VILLAGE OF DEERFIELD

LENAWEE COUNTY, MICHIGAN

ORDINANCE NO. 1

VILLAGE ZONING

PURPOSE

An ordinance to regulate and restrict the use of land and buildings by dividing the Village of Deerfield into districts; defining certain terms used therein; imposing regulations, prohibitions and restrictions governing the erection, construction or reconstruction of structures and buildings and lands to be used for the purposes of agriculture, residence, commerce, industry and other specified purposes; regulating and limiting the height and bulk of buildings and other structures; regulating and limiting lot occupancy and the size of yards and other open spaces, establishing the boundaries of districts; creating a Zoning Board of Appeals, defining and limiting the powers and duties of said Board and setting standards to guide actions of said Board and providing the means of enforcing said Ordinance and providing a penalty for violation of said Ordinance.

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PREAMBLE

In accordance with the authority and intent of the Michigan Zoning Enabling Act, P.A. 110 of 2006 as amended, the Village of Deerfield desires to provide for the orderly development of the Village, which is essential to the well-being of the community, and which will place no undue burden upon developers, industry, commerce, or residents. The Village further desires to assure the provision of adequate sites for industry, commerce, and residence; to provide for the free movement of vehicles upon the property streets and highways of the Village; to protect industry, commerce, and residences against incongruous and incompatible uses of land; to promote the proper use of land and natural resources for the economic well-being for the Village as a whole; to assure the provision of adequate space for the parking of vehicles of customers using commercial, retail and industrial areas; and that all uses of land and buildings within the Village of Deerfield are so related as to provide for economy in government and mutual support. The result of such purposes of this Ordinance is to promote and protect the public health, safety, comfort, convenience, and general welfare of the residents, merchants, and workers in the Village of Deerfield.

THE VILLAGE OF DEERFIELD ORDAINS:

ARTICLE 1
SHORT TITLE

This Ordinance shall be known and may be cited as the Zoning Ordinance of the Village of Deerfield.

ARTICLE 2
CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the text of this Ordinance.

2.1 The particular shall control the general.

2.2 In the case of any difference of meaning or implication between the text of this Resolution and any caption or illustration, the text shall control.

2.3 The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

2.4 Words used in the present tense shall include the future; the words used in the singular number shall include the plural, and the plural the singular, unless the context indicates the contrary.

2.5 A "building" or structure includes any part thereof.

2.6 The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".

2.7 The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

2.8 Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or" "either ... or", the conjunction shall be interpreted as follows:

2.8.1 "And" indicates that all the connected items, conditions, provision, or events shall apply.

2.8.2 "Or" indicates that the connected items, conditions, or provisions, or events may apply singularly or in any combination.

2.9 Terms not herein defined shall have the meaning customarily assigned to them.

ARTICLE 3
DEFINITIONS

For the purpose of enforcing the provisions of this Ordinance, certain terms and words used herein are defined as follows:

3.1 ACCESSORY BUILDING: A supplementary building or a portion of a main building, the use of which is incidental to that of the main building and which is located on the same lot as the main building, but such use shall not include any building used for dwelling, lodging, or sleeping quarters for human beings.

3.2 AGRICULTURE: The use of land for tilling of the soil, the raising of field or tree crops or animal husbandry, as a source of income.

3.3 ALLEY: A public way not more than thirty (30) feet in width and which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

3.4 ALTERATIONS: Any change in the location or use of building, or any change or modification in the supporting members of a building such as bearing walls, columns, beams, hoists, girders and similar components, or any substantial changes in the roof or exterior walls, or any change in the type of occupancy, the consummated act of which may also be referred to herein as "altered" or "reconstructed".

3.5 APPEAL: An entreaty or demand for hearing or review of facts and/or actions in connection with the public enforcement of this Ordinance.

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

3.7 AUTOMOBILE SERVICE STATIONS: A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water and other operating commodities for motor vehicles, aircraft or boats, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for the storage, minor repair, or servicing, but not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rust proofing, where the primary use of the premises is such, or high-speed washing thereof, or sales of used cars, new cars, used trucks, new trucks, motorcycles or other land vehicle type, or sale unrelated to service station use.

3.8 AUTOMOBILE WASH ESTABLISHMENT: A building, or portion thereof, the primary purpose of which is that of washing vehicles.

3.9 BASEMENT: That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement. (See illustration entitled "Basement and Story Definitions").

3.10 BED AND BREAKFAST: A private residence with sleeping accommodations for paying guests in a dwelling having five (5) or fewer guest bedrooms and is the property owner's residence in which the property owner resides while renting the rooms to paying guests.

3.11 BEDROOM: A room in a dwelling unit used for or intended to be used solely for sleeping purposes by human beings.

3.12 BLOCK: The property abutting one (1) side of a street and lying between the two (2) nearest intersection streets, crossing or terminating; or between the nearest such street and railroad right-of-way; unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

3.13 BOARDING HOUSE. A dwelling where meals, or lodging and meals, are provided for compensation to three (3) or more persons by prearrangement of definite periods of not less than one (1) week. A boarding house is to be distinguished as other than a hotel, motel, convalescent home or nursing home.

3.14 BOARD OF APPEALS (ZONING): The term "Zoning Board of Appeals" shall mean the Village of Deerfield, Lenawee County, State of Michigan Zoning Board of Appeals.

3.15 BUILDING: A structure erected on sight, a manufactured home or mobile structure, a pre-manufactured or precut structure, above or below ground, designed primarily for the shelter, support or enclosure of person, animals or property of any kind.

3.16 BUILDING INSPECTOR: This term shall refer to the Building Inspector of the Village of Deerfield or his or her authorized representative.

3.17 BUILDING SETBACK LINE: The line which pertains to and defines those minimum (building) setback lines which are established parallel to the front street or right-of-way line and within which setback area no part of a building shall project or be located, except as otherwise provided for by this Ordinance. Such line when adjacent to a building is normally formed by the junction of the outer surface of the building or enclosure wall with the finish grade or surface of the adjoining ground.

3.18 BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot upon which it is situated.

3.19 BUILDING PERMITS: A building permit is the written authority issued by the Building Inspector of the Village permitting the construction, removal, moving, alteration, or use of a building in conformity with the provisions of this Ordinance.

3.20 CLINIC: A building or group of buildings where human patients are admitted, but not lodged overnight, for examination and treatment by more than one (1) professional, such as a physician, dentist, or the like.

3.21 COMMERCIAL USE: A commercial use relates to the use of property in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise or personal services or the maintenance of offices or recreational or amusement enterprises, and garage, basement sales, conducted on residential premises for more

than six (6) calendar days during a given on (1) year period.

3.22 CONVALESCENT OR NURSING HOME: A convalescent home or nursing home is a home for the care of children or the aged for the infirm, or a place of rest for those suffering serious bodily disorders, wherein three (3) or more persons are cared for. Said home shall also conform to, and qualify for license under, applicable State laws (even though State law may provide for different size regulations).

3.23 DISTRICT: A portion of the Village within which certain uses of land and/or buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

3.24 DRIVE-THROUGH OR FAST-FOOD RESTAURANT: A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in, or momentarily stepped away from, their motor vehicle (such as banks, laundry or dry-cleaning pick-up establishments).

3.25 DRIVE-IN RESTAURANT: A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one or both of the following characteristics:

3.25.1 Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle either by a carhop or by other means which eliminates the need for the customer to exit the motor vehicle.

3.25.2 The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged, or permitted.

3.26 DWELLING: One (1) or more rooms with independent cooking facilities designed as a unit for residence by only one (1) family. The Building Inspector shall not issue a building permit to locate, erect, construct, reconstruct, alter, or convert a single-, two-, or multiple-family dwelling unit until adequate data, information, and evidence con be shown that the dwelling complies with the following standards.

3.26.1 Minimum Size Standards:

a. Minimum floor area of a dwelling unit located in a R-1, Single-Family zoning district shall be one thousand (1,000) square feet and for a dwelling located in any other district shall be eight hundred (800) square feet. (For the purpose of computing the dwelling unit the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breeze ways, and enclosed and unenclosed porches).

b. Minimum width of the principal dwelling as built or assembled on the

site shall not be less than twenty (20) feet, as measured across the narrowest portion.

c. Minimum floor to ceiling height of the dwelling shall be eight (8) feet.

3.26.2 Health Construction Standards:

a. If central water and sanitary sewage facilities are available the dwelling shall be connected to said facilities. On-site septic systems shall be approved by the County Health Department.

b. Conventional site built dwellings and all other pre-manufactured dwellings, except manufactured homes, shall comply with the State Construction Code Standards and other applicable fire, plumbing, electrical, etc., codes and regulations. Manufactured home dwellings shall comply with the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24 CFR, 3280), as amended, including fire, plumbing, electrical, etc., and other applicable codes and regulations. The manufactured home shall be installed pursuant to the manufacturer's setup instruction.

c. All dwellings shall have a foundation complying with the State Construction Code Standards including a foundation wall of the same perimeter dimensions as the dwelling and constructed of such materials and type as required in the State Construction Code.

d. Conventional site built dwellings shall have an anchoring system complying with the State construction Code. Manufactured home dwellings shall be secured to the premises by an anchoring system or devise compatible with those required by the Michigan Mobile Home Commission.

3.26.3 Aesthetic Standards:

a. Dwelling shall have a foundation wall around the home as specified in Section 3.26.2c completely enclosing the dwelling.

b. Dwellings shall not have exposed wheels, towing mechanisms, undercarriage or chassis and no storage shall be allowed in any crawl space which is not a standard basement.

c. The pitch of the main roof of the dwelling shall not be less than one (1) foot of rise for each four (4) feet of the horizontal run.

d. Dwellings shall have a roof drainage system with minimum four (4) inch diameter gutters with proper down spout.

e. Materials used for exterior finish shall not create a reflection greater than from siding coated with clean white, gloss, exterior enamel.

f. All additions to the original dwelling shall be constructed with a similar material and have a similar appearance and quality of workmanship as the original dwelling including an appropriate foundation and permanent attachment to the principal structure.

g. There shall be a minimum of two (2) exterior doors with one (1) being in the front of the home and the other in the rear or side of the home connected to permanently attached steps.

3.26.4 Conformance of Manufactured Home to Standards: Manufactured homes which do not conform to the standards of Section 3.26 of this Ordinance shall not be used for dwelling purposes with the Village unless located within a manufactured housing park.

3.26.5 Dwelling - Single Family: A detached building designed for or occupied by one (1) family only and conforming in all respects to the standards of Section 3.26.

3.26.6 Dwelling - Two Family: A detached building designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each and conforming in all respects to the standards of Section 3.26.

3.26.7 Dwelling - Multiple-family: A building designed for or occupied by three (3) or more families living independently of each other with separate housekeeping and cooking facilities for each and conforming in all respects to the standards of Section 3.26.

3.26.8 Efficiency Unit: An efficiency unit is a dwelling unit consisting of one (1) room, exclusive of bathroom, kitchen, hallway, closets, or dining alcove directly off the principle room.

3.27 ESSENTIAL SERVICES: Means the erection, construction, alteration or maintenance by public utilities or public authorities, of underground or overhead gas, electrical, steam or water transmission systems, including poles, wires, mains, drains, sewers, pipes, conduits, hydrant or other similar equipment and accessories in connection therewith, not including buildings, as shall be reasonably necessary for the furnishing of adequate services by public utilities, or public authorities, or for the public health, safety or general welfare (not including buildings other than are primarily enclosures or shelters of the above essential service equipment). Same shall be permitted as authorized by law and other ordinances, the intent being to exempt such erection from the application of this Ordinance.

3.28 FAMILY: One (1) or more persons living together in one (1) dwelling unit and interrelated by bonds of marriage, blood, or legal adoption (additionally may include up to a total of three (3) persons not so related who are either domestic servants or gratuitous guests), comprising a single housekeeping unit sharing one (1) kitchen facility for normal meal preparation - sink, oven, refrigerator; as distinguished from a group occupying hotel, motel, boarding house, club fraternity or sorority house, or tourist home. Every additional person or group of two (2) or more persons not related or included in two family as herein defined, shall be considered a separate family for the

purpose of this Ordinance.

3.29 FARM: All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a contiguous parcel of three (3) or more acres in area; provided further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms and apiaries; but establishments keeping or operating fur-bearing animals, riding, or boarding stables, commercial dog kennels, game fish hatcheries, piggeries, stockyards, stone quarries or gravel or sand pits shall not be considered a farm hereunder unless combined with bona fide farm operations on the same continuous tract of land of not less than three (3) acres.

3.30 FARM BUILDINGS: Any building or structure other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms of that type or the pursuit of their agricultural activities.

3.31 FLOOD PLAIN: Any land area susceptible to being inundated by water from any source.

3.32 FLOOR AREA:

3.32.1 Floor Area, Gross: The sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two (2) buildings. The "floor area of building which is what this normally is referred to as, shall include the basement floor area when more than one-half (½) of the basement height is above the established curb level or finished lot grade, whichever is higher (see "Basement" definition). Any space devoted to off-street parking or loading shall not be included in "floor area". Areas of basements, utility rooms, breezeways, unfinished attics, porches (enclosed or unenclosed) or attached garages are not included.

3.32.2 Floor Area, Usable: The measurement of usable floor area shall include that portion of the floor area, measured from the interior face of the exterior walls, used for or intended to be used for services to the public or customers, patrons, clients, or patients; including areas occupied by fixtures or equipment used for display or sale of goods or merchandise, but not including areas used or intended to be used for storage of merchandise, utility or mechanical equipment rooms, or sanitary facilities. In the case of a half story, the usable floor area shall be considered to be only that portion having a clear height above it or four (4) feet or more. (See illustrations entitled "Basic Structural Terms" and "Floor Area Terminology".)

3.33 GARAGE, PRIVATE: A space or structure suitable for the storage of motor vehicles having no public shop or service in connection therewith, for the use solely of the owner or occupant of the principal building on a lot, or of his family or domestic employees, and with a capacity of not more than three (3) motor vehicles. This shall also be construed to permit the storage on any one lot, for the occupants thereof, not more than on (1) commercial vehicle not exceeding a rated capacity of three-fourths (3/4) of

a ton.

3.34 GRADE: The building grade shall, in the case of fairly level ground conditions, be the level of the ground adjacent to the walls. For substantially unlevel ground conditions, the grade shall be the average elevation of the ground adjacent to the walls.

3.35 HEIGHT, BUILDING: The vertical distance measured from the grade of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average ground level of the terrace at the building wall. (See illustration entitled "Building Height Requirements".)

3.36 HOME OCCUPATION: Any use customarily conducted entirely within the dwelling and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character thereof, and which does not endanger the health, safety, and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involving in or resulting from such occupation, professions or hobby. Provided further, that no article or service is sold or offered for sale on the premises, except as such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction features equipment, machinery, outdoor storage, or signs not customarily in residential areas. One (1) non-illuminated nameplate, not more than two (2) square feet in area, may be attached to the building. Day care centers, beauty parlors, tea rooms, veterinarian's office, tourist homes, animal hospitals, kennels, real estate offices, millinery shops, among others shall not be deemed to be home occupations.

3.37 HOTEL/MOTEL: A building occupied as a more or less temporary abiding place for individuals, who are lodged with or without meals in rooms occupied singularly for hire in which provision is not made for cooking on any individual plan and in which there are more than ten (10) sleeping rooms.

3.38 JUNK YARD OR SALVAGE YARD: A place, structure, parcel or use of land where junk, waste, discard, salvage, or similar material such as iron or the metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cordage, barrels, containers, etc. are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, housing wrecking, and structural steel materials and equipment and including establishments for the sale, purchase, or storage of salvaged machinery and the process of used, discarded, or salvaged materials, for any thirty (30) consecutive days.

3.39 KENNEL: Any lot or premises on which three (3) or more dogs or cats are kept either permanently or temporarily boarded. All kennels shall comply with all applicable Village, County, and State regulations.

3.40 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.

3.41 LOT: A lot is a piece or parcel of land occupied or intended to be occupied by a building any accessory buildings or by any other use or activity permitted thereon and including the open spaces and yards required under this Ordinance and having its frontage upon a public street or road either dedicated to the public or designated on a recorded subdivision. Provided that the owner of any number of contiguous lots may have as many of said contiguous lots considered as a single lot for the purpose of this Ordinance as he so elects, and in such case the outside perimeter of said group of lots shall constitute the front, rear, and side lot liens thereof. This latter parcel is then often referred to as a "zoning lot".

3.41.1 Lot, Depth: The depth of a lot is the mean horizontal distance from the center of the front lot line to the center of the rear lot line. In the case of a riparian lot, it is from the river frontage line to the street frontage line. In the case of an acreage parcel, it is from the front right-of-way line to the rear lot line.

3.41.2 Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street will be designated as the front street for all lots in the plat and in the request for a zoning compliance permit, If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.

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

3.41.4 Lot, Riparian: A lot having frontage directly upon a lake, natural or man-made, river, pond, or other artificial impoundment of water. The portion adjacent to the water shall be designated the frontage of the lot, and the opposite side shall be designated the street frontage of the lot.

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

3.42 LOT LINES: Any line dividing one (1) lot from another or from the right-of-way, and thus constitute property lines bounding a lot.

3.42.1 Lot Line, Front: In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from that street which is designated as the front street in the plat and/or in the request for a zoning compliance permit

3.42.2 Lot Line, Rear: The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10) feet long lying farthest from the front lot line and wholly within

the lot. In any case, when this definition does not apply, the Zoning Board of Appeals shall designate the rear lot line.

3.42.3 Lot Line, Side: Any lot boundary line not a front 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 lot line.

3.43 LOT OF RECORD: A lot of record is a lot the dimension and configuration of which are shown on a map recorded in the office of the Register of Deeds for Lenawee County, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a Professional Engineer or Land Surveyor (so registered and licensed in the State of Michigan) and likewise so recorded on a file with the County.

3.44 LOT AREA: The total area within the lot lines of a lot.

3.45 LOT, CORNER: A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees. (See illustration entitled "Corner, Interior and Double Frontage Lots".)

3.46 MANUFACTURED HOME: A detached portable residential dwelling unit with a floor area of at least four hundred (400) square feet, prefabricated on its own chassis and intended for long-term occupancy. The unit shall contain sleeping accommodations, a flush toilet, tub or shower, and eating and living quarters. It is designed to be transported on its own wheels or on a flatbed arriving at the site where it is to be occupied as a complete dwelling without permanent foundation and shall be connected to existing utilities. A travel trailer is not to be considered a manufactured home.

3.47 MANUFACTURED HOUSING PARK: A tract of land prepared and approved according to the procedures in this Ordinance to accommodate manufactured homes on rented or leased lots.

3.48 MANUFACTURED HOUSING SITE: For the purpose of this Ordinance is a plot of ground within a manufactured housing park designed to accommodate and support one (1) manufactured home. It is not the same as a building lot.

3.49 MEDICAL MARIJUANA FACILITIES DEFINITIONS

3.49.1 "Grower" means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or provisioning center. A grower can sell seeds or plants to another grower in addition to processors and provisioning centers. One grower may produce clones for others.

3.49.2 "Licensee" means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

3.49.3 "Marihuana" or "marihuana" means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.

3.49.4 "Marihuana facility" or "Medical Marihuana facility" means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marihuana processor, marihuana secure transporter, or marihuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq. A marihuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this ordinance.

3.49.5 "Processor" means a licensee that is a commercial entity located in this state that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.

3.49.6 "Provisioning center" means a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this Article.

3.49.7 "Safety compliance facility" means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

3.49.8 "Secure transporter" means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee. Zoning Districts

3.50 MUNICIPALITY: Municipality as used herein shall refer to the Village of Deerfield, Lenawee County, Michigan

3.51 NON-CONFORMANCE USE, BUILDING, OR LOT:

3.51.1 Non-Conforming Use: A non-conforming use is a use which lawfully occupied a building or land at the effective date of this Ordinance or amendments

thereto, and that does not conform to the use regulations of the zoning district in which it is located.

3.51.2 Non-Conforming Building: A non-conforming building is a building or portion thereof lawfully existing at the effective date of this Ordinance, or amendments thereto, and which does not conform to the provisions (e.g., setbacks, height, lot coverage, parking) of this Ordinance in the zoning district in which it is located.

3.51.3 Non-Conforming Lot: A non-conforming lot is a parcel of land lawfully existing at the effective date of this ordinance or amendments thereto that does not conform to ordinance provisions for the district in which it is located.

3.52 OFF STREET PARKING LOT: A facility providing vehicular parking spaces along with adequate drives and aisles. Adequate maneuvering space shall be provided which allows unrestricted access and egress plus on-site storage space for at least two (2) vehicles.

3.53 OPEN AIR BUSINESS USES: Open air business uses shall include the following business uses:

3.53.1 Nurseries including retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.

3.53.2 Retail sale of fruit and vegetables.

3.53.3 Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park and/or similar recreation uses.

3.53.4 Bicycle, utility truck or trailer, motor vehicle, boats or home equipment sole; rental or repair services.

3.53.5 Outdoor display and sale of garages, swimming pools, motor homes, manufactured homes, snowmobiles, farm implements, and similar products.

3.54 OPEN SPACE: All land within a development that has been set aside as common land, under public or private ownership or control, for recreation, conservation, agricultural uses, preservation in an undeveloped state or similar use

3.55 OUTDOOR STORAGE: An open area where goods, equipment, merchandise, components awaiting assembly, finished products, building materials, and similar items are kept or stored for use on-site or later distribution or shipment off-site. The term does not include uses established entirely within enclosed buildings.

3.56 OUTLOT: A lot or parcel of land dedicated to public or private use other than a dwelling site.

3.57 PARKING SPACE: An area for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits, and being fully accessible for

the storage or parking of self-propelled vehicles.

3.58 POND: A small man-made body of water (not including a swimming pool) developed for the personal use of the property owner and maintained by surface water runoff, groundwater, or a public or private water distribution system.

3.59 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.

3.60 PORCH, OPEN; a covered entrance to a building or structure which is unenclosed expect 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.

3.61 PRIVATE PARK: A parcel of land for use as a recreation area, play area, picnic area, or nature area, without commercial trade.

3.62 PUBLIC UTILITY: Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under municipal or state regulation to the public; transportation, water, gas, electricity, telephone, steam, telegraph, or sewage disposal.

3.63 RECREATIONAL VEHICLE: A vehicle which is self-propelled or permanently towable by motor vehicle; designed primarily for use as temporary living quarters, or for recreational, camping, travel or seasonal use; and required by Michigan law to have a valid vehicle registration when traveling upon public roads.

3.63A RENTAL HALLS AND EVENT VENUES. Any enclosed hall, building or portion of any building periodically available for rental, lease or loan for the purpose of public assembly, banquets, luncheons, ceremonies, and entertainment.

3.64 RECYCLING CENTER: A structure or parcel of land where junk, waste, discard, salvage, or similar materials such as old iron or other metal, wood, lumber, glass, paper, rags, cloth, leather, rubber, bagging, cording, barrel, containers, etc., are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including auto wrecking yards, inoperative machines, used lumber yards, house wrecking, and structural steel materials, and equipment and including establishments for sale, purchase, or storage of salvaged machinery and the processing of used, discarded, or salvaged materials, for any thirty (30) consecutive days.

3.65 SEPARATE OWNERSHIP: Ownership of a parcel of property wherein the owner does not own adjoining vacant property. Owner of a property may include dual or multiple ownership by a partnership, corporation, or other group. Provided, that the owner on any number of contiguous lots of record considered as a single lot of record for the purpose of this Ordinance as he so elects, and in such case the outside perimeter of said group of lots of record shall constitute the front, rear and side lot lines thereof

3.66 SETBACK: The minimum horizontal required to exist between any building line and all adjacent lot boundaries or road rights-of-way. (See illustration "Lot Terms".)

3.67 SIGHT CLEARANCE TRIANGLE: means the part of a property on a corner lot on which no sign or other object shall intrude upon the airspace between the height of three and eight feet. This restriction shall not include the standard upon which a freestanding sign rests. The triangle shall be formed as follows: beginning at the corner of the property where the property lines intersect, a distance of 30 feet shall be measured along each property line. From the end of those lines, another line shall be made connecting the two ends. The triangle thus formed shall be known as the sight clearance triangle.

3.68 STATE LICENSED RESIDENTIAL FACILITY: A structure constructed for residential purposes that is licensed by the state which provides resident services for six (6) or less persons under 24-hour supervision or care for persons in need of that supervision or care.

3.69 STORY: That portion of a building, other than a mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

3.69.1 Mezzanine: A "Mezzanine floor may be used in this definition of a full story when it covers more than fifty (50) per cent of the area of the story underneath said mezzanine or, if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.

3.69.2 Basement: For the purpose of this Ordinance, a basement shall be counted as a story if over fifty (50) per cent of its height is above the level from which the height of the building is measured, or, if it is used for business purposes, or if it is used for dwelling purposed by other than a janitor or domestic servant employed in the same building, including the family of the same.

3.69.3 Half: A half story is that part of a building between a pitched roof and the uppermost full story, said part having a floor area which does not exceed one-half (½) the floor area of said full story, provided the area contains at least two hundred (200) square feet with a clear height of at least seven (7) feet and six (6) inches.

3.70 STREET: The public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and other thoroughfare, except an alley.

3.71 SWIMMING POOL: The term "swimming pool" shall mean any structure or container located whether above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purpose of determining required yard spaces and maximum lot coverage.

3.72 VILLAGE COUNCIL: Whenever in this Ordinance appear the words "Village Council", it shall mean the Village council of the Village of Deerfield

3.73 UNDEVELOPED STATE: A natural state preserving natural resources, natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may

include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

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

3.74.1 Accessory: A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the premises.

3.74.2 Legal Non-conforming Use: An existing use of land and/or structures as of the effective date of this Ordinance which does not conform to the uses specified as permitted in a district, but which is not construed by this Ordinance as a nuisance, or damaging to abutting property, or hazardous to persons.

3.74.3 Illegal Non-conforming Use: A use that occupies one or more contiguous parcels of land, or structures and land in combination, which is not a conforming or non-conforming use, or is not in compliance with all applicable village ordinances.

3.75 UTILITY ROOM: A utility room is a room in a dwelling, not located in the basement, the use of which is primarily for storage or for housing a heating unit, or for laundry purposes.

3.76 VARIANCE: A variance is a modification of the literal provisions of the zoning Ordinance which is granted when strict enforcement would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. Hardships based solely on economic considerations are not grounds for a variance.

3.77 WIND ENERGY SYSTEMS: A wind energy system which converts wind energy into electricity through the use of a wind turbine generator and includes the turbine, blades, and tower as well as related electrical equipment.

3.78 WIRELESS COMMUNITY FACILITIES: All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment building and private and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities; shortwave receiving facilities; radio and television broadcast and reception facilities; federally licensed amateur (ham) radio facilities, which are subject to state or federal law or regulations which preempt municipal regulatory authority.

3.79 YARD, REQUIRED SIDE-REAR-FRONT: An open space of prescribed width or depth, adjacent to lot or property line, on the same land with a building or group of buildings, which open space lies in the area between the building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward, except as otherwise provided herein. This regulation shall not exclude eaves provided that an eight (8) foot height clearance is provided above the adjacent ground level. (See illustration

entitled "Yard Requirements".)

3.79.1 FRONT: An open space extending the full width of a lot and of depth measured horizontally at right angles to the front property line, lot line, or right-of-way.

3.79.2 An open space extending the full width of a lot and of a depth measured horizontally at right angles to the rear property line, lot line, or right-of-way, except as otherwise provided in this Ordinance.

3.79.3 SIDE: An open space extending on each side of the lot from the required front yard to the required rear yard, and of a width measured horizontally at right angles to the respective side property line, lot line, or right-of-way.

3.80 YARD, SIDE-REAR-FRONT: A general term applied to the space on a lot or parcel, which lot or parcel contains a building or group of buildings, lying between the building or group of buildings and the nearest respective lot or property line facing each building. (See illustration entitled "Yard Requirements".)

3.81 ZONING MAP: The Official Zoning Map of the Village of Deerfield containing zoning districts as provided in Section 4.1 of this Ordinance. The Official Zoning Map is hereby adopted as part of this Ordinance.

ARTICLE 4
ZONING DISTRICTS, MAPPING INTERPRETATION AND PERMITTED USES

4.1 DISTRICTS ESTABLISHED. The Village of Deerfield is hereby divided into the following districts:

4.1.1 R-1 Single Family Residential District

4.1.2 R-2 Single Family Residential District

4.1.3 RT Two Family Residential District

4.1.4 RM-1 Multiple Family Residential District

4.1.5 C-1 Local Commercial District

4.1.6 C-2 Central Business District

4.1.7 I-1 Industrial District

4.2 INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:

4.2.1 Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.

4.2.2 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

4.2.3 Boundaries indicated as approximately following Village limits shall be constructed as following Village limits.

4.2.4 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

4.2.5 Boundaries indicated as parallel to or extensions of features indicated in subsections 4.2.1 through 4.2.4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

4.2.6 Where physical or cultural features existing on the ground are at variance with those shown on the official Zoning Map or in other circumstances not covered by subsections 4.2.1 through 4.2.5 above, the Zoning Board of Appeals shall interpret the district boundaries.

4.2.7 Insofar as some or all of the various districts may be indicted on the Zoning Map by patterns which, for the sake of map clarity, do not cover public

rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

4.3 PERMITTED USES. Uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts, or if substantially similar in nature to uses which are listed. All other uses shall be prohibited. Uses for enterprises or purposes that are contrary to federal, state or local laws or ordinances are prohibited.

ARTICLE 5
R-1, SINGLE FAMILY RESIDENTIAL DISTRICT

5.1 STATEMENT OF PURPOSE. The R-1 Single Family Residential District is established as a district in which the principal use of land is for single-family dwellings. For the single-family residential district, in promoting the general purpose of this Ordinance, the specific intent is:

5.1.1 To encourage the construction of, and the continued use of the land for single-family dwellings.

5.1.2 To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district,

5.1.3 To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance.

5.1.4 To discourage any land use which would generate traffic on local streets other than normal traffic to serve the residences on those streets.

5.1.5 To discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for single-family dwellings.

5.1.6 To encourage single-family development in those areas which have suitable soils or municipal utility systems.

5.2 PERMITTED PRINCIPAL USES. The following provisions apply to the Single Family Residential District. Any use not expressly permitted is prohibited.

5.2.1 Single-family detached dwellings.

5.2.2 Publicly owned and operated museums, libraries, parks, play fields, playgrounds, recreation facilities and conservation.

5.2.3 Public, parochial or other private elementary, intermediate, and/or high schools offering courses in general education.

5.2.4 State licensed residential facility.

5.2.5 Accessory uses and buildings customarily incidental to the above Permitted Principal Uses.

5.3 PERMITTED USES AFTER SPECIAL APPROVAL. The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission.

5.3.1 Nursery schools, day nurseries and childcare centers (not including dormitories) provided that for each child so cared for, there shall be provided and maintained a minimum of one hundred (100) square feet of outdoor play area. Such play space shall have a total minimum area of at least three thousand (3,000) square feet and shall be screened from any adjoining lot in any residential district.

5.3.2 Cemeteries provided the perimeter of the site shall be fenced as designated in Section 16.19

5.3.3 Churches, subject to the condition that buildings of greater than the maximum height allowed in Article 12 "SCHEDULE OF REGULATIONS" may be allowed provided front, side, and rear yards are increased by one (1) foot for each foot of building height that exceeds the maximum height allowed.

5.3.4 Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the district to serve the immediate vicinity.

5.3.5 Temporary building for use incidental to construction work for a period not to exceed one (1) year. Temporary living quarters incidental to construction may not exceed fourteen (14) calendar days residency on the property.

5.3.6 Golf courses, which may or may not be operated for profit, subject to the condition that development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands.

5.3.7 Funeral homes subject to the following conditions:

a. Adequate assembly area shall be provided off-street for vehicles to be used in the funeral procession provided further that such assembly area shall be provided in addition to any off-street parking area.

b. A caretaker's residence may be provided with the main building of a funeral home.

5.3.8 Farming, subject to the following condition: Minimum farm size shall be three (3) acres.

5.3.9 Home Occupations as defined in Section 3.36.

5.4 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. Area, Height, Bulk and Placement Requirements unless otherwise specified are provided in Article 12, "SCHEDULE OF REGULATIONS".

ARTICLE 6
R-2, SINGLE FAMILY RESIDENTIAL DISTRICT

6.1 STATEMENT OF PURPOSE. The R-2 Single Family Residential District is established as a district in which the principal use of land is for single-family dwellings. For the single-family residential district, in promoting the general purpose of this Ordinance, the specific intent is:

6.1.1 To encourage the construction of, and the continued use of the land for single-family dwellings.

6.1.2 To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single-family dwellings in the district

6.1.3 To encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this Ordinance.

6.1.4 To discourage any land use which would generate traffic on local streets other than normal traffic to serve the residences on those streets.

6.1.5 To discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for single-family dwellings.

6.1.6 To encourage single-family development in those areas which have suitable soils or municipal utility systems.

6.2 PERMITTED PRINCIPAL USES. The following provisions apply to the Single Family Residential District. Any use not expressly permitted is prohibited.

6.2.1 Single-Family detached dwellings.

6.2.2 Publicly owned and operated museums, libraries, parks, playfields, playgrounds, and recreation facilities conservation.

6.2.3 Public, parochial or other private elementary, intermediate, and/or high schools offering courses in general education.

6.2.4 State licensed residential facility.

6.2.5 Accessory uses and buildings customarily incidental to the above Permitted Principal Uses.

6.3 PERMITTED USES AFTER SPECIAL APPROVAL. The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission.

6.3.1 Nursery schools, day nurseries and childcare centers (not including dormitories) provided that for each child so cared for, there shall be provided and maintained a minimum of one hundred (100) square feet of outdoor play area. Such play space shall have a total minimum area of at least three thousand (3,000) square feet and shall be screened from any adjoining lot in any residential district

6.3.2 Cemeteries provided the perimeter of the site shall be fenced as designated in Section 16.19.

6.3.3 Churches, subject to the condition that buildings of greater than the maximum height allowed in Article 12 "SCHEDULE OF REGULATIONS" may be allowed provided front, side, and rear yards are increased by one (1) foot for each foot of building height that exceeds the maximum height allowed.

6.3.4 Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity.

6.3.5 Temporary building for use incidental to construction work for a period not to exceed one (1) year. Temporary living quarters may not exceed fourteen (14) calendar days residency on the property.

6.3.6 Golf courses, which may or may not be operated for profit, subject to the condition that development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands

6.3.7 Funeral homes subject to the following conditions:

a. Adequate assembly area shall be provided off-street for vehicles to be used in the funeral procession provided further that such assembly area shall be provided in addition to any off-street parking area.

b. A caretaker's residence may be provided within the main building of a funeral home.

c. Home Occupations as defined in Section 3.36.

6.3.8 Rental halls and event venues subject to the provisions of Section 16.35.

6.4 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. Area, Height, Bulk and Placement Requirements, unless otherwise specified, are as provided in Article 12, "SCHEDULE OF REGULATIONS".

ARTICLE 7
RT, TWO FAMILY RESIDENTIAL DISTRICT

7.1 STATEMENT OF PURPOSE. The RT, Two Family Residential District is designed to afford a transition of use in the existing housing area by permitting new construction or conversion of existing structures between adjacent residential and commercial, office or other uses which would affect residential character. This district also recognizes the existence of older residential areas of the Village where larger houses have been or can be converted from single-family to two-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditure for repairs and modernization. This district also allows the construction of new two-family residences where slightly greater densities are permitted.

7.2 PERMITTED USES: The following provisions apply in the Two-Family Residential District. Any use not expressly permitted is prohibited.

7.2.1 Single-family detached dwellings.

7.2.2 Two-family dwelling units.

7.2.3 Publicly owned and operated museums, libraries, parks, play fields, playgrounds, recreation facilities and conservation.

7.2.4 Public, parochial or other private elementary, intermediate, and/or high schools offering courses in general education.

7.2.5 State licensed residential facility.

7.2.6 Accessory uses and buildings customarily incidental to the above Permitted Principal Uses.

7.3 PERMITTED USES AFTER SPECIAL APPROVAL. The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission.

7.3.1 Nursery schools, day nurseries and childcare centers (not including dormitories) provided that for each child so cared for, there shall be provided and maintained a minimum of one hundred (100) square feet of outdoor play area. Such play space shall have a total minimum area of at least three thousand (3,000) square feet and shall be screened from any adjoining lot in any residential district.

7.3.2 Cemeteries provided the perimeter of the site shall be fenced as designated in Section 16.19.

7.3.3 Churches, subject to the condition that buildings of greater than the maximum height allowed in Article 12 "SCHEDULE OF REGULATIONS" may be allowed provided front, side, and rear yards are increased by one (1) foot for each foot of building height that exceeds the maximum height allowed.

7.3.4 Public utility buildings and uses, but not including services and storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity

7.3.5 Temporary building for use incidental to construction work for a period not to exceed one (1) year. Temporary living quarters incidental to construction may not exceed fourteen (14) calendar days residency on the property.

7.3.6 Golf courses, which may or may not be operated for profit, subject to the condition that development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands

7.3.7 Funeral homes subject to the following conditions:

a. Adequate assemble area shall be provided off-street for vehicles to be used in the funeral processions, provided further that such assembly area shall be provided in addition to any required off-street parking area.

b. A caretaker's residence may be provided within the main building of a funeral home.

7.3.8 Home Occupations as defined in Section 3.36.

7.4 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. Area, Height, Build and Placement Requirements, unless otherwise specified, are as provided in Article 12, "SCHEDULE OF REGULATIONS".

ARTICLE 8
RM-1, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

8.1 STATEMENT OF PURPOSE. The RM-1, Multiple-Family Residential District is designed to permit a more intensive residential use of land. These areas would be located near major roads for good accessibility and between single-family residential areas and other non-residential uses. Various sizes of residential accommodations, for ownership or rental, would thereby be provided to meet the needs of the different age and family groups in the community.

8.2 PERMITTED USES. The following provisions apply in all RM-1, Multiple Family Residential Districts. Any use not expressly permitted is prohibited.

8.2.1 Single-Family detached dwelling units.

8.2.2 Two-Family dwelling units.

8.2.3 Multiple family dwelling units including town houses, apartments, and row or terrace dwellings.

8.2.4 State licensed residential facility.

8.2.5 Accessory uses and buildings customarily incidental to the above Permitted Principal Uses.

8.2.6 Manufactured housing park, subject to the requirements as established and regulated by P.A. 96 of 1987, as amended, and subject to the following requirements:

a. There shall also be a minimum of ten (10) manufactured home sites provided. The manufactured housing park shall have front and rear setbacks of fifty (50) feet and side yard setbacks of twenty-five (25) feet.

b. The manufactured housing park shall have a greenbelt twenty (20) feet in width at its rear and sides. The greenbelt shall be forty (40) feet at the front of the manufactured housing park. The greenbelt shall be measured from the nearest edge of the road right-of-way or the lot line to the closest manufactured home site.

c. A minimum of ten (10) percent of the total facility should be left in open space developed for recreation purposes. Such developed area shall not include roads, sidewalks, lands under water or having excessive grades and shall be so graded and developed as to have adequate drainage and usability by residents of the park.

d. Each manufactured home shall have its own home site which shall be at least forty (40) feet wide and a minimum of three thousand six hundred (3,600) square feet in area. A double-wide manufactured

home shall have a home site which shall be at least fifty-five (55) feet wide and a minimum of five thousand five hundred (5,500) square feet in area.

e. Homes shall be at least thirty (30) feet from the rear of the nearest manufactured home and twenty-five (25) feet from the side of the nearest manufactured home. Manufactured homes shall not exceed one story or fifteen (15) feet in height.

f. Manufactured homes shall be placed at least ten (10) feet from the pavement of the access drive.

8.3 PERMITTED USES AFTER SPECIAL APPROVAL. The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission.

8.3.1 Housing for the elderly. All housing for the elderly shall be provided as a planned development and may provide for the following:

a. Cottage-type dwellings and/or apartment-type dwelling units.

b. Common services containing but not limited to central dining rooms, recreational rooms, central lounge, and workshops.

8.3.2 Convalescent homes when the following conditions are met:

a. There snail be provided on the site, not less than two-hundred 200) square feet of open space for each bed in the home. The two-hundred (200) square feet of land area shall provide for a landscape setting, yard requirements and accessory uses, but shall not include the area covered by the main buildings, off-street parking, service drives or loading spaces.

b. Accessory buildings shall be permitted only within side or rear yards with the following setbacks controlling: fifteen (15) feet when adjacent to a non-residential district, and twenty-five (25) feet when adjacent to a residential district.

8.3.3 Orphanages when the following conditions are met:

a. There shall be provided on the site not less than two hundred (200) square feet of open space for each bed in the home. The two hundred (200) square feet of open space shall provide for a landscape setting, yard requirements and accessory uses, but shall not include the area covered by the main building, accessory buildings, off-street parking, service drives or loading spaces. b. Accessory buildings shall be permitted only within the side or rear yards with the following setbacks controlling: Fifteen (15) feet when adjacent to a non-residential district, and twenty-five (25) feet when adjacent to a residential district.

8.3.4 Funeral Homes subject to the following conditions:

a. Adequate assembly area shall be provided off-street for vehicles to be used in the funeral procession, provided further that such assembly area shall be provided in addition to any required off-street parking areas.

b. A caretaker's residence may be provided within the main building of a funeral home.

8.4 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS. Are, Height, Bulk, and Placement Requirements unless otherwise specified are provided in Article 12 "SCHEDULE OF REGULATIONS."

ARTICLE 9
C-1, LOCAL COMMERCIAL DISTRICT

9.1 STATEMENT OF PURPOSE. The C-1, Local Commercial District, is intended to permit retail business, office, and service uses which are needed to serve the nearby residential areas. In order to promote such business developments so far as is possible and appropriate in each area, uses are prohibited which would create hazards, offensive and loud noises, vibration, smoke, glare, or heavy truck traffic. The intent of this District is also to encourage the concentration of local business and office areas to the mutual advantage of both the consumers and merchants and thereby to promote the best use of land at certain strategic locations and to avoid the continuance of encouraging marginal strip, business development along heavily traveled roads.

9.2 PERMITTED PRINCIPAL USES. The following provisions apply in the C-1 Local Commercial District. Any use not expressly permitted is prohibited.

9.2.1 Office buildings resulting from any of the following occupations; executive; administrative; professional; accounting; writing; clerical stenographic; drafting; sales and governmental service.

9.2.2 Medical or dental office, including clinics and medical laboratories.

9.2.3 Banks, credit unions, savings and loan associations.

9.2.4 Business or private schools operated for a profit.

9.2.5 Churches.

9.2.6 Retail establishment for the sale of alcoholic beverages, baked goods, bicycles, books, confection, drugs, flowers, groceries, hardware, hobby equipment, jewelry, music, notions, paints, periodicals, sundry small household articles, tobacco, and similar establishments.

9.2.7 Personal service establishments performing services on the premises, such as barber and beauty shops; watch, radio, television, clothing and shoe repair, tailor shops, locksmith and similar establishments.

9.2.8 Laundry and dry cleaning customer outlets, coin-operated laundromats, self-serve dry cleaning centers and the like. Dry cleaning or laundry plants serving more than one customer service outlet are prohibited.

9.2.9 Eating establishments with a character of a drive-in or open front store.

9.2.10 Private service clubs, fraternal organizations and lodge halls.

9.2.11 Public utility buildings and uses but not including storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity.

9.2.12 Accessory buildings and uses customarily incidental to the above Permitted Principal Uses.

9.3 PERMITTED USES AFTER SPECIAL APPROVAL. The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission.

9.3.1 Automobile service stations subject to the following conditions:

a. An automobile service station shall be located on a lot having a frontage along the principal street of not less than one hundred (100) feet and having a minimum area of not less than ten thousand (10,000) square feet.

b. An automobile service station building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than forty (40) feet from any street lot line, and not less than twenty-five (25) feet from any side or rear lot line adjoining a residentially zoned district.

c. All driveways providing ingress to or egress from an automobile service station shall be not more than thirty (30) feet wide at the property line.

d. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15) feet from any tot line and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street or right-of-way.

e. Where an automobile service station adjoins property located in any residential district, a buffer wall of suitable material or planting strip shall be erected and maintained along the interior line. This wall or planting strip shall be at least four (4) feet but not greater than six (6) feet in height.

f. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent property.

g. Outdoor storage of wrecked or partially dismantled vehicles shall not be prohibited for a period greater than ten (10) days.

h. There may be no more than one (1) freestanding sign per street frontage, each face not exceeding one hundred and fifty (150) square feet in area, which shall display only the name of the user or occupant of the premises.

9.3.2 Commercial recreation facilities such as bowling alleys, theaters, or similar

uses provided the following conditions are met:

a. No main or accessory building shall be situated less than thirty (30) feet from any adjoining residentially zoned property.

9.4 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. Area, Height, Bulk, and Placement Requirements, unless otherwise specified, are as provided in Article 12, "SCHEDULE OF REGULATIONS".

ARTICLE 10
C-2, CENTRAL BUSINESS DISTRICT

10.1 STATEMENT OF PURPOSE. This district is intended to encompass the retail, service, and administrative establishments which form the Central Business District and which provide retail convenience and comparison goods and personal and professional services for the trade area. Heavy volumes of traffic in this district necessitate an efficient system of streets and highways and adequate parking facilities. The nature and high density and intensity of commercial land related uses in this district eliminate the necessity for lot and yard requirements.

10.2 PERMITTED USES. The following provisions apply in the C-2 Central Business District. Any use not expressly permitted is prohibited:

10.2.1 Any generally recognized retail business which supplies commodities on the premises within a completely enclosed building, such as, but not limited to foods, liquor, furniture, clothing, dry goods, notions drugs, or hardware.

10.2.2 Any personal service establishment which performs services on the premises within a completely enclosed building, such as, but not limited to repair shops (watches, radio, television, shoe, etc.) tailor shops, beauty parlors, barber shops, interior decorators, photographers and dry cleaners.

10.2.3 Restaurants and taverns where the patrons are served while seated within a building occupied by such establishment, and wherein said establishment does not extend as an integral part of, or accessory thereto, any service of a drive-in or an open-front store.

10.2.4 Offices and office buildings of an executive, administrative or professional nature.

10.2.5 Public and quasi-public buildings such as, but not limited to:

a. Churches.

b. Municipal offices.

c. Municipal off-street parking lots.

d. Fraternal organizations, clubs and lodge halls.

10.2.6 Banks, with drive-in facilities permitted when said drive-in facilities are incidental to the principal function.

10.2.7 Theaters or similar uses.

10.2.8 Offices and showrooms of plumbers, electricians, decorators, or similar trades in connection with which not more than twenty-five (25) percent of the floor area of the building or part of the building occupied by said establishment is

used for making assembling, remodeling, repairing, altering, finishing, or refinishing its products or merchandise and provided that the ground floor premises facing upon and visible from any abutting street shall be used only for entrances, offices or display. All storage of materials on any land shall be within the confines of the building or part thereof occupied by said establishment

10.2.9 Newspaper offices and printing plants.

10.2.10 Auto wash when completely enclosed in a building.

10.2.11 Accessory structures and uses customarily incidental to the above permitted uses.

10.3 PERMITTED USES AFTER APPROVAL. The following uses shall be permitted subject to the conditions hereinafter imposed and subject further to the review and approval of the Planning Commission.

10.3.1 One-, two- and multiple-family dwelling units within an existing commercial building subject to the following conditions:

a. It is the intent herein to provide for the conversion of the upper floors of existing commercial building sand to extend their economic life by permitting the construction of one, two and multiple-family residential dwelling units.

b. Dwelling units shall not be located below second floor.

c. Parking requirements for dwelling units under this section may be reduced by the Planning Commission if it is established that sufficient parking facilities exist in the vicinity of the subject property. Adequacy of parking shall be based on a radius of five hundred (500) feet per Section 15.4 of this ordinance.

10.3.2 Automobile service stations subject to the following conditions:

a. An automobile service station shall be located on a lot having a frontage along the principal street or not less than one hundred (100) feet and having a minimum area of not less than ten thousand (10,000) square feet.

b. An automobile service building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than forty (40) feet from any street lot line, and not less than twenty five (25) feet from any side or rear lot line adjoining a residentially zoned district.

c. All driveways providing ingress to or egress from an automobile service station shall be not more than thirty (30) feet wide at the property line.

d. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or over-hanging any public sidewalk, street, or right-of-way.

e. Where an automobile service station adjoins property located in any residential district, buffer wall of suitable material or painting strip shall be erected and maintained along the interior line. This wall or painting strip shall be at least four (4) feet but not greater than six (6) feet in length.

f. All exterior lighting, including illuminated signs, shall be erected and hooded or shielded so as to be deflected away from adjacent property.

g. Outdoor storage or parking of wrecked or partially dismantled vehicles shall not be prohibited for a period of greater than ten (10) days.

h. There may be no more than one (1) freestanding sign per street frontage, each face not exceeding one hundred and fifty (150) square feet in area, which shall display only the name of the user or occupant of the premises.

10.3.3 Commercial recreation facilities such as bowling alleys, theaters, or similar uses provided all activities shall be conducted within a totally enclosed main building.

10.3.4 Veterinary hospitals shall be conducted within a totally enclosed main building.

10.3.5 Plant materials, nursery for the retail sale of plant materials not grown on the site, and sales of lawn furniture, playground equipment, and garden supplies subject to the following conditions:

a. The storage and/or display of any materials and/or products shall meet all setback requirements of the structures.

b. The storage of any soil, fertilizer, or other loose, unpacked materials shall be contained so as to prevent any effects on adjacent uses and shall be shielded or screened as specified by the Planning Commission.

10.4 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. Area, Height, Bulk and Placement Requirements unless otherwise specified are as provided in the Article 12 "SCHEDULE OF REGULATIONS".

ARTICLE 11
I-1 INDUSTRIAL DISTRICT

11.1 STATEMENT OF PURPOSE. This district is designed to provide suitable space for light industrial uses which operate in a safe, non-objectionable and efficient manner and which are compatible in appearance with and require a minimum of buffering measures from adjoining non-industrial zoning districts.

11.2 PERMITTED PRINCIPAL USES. In order to protect adjoining non-industrial zoning districts, any of the following uses will be permitted only when the manufacturing, compounding, or processing is conducted entirely within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding, final product storage, or processing shall be totally obscured by a six (6) foot wall and/or barrier of a suitable material on those sides abutting any residential or commercial district, in accordance with Section 16.19.

11.2.1 Wholesale and Warehousing: the sale of wholesale or warehousing of automobile equipment; dry goods and apparel; groceries and related products; raw farm products except livestock; electrical goods; hardware, plumbing, heating equipment and supplies; machinery and equipment, petroleum bulk stations and terminals; tobacco and tobacco products; beer, wine and distilled alcoholic beverages; paper and paper products; furniture and home furnishings, and any commodity and manufacture of which is permitted in this District; truck terminals.

11.2.2 Industrial Establishments:

a. The assembly, fabrication, manufacture, packaging or treatment of such products as food products (excluding butchering, animal slaughtering) candy, drugs, cosmetics and toiletries, musical instruments and appliances; radio phonographs; pottery and figurines and other ceramic products using only previously pulverized clay.

b. The assembly, fabrication, manufacture or treatment of such products from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, felt, fiber, glass, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (excluding large stampings such as automobile fenders or bodies), shell, textiles, wax, wire, wood (excluding saw and planning mills) and yarns.

c. Tool and die shops; metal working machine shops involving the use of grinding or cutting tool; manufacturing of tools, dies, jugs and fixtures; publishing, printing or forming of box, carton, and cardboard products.

d. Laboratories - research or testing.

11.2.3 Central dry cleaning plants and laundries.

11.3 PERMITTED USES AFTER SPECIAL APPROVAL. The following uses shall be permitted

after there has been a review of preliminary site and building plans by the Planning Commission and only if the Planning Commission finds that the proposed use will constitute a desirable and stable development which will be in harmony with development in adjacent areas; will not cause traffic congestion on public streets; will not be contrary to the spirit and purpose of this ordinance; and can meet additional conditions listed below.

11.3.1 Open storage yards of construction contractors' equipment and supplies, building materials, sand, gravel or lumber.

a. Such uses shall be located at least two hundred (200) feet from any residential district.

b. It is deemed essential by the Planning Commission to prevent loss materials from blowing into adjacent properties, a fence, tarpaulin or obscuring wall of no less than five (5) feet shall be required around the stored material.

11.3.2 Salvage yard or junk yards.

a. The salvage yard shall be enclosed on all sides by a solid wall or fence at least eight (8) feet in height. The wall or fence shall be maintained in good repair and shall be free of handbills or other advertising. Nontransparent gates not exceeding forty-eight (48) feet in width shall be permitted in the enclosure.

b. Vehicle parts shall not be stored, loaded, unloaded, or dismantled outside the fence enclosing the yard.

c. No vehicle, vehicle bodies, or other materials shall be stored in a manner as to be visible from any residence, business, or street from a height at or below the top of the fence enclosing the yard.

d. All batteries shall be removed from any vehicle, and all radiator and fuel tanks shall be drained prior to the vehicle being placed in the storage yard_ Salvaged batteries, oil and other such substances shall be removed by a licensed disposal company or be stored in a manner which prevents leakage of battery fluid. No fluids removed from vehicles shall be applied as a dust control method.

e. The property shall include at least three (3) acres.

f. The front obscuring fence shall be set back the same distance as a building in the industrial zoning district, and all such fences shall be set back a minimum of five hundred (500) feet from any residential use or district.

g. In order to protect surrounding areas, the crushing of vehicles or any part thereof shall be limited to daylight hours, provided that such activities shall not be conducted on Sundays or federally recognized

holidays.

h. The applicant must demonstrate that the activities of the salvage yard or junkyard will comply with all state and federal regulations.

i. The planning commission may impose other conditions which have a reasonable relationship to the health, safety, and general welfare of the Village of Deerfield. These conditions can include a provision for an annual inspection by the zoning administrator to ensure continuing compliance with the above standards.

11.4 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. Area, Height, Bulk and Placement Requirements, unless otherwise specified as, are provided in Article 12 "SCHEDULE OF REGULATIONS".

ARTICLE 12
SCHEDULE OF REGULATIONS

12.1 AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS

	Minimum Lot Size Per Dwelling Unit		Maximum Building Height				Maximum Coverage of a Lot by All Building in Percent Of Lot Area	Minimum Yard Setback in Feet		
	Area in Sq. feet	Width in feet	Principal		Accessory			Front	Side Yard	Rear
			In stories	In feet	In stories	In feet				
R-1 Single Family Residential District	7,200	60	2 ½	35	2	25	30	25	10	25
R-2 Single Family Residential District	10,000	100	2 ½	35	2	25	30	25	10	25
RT Two Family Residential District	8,000	60	2 ½	35	2	25	30	25	10	25
RM-1Multiple Family Residential District	See Sec 12.2.4	100	2 ½	35	2	25	30	35	20	35
C-1 Local Commercial District	10,000	75	2 ½	35	2	25	50	30[e]	20	35
C-2 Central Business District	-	-	3	40	2	25	-	-	-	-
I-1 Industrial District	20,000	80	2 ½	35	-	80	35	35	20	35

12.2 FOOTNOTES TO SCHEDULE OF REGULATIONS.

12.2.1 In all residential and industrial districts, the required front yard setback shall not be used for off-street parking, loading, or unloading and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping plant materials or vehicle access drives. All yards abutting upon a public street shall be considered as front yards for setback purposes. In all commercial districts, the same requirements shall apply except that only the first fifteen (15) feet of required front yard setback.

12.2.2 In determining required yard spaces for all land uses in zoning districts, the determination of such yard spaces shall be the distance from the building or structure on the lot and the nearest lot line.

12.2.3 In all residential subdivisions, the width of side yards, which abut upon a street or road on the same side or on the opposite side of the same block, upon which other residential lots front, shall not be less than the required

front yard setback for said homes which front upon said side street. If no other residential lots front on the same side or on the opposite side of the same block, the width of the side yard may be reduced to ten (10) feet.

12.2.4 Minimum land area required for each dwelling unit in the RM-1 District shall be:

Area in Square Feet

Dwelling Size	Apartment	Condominium
Efficiency or one-bedroom unit	3,000	4,200
Two-bedroom unit	4,200	5,400
Three-bedroom unit	5,400	7,200
Four or more bedroom units	7,200	7,200

12.2.5 Loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet per front foot of building and shall be computed separately from the off-street parking requirements. Where an alley exists or is provided at the rear of building the rear building setback and loading requirements may be computed from the center of said alley.

12.2.6 In a residential district, where a front yard of less than twenty-five (25) feet exists in front of a dwelling or dwellings in existence at the same time of passage of this Ordinance, on one side of a street in any block, the depth of the front yard or any building subsequently erected on that side of the street on that block need not be greater than the average depth of the yard of such existing dwelling or dwelling, but this shall not be deemed a depth less than twenty (20) feet in any case.

ARTICLE 13
NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NONCONFORMING STRUCTURES AND NON-CONFORMING USES OR STRUCTURES AND PREMISES.

Within the districts established by this Ordinance, should there exist lots, structures and uses of land and structures which were lawful prior to adoption of this Ordinance, they shall be termed non-conforming. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance to permit no enlargement or extension of non-conforming uses, including the addition of other structures or uses prohibited elsewhere in the same district.

13.1 RECORD OF NON-CONFORMITIES.

13.1.1 At any time after the adoption of this Ordinance should the Village become aware of a non-conforming use, the owner of said non-conforming use shall be notified by the Building Inspector of the provisions of this Section that the property constitutes a non-conforming use. Within thirty (30) days after receipt of said notice, the owner shall apply for and be issued a Certificate of Occupancy for the non-conforming use. The application for such certificate shall designate the location, nature, and extent of the non-conforming use and such other details as may be necessary for the issuance of the certificate of occupancy.

13.1.2 After the adoption of this Ordinance, or any amendments thereto, the Building Inspector shall prepare record of all known non-conforming uses and occupation of lands. Such record shall contain the names and addresses of the owners of record of such non-conformities and any occupant, other than the owner, and the nature and extent of the non-conformity. Such list shall be available at all times in the office of the Village Clerk.

13.1.3 The Certificate of Occupancy issued by the Building inspector for a nonconforming use shall state "the use may be continued indefinitely by the present owner but must be renewed upon the sale of said property."

13.2 NON-CONFORMING LOTS OF RECORD (SUBSTANDARD LOTS).

13.2.1 In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory building may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provisions shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district; provided that 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. Yard requirements variances may be obtained through approval of the Zoning Board of Appeals.

13.2.2 If two or more lots or combinations of lots and portions of lots with

continuous frontage in single ownership are of record at the time of passage or amendment of this resolution, and if all or part of the lots do not meet the requirements for lot width and areas as established by this resolution, the lands involved shall be considered to be an undivided parcel for the purposes of this resolution, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this resolution, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this resolution, the lands involved shall be considered to be an undivided parcel for the purposes of this resolution, and no portion of said parcel shall be used or occupied which does not meet lot width and area requirements established by this resolution, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this resolution.

13.3 NON-CONFORMING STRUCTURES. Where a lawful Structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

13.3.1 No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, unless otherwise specified by the Zoning Board of Appeals.

13.3.2 Should such non-conforming structure or non-conforming portion of structure be destroyed by means to an extent of more than one hundred (100) percent of State Equalized Valuation at the time of destruction, it shall not be reconstructed except in conformity with this ordinance.

13.3.3 Should such structure be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

13.4 NON-CONFORMING USES OF LAND. Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, and where such use involves no individual structure with a State Equalized Valuation exceeding five hundred (500) dollars, the use may be continued so long as it remains otherwise lawful, provided:

13.4.1 No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;

13.4.2 No such non-conforming use shall be moved in a whole or in part to any portion of the lot or parcel other than that occupied at the effective date of adoption or amendment of this Ordinance;

13.4.3 If any such non-conforming use of land ceases for any reason for a period of more than twelve (12) consecutive months any subsequent use of land shall

conform to the regulations specified by this Ordinance for the district in which such land is located.

13.4.4 Only those additional structures which are in conformance to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

13.5 NON-CONFORMING USES OF STRUCTURES. If lawful use involving individual structures or of structure and premises in combination with a State equalized valuation of five hundred ($500) dollars or more exists at the effective date of adoption of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

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

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

13.5.3 If no structural alterations are made, any non-conforming use of a structure, or a structure and premises may be changed to another non-conforming use provided that approval is secured from the Zoning Board of Appeals and the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. Whenever a non-conforming use has been changed to a conforming use, or to a use permitted in a district of greater restriction, it shall not thereafter be changed to a non-conforming use;

13.5.4 When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for twelve (12) consecutive months or for eighteen months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;

13.5.5 Where non-conforming use status applies to a structure and premises in combination is discontinued or abandoned for twelve (12) consecutive months or for eighteen (18) months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

13.6 REPAIR AND MAINTENANCE.

13.6.1 On any non-conforming structure or portion of structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent

not exceeding thirty (30) percent of the current State equalized valuation of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

13.6.2 If a non-conforming structure or portion of structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulation of the district in which it is located.

13.6.3 Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Building inspector.

13.7 NON-CONFORMING USE - BUILDING DAMAGED BY FIRE, ETC. Any non-conforming use or non-conforming building which has been destroyed or damaged by fire, explosion, Act of God, or by public enemy to the extent of one hundred (100) percent of its State Equalized Valuation, exclusive of the foundation at the time such damage occurred, shall thereafter be made to conform with the provisions of this Ordinance. Where such destruction or damage has occurred, the non-conforming use status off the land on which said building is located is removed. If such damage is less than one hundred (100) percent of its State Equalized Valuation structure may be restored to the same non-conforming use or non-conforming building as existed before such damage, provided that such restoration shall commence within one (1) year of the date of such partial destruction and shall be diligently carried on to completion.

13.8 CHANGE OF TENANCY OR OWNERSHIP. There may be a change in tenancy, ownership or management or an existing non-conforming use, provided there is no change in the nature or character of such non-conforming use.

ARTICLE 14
SIGNS

Signage in the Village of Deerfield shall adhere to the regulations contained within this section.

14.1 PURPOSE AND INTENT. The purpose of this section is to harmonize the identification and informational needs of all land uses with the health, safety and welfare of the general public. While the legitimate interests of business and industry are recognized, it is also recognized that unrestricted signs do not benefit private enterprise or the community at large. This section is specifically intended to prevent unnecessary competition and clutter of advertising signs in their demand for public attention. Therefore, the definitions and regulations set out in this Article apply.

14.2 DEFINITIONS. For purposes of this section, the following terms shall have the meanings designated in this subsection:

14.2.1 Animated sign means any sign which uses a movement or change of lighting to depict continuous action or to create a continuous special effect or scene.

14.2.2 Awning means a retractable or fixed shelter projecting from and supported by the exterior wall of building constructed of non-rigid materials on a supporting framework.

14.2.3 Awning sign means a sign painted on, printed on or attached flat against the surface of an awning.

14.2.4 Construction sign means a temporary sign identifying an architect, contractor, subcontractor, owner, project or material supplier associated with construction on the property on which the sign is located.

14.2.5 Digital message sign (AKA electronic message center) means a sign on which the copy changes automatically on a lamp bank or through mechanical means (e.g., electrical or electronic time and temperature units).

14.2.6 Directional/informational sign means an on-premises sign giving directions, instructions or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs.

14.2.7 Double-faced sign means a sign with two parallel faces which can be read only from opposite directions. Areas of the faces shall not be cumulative when calculating the areas of the sign.

14.2.8 Erect means to build, construct, attach, hang, place, suspend or affix, and shall also include the painting of wall signs.

14.2.9 Facade means the entire building wall, including the parapet.

14.2.10 Flashing sign means a sign which contains an intermittent or sequential

flashing light source used primarily to attract attention. The term does not include electric or electronic message center signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing intermittent light.

14.2.11 Freestanding sign means any sign supported by uprights, braces or a solid base placed and anchored into the ground and not attached to any building. It shall not include portable signs.

14.2.12 Frontage means the length of the property line of anyone premises along a public right-of-way on which it borders.

14.2.13 Government sign means any temporary or permanent sign erected and maintained by the city, county, state or federal government for traffic direction or for designation of or direction to any school, hospital, historical site or public service, property or facility.

14.2.14 Height (of a sign) means the vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

14.2.15 Identifying sign means a sign on the premises which serves only to tell the name or use of any public or semipublic building, lawful parking lot or recreation space, club, lodge, church or institution, or which serves only to tell the name and address of an apartment house, hotel or motel.

14.2.16 Illuminated sign means any sign which has characters, letters, figures, designs or an outline illuminated by electric lights or luminous tubes as a part of the sign proper. See Limited illumination.

14.2.17 Incidental sign means a small sign, emblem or decal informing the general public of goods, facilities or services available on the premises (e.g., a credit card sign or a sign indicating the hours of business).

14.2.18 Legal nonconforming sign means any sign which was lawful when erected or installed, but which would be prohibited, regulated or restricted under the terms of this chapter or a future amendment.

14.2.19 Limited illumination means lighting of a sign to identify certain evening activities for a time period commencing not earlier than two hours before the scheduled activity and ending at the conclusion of the activity.

14.2.20 Maintenance means the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign. Marquee, canopy and awning mean a permanent roof-like shelter extending from part or all of a building facade, usually above a building entrance, and constructed of durable materials.

14.2.21 Marquee, canopy or awning sign means a sign attached to or on a marquee, canopy or awning.

14.2.22 Nameplate means a non-electric on-site identification sign giving only the name, address and occupation of an occupant or group of occupants.

14.2.23 Off-site sign or billboard means a sign which advertises goods, products or services not necessarily sold on the premises on which the sign is located and is a freestanding structure or wall-mounted structure on which lettered, figured, painted or pictorial matter is displayed for advertising purposes.

14.2.24 On-site sign means any sign identifying or advertising a business, person, activity, goods or products or services located on the premises where the sign is installed and maintained.

14.2.25 Parapet means the extension of a false front or wall above a roofline.

14.2.26 Political sign means a temporary sign used in connection with a local, state or national election or referendum.

14.2.27 Portable sign means a sign, designed to be moved from place to place, not permanently anchored to the ground or to a structure or building, and which obtains some or all of its structural integrity with respect to wind or other normally applied forces by means of its geometry or character.

14.2.28 Projecting sign means a sign which is attached directly to the building wall, and which extends more than fifteen (15) inches from the face of the wall.

14.2.29 Real estate sign means any structure or portion thereof used only to advertise with pertinent information the sale, rental or leasing of the premises upon which it is located.

14.2.30 Sign means every sign, billboard, ground sign, wall sign, roof sign, illuminated sign, projecting sign, temporary sign, marquee, awning, canopy and street clock, and shall include any announcement, declaration, demonstration, display, illustration or insignia used to advertise or promote the interests of any person when such announcement, declaration, demonstration, display, illustration or insignia is placed in view for the general public.

14.2.31 Size of the sign shall be its surface area.

14.2.32 Surface area means the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area. Double-faced signs, where one face is superimposed on the other, shall be calculated on the basis of one side only.

14.2.33 Temporary sign includes any sign banner, pennant or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames. A temporary sign shall be displayed for a maximum of fourteen (14) days.

14.2.34 Under-canopy sign, under-marquee sign and under-awning sign mean a sign suspended beneath a canopy, marquee or awning.

14.2.35 Wall sign means a sign which is painted on or attached directly to a fence or on the surface of masonry, concrete, frame or other approved building walls, and which extends not more than fifteen (15) inches from the face of the fence or wall.

14.3 GENERAL REGULATIONS.

14.3.1 A zoning compliance permit is required for the erection, construction, relocation or alteration of any sign, except as noted in Section 14.4. Applications for permits are to be made according to Section 19.4 of this Ordinance.

14.3.2 All signs shall be designed, constructed and maintained so as to be appropriate in appearance with the existing or intended character of their vicinity so as not to change the aesthetic character of such area.

14.3.3 The provisions of the all applicable building and electrical codes shall apply.

14.3.4 No sign shall be erected at any location where, by reason of its position, size, shape, color, animation or illumination, it may interfere with or obstruct the view of traffic, nor shall any sign be permitted which may be confused with any authorized traffic sign, signal or device. No sign may be placed within the sight clearance triangle.

14.3.5 No person shall erect, display or maintain any sign which obstructs any fire escape, building entrance or public passage or which is at a horizontal distance less than ten (10) feet from any fire hydrant, traffic light or fire call box.

14.4 SIGNS PERMITTED WITHOUT PERMIT. The following signs are permitted in all zoning districts and do not require a zoning compliance permit:

14.4.1 One nameplate of not more than two (2) square feet in surface area per business, residence or building.

14.4.2 Two directional/informational signs of not more than two (2) square feet in surface area each per business parcel, parking lot or industrial parcel.

14.4.3 Government signs.

14.4.4 Incidental signs except in areas zoned residential.

14.4.5 Identifying signs.

14.4.6 Political signs of not more than six feet in area which pertain to an election; such signs are exempt for a period of forty-five (45) days prior to and five days subsequent to the election.

14.4.7 "For Sale" signs of less than two (2) square feet in area and attached to vehicles, personal possessions and articles of a noncommercial nature; such signs are exempt for a period of ten (10) days.

14.4.8 "Garage Sale," "Yard Sale" and other temporary sale signs when less than two (2) square feet in area and displayed on the owner's property or on other property with the owner's permission.

14.4.9 One temporary non-illuminated real estate sign not to exceed six (6) square feet in surface area per parcel or twelve (12) square feet in surface area if the parcel is zoned other than R-1, R-2 or RT.

14.4.10 Trespassing, safety or caution signs not exceeding two (2) square feet in area.

14.5 SIGNS PERMITTED IN ALL DISTRICTS. The following signs are permitted in all zoning districts:

14.5.1 Temporary signs except as elsewhere exempted.

14.5.2 One on-site sign identifying a recorded subdivision, provided such sign does not exceed twenty-four (24) square feet in surface area.

14.5.3 One construction sign per right-of-way frontage per parcel, subject to the following:

a. Total surface area per sign shall not exceed thirty-two (32) square feet.

b. Sign height shall not exceed eight (8) feet.

c. Placement shall be no closer to the property line than one-half the required setback for the district.

d. The sign shall not be erected prior to the issuance of a building permit for the proposed construction and shall be removed upon substantial completion of construction.

14.6 SIGNS PROHIBITED IN ALL DISTRICTS. The following signs are prohibited in all districts:

14.6.1 Animated or flashing signs.

14.6.2 Signs that emit audible sound, odor or visible matter.

14.6.3 Roof signs.

14.6.4 Off-site signs or billboards.

14.7 ON-SITE SIGNS IN RESIDENTIAL DISTRICTS (R-1, R-2, and RT).

14.7.1 All signs shall be appurtenant to the use of the property on which displayed. One on-site sign identifying a school, preschool, church, cemetery, library, public museum, park, playground, golf course or country club is permitted provided such sign does not exceed twenty-four (24) square feet in surface area. Also, one (1) on-site sign identifying a nonconforming use is permitted provided such sign does not exceed twelve (12) square feet in surface area. Only limited illumination is permitted for these on-site signs.

14.7.2 Freestanding signs shall not exceed eight (8) feet in height. Freestanding signs shall not be permitted for residential uses.

14.7.3 Wall signs shall not be more than fifteen (15) feet in height.

14.7.4 All signs shall be located on private property.

14.7.5 One sign identifying an on-site home occupation is permitted provided such sign is a wall sign not exceeding two (2) square feet in surface area.

14.7.6 No sign shall be placed closer to the street right-of-way line than one-half (½) of the required minimum front yard depth.

14.7.7 No sign shall be illuminated except in the RM-1 district. Limited illumination is permitted where it is necessary to identify the location of on-site evening activities, for example, at schools and churches.

14.7.8 Where limited illumination is permitted, the sign must be illuminated internally or by reflected light, provided the source of light is so arranged as to reflect light away from surrounding properties and that such light be extinguished each evening at the completion of the identified evening activities.

14.8 ADDITIONAL REGULATIONS FOR ON-SITE SIGNS IN MULTIPLE-FAMILY RESIDENTIAL DISTRICT (RM-1).

14.8.1 One (1) on-site sign identifying a bank or other financial institution, laboratory, general office or hospital is permitted provided such sign does not exceed thirty-two (32) square feet in surface area. Time and temperature display is permitted as part of the surface area and is to be included in the calculation. Illumination is permitted.

14.8.2 Directional signs of not more than six (6) square feet in surface area per sign and not more than three (3) feet in height are permitted. Such signs shall be placed no closer to the street right-of-way line than three (3) feet. Illumination is permitted.

14.8.3 One (1) on-site sign identifying permitted and conditional uses is permitted provided such sign does not exceed twelve (12) square feet in surface area. Only limited illumination is permitted.

14.9 ON-SITE SIGNS IN LOCAL COMMERCIAL (C-1) AND LIGHT INDUSTRIAL (I-1) DISTRICTS.

14.9.1 All signs shall be set back minimum of one-half (½) the required setback distance for buildings.

14.9.2 Signs may be illuminated internally or by reflected light provided the source of light is so arranged as to reflect light away from surrounding properties.

14.9.3 All signs except billboards shall be appurtenant to the use of the property on which displayed.

14.9.4 All signs shall be located on private property. Where permitted, projecting, awning, marquee and canopy signs may extend over property lines.

14.9.5 Freestanding directional/informational signs are permitted provided that they shall not exceed a surface area of six (6) square feet per sign and shall not be more than three (3) feet in height and shall be placed no closer to the street right-of-way than three (3) feet.

14.9.6 Wall directional/informational signs are permitted provided that they shall not exceed a surface area of six (6) square feet per sign and shall be located below the top of the building facade or eave line.

14.9.7 One (1) on-site sign advertising the sale or lease of the lot or building is permitted provided the sign shall not exceed twelve (12) square feet in surface area.

14.9.8 One (1) on-site freestanding identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area of such sign shall be based on one (1) square foot for each front foot of building, or buildings, for which it is established; however, it shall not exceed two hundred (200) square feet in area, or be closer to the front, side or rear property line than one-half (½) the distance of the required building setback.

14.9.9 One (1) freestanding sign not exceeding thirty two (32) square feet in surface area is permitted for each commercial building that is not a part of a shopping center or an integrated group of stores. In C-1 and I districts, the surface area may be increased not to exceed one (1) square foot for each one (1) foot of frontage.

14.9.10 Freestanding signs shall not exceed a height of sixteen (16) feet in C-1 districts, or forth (40) feet in the I-1 district.

14.9.11 One (1) on-site sign may be affixed flat against the wall of the building or may project not more than forty-eight (48) inches from the wall. The total sign area shall not exceed one-half (½) square foot for each foot in length or height of the wall, whichever is greater.

14.10 ON-SITE SIGNS IN CENTRAL BUSINESS DISTRICT (C-2). Signs in this district shall be designed to maintain the historic character of the village.

14.10.1 Freestanding signs may be placed no closer than ten feet to the street right-of-way line. The surface area of the sign shall not exceed twenty four (24) square feet.

14.10.2 Projecting signs shall not extend more than five feet from the building wall or exceed twelve (12) square feet of surface area. Such signs shall not extend beyond a vertical plane two (2) feet inside the curbline.

14.10.3 Awning, marquee or canopy signs are permitted. Sign copy for such signs shall be limited to the name of the owner or to the business or activity conducted within the premises. Such signs may extend the full length of the awning, marquee or canopy, but shall not project beyond the perimeter of the awning, marquee or canopy, and shall not project above or below the face dimensions of the awning, marquee or canopy.

14.10.4 Under-awning, under-marquee or under-canopy signs are permitted, but shall provide a clear space of not less than seven (7) feet below all parts of the sign and shall not project beyond the perimeter edge of the supporting structure from which the sign is suspended.

14.10.5 One (1) on-site sign may be affixed flat against the wall of the building. The total sign area shall not exceed one-half (½) square foot for each foot in length or height of the wall, whichever is greater.

14.11 DIGITAL MESSAGE SIGNS. Digital message signs (a/k/a electronic message center) shall be permitted only in certain areas of the village.

14.11.1 Digital message signs are permitted for school and churches in all areas of the Village. 14.11.2 Digital message signs are permitted for all permitted and conditional uses in the C-1 and I-1 zoning districts.

14.11.2 One (1) digital message sign may be substituted in lieu of each permitted commercial message board on a freestanding sign.

14.11.3 Specifications and limitations for digital message signs are as follows:

a. The digital message sign shall only be used as part of a freestanding monument sign.

b. The digital message sign shall be mounted at the bottom of a freestanding sign.

c. The total areas of each digital message sign shall be no more than ten (10) square feet per side of the message area. The message area shall constitute the total area capable of being lighted.

d. The digital message sign must have a black or dark background. The

letters can only be red in color.

e. The dwell time for each digital message shall be a minimum of six (6) seconds.

f. The message may scroll during its dwell time but shall not flash (have a dwell time of less than four (4) seconds).

g. The digital message sign may employ standard keyboard only letters, numbers, punctuation marks and symbols.

ARTICLE 15
OFF-STREET PARKING REQUIREMENTS.

In all zoning districts, off-street parking facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of the buildings 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 so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance.

15.1 AREA FOR PARKING SPACE. For the purpose of this Section, three hundred (300) square feet of lot area shall be deemed a parking space for one (1) vehicle, including access aisles, except that one hundred and eighty (180) square feet of lot area which has a direct means of ingress and egress from an alley or street may also be deemed a parking space.

15.2 FRACTIONAL REQUIREMENTS. 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 be disregarded and fractions over one-half shall require one (1) parking space.

15.3 LOCATION OF PARKING SPACE FOR ONE AND TWO-FAMILY DWELLINGS. The off-street parking facilities required for one and two-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve, and shall consist of a parking strip, parking apron, and/or garage.

15.4 LOCATION OF PARKING SPACE OF OTHER LAND USES. The off-street parking facilities required for all other uses shall be located on the lot or within five hundred (500) feet of the permitted uses requiring such off-street parking, such distance to be measured along lines of public access to the property between the nearest point of the parking facility to the building to be served. In Multiple Family and Industrial Districts the front setback area shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.

15.5 SIMILAR USES AND REQUIREMENTS. In the case of a use not specifically mentioned, the requirements of off-street parking facilities for a use which is so mentioned, and which said use is similar shall apply.

15.6 EXISTING OFF-STREET PARKING AT EFFECTIVE DATE OF ORDINANCE. Off-Street parking existing at the effective date of this Ordinance, which serves an existing building or use, shall not be reduced in size less than that required under the terms of this Ordinance.

15.7 COLLECTIVE PROVISIONS. Nothing in this Section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided such facilities collectively shall not be less than the sum of the requirements for the various individual uses computer separately in accordance with the table of off-street parking requirements

15.8 GENERAL USE CONDITIONS. Except when land is used as storage space in connection

with the business of a repair or service garage or in long-term parking in off-street parking areas shall prevail, it being the purpose and intention of the foregoing that the requirements of maintaining vehicle storage or parking space is to provide for the public safety in keeping parked cars off these terms, but such requirement is not designed to or intended to provide, and it shall be unlawful to permit the storage or parking on such open land of wrecked or junked cars, or for creating a junk yard or nuisance in such areas

15.9 RESTRICTION ON PARKING ON PRIVATE PROPERTY. It shall be unlawful for any person, firm or corporation to park any motor vehicle on any private property, or use of said private property as parking space, without the expressed or implied consent, authorization, or ratification of the owner, holder, occupant, lessee, agent, or trustee of such property. Complaint for the violation of this Section shall be made by the owner, holder, occupant, lessees, agent or trustee of such property.

15.10 MUNICIPAL PARKING. Acting as the Zoning Board of Appeals, the Village Council may allow for fewer parking spaces than normally required for a particular use when it has been determined adequate municipal parking facilities are available.

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

TABLE OF OFF-STREET PARKING REQUIREMENTS

USE			NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
A.	Residential		
	1.	Residential, One-Family and Two-Family	Two (2) for each dwelling unit
	2.	Residential, Multiple Family	One and one-half (1.5) per efficiency or one-bedroom unit and two (2) per two-bedroom unit and above.
	3.	Housing for the Elderly	One (1) for each two (2) units, and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per unit shall be provided.
	4.	Manufactured Housing Park	Two (2) for each manufactured home site and one (1) for each employee of the manufactured housing park. Plus one (1) for every four (4) sites adjacent to a recreation area.

USE			NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
	5.	Boarding House	One (1) for each sleeping room.
B.	Institutional		
	1.	Business schools	One (1) for each three (3) students enrolled (day or night), whichever is greater.
	2.	Churches, Temples or Synagogues of worship.	One (1) for each three (3) seats in the main unit.
	3.	Elementary and Junior High Schools	One (1) for each one (1) teacher and administrator in addition to the requirements of the auditorium.
	4.	Golf Courses Open to the General Public, Except Miniature or "Par-3" Courses	Six (6) for each one (1) golf hole and one (1) for each one (1) employee
	5.	Homes for the Aged and Convalescent Homes	One (1) per six hundred (600) square feet gross floor area.
	6.	Libraries, museums, art galleries, and similar uses	One (1) for each one hundred and fifty (150) square feet of usable floor area.
	7.	Private Clubs or Lodge Halls	One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county or state fire, building or health codes
	8.	Private Golf Clubs, Swimming Pool Clubs, Tennis Clubs, or Other Similar Uses	One (1) for each two (2) member family or individual
	9.	Senior High Schools	One (1) for each one (1) teacher, administrator and one (1) for each ten (10) students, in addition to the requirements of the auditorium.
	10.	Stadium, Sports Arena, Speedway or Similar Place of Outdoor Assembly	One (1) for each three (3) seats or six (6) feet of benches.
	11.	Theaters and Auditoriums (Indoor)	One (1) for each four (4) seats plus one (1) for each two (2) employees
C.	Business and Commercial		
	1.	Amusement Parks and Establishments	One (1) per each one hundred (100)square feet of gross floor or lot area.

USE		NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
2.	Auto Wash	One (1) for each one (1) employee. In addition, adequate waiting space for autos shall be provided on the premises to accommodate twenty-five (25) percent of the hourly rate of capacity.
3.	Beauty Parlors or Barber Shops	Three (3) spaces for each of the first two (2) beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair.
4.	Bowling Alleys	Five (5) for each one (1) bowling lane.
5.	Carry-out Restaurant	One (1) for each one hundred and fifty (150) square feet of gross floor area
6.	Dance Halls, Pool or Billiard Parlors, Roller or Ice Skating Rinks, Exhibition Halls and Assembly Halls, and Assembly Halls without Fixed Seats	One (1) for each three (3) seats.
6.	Drive-in Establishments	One (1) for each forty (40) feet of gross floor area, with a minimum of twenty-five (25) parking spaces.
7.	Establishments for Sale and Consumption on the Premises of Beverage, Food or Refreshments.	One (1) for each seventy-five (75) square feet of gross floor area.
8.	Furniture and Appliance, Household Equipment, Repair Shops, Showroom for Plumber, Decorator, Electrician or Similar Trade	One (1) for each one thousand (1,000) Square feet of gross floor area. (For that floor area used in processing, one (1) additional space shall be provided for each two (2) persons employed therein).
9.	Automobile Service Stations	Two (2) for each lubrication stall, rack, or pit; and one (1) for each gasoline pump.
10.	Laundromats and Coin Operated Dry Cleaners	One (1) for each two (2) washing machines.
11.	Miniature or "Par-3" Golf Courses	Three (3) for each one (1) hole plus one (1) for each one (1) employee
12.	Mortuary Establishments	One (1) for each one hundred (100) square feet of gross floor area.
13.	Motel, Hotel, or Other Commercial Lodging Establishments	One (1) for each one (1) occupancy unit plus one (1) employee, plus extra spaces for dining rooms, ball rooms or meeting rooms.

USE			NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
	14.	Motor Vehicle Sales and Service Establishments, Trailer Sales and Rental, Boat Showrooms	One (1) for each four hundred (400) square feet of gross floor area of sales rooms.
	15.	Open Air Business	One (1) for each seven hundred (700) square feet of lot area.
	16.	Retail Stores - Except as otherwise specified herein	One (1) for each two hundred (200) square feet of gross floor area
D.	Offices		
	1.	Banks	One (1) for each two hundred (200) square feet of gross floor area.
	2.	Drive-In Banks	Waiting space equivalent to three (3) spaces for each drive-in window.
	3.	Business Offices or Professional Offices - Except as Indicated in the following item	One (1) for each four hundred (400) square feet of gross floor area.
	4.	Medical or Dental Clinics, Professional Offices of Doctors, Dentists or Similar Professionals	One (1) for each two hundred (200) square feet of gross floor area.
E.	Industrial.		
	1.	Industrial or Research Establishments	Five (5) plus one (1) for everyone and one-half (1-1/2) employees in the largest working shift.
	2.	Wholesale Establishments	Five (5) plus one (1) for everyone (1) employee in the largest working shift, or one (1) for every two thousand (2,000) square feet of gross floor area whichever is greater.

ARTICLE 16
GENERAL PROVISIONS

16.1 CONFLICTING REGULATIONS. Wherever any provisions of this Ordinance impose more stringent requirements, regulation, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

16.2 CONFORMITY TO ORDINANCE. No building or structure, or part thereof, shall hereinafter be erected, constructed, reconstructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of the Ordinance.

16.3 PERMITTED AREA AND PLACEMENT. No building shall be erected, converted, enlarged, reconstructed or structurally altered, except in conformity with the area and placement regulations of the district in which the building is located.

16.4 PERMITTED HEIGHT. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouses or roof structure for the housing or elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts, and screens, flagpoles, chimneys, smoke stacks, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures may be erected above the height limits herein prescribed. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than ten (100) per cent of the roof area of the building; nor shall such structure be used for any residential purpose or any commercial or industrial purpose other than a use incidental to the main use of the building. Accessory buildings and structures related to agriculture as well as public utility structures shall be exempt from these regulations.

16.5 LOT LIMITATIONS. In Single Family Zoning Districts, only one principal building shall be placed on a lot of record with the exception of parcels of record described and designated as "out lots", which may be so arranged or subdivided as to provide for one or more principal building when the land area allocated as to provide for one or more principal buildings when the land are allocated to each building and land complies with all the other requirements on land subdivided according to the Land Division Act.

16.6 LOTS, YARDS AND OPEN SPACES. No space for the purpose of a building may be counted or calculated as part of a side yard, rear yard, front yard, or other open space, including required lot area per dwelling unit, required by this Ordinance, may, by reason of change in ownership or otherwise, be counted or calculated to satisfy or comply with a yard or other open space or lot area requirements for any other building.

16.7 PORCHES, PATIOS AND TERRACES. An open, unenclosed porch, paved patio, or terrace may project into a required front or rear yard for a distance not to exceed ten (10) feet.

16.8 PROJECTIONS INTO YARDS. Architectural features, as defined not including vertical

projections, may extend or project into a required side yard not more than two (2) inches for one (1) foot width of such side yard and may extend or project into a required front yard or rear yard not more than three (3) feet.

16.9 REQUIRED STREET FRONTAGE. Any parcel of land which is to be occupied by a use or building, other than an accessory use or building, shall have frontage on and direct access to a public street or private easement which meets one of the following conditions:

16.9.1 A public street with a roadway which has been accepted for maintenance by the Village or County.

16.9.2 A permanent and unobstructed private easement of record having a width of at least twenty (20) feet.

16.10 DWELLINGS IN NON-RESIDENTIAL DISTRICTS. No dwelling shall be erected in the Non-Residential Zoning Districts. However, the sleeping quarters of a watchman or a caretaker may be permitted in said districts in conformance with the specific requirements of that particular district.

16.11 ZONING OF STREET, ALLEY, AND RAILROAD RIGHTS-OF-WAY. All streets, alleys, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone the property immediately abutting upon such streets, alleys, or railroad rights-of-way. Where the center line of a street or alley serves as a district boundary, the zoning of such street or alley, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line.

16.12 ACCESSORY BUILDINGS. Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

16.12.1 Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main buildings. Detached accessory buildings shall not be erected in any required front yard.

16.12.2 No detached accessory buildings shall be located closer than ten (10) feet to any principal building nor shall it be located closer than three (3) feet to any side or rear lot line.

16.12.3 No detached accessory building greater than fourteen (14) feet in height shall be located closer than ten (10) feet to any principal building nor shall it be located closer than ten (10) feet to side or rear lot line.

16.13 OCCUPANCY: TEMPORARY GARAGES, ACCESSORY BUILDINGS, BASEMENT APARTMENTS PROHIBITED. Buildings erected after the effective date of this Ordinance as garages or accessory buildings, shall not be occupied for dwelling purposes. No basement or cellar apartment shall be used or occupied for dwelling purposes at any time.

16.14 BUILDING GRADES. Any building requiring yard space shall be located at such an

elevation that a sloping grade shall be maintained and established from the center of the front lot line to the finished grade line at the front of the building, and also from the rear lot line to the front, both grades sloping to the front property line. However, this shall not prevent the grading of a yard space to provide sunken or terraced areas, provided proper means are constructed and maintained to prevent the run-off of surface water from flowing on to the adjacent properties. Grade elevations shall be determined by using the elevation at the center line of the road in front of the lot as the established grade or such grade determined by the Building Inspector.

When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off surface water to flow not other adjacent property.

16.15 BUILDINGS TO BE MOVED. No permit shall be granted for the moving of buildings or structures from without or within the limits of the Village to be placed on property within said limits unless the Building Inspector shall have made an inspection of the building to be moved and has found that it is structurally safe and will not adversely affect the character of existing buildings.

16.16 EXCAVATIONS OR HOLES. The construction, maintenance or existence within the Village of any unprotected, unbarricaded , open or dangerous excavations, holes, pits or wells which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare are hereby prohibited provided, however, this section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such a manner as may be approved by the Building Inspector and provided further, that this section shall not apply to streams, natural bodies of water or to ditches, streams, reservoirs or other major bodies of water created or existing by authority of the State of Michigan, the County, the Village, or other governmental agency

16.17 CONSTRUCTION BEGUN PRIOR TO ADOPTION OF ORDINANCE. Nothing in this Ordinance shall be deemed to require any change in the plans, construction or design use of any building upon which actual construction was lawfully begun prior to the adoption of this Ordinance and upon which building actual construction has been diligently carried on, and provided further, that such building shall be completed within two (2) years from the date of passage of this Ordinance.

16.18 ESSENTIAL SERVICES. Essential services shall be permitted as authorized under a franchise or that which may be regulated by any law of the State of Michigan or any ordinance of the Village, it being the intention hereof to exempt such essential services from the application of this Ordinance

16.19 FENCES, WALLS AND OTHER PROTECTIVE BARRIERS. All fences of any type or description shall conform to the following requirements:

16.19.1 All fences in all zoning districts shall not exceed six (6) feet in height except that any fence located in the area between the front lot line and the minimum setback requirement or to a point even with the front of the

principal structure, whichever is closer to the front lot line, shall not exceed three (3) feet in height.

16.19.2 All fences shall be of an ornamental nature. Barbed wire, spikes, nails or any other sharp points or instruments of any kind on the top or on the sides of any fence are prohibited except in the industrial district. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary in the interest of public safety. Electric current or charge in any fence is prohibited.

16.19.3 On a corner lot in a residential district, no fence or other obstruction shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a line joining points on the street lines thirty (30) feet from the point of intersection which shall exceed a height of three and one-half (3-1/2) feet as measured from the centerline grades of the intersecting streets.

16.20 TRAFFIC SAFETY VISIBILITY. No fence, wall, structure or planting shall be erected, established or maintained which will obstruct the view of a driver of a vehicle except that shade trees would be permitted where all branches are not less than eight (8) feet above the road level. Regarding intersections and unobstructed corners shall mean a triangular area formed by the twenty five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended, This shall not prohibit the establishment of shrubbery thirty (30) inches or less in height. The Village Traffic Engineer has the authority to determine such hazards.

16.21 SWIMMING POOLS. All swimming pools erected in the Village shall comply with the Michigan Residential Code (2009) as well as the following requirements:

16.21.1 Application: The application for a building permit to erect a swimming pool shall include the name of the owner, a plot plan and location of adjacent buildings, fencing, gates, and other detailed information affecting construction deemed necessary by the Building Inspector.

16.21.2 Pool Location: Minimum side yard setback shall comply with the Schedule of Regulations of this Ordinance. Furthermore, the pool fence must not be built within the required front yard or required corner lot side yard. Rear yard setback shall not be less than four (4) feet between the outside wall of the pool and the rear property line or less than the established easement width at the rear property line or less than four (4) feet between the pool wall and any building on the lot. The pool shall not be located nearer than ten (10) feet from any principal or accessory structure.

16.21.3 Fence: For the protection of the general public, all swimming pools shall be completely enclosed by a fence not less than four (4) feet from the outside perimeter of the pool wall. All openings in any such fence shall be equipped with a self-closing, self-latching gate which shall be securely locked.

16.22 ANIMALS. No livestock shall be kept or maintained in any zoning district except that for

each dwelling unity the occupant may keep for their personal use domestic pets provided they are not kept or used for commercial or breeding purposes and do not constitute a kennel.

16.23 STORAGE OF MATERIALS. The location or storage of abandoned, discarded, unusable or inoperative vehicles, appliances, furniture, equipment or material shall be regulated as follows:

16.23.1 On any lot in any residential or commercial district, the owner or tenant shall locate and store materials within a completely enclosed building.

16.23.2 On any lot in the industrial district, the owner or tenant shall locate and store materials within a completely enclosed building or within an area surrounded by a solid, unpierced fence or wall either six (6) feet in height or not less in height than the materials located or stored therein, whichever is higher, and no closer to the lot lines than the minimum yard requirements for buildings in said districts.

16.23.3 Storage of vehicles rendered inoperative, either through damage or disrepair or any other cause, and vehicles without current license plates, shall be limited to 2 vehicles for a period of not more than thirty (30) days and then only for the purpose of temporary storage pending transfer to a junk yard, unless the storage area is completely enclosed by a privacy fence not less than six (6) feet in height. Such storage shall not occur in front of a front building line. Such inoperative vehicles shall not be sold or advertised for sale on the premises.

16.24 INDUSTRIAL PERFORMANCE STANDARDS. After the effective date of this Ordinance, any use established or changed to, and any buildings, structures, or tracts of land developed, constructed or used for any permitted or permissible principal or accessory use shall comply with all of the performance standards set forth for the I-1 Industrial District.

If any existing use or building or other structure is extended, enlarged, moved, structurally altered or reconstructed, or any existing use of land is enlarged or moved, the performance standards for the I-1 Industrial District involved shall apply with respect to such extended, enlarged, moved, structurally altered or reconstructed building or other structure or portion thereof, and with respect to land use which is enlarged or moved.

Any use established in the I-1 Industrial District shall not be permitted to carry on any activity, operation, use of land, building or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be maximum permissible hazard to humans or human activity.

16.24.1 Noise: Shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness. Noise as measured at the street or property line may not exceed sixty (60) decibels with a center frequency of 125 cycles per second.

16.24.2 Odor: The emission of noxious, odorous matter in such quantities as to be readily detectable at a point along any property line, when diluted in the ratio of one volume of odorous air to four (4) or more volumes of clean air, so as to produce a public nuisance or hazard beyond lot lines is prohibited.

16.24.3 Gases, Smoke, Dust, Dirt and Fly Ash: The emission of gasses, smoke, dust, dirt and fly ash in no manner shall be unclean, destructive, unhealthful, hazardous or deleterious to the general welfare. Such emission shall be in strict conformance with all applicable State and County health laws pertaining to air pollution and smoke abatement.

16.24.4 Glare and Heat: Arc welding, acetylene torch cutting or similar processes causing glare and heat shall be performed behind solid walls or frosted glass not less than fifteen (15) feet high as measured from the ground level adjacent to the structure concerned.

16.24.5 Fire and Safety Hazards: The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with all State rules and regulations, and as established by the Fire Prevention Act, Act 207, Public Acts of 1941, as amended. Further, all storage tanks of liquid materials above ground shall be located not less than one hundred and fifty (150) feet from all property lines, and shall be completely surrounded by earth embankments, dikes, or other types of retaining walls which will contain the total capacity of all tanks so enclosed.

16.25 OUTDOOR STORAGE OF RECREATIONAL VEHICLES IN RESIDENTIAL DISTRICTS. The outdoor storage of parking of recreational vehicles such as an airplane, antique or racing automobile, boat, float, raft, trailer, camping or travel trailer, motorized home, demountable travel equipment of the type adaptable to light duty trucks and other equipment or vehicles of a similar nature, shall be prohibited for a period greater than ten (10) days. Upon approval of the Building Inspector, the length of storage can be increased providing the following minimum conditions are met:

16.25.1 All such vehicles or equipment shall be placed behind the front face of the principal building or in a location designed to accommodate the vehicle.

16.25.2 Storage or parking shall be limited to a lot or parcel of land upon which is located an inhabited dwelling unit and the vehicle or equipment is owned by the occupant.

16.25.3 Travel trailers and other vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities or have a fixed connection to electricity, water or gas.

16.26 SATELLITE ANTENNAS. A zoning compliance permit shall be required for the erection of any satellite antenna. A satellite antenna shall not be closer than ten (10) feet from any side or rear lot line and must be behind the front most foundation line of the lot's principle dwelling.

16.27 WIND ENERGY SYSTEMS. Wind energy systems are subject to the following requirements:

16.27.1 Height and type.

a. Only monopole construction shall be permitted.

b. The total height of a wind energy system tower, including maximum extension of the top of the blade, shall not exceed the maximum height for structures permitted in the zoning district.

c. Units in excess of ten (10) kilowatts shall require a blade tether and must be three (3) times the tower height from any standing structure.

16.27.2 Setbacks. A wind energy system tower shall be set back a distance equal to its total height from:

a. Any public road right-of-way, unless written permission is granted by the governmental entity having jurisdiction over the road.

b. Any overhead utility lines, unless written permission is granted by the affected utility.

c. All property lines, unless written permission is granted from the affected landowner or neighbor.

d. Support cables, if provided, shall be anchored to the ground no closer than ten (10) feet to any property line.

e. May not be located within any front yard or required front yard.

16.27.3 Access.

a. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

b. The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground.

16.27.4 Speed controls. All systems shall be equipped with a manual and automatic over speed controls.

16.27.5 Electrical wires. All electrical wires associated with a wind energy system, other than those necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, shall be located underground.

16.27.6 Code compliance. Wind energy systems including towers shall comply with all of the applicable construction codes, electrical codes, and the National Electric Code.

16.28 SOLAR PANELS. Solar panels shall be subject to the following standards:

16.28.1 Solar panels may be mounted on the roof or walls of a building provided the panels are mounted on the front-facing roof or facade of a home if the tiles match the design of the roof or are otherwise consistent with the building design.

16.28.2 The height of a solar panel shall not exceed the maximum permitted height of the zoning district in which they are located.

16.28.3 Ground-mounted solar panels shall only be located on a rear yard and shall meet or exceed required yard setbacks for accessory buildings.

16.28.4 Code compliance. Solar energy systems shall comply with all of the applicable construction codes, electrical codes, and the National Electrical Code.

16.29 COMBUSTION-BASED HEATING AND ELECTRICAL SYSTEMS

16.29.1 Any combustion-based heating and electrical system must be contained within a structure (e.g., home, garage, barn, workshop).

16.29.2 Code compliance. Systems shall comply with all of the applicable construction codes, mechanical codes, electrical codes, and the National Electrical Code.

16.30 ADULT-REGULATED BUSINESSES

16.30.1 *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

a. *Adult bookstore or video store* means an establishment having a substantial or significant portion of its stock in trade in video cassettes, discs or films or media recorded, pressed, engraved or prepared for playback and books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale, rental and/or display of such material.

b. *Adult regulated business* means an adult bookstore or video store, an adult cabaret or adult motion picture theater.

c. *Adult cabaret* means an establishment which features one or more dancers, strippers, male or female impersonators or similar entertainers, performers, wait staff or other persons who reveal or show specified anatomical areas of their bodies or who engage in, perform or simulate specified sexual activities.

d. *Adult motion picture theater* means an enclosed building used for presenting motion picture films, videocassettes, cable television or

any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein. The term "used" describes a continuing course of conduct of exhibiting specified sexual activities and specified anatomical areas in a manner which appeals to a prurient interest.

e. Specified anatomical areas means:

1. Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

f. Specified sexual activities means:

1. Human genitals in a state of sexual stimulation or arousal.

2. Acts of human masturbation, sexual intercourse or sodomy.

3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

16.30.2 *Purpose and intent.* It is determined necessary for the health, safety and welfare of the Village to adopt this section pertaining to and regulating adult businesses for the following reasons:

a. Many parents are concerned about the influence of pornographic entertainment outlets and businesses and have chosen the city to raise their families because of the absence of such adult regulated businesses, save one which existed on the effective date of the ordinance from which this section derives.

b. Location of and easy availability of adult regulated businesses in close proximity to homes, apartments, schools, churches and public parks give an impression of legitimacy to such uses and have adverse effects upon children, established family relations, respect for marital relationships and the concept of non-aggressive consensual sexual relations.

c. Location of adult regulated businesses in close proximity to houses, apartments, schools, churches and public parks will draw persons who are not known in the community and will create police and safety problems in areas of the Village which should be free of such problems.

d. Property values in areas adjacent to adult regulated businesses will decline, thus causing a blight upon both commercial and residential

areas of the Village

e. Location of adult businesses near or within residential neighborhoods and commercial areas of the city would be disruptive to youth programs such as Boy Scouts, Girl Scouts, Campfire Girls and church youth groups.

f. Location of adult businesses in close proximity to residential uses, schools, churches, parks and other public facilities will cause a degradation of the community standard of morality. Pornographic material has a degrading effect upon the relationship between spouses.

16.30.3 *Location.* Adult regulated business shall not be located:

a. Within five hundred (500) feet of any residential zoning district (R-1, R-2, RT, or RM-1);

b. Within five hundred (500) feet of the property line of any public or private school, college or university, or of any nursery school, day nursery or childcare center;

c. Within five hundred (500) feet of the property line of any church or other religious facility or institution;

d. Within five hundred (500) feet of any public park;

e. Within five hundred (500) feet of any other adult motion picture theater, adult bookstore or video store, or adult cabaret.

The distances provided for in this subsection shall be measured by projecting a straight line, without regard for intervening buildings or structures, from the nearest point of the building, structure or tenant space within which the proposed use is to be located to the nearest point of the property line, specified use or zoning district boundary from which the proposed use is to be separated.

16.30.4 *Zoning districts.* Subject to the requirements of Section 16.30.3, adult regulated businesses shall be located only within the industrial and commercial zoning districts as permitted uses.

16.31 WIRELESS COMMUNICATION FACILITIES

16.31.1 *Purpose and intent*. It is the general purpose and intent of the village to carry out the will of the United States Congress by authorizing communication facilities needed to operate wireless communication systems. However, it is the further purpose and intent of the village to provide for such authorization in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community at large. In fashioning and administering the provisions of this section, attempt has been

made to balance these potentially competing interests. Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is the further purpose and intent of this section to:

a. Facilitate adequate and efficient provision of sites for wireless communication facilities and ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures and buildings.

b. Establish predetermined districts or zones of the number, shape, and the location, considered best for the establishment of wireless communication facilities, subject to applicable standards and conditions.

c. Recognize that operation of a wireless communication system may require the establishment of facilities in locations not within the predetermined districts or zones.

d. Minimize the adverse impacts of technological obsolescence of such facilities, including a requirement to remove unused and/or unnecessary facilities in a timely manner.

e. Minimize the negative visual impact of wireless communication facilities on neighborhoods, community landmarks, historic sites and buildings, natural beauty areas and public rights-of-way.

16.31.2 *Authorization.* Subject to the standards and conditions set forth in Section 16.31, wireless communication facilities shall be permitted uses in the following circumstances, and in the following districts:

a. Circumstances creating permitted use treatment. In all zoning districts, a proposal to establish a new wireless communication facility shall be deemed a permitted use in the following circumstances:

1. An existing structure which will serve as an attached wireless communication facility within a nonresidential zoning district, where the existing structure is not, in the discretion of the zoning administrator, proposed to be either materially altered or materially changed in appearance.

2. A proposed collocation upon an attached wireless communication facility which had been pre-approved for such collocation as part of an earlier approval by the village.

3. An existing structure which will serve as an attached wireless communication facility consisting of a utility pole located within a right-of-way, where the existing pole is not proposed to be modified in a manner which, in the discretion of the zoning administrator, would materially alter the structure

and/or result in an impairment of sight lines or other safety interests.

16.31.3 *Permitted use districts.* Wireless communication facilities shall be a permitted use in the I-1, Light Industrial district.

16.31.4 *Special use districts.* Locations outside of the I-1, Light Industrial district, shall be permitted on the following sites, subject to the criteria and standards set forth in Article 18 and application of all other standards contained in this section:

a. Municipally owned site.

b. Other governmentally owned site.

c. Religious or other institutional site.

d. Public park and other large permanent open space areas when compatible.

e. Public or private school site.

f. Other locations if none of the above is available.

Wireless communication facilities shall be of a design such as (without limitation) a steeple, bell tower, or a form which is compatible with the existing character of the proposed site, neighborhood and general area, as approved by the village.

16.31.5 *General regulations.*

a. Standards and conditions applicable to all facilities. All applications for wireless communication facilities shall be reviewed, constructed and maintained in accordance with the following standards and conditions. In addition, if the facility is approved, it shall be constructed and maintained with any additional conditions imposed by the village in its discretion:

1. Facilities shall not be demonstrably injurious to neighborhoods or otherwise detrimental to the public safety and welfare.

2. Facilities shall be located and designed to be harmonious with the surrounding areas.

3. Facilities shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions.

4. The following additional standards shall be met:

(i) The maximum height of the new or modified support

structure and antenna shall be the minimum height demonstrated to be necessary for reasonable communication by the applicant and by other entities to collocate on the structure. Applicants shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights.

(ii) The accessory building contemplated to enclose switching equipment shall be limited to the maximum height for accessory structures within the respective district.

(iii) The setback of the support structure from any residential district shall be no less than the height of the structure. The setback of the support structure from any existing or proposed rights-of-way or other publicly traveled roads shall be no less than the height of the structure.

5. Where the proposed new or modified support structure abuts a parcel of land zoned for a use other than residential, the minimum setback of the structure, and accessory structures, shall be in accordance with the required setbacks for principal buildings as provided in the schedule of regulations for the zoning district in which the support structure is located.

6. There shall be an unobstructed paved access drive to the support structure, for operation, maintenance, repair and inspection purposes, which may be provided through or over an easement. This access drive shall be a minimum of 14 feet in width.

7. The division of property for the purpose of locating a wireless communication facility is prohibited unless all zoning requirements and conditions are met.

8. Where an attached wireless communication facility is proposed on the roof of a building, any equipment enclosure shall be designed, constructed and maintained to be architecturally compatible with the principal building. The equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.

9. The Village shall review and approve the color of the support structure and all accessory buildings, so as to minimize distraction, reduce visibility, maximize aesthetic appearance, and ensure compatibility with surroundings. It shall be the

responsibility of the applicant to maintain the wireless communication facility in a neat and orderly condition.

10. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and statements indicating the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.

16.31.6 *Maintenance plan.* A maintenance plan, and any applicable maintenance agreement, shall be presented and approved as part of the site plan for the proposed facility. Such plan shall be designed to ensure the long term, continuous maintenance to a reasonably prudent standard.

a. Standards and conditions applicable to special land use facilities. Applications for wireless communication facilities which may be approved as special land uses shall be reviewed, and if approved, constructed and maintained, in accordance with the standards and conditions in this subsection in accordance with the following standards:

1. The applicant shall demonstrate the need for the proposed facility to be located as proposed based upon the presence of one or more of the following factors:

(i) Proximity to a major thoroughfare.

(ii) Areas of population concentration.

(iii) Concentration of commercial, industrial, and/or other business centers.

(iv) Areas where signal interference has occurred due to tall buildings, masses of trees, or other obstructions.

(v) Topography of the proposed facility location in relation to other facilities with which the proposed facility is to operate.

(vi) Other specifically identified reason creating facility need.

2. The proposal shall be reviewed in conformity with the collocation requirements of this section.

16.31.7 *Application requirements.* The following items shall be submitted as part of an application to construct a wireless communication facility:

a. A site plan prepared in accordance with Article 17 and Section 16.31.

b. The site plan shall also include a detailed landscaping plan illustrating screening and aesthetic enhancement for the structure base, accessory buildings and enclosures. In all cases, there shall be shown on the plan fencing which is required for protection of the support structure and security from children and other persons who may otherwise access facilities.

c. The application shall include a signed certification by a State of Michigan-licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setbacks to be required for the structure and other facilities.

d. The application shall include a description of security to be posted at the time of receiving a building permit for the facility to ensure removal of the facility when it has been abandoned or is no longer needed, as provided for below. In this regard, the security shall, at the election of the applicant, be in the form of cash; surety bond; letter of credit; an agreement in a form approved by the village attorney and recordable at the office of the register of deeds, establishing promise of the applicant and owner of the property to timely remove the facility as required under this section, with the further provision that the applicant and owner shall be responsible for the payment of any costs and attorney fees incurred by the village in securing removal.

e. The application shall include a map showing existing and known proposed wireless communication facilities within the Village, and further showing existing and known proposed wireless communication facilities within areas surrounding the borders of the Village in the location, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. If and to the extent the information in question is on file with the community, the applicant shall be required only to update as needed. Any proprietary information may be submitted with a request for confidentiality in connection with the development of governmental policy, in accordance with MCL 15.243(1)(g). This section shall serve as the promise to maintain confidentiality to the extent permitted by law. The request for confidentiality must be prominently stated in order to bring it to the attention of the Village.

f. The name, address and phone number of the person to contact for engineering, maintenance and other notice purposes. This information shall be continuously updated during all times the facility is on the premises.

16.31.8 Collocation.

a. Statement of policy: It is the policy of the village to minimize the overall number of newly established locations for wireless communication facilities and encourage the use of existing structures.

b. Feasibility of collocation: Collocation shall be deemed to be "feasible" for purposes of this section where all of the following are met:

1. The wireless communication provider entity under consideration for collocation will undertake to pay market rent or other market compensation for collocation.

2. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.

3. The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure, antennas, and the like.

4. The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the Village, taking into consideration the standards set forth in this section.

c. Requirements for collocation:

1. Approval for the construction and use of a new wireless communication facility shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs.

2. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate collocation.

3. If a party who owns or otherwise controls a facility shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a nonconforming structure and use, and shall not be altered, expanded or extended in any respect.

d. Removal.

1. The village reserves the right to request evidence of ongoing operation at any time after the construction of an approved tower.

2. A condition of every approval of a wireless communication facility shall be adequate provision for removal of all or part of the facility by users and owners upon the occurrence of one or more of the following events:

   (i) When the facility has not been used for 180 days or more. For purposes of this section, the removal of antennas or other equipment from the facility or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.

   (ii) Six months after new technology is available at reasonable cost as determined by the municipal legislative body, which permits the operation of the communication system without the requirement of the support structure.

3. The situations in which removal of a facility is required, as set forth in subsection (1) above, may be applied and limited to portions of a facility.

4. Upon the occurrence of one or more of the events requiring removal, specified in subsection (2) above, the property owner or persons who had used the facility shall immediately apply or secure the application for any required demolition or removal permits, and immediately proceed with and complete the demolition/removal, restoring the premises to an acceptable condition as reasonably determined by the zoning administrator.

5. If the required removal of a facility or a portion thereof has not been lawfully completed within 60 days of the applicable deadline, and after at least 30 days' written notice, the village may remove or secure the removal of the facility or required portions thereof, with its actual cost and reasonable administrative charge to be drawn or collected from the security posted at the time application was made for establishing the facility.

16.32 CONDOMINIUMS AND SITE CONDOMINIUMS

16.32.1 Applicable regulations. Pursuant to the authority conferred by Section 141 of the Condominium Act, (MCLA 559.241), Public Act 59, of 1978, as amended, all site condominium subdivisions shall be required to comply with all Articles of this Ordinance. The intent of this section is to allow comparable review of site condominium subdivisions with development under conventional platting, with regard to meeting ordinance regulations. This Article is required because of the different design terms, which are used for site condominium subdivisions.

16.32.2 Condominium definitions. The following definitions shall be used in consideration of all site-condominium projects:

a. Building envelope means the ground area occupied, or to be occupied, by the principal structure which is, or is intended to be, placed on a building site, together with any attached accessory structures; e.g., house and attached garage.

b. Building site (condominium unit) means that portion of the condominium project designed and intended for separate ownership and use, as described in the Master Deed. The building site shall include the building envelope and limited-common area.

c. Condominium structure means any building or structure constructed upon a building site (condominium unit).

d. Site condominium subdivision means a division of land, on the basis of condominium ownership, which is not subject to the provisions of the Subdivision Control Act, Public Act 288 of 1967, as amended.

16.32.3 Equation of conventional development terminology with site condominium subdivision terminology. The following equation of terms shall be used in applying ordinance standards to a site condominium subdivision:

a. All regulations pertaining to a lot shall apply to the building site in a condominium subdivision.

b. All regulations pertaining to dwelling or building height, width, or size shall apply to condominium structure.

c. Required setbacks shall apply to all site condominium subdivisions and shall be measured as follows:

1. The front yard setback shall be measured from nearest-road right-of-way line to the building envelope.

2. The side yard setback shall be measured from the side of the building envelope to the side building site line; and

3. The rear yard shall be measured from the rear line of the building envelope to the rear line of the building site.

4. Regulations for building-to-building spacing shall be measured from building envelope to building envelope.

16.32.4 Application of Zoning Ordinance and other standards. The Village of Deerfield, in reviewing a condominium project or site condominium subdivision plan, may require changes to the layout or design to ensure the plan is based on compliance with the Ordinance and to meet the intent of the applicable district regulations. All streets in a condominium project shall meet

or exceed the Village's specifications for public streets and utilities. All streets, sidewalks and water and sewer lines shall belong to and be the responsibility of the condominium association unless accepted by the Village of Deerfield, and a legal description of the streets, sidewalks and water and sewer lines is provided by the condominium association.

16.32.5 Condominium subdivision review procedures. Condominium projects and construction plans shall include the required information for site plan review as identified in the Village of Deerfield Subdivision Control Ordinance. In addition, a copy of the proposed Master Deed and any other restrictive covenants shall be submitted.

a. Site condominium subdivisions shall be reviewed as follows:

b. A conceptual site plan, with information similar to a tentative preliminary plat as described in the Subdivision Control Ordinance, shall be submitted to the Village of Deerfield Planning Commission.

1. The Village of Deerfield Planning Commission shall recommend approval, approval with conditions or denial of the conceptual site plan within 60 days of the submittal, after first holding a public hearing on the plan. Notice of the public hearing to be published in a newspaper of general circulation in the Village of Deerfield and notice by regular mail, postage pre-paid, sent to the occupants of lands located within the Village of Blissfield and within 300 feet of the lands covered by the plan.

2. The Village Council shall approve, approve with conditions or deny the conceptual site plan, within 60 days of receiving the recommendation of Village of Deerfield Planning Commission.

3. If the conceptual site plan is approved, the applicant shall submit a final site condominium subdivision plan, with information similar to a final preliminary plat as described in the Subdivision Control Ordinance, to the Village of Deerfield Planning Commission who shall review the final plan and recommend approval, approval with conditions, or denial of the plan within 60 days of submittal of the plan.

4. The Village of Deerfield Council shall either approve, approve with conditions, or deny the site condominium subdivision plan within 60 days of receiving the report of the Village of Deerfield Planning Commission. If the approval is with conditions, the applicant shall submit a plan in compliance with the conditions for approval by the Village of Deerfield,

5. Construction plans shall be submitted for review and approval by the Village Engineer.

6. Following construction of infrastructure and other site

improvements, as-built plans shall be submitted to the Village.

c. Master deed and restrictive covenants. The condominium project developer or proprietor shall furnish the Village of Deerfield with one copy of the recorded Master Deed, and one copy of all restrictive covenants for the condominium project.

16.33 GLARE AND EXTERIOR LIGHTING

16.33.1 Light and glare from indirect sources.

a. Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays shall be performed in such a manner as not to be seen from any point beyond the property line, and as not to create a public nuisance or hazard along lot lines.

b. The design and/or screening of the development shall insure that glare from automobile and commercial or industrial vehicle headlights shall not be directed into any adjacent property, particularly residential property.

c. Exterior doors shall be located, operated, and maintained so as to prevent any glare and light from creating a nuisance or safety hazard to operators of motor vehicles, pedestrians, and neighboring land uses.

16.33.2 Exterior lighting from direct sources. Subject to the provisions set forth herein, all parking areas, walkways, driveways, building entryways, off-street parking and loading areas, and building complexes with common areas shall be sufficiently illuminated to ensure the security of property and the safety of persons using such public or common areas.

16.33.3 Exterior lighting shall be located and maintained to prevent the reflection and glare of light in a manner which created a nuisance or safety hazard to operators of motor vehicles, pedestrians and neighboring land uses. This provisions is not intended to apply to public street lighting. The following additional standards shall apply:

a. Only white, non-glare lighting such as metal halide, color-corrected high-pressure sodium, or other types of lighting which achieve the same effect shall be permitted.

b. Lighting shall be placed and shielded so as to direct the light onto the site and away from adjoining properties. Lighting shall be shielded so that it does not cause glare for motorists.

c. The light intensity provided at ground level shall be a minimum of 0.3 footcandle anywhere in the area to be illuminated. Light intensity shall average a minimum 0.5 foot-candle over the entire area, measures

five feet above the surface.

d. Except as noted below, lighting fixtures shall not exceed a height of 25 feet.

e. In portions of a site adjacent to residential areas, lighting fixtures shall not exceed a height of 20 feet.

f. All lighting, including ornamental lighting, shall be shown on site plans in sufficient detail to allow determination of the effects of such lighting upon adjacent properties and traffic safety. Building or roof mounted lighting intended to attract attention to the building and/or use and not strictly designed for security purpose is not permitted. Temporary holiday lighting and decoration are exempt from the aforementioned provision.

16.34 MARIHUANA FACILITIES. The following development standards are applicable to medical marihuana facilities and all site plans shall be reviewed for compliance with these standards. If there are any conflicts between the standards set forth in this Section and the other provisions of the zoning ordinance, the standards in this Section shall apply.

16.34.1 *Medical Marihuana Facilities.* Processors, secure transporters, and safety compliance facilities are subject to the following standards and requirements:

a. *Uses Not Permitted by State Prohibited.* Any uses or activities found by the state of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law may not be permitted by the Township. In the event that a court with jurisdiction declares some or all of this Article invalid, then the Village may suspend the acceptance of applications for conditional use permits pending the resolution of the legal issue in question.

b. *Uses Not Permitted by Village.* Growing and provisioning centers are not permitted within the Village.

c. *State Licensing Required.* The marihuana facility must be licensed by the state of Michigan and then must be at all times in compliance with the laws of the state of Michigan including but not limited to the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the state of Michigan.

d. *Village Permit Required.* A medical marihuana facility must have a permit issued by Village pursuant to the Township's Medical Marihuana Facilities Ordinance and then must be at all times in compliance with Village Medical Marihuana Facilities Ordinance.

e. *Compliance with Law.* Except as otherwise modified by this Section,

all medical marihuana facilities must, comply with all other applicable laws and ordinances of the Township, including, but not limited to, all area, yard, height and bulk regulations set forth in the Village Zoning Ordinance.

f. *No Home. Occupation.* A marihuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marihuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this ordinance.

g. *No Outdoor Activities or Storage.* All activities and all materials used in connection with medical marihuana facilities, with the exception of the loading and unloading of materials, must be contained within an enclosed and secure building or structure.

h. *Signage.* Signage requirements for marihuana facilities, unless otherwise specified, are as provided in the Village Zoning Ordinance.

i. *Buffer Zones*.

1. A medical marihuana facility may not be located within two hundred fifty (250) feet of real property comprising or used by a public or private elementary, vocational, or secondary` school; a public or private college, junior college, or university; a licensed child care center or preschool; public or private youth activity facility; a public park, a public library; a religious institution or residentially zoned property.

2. The distance shall be measured as the shortest straight-line distance between the property line of the location uses described in the preceding paragraph to any building or structure in which marihuana is stored, grown or located.

16.34.2 *Processors.* Processors shall be subject to the following additional standards:

a. *Processing.* Marihuana processing shall be located entirely within one or more completely enclosed buildings. No outdoor processing is permitted.

16.34.3 *Safety Compliance Facility.* Safety compliance facilities shall be subject to the following additional standards:

a. A marihuana safety compliance facility shall be subject to the special regulations and standards applicable to medical laboratories and medical testing facilities in the ordinance.

b. All activities of a marihuana safety compliance facility, including all transfers of marihuana, shall be conducted within the structure and out of public view.

16.34.4 *Secure Transports*. Secure transporters shall be subject to the following additional standards:

a. The regulations and standards applicable to transportation and warehousing uses in the Zoning Ordinance.

16.35 RENTAL HALLS AND EVENT VENUES. In addition to meeting the standards set forth in Section 18.6, Uses Permitted After Special Approval, event centers and rental halls shall be subject to the following standards:

16.35.1 An application for an Event Venue shall include:

a. A site plan in accordance with Article 17.

b. A complete written description of the proposed use, with detail on parking, sanitation, refuse and solid waste management, outdoor lighting, fencing and on-site vehicular and pedestrian circulation, the services to be provided, the maximum number of patrons anticipated on site at any time, hours of operation, activities to be conducted and any other information necessary to properly convey the nature of the facility proposed. Such written description shall be considered a part of the special use permit application to be relied upon by the Township in granting any approval.

c. The site shall have a minimum area of 1 acre identified by a single property (parcel) ID.

d. An improved parking area, as determined by the Planning Commission, will be required.

16.35.2 The applicant must demonstrate the capacity of the site to accommodate vehicle parking and circulation without disruption of normal traffic flow on the public right-of-way. All parking areas shall be screened from view of an abutting residential use by either a greenbelt, obscuring fence, or masonry wall when it is determined by the planning commission to be appropriate. Any other parking requirements shall be determined by the Planning Commission in accordance with Article 18.

16.35.3 The applicant must demonstrate fire code compliance and receive fire and building department approval.

16.35.4 The applicant must secure all necessary permits from all applicable and must comply with all government regulations.

16.35.5 All waste products shall be screened from public view, properly disposed of on a regular basis and shall in no way be allowed to become a nuisance to adjacent properties.

16.35.6 Hours of operation will be determined through the Article 18, Uses Permitted After Special Approval.

16.35.7 All events must be conducted by persons who own the premises, or their designee

ARTICLE 17
SITE PLAN REVIEW AND APPROVAL.

It is recognized by this ordinance that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review by the Planning Commission for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns and on adjacent land usage.

17.1 USES REQUIRING SITE PLAN REVIEW BY THE PLANNING COMMISSION. The Zoning Inspector shall not issue a Zoning Compliance Permit for the construction, alteration or change of use of buildings, structures and parcels to or from the uses identified in this section unless a site plan has been reviewed and approved by the Planning Commission and such approval is in effect:

17.1.1 Any permitted use after special approval.

17.1.2 Any two-family or multiple-family use.

17.1.3 A manufactured housing park.

17.1.4 An office, commercial, industrial use.

17.1.5 Planned unit developments.

17.1.6 Alterations to any of the above listed uses that result in increase in land use intensity. Changes in land use intensity being based on an increase in square footage of buildings or an increase in required parking.

17.2 APPLICATION AND FEE FOR SITE PLAN REVIEW. Any person may file a request for a site plan review by the Planning Commission by filing with the Clerk the completed application upon the forms furnished by the Clerk and payment of a fee established by resolution of the Village Council. As an integral part of said application, the applicant shall file at least six (6) copies of a site plan.

17.3 PLANNING COMMISSION REVIEW OF SITE PLAN. Upon receipt of such application from the Clerk, the Planning Commission shall undertake a study of the same and shall, within forty-five (45) days, approve or disapprove such site plan, advising the applicant in writing of the recommendation, including any changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this Ordinance

17.4 REQUIRED DATA FOR DETAILED SITE PLAN. Every site plan submitted to the Zoning Board shall be in accordance with the following requirements:

17.4.1 The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet

and of such accuracy that the Planning Commission can readily interpret the site plan and shall include more than one drawing where required for clarity.

17.4.2 The property shall be identified by lot lines and location, including dimensions, angles and size and correlated with the legal description of said property. Such plan shall further include the name and address of the property owner, developer and designer.

17.4.3 The site plan shall show the scale; north point; boundary dimensions, angles and size, and correlated with the legal description of said property. Such plan shall further include the name and address of the property owner, developer, and designer.

17.4.4 The site plan shall show existing man-made features, such as buildings; structures; high tension towers; pipelines; and existing utilities, such as water and sewer lines, excavations, bridges, culverts, drains and easements, and shall identify adjacent properties and their existing uses.

17.4.5 The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structure on the site, the height of all buildings, and square footage of floor space. Site plans for residential development shall include a density schedule showing the number of dwelling units per net acre, including a dwelling schedule showing the unit type and number of each unit type.

17.4.6 The site plan shall show the proposed streets, driveways, sidewalks and another vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off-street parking area, and the identification of service lanes and service parking.

17.4.7 The site plan shall show the proposed location, use and size of open spaces; and the location of any landscaping, fences or walls on the site. Any proposed alterations to the topography and other natural features shall be indicated. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.

17.4.8 A vicinity map shall be submitted showing the location of the site in relation to the surrounding street system.

17.5 STANDARDS FOR SITE PLAN REVIEW. In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance. Further, in consideration of each site plan, the Planning Commission shall find that provisions of Article 17 of this Ordinance as well as the provisions of the zoning district in which said buildings, structures and uses as indicated in the proposed site plan have been satisfactorily demonstrated and met by the applicant. Upon the Planning Commission's approval of a site plan, the Building Inspector will issue a zoning compliance permit.

17.6 EXPIRATION OF SITE PLAN CERTIFICATE. The site plan certificate shall expire and be of no effect three hundred sixty-five consecutive days after the date of issuance thereof, unless within such time the Building Inspector has issued a zoning compliance permit for any proposed work authorized under a said site plan certificate.

17.7 AMENDMENT, REVISION OF SITE PLAN. Site plan, and site plan certificate issued thereon may be amended by the Planning Commission upon the request of the applicant. Such amendment shall be made upon application and in accordance with the procedure provided in Article 17 of this Ordinance. Any fees paid in connection with such application may be waived or refunded at the discretion of the Planning Commission.

ARTICLE 18
USES PERMITTED AFTER SPECIAL APPROVAL

18.1 PURPOSE. The formulation and enactment of this Ordinance is based upon the division of the Village of Deerfield into districts in each of which are permitted specified uses which are mutually compatible. In addition to such permitted compatible uses, however, it is recognized that there are certain other uses which may be necessary or desirable to allow in certain locations in certain districts but which on account of their actual or potential impact on neighboring uses or public facilities need to be carefully regulated with respect to their location for the protection of the Village. Such uses, on account of their peculiar locational need or the nature of the service offered, may need to be established in a district in which they cannot be reasonably allowed as a permitted use.

18.2 AUTHORITY TO GRANT PERMITS AND APPEALS. The Planning Commission shall have the authority to grant, grant with conditions, or deny permits for special approval uses by a majority vote. Any decisions on a special approval use made by the Planning Commission may be appealed to the Zoning Board of Appeals.

18.3 APPLICATION AND FEE. Application for any permit for a special approval use permissible under the provisions of this Ordinance shall be made to the Planning Commission through the Village Clerk by filling in an official special approval use permit application form; submitting required data, exhibits, and information; and depositing the required fee.

18.4 SITE PLAN REVIEW REQUIRED FOR USES PERMITTED AFTER SPECIAL APPROVAL. Application for a special approval permit shall require a site plan review according to Article 17. In addition, such basic information as the applicant's name, address in full, telephone number, a statement that the applicant is the owner involved or is acting on the owner's behalf, and the address and legal description of the property involved.

18.5 SPECIAL APPROVAL NOTIFICATION AND PUBLIC HEARING. Upon receipt of an application for a special approval use, notice shall be provided in accordance with Section 19.7 of this Ordinance. A statement of findings and conclusions shall be incorporated into the minutes of the meeting at which the special approval use permit has been granted. The statement shall specify the basis for the decision and any conditions imposed by the Planning Commission as part of the special use approval.

18.6 CRITERIA FOR REVIEW OF USES PERMITTED AFTER SPECIAL APPROVAL. The Planning Commission shall use the following criteria in evaluating requests for uses permitted after special approval:

18.6.1 Will be of such location, size and character that it will be in harmony with the appropriate and orderly development of surrounding neighborhood and applicable regulations of the zoning district in which it is to be located.

18.6.2 Will be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy to sight distances, location and

access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing pedestrian-vehicle contacts in residential districts.

18.6.3 Will be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.

18.6.4 Will be such that the proposed location and height of buildings or structure and location, nature of height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.

18.6.5 Will relate harmoniously with the physical and economic aspects of adjacent land uses as regards prevailing shipping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the Village.

18.6.6 Is necessary for the public convenience at that location.

18.6.7 Is so designed, located and proposed to be operated that the public health, safety and welfare will be protected

18.6.8 Will not cause injury to the value of other property in the neighborhood in which it is to be located.

ARTICLE 19
ADMINISTRATION AND ENFORCEMENT

19.1 QUALIFICATIONS OF THE ZONING ADMINISTRATOR. The Village Building Inspector shall serve as the Zoning Administrator and will administer and enforce the provisions of this Ordinance. Duties, compensation and responsibilities of the Building Inspector, in addition to those specified in this Section or elsewhere in this Ordinance, may be established by resolution of the Village Council.

19.2 DUTIES OF THE BUILDING INSPECTOR.

19.2.1 The Building Inspector shall have the power to:

a. grant zoning compliance and occupancy permits,

b. to make inspections of buildings or premises necessary to carry out his or her duties in the enforcement of this Ordinance.

19.2.2 It shall be unlawful for the Building Inspector to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he or she has inspected such plans in detail and found them to conform with this Ordinance.

19.2.3 The Building Inspector shall record all non-conforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Article 13.

19.2.4 Under no circumstances is the Building Inspector permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his or her duties as Building Inspector.

19.2.5 The Building Inspector 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 permits.

19.3 PLOT PLAN. The Building Inspector shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications including a plot plan (a plot plan shall not be required where existing setbacks are not altered or the work is of an internal nature) in duplicate, drawn to scale, showing the following:

19.3.1 The actual shape, location and dimensions of the lot.

19.3.2 The shape, size and location of all buildings or other structures upon it, including in residential areas, the number of dwelling units the building is intended to accommodate.

19.3.3 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.

19.3.4 Such other information concerning the lot or adjoining lots as may be essential for determining whether the provision of this Ordinance are being observed.

19.4 PERMIT. The following shall apply in the issuance of any permit:

19.4.1 Permits Not to be Issued. No zoning compliance permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land which is not in accordance with all provisions of this Ordinance.

19.4.2 Permits for New Use of Land. No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different one.

19.4.3 Permits for New Use of Building. No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

19.4.4 Permits Required. No building or structure or part thereof shall be hereafter erected, altered, moved or repaired unless a zoning compliance permit shall have been first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilating, means of egress or ingress, or other changes affecting or regulated by the Village of Deerfield Building Code, Housing Law, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

19.5 CERTIFICATES. No land, building or part thereof shall be occupied or used unless a certificate of occupancy has been issued for such use. The following shall apply in the issuance of any certificates

19.5.1 Certificates Not to be Issued. No certificates of occupancy shall be issued for any building, structure, or part thereof, or for the use of land, which is not in accordance with all the provisions of this Ordinance.

19.5.2 Certificates Required. No building or structure, or parts thereof, which is hereafter erected or altered shall be occupied or used or the same caused to be done, unless a certificate of occupancy has been issued for such building or structure.

19.5.3 Certificates Including Zoning. Certificates of occupancy as required by the Village Building Code for new buildings or structures, or part thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.

19.5.4 Record of Certificates. A record of all certificates issued shall be kept on file

in the office of the Building Inspector and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

19.5.5 Certificates for Dwelling Accessory Buildings. Buildings or structures accessory to dwellings shall not require separate certificate of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

19.6 FEES. The Village Council may from time to time establish, by resolution, fees that shall cover the cost of review, recommendation, inspection and supervision resulting from the enforcement of this Ordinance. Such fee shall be collected for the following:

19.6.1 Rezoning requests.

19.6.2 Zoning Board of Appeals.

19.6.3 Issuance of permits for uses permitted after special approval, zoning compliance permits, certificates of occupancy and site plan review.

19.7 PUBLIC NOTICE. All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, P.A. 110 of 2006 and the other provisions of this Section.

19.7.1 Responsibility: When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Village Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Village of Deerfield and mailed or delivered as provided in this Section.

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

a. Describe the nature of the request: Identify whether the request is for a rezoning, zoning text amendment, permitted use after special approval, planned unit development, variance, ordinance interpretation or other purpose.

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

c. When and where the request will be considered: Indicate the date,

time and place of the public hearing(s).

d. 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.

19.7.3 Personal and Mailed Notice

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

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

2. Except for a zoning amendment, or rezoning, requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the Village of Deerfield. 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 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.

3. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to this section.

4. Other governmental units or infrastructure agencies within one (1) mile of the property involved in the application.

b. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Village of Deerfield Clerk 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.

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

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

b. For any other public hearing required by this Ordinance: not less than five (5) days before said hearing.

19.7.5 Registration to Receive Notice by Mail: Any neighborhood organization, public utility company, railroad or any other person may register with the Village of Deerfield Clerk to receive written notice of all applications for development approval. The Village of Deerfield Clerk shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the Village Council. The requesting party must provide the Village of Deerfield Clerk information on an official form to ensure notification can be made. All registered persons must re-register annually to continue to receive notification pursuant to this Section.

ARTICLE 20
ZONING BOARD OF APPEALS

20.1 CREATION OF MEMBERSHIP. There is hereby established a Zoning Board of Appeals. The Village Council will act as the Zoning Board of Appeals. The Zoning Board of Appeals will perform its duties and exercise its powers as provided in Public Act 110 of 2006, as amended, in such a way that objectives of this Ordinance shall be observed, public safety secured, and substantial justice done.

20.2 MEETINGS. All special meetings of the Zoning Board of Appeals shall be held at the call of the Chairman, and regular meetings at such times as the Village Council may determine. All meetings of the Zoning Board of Appeals shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact and shall keep records of its findings, proceedings at hearings and other official actions all of which shall be immediately filed in the office of the Village Clerk and shall be a public record. A majority of the Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

20.3 APPEALS. An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation or by an officer, department, board or bureau affected by a decision of the Building Inspector and with the Board of Appeals, a notice of appeal, specifying the grounds thereof and the payment of a fee established by the Village Council.

The Building Inspector shall forthwith transmit to the Zoning Board of Appeals all of the papers constituting the record upon which action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certifies to the Zoning Board of Appeals after the notice of appeal shall have been filed with him or her that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Circuit Court on application, on notice to the Building Inspector and on due cause shown.

The power or authority to alter or change the Zoning Ordinance or Zoning Map is reserved to the Village Council, as is provided by law.

The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties in accordance with Section 19.7 and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

20.4 NOTICE OF HEARING. In accordance with Section 19.7 of this ordinance, a public hearing shall be held by the Zoning Board of Appeals for all variance requests and zoning ordinance interpretations.

20.5 POWERS OF ZONING BOARD OF APPEALS CONCERNING ADMINISTRATIVE REVIEW AND VARIANCES. The Zoning Board of Appeals as herein created, is a body of limited powers. It shall have the following specific powers and duties.

20.5.1 Purpose. To hear and decide appeals where it is alleged the is an error of law in any order, requirement, decision or determination made by Village officials in the enforcement of this Ordinance, to review decisions made by the Planning Commission concerning uses permitted after special approval, and to hear and decide appeals where there are practical difficulties in the way of carrying out the strict letter of this Ordinance so that the spirit of the Ordinance shall be observed, public health and safely secured and substantial justice done.

20.5.2 Authorization, In hearing and deciding appeals, the Zoning Board of Appeals shall have the authority to reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination reached by the Planning Commission on a use permitted after special approval and to grant variances as may be in harmony with the general purpose and intent of this Ordinance, so that public health, safety and welfare secured and substantial justice done, including the following:

a. Interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the plan as shown upon the Zoning Map fixing the use districts, accompanying this Ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid. In case of any question as to location of any boundary line between zoning districts, the Zoning Board of Appeals shall interpret the Zoning Map.

b. Permit the erection and use of a building, or an addition to an existing building of a public service corporation or for public utility purposes, in any zoning district to a greater height or of a larger area than the district requirements herein established, and permit the location in any district of a public utility building or structure if the Zoning Board of Appeals shall find such use, height, area, building or structure reasonably necessary for the public convenience and service.

c. Permit the modification of the off-street motor vehicle parking space or loading space requirements where, in the particular instance, such modifications will not be inconsistent with the purpose and intent of such requirements

d. Permit such modification of the height, lot area, yard setback, floor area and lot width regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape or size or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification, provided that modification of lot area regulations shall be permitted only in instances where the nature of the soil and drainage is such that there is sufficient area for safe

water supply and sanitary disposal of waste (unless central water distribution and/or sanitary sewage are provided). Whenever the Zoning board of Appeals determines that the same are necessary in order to render decision, it may require the appellant to submit a topographical survey or the results of percolation tests certified by a registered engineer or land surveyor.

e. Review decisions of the Planning Commission on uses permitted after special approval.

20.5.3 Conditions, The Zoning Board of Appeals, by majority vote, may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determinations as ought to be made and to that end shall have all the powers of the Building Inspector from whom the appeal is taken

20.6 STANDARDS. In consideration of all appeals for variances, the Zoning Board of Appeals shall review each case individually as to its applicability to each of the following standards:

20.6.1 The criteria and standards listed in Section 20.7

20.6.2 In addition to the criteria listed in Section 20.7, the Zoning Board of Appeals shall evaluate requests for variance by the following criteria:

a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

b. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.

c. That the special conditions and circumstances do not result from the actions of the applicant.

d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

e. That no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

f. The variance is the minimum possible that will make possible the reasonable use of the land, building, or structure.

g. The variance is in harmony with the general purpose and intent of this Ordinance to ensure that the public health, safety, and general

welfare is assured, and substantial justice is done.

20.7 VARIANCE, LIMITATIONS OF RIGHTS AND POWERS.

20.7.1 No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

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

20.7.3 Hardships based solely on economic considerations are not grounds for a variance.

20.8 ZONING BOARD OF APPEALS APPROVAL. The Zoning Board of appeals may require the appellant to submit all necessary surveys, plans or other information necessary for the Board to investigate thoroughly the matter before it. The Zoning Board of Appeals may impose such conditions or limitations in granting a variance as it may deem necessary to comply with the spirit and purposes of this Ordinance.

20.9 APPROVAL PERIODS.

20.9.1 No order of the Zoning Board of appeals permitting the erection or alteration of a building shall be valid for a period longer than six (6) months, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

20.9.2 No order of the Zoning Board of Appeals, permitting a use of a building or premise shall be valid for a period longer than six (6) months unless such use is established within such period; provided however, that such order shall continue in force and effect if a building permit for said erection or alteration is started and proceeds to completion in accordance with such permit.

ARTICLE 21
CHANGES AND AMENDMENTS

The Village Council may, from time to time, on its own motion or by petition, amend, supplement or change the District Boundaries or the text regulations herein or subsequently established herein, pursuant to the authority and procedure established in Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended.

ARTICLE 22
VIOLATIONS, PENALTIES AND REMEDIES

22.1 VIOLATIONS. Any person violating any provision of this Ordinance shall be deemed:

22.1.1 Guilty of a misdemeanor. Penalties may be imposed up to ninety (90) days incarceration in the County Jail and or fines up to five hundred ($500.00) dollars plus the costs of prosecution.

22.1.2 Responsible for a civil infraction. Penalties may be imposed in fines up to one hundred ($100.00) dollars plus the costs of prosecution.

22.1.3 The decision to charge the alleged violator with a misdemeanor and/or civil infraction as a result of a violation of this Ordinance shall be at the sole discretion of the Township.

22.2 NUISANCE PER SE. In addition to the foregoing, any violation of this Ordinance shall be deemed a nuisance per se, permitting the Township Board, its officers, agents or any private citizen to take such action in any Court of competent jurisdiction to cause the abatement of such nuisance, including injunctive relief.

22.3 RIGHTS AND REMEDIES. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

ARTICLE 23
LEGAL STATUS

23.1 REPEAL OF PRIOR ORDINANCES. The Zoning Ordinance previously adopted by the Village of Deerfield on June 13, 1979, and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance. and all amendments thereto are, on the effective date of this Ordinance, hereby repealed. The repeal of the above Ordinance and the amendments does not affect or impair any act done, offense committed or right accruing or accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

23.2 INTERPRETATION. In the interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or Ordinance other than the above-described Zoning Ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided however, that where this Ordinance imposes a greater restriction than is required by existing ordinances or by rules, regulations or permits, the provisions of this Ordinance shall control. Nothing in this Ordinance should be the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to the preservation or protection of public health, safety and welfare.

23.3 VALIDITY AND SEVERABILITY CLAUSE. If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not included in said ruling. If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

23.4 CONFLICT WITH OTHER LAWS. Conflicting laws of more restrictive nature are not affected or repealed by this Ordinance. The provisions of this Ordinance shall be Considered as minimum. Conflicting laws of a less restrictive nature, or those conflicting in other ways than degrees of restrictiveness, are hereby repealed. This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

23.5 GENERAL RESPONSIBILITY. The Village Council or its duly authorized representative is hereby charged with the duty of enforcing the Ordinance and said Council is hereby empowered, in the name of the Village of Deerfield to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court of Lenawee

County, Michigan, or any other court having jurisdiction, to restrain and/or prevent any non-compliance with or violation may institute suit and/or join the Village Council in such a suit to abate the same.

23.6 EFFECTIVE DATE AND PUBLICATION. The foregoing Zoning Ordinance and Zoning Map was adopted by Village of Deerfield Council, Lenawee County, Michigan, at a meeting held on _____, and notice ordered published in the Blissfield Advance, a newspaper having general circulation in the Village of Deerfield, Lenawee County, Michigan.