers
- Interior Designers/Showrooms
- Laboratories
- Personal & Household Goods Repair & Maintenance
- Personal Services (barber/beauty shops, tailoring)
- Pet Care (except Veterinary and Animal Shelters)
- Photofinishing/Photographers
- Printing/Publishing/Copying/Newspaper Office
- Professional Cleaning Services
- Professional Offices/Real Estate Offices/Insurance Offices

Section 10.2 - Special Land Uses

All Special Land Uses are subject to the provisions of:

Chapter 3: General Provisions

Chapter 12: Plot Plan and Site Plan Requirements and Review

Chapter 13: Special Land Uses

Applicable portions of Chapter 14: Supplemental Development Regulations

Residential:

- Planned Unit Development (see Chapter 14 for additional applicable regulations)

Human Care and Social Assistance:

- Family Child Care Home

Educational & Institutional Services:

- Religious Institutions

Arts, Entertainment, and Recreation:

- Outdoor Recreational Facilities, Private (examples: mini-golf, go-karts) – (see Chapter 14 for additional applicable regulations)
- Zoos & Botanical Gardens

Agriculture/Forestry/Fishing/Hunting:

- Animal Shelter/Kennels – (see Chapter 14 for additional applicable regulations)

- Slaughterhouses/Meat Packing Houses
- Veterinary Services, Animal Clinics, Animal Hospitals – (see Chapter 14 for additional applicable regulations)
- Agricultural Tourism Ancillary Uses, restricted to: Organized meeting space (weddings, birthdays, corporate picnics) and Small-scale entertainment (music concert, car show, art fair)

Utilities/Energy/Communications:

- Commercial Wind Energy Facilities and Anemometer Towers – (see Chapter 14 for additional applicable regulations)
- On-Site Wind Energy Systems
- Public Utility Facilities (without storage yards)
- Public Utility Facilities (with storage yards)
- Antenna co-located on existing telecommunications towers or alternative tower structures – (see Chapter 14 for additional applicable regulations)
- Telecommunications Towers & Facilities & Alternative Tower Structures – (see Chapter 14 for additional applicable regulations)

Manufacturing/Industrial/Wholesale Trade/Waste Management:

- Junkyards/Landfills/Salvage Yards – (see Chapter 14 for additional applicable regulations)
- Leather & Allied Product Manufacturing
- Miscellaneous Manufacturing
- Oil and Gas Processing Facilities
- Waste Collection Services
- Waste Treatment & Disposal Services

General Commercial/Business/Service:

- Automotive Body/Paint/Interior & Glass Repair – (see Chapter 14 for additional applicable regulations)
- Automotive Mechanical & Electrical Repair & Maintenance
- Automotive Service Stations/Oil Change & Lubrication Shops – (see Chapter 14 for additional applicable regulations)
- Sexually Oriented Businesses – (see Chapter 14 for additional applicable regulations)
- Tattoo/Piercing Parlor

Section 10.3 - Dimensional Requirements

- a) Lot Area, minimum – n/a
- b) Lot Width, minimum – n/a
- c) Structure Height, maximum – 45 feet
- d) Front Setback, minimum – 85 feet
- e) Interior Side Setback, minimum – 50 feet
- f) Corner Side Setback, minimum – 50 feet

- g) Rear Setback, minimum – 50 feet
- h) Floor Area, minimum – n/a
- i) Lot Coverage, maximum – n/a

Refer to Section 5.1 – Schedule of Regulations for additional requirements described in the footnotes to the table.

Chapter 11 - Nonconforming Buildings, Structures, Uses, Lots, & Signs

Section 11.0 - Purpose

It is the purpose of this chapter to provide regulations governing buildings, structures, signs, uses of parcels, and lots, which were legal before this Ordinance was adopted or amended. According to the zoning law, the lawful uses of land, buildings, structures, and signs in effect at the date of adoption of the Ordinance may be continued. Such uses, buildings, structures, lots, and signs shall be designated as “Nonconforming.”

It is the intention of this Ordinance that all nonconforming uses, buildings, structures, lots, and signs will either be eliminated or changed to conforming uses over a period of time. The Ordinance and actions by the Planning Commission are intended to encourage the elimination of nonconformities and to discourage anything that extends the normal useful life of a nonconformity.

If a structure or use is nonconforming because of height, floor area, parking or loading space provisions of this Ordinance, it may be extended, enlarged, altered, remodeled or modernized to comply with these provisions. Once in compliance, no structure or use shall again become nonconforming in these categories. The regulations contained in this Chapter are designed to ensure that such uses will be properly regulated so as to result in a minimum of disharmony between themselves and the districts in which they are located.

Section 11.1 - Nonconforming Buildings and Structures

A. Maintenance of Nonconforming Buildings and Structures

Nothing in this Ordinance shall prevent such necessary repairs and incidental alterations of a nonconforming building or structure, existing on the effective date of this Ordinance, as may be necessary to secure a reasonable advantageous use thereof during its natural life.

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Official.

B. Completion of Nonconforming Buildings and Structures

Nothing in this Ordinance shall require any change in the construction or intended use of a building or structure if the construction of such building or structure has been substantially under way on the effective date of this Ordinance.

C. Damaged or Total Destruction of Nonconforming Building or Structure

Any building or structure, whether it be nonconforming because of the building itself or the lot on which it is located, may be reconstructed to its original configuration in the event it is destroyed or partially destroyed by explosion, fire, an act of God, or by other accidental causes. An applicant for rebuilding of such a nonconforming building or structure shall make every attempt to rebuild the building to conform to current regulations if possible. Such

rebuilding shall require either Planning Commission or Zoning Administrator approval, per **Chapter 12 – Plot Plans and Site Plan Requirements & Review.**

D. Alterations of a Nonconforming Building or Structure

1. Structural alterations or extensions which do not increase the nonconformity of the building or structure shall be permitted.
2. Nothing in this Ordinance shall prevent the modification of a building when doing so is required in order to comply with barrier-free requirements and the Americans with Disabilities Act.

E. Moving of a Nonconforming Building or Structure

No such nonconforming building or structure shall be moved in whole or in part to any other portions of the lot or parcel occupied other than to correct or lessen the nonconforming conditions.

Section 11.2 - Nonconforming Uses

The lawful use of any premises existing at the time of the adoption of this Ordinance may be continued, although such use does not conform to provisions of this Ordinance. All nonconforming uses shall be maintained in good condition.

A. Abandonment of a Nonconforming Use

If a property owner has the intent to abandon a nonconforming use of land and in fact abandons a nonconforming use of land for a period of one (1) year or more, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use or structure, the Zoning Administrator shall consider the following factors:

1. Whether utilities such as water, gas, and electricity to the property have been disconnected.
2. Whether the property, buildings, and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the nonconforming use have been removed.
4. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
5. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

B. Change of Nonconforming Use

A nonconforming use shall not be changed to other than a conforming use, nor shall any use be reverted to a former non-conforming use after said use has been changed to a conforming use.

C. Extension of Nonconforming Use

Nonconforming uses shall not be expanded nor increased in intensity of use. For the purpose of this Section, increases in the intensity of use shall include, but shall not be

limited to, such activities as the addition of one or more dwelling units, the provision of additional manufacturing or selling area, or by the addition of facilities which would allow expansion of the nonconforming use or the establishment of another nonconforming use.

Section 11.3 - Nonconforming Lots of Record

Except as provided in Section 11.4, any nonconforming lot of record may be used for any purpose authorized by the district in which it is located. Any required variances may be requested pursuant to the procedures and standards of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership as of the date of adoption of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

Section 11.4 - Nonconforming Contiguous Parcels

If two (2) or more contiguous lots, parcels, or portions of lots or parcels are under the same ownership and do not individually meet the lot width, depth, and/or area requirements of this Ordinance, then those contiguous lots, parcels, or portions of lots or parcels shall be considered an undivided lot or parcel for the purposes of this Ordinance, and no portion of such undivided lot or parcel shall be used or divided in a manner that diminishes compliance with the lot width, depth, and/or area requirements established by this Ordinance.

Section 11.5 - Nonconforming Signs

- A. Subject to the remaining restrictions of this section, nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.
- B. No person shall increase the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign.
- C. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Zoning Ordinance or as allowed in Section 11.5 (D).
- D. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all provisions of this Zoning Ordinance. The remnants of the former sign structure not usable for a new conforming sign shall be cleared from the land. For purposes of this section, a nonconforming sign is considered destroyed if it is damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.
- E. Subject to the other provisions of this section, nonconforming signs may be repaired, maintained, serviced, or repainted so long as the cost of such work does not exceed, within

any twelve (12) month period, fifty (50) of the value of such sign.

- F. If a nonconforming sign, other than an off-premise sign, advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be deemed abandoned and shall be removed by the owner of the sign, the owner of the property where the sign is located, or the party having control over such sign within thirty (30) days after such abandonment.
- G. If a nonconforming off-premise sign remains blank for a continuous period of one hundred eighty (180) days, that off-premise sign shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be altered to comply with this Zoning Ordinance or be removed by the owner of the sign, the owner of the property where the sign is located, or the persons having control over such sign. For purposes of this section, a sign is “blank” if:
 - 1. It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted;
 - 2. The advertising message it displays becomes illegible in whole or substantial part; or
 - 3. The advertising copy that either has been paid for by a party other than the sign owner or promotes an interest other than rental of the sign has been removed.

Section 11.6 - Zoning Board of Appeals Variance

Although it is the intent of this Ordinance to restrict the expansion and perpetuation of nonconforming uses of land and/or buildings or uses, the Zoning Board of Appeals, subject to a hearing, may allow an expansion or enlargement, provided that it is conclusively shown that such expansion or enlargement:

- A. Will not further reduce the value or otherwise limit the lawful use of adjacent properties,
- B. Will essentially retain the character and environment of abutting premises, and
- C. Will not materially increase or perpetuate the nuisance aspects of the use upon adjacent uses (noise, glare, traffic, congestion, land over-crowding and related).

Chapter 12 – Plot Plans and Site Plan Requirements & Review

Section 12.0 – Purpose

The purpose of this chapter is to specify the documents and/or drawings required for site plan review so as to ensure that a proposed land use or development activity is in compliance with this Ordinance, other local ordinances, and state and federal statutes and regulations. Furthermore, its purpose is to ensure that development taking place within the Township is properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

Section 12.1 – Plot Plan

All applications for Zoning Permits which do not require a site plan shall be accompanied by a Plot Plan, drawn to scale, showing the following:

- A. The shape, location and dimensions of the lot, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this Ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.
- B. Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
- C. The scale and north arrow.
- D. Location of required setbacks of the zoning district.
- E. The location, shape, dimensions, and height of all structures or impervious surfaces to be erected, altered or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
- F. The location and configuration of the lot access and driveway, drawn to scale.
- G. The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project.
- H. Location of existing or proposed septic system and water well.
- I. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
- J. Natural features such as forests, water bodies, wetlands, high risk erosion areas, slopes over 10%, drainage and other similar features, if determined by the Zoning Administrator to be applicable.
- K. Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

Section 12.2 – Site Plan Review

Required site plans give the Planning Commission an opportunity to review development proposals in a concise and consistent manner. The use of the site plan ensures that the physical changes in the property meet with local approval and that development actually occurs as it was planned and represented by the developer.

A. **Circumstances Requiring a Site Plan:** Site plans are required for the following uses:

1. All new uses and/or structures except: a) single-family or two-family dwelling units; and b) accessory structures to single-family or two-family dwelling units.
2. Expansion or renovation of an existing use, other than single-family or two-family dwelling units and accessory structures thereof, which increases the existing floor space more than twenty five (25) percent.
3. Changes of use for an existing structure or lot except for the circumstances listed in 12.3.
4. Any Special Land Use.
5. Planned Unit Developments.
6. Any use requiring off-street parking, except single-family or two-family dwelling units.
7. Establishment of a plat, a condominium subdivision, or other form of real estate development on greater than 10 acres of land on any parcel of land, provided the plat, the condominium subdivision plan or other real estate development establishes either (a) more than two residential units or (b) any other use requiring a site plan under this Ordinance.
8. Other uses as required by this Ordinance.

B. **Pre-application Conference:** The Zoning Administrator, Planning Commission Chair and/or Planning Commission shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the site plan review process, and other Ordinance requirements; and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.

Except for **Planned Unit Developments**, this conference is not mandatory, but is recommended for small and large projects alike. For large projects, a pre-application conference should be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

C. **Site Plan Data Required:** Each site plan submitted shall contain the following information unless specifically waived, in whole or in part, by the Township Planning Commission. The Planning Commission can waive any or all of the below site plan requirements, when it finds those requirements are not applicable to the proposed development.

1. Name and address of the property owner(s), developer(s), and designer(s), and their interest in said properties.
2. The parcel's legal description.

3. The date, a north arrow, the scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = fifty (50) feet for parcels under three (3) acres and not less than one (1) inch = one hundred (100) feet for parcels of three (3) acres or more.
4. A certified survey of the property prepared and sealed by a professional licensed surveyor, showing, at a minimum, the boundary lines of the property, all dimensions and legal description.
5. Boundary dimensions of environmental features such as forests, water bodies, wetlands, floodplains, high risk erosion areas, slopes over ten (10) percent, drainage and other similar features.
6. The location, dimension, and height of all existing structures and all proposed uses or structures on the site, including principal building(s), accessory structures, walkways, signs, exterior lighting, proposed drives, neighboring drives, curb cuts, vehicular circulation features, size and number of parking spaces, service lanes (show the dimensions of a typical parking stall and parking lot), loading and unloading areas, common use areas, recreational areas and facilities, and any impervious surface. An elevation drawing of the proposed building(s) is required in order to review the proposed building bulk and to verify height.
7. Area of the property subject to be covered by structures (not available as open space).
8. The location and width of all abutting rights-of-way, easements, utility lines, and public open spaces within or bordering the subject project.
9. The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names.
10. The front yard dimensions of the nearest building on both sides of the proposed structure.
11. The existing zoning district in which the site is located and the zoning of adjacent parcels.
12. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
13. The location, size and slope of all surface and subsurface drainage facilities.
14. Location and status of any floor drains in structures on the site. The point of discharge for all drains and pipes shall be specified on the site plan.
15. Description and location of any existing or proposed outdoor storage facilities (above ground and below ground storage).
16. Description and location of on-site wastewater treatment and disposal systems.
17. Location of existing and proposed private drinking water wells, monitoring wells, test wells, irrigation wells, or wells used for industrial processes.
18. The location of snow storage areas.
19. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.

20. Generalized soil analysis data, which may include data prepared by the Arenac Conservation District regarding the soils and their adaptability to the use. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils.
21. All site plans shall comply with the terms of the Arenac County Soil Erosion and Sedimentation Control Ordinance and Stormwater Ordinance (Ordinance 2017-01). It shall be the applicant's responsibility to provide documentation of compliance with these County Ordinances.
22. Anticipated hours of operation for the proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.
23. Elevation drawings of the front and rear of the main building.
24. Site plans for residential projects (multiple family developments and manufactured home parks) shall include the following additional information:
 - a. Minimum floor area of dwelling units.
 - b. Total number of units proposed.
 - c. Number of bedrooms per unit in multiple family developments.
 - d. Areas to be used for open space and recreation.
25. Impact Statement. The statement shall address itself to the following as applicable to the type of use:
 - a. A complete description of the proposed development including: areas of the site; the number of lots or units; and the number and characteristics of the population impact such as density, as it relates to elderly persons, school children, tourists, family size, income, and related information as applicable.
 - b. Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of water consumption related to ground water reserves, change in traffic volume on adjacent streets and other factors that may apply to the particular development.
 - c. Statements relative to the impact of the proposed development on soil erosion, drainage patterns, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise pollution and the aesthetics and scale of development in terms of the surrounding environment. Statement of the impact of the development with respect to noise, dust, fire hazard, fumes, odors, vibration, smoke, or excessive light.

D. Application Submittal Procedures:

1. Six (6) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered. The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided.

If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.

2. The Planning Commission may distribute the site plan to the following agencies or any other agency deemed appropriate for comment prior to consideration for approval.
 - a. The Arenac County Soil Erosion and Sedimentation Control Officer;
 - b. The Arenac County Drain Commissioner;
 - c. The Arenac County Road Commission and, if appropriate, the Michigan Department of Transportation;
 - d. The District Health Department;
 - e. Local fire and ambulance service providers.
 - f. Department of Natural Resources (DNR)
 - g. Department of Environment, Great Lakes, and Energy (EGLE)
3. Application fees to cover the estimated review costs as determined pursuant to 15.4 of this Ordinance shall be paid when the application and site plan are submitted.
4. Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.
5. The applicant or his/her representative shall be present at the scheduled review. If the applicant fails to provide representation, the review will be addressed at the next scheduled Planning Commission meeting.
6. The Planning Commission may request the assistance of a qualified professional planner, engineer, attorney, or other professional in the site plan review process if deemed necessary or advisable.

E. Standards for Granting Site Plan Approval:

1. The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard.
 - a. **Public Welfare and Adjoining Properties:** The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site

shall take into account the size of the property, uses on the adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

- b. **Topography and Natural Landscape:** All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of elements that respect existing features of the site in relation to topography. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
- c. **Drainage:** On-site drainage shall be required. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties. Provisions shall be made to accommodate stormwater and to prevent erosion and the formation of dust. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Catch basins may be required to contain oil filters or traps to prevent contaminants from being discharged to the natural drainage system.
- d. **Privacy:** The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- e. **Emergency Vehicle Access:** All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- f. **Vehicular and Pedestrian Circulation:** Safe, convenient, uncontested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. The pedestrian circulation system shall be as insulated as completely as reasonably possible from the vehicular circulation system. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry. Where possible, shared commercial access drives shall be encouraged.
- g. **Access:** Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use.

- h. **Outdoor Storage**: All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials of sufficient height to obscure the direct view from adjacent first floor elevations.
- i. **Exterior Lighting**: Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of building or structures shall be minimized to reduce light pollution.
- j. **Compliance with other Statutes and Regulations**: Site plans shall conform to all applicable requirements of state and federal statutes and the current Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual Zoning Permit is granted.

The following standards relate to groundwater protection:

- k. The project and related improvements shall be designed to protect land and water resources from pollution, including pollution of soils, groundwater, rivers, streams, lakes, ponds, and wetlands.
- l. Storm water detention, retention, transport, and drainage facilities shall be designed to use or enhance the natural storm water system on site, including the storage or filtering capacity of wetlands, watercourses, and water bodies, and/or the infiltration capability of the natural landscape. Storm water facilities shall not cause flooding or the potential for pollution of surface or groundwater, on-site or off-site. Storm water facilities shall conform to the requirements of the Arenac County Drain Commissioner.
- m. General purpose floor drains shall be connected to an on-site holding tank (not a septic system) in accordance with state and county requirements, unless a groundwater discharge permit has been obtained from the appropriate governing entity. General purpose floor drains, which discharge to groundwater, are prohibited.
- n. Sites at which hazardous substances, hazardous wastes, or potentially polluting materials are stored, used, or generated shall be designed to prevent spills and discharges of such materials to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.
- o. Secondary containment facilities shall be provided for aboveground storage or hazardous substances, hazardous wastes, or potentially polluting materials in accordance with state and federal requirements. Aboveground secondary containment facilities shall be designed and constructed so that the potentially polluting material cannot escape from the unit by gravity through drains or other means directly or indirectly into groundwater.
- p. Underground storage tanks shall be registered, installed, operated, maintained, closed and removed in accordance with regulations of the appropriate governing entity.

- q. Out-of-service or abandoned underground storage tanks shall be closed and removed in accordance with regulations of the appropriate governing entity.
- r. Aboveground storage tanks shall be certified, installed, operated, maintained, closed or removed in accordance with regulations of the appropriate governing entity.
- s. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the appropriate governing entity.
- t. Abandoned water wells (wells that are no longer in use or are in disrepair), abandoned monitoring wells, and cisterns shall be plugged in accordance with regulations and procedures of the appropriate governing entity and the District Health Department.
- u. State and federal requirements for storage, spill prevention, record-keeping, emergency response, transport and disposal of hazardous substances, hazardous wastes, liquid industrial waste or potentially polluting materials shall be met. No discharge to surface water or groundwater, including direct or indirect discharges of waste, waste effluent, wastewater, pollutants, or cooling water, shall be allowed without approval from state, county and local agencies.

F. Approval of Site Plan:

- 1. Within sixty (60) days of the site plan application being found complete, the Planning Commission shall act to approve, approve with modifications and/or conditions, or disapprove the site plan in writing with reasons.
- 2. If approved by the Planning Commission, three (3) copies of the site plan shall be signed and dated by both the applicant and Zoning Administrator or Planning Commission Chair. One signed and dated site plan shall be provided to the applicant; one shall be retained by the Zoning Administrator as part of the Township's permanent zoning file, and one copy shall be made part of the Planning Commission's permanent record of proceedings on the site plan.

G. Conformity to Approved Site Plan Required: Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved site plan. Failure to do so shall be deemed a violation of this Ordinance.

H. Amendment of Approved Site Plan:

Amendment of an approved site plan shall be permitted only under the following circumstances:

- 1. The owner of property for which a site plan has been approved shall notify the Zoning Administrator of any desired change to the approved site plan. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - a. Reduction of the size of any building and/or sign.

- b. Movement of buildings and/or signs by no more the ten (10) feet.
 - c. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 - d. Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 - e. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - f. Changes that will preserve the natural features of the site without changing the basic site layout.
 - g. Changes related to item a) through f) above, required or requested by Deep River Township, Arenac County, or other state of federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.
 - h. All amendments to a site plan approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the Applicant shall prepare a revised site plan showing the approved amendment(s). The revised site plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.
2. An amendment to an approved site plan that cannot be processed by the Zoning Administrator under subsection (H.1) above shall be processed in the same manner as the original site plan application.

I. Expiration of Site Plan:

- 1. The site plan shall expire unless construction of an approved site plan improvement has begun within 365 days of approval. Thirty days prior to expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one-year extension of the site plan at no fee. The Planning Commission shall grant the requested extension for an additional one year if it finds good cause for the extension.
- 2. Any subsequent re-submittal of a site plan due to expiration which has not been granted an extension shall be processed as a new request with new fees.

J. Conditional Approvals: The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to 12.4 of this Ordinance.

- K. **Performance Guarantee Required:** The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a final site plan, pursuant to 15.7 of this Ordinance.

Section 12.3 – Site Plan Waiver

The Zoning Administrator may waive site plan review requirements and, in the case of a use that would normally require Planning Commission approval, the stated review and approval procedures by the Planning Commission in any of the following cases where he or she determines that the submission of a site plan and adherence to the stated review and approval procedures by the Planning Commission would serve no useful purpose:

- A. Accessory structures for a non-residential use
- B. A change in principal use where such change would not result in an increase in impervious surface, additional off-street parking, access or other external site characteristics, or create a violation of this Ordinance.

Section 12.4 – Conditions

The Deep River Township Planning Commission and Deep River Township Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under its respective jurisdiction. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

- A. Be designed to protect natural resources, the health, safety, and welfare and 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 insure compliance with those standards.

Chapter 13 - Special Land Uses

Section 13.0 - General Requirements

Uses requiring special approval (“special land use”) shall be subject to the general provisions and supplemental site development standards of this Ordinance as well as to the provisions of the zoning district where it is located. Each use shall be considered on an individual basis.

Section 13.1 - Special Land Use Procedures

A. Applications:

An application for a Special Land Use shall be submitted through the office of the Zoning Administrator to the Planning Commission on a special form provided for that purpose, and shall include items listed below in Sections A.1 through A.4. The Zoning Administrator will review the materials submitted to assure all information required by the Ordinance has been provided. If the application is incomplete, the Zoning Administrator will send a notice with a detailed list of all deficiencies to the applicant. If the site plan, including all required additional or related information, is determined to be complete, the Zoning Administrator shall cause the submittal to be placed on the agenda of the Planning Commission meeting as a public hearing after notice has been provided in accordance with Section 15.2.

1. Site plan prepared under the requirements of Chapter 12.
2. Description of proposed use, including parking facilities, if required, and any exceptional traffic situation(s) the use may occasion.
3. A statement prepared by the applicant appraising the effect on the neighborhood.
4. The application shall be accompanied by the fee(s) established by the Township Board of Trustees.

B. Special Land Use Approval Standards:

The Planning Commission shall approve, or approve with conditions, an application for a Special Land Use permit only upon finding that the proposed Special Land Use complies with all the following eight standards:

1. **Allowed Special Land Use:** The property subject to the application is located in a zoning district in which the proposed Special Land Use is allowed.
2. **Compatibility with Adjacent Uses:** The proposed Special Land Use shall be designed, constructed, operated, and maintained to be compatible and appropriate in appearance with existing or planned uses and the intended character of the area and the surrounding land. In determining whether a Special Land Use will be compatible and not create a significant detrimental impact, as compared to the impacts of Permitted Uses, consideration shall be given to the degree of impact the Special Land Use may have on adjacent property, as compared with the expected value to the community. The following types of impacts shall be considered:

- a. Use activities, processes, materials, equipment, or conditions of operation;
- b. Vehicular circulation and parking areas;
- c. Outdoor activity, storage and work areas;
- d. Hours of operation;
- e. Production of traffic, noise, vibration, smoke, fumes, odors, dust, glare, and light;
- f. Impacts on adjacent property values; and
- g. The relative ease by which the impacts above will be mitigated.

3. **Public Services:**

- a. The proposed Special Land Use will not place demands on fire, police, or other public resources in excess of current capacity.
- b. The proposed Special Land Uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

4. **Economic Well-Being of the Community:** The proposed Special Land Use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.

5. **Compatibility with Natural Environment:** The proposed Special Land Use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the township or the natural environment as a whole.

6. **Impact of Traffic on Street System:** The location and design of the proposed Special Land Use shall minimize the negative impact on the street system in consideration of items such as vehicle trip generation (i.e. volume), types of traffic, access location and design, circulation and parking design, street and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points. The proposed Special Land Use shall not cause traffic congestion, conflict, or movement in greater proportion to that normally prevailing for the use in the particular zoning district.

7. **Non-Detrimental Standards:** The proposed Special Land Use shall not involve uses, activities, processes, materials, equipment, or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of noxious or offensive production of noise, smoke, fumes, glare, vibration, odor, or traffic.

8. **Compliance with Supplemental Site Development Standards:** The proposed Special Land Use complies with all applicable supplemental site development standards as contained in Chapter 9 of this Ordinance.

C. **Decision:**

The decision on a Special Land Use shall be incorporated into a written statement of findings and conclusions relative to the Special Land Use which specifies the basis for the decision and any condition(s) imposed by the township board.

D. Amendment of Approved Special Land Use:

Amendment of an approved Special Land Use shall be permitted only under the following circumstances:

1. The owner of property for which a Special Land Use has been approved shall notify the Zoning Administrator of any desired change to the approved Special Land Use. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the Special Land Use, nor violate any of the specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - a. Reduction of the size of any building and/or sign.
 - b. Movement of buildings and/or signs by no more than ten (10) feet.
 - c. Landscaping approved in the Special Land Use that is replaced by similar landscaping to an equal or greater extent.
 - d. Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
 - e. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
 - f. Changes which are required or requested by Deep River Township, Arenac County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the Special Land Use, nor violate any of the specified conditions imposed as part of the original approval.
 - g. All amendments to a Special Land Use approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.
2. An amendment to an approved Special Land Use that cannot be processed by the Zoning Administrator under Section 13.1 (D)(1) above, shall be processed in the same manner as an original Special Land Use application.

- E. Inspection:** The Zoning Administrator shall have the right to inspect any Special Land Use to ensure continued compliance with the conditions of the Special Land Use.
- F.** All applicable federal, state, and local licensing regulations shall be complied with. Initial and annual proof of such compliance may be a condition of Special Land Use approval and the continuance thereof.
- G.** As a minimum, or unless specifically modified by the provisions of Chapter 14, the dimensional standards and landscape, buffering and parking regulations otherwise applicable to the use and/or zoning district shall be maintained as outlined within the other various applicable chapters of this Ordinance. In such cases where there are conflicting standards, the most restrictive shall apply unless specifically modified by the provisions of

Chapter 14 or the approving body.

- H. Upon review, the Planning Commission may stipulate such additional conditions and safeguards deemed necessary as referred to in Section 12.4.

Chapter 14 – Supplemental Development Regulations

Section 14.0 - Supplemental Regulations

The uses listed below shall be subject to the requirements of this Chapter, in addition to those of the zoning district in which the use is located and allowed, along with provisions located elsewhere in this Ordinance.

Section 14.1 - Airports and Landing Fields

- A. Privately owned and maintained aircraft landing strips, more or less parallel to a public road, shall be set back from such road for a minimum distance of 200 feet. Where a privately owned landing strip is situated more or less perpendicular to a public road, such landing strip shall be separated from said road by a distance of at least 400 feet.
- B. All privately owned and maintained aircraft landing strips shall be at least 250 feet from the nearest residential dwelling unit and at least 1,000 feet from all other buildings not designated as accessory structures for said aircraft landing field.
- C. All other aircraft landing fields or airports must conform to applicable Federal and State regulations and be approved by appropriate Federal and State agencies prior to submittal of a site plan to the Planning Commission.

Section 14.2 - Assisted Living Homes, Nursing Homes, and Convalescent Homes

- A. The use is established on a site no less than five (5) acres in area, and access is from a street other than a minor residential or recreation street or road.
- B. The use shall be compatible with the overall character of the immediate vicinity and will not constitute a nuisance to surrounding uses.
- C. Dwelling units shall consist of at least two hundred twenty (220) square feet per unit (not including kitchen and sanitary facilities).
- D. Service uses such as a dry cleaning pick-up station, beauty shop, barber shop, food service establishment, lounge area, recreational area, workshops or similar use for the exclusive service to residents of a building may be allowed within a single building or a contiguous group of buildings owned and operated by the same party.
- E. **Assisted Living Homes only:** There shall be provided on the site not less than one thousand (1,000) square feet of open space for each bed in the home. The one thousand (1,000) square feet of land area shall provide for landscaping, off-street parking, service drives, loading space, yard requirements, and accessory uses, but shall not include the area covered by main or accessory buildings.

Section 14.3 - Automobile Repair/Automobile Service Station

- A. No ingress or egress to an automobile service station or automobile repair garage shall be closer than twenty-five (25) feet from any intersection or residential property line abutting the property on which such facility is located.
- B. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building. All gasoline pumps shall be located not less than twenty-five (25) feet from any lot line and shall be arranged so that motor vehicles are provided easy egress and ingress to and from the adjoining road, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, road or public right-of-way.
- C. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a fence or masonry wall at least five (5) feet in height. Outside storage or parking of disabled, wrecked or partially dismantled vehicles shall be allowed for a period not to exceed fifteen (15) days.
- D. All exterior lighting shall comply with Section 17.1 of this Ordinance.
- E. Parking and stacking spaces shall be provided subject Section to 17.0.

Section 14.4 - Bed and Breakfast Facilities/Tourist Homes/Short-Term Rentals

- A. While this section is established to enable single-family dwelling units to be used as bed and breakfast facilities, tourist homes, or short-term rentals, it is the intent of the Planning Commission to preserve the character of the residential district in which the operation is located. A bed and breakfast or tourist home or short-term rental is a subordinate use to a single-family dwelling unit subject to the following conditions:
 - 1. The bed and breakfast or tourist home shall not alter the residential character of the structure.
 - 2. Bed and breakfasts or tourist homes will operate in compliance with all local, state, and federal requirements.
 - 3. Each guest room shall be equipped with a separate functioning smoke detector alarm. A fire extinguisher in proper working order shall be installed and maintained on every floor. Guests shall have access to lavatory and bathing facilities.
 - 4. The use shall be located in the principal structure on the property. The rooms utilized for sleeping shall be part of the primary residential use and not specifically constructed for rental purposes. The Planning Commission may grant permission for accessory dwellings or structures in existence as of the effective date of this section and located on the same parcel as the principal structure containing the Bed and Breakfast to be used as additional sleeping rooms.
 - 5. Two (2) off-street paved or graded gravel parking spaces shall be provided for the operator of the facility, plus one (1) parking space for each available guest room and one (1) for any non-resident employed.
 - 6. Rental of snowmobiles, ATVs, or similar vehicles, boats, and other marine equipment in

conjunction with the operation of the establishment may be permitted as part of the approval process. Such requests will be evaluated by the Planning Commission on a case by case basis based on information provided by the applicant.

7. The dwelling unit has no exterior evidence, other than a sign meeting the requirements of Section 16.0(A) and 16.0(B), to indicate that the dwelling is being utilized for any purpose other than as a residence.
8. Meals may be served only to overnight guests in accordance with state public health regulations regarding bed and breakfast facilities.

Section 14.5 - Child Care Homes (Group)/Child Care Center

A. A Special Land Use Permit in the case of a Group Child Care home and a standard Zoning Permit in the case of a Child Care Center will be issued if the group day care home or child care center meets all of the following conditions:

1. Is not located closer than fifteen hundred 1,500 feet to any of the following:
 - a. Another licensed group day care home.
 - b. An adult foster care home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218.
 - c. A facility offering substance abuse treatment and rehabilitation service or seven (7) or more people licensed under 6 of the public health code, 1978 PA 368.
 - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
2. Has at least four hundred (400) square feet of fenced outdoor space.
3. Maintains the property consistent with the visible characteristics of the neighborhood.

Section 14.6 - Campgrounds & Travel Trailer Parks

- A. A minimum lot size shall be ten (10) acres.
- B. The lot shall provide direct vehicular access to a public road. The term "lot" shall mean the entire campground or travel trailer park.
- C. All sanitary stations, privies, or any sanitary facilities shall be located at least one hundred (100) feet from property lines.
- D. The campground perimeter shall be completely screened by natural terrain, a neatly finished and well-maintained wooden fence, or masonry wall, or by well-maintained live evergreens.
- E. Campsites shall be located at least fifty (50) feet from property lines.
- F. All campgrounds and trailer courts shall comply with State of Michigan and District Health Department requirements.
- G. Part 125 of Michigan's Public Health Code, 1978 PA 368, as amended, and its administrative

rules, establish the requirements for constructing, modifying, licensing, and operating a campground. A license from the Michigan Department of Environment, Great Lakes, and Energy (DEGLE) is required to operate a campground offering five (5) or more campsites/recreational units.

Section 14.7 - Car Wash Facilities

- A. Layout: All washing activities shall be carried on within an enclosed building. Entrances and exits shall not face abutting residentially used property if an existing residence is located within two hundred (200) feet of the car wash facility.
- B. Vacuuming activities shall be at least fifty (50) feet from any adjoining residential use.
- C. Entrances and Exits: Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

Section 14.8 - Cemeteries

- A. Location: No portion of any cemetery that is located in a wetland shall be developed or platted for gravesites.
- B. Accessory Buildings: A crematorium, mausoleum, columbarium, or other accessory building may be permitted within a cemetery provided that any such building shall be designed and located in accordance with a cemetery plan, and in compliance with appropriate district setbacks.
- C. Setbacks: No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than fifty (50) feet to the boundary line of any residential or commercial district.

Section 14.9 - Commercial and Industrial Uses With Outdoor Storage

Outside storage of equipment or materials in the Commercial and Industrial Districts shall be located in the rear or side yards, screened from view, and vehicular access to such storage shall be maintained.

Section 14.10 - Drive-Through Businesses

- A. These standards are designed to provide adequate vehicle stacking space on business properties that offer drive-in or drive-through services in order to avoid congestion on adjacent streets and to require site designs that address on-site circulation patterns, recognizing potential pedestrian conflicts with vehicles entering/exiting the property, vehicles using parking lots and vehicles using drive-through service lanes.
- B. Businesses which provide a drive-in or drive-through service (not including Automobile

Service Stations) may be permitted, as regulated in their respective Zoning Districts, subject to the review of the Planning Commission and the following conditions:

1. Vehicular access drives shall be located at least sixty (60) feet from the nearest right-of-way line of all intersecting streets.
2. Drive-through/drive-in service windows and order areas shall only be located in the side or rear yard of the property.
3. Site design shall show compatibility between pedestrians and parking areas, stacking lanes, access lanes to parking spaces, and drive-through lanes.
4. If deemed appropriate by the Planning Commission to achieve compatibility with adjacent uses, planted greenbelts, berms, and/or fencing/walls may be required on the sides abutting or adjacent to a residential use.
5. Stacking spaces shall be provided for drive-through operations subject to the standards listed in the parking requirements in **17.0**.

Section 14.11 - Extractive Industry

- A. Businesses engaged in extractive operations shall comply with all applicable State and Federal regulations.
- B. When extractive industrial operations cease at a site the following shall apply:
 - a. All buildings must be removed from the site; and
 - b. All hazardous materials shall be removed from the site.

Section 14.12 - Junkyards, Salvage Yards, & Sanitary Landfills

- A. Junk and salvage yards may be established and maintained in accordance with all applicable Statutes of the State of Michigan, and are only permitted in the "Industrial" District, and shall be located only in sites which are completely screened from adjacent properties and public view. Inoperative vehicles stored or contained in junk yards are permitted only in enclosed structures or in outside areas which are completely screened from adjacent properties and public view.
- B. Sanitary landfills shall:
 1. only be located in the "Industrial" District;
 2. only be permitted if planned to be located in the Township in accordance with the County's Solid Waste Management Plan prepared in conformance with Part 115 of the Natural Resources and Environmental Protection Act, as amended or under the jurisdiction of the appropriate governing entity in conformance Part 111 of the Natural Resources and Environmental Protection Act; as amended.
 3. have direct access only from an impervious hard surface paved all-weather year-round road as defined by the County Road Commission or State Department of Transportation.

- C. The location of a junkyard, salvage yard or sanitary landfill shall be at least one hundred twenty-five (125) feet from any public road. All uses of such facilities shall be completely screened from sight by natural terrain, or by a neatly finished and maintained wooden or masonry fence, screening wall, or by well maintained evergreens. Said screening fence or wall shall not contain any signs or symbols. Junk, trash, and refuse shall not be piled higher than the top of the screening barrier.
- D. Glare from any process, such as arc welding, conducted at a junkyard, salvage yard or sanitary landfill, which emits harmful rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.
- E. Operations shall be limited to between the hours of 8 am and 10 pm.
- F. The Planning Commission shall have the authority to further limit the hours of operation or to impose conditions of operation to make the use more compatible with adjacent uses.

Section 14.13 - Kennels or Veterinary Clinic/Animal Hospital

- A. All kennels, veterinary clinics or animal hospitals shall be operated in conformance with County and State regulations and shall be on sites of at least one (1) acre for the first ten (10) animals boarded and an additional one (1) acre per each additional ten (10) animals boarded.
- B. Animals shall be confined within a building or in a fenced area to preclude their approaching nearer than five hundred (500) feet to any dwelling on adjacent premises or nearer than fifty (50) feet from the property line, whichever is greater.
- C. Outdoor animal enclosures shall be screened from adjacent properties and/or roads with an opaque fence or an evergreen buffer at least five (5) feet in height.
- D. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
- E. Animals shall be kept in a soundproof building between the hours of 10 p.m. and 8 a.m.
- F. All principal use activities shall occur within an enclosed main building.

Section 14.14 - Keyhole Development (Residential uses with common use waterfront property)

This section is intended to limit the number of users of Deep River Township's lakes and streams frontage, to preserve the quality of surface waters, and to preserve the quality of the recreational use of all surface water in the Township. The restrictions below shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single ownership, condominium agreement or lease.

- A. Any residential development which shares common water frontage shall not permit a greater density ratio than one (1) single family dwelling, cottage, condominium unit or apartment per twenty-five (25) feet of lake or stream frontage held in common ownership. The lake or steam frontage shall be measured along the ordinary high water mark of the lake or steam. As part of the Special Land Use permit application, the property owner or developer shall

provide the Planning Commission with evidence that the limitation of residential unit density shall be included in the deed.

- B. All waterfront common use areas shall provide side yard buffer areas to reduce the impacts of common use lake access on adjacent riparian properties. Existing natural vegetation shall be maintained to provide immediate buffering screening. Additional landscaping may be required by the planning commission within the buffer area where necessary to achieve an adequate buffer.

Section 14.15 - Lumber Yards

Facilities dealing primarily in the selling/distributing of lumber for wholesale or retail markets shall meet the following standards:

- A. The site is of a configuration as to be compatible with adjoining uses, having at least two hundred (200) feet of frontage on a public road, or part of a planned development having two hundred (200) feet of frontage.
- B. Accessory outdoor storage, other than lumber, shall be effectively obscured from public view by fences, greenbelts, structures, and/or other devices as approved by the Planning Commission.

Section 14.16 - Mills - Lumber, Planing, and Veneer

Sawmills, planing mills, veneer mills and accessory or incidental mill operations involving logs, "unprocessed timber" and/or rough sawn lumber, are permitted provided:

- A. Structures housing mechanical wood cutting devices (head saws, cut-off saws, planers, lathers, etc.), shall not be located closer to an off-premises residence than two-hundred fifty (250) feet.
- B. Log storage and sawn timber or lumber shall not be located nearer than two-hundred fifty (250) from an off-premises residence.
- C. The location of a proposed mill is determined by the Planning Commission to be compatible with other uses in the general vicinity taking into account traffic flow, noise, scenic values, and residential environments where applicable.
- D. Nothing in this Ordinance shall be interpreted to exclude temporary and itinerant sawmill operations on property where the timber harvesting involves only those resources found on the same property. No permit shall be required where the operation involves a period of less than six (6) months on the same property or zoning lot.
- E. Operations shall be limited to between the hours of 8 am and 10 pm.
- F. Location of saw mills shall be such that operation will not create a nuisance to abutting residential or agricultural operations or to dwellings in the immediate area by reason of noise, dust or pollution

- G. Residue from saw mill operations such as slab wood, saw dust, other by products etc. shall be removed from the site or shall be stored on the site so as not to be unsightly to adjacent properties.

Section 14.17 - Manufactured Housing Developments

Manufactured home developments shall be subject to the following conditions:

- A. Manufactured home developments shall be developed and licensed pursuant to the requirements of the Michigan Manufactured Housing Commission, Public Act 96 of 1987 and any rules promulgated pursuant to this Act, as amended. This includes but is not necessarily limited to compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces.
- B. To the extent permitted by the Michigan Manufactured Housing Commission, this Ordinance shall require all manufactured homes in manufactured housing developments to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.
- C. The underside or chassis of all manufactured homes in manufactured housing developments to be fully skirted or enclosed with durable, weather-resistant materials, as specified by the manufacturer or as specifically manufactured for use as home skirting, and all such skirting shall be maintained in place as designed.

Section 14.18 - Multiple-Family Dwelling Units

- A. **Front Yard Setback:** Where it is the intention of the developer of a multiple-family unit to utilize the front yard area for parking, there shall be a setback from the right-of-way of each street on which the lot abuts of at least sixty-five (65) feet; of which the front twenty-five (25) feet shall be landscaped. Where the front yard area is not used for parking, there shall be a setback from the right-of-way of all streets on which the multiple-family dwelling unit abuts of fifty (50) feet; the total area of which shall be landscaped.
- B. **Side Yard Setback:** For multiple-family dwellings, there shall be a minimum interior side yard of twenty (20) feet and a minimum corner side yard of twenty (20) feet. There shall be a minimum rear yard of thirty-five (35) feet.
- C. **Minimum Floor Area:** Each multiple-family dwelling unit in this zoning district shall have a minimum of seven hundred fifty (750) square feet of usable floor area exclusive of unenclosed porches, garages, and basements.
- D. **Density Regulations for Multiple-Family Dwelling Units**
 - 1. Not more than four (4) dwelling units per acre shall be permitted, except as otherwise herein provided.
 - 2. There shall be a minimum of fifty (50) percent of the net area of the parcel on which the multiple-family dwelling unit is proposed maintained as open space or non-profit recreational uses.

3. Density bonuses will be allowed provided the developer follows the following schedule:

| Open Space* | Density** |
|-------------|--------------|
| 50% | 4 units/acre |
| 60% | 6 units/acre |

*Percent of Net Acreage

** Units/Net Acre

4. In the process of determining the net acreage available for construction in a particular project, the developer shall not consider the following:
- a. Lands having a slope greater than twenty (20) percent: Twenty (20) feet of vertical fall in one hundred (100) lineal feet.
 - b. Lands covered by water or wetlands as defined by the Michigan Department of Environmental Quality.
 - c. Lands currently being utilized as a power line or gas line right-of-way or dedicated as some other type of right-of-way.

E. Other Development Regulations for Multiple-Family Dwelling Units

- 1. The horizontal distance measured in feet between parallel or nearly parallel elements of buildings forming courts and courtyards shall be not less than twice the height of the taller building measured in feet.
- 2. All areas provided for use by vehicles shall be surfaced with bituminous asphalt, concrete or similar materials.
- 3. Areas for loading and unloading delivery trucks and other vehicles and for refuse collection service, fuel and other services shall be provided; shall be adequate in size; and shall be arranged in such a fashion that they may be utilized without blockage or interference with the use of driveways or automobile parking facilities.
- 4. Provisions shall be made for safe and efficient ingress and egress to the public and private roads servicing the multiple-family dwelling unit without undue congestion or interference with normal traffic flow.
- 5. The developer shall be required, where possible, to preserve or incorporate natural features such as woods, streams and open spaces that add to the overall enhancement of the area.
- 6. The developer shall be required to provide community areas, laundry facilities, playground and other services necessary for the comfort and convenience of residents.
- 7. All outside storage areas for trash shall be enclosed by a six (6) foot high solid wall or fence.
- 8. A site plan shall be submitted for each multiple family development in accordance with

Chapter 12 of this Ordinance. Said plan shall indicate or illustrate how the requirements of this section are being met.

Section 14.19 - Outdoor Recreational Facilities (Commercial)

Commercially used outdoor recreational space such as children's amusement parks, carnivals, tumbling facilities, miniature golf, driving ranges, shall be subject to the following requirements:

- A. Children's amusement facilities must be fenced on all sides with a minimum four (4) foot high protective wall or fence.
- B. All manufacturers' specifications for safety are complied with as well as any additional safety measures that may be prescribed by the Planning Commission.
- C. When discontinued or abandoned, the site shall be left in a reusable condition, free of hazards related to dangerous structures, and from pits, pools, excavations, electric circuits and similar features.

Section 14.20 - Outdoor Sales Facilities

A. Outdoor Sales Facilities for Vehicles and Similar Items

Outdoor sales lots for automobile, trucks, motorcycles, all terrain vehicles, boats and marine craft, recreation vehicles, trailers, mobile homes, farm implements, contractor's equipment/vehicles, and similar units, for new and/or used units, are subject to the following:

- 1. Minimum lot area shall be one (1) acre.
- 2. Minimum lot width shall be two hundred (200) feet.
- 3. No display shall be permitted in the right-of-way of any abutting road or highway.
- 4. Existing roadside trees and shrubs shall be retained in a healthy growing condition to an extent determined by the Planning Commission to offer aesthetic value, contribute to shade, while offering reasonable visual access to the display lot.
- 5. The use of racks, berms, platforms, or similar devices intended for the elevated display of units regulated herein shall be limited to not more than two, or one (1) per one hundred fifty (150) feet of display lot road frontage, whichever is greater and are subject to Planning Commission approval. No such display device shall elevate the underframe of a vehicle more than five (5) feet above the ground.
- 6. All areas subject to vehicular use shall be paved with durable dust-free surfacing with appropriate bumper guards where needed.
- 7. Display lot lighting shall comply with terms of 17.1, which shall apply whether or not the lighting is projected from buildings, private poles, or from utility company poles, i.e. as yard lights.
- 8. The display of units regulated herein shall only be in areas indicated or designated on the site plan, and areas shall be differentiated on the site plan as to the display of new, used and/or inoperable units.

Section 14.21 - Planned Unit Development (PUD)

- A. **Purpose:** The Planned Unit Development allows design and use flexibility on a given site while at the same time protecting present and future residents and public facilities from the adverse effects of unplanned or unregulated development. This approach allows the applicant to utilize innovative designs and methods to control the effects of development rather than having rigid numerical zoning standards dictate design parameters. The burden of establishing that a Planned Unit Development is within the parameters and intent of this Ordinance is completely upon the applicant. The Deep River Township Planning Commission shall determine whether the design contains sufficient safeguards as to make the effects of the development compatible with the intent of this Ordinance. It is the expressed intent of this section to allow such items as setbacks, yards, parking spaces, and type of dwelling unit and use to be regulated on an overall impact or gross development basis rather than individually for each lot, use, or structure.
- B. **Criteria:** The criteria set forth below apply to Planned Unit Developments. Procedures set forth in this section shall be followed and the design submitted for Planning Commission review and approval. Standards contained in Chapters 12 and 13 also apply.
1. **Size:** A Planned Unit Development shall be of sufficient size to contain on the site both physically and aesthetically not only the development proposed but also any effects of such development that would ordinarily be apparent and different from the effects of permitted uses on the adjacent properties.
 2. **Internal Design Standards:** A Planned Unit Development shall be designed so as to provide future users, residents, visitors, and public service personnel with adequate light, air, privacy, circulation patterns, park areas, and public services.
 3. **External Effects:** A Planned Unit Development shall be designed so as not to create any significant negative impact upon adjacent properties, residents, or public facilities.
- C. **Approval Procedures:** Each of the following steps in the submittal process is mandatory, and failure to complete any one will result in a suspension of the process until such time as the required information is submitted in accordance with the requirements of this Ordinance.
1. **Pre-Application Meeting:** The procedure of application and approval of a PUD permit shall include one (1) or more informal conferences between the applicant and Zoning Administrator. The applicant shall inform the Zoning Administrator of the applicant's general intentions at this time. The Zoning Administrator may request or recommend that the applicant request representatives from the relevant Township or County agencies (fire department, county sheriff and other agencies) to attend such informal conferences. After consideration of comments from the pre-application meetings, the applicant shall prepare a preliminary plan.
 2. **Preliminary Plan Submission Requirements:** Following the pre-application conference, the applicant may file a PUD application with the Zoning Administrator in order to receive a formal Planning Commission review of a Preliminary Planned Unit Development plan for the subject property. The applicant shall submit ten (10) copies of the Preliminary Planned Unit Development plan with the PUD application, at least thirty

(30) days prior to the date of the Planning Commission meeting at which a Public Hearing on the Plan is to be scheduled. The Preliminary Planned Unit Development plan shall provide all the information specified under Chapter 14.

3. **Planned Unit Development Review Procedure**

- a. **Public Hearing:** The Planning Commission shall conduct a public hearing on the preliminary site plan in accordance with 15.3 of this Ordinance.
- b. **Preliminary Site Plan Approval/Action:** Following the public hearing, the Deep River Township Planning Commission shall recommend approval, disapproval or approval subject to specified conditions/revisions. Such recommendation shall be based on the standards listed in Chapters 12 and 13 of this Ordinance and 14.21(B).

Once approved, the preliminary site plan shall be valid for a period of two (2) years. If a final site plan for the entire project or a phased portion thereof is not submitted within the two (2)-year time period, the PUD and preliminary site plan shall become null and void. The Planning Commission may approve one (1) extension of up to two (2) years.

- c. **Final Site Plan Approval:** Upon approval of the preliminary site plan by the Planning Commission, the applicant shall submit a final site plan of the entire PUD or phased portion thereof and filing fee to the Planning Commission for review and approval within the required time frame. The final submittal shall be prepared incorporating any changes specified as part of the preliminary approval. The Planning Commission shall conduct a public hearing in accordance with 15.3 of this Ordinance. Following the public hearing, the Commission shall take action on the plan. If approved with conditions, the approval shall indicate whether review and approval of any required modifications shall be made by the Planning Commission or by the Zoning Administrator. Planning Commission approval shall be based on the review criteria listed in Chapters 12 and 13 of this Ordinance and 14.21(B) and a finding that the final site plan is consistent with the preliminary site plan approved by the Planning Commission, including any conditions or required modifications. An approved final site plan shall be valid for three (3) years, during which time all permits necessary for the construction of the approved development shall be obtained. Failure to do so shall require the re-submittal of the previously approved final site plan to the Planning Commission for review and re-approval prior to the issuance of a Zoning Permit. The Planning Commission may reject or require modifications to the plan if in its opinion conditions on or off-site have changed in such a manner as to necessitate the rejection or modification.
- d. **Performance Guarantee:** To ensure compliance with the approved final site plan, the Township may require a performance guarantee as per 15.7.

- 4. **Amendments to an Approved PUD:** Minor amendments to an approved PUD site plan may be approved administratively by the Zoning Administrator provided the changes comply with all applicable requirements of this Zoning Ordinance and all other Township regulations or state law. Minor amendments subject to administrative review are addressed in 12.2 (H).

A major amendment to an approved PUD shall comply with the filing procedures for a PUD as contained herein. Major amendments include but are not limited to increase in density or number of dwelling units, increase in land area or building size, or addition of other uses not authorized by the original PUD approval. The Zoning Administrator shall determine if other similar changes constitute a major amendment.

Section 14.22 - Sexually-Oriented Businesses

The purpose and intent of the section of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Township Ordinances, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

- A. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence.
- B. No sexually-oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually-oriented business.
- C. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.
- D. The proposed use must meet all applicable written and duly promulgated standards of Deep River Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- E. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.
- F. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes,

drawings, or pictorial representations of any type, or include animated or flashing illumination.

- G. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) “persons under the age of 18 are not permitted to enter the premises”, and 2) “No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission.”
- H. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- I. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM. (Midnight)
- J. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - 1. Shall be handicap accessible to the extent required by the Americans With Disabilities Act;
 - 2. Shall be unobstructed by any door, lock, or other entrance and exit control device;
 - 3. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - 4. Is illuminated such that a person of normal visual acuity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.
 - 5. Has no holes or openings in any side or rear walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code or authority.

Section 14.23 - Stables

- A. Structures used as stables shall not be located closer than one hundred (100) feet to any property line or less than two hundred fifty (250) feet from any residential dwelling.
- B. Animals shall be padlocked in a suitable fenced area surrounding or adjacent to said stable to preclude their approaching nearer than one hundred (100) feet to any residential dwelling.
- C. Stable and corral facilities shall be constructed in such a way that dust, noise, odor and drainage problems will be minimized so as not to constitute a nuisance or hazard to premises on the same lot or adjoining properties.

Section 14.24 - Storage Uses

Storage uses, including mini-storage, shall meet the following regulations:

- A. All proposed storage buildings nearest to the primary access road shall be site planned to be perpendicular to the road; landscape screening may be required by the Planning Commission.
- B. Proposed storage buildings shall be positioned to the rear of other approved non-storage or non-warehousing buildings, e.g., retail or office uses, or, the storage buildings are set back at least one hundred (100) feet from public road right-of-way lines.
- C. Nothing in this section shall prohibit or inhibit storage space as a necessary accessory use to any principal commercial use of the property.
- D. The storage of any soil, fertilizer or similar loosely packaged materials shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

Section 14.25 - Telecommunication Towers and Antennae Facilities/Alternative Tower Structures

The purpose and intent of the Section of this Ordinance pertaining to wireless telecommunications towers, structures and antennas is to establish general guidelines for the location of wireless telecommunication towers, alternative tower structures and antennas. The Township recognizes that it is in the public interest to permit the location of wireless telecommunication towers, alternative tower structures and antennas within the Township. The Township also recognizes the need to protect the scenic beauty of Deep River Township from unnecessary and unreasonable visual interference, and that wireless telecommunication towers, alternative tower structures and antennas may have negative aesthetic impacts upon adjoining and neighboring uses. As such, this Ordinance seeks to:

- A. Protect residential areas from potential adverse impact of towers and antennas;
- B. Encourage the location of towers in nonresidential areas;
- C. Minimize the total number of towers throughout the community;
- D. Encourage the joint use of new and existing tower sites rather than the construction of additional towers;
- E. Encourage developers of towers and antennas to configure them in a way that minimizes their adverse visual impact;
- F. Enhance the ability of providers of telecommunication services to provide such services to the community quickly, effectively, and efficiently;
- G. Consider the public health and safety of telecommunication towers and alternative tower structures; and
- H. Avoid potential damage to adjacent property from tower failure.

Antenna towers, masts, and alternative tower structures for cellular phone and other business communications services may be authorized as a Special Land Use by the Planning Commission. Antenna towers and masts erected and operated as a residential accessory use, and not more than fifty (50) feet in height as measured between the tower's base at grade and its highest point erected, are exempt from the provisions of this Section. In considering

authorization of a Special Land Use for a telecommunications tower, antennae facility, or alternative tower structure, the Planning Commission shall apply the standards of Chapter 12, Chapter 13 and the following standards:

- A. **Ownership:** The Applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the tower. The applicant, its agents, successors, and assigns shall report to the Planning Commission any changes in the legal ownership of the tower within thirty (30) days of the effective date of the change.
- B. **Need:** The applicant shall provide documentation to the Planning Commission establishing the need for a new tower and analysis of alternative options, such as co-location of an existing tower or structure. The applicant shall provide evidence of feasibility of locating the antenna on an existing tower or other existing structure in the Township or in neighboring communities. The applicant must demonstrate that no existing tower or alternative tower structures can accommodate the applicant's needs. If such a tower or structure is in existence, said tower or structure shall be utilized.
- C. **Visual Impact:** The application for special approval for the tower shall include a visual impact analysis, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.
- D. **Size and Spacing:**
 - 1. A cellular phone or other personal and business communications services antenna tower shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions.
 - 2. The tower and any ancillary building housing equipment needed for operation of the tower shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.
 - 3. There shall be no less than three (3) miles between telecommunications towers in Deep River Township.
- E. **Lighting:** The applicant shall provide documentation of any lighting to be installed on the tower. If tower lighting is required or proposed, the tower may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area.
 - 1. The color and intensity of tower lighting required by Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC) regulations shall be as unobtrusive as possible and must cause the least disturbance to the surrounding properties.

2. Lighting shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to State or federal regulations.
 3. Lighting may consist of a red top light that does not pulsate or blink.
- F. **Color:** Towers shall be painted so as to be as unobtrusive as possible. The painting of towers in alternate bands of color shall be permitted only if specifically required by Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC) regulations. If alternate band painting is required by FCC, FAA, or MAC regulations, the applicant shall provide documentation of such requirements and regulations.
- G. **Height Decrease:** If the height required for the tower to serve its intended function decreases from the installed height due to technological advancement, additional tower installations at other locations, or other factors, the Township may order that the tower be lowered to such decreased minimum height.
- H. **Signs:** No signs other than signs required pursuant to federal, state or local law and Ordinance shall be allowed on an antenna or tower or site.
- I. **Cable and Anchor Setbacks:** Guy cables and anchors shall comply with applicable zoning district setback regulations.
- J. **Setback from Dwellings:** The tower and any supporting or appurtenant structures shall be no closer to any dwelling than the distance equal to one and one half (1.5) times the height of the tower measured from its base at grade to its highest point of elevation.
- K. **Setback from Property Line:** The tower shall be set back not less than the distance equal to the height of the tower measured from the base of the tower to all points on each property line.
- L. **FCC/FAA/Other Regulations:** The applicant shall provide documentation of conformance with any Federal Communications Commission, Federal Aviation Administration, of Michigan Aeronautics Commission regulations. The tower shall comply with the Michigan Tall Structures Act (P.A. 259 of 1959, as amended).
- M. **Use:** The owner/operator of the tower shall agree to permit use of the tower by other personal or business communications services providers, including local government agencies, on reasonable terms, so long as such use does not interfere with the owner/operator's reasonable use of the tower.
- N. **Performance Guarantee:** As a condition of approval, the Planning Commission may require an owner to deposit funds a performance guarantee to assure the removal of towers and masts as prescribed in this Section. If required, such performance guarantee shall be in an amount equal to the estimated cost of removal of the tower at the time of approval. Such escrow deposit or bond shall be maintained by successor owners.
- O. **Cease of Operations/Abandonment:** If the tower ceases operation for its original use or is abandoned for any reason, the Township may order its removal from the site by the owner of the tower within three (3) months of notification by the Township. If the cost exceeds the amount held in escrow, the current owner shall be responsible for additional costs.

P. **ZBA:** The Zoning Board of Appeals shall have no jurisdiction over a decision made by the Planning Commission to approve, approve with conditions, or deny an application for Special Land Use approval to erect and maintain cellular phone and other personal and business communications antenna towers.

Q. **Antenna Co-Location on an Existing Tower or Structure**

1. No antenna or similar sending/receiving devices appended to a tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
2. The installation and/or operation of the above mentioned, antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
3. No antenna or similar sending and receiving devices appended to the tower or structure shall increase the overall height of the tower or structure by more than ten (10) feet.

Section 14.26 - Wind Energy Systems

This section includes regulations for small on-site wind energy conversion systems (residential, commercial, and agricultural) and commercial wind energy systems. Anemometer Towers may be constructed by commercial enterprises to evaluate wind conditions prior to the construction of commercial wind turbines or other devices. Most wind energy conversion systems currently are wind turbines.

The following site development standards shall apply to all wind energy system and anemometer tower (AT) installations in the Township.

A. **Small On-Site Wind Energy Systems:** A wind energy conversion system which is intended to primarily serve the needs of the property upon which it is located shall be considered an accessory structure and shall be permitted by right.

1. Small On-Site Wind Energy Systems must be professionally designed and installed.
2. **Tower Height:** The tower height shall be limited to one-hundred (100) feet. In the case of roof-mounted wind energy systems, the height of the tower shall be measured from the ground.
3. **Blade Clearance:** There shall be a minimum vertical blade tip clearance from the ground of twenty (20) feet.
4. **Guy Wires:** If the small wind energy system is supported by guy wires, such wires shall be visible to a height of at least six (6) feet above the ground.
5. **Setbacks:** Each small wind energy system shall be set back from an adjoining lot line or a public or private road right-of-way a distance equal to the total height of the wind turbine generator. The Planning Commission may reduce the setback if the neighboring property is under the same ownership or based on other factors such as topography specific to the site. No part of the wind turbine generator, including guy wire anchors,

may extend closer to the property line than the required setback for the district in which the unit is located.

- a. **Waterfront Property:** Wind energy systems are permitted within the waterfront setback but still must meet the side yard setback equal to the total height of the wind turbine generator.
 6. **Visual Impact:** Wind turbine towers, rotating blades or mechanisms, and building surfaces shall be a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the system.
 7. **Noise:** Small wind energy systems shall not cause a sound pressure level in excess of fifty-five (55) dB(A) or in excess of five (5) dBA above the background noise, whichever is greater, as measured at the nearest property line. This level may be exceeded during short-term events such as utility outages and severe wind storms.
 8. **Vibration:** Small wind energy systems shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.
 9. **Reception Interference:** Small wind energy systems shall not cause interference with television, microwave, navigational or radio reception to neighboring areas.
 10. **Shadow Flicker:** Small wind energy systems shall not cause shadow flicker upon any structure on a neighboring property.
 11. **Potential Ice Throw:** The potential ice throw or ice shedding for the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.
 12. **Safety:** A small on-site wind energy system shall have an automatic system to prevent uncontrolled rotation.
 13. **Other Regulations:** On-site use wind energy systems shall comply with all applicable State construction and electrical codes, Federal Aviation Administration requirements, Michigan Aeronautics Commission requirements, the Michigan Tall Structures Act (P.A. 259 of 1959, as amended), and the Michigan Public Service Commission and Federal Energy Regulatory Commission standards.
- B. **Commercial Wind Energy Facilities and Anemometer Towers:** Anemometer Towers and wind energy facilities consisting of one (1) or more wind turbines whose main purpose is to supply electricity to off-site customers shall be allowed as a Special Land Use and shall adhere to the following requirements in addition to the requirements contained in Chapters 12 and 13.
1. **Principal or Accessory Use:** A wind energy facility or anemometer tower may be considered either a principal or an accessory use. A different existing use or an existing structure on the same parcel shall not preclude the installation of a wind energy facility or a part of such facility on such parcel. Wind energy facilities that are constructed and installed in accordance with the provisions of this Chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.
 2. **Sufficient Wind Resources:** The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbine generator; provided,

however, this standard shall not apply to an anemometer tower. No wind turbine generator shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one year. Said study shall indicate the long term commercial economic viability of the project. The Township may retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for special approval.

3. **Minimum Site Area:** The minimum site area for a wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall be as necessary to meet required wind energy setbacks and any other standards of this Chapter.
4. **Setbacks:** Each proposed wind turbine generator or anemometer tower shall meet the following applicable setback requirements:
 - a. **Setback from Property Line:** Each wind turbine generator shall be set back from any adjoining lot line a distance equal to the total height of the wind turbine generator including the top of the blade in its vertical position. The Planning Commission may reduce this setback to no less than one hundred (100) feet; provided the adjoining property is owned or leased by the applicant or an easement is obtained. If the adjoining property that is owned or leased by the applicant includes more than one (1) parcel, the properties may be considered in combination in determining setback relief. The amount of setback relief approved by the Planning Commission will be based on data provided by the applicant and prepared by a qualified professional. Such data shall satisfy the Planning Commission that any potential blade and ice throw will not cross the property line and that sound levels will not exceed fifty (55) decibels on the dB(A) scale at the property line from the proposed setback. Data provided shall be specific to the proposed tower in the proposed location taking into consideration prevailing winds, topography, existing vegetation, and other relevant factors.
 - b. **Setback from Road:** In addition to the above, a wind turbine generator shall, in all cases, be set back from a public or private road right-of-way a minimum distance equal to the height of the wind turbine generator total height as defined in the Ordinance.
 - c. **Setback from Structures:** Each wind turbine generator shall be setback from the nearest inhabited structure a distance not less than one and one-half (1 ½) times the total height of the wind turbine generator.
 - d. **Setback from Communication and Power Lines:** Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance of no less than four hundred (400) feet or one and one-half (1 ½) times the total tower height, whichever is greater, determined from the existing power or communications lines.
 - e. **Building Setbacks:** Setbacks for buildings accessory to a wind turbine generator shall conform to the setbacks of the district.
5. **Maximum Height:** The maximum wind turbine generator height or the height of an anemometer tower erected prior to the wind turbine generator shall be determined on a

case by case basis. The applicant shall demonstrate compliance with the Michigan Tall Structures Act (P.A. 259 of 1959, as amended), FAA guidelines, and Michigan Aeronautics Commission guidelines as part of the approval process.

The Planning Commission may approve an increased height for a wind turbine generator tower or an anemometer tower if either of the following conditions is met:

- a. The increased height will result in the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity.

or

- b. The increased height is the minimum necessary to achieve a reasonable rate of return on the operation of the wind turbine generator given the documented wind speeds and other site conditions. A reasonable rate of return is not equivalent to maximizing economic return to the operator, as determined by the Planning Commission or a qualified professional hired by the Township.

In subsections (a) and (b) above, the increased height shall not result in increased intensity of lighting of the tower due to FAA (Federal Aviation Administration) or MAC (Michigan Aeronautics Commission) requirements.

6. **Tower Separation:** Wind turbine separation distance shall be based on 1) industry standards, 2) manufacturer recommendation, and 3) the characteristics (prevailing wind, topography, etc.) of the particular site location. At a minimum, there shall be a separation between the towers of not less than three (3) times the turbine rotor diameter. Documents shall be submitted by the developer/manufacturer confirming specifications tower separation.
7. **Minimum Ground Clearance:** The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than twenty (20) feet.
8. **Maximum Noise Levels:** The sound pressure level generated by the wind energy system shall not exceed fifty-five (55) dB(A) 1-hour Leq measured at neighboring property lines. If the ambient sound pressure level exceeds fifty-five (55) dB(A) 1-hour Leq, the standard shall be ambient plus five (5) dB(A).
9. **Maximum Vibrations:** Any proposed wind turbine generator shall not produce vibrations through the ground humanly perceptible beyond the parcel on which it is located.
10. **Potential Ice Throw:** The potential ice throw or ice shedding for the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.
11. **Signal Interference:** No wind turbine generator shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, navigation, wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No wind turbine generator shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference with the link's operation.

12. Visual Impact, Lighting, Power Lines:

- a. Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e. condition of exterior paint, signs, landscaping). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the wind energy facility meets or exceeds the manufacturer's construction and installation standards.
- b. The design of the wind energy facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping that will blend facility components with the natural setting and the environment existing at the time of installation.
- c. Wind turbine generators shall not be artificially lighted, except to the extent required by the FAA or the MAC or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. If lighting is required, the lighting alternatives and design chosen:
 1. Shall be the intensity required under State or federal regulations.
 2. Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to State or federal regulations.
 3. May be a red top light that does not pulsate or blink.
 4. All tower lighting required by State or federal regulations shall be shielded to the extent possible to reduce glare and visibility from the ground.
- d. Wind turbines shall not be used to display any advertising except the reasonable identification of the manufacturer or operator of the wind energy facility.
- e. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate the existing agricultural land to the maximum extent practicable. The collection system may be placed overhead adjacent to State and County roadways, near substations or points of interconnection to the electric grid or in other areas as necessary.
- f. Wind energy power transmission lines located within Wind Energy Resource Zones for which an Expedited Siting Certificate is issued by order of the Michigan Public Service Commission under P.A. 295 of 2008 are exempt from local zoning regulations.

13. Shadow Flicker:

- a. The wind turbine generator shall be designed in such a manner as to minimize shadow flicker on a roadway. The wind turbine generator shall be designed in such a manner as to prevent shadow flicker on any existing structures located off the property on which the wind turbine generator is located. If necessary to prevent shadow flicker from crossing occupied structures, the wind turbine generator may be

programmed to stop rotating during times when the wind turbine generator shadow crosses these structures. The wind turbine generator operator may obtain written agreements which allow shadow flicker to cross an occupied structure.

- b. The applicant shall complete an analysis of potential shadow flicker at occupied structures prior to submitting an application to the Planning Commission. The analysis shall identify the locations of shadow flicker caused by the project and the expected durations of the flicker at these locations over the course of a year. The analysis shall identify problem areas where shadow flicker may affect the occupants of the structures and describe measures that shall be taken to minimize shadow flicker. In the analysis, the applicant shall also describe actions to curtail shadow flicker anticipated to be in excess of thirty (30) hours per year at occupied structures.

14. Safety:

- a. All collection system wiring shall comply with all applicable safety and stray voltage standards.
- b. Wind turbine towers shall not be climbable shall not be climbable up to fifteen (15) feet above the ground surface.
- c. All access doors to wind turbine towers and electrical equipment shall be lockable.
- d. Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten (10) feet above the ground.
- e. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and facility entrances.
- f. All wind turbine generators shall be equipped with controls to control the rotational speed of the blades within design limits for the specific wind turbine generator.

15. State or Federal Requirements: Any proposed wind turbine generator anemometer tower shall meet or exceed any standards and regulations of the Federal Aviation Administration (FAA), Michigan Aeronautics Commission (MAC), the Michigan Public Service Commission, National Electric Safety Code, Federal Energy Regulatory Commission, and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the Special Land Use approval is approved.

16. Hazard Planning: An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall contain:

- a. Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose a fire hazard.
- b. Location of landscaping to be designed to avoid spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site.
- c. A listing of any hazardous fluids that may be used on site shall be provided, including Material Data Safety Sheets (MDSS).

- d. Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
- e. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.

17. **Approvals:** All required approvals from other local, regional, state or federal agencies must be obtained prior to approval of a site plan. In the case where site plan approval is a requirement for other local, regional, state, or federal agency approval, evidence of such shall be submitted with the site plan.

18. Removal of Wind Turbine Generators

- a. The applicant shall submit a decommissioning plan. The plan shall include:
 - 1. The anticipated life of the project.
 - 2. The estimated decommissioning costs in current dollars. Such costs shall not include credit for salvageable value of any materials.
 - 3. The method of ensuring that funds will be available for decommissioning and restoration.
 - 4. The anticipated manner in which the project will be decommissioned and the site restored.
- b. Any wind turbine generator or anemometer tower that is nonoperational for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such wind turbine generator or anemometer tower shall remove the same within one hundred eighty (180) days of abandonment. Failure to remove an abandoned wind turbine generator or anemometer tower within the one hundred eighty (180) day period provided in this subsection shall be grounds for the Township to remove the wind turbine generator or anemometer tower at the owner's expense.
- c. In addition to removing the wind turbine generator, or anemometer tower, the owner shall restore the site of the wind turbine generator or anemometer tower to its original condition prior to location of the wind turbine generator or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind generator or anemometer tower shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored.
- d. The Planning Commission may require the owner of the wind turbine generator to deposit a performance guarantee in an amount equal to the estimated costs associated with the removal of the wind turbine generator or anemometer tower and all associated equipment and accessory structures and restoration of the site to a reusable condition which shall include the removal of all underground structures to a depth of five (5) feet below the natural ground level at that location. The amount of the performance guarantee shall be reviewed every five (5) years. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index.

19. **Equipment Replacement:** Major components of the wind turbine generator may be replaced without a modification of the Special Use permit provided all regulations contained herein are adhered to.

Section 14.27 - Solar Energy Systems

A. Purposes and Objectives

1. To preserve the dignity and aesthetic quality of the environment in Deep River Township.
2. To preserve the physical integrity of land in close proximity to residential areas.
3. To preserve and protect the health, welfare, safety and quality of life for the citizens of Deep River Township.
4. To protect and enhance the economic viability and interests of the citizens and residents of Deep River Township who have made substantial financial investments in homes, businesses, and industry in Deep River Township.
5. To facilitate the construction, installation, and operation of Solar Energy Facilities (SES) in Deep River Township in a manner that minimizes the adverse impacts to forestry, agricultural, commercial and residential lands. This ordinance is not intended to abridge safety, health or environmental requirements contained in other applicable codes, standards, or ordinances. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state, or federal law.

B. Definitions

Abandonment: A SES that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SES provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Planning Commission of the intent to maintain and reinstate the operation of that facility.

Ancillary Solar Equipment: Any accessory part or device of a solar energy system that does not require direct access to sunlight, such as batteries, electric meters, converters, or water heater tanks.

Decommissioning Plan: A document that details the planned shut down or removal of a solar energy facility from operation or usage as further governed by this ordinance.

Fence: A continuous barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point, constructed of topsoil, wood, stone, steel, or other metal, or any substance of a similar nature and strength.

Gate: A door or other device attached to a fence which, when opened, provides a means of ingress and egress of persons and things for which it was intended, and which, when closed, forms a continuous barrier as a part of the fence to which it is attached.

Improved Area: Any area containing solar panels, electrical inverters, storage buildings,

and access roads.

Opaque Fence: A continuous opaque, non-perforated barrier extending from the surface of the ground to a uniform height of not less than six (6) feet from the ground at any given point, constructed of topsoil, wood, stone, steel or other metal, or any substance of a similar nature and strength which will obscure the solar energy facility.

Residence: A building used as a dwelling for one or more families or persons.

Residential Area: An area zoned for residential use.

Solar Collector Surface: Any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.

Solar Energy System (SES): A system (including solar collectors and ancillary equipment) either affixed to a permanent principal or accessory building or functioning as a freestanding structure, that collects, stores, and distributes solar energy for heating or cooling, generating electricity, or heating water. Solar Energy Systems include, but are not limited to, photovoltaic (PV) power systems and solar thermal systems.

1. **Personal Scale SES** A solar energy system that is accessory to the principal use on site. The total surface area of all Solar Collector Surfaces within a Personal-Scale SES shall not exceed 1,500 square feet. The sale and distribution of excess available energy, if permitted, to an authorized public utility for distribution shall be incidental to this type of system and not its primary purpose. Sale of excess energy to anything other than an authorized public utility shall be prohibited.
2. **Utility Scale SES** A solar energy system that meets one or more of the following: 1) Is primarily used for generating electricity for sale and distribution to an authorized public utility, 2) The total surface of all Solar Collector Surfaces exceeds 1,500 square feet, 3) Is not an accessory use or structure.

C. General Requirements

All Solar Energy Systems are subject to the following general requirements:

1. All Solar Energy Systems must conform to the provisions of this ordinance and all County, State, and Federal regulations and safety requirements as well as applicable industry standards.
2. Solar Energy Systems shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or roadways at any time of the day.

D. Standards for Personal Scale SES

1. **Personal-Scale Solar Energy Systems:** Personal-Scale Solar Energy Systems shall be permitted by right in all zoning districts, provided such systems conform to applicable County, State, and Federal regulations and safety requirements, including the Michigan Building Code. A building permit shall be required for the installations of any Personal Solar Energy Systems.
2. **Roof or Building Mounted Personal-Scale Solar Energy Systems:** Roof or building mounted Personal-Scale Solar Energy Systems shall be considered an accessory use in all zoning districts, subject to the following requirements:
 - a. No part of the Solar Energy System erected on a roof shall extend beyond the peak of the roof. If the Solar Energy Systems is mounted on a building in an area other than the roof, no part of the Solar Energy System shall extend beyond the wall on which it is mounted.
 - b. No part of a Solar Energy System mounted on a roof shall be installed closer than three (3) feet from the edges of the roof, the peak, or eave or valley in order to maintain pathways of accessibility.
 - c. No part of a Solar Energy System mounted on a roof shall extend more than two feet above the surface of the roof.
 - d. In the event that a roof or building mounted Personal-Scale Solar Energy System has been abandoned, the property owner shall notify the Township and shall remove the system within 12 months from the date of abandonment.
 - e. A building permit shall be required for installation of roof or building mounted Personal Scale Solar Energy Systems.
3. **Ground Mounted Personal Scale Solar Energy Systems.** Ground mounted Personal-Scale Solar Energy Systems shall be considered an accessory use in all zoning districts, subject to the following requirements.
 - a. Prior to the installation of a ground mounted Personal-Scale Solar Energy System, the property owner shall submit a site plan to the Zoning Administrator. The site plan shall include setbacks, panel size, and the location of property lines, buildings, fences, greenbelts, and road right of ways. The site plan must be drawn to scale.
 - b. A ground mounted Personal-Scale Solar System shall not exceed the maximum building height for adjacent accessory buildings, but in no case shall the maximum height of any ground mounted Personal-Scale Solar Energy System exceed fifteen (15) feet above the ground when oriented at maximum tilt.
 - c. A ground mounted Personal-Scale Energy System shall be located in the rear or side yard and shall meet a minimum setback of 20' in both rear and side yards in all zoning districts.
 - d. All power transmission or other lines, wires or conduits from a ground mounted Personal-Scale Solar System to any building or other structure shall be located underground. If batteries are used as part of the ground mounted Personal-Scale Solar System, they must be placed in a secured container or enclosure.
 - e. There shall be greenbelt screening around any ground mounted Personal-Scale

Solar Energy Systems and equipment associated with the system to obscure, to the greatest extent possible, the Solar Energy system from any adjacent residences. The greenbelt shall consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen. Greenbelts shall use materials, colors, textures, screening, and landscaping that will blend with the natural setting and existing environment. In lieu of planting a greenbelt, an approved decorative fence may be used.

- f. No more than 20% of the total lot area may be covered by a ground mounted Personal-Scale Solar Energy System.
- g. In the event that a ground mounted Personal-Scale Solar Energy System has been abandoned, the property owner shall notify the Township and shall remove the system within 12 months from the date of abandonment.
- h. A building permit shall be required for installation of a ground mounted Personal-Scale Solar Energy System.

E. Standards for Utility Scale SES

Utility-Scale SES shall be permitted by a Special Land Use Permit in the R-3 Agricultural Residential zoning district only, subject to the following standards, in addition to any other requirements for Special Land Use Permit approval:

1. **Setbacks:**
 - a. **Front Yard:** Utility-scale solar energy systems shall be setback at least two hundred feet from the road right-of-way line.
 - b. Each side yard and rear yard setback shall be a minimum of one hundred (100) feet from the property lines in which the system is located.
2. **Height:** Utility-scale ground-mounted solar energy systems shall not exceed thirty-five (35) feet in height.
3. **Minimum Lot Area:** Minimum lot area for a utility-scale solar energy system shall be twenty (20) acres. This may consist of several individual lots which constitute twenty (20) acres or more.
4. **Lighting:** On-site lighting shall conform to Deep River Township lighting standards described in Chapter 17.1 the zoning ordinance. Lighting shall be limited to that required for safety and operational purposes and shall be directed downward and shielded from abutting properties.
5. **Signage:** Signs shall comply with the requirements described in the Deep River Township Zoning Ordinance. The solar energy system shall not be used for displaying any advertising. Signs warning of high voltage associated with the solar energy system shall be posted at entrances to the facility and at the bases of any pad-mounted transformers and substations. Sign(s) shall be posted at facility entrance(s) listing emergency contact, emergency phone number and emergency shutdown procedures. The operator of the solar energy system is responsible to

provide Knox Box information to responders.

6. **Screening:** When a utility-scale solar energy system is adjacent to a residentially zoned lot, front, side, and rear yard screening may be required, as determined by the Planning Commission, to address specific site needs at the time of site plan review. Solar panels shall be placed such that concentrated radiation or solar glare shall not be directed onto nearby properties or roadways. When deemed appropriate, the Planning Commission may require a report from a registered civil engineer or other professionals to address this issue.

7. **Landscaping:**
 - a. **Buffer:** The design of solar energy facility buffers shall use materials, colors, textures, screening, and landscaping, that will blend the facility into the natural setting and existing environment. All solar energy facilities shall have a minimum landscape buffer of 15 feet. The buffer shall contain evergreen trees or bushes no more than 8 feet apart and at least 4 foot tall at time of planting. The trees or bushes may be trimmed but no lower than a height of 10 feet. A buffer area will not be required when a solar energy facility is sited near an industrial, agriculture, timber, or commercial use. A planted buffer will not be required if an approved fence is installed.
 - b. **Maintenance:** Each owner, operator, or maintainer of a solar energy facility, shall utilize good husbandry techniques with respect to said vegetation, including but not limited to, proper pruning, proper fertilizer, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted at the next appropriate planting time. Plants or grasses not part of landscaping shall be maintained by the facility operator not to exceed twelve inches in height.
 - c. **Site Clearing:** Clearing of natural vegetation shall be limited to what is necessary for the construction, operation, and maintenance of the installation. No topsoil shall be removed from the construction site. Other items such as lumber, stones, etc., may be removed upon approval by the Planning Commission at the time when the Special Land Use Permit is considered.

8. **Utilization of Prime Agricultural Land:** The Township desires to have Utility Scale/Solar Farm SES on more marginal lands; however, it recognizes that agricultural lands tend to be the desirable locations for siting such facilities. Where a Utility Scale/Solar Farm SES is proposed on Prime Agricultural Land as so classified by the County, MSU Extension Agent, or by a NRCS Soil Survey, the applicant shall identify what mitigating actions it is taking to minimize the loss of agricultural production (such as low-light plantings, wildflowers and sunflowers, bee aeries and solar pollinating, animal grazing, and other similar options).

All applications for a Utility Scale/Solar Farm SES shall adhere to the Michigan Department of Agriculture and Rural Development Policy for Allowing Commercial Solar Panel Development on PA 116 Lands, available online at https://www.michigan.gov/documents/mdard/MDARD_Policy_on_Solar_Panel_and_PA116_Land_656927_7.pdf.

9. Design and Installation Standards:

- a. All proposed facilities shall comply with all applicable local, state, and federal standards and requirements, including electrical, building, and drain codes.
- b. A copy of the application to the utility company that will be purchasing electricity from the proposed site shall be provided to the Planning Commission.
- c. All electrical connection systems and lines from the SES to the electrical grid connection shall be located and maintained underground. Burial depth shall be at a depth that causes no known environmental, land use, or safety issues. Depth shall be a minimum of six (6) feet below grade, be deeper than the drain tiles, and be in compliance with all State codes. The Planning Commission may waive the burial requirement and allow above-ground structures in limited circumstances, such as where geography precludes burial or in the case of a demonstrated benefit to the Township. The waiver shall not be granted solely on the basis of cost savings to an applicant. Request for variation shall consider aesthetics, future use of land, and effect on nearby landowners.
- d. Electrical Interference:
 - 1) The design and construction of SES shall not produce electrical emissions that would interfere with aircraft communications systems or navigation equipment.
 - 2) Each SES shall be designed, constructed, and operated so as not to cause radio and television or other communication interference. In the event that verified interference is experienced and confirmed by a licensed engineer, the Applicant must produce confirmation that said interference had been resolved to residents' satisfaction within ninety (90) days of receipt of the complaint. Any such complaints shall follow the process stated in Section 14.27(K).

10. **Noise:** As part of the application, and prior to installation, the applicant shall provide noise modeling and analysis that will demonstrate the SES will not exceed the maximum permitted noise levels.

Noise generated by a SES shall not exceed 45 dB(A) at the property line of nonparticipating parcels.

After installation of the SES, noise measurements shall be done by a third party, qualified professional according to the procedures in the most current version of the applicable national standards.

All sound pressure levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type II sound meter. Documentation of the noise measurements shall be provided to the Planning Commission within 120 days of the commercial operation of the project.

11. Light and Glare:

- a. All SES shall have a nonglare coating and be of a neutral color.
- b. All SES shall be placed such that concentrated solar glare does not project onto nearby inhabited structures or roadways and be considered a nuisance.
- c. The applicant has the burden of proof that any glare produced does not have an adverse effect on neighboring or adjacent uses through siting and mitigation.

- Applicant shall provide a mitigation plan at the time of application.
- d. The design and construction of SES shall not produce light emissions, either direct or indirect (reflective), that would interfere with pilot vision and/ or traffic control operations.

12. Ancillary Solar Equipment

- a. Where feasible, ancillary solar equipment shall be screened from public view. All ancillary solar equipment such as, but not limited to, water tanks, supports, batteries, and plumbing shall be screened to the maximum extent possible without compromising the effectiveness of the solar collectors. When solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the State Building Code and when no longer in use shall be disposed of in accordance with applicable laws and regulations.

F. Application Requirements

The following items must accompany any request for a Special Land Use Permit, in addition to the requirements set forth in Chapter 12, Plot Plan and Site Plan Requirements and Review, and Chapter 13, Special Land Uses, of the Zoning Ordinance.

1. Special Land Use Permit application and appropriate fee must accompany site plan.
2. Site Plan
 - a. Six (6) copies of a site plan which conforms to the standards of this Ordinance shall be forwarded to the Deep River Township Planning Commission and shall identify or depict all the following:
 - 1) Setbacks, designated panel area, location of property lines, buildings, and road right of way.
 - 2) Existing structures on the subject property and properties within a quarter mile of the property.
 - 3) All existing and proposed underground and above ground utilities, servicing the subject parcel whether on or off site, including all collector and distribution cables whether above or below ground.
 - 4) All right of ways, wetlands, wooded areas and public conservation lands, on the subject property and within one quarter mile of the subject property.
 - 5) Ingress and egress from the site as proposed during construction and thereafter, indicating:
 - a) Proposed road surface and cover.
 - b) Dust control.
 - c) Width and length of access route.
 - d) Road maintenance progress or schedule for proposed land.
3. After initial departmental site plan review, ten copies of the site plan in 18" x 24" format must be provided for the Planning Commission public hearing along with the following:
 - a. **Product Description:** A description of the proposed technology to include type of solar panel and system, fixed mounted versus solar tracking, number and size

- of each panel, angles of orientation, and other related information.
- b. **Owner Agreement:** An affidavit or evidence of an agreement between the lot owner and the facility's owner or operator confirming the owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the solar energy facility. The applicant shall also deliver a map and list of all lots participating within the SES project.
 - c. **Documents to Provide Proof of Easement with Adjacent Property Owners:** Evidence of covenants, easements or similar documentation with abutting property owners to allow the crossing of their property with any part of the solar energy system, to include but not limited to output lines. The applicant shall also deliver a map and list of all lots affected by easements associated with the SES project.
 - d. **Proof of appropriate required storage battery storage:** If the solar energy facility consists of batteries or storage of batteries, adequate design must be provided to ensure all county, state and federal requirements regulating battery storage have been met.
 - e. **Drainage Disposal Plan:** Plan for drainage disposal and erosion control approved by the Arenac County Drain Commissioner.
 - f. **Airport Notification Proof:** Proof of delivery of notification and date of delivery to all affected airports, of location and product glare test results or proof of non-applicability.
 - g. **Airport Location Map:** A map analysis showing a radius of five (5) nautical miles from the center of the SES with any airport operations within this area highlighted.
 - h. **Environmental Impact Documentation:** The applicant shall have a third-party qualified professional, approved by the Planning Commission and the applicant, to conduct an analysis to identify and assess any potential impacts on the natural environment including wetlands and other fragile ecosystems, historical or cultural sites and antiquities, and adjacent agricultural uses such as rotating crops. The applicant shall take appropriate measures to minimize, eliminate or mitigate adverse impacts identified in the analysis. The applicant shall identify and evaluate the significance of any effects or concerns that will remain after mitigation efforts. In addition, a water usage or impact study shall be completed that will indicate any impact that the solar farm will have on township water resources.
 - i. **Avian and Wildlife Impact Documentation:** The applicant shall have a third party, qualified professional conduct an analysis to identify and assess any potential impacts on wildlife and endangered species. The applicant shall identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts.
 - j. **Operation and Maintenance Plan:** A plan for the operation and maintenance of the utility- scale system, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures of operational maintenance of the installation.
 - k. **Emergency Plan:** The owner/operator of the solar energy system shall cooperate with local emergency services in developing an emergency response plan to be submitted with the application. All means of shutting down the solar

energy system shall be clearly marked. The owner/operator shall identify a responsible person for public inquires throughout the life of the installation. An information sign shall be posted and maintained at the entrances(s) which lists the name and phone number of the operator.

- I. **Escrow.** An escrow account shall be set up when the applicant applies for special land use approval for utility-scale solar energy system. The monetary amount shall be in accordance with a fee schedule set by the Township Board. These funds may be used to cover all reasonable costs and expenses associated with the special use approval process, which costs can include, but are not limited to, fees of the Township Attorney, Township Planner, and engineering firm, as well as any reports or studies which the Township anticipates it may have done related to the zoning review process for the particular application. At any point during the zoning review process, the Township may require that the applicant place additional monies into escrow with the Township should the existing escrow amount filed by the applicant prove insufficient. If the escrow account needs replenishing and the applicant refuse to do so within fourteen (14) days after receiving notice, the zoning review and approval process shall cease until and unless the applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the applicant.
4. **Other Required Documents:** Any other relevant studies, reports, certificates and approval as may be reasonably required by Deep River Township.
 - a. Prior to final inspection, proof that a permit issued by the State in accordance with applicable provisions of the General Statutes has been issued.
 - b. No new solar facility shall be constructed until the site plan has been approved by the Deep River Township Planning Commission and a special land use permit has been issued.
 5. **Subsequent Owners and Operators:** All subsequent owners or operators of a Utility-Scale Solar Energy System are subject to all requirements of this Ordinance, including but not limited to the financial surety and escrow requirements of this section.

G. Abandonment and Decommissioning

1. Abandonment: A SES that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SES provides substantial evidence (updated every 6 months after 12 months of no energy production) to the Planning Commission of the intent to maintain and reinstate the operation of that facility. After 18 months the Planning Commission will determine the SES abandoned.
 - a. Upon determination of abandonment, the Zoning Administrator shall notify the party (or parties) responsible of such determination and the responsible party or parties must respond within 30 days.
 - b. If the responsible party (or parties) fails to respond or fails to provide substantial evidence of the intent to maintain and reinstate operation the Deep River Township Supervisor or his designee may remove the SES, sell any removed materials, make use of the funds provided by the financial surety agreement , initiate judicial

proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the SES and restore the site to a non-hazardous, pre-development condition.

2. Decommissioning: A decommissioning plan signed by the party responsible for decommissioning and the landowner addressing the following shall be submitted prior to the issuance of the zoning permit, which shall include:
 - a. The anticipated life of the project;
 - b. The estimated decommissioning costs net of salvage value in current dollars;
 - c. The timeframe for completion of decommissioning activities.
 - d. The method of ensuring that funds will be available for decommissioning and restoration, to include but not limited to:
 - 1) Complete removal of all non-utility owned equipment, conduit, structures, fencing, roads, solar panels and foundations.
 - 2) Complete restoration of property to condition prior to development of the SES.
 - e. The anticipated manner in which the project will be decommissioned and the site restored.
 - 1) Decommissioning shall include the removal of each Photovoltaic Panel, all electrical components, and associated facilities within the footprint of the SES to a depth of six feet below grade.
 - 2) All access roads to the SES shall be removed, cleared, and graded by the facility owner, unless the property owner requests, in writing, a desire to maintain the access road. The Township will not be assumed to take ownership of any access road and such remaining roads will not be considered public roads.
 - 3) The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner of the SES or its assigns. If the site is not to be used for agricultural purposes following removal, the site shall be seeded to prevent soil erosion, and restored to its condition existing prior to any construction activities, unless the property owner(s) requests, in writing, the land surface areas not be restored.
 - f. A provision to give notice to the Township one (1) year in advance of decommissioning.
 - g. A surety bond to assure payment of the cost of decommissioning shall be required. To ensure proper removal of the structure when it ceases to be used for a period of one year or more, any application for a new SES shall include a description of the financial security guaranteeing removal of the SES which will be posted prior to receiving a building permit for the facility. The security shall be a: 1) cash deposit in a trust account; or 2) or any other financial instrument uninterrupted for the life of the project. The amount of such guarantee shall be no less than the estimated cost of removal and shall include a provision for inflationary cost adjustments. A condition of the Surety Bond shall be notification by the surety company to the Township Zoning Administrator 30 days prior to its expiration or termination. When determining the amount of such required security, the Township may also require future meetings at pre-set intervals, to establish corrected values for decommissioning. The financial security instrument shall be adjusted to each determined corrected value.
 - 1) Required cash deposit and security, or other instruments, based on each SES and is to be backed by owner assets, operator assets, parent company assets,

and leaseholder assets approved by the Planning Commission.

- 2) The estimate shall be prepared by the engineer for the developer and shall be approved by the Township. The applicant shall be responsible for the payment of any costs or attorney fees incurred by the Township in securing removal.
- 3) The amount of each SES security guarantee shall be determined by way of a certified estimate by the applicant's design professional, which shall be reviewed by a certified engineer hired by the Township for its adequacy. The amount of the security guarantee shall be 125% of the amount, certified by the Township's consulting engineer, and shall be in the form of a cash deposit. That deposit shall be updated and supplemented every two (2) years at the rate of 1.5 times CPI (consumer price index) for each year.
- 4) Such financial guarantee shall be deposited with the Township Treasurer after a special use has been approved but before construction operations begin on the SES project. Failure to keep such financial security in full force and effect at all times while the structure exists shall constitute a material and significant violation of a special use approval and this ordinance, and shall subject the Applicant to all available remedies to the Township, including enforcement action, fines, revocation of the special use approval and SES removal.
- 5) The Applicant shall be responsible for the payment of all attorney fees, other professional fees, and other related costs incurred by the Township in the event that the structure is not voluntarily removed, and the Township has to enforce removal.
- 6) The Applicant/Owner and Operator shall execute any and all documents (as provided or approved by the Township), sufficient to provide the Township with a perfected security interest in monies deposited with the Township for the purpose of decommissioning any SES.

H. Liability Insurance

The owner or operator of the Solar Energy System shall maintain a current general liability policy covering bodily injury and property damage and name Deep River Township as an additional insured with limits of at least two million dollars (\$2,000,000) per occurrence and five million dollars (\$5,000,000) in the aggregate with a deductible of no more than five thousand dollars (\$5,000). Proof of current policy coverage must be provided to the Township annually.

I. Repowering

If at the end of the lease period, or the useful life of the SES, the applicant/owner decides to retrofit or repower the installation by reconfiguring, renovating, or replacing the existing components the Applicant/Owner shall provide the Planning Commission a proposal to change the project. It shall be considered a new application, subject to the ordinance standards at the time of the request.

The Applicant/Owner would not need to apply for a new permit if they are performing routine maintenance, as described in the provided maintenance plan.

J. Enforcement and Penalties

Any person, firm or corporation violating any of the provisions of the ordinance shall be subject to the following penalties:

1. Violations of this Ordinance shall be a misdemeanor punishable upon conviction by a fine not to exceed \$ 500.00 or by imprisonment in the county jail for a period not to exceed 90 days, or by both fine and imprisonment. Each day the violation exists shall constitute a separate offense. In addition to the forgoing penalties, anyone convicted of violating this Ordinance under this provision shall be assessed the costs of prosecuting, including attorney fees, incurred by the Township.
2. This ordinance shall be enforced by such person or persons as may be designated by the Deep River Township Board of Trustees.
3. The Township shall have the right to petition the Arenac County Circuit Court for an injunction prohibiting the continuing violation of this Ordinance. Anyone found to be in violation of this Ordinance and enjoined by said Court will be assessed the cost and attorney fees incurred by the Township in seeking said injunction.

K. Complaint Resolution

It is the intent of this ordinance to provide a mechanism to address and resolve complaints prior to the expenditure of significant funds by the Township and/or operator for investigation and resolution. Therefore, the Township shall perform an initial vetting of complaints prior to requesting funds from the operator for complaint resolution efforts. Complaints of noncompliance with the requirements of this ordinance shall be resolved in the following manner:

1. The Utility-Scale/Solar Farm SES Applicant shall submit a detailed, written complaint resolution process developed by the SES Applicant to resolve complaints concerning the construction or operation of the SES. The complaint resolution process must be approved by the Planning Commission as a condition of approval of the special land use permit application.
2. The Planning Commission shall be kept apprised of all complaints and shall receive a report outlining the issues, the progress, and the resolution of each such complaint. Such report shall be presented every six months by the applicant to the Planning Commission.
3. Complaints shall be submitted to the Township Supervisor in writing from the affected property owner, or written designee, including name, address, contact information, and specific complaint. The written complaint shall include the specific section of the ordinance which is believed to be violated. The Supervisor shall cause the complaint to be added to the agenda of the next Township Board meeting in accordance with the procedure for setting the agenda.
4. The Supervisor shall submit to the operator of record notice of all written complaints to

the Township within thirty (30) days of receipt of any complaint. Complaints received by the Township and the date of any Township Board meeting where complaints may be considered shall be communicated to the operator at least 10 days prior. The notice shall state that the Township Board may determine that the SES is in violation of its permit and is therefore a nuisance and may be ordered out of service until the owner operator can demonstrate compliance with the requirements of this ordinance.

5. Upon review, if the Township Board, by an affirmative vote of the majority of the members present, deems a complaint sufficient to warrant an investigation, the Township Board shall notice the owner(s) and/or operator of the SES that an investigation has been requested by the Board.
6. An SES owner (and/or operator) shall be required as a condition of the operation to fund an escrow account for investigation of complaints for, but not limited to, glare, stray voltage, noise, and signal interference in the amount of \$15,000.00 to be use at the discretion of the Township Board. When the escrow account balance is below \$5,000.00 the Township shall notify the owner, and it shall replenish the account in the amount of \$15,000.00 within 45 days.
7. If the SES is found in violation of this ordinance, the owner (and/or operator) shall take immediate action to bring the SES into compliance. If the owner fails to bring the operation into compliance within thirty (30) days, the Township may seek any relief at law or equity to abate the nuisance and may also issue a municipal civil infraction citation. Each violation for which the owner(s) and/or operators are deemed responsible shall result in a \$500.00 fine. Each day of non-compliance shall be a separate offense.
8. Any SES found by the Township Board to be in violation of this ordinance set forth herein shall be considered a nuisance and the SES operations shall cease until such time as the SES owner/operator demonstrates compliance with the requirements of this ordinance.
9. Board decisions on complaints shall be transmitted to the Planning Commission within 180 days from their written submittal to the Township Supervisor.

Chapter 15 - Administration and Enforcement of Ordinance

Section 15.0 - Zoning Administrator

- A. The provision of this Ordinance shall be administered in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
- B. The provisions of this Ordinance shall be administered and enforced by a Township Zoning Administrator, appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as said Board shall determine is reasonable. The Township Zoning Administrator shall have the authority in the enforcement of this Ordinance. The Zoning Administrator may be assisted by any other Township employees and officials as the Township Board may delegate to enforce the provisions of this Ordinance.
- C. The Zoning Administrator shall have the power to grant Zoning Permits and to make inspections of buildings or premises necessary to carry out his or her duties in the enforcement of this Ordinance. The Zoning Administrator shall not approve any plans or issue any Permits for excavation or construction until such plans have been inspected in detail and found to conform to this Ordinance.
- D. The Zoning Administrator shall under no circumstances be permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out the duties of Zoning Administrator.
- E. The Zoning Administrator shall not refuse to issue a Permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements, which may occur upon the granting of said Permit.

Section 15.1 - Zoning Permit

- A. No building or structure shall hereafter be erected, structurally altered, reconstructed, used, or moved, nor shall any use subject to the provisions of this Ordinance be commenced until a Zoning Permit application has been filed with the Township Zoning Administrator and a Zoning Permit has been issued by the Zoning Administrator, except as otherwise provided for in this Ordinance. No permit shall be issued except with conformity with the provisions of this Ordinance unless the Zoning Administrator receives a written order from the Zoning Board of Appeals. No Zoning Permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance. Exempted from the permit requirements are exterior alterations and ordinary maintenance repairs that do not require a building, mechanical, electrical or plumbing permit.
- B. The application shall be signed by the owner of the premises or his agent and shall certify that all provisions of this Ordinance and other applicable laws and requirements are to be complied with. Any application requiring approval from the Planning Commission must be submitted not less than thirty (30) days prior to a scheduled meeting for consideration at that Planning Commission meeting. The application shall be accompanied by:
 - 1. A site plan or plot plan in duplicate, in a scale sufficient to clearly detail and which contains all of the information required in Chapter 12.

2. Properties smaller than two (2) acres in size may be required to submit a legal survey, sealed by a professional surveyor (not a mortgage survey). The Zoning Administrator shall have the authority to require such a survey in the cases where there may be encroachment on the setbacks by the proposed structures or when the exact locations of lot lines are not known.
 3. Copies of permits or waivers of permits by other agencies as may be required by statute and/or by the Zoning Administrator. If copies of permits or waivers of permits cannot be obtained, then the applicant shall show evidence that all permits required by other agencies have been filed for.
 4. Such other information as may be required to determine compliance with this Ordinance.
- C. One copy of the application shall be returned to the applicant by the Zoning Administrator, after he or she shall have marked such copy either as approved or disapproved and attested to same by his or her signature on such copy. The original and one copy of the application, similarly marked, shall be retained by the Zoning Administrator, maintained on file and available to the public for inspection upon request during normal business hours. In all cases when the Zoning Administrator shall refuse to issue a permit, he or she shall state such refusal in writing with the cause and reasons for said refusal.
 - D. A Zoning Permit shall not be issued until all other necessary permits required by statute have been obtained or waived with exception of those permits which are contingent upon the issuance of a Zoning Permit.
 - E. The location of the property boundaries and all structures shall be staked on the ground for Zoning Administrator's use prior to the issuance of the Zoning Permit. The Zoning Administrator has the right to waive this requirement if the staking out of boundary lines is not pertinent to the issuance of the Zoning Permit.
 - F. The Zoning Permit will expire after one (1) year from date of issuance for any Zoning Permit under which no construction has occurred or no substantial construction has been done in the furtherance of the Zoning Permit. Said permit shall be canceled by the Zoning Administrator and written notice thereof shall be given to the person(s) affected. Said notice shall state that work as described in the cancelled permit shall not proceed until a new permit has been obtained.
 - G. The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with the provisions of the Ordinance, or in the case of a false statement or misrepresentation made in the application. The owner shall be notified of such revocation in writing.
 - H. No Zoning Permit shall be valid until the required fees have been paid. No separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Township Board.
 - I. Upon issuance of the Zoning Permit, a copy of the permit and the application, including any drawings shall be transmitted to the Township Assessor.
 - J. Conformance with Approved Plans: Permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement and construction

set forth in such approved plans and applications. Any other use, arrangement or construction at variance with that authorization shall be deemed a violation of this Ordinance.

Section 15.2 - Public Notification

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

- A. **Published Notice:** When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Township Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Deep River Township and mailed or delivered as provided in this Section.
- B. **Content:** All mail, personal and newspaper notices for public hearings shall:
1. Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, Special Land Use, planned unit development, variance, appeal, Ordinance interpretation or other purpose.
 2. Location: Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an Ordinance interpretation not involving a specific property.
 3. When and where the request will be considered: indicate the date, time and place of the public hearing(s).
 4. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
 5. Disabled access: Information concerning how disabled access will be accommodated if the meeting facility is not disabled accessible.
- C. **Personal and Mailed Notice**
1. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a. The owners of the property for which approval is being considered and the applicant, if different than the owner(s) of the property.
 - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an Ordinance interpretation request that does not involve a specific property, notice shall be given to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or the occupant is located within Deep River Township. If the

name of the occupant is not known, the term “occupant” may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

- c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to Section 15.3.
 2. Notice Deemed Given: Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, property addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
- D. **Timing of Notice:** Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:
1. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or Ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.

Section 15.3 - Registration to Receive Notice by Mail

- A. **General:** Any neighborhood organization, public utility company, railroad or any other person may register with the Township Clerk to receive written notice of all applications for development approval pursuant to Section 15.2(C)(1)(c) or written notice of all applications for development approval within the zoning district in which they are located. The Township Clerk shall be responsible for providing this notification, as established by the Township Board.
- B. **Requirements:** The requesting party must provide the Township Clerk information on an official form to ensure notification can be made. All registered persons must register annually to continue to receive notification pursuant to this section.

Section 15.4 - Fees

- A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees, such as those fees related to the following:
 1. Zoning Permits

2. Special Land Use permits
 3. Ordinance interpretations by the Zoning Board of Appeals including appeals of administrative decisions or request for interpretation. Appeals and requests for interpretation initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 4. Requests for variances from the Zoning Board of Appeals.
 5. Requests for rezoning of property by individual property owners or amendments to the Zoning Ordinance text. Rezoning of property or text amendments initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 6. Site plan reviews.
 7. Requests by the applicant for a special meeting of the Deep River Township Planning Commission.
 8. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.
- B. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by Township staff, and per diem paid to the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.
- C. If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary or advisable, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete thereby justifying the denial of the application. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed

to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision.

Section 15.5 - Performance Guarantee

In connection with the construction of improvements through site plan approval, Special Land Use approval, or a PUD project, the Planning Commission may require the applicant to furnish the Township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean, by way of example and not limitation, roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the development. For purposes of this section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the Township Clerk at or before the time the Township issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the Township Clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

- A. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements.
- B. Another one-third (1/3) of the cash deposit after completion of two-thirds (2/3) of the public and site improvements; and
- C. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this section for each phase of the development. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the Township as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this section.

Section 15.6 - Violations and Penalties

A. Inspection

The Zoning Administrator shall have the responsibility to investigate each alleged violation and shall have the right to inspect any property for which a Zoning Permit has been issued to ensure compliance with the plans and conditions of the Zoning Permit or approved site plan.

B. Violation Notification

If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he/she shall, within ten (10) days, notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings or structures or of discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

C. Penalties

1. Any person, firm or corporation, including, but not by way of limitation, builders and contractors who shall violate, neglect or refuse to comply with or who resists the enforcement of any of the provisions of this Ordinance or conditions of the Planning Commission, Zoning Board of Appeals or Township Board adopted pursuant thereof, shall be guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine and costs of prosecution, or by being imprisoned in the County Jail; both such fine and imprisonment at the discretion of the Court, but not to exceed \$100.00 fine or 90 days in jail. Each day that a violation is permitted to exist shall constitute a separate offense.

The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. Uses of land and dwellings, buildings or structures, including tents, trailer coaches and mobile homes used, erected, altered, razed or converted in violation of any provision of this Ordinance are hereby declared to be a nuisance per se. The Court may order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach, mobile home or land may be adjudged guilty of maintaining a nuisance per se, and same may be abated by order of any court of competent jurisdiction.

2. The Township Zoning Administrator is hereby designated as the authorized Township official to notify alleged violators of this Ordinance of the violation. The Township Board may also designate from time to time other officials to issue violation notices on behalf of the Township.
3. In addition to or in lieu of enforcing this Ordinance as a misdemeanor, the Township may initiate proceedings in any court of competent jurisdiction to abate, eliminate, or enjoin the nuisance per se or any other violation of this Ordinance.

D. Stop Work Order

1. If construction or land uses are being undertaken contrary to a Zoning Permit, the Michigan Zoning Enabling Act, or this Ordinance, the Zoning Administrator or any other official authorized by the Township Board is authorized to post a stop work order on the property at a suitable location, such as at an entrance, in order to prevent the work or activity from proceeding in violation of the Ordinance. A stop work order may be issued when the Zoning Administrator, or authorized designee, finds that any of the following conditions exists:
 - a. Work is being done or has been done without a Zoning Permit;
 - b. Work is being done beyond the scope of the issued Zoning Permit;
 - c. Work is being done which does not match approved plans;
 - d. A permittee fails to comply with any of the terms, conditions, or requirements of the applicable Zoning Permit or a condition of the permit; or
 - e. A permittee fails to pay any fees required by this Ordinance or any other applicable ordinance.
2. A person shall not continue, or cause or allow to be continued, construction or uses in a violation of a stop work order, except with permission of the enforcing agency to abate a dangerous condition or remove the violation, or except by court order. If an order to stop work is not obeyed, the enforcing officer or agency may apply to the circuit court for an order enjoining the violation of the stop work order. This remedy is in addition to, and not in limitation of, any other remedy provided by law or Ordinance, and does not prevent civil prosecution for failure to obey the order.

Section 15.7 - Actions Summary Table

The following table is a summary of basic requirements for various administrative actions under this zoning ordinance. It supplements the preceding text, but is not a substitute for it.

ACTIONS--PROCEDURAL REQUIREMENTS FOR SPECIAL ZONING DECISIONS

| Type of action | Parties who may initiate action | Body making decision | Public hearing required? | Published notice(s)- Number of days before hearing | Mailed notice to all owners and occupants within 300 feet - Days before hearing | Body to which applicant may appeal a denial |
|-----------------------------------|-------------------------------------------------------------------------------------------|----------------------------------------------------------|---------------------------|----------------------------------------------------|---------------------------------------------------------------------------------|-----------------------------------------------|
| Variance | Applicant or administrator | Zoning board of appeals | Yes | Not less than 15 days | Not less than 15 days | Circuit court |
| Interpretation | Applicant or administrator | Zoning board of appeals | Yes | Not less than 15 days | Not less than 15 days | Circuit court |
| Appeal of administrative decision | Any aggrieved party or any state, county or Township officer, board, bureau or department | Zoning board of appeals | Yes | Not less than 15 days | Not less than 15 days | Circuit court |
| Site plan approval | Applicant or administrator | Step 1: Planning commission recommends to Township Board | If requested by any party | Not required | Not required | Not applicable |
| | | Step 2: Township Board | If requested by any party | Not required | Not required | Not applicable |
| Appeal of site plan denial | Applicant | Zoning board of appeals | Yes | Not less than 15 days | Not less than 15 days | Circuit court |
| Special use permit | Applicant or administrator | Step 1: Planning commission recommends to Township Board | Yes | Not less than 15 days | Not less than 15 days | Circuit court |
| | | Step 2: Township Board | Yes | Not less than 15 days | Not less than 15 days | Circuit court |
| Planned unit development | Applicant or administrator | Step 1: Planning commission recommends to Township Board | Yes | Not less than 15 days | Not less than 15 days | Circuit court |
| | | Step 2: Township Board | Yes | Not less than 15 days | Not less than 15 days | Circuit court |
| Rezoning | Applicant, Planning Commission or Township Board | Step 1: Planning commission recommends to Township Board | Yes | Not less than 15 days | Not less than 15 days | No action until after Township Board decision |
| | | Step 2: Township Board | If requested by any party | Not less than 15 days | Not less than 15 days | Subject to protest petition |
| Text change | Applicant, Planning Commission or Township Board | Step 1: Planning commission recommends to Township Board | Yes | Not less than 15 days | Not required | No action until after Township Board decision |
| | | Step 2: Township Board | If requested by any party | Not less than 15 days | Not required | Subject to protest petition |
| Fee waiver | Applicant | Township Board | No | Not required | Not required | Circuit court |

Chapter 16 – Signs

Section 16.0 - Outdoor Advertising Signs

This section is intended to regulate and limit the construction or reconstruction of signs to protect the public peace, morals, health, safety, and general welfare. Such signs will not, by reason of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for vehicular and pedestrian traffic safety, or otherwise endanger public welfare, shall be permitted except as may be otherwise provided for herein. The use and erection of all outdoor advertising signs shall be subject to the following provisions:

A. General Provisions for all Zoning Districts

1. **Approval:** No sign, except residential name plates and those signs established by the Township, County, State or Federal governments, shall be erected or altered until approved by the Zoning Administrator and a Zoning Permit issued. A property owner may maintain, improve, or replace an existing conforming sign without a sign permit provided the type, size, shape, and height do not change and the use remains the same.
2. **Signs which are in need of repair, obsolete, not affixed or obstructing/Signs affixed to other surfaces:** Signs, which are in need of repair, other than normal maintenance, which are not securely affixed to a substantial structure; or which are obsolete; or those that resemble official traffic signs; or obstruct official signs, are prohibited. No advertising sign shall be affixed to trees, rocks, shrubs, utility poles, or other similar objects. No sign shall be affixed to a motor vehicle or other similar object not usually used for signage and put on permanent, non-mobile display for the purpose of advertising.
3. **Nonconforming Signs:** Any sign or advertising media existing prior to the adoption of this Ordinance, which does not conform to the provisions of this section, shall not be altered or replaced, other than normal maintenance, except in conformance with the provisions of this Ordinance and shall fall under the provisions of Chapter 11.
4. **Obstruction of Vision:** No signs shall be located on any street corner which would obscure the vision of drivers using said streets, or conflict with traffic control signals at the intersection of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress or egress to any premises.
5. **Signs in Right-of-Way:** Any sign except those established and maintained by County, State or Federal governments shall not be erected in, nor project into, or overhang a street or road right-of-way.
6. **Directional Signs:** Directional signs required for the purpose of orientation, when established by County, State or Federal governments shall be permitted in all zoning districts.
7. **Obstruction of/Confusion with Traffic Signals/Signs:** No outdoor advertising structure shall be erected in such a manner that the position, size, movement, shape, or color may interfere with the view of or be confused with any public traffic sign or device.

8. **Glare/Flashing/Moving Signs:** Sign illumination shall not cause a reflection or glare on any portion of a public highway, in the path of oncoming vehicles, or on adjacent premises or residence(s). Illuminated signs shall not be of the flashing, moving or intermittent type unless approved by the Zoning Administrator or unless allowed elsewhere in this Ordinance, who shall find that the lighting is non glaring, does not interfere with traffic control devices, and further does not involve the principal notice or message carried on the sign; hence, all intermittent lighting elements shall be designed as accessory to the sign.
9. **Temporary Signs:** Temporary signs may be located in any zoning district and shall be removed within fourteen (14) days after the intended display period. No temporary sign shall be strung across any public right-of-way nor shall any temporary sign project beyond the property line. Temporary signs shall be removed promptly at the end of the display period. Temporary signs found by the Zoning Administrator to be in a torn, damaged, or unsafe condition must be removed by the owner within three (3) days after his receipt of notice to do so from the Zoning Administrator.
10. **Real Estate Signs:** Real estate signs shall be permitted only while said real estate is actually on the market for sale, rent or lease. Two (2) real estate signs shall be permitted if said property fronts two (2) roads or streets. Off-premise signs pertaining to real estate developments located in the Township and designed to promote the sale of lots or homes within a subdivision located in the Township are permitted on a temporary basis in any zoning district, but shall not be located upon subdivided land unless such land is part of the subdivision being advertised for sale.
11. **Obscene Matter Prohibited:** No sign shall contain statements, words, or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.
12. **Multiple Uses on One Lot:** In cases where a lot contains more than one (1) use, the sign requirements contained in this section apply to each use on the property.
13. **Off-Premise Directional Signs**
 - a. **Private Off-Premise Directional Signs:** Private off-premise directional signs which provide directions to a commercial or industrial establishment which is not located within Deep River Township shall be allowed on private property provided there exists a written agreement between the property owner and the business/industry. Said agreement shall be filed with Deep River Township.
 - (1) Off-premise directional signs shall be no greater than six (6) square feet.
 - (2) Off-premise directional signs must be located at intersections.
 - (3) Sign lettering may display the off-premise business name, address, and an arrow indicating direction.
 - (4) One (1) off-premise direction sign is permitted per commercial or industrial zoning lot.
 - b. **Public Off-Premise Directions Signs:** Public off-premise directions signs erected by the Township or State of Michigan shall be permitted in the road right-of-way provided permission is obtained from the local transportation authority.

14. **Construction and Maintenance:** The construction of any sign shall be such that it will withstand all wind and vibration forces which can be normally expected to occur in the vicinity.

B. **Size Limitations:** Size limitations found in Tables A and B apply to the sign face only, not the support structure.

| TABLE A: ON-PREMISE SIGNS: RESIDENTIAL SIGN REQUIREMENTS | | | |
|-----------------------------------------------------------------|--------------------------------------|----------------------------------------------|------------------------------------------------------------------------------------------------------|
| Residential Uses | | | |
| | Single & Two- Family Uses | Home-Based Business/ Cottage Industry | Multiple Family, Subdivisions, Manufactured Housing Dev. |
| Free-Standing Signs | 1 Nameplate at 8 ft ² | 1 at 8 ft ² | 1 per entrance at 32 ft ² Maximum Height = 6 ft Setback = 10 ft from front lot line |
| Wall Signs | 1 Nameplate at 8 ft ² | 1 at 8 ft ² | Not Permitted |

TABLE B: ON-PREMISE SIGNS: AGRICULTURAL, BUSINESS & INDUSTRIAL USES

| | Number & Area | Height | Setback | Other Regulations |
|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ground Mounted Signs (Pylon Signs and Monument Signs) | 1 per each road frontage 32 ft ² maximum | The top of any ground-mounted sign shall be not more than seven (7) feet above the road grade or the ground level immediately beneath the sign, whichever is higher. The bottom of any ground-mounted sign shall be no more than three (3) feet above the road grade or the ground level immediately beneath the sign, whichever is higher. (See Figure 1 and 2) | 10 ft from front lot line | Sign mounting: The sign shall be mounted on one or more posts. Posts shall not have a diameter greater than 12 inches. |
| Wall Signs | 1 at 32 ft ² | The sign shall not project above the top edge of the roof line. | n/a | Sign shall not project from the surface upon which it is attached more than required for construction purposes and in no case more than 12 inches. |
| Projecting Signs | 1 at 16 ft ² | Minimum height of 8 ft | n/a | Sign structure: Sign supports and brackets shall be compatible with the design and scale of the sign. |
| Awning or Canopy Signs | No restriction. | No structural element of an awning or canopy shall be located less than eight (8) feet above finished grade. | n/a | n/a |
| Cluster Signs | Up to six (6) signs in addition to the sign bearing the name of the complex. Each sign in a cluster shall be no greater than 20 ft ² in area. | 20 ft | 10 ft from front lot line | Cluster signs may only be allowed to advertise a group of businesses located together which share an access to the primary road. Any business which has a sign in a cluster is allowed only one additional primary sign located on the lot on which the business is located. Cluster signs must be located near the access from which each business in the cluster is located. |
| Message Boards (Static & Digital) | | | | |
| Temporary Signs | | | | |

Figure 1

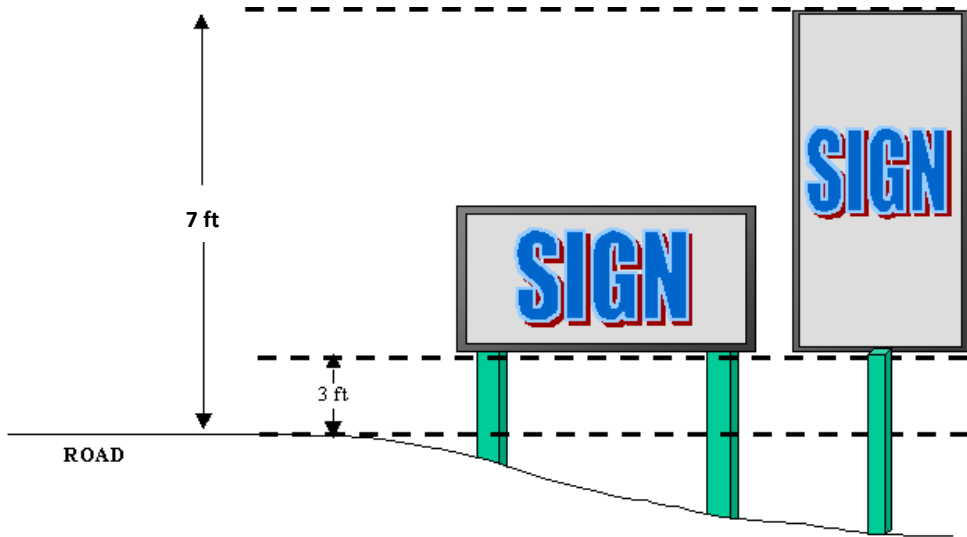
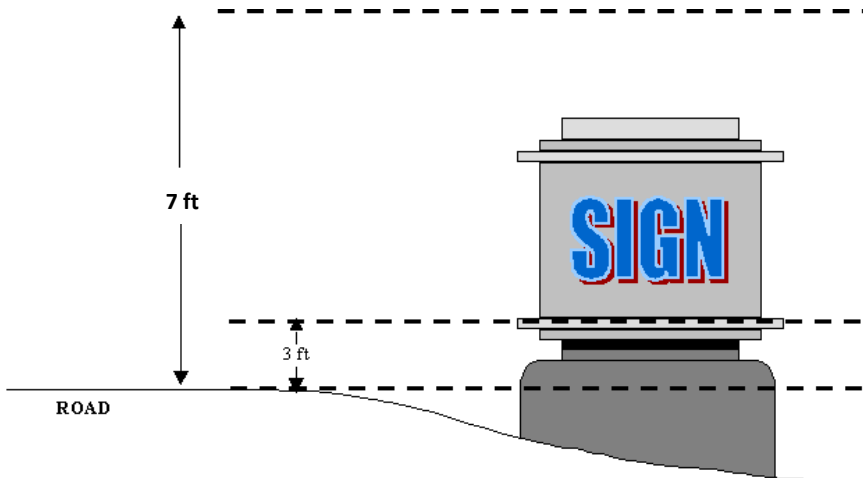


Figure 2



C. Message Boards

1. **Static Message Boards:** Static message boards shall be allowed in addition to the primary freestanding or wall sign in all districts for uses other than exclusively dwelling units.
 - a. If the static message board is utilized as one of the allowable primary signs on the premises, then the static message board shall be no greater than thirty-two (32) square feet.
 - b. If the static message board is attached to the same support structure as a primary sign, then the static message board shall be no greater than fifty (50) percent of the area of the primary freestanding sign either existing on the property or as allowed by zoning district, whichever is less.
2. **Electronic Message Boards:** Electronic message boards are permitted in addition to the primary freestanding or wall sign in all districts for uses other than exclusively dwelling units.
 - a. If the electronic message board is utilized as one of the allowable primary signs on the premises, then the electronic message board shall be no greater than thirty-two (32) square feet.
 - b. If the electronic message board is attached to the same support structure as a primary sign, then the electronic message board shall be no greater than fifty (50) percent of the area of the primary freestanding sign either existing on the property or as allowed by zoning district, whichever is less.
 - c. An electronic message board shall be allowed to have changing messages, scrolling message, and animation, but shall not be allowed to contain flashing elements.
 - d. The electronic elements shall be of such intensity that the brightness and motion shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles on public or private streets, driveways, or parking areas.
 - e. An electronic message board shall contain a default mechanism that freezes the sign in one position if a malfunction occurs.
 - f. An electronic message board shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions.

D. Off-Premise Signs (Billboards)

The regulation of billboards is intended to enhance and protect community character and image by minimizing visual blight and pollution, to minimize traffic safety hazards due to diversion of the driver's attention and blockage of sight distances, and to place signs in such a way that scenic views are respected and visual obstructions to the natural landscape are minimized. Billboard regulations address the location, size, height and related characteristics of such signs.

1. **Off-Premise Sign Regulations:** Billboards may be established in Deep River Township provided that they meet the following conditions:

- a. Off-Premise Signs shall only be allowed on State highways in Deep River Township. Compliance with the Michigan Department of Transportation permitting process is required.
- b. Not more than one (1) billboard may be located per three (3) linear miles of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of Deep River Township where the particular street or highway extends beyond such boundaries. Double-faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be permitted. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) shall be permitted and shall be considered as one (1) billboard.
- c. No billboard shall be located within two hundred (200) feet of an existing residence. If the billboard is illuminated, this required distance shall instead be three hundred (300) feet.
- d. No billboard shall be located closer than seventy-five (75) feet from a property line or public right-of-way. No billboard shall be located within ten (10) feet from any interior boundary lines of the premises on which the billboard is located.
- e. The surface display area of any side of a billboard may not exceed sixty-four (64) square feet.
- f. The height of a billboard shall not exceed thirty (30) feet above the elevation of the centerline of the abutting roadway.
- g. No billboard shall be installed or placed on top of, cantilevered or otherwise suspended above the roof of any building.
- h. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of on-coming vehicles, or on any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
- i. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
- j. A billboard established within a business, commercial, or industrial area, as defined in the Highway Advertising Act of 1972 (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder, as such may from time to time be amended.

k. **Digital Billboards:**

- (1) **Rate of Change:** The rate of change between static messages or images shall not exceed more than one (1) change per six (6) seconds. Each change shall be complete in one (1) second or less.
- (2) **Luminance:** The maximum daylight sign luminance level shall not exceed 62,000 candelas per meter squared at 40,000 lux illumination beginning 1/2 hour after sunrise and continuing until 1/2 hour before sunset and does not exceed 375 candelas per meter squared at 4 lux illumination at all other times.
- (3) Digital billboards shall be configured to default to a static display in the event of mechanical failure.

2. **Permit Required:** No person, firm or corporation shall erect a billboard within Deep River Township without first obtaining a permit from the Deep River Township Zoning Administrator, which permit shall be granted upon a showing of compliance with the provisions of this Ordinance and payment of a fee. Permits shall be issued for a period of one year, but shall be renewable annually upon inspection of the billboard by the Deep River Township Zoning Administrator confirming continued compliance with this Ordinance and payment of the billboard permit fee. The amount of the Zoning Permit fee required hereunder shall be established by resolution of the Deep River Township Board and shall bear a reasonable relationship to the cost and expense of administering this permit requirement. The Deep River Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.

E. **Portable Message Boards:** Portable message boards are allowed on a temporary basis for a continuous period up to sixty (60) days. The Zoning Administrator may extend the temporary display period up to thirty (30) additional days. A Zoning Permit and fee is required for each period the portable message board is displayed.

F. **Signs Allowed Without a Permit:** The following signs are allowed without a permit, notwithstanding any prohibition contained in this Ordinance, provided such signs are established in a lawful manner and placed so as not to cause a nuisance or create a safety hazard:

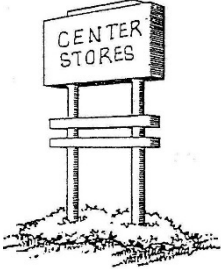
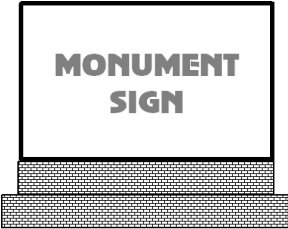
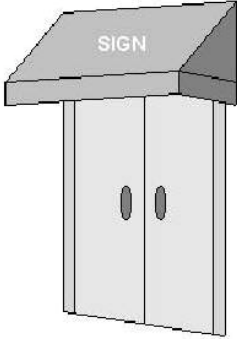
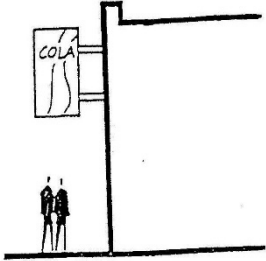

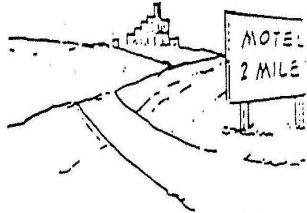
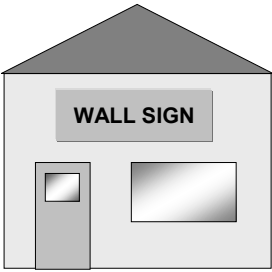
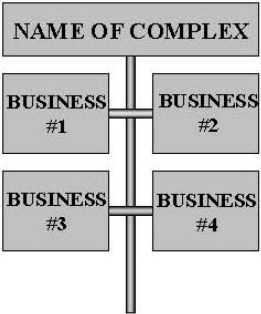
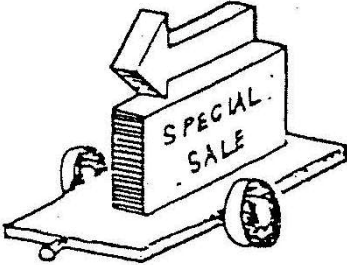
1. **Residential Nameplates.**
2. **Interior Signs:** Interior window signs which occupy up to fifty (50%) percent of the window area.
3. **Caution Signs:** Non-advertising signs erected to warn the public of dangerous conditions and unusual hazards.
4. **Temporary Sign** (except portable message boards as regulated by 16.0(A).

G. **Removal of Signs in Violation of this Ordinance:**

The Zoning Administrator may order the removal of any sign that is abandoned or erected or maintained in violation of this Ordinance. An abandoned sign shall not include a sign located on a lot on which the principal use structure is for sale. Thirty (30) days notice in writing shall be given to the owner of such sign, and to the owner of the building, structure, or premises

on which such sign is located, to remove the sign or bring it into compliance. The Zoning Administrator may cause the removal of the sign that remains in violation after such notice. The Zoning Administrator shall cause the removal of a sign immediately and without notice if, in the Zoning Administrator's opinion, the condition of the sign is such as to present an immediate threat to the safety of the public. The cost of removal shall be paid by the owner of the sign or the building, structure, or premises on which it is located.

H. Sign Diagrams

| | | |
|------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| <p>Ground Mounted Sign (Freestanding)</p>  | <p>Ground Mounted Sign (Monument)</p>  | <p>Awning Sign</p>  |
| <p>Projecting Sign</p>  | <p>Message Board</p>  | <p>Off-Premise Sign</p>  |
| <p>Wall Sign</p>  | <p>Cluster Sign</p>  | <p>Portable Message Board</p>  |

Section 16.1 - Substitution Clause

The owner of any sign which is otherwise allowed by this Ordinance may substitute non-commercial copy in lieu of and other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech or

favoring of any particular non-commercial message over any other non-commercial message.
This provision prevails over any more specific provision to the contrary.

Chapter 17 – Parking

Section 17.0 - Parking and Loading Space Requirements

In all Zoning Districts, off-street parking requirements for the storage and parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance shall be provided as herein prescribed. Such space shall be maintained and shall not be encroached upon by buildings, structures, open-air businesses, or outdoor commercial recreation uses so long as said main buildings or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with the Ordinance.

A. Parking Requirements

1. **Fractional Spaces:** When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.
2. **Residential:** The off-street parking facilities required for residential dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve, behind the front setback line, and shall consist of a parking strip, parking apron, driveway, carport, and/or garage or some combination thereof.
3. **Non-Residential:** The off-street parking facilities required for uses other than residential zoning districts shall be located on the lot or other lots within 500 feet for industrial districts and 300 feet for all other non-residential districts. Such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the nearest point of the building to be served.
4. **Loading Space:** Loading space as required elsewhere in this Ordinance dealing with off-street loading requirements shall not be construed as also supplying off-street parking space.
5. **Changes:** Areas designated for required off-street parking shall not be changed to any other use unless and until equal facilities meeting the standards of this section are provided and approved at a differing location on the property or elsewhere as permitted within this Ordinance. If parking requirements for the site are changed due to a change in use or occupancy, the designated off-street parking areas may be revised and approved only in accordance with a site plan to be submitted to the Deep River Township Planning Commission in accordance with Chapter 12 of this Ordinance.
6. **Existing Parking:** Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than required for a similar new building or new use.
7. **Collaborative Parking:** Two (2) or more buildings or uses may collectively provide the required off-street parking. In which case the required number of parking spaces for the individual uses may be reduced by up to twenty-five (25%) if a signed agreement is

provided by the property owners. Such parking requirements shall bind future owners of parcels and shall be recorded with the Register of Deeds office.

8. **Parking Lot Deferment:** Where the property owner can demonstrate that the required amount of parking is excessive or where there will be a dual function of parking spaces between two uses where operating hours do not overlap, the Planning Commission may approve a smaller parking area. Area of sufficient size to meet the parking space requirements of this Chapter shall be retained as open space, and the owner shall agree to construct the additional parking if needed at the direction of the Planning Commission based on observed usage within six (6) months of being informed of such request in writing by the Zoning Administrator. The site plan shall note the area where parking is being deferred, including dimensions and the overall parking lot layout inclusive of the deferred parking spaces. Any required landscaping placed in this area shall be relocated when the parking area is expanded.
9. **Excessive Parking Space:** In order to minimize excessive areas of pavement, which are unsightly and contribute to high rates of stormwater runoff, exceeding the minimum parking space requirements by greater than ten percent (10%) shall not be allowed, except as approved by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.
10. **Uses Not Mentioned:** For those uses not specifically mentioned below, the requirements for off-street parking facilities shall be in accordance with the use which the Planning Commission considers to be similar in type.

B. General Standards

1. Plans for the development of any parking lot shall be submitted as part of the site plan to the Township Zoning Administrator, or to the Planning Commission as required in Chapter 12 (Plot Plans and Site Plan Requirements & Review), and must be approved by said Zoning Administrator (or as required by the Planning Commission) prior to the issuance of a Zoning Permit. The construction of the entire parking lot shall be completed in accordance with all pertinent Zoning Ordinance requirements and any conditions of site plan approval. In the event that, owing to inclement or cold weather conditions, said parking lot cannot be improved, a six-month temporary Certificate of Occupancy can be issued by the Zoning Administrator provided a cash deposit or bank letter of credit is deposited with the Township Treasurer equivalent to ten percent of the cost of construction of the parking lot, as determined by the Zoning Administrator, which deposit or bond shall be forfeited if said parking lot is not fully completed within said six-month period.
2. Adequate points or means of ingress and egress shall be provided and shown in the plan submitted.
3. Such parking lots shall be surfaced with concrete, asphalt or crushed rock materials, and maintained in a usable dust proof condition, and shall be graded and drained adequately.

4. All illumination (lighting) for off-street parking areas shall conform to the requirements of Section 17.1 - Outdoor Lighting.
5. Plans for the layout of off-street parking facilities shall be in accordance per the section titled Specific Standards below.

C. Specific Standards

1. Parking Space Dimensions:

All required off-street parking spaces shall meet the following dimensional standards:

| Parking Pattern (in degrees) | Maneuvering Lane Width (One-Way) | Parking Space | | |
|---------------------------------|----------------------------------------|---------------|--------|----------------------------------------------------------|
| | | Width | Length | Total Width of 2 Parking Stalls Plus Maneuvering Lane |
| 0 degrees (parallel parking) | 12' | 8.5' | 24' | 29' (one-way) 41' (two-way) |
| Up to 53 degrees | 13' | 9' | 21' | 55' (one-way) |
| 54 – 74 degrees | 18' | 9' | 22' | 62' (one-way) |
| 75 – 90 degrees | 12' | 9' | 20'* | 52' (one-way) 64' (two-way) |

* May include a maximum of two (2) foot unobstructed vehicle parking area at the front of the parking space to account for normal vehicle overhang.

2. Vehicle Stacking Space: Stacking spaces required for vehicles waiting to access service windows, pumps, pedestals or other service facilities shall be dimensioned to be twenty (20) feet wide by ten (10) feet in width per space but shall not include the space vehicles actually use at the time of service. Where a use provides a drive-through or similar service but is not within use categories for which specific standards are provided, the Planning Commission may require a minimum number of stacking spaces which are equivalent to the number required for a use which the Planning Commission determines to be most similar.

3. Number of Parking Spaces: The number of off-street parking spaces shall be in accordance with the following schedule:

| Residential Parking Requirements | |
|-----------------------------------------|--------------------------------------------------------------------------------------------------|
| Use | Requirements |
| One-family and two-family | 2 for each dwelling unit |
| Multiple family | 1.5 per each efficiency or one-bedroom dwelling unit, 2 per each unit with 2 or more bedrooms |
| Mobile homes | 2 for each mobile home site |
| Housing for the elderly | 1 for each 2 units, and 1 for each employee |

| | |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| | Should units revert to general occupancy, then 2 spaces per unit shall be provided |
| Rooming houses and group quarters | 1 for each bed |
| Group day care homes | 1 for each employee plus 1 for each resident For this use only, such additional spaces may be located in the side yard setback |

| <i>Institutional Parking Requirements</i> | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Use | Requirements |
| Churches, temples, or similar places of worship; theaters, auditoriums, and assembly buildings; stadiums, sports arenas, or similar places of outdoor assembly | 1 space for each 3 seats or 6 linear feet of benches in the main unit, plus 1 for each 2 employees |
| Nursery schools, day nurseries, or child day care centers | 1 for each employee plus 1 space for each 8 children of licensed authorized capacity |
| Elementary, middle, and junior high schools | 1 for each 1 teacher, employee, or administrator, or the requirements of the auditorium, whichever is greater. If no such auditorium exists, then one space per classroom in addition to that for each teacher, employee or administrator. |
| Senior high schools | 1 for each 1 teacher, employee, administrator, and 1 for each 5 students; or the requirements of the auditorium, whichever is greater. In addition, one for every 10 students. |
| Colleges and universities | 1 for each teacher, employee, administrator, and 1 for each 10 students |
| Government offices | 1 for every 1000 square feet of usable floor area |
| Homes for the aged and convalescent homes | 1 for each 3 beds or 2 rooms, whichever is less, plus 1 for each employee on duty based upon maximum employment shift. |
| Private clubs or lodges | 1 for each 3 persons allowed within the maximum occupancy load as established by city, county, or state fire, building, or health codes |
| Hospitals | 1 for every 2 beds, one for each doctor, one for every two employees, plus one for every 1,000 square feet of treatment area. |

| <i>Business Parking Requirements</i> | |
|-------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Use | Requirements |
| Professional offices of doctors, dentists, or similar professions | 4 for every 1000 square feet of usable floor area |
| Bank, business offices, or non-medical professional offices | 1 for each 200 square feet of useable floor area, plus 2 spaces for each ATM, and stacking area equivalent to 3 stacking spaces for each drive up window |
| Restaurants and establishments for on premises sale and consumption of food, refreshments, and/or beverages | 1 for each 2 persons of seating capacity |

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Food consumption services or drive in, drive through, or take out | Use seating capacity standards as applicable for sit-down restaurants. A minimum of 5 stacking spaces shall be provided for each service window where a drive through operation is present. |
| Motel, hotel, or other commercial lodging establishments | 1 for each guest bedroom plus 1 for each 1 employee, plus spaces for any dining rooms, cocktail lounges, ballrooms, or meeting rooms, based upon maximum occupancy code. |
| Furniture and appliance, hardware, household equipment, repair shops, shoe repair, showroom of a plumber, decorator, electrician or similar trade, and other similar uses | 1 for each 800 feet of useable floor area, plus 1 for each 2 employees |
| Retail stores, planned commercial or shopping centers by square feet of gross leasable area (GLA) | 1 space per 150 square feet of useable floor area plus 3 stacking spaces are required for each service bay, window, or pedestal. |
| A. 1 to 15,000 square feet GLA | 3.0 spaces minimum, 3.75 maximum, per 1000 GLA |
| B. 15,001 to 400,000 square feet GLA | 3.5 spaces minimum, 4 maximum, per 1000 GLA |
| C. 400,001 square feet GLA and higher | |
| Retail stores except as otherwise specified | 1 for each 150 square feet of useable floor area |
| Convenience store, with or without automotive fuel service | 4 spaces for every 1000 square feet of usable floor area, plus spaces required for automotive fuel service |
| Beauty parlor or barber shop | 2 spaces for each of the first 2 beauty or barber chairs, and 1.5 spaces for each additional chair |
| Laundromats and coin operated dry cleaners | 1 for each 3 washing and/or dry cleaning machines |
| Dry cleaners | 2 for every 1000 square feet of gross leasable floor area |
| Mortuary establishment | 3 for each 100 square feet of useable floor area |
| Auto service stations | 2 for each service rack or pit and 1 for each single or dual gasoline pump, but not less than 6 spaces |
| Automobile wash (self-service or coin operated) | 3 for each washing stall in addition to the stall itself, plus 1 upon exiting each stall |
| Motor vehicle sales and service | 1 for each 200 square feet of gross floor space of sales room and 1 for each 1 service stall. |
| Marine sales and service centers, including RVs | 1 space for each employee, and 1 for each service stall. Add 1 space for every 400 square feet usable floor area of the sales room, but not less than 5 spaces with or without a showroom |
| Veterinary clinics or hospitals | 4 for every 1000 square feet of usable floor area |
| Mini-warehouses, self-storage establishments | 1 per 10 storage units, equally distributed throughout the storage area |

| Miscellaneous Use Parking Requirements | |
|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| Use | Requirements |
| Wholesale establishments | 5 spaces, plus 1 for every 1.5 employees in the largest working shift; or 1 for every 1700 square feet of useable space, whichever is greater |
| Warehouse and/or storage building | 5 spaces, plus 1 for each 3 employees; or 1 for every 1700 square feet of useable floor area, whichever is greater |
| Industrial establishments | One for every 1 ½ employees based on the greatest number of persons employed at any one period during the day or night. |

| | |
|----------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Mini-Storage, Self Storage facilities | No designated parking spaces shall be required in addition to the traffic circulation pattern shown on the approved site plan. |
| Dance Halls, Exhibition Halls, Pool Halls, Billiard Parlors and Assembly Halls without fixed seats | 1 per every 2 persons allowed within the maximum occupancy load. |
| Golf Courses | 5 per hole, plus one for each employee |

Note: Any change of use shall be required to meet the parking requirements for the revised use, and obtain approval of such.

Note: Square footage refers to “Usable Floor Area”

D. Loading Space Requirements

1. For every building, or addition to an existing building, hereafter erected to be occupied by a use allowed in any commercial zoning district or other similar use requiring the receipt or distribution in vehicles of materials or merchandise, there shall be provided and maintained on the same premises with such building or addition, off street loading spaces in relation to floor area as follows:
 - a. Up to twenty thousand (20,000) square feet — one (1) space.
 - b. Twenty thousand (20,000) to fifty thousand (50,000) square feet — two (2) spaces.
 - c. Fifty thousand (50,000) to one hundred thousand (100,000) square feet — three (3) spaces.
 - d. One (1) additional space for each additional one hundred thousand (100,000) square feet or fraction thereof.
2. Each loading space shall be a minimum of (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height. No loading space shall be located closer than fifty (50) feet to any lot in any residential district unless wholly within a completely enclosed building or enclosed on all sides by a wall.

Section 17.1 - Outdoor Lighting

All outdoor lighting, whether for illuminating sites, parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all adjacent districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush mounted (non-protruding) lenses, directing light on-site only, and shall be no more than thirty (30) feet in height.

The Planning Commission may permit taller or require shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the number or size of light fixtures; not adversely impact neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures. Site lighting shall not exceed twenty (20) foot candles as measured three (3) feet above the ground surface, directly under the fixture.

Chapter 18 - Landscaping

Section 18.0 - Landscaping and Buffering

It is the intent of this section to provide minimum standards for landscape screening to minimize visual impacts of commercial and industrial development along roadways and to provide for landscaping within parking lots. In addition, the intent is to preserve and enhance the aesthetic qualities, character, privacy, and land use values. It is also the intention of this section to provide for buffering between residential and non-residential uses. The Planning Commission will use the following requirements listed in sub-sections A through H as a guideline for approving the site plan. Deviations may be permitted by the Planning Commission but must meet the intent of this section.

A. **Application:** These requirements shall apply to all uses for which site plan review is required under Chapter 12 of the Zoning Ordinance. No site plan shall be approved unless the site plan shows landscaping, greenbelt buffers, and screening consistent with the requirements set forth in this Chapter.

B. Landscape Plan

A Landscape Plan shall be submitted as part of the required site plan, or as a separate plan, if permitted by the Planning Commission during site plan review. The Landscape Plan shall contain, at a minimum, the following:

1. Location, spacing, size, and root type [bare root (BR) or balled and burlapped (BB)] and descriptions for each plant type proposed for use within the required landscape area.
2. Minimum scale: Same scale as required for site plan.
3. Existing and proposed contours on-site and fifty (50) feet beyond the site at intervals not to exceed two (2) feet.
4. Typical straight cross-section including slope, height, and width of berms and type of ground cover, or height and type of construction of wall or fence, including footings.
5. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
6. Planting and staking details to ensure proper installation and establishment of proposed plant materials.
7. Identification of existing trees and vegetative cover to be preserved.
8. Identification of grass and other ground cover and method of planting.
9. Identification of landscape maintenance program including statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this Ordinance.

C. Parking Lot Landscaping

The Planning Commission may alter the following standards pertaining to parking lot landscaping based upon the individual circumstance during the site plan review process.

1. Separate landscaped areas shall be required with one (1) tree for every eight (8) parking spaces, and a minimum of 50 square feet of landscaped space within the paved portion. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of the pavement.
2. Individual landscaped areas shall be a minimum of eighteen (18) feet wide and three hundred twenty-four (324) square feet in area.
3. Parking lot landscaping shall be so designed to consider minimization of visual interference to drives, including ingress, egress, and interior circulation.

D. Highway Landscape Buffers

1. A strip of land with a minimum width equal to the front yard setback of its zoning classification shall be located between the abutting right-of-way of a public street or major thoroughfare is required as a “highway landscape buffer”. The highway landscape buffer shall contain a minimum of one (1) tree not less than twelve (12) feet in height or a minimum caliper of two and one-half (2 ½) inches (whichever is greater at the time of planting) for each thirty (30) lineal feet, or major portion thereof, of frontage abutting said right-of-way. The remainder of the buffer shall be landscaped in grass, ground cover, shrubs, and/or other natural, living, landscape material
2. Access ways from public rights-of-way (e.g. sidewalks) through required landscape strips shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required unless the calculation would result in a violation of the spacing requirement set forth in this section.

E. Site Landscaping

1. In addition to any landscape areas and/or parking lot landscaping required by this Ordinance, at least ten (10) percent of the site area, including existing thoroughfare rights-of-way, shall be landscaped.
2. Areas used for storm drainage purposes, such as unfenced drainage courses or retention areas in front or side yards, may be included as a portion of the required landscaped area.

F. General Landscape Development Standards

1. Minimum Plant Material Standards:

- a. All plant material shall be hardy to Arenac County, free of disease and insects and conform to the standards of the American Nursery & Landscape Association.
- b. All plant materials shall be installed in such a manner so as not to alter drainage patterns on site or adjacent properties or obstruct vision for reasons of safety, ingress or egress.
- c. All plant material shall be planted in a manner so it will not cause damage to utility lines (above and below ground) and public roadways.
- d. Minimum plant sizes at time of installation:

| | |
|-----------------------------|--------------|
| Deciduous Canopy Trees | 2 ½“ caliper |
| Deciduous Ornamental Trees: | 2” caliper |

| | |
|----------------------------|------------------|
| Evergreen Tree: | 6' height |
| Deciduous Shrub: | 2' height |
| Upright Evergreen Shrub: | 2' height |
| Spreading Evergreen Shrub: | 18" – 24" spread |

- e. Existing plant material, which complies with the standards and intent of the Ordinance, as determined by the Zoning Administrator, shall be credited toward meeting the landscape requirements.

2. Minimum Standard for Berms:

- a. Berms shall be constructed so as to maintain a side slope not to exceed a one (1) foot rise to three (3) feet run ratio.
- b. Berms not containing planting beds shall be covered with grass or living groundcover maintained in a healthy growing condition. If slopes are seeded, they shall be protected until the seed germinates and a permanent lawn is established.
- c. Berms shall be constructed in a way that does not alter drainage patterns on site or on adjacent properties, nor shall it obstruct vision for reasons of safety, ingress, or egress.
- d. If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.

G. Landscape Buffers and Protective Screening

For nonresidential uses, except farms, which abut a permitted residential use, or which are adjacent to a Residential District boundary, there shall be provided and maintained greenbelts, fences or walls as required below. These requirements do not apply whenever the use, storage area, etc. is more than 400 feet from an adjacent Residential District boundary or residential use. The specifications of the protective screening shall be submitted as part of the site plan. Some exceptions to these requirements applying to more intense Special Land Uses may be contained in Chapter 14, Supplemental Development Regulations.

- 1. **Width of landscape buffers:** Landscape buffers (greenbelts) shall be at least ten (10) feet in width.
- 2. **Height of landscape buffers:** Height of landscape buffers shall be no less than eight (8) feet for trees and four (4) feet for shrubs.
- 3. **Height of protective screening (fences and walls):** Height of fences or walls shall be no less than six (6) feet.

H. Installation and Maintenance

- 1. All landscaping and landscape elements shall be planted, and earth moving or grading performed according to accepted good planting and grading procedures.
- 2. The owner or occupant, if different from the owner of property required to be landscaped by this Ordinance, shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes

first. All landscaped areas shall be provided with a readily available and accessible water supply.

Section 18.1 - Fences, Walls, and Hedges

- A. Unless specifically provided for by other provisions in this Ordinance, fences, walls, or hedges may be permitted on any property in any District, provided that no fence, wall, or hedge shall exceed a height of six (6) feet in the side and rear yards and three (3) feet in the front yard. In no event shall a fence or wall be installed or constructed closer than five (5) feet to the front property line or road right-of-way. Fences, walls, or hedges installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct sight distances needed for safe vehicular traffic, nor create a hazard to traffic or pedestrians. Fence and walls in a side or rear yard must be set back one (1) foot from the property line. Fences and walls may be located on the lot line in the side or rear yards if a prearranged agreement is signed by both abutting property owners. Said agreement shall not terminate upon sale of the property.
- B. Fences in any platted subdivision or site condominium development shall not contain barbed wire or be electrified.
- C. Where a lot borders a lake or stream, or has lake views, fencing shall not be constructed on the waterfront side within the waterfront setback. Fences shall not exceed four (4) feet in height, nor interfere with the neighboring properties view.
- D. Swimming Pools: Yard areas with inground pools are to be fenced to discourage unauthorized access. Such fencing is to be a minimum of four (4) feet high and equipped with a self-closing and self-latching gate. Latching devices are to be located at a minimum height of four (4) feet. Such fencing may be omitted where building walls without doorways abut the pool area.
- E. No fence shall be approved which:
 - 1. Constitutes a fire hazard either by itself or in connection with the existing structures in the vicinity; or
 - 2. Interferes or will interfere with access by the Fire Department in case of fire to buildings in the vicinity; or
 - 3. Will constitute a hazard to street traffic or to pedestrians.
- F. The portions of all fences facing property other than the property of the fence owner or facing a street right-of-way shall be finished so that, to the extent possible by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the street right-of-way.
- G. All fences shall be maintained in good condition and shall not constitute a safety hazard. Any fence not maintained as required by this subsection shall be removed by the owner of the fence.

Chapter 19 - Zoning Board of Appeals

Section 19.0 - Creation and Membership of the Zoning Board of Appeals

- A. The Zoning Board of Appeals (ZBA) shall perform its duties and exercise its powers as provided in Article 6 of Act 110, P.A. 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done. The Board shall consist of three (3) members, appointed by the Township Board by a vote of a majority of its membership.
1. The first member shall be a member of the Township Planning Commission for the terms of his/her office.
 2. The remaining members must be selected from the electors of Deep River Township and shall be representative of the population distribution and of the various interests present in the Township. One (1) member may be a member of the Township Board.
 3. An elected officer of the Township shall not serve as chairman. An employee or contractor of the Township Board may not serve as a member of the ZBA.
 4. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the ZBA. An alternate member may be called to sit as a regular member of the ZBA in the absence of a regular member if a regular member is absent from or unable to attend one (1) or more meetings of the ZBA. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the ZBA.
 5. The terms of office for members of the ZBA shall be for three (3) years, except for members serving because of their membership on the Planning Commission or the Township Board, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term in the same manner as the original appointment.
 6. A member of the ZBA may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 19.1 - Meetings

- A. Meetings of the ZBA shall be held at the call of the Chairman and at such other times as the ZBA may determine or specify in its rules of procedure. All hearings conducted by said Board shall be open to the public. The ZBA shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing

to vote, indicating said fact; and shall file a record of its proceedings in the office of the Township Clerk, and shall be a public record.

- B. The ZBA shall not conduct business unless a majority of those ZBA members qualified to sit for a particular matter are present to constitute a quorum, regardless of whether the members are regular members or alternate members.

Section 19.2 - Jurisdiction

- A. An appeal concerning the administration of the provisions of this Ordinance may be taken to the ZBA within the timeframe defined in the general rules and procedures adopted by the ZBA. If such a timeframe is not specified, appeals shall be filed within thirty (30) days of the decision of the Zoning Administrator from which the appellant seeks relief.
- B. The ZBA 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 a Zoning Ordinance adopted under this act.
- C. The ZBA shall have the authority to grant non-use variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the Zoning Ordinance as provided for in Section 19.5. The ZBA shall not grant use variances.
- D. The ZBA may also interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance.
- E. The ZBA has no jurisdiction to hear appeals from Planning Commission decisions concerning Special Land Use approvals or Planned Unit Developments.

Section 19.3 - Procedure and Decisions

1. An appeal to the ZBA may be taken by a person aggrieved or by an officer, department, board or bureau of Michigan or Deep River Township.
2. A variance in the Zoning Ordinance may be applied for and granted under section 4 of the uniform condemnation procedures act, 1980 PA 87, MCL 213.54, and as provided under the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.
3. The appellant shall file with the ZBA, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds for the appeal.
4. The Zoning Administrator shall immediately transmit to the ZBA all papers constituting the record of the appealed action.
5. The applicant is required to submit six (6) copies of surveys, plans and data as required under Chapter 12, or other information deemed reasonably necessary for making any informed decision on his or her appeal.
6. Following receipt of a written request for a variance, an interpretation of the Zoning Ordinance, or an appeal of an administrative decision, the ZBA shall fix a reasonable time for the hearing of the request and give notice pursuant to Section 15.2.

7. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.
8. A member of the ZBA who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.
9. The ZBA may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit. The final decision of such appeal shall be in the form of a resolution reversing, modifying or affirming, wholly or partly, the decision or determination appealed from. Reasons for the decision must be stated.
10. The concurring vote of a majority of the members of the ZBA is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the ZBA is required to pass under the Zoning Ordinance, or to grant a variance in the Zoning Ordinance.
11. The ZBA may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area, as provided for in Section 12.4.
12. No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period and substantial construction has occurred.
13. The decision of the ZBA shall be final. A party aggrieved by the decision may appeal to the circuit court of Arenac County.

Section 19.4 - Stay

- A. An administrative appeal to the ZBA and an appeal of a decision by the ZBA to circuit court stays all proceedings of the action appealed from, including the effectiveness of any Zoning Permit issued, unless the Zoning Administrator certifies to the ZBA after such appeal has been filed that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, unless ordered stayed by the ZBA or the circuit court. Provided, however, this section shall not apply to an administrative decision to take enforcement action for alleged violations of this Ordinance.

Section 19.5 - Variance Standards

- A. Dimensional Variance Standards: The ZBA may grant dimensional variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:
 1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the

surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship;

2. Strict compliance with the regulations governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;
3. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners;
4. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
5. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

Section 19.6 - Appeal to Circuit Court

- A. Any party aggrieved by a decision of the ZBA may appeal to the circuit court for Arenac County. The circuit court shall review the record and decision to ensure that the decision meets all of the following requirements:
 1. Complies with the constitution and laws of the state.
 2. Is based upon proper procedure.
 3. Is supported by competent, material, and substantial evidence on the record.
 4. Represents the reasonable exercise of discretion granted by law to the ZBA.
- B. If the court finds the record inadequate to make the review required by this section or finds that additional material evidence exists that with good reason was not presented, the court shall order further proceedings on conditions that the court considers proper. The ZBA may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse, or modify the decision.
- C. An appeal from a decision of a ZBA shall be filed within thirty (30) days after the ZBA issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the ZBA, if there is no chairperson, or within twenty-one (21) days after the ZBA approves the minutes of its decision. The court may affirm, reverse, or modify the decision of the ZBA. The court may make other orders as justice requires.