

NORWOOD TOWNSHIP ZONING ORDINANCE

Adopted March 18, 2019

Norwood Township
19759 Lake Street
PO Box 113, Charlevoix, MI 49720

Norwood Township Zoning Ordinance

Table of Contents

PREAMBLE	1
ARTICLE I.....	1
SHORT TITLE AND PURPOSE	1
Section 1.01 - Title.....	1
Section 1.02 - Purpose.....	1
Section 1.03 - Authority.....	1
Section 1.04 - Validity.....	1
Section 1.05 - Repeal of Previous Zoning Ordinance	1
ARTICLE II.....	1
RULES OF CONSTRUCTION AND DEFINITIONS	1
Section 2.01 - Rules of Construction	1
Section 2.02 - Definitions	1
ARTICLE III:.....	1
GENERAL PROVISIONS.....	1
Section 3.01 - The Effect of Zoning.....	1
Section 3.02 – Nonconforming Lots, Buildings, Structures, Uses and Sites	1
Section 3.02.1 - Nonconforming Buildings and Structures	2
Section 3.02.2 - Market Value	2
Section 3.02.3 - Nonconforming Lot of Record	3
Section 3.03 - Principal Uses	3
Section 3.04 - Accessory Buildings	3
Section 3.04.1 - Purpose:.....	4
Section 3.04.2 Application Procedure:.....	4
Section 3.05 - Temporary Buildings.....	4
Section 3.06 - Razing of Buildings.....	5
Section 3.07 - Restoration of Unsafe Building.....	5
Section 3.08 - Intersection Visibility	5
Section 3.9 - Essential Services.....	5
Section 3.10 - Mobile Homes	5
Section 3.11 - Recreational Vehicles	5
Section 3.12 – Camping	6
Section 3.13 - Landscape Buffer	6
Section 3.14 – Greenbelt	6
Section 3.15 - Home Business	7

Norwood Township Zoning Ordinance

Section 3.16 – Fences and Walls	9
Section 3.17 - Water Supply and Sewage Disposal Facilities	9
Section 3.18 - Storm Water Retention	9
Section 3.19 - Groundwater Protection	9
Section 3.20- Dumping of Materials.....	10
Section 3.21- Junkyards, Salvage Yards, Sanitary Landfills.....	10
Section 3.22 - Outdoor Lighting.....	10
Section 3.23 - Private Road Construction Standards.....	13
Section 3.24 - Garage Sale:.....	14
Section 3.25- Signs General Conditions:.....	14
Section 3.25.1- Signs Not Requiring a Sign Permit:	15
Section 3.25.2 - Signs Permitted in All Zoning Districts.....	15
Section 3.25.3 - Signs Permitted in Residential Districts:.....	16
Section 3.25.4 – Signs Permitted in the Agricultural District	17
Section 3.25.5 – Signs Permitted in Industrial, Commercial and Mineral Industrial Resource Districts:.....	17
3.25.6 - Specific Sign Standards:.....	18
3.25.7 - Billboards:.....	18
3.25.8 - Permits, Applications, Plans, Specifications, Revocation, and Appeal:.....	20
Section 3.27 – Towers, Permitted Uses:.....	20
Section 3.28 – Animals	20
Section 3.29 - Off-Street Parking, Loading and Unloading Requirements and Standards:	21
Section 3.30 - Minimum Number of Parking Spaces per Unit:.....	21
Section 3.31 - Loading and Unloading Space	23
Section 3.32 – Clearing, Grading, and Filling	23
Section 3.33 – Parking and Storage of Commercial Vehicles:	23
Section 3.34 On-Site Wind Energy Systems:	24
Section 3.35 -Regulations Pertaining to Quarrying Operations, Mining Operations, Excavation Operations and Mineral Extraction Operations:	24
Section 3.36 - Site Reclamation for:	25
Quarrying Operations, Mining Operations, Excavation Operations and Mineral Extraction Operations for the Mineral Industrial Resources District (MIRD):.....	25
ARTICLE IV: ZONING DISTRICTS AND MAP	1
Section 4.01 - Classification of Zoning Districts.....	1
Section 4.02 - Zoning Map.....	1
Section 4.03 - Boundaries of Districts	1

Norwood Township Zoning Ordinance

Section 4.04 - Zoning of Vacated Areas.....	1
Section 4.05 - Zoning of Filled Areas	2
Section 4.06 - Zoning District Changes	2
ARTICLE V:.....	1
DISTRICT REGULATIONS	1
Section 5.00 – District Regulations.....	1
Section 5.01 - Agricultural (A).....	1
Section 5.02 - Conservation Reserve (CR)	2
Section 5.03 - Low Density Residential (R-1).....	2
Section 5.04- Rural Residential (RR)	3
Section 5.05 - Mobile Home Park District (MH)	3
Section 5.06 - Commercial District (C).....	4
Section 5.07- Industrial (I)	5
Section 5.08 Mineral/Industrial Resources District (MIRD)	5
Section 5.09- Schedule of Regulations	7
PLAN REVIEW.....	1
Section 6.01 - Plan Review (All Districts).....	1
ARTICLE VII:.....	1
USES SUBJECT TO SPECIAL APPROVAL	1
AND SUPPLEMENTAL SITE DEVELOPMENT STANDARDS.....	1
Section 7.01- General Requirements	1
Section 7.02 - Uses Subject to Special Approval	1
Section 7.03 - Supplemental Site Development Standards.....	3
ADMINISTRATION AND ENFORCEMENT OF ORDINANCE	1
Section 8.01 - Zoning Administrator.....	1
Section 8.02 - Zoning Permit	1
Section 8.03 – Conditions	2
Section 8.04 - Rehearing Process	2
Section 8.05 – Fees.....	3
Section 8.05.1 – Fee Schedule.....	3
Section 8.05.2 – Additional Fees	4
Section 8.06 - Posting of Financial Guarantee.....	4
Section 8.06.1 - Additional Requirements for (MIRD).....	5
Section 8.07 - Violations and Penalties	5
Section 8.07.1 - Nuisance per se	5

Norwood Township Zoning Ordinance

Section 8.07.2 – Inspection	5
Section 8.07.3 – Penalties	5
Section 8.07.4 - Conflicting Regulations.....	6
Section 8.08 – Enforcement	6
Section 8.09 - Violations and Penalty.....	6
Section 8.10 – Severability	6
ARTICLE IX:.....	1
ZONING BOARD OF APPEALS (ZBA).....	1
Section 9.0 – Purpose.....	1
Section 9.01 – Membership.....	1
Section 9.02 - Rules of Procedure	1
Section 9.03 - Duties and Powers of the Zoning Board of Appeals.....	2
Section 9.04 - Application of the Variance Power.....	2
Section 9.05- Zoning Board of Appeals Submittal.....	3
Section 9.06 - Rules	3
Section 9.07- Appeals to Circuit Court	3
Section 9.08- Stay of Proceedings	4
ARTICLE X.....	1
AMENDMENTS AND ENACTMENT.....	1
Section 10.00 - Amendment to this Ordinance.....	1
Section 10.01 - Enactment and Effective Date.....	2

Norwood Township Zoning Ordinance

PREAMBLE

An Ordinance to provide for the establishment of Zoning Districts to encourage and regulate the use of land and proper location of buildings and structures for residence, trade, industry, or other purposes; to regulate dimensions of yards, and other spaces; to provide for the administration, enforcement, penalties for violation, and amendment of this ordinance.

Norwood Township Zoning Ordinance

The Township of Norwood ordains:

ARTICLE I SHORT TITLE AND PURPOSE

Section 1.01 - Title

This Ordinance shall be known and may be cited as the "Norwood Township Zoning Ordinance", and within the following text, it may be referred to as the "Ordinance" or the "Zoning Ordinance."

Section 1.02 - Purpose

The purposes of this ordinance are as follows:

- A. To meet the needs of the citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land;
- B. To ensure that use of land shall be situated in appropriate locations and relationships;
- C. To limit the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities;
- D. To facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements;
- E. To promote public health, safety, and welfare.

Section 1.03 - Authority

This Ordinance was ordained and enacted into law pursuant to the provisions and in accordance with the State of Michigan, Township Zoning Act, Act 184 of the Public Acts of 1943, as amended, but now functions under Michigan Zoning Enabling Act, PA 110 of the Public Acts of 2006 as amended.

Section 1.04 - Validity

This Ordinance and various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause thereof irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 1.05 - Repeal of Previous Zoning Ordinance

This ordinance repeals and replaces any previous Norwood Township Zoning Ordinance in its entirety.

Norwood Township Zoning Ordinance

ARTICLE II RULES OF CONSTRUCTION AND DEFINITIONS

Section 2.01 - Rules of Construction

In order to clarify the intent of the provisions of this Ordinance, the following rules shall apply, except when clearly indicated otherwise.

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

Section 2.02 - Definitions

ACCESS DRIVE: An easement or right-of-way that provides motor vehicles access to three or more lots parcels or site condominiums units.

ACCESSORY DWELLING UNIT: A detached or attached, self-contained dwelling unit on the same premises as an existing single-family residence.

ACCESSORY STRUCTURE: Any building or structure that is customarily incidental and subordinate to the use of the principal building or structure, including but not limited to, accessory buildings, personal freestanding television and radio reception antennas, satellite dishes and signs.

ACCESSORY USE: A use naturally and normally incidental and subordinate to the main use of the land or building.

ADULT ORIENTED BUSINESS: Shall include Adult Arcades, Adult Bookstores, Adult Video Stores, Adult Cabarets, Adult Motels, Adult Motion Picture Theaters, Adult Theaters, Nude Model Studios, Sexual Encounter Centers.

Norwood Township Zoning Ordinance

AGRI-CULTURE: Allows for traditional agriculture to be combined agritourism and cultural accessory uses within the Township.

AGGREGATE-NATURALLY OCCURRING: means the unconsolidated, natural accumulation of granular material created through erosion, glaciation or the natural movement of water consisting predominantly of particles larger than sand, having a diameter of between 2.0 mm (0.08 inches) to 7.6 cm (3inches) as defined by the USDA textural classification system. This is type of aggregate IS ALSO KNOWN AS GRAVEL.

AGGREGATE-MANUFACTURED: Means particles larger than sand manufactured (by inches) as defined by the USDA textural classification.

AGRICULTURE: The use of contiguous, neighboring, or associated land operated as a single unit by the owner-operator, manager, or tenant farmer by his own labor or with the assistance of members of his household or hired employees for the purpose of raising and harvesting trees, fruit or field crops, or animal husbandry for economic gain.

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

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

ANEMOMETER: An instrument for measuring and recording the speed of wind.

ANEMOMETER TOWER: A temporary structure, including all accessory facilities on which an anemometer and other instruments are mounted for the purposes of documenting wind resources at the location of the tower.

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

APPEARANCE TICKET: see Municipal Civil Infraction Citation.

APPURTENANCE: Including, but not limited to: balconies, bay windows, cantilevers, chimneys, cornices, decks, fire escapes, HVAC & mechanical units, ornamental features, porches, sills and steps.

ARCHAEOLOGICAL FEATURES: Any prehistoric or historic deposit of archaeological value as determined by a representative of a State agency that is duly authorized to evaluate such findings and render such judgments. An archaeological feature deposit may include aboriginal habitations, ceremonial sites, abandoned settlements, treasure troves, artifacts, or other objects with intrinsic archaeological value relating to the history and culture of the State of Michigan.

Norwood Township Zoning Ordinance

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

ARTISAN GALLERY: A structure where an artist or a group of artists display their wares for sale within the confines of the building.

AUTOMOBILE REPAIR: Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles or engines; collision repair, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

BASEMENT: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

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

BEDROOM: A dwelling room used or intended to be used by human beings for sleeping purposes.

BERM: An earthen barrier with native vegetative screening or other suitable designs with properties that mitigate the visual and acoustical impacts of a quarrying operation, mining operation, excavation operation, mineral extraction operation or an industrial use

BUFFER STRIP: A strip of land not less than ten (10) feet in width for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance.

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

BUILDING HEIGHT: The vertical distance measured from the lowest exposed portion of the structure to the highest part of the roof. The height will be averaged between grade level at all corners and the highest part of the roof

BUILDABLE WIDTH: The width of a lot left for building after required side yards are provided.

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

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

CHURCH: See Place of Worship.

Norwood Township Zoning Ordinance

CLUB: Buildings and facilities owned or operated by a corporation, association, person or persons, for social, educational, or recreational purposes.

CONDOMINIUM UNIT: That portion of a condominium development designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed.

COTTAGE INDUSTRY: Any profession or other occupation or trade conducted within a detached residential accessory structure which is clearly incidental and secondary to the use of the lot and dwelling for residential purposes, and with a maximum of three (3) employees not residing in the dwelling.

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

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

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

DRIVE-THRU BUSINESS: Any restaurant, bank or business with an auto service window.

DRIVEWAY, PRIVATE: A private lane, which is used for vehicular ingress or egress serving one or two lots, parcels or site condominium units.

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

DWELLING, SINGLE-FAMILY: A detached building containing not more than one dwelling unit designed for residential use.

DWELLING, MANUFACTURED: A building or portion of a building designed for long-term residential use and characterized by all of the following:

- A. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended, and
- B. The structure is designed to be transported to the site in nearly complete form, where it is placed on a foundation and connected to utilities; and
- C. The structure is designed to be used as either an independent dwelling or as a module to be combined with other elements to form a complete dwelling on the site.

DWELLING, MOBILE: A factory-built, single-family structure that is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, which does not have wheels

Norwood Township Zoning Ordinance

or axles permanently attached to its body or frame, and which is constructed according to the National Mobile Home Construction and Safety Standards Act of 1974, as amended.

DWELLING, MULTIPLE-FAMILY: A building containing three or more dwelling units designed for residential use.

DWELLING, TWO-FAMILY: A detached building designed exclusively for and occupied by two (2) families living independently of each other, with separate housekeeping, cooking and bathroom facilities for each. also known as a duplex.

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

ERECTED: Includes built, constructed, reconstructed, extension, enlargement, moved upon, or any physical operation on the premises intended or required for a building or structure. Excavation, fill, drainage, and general land improvements which are not required for a building or structure, shall not be considered to fall within this definition.

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

EXCAVATING: Excavating means the removal or movement of topsoil, clay, sand stone, nonmetallic minerals, aggregates or gravel, except for common household gardening, landscaping, building foundation construction, construction grading, farming, farm operations, and general ground care.

EXCAVATION OPERATION: means the excavation from the earth of aggregates, nonmetallic minerals, gravel, topsoil, subsoil, or sand for sale or use and includes the use of mining equipment or techniques to remove materials from the earth, as well as, associated activities such as excavation, grading, and dredging. It also includes processes carried out at a mineral and nonmetallic mineral mining site that are related to the preparation, storage, loading/unloading, or processing of mineral aggregates or nonmetallic minerals obtained from the mining site.

FAMILY: An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not to exceed four (4) persons not related by blood or marriage, occupying the premises and living as a single non-profit housekeeping unit with single culinary facilities, as

Norwood Township Zoning Ordinance

distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity or similar dwelling for group use.

FARM STANDS: A location at which produce and/or food stuffs produced on the premises or on neighboring properties under the ownership or operation of the owner or operator of the stand.

FARM MARKET: A 600 square foot or larger market operated as a part of a farming operation, selling farm products produced on and off the proprietor's farm, as well as, a limited number of household convenience goods.

FENCE: Any permanent or temporary means, partition, structure or gate erected as a dividing structure, or barrier and not part of a structure requiring a building permit.

FINANCIAL GUARANTEES: The following forms of securities are acceptable to satisfy the requirements of financial guarantees. The form of Financial Guarantee selected shall remain in force until all the covenants have been met.

- A. **Assignment of Funds (AOF):** An AOF involves using a form that is signed by a principal of the project and an officer of a banking institution licensed to do business in the State of Michigan. This may be in the form of an Irrevocable Letter of Credit issued by a financial institution licensed to do business in the State-of Michigan, Federally Insured by the FDIC or similar government organization on a form acceptable to Norwood Township. The AOF may also be accomplished by the bank holding a set amount of money in a savings account, Certificate of Deposit, or loan account. Any AOF will be held by Norwood Township in a financial institution agreeable to both parties. Norwood Township will be the sole controlling entity. Those funds will not be released without written authorization by the Township. If the applicant defaults, the bank is required to pay the funds to the township clerk upon receipt of a Notice of Default from the Township Supervisor or his/her designee.
- B. **Cash:** Securing financial guarantees using cash requires that either cash or other instruments such as cashiers' checks, or money orders that can be converted into cash, be deposited into the townships Bond Trust Fund. If the applicant defaults, the township will notify the applicant. The township will then transfer these funds to the Permitting Bond Default Deposit account and use the funds to pay for any necessary corrective work. Amounts in excess of what is required to complete the work are returned to the applicant.
- C. **Surety Bond:** A surety bond is a third-party financial guarantee that is issued by an organization chartered by the State of Michigan (i.e., a licensed insurance company) on a form acceptable to Norwood Township. This organization, or surety, agrees to tender the penal sum of the bond (the bond amount) if the applicant defaults. In the event of a default claim, the surety has the option to either tender the amount of the bond or complete the work in lieu of tendering the bond amount. Before making payment on a default claim, the surety will investigate the validity of the claim. The bond cannot be terminated, canceled, or released without written authorization from Norwood Township.

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

Norwood Township Zoning Ordinance

GAS AND OIL PROCESSING FACILITIES: Any facility and/or structure used for, or in connection with, the production, processing or transmitting of natural gas, oil, or allied products or substances, and the injection of same into the ground for storage or disposal, not under the exclusive jurisdiction or control of the Supervisor of Wells, Department of Natural Resources or Public Service Commission; not including industrial facilities such as cracking plants, large oil storage facilities and heavy industrial operations and facilities.

GASOLINE SERVICE STATION: Any land, building or structure used for sale or retail of motor vehicle fuels, oils, or accessories, or installing or repairing parts and accessories, but not including repairing or replacing of motors, doors, or fenders, or painting motor vehicles.

GRADE, FINISHED: The elevation of the ground upon the completion of construction and improvements.

GRADE, NATURAL: The elevation of the ground surface in its natural state, before human alterations.

GRAVEL-NATURALLY OCCURRING: means the unconsolidated, natural accumulation of rounded rock or rock created through erosion, glaciations or the natural movement of water consisting predominantly of particles larger than sand, having a diameter of between 2.0 mm (0.08 inches) to 7.6 cm (3 inches) as defined by the USDA textural classification system.

GRAVEL-MANUFACTURED: means particles larger than sand manufactured by blasting, crushing or similar means having a diameter of 2.0 mm (0.08 inches) to 7.6 mm (3 inches) as defined by the USDA textural classification.

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

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

HOME-BASED BUSINESS: A business in which the physical activity takes place at a location other than the home, and the home serves as the office at which materials may be stored, work may be scheduled, and from which billings may be issued. A profession, occupation, or trade that is accessory to a principal residential use conducted within a dwelling or residential accessory building. Businesses which typically would be classified as a Home-Based Business include lawn care companies, plumbers, and similar type businesses with a maximum of one employee not residing but primarily working on the premises.

HOME OCCUPATION: A profession, occupation, activity or use conducted within a dwelling by individuals residing in the dwelling only, and which is clearly incidental and secondary to the use of the lot or dwelling for residential purposes, and which does not alter the exterior of the property or affect the residential character of the neighborhood. Businesses which typically would be classified as a Home Occupation include consulting, the practice of law, architecture, engineering, computer, internet-based services, and similar business ventures.

Norwood Township Zoning Ordinance

HOSPITAL: An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, clinics and staff offices.

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

JUNKYARD: An open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to, scrap or other metals, paper, rags, rubber tires, and bottles. A "Junkyard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

KENNELS, COMMERCIAL: Any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets over the age of six (6) months.

A. **HOUSEHOLD PETS:** Any premise for keeping of household pets such as dogs, cats for personal use as follows:

1. In Ag district: Six (6) animals
2. In RR district: Six (6) animals
3. In R1 district: Three (3) animals

Numbers greater than above require Special Use Review.

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

LOT: The parcel of land occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this Ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane.

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

LOT COVERAGE: The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

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

LOT, DOUBLE FRONTAGE: A lot other than a corner lot having frontage on two (2) more or less parallel streets. If there are existing structures in the same block fronting on one (1) or both

Norwood Township Zoning Ordinance

of the streets, the required front yard setback shall be observed on those streets where such structures presently front.

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

LOT LINES: The property lines bounding the lot.

LOT LINE, FRONT: In the case of an interior lot abutting upon one public or private street, the front lot line shall mean the line separating such lot from such street right-of-way. In the case of a corner or double frontage or a through lot, the front lot line shall be that line separating said lot from the street on the side of the lot that has the narrowest street frontage, or if the two lot lines have an equal amount of frontage, the front lot shall be on the most improved or best rated road. (See Lot, Double Frontage) In the case of a lot having frontage upon a lake, river, or stream, the water frontage shall be considered the front lot line.

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

LOT LINE, SIDE: Any lot lines not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT OF RECORD: A parcel of land defined by a legal description and recorded in the office of the Charlevoix County Register of Deeds on or before the effective date of this Ordinance.

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

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

MANUFACTURED HOME: see Dwelling, Manufactured.

METEOROLOGICAL TOWER (MET): A tower equipped with instruments that gathers data concerning the earth's atmosphere and surface in order to aid meteorologists in understanding weather patterns and producing weather forecasts.

MINERAL: Means a naturally occurring solid chemical substance formed through biogeochemical processes having characteristic chemical composition, highly ordered atomic structures, and specific chemical properties.

MINING OPERATION: Means the excavation, excavation operation, removal, movement, loading/unloading or processing, storage of soil, subsoil, sand, stone, gravel, minerals or nonmetallic minerals. Mining operation does not include the following activities:

Norwood Township Zoning Ordinance

- A. Excavation of a limited scope and duration undertaken primarily for the immediate use and development of land for the construction of buildings, structures, or the installation of water wells, septic and sewage facilities, landscaping, activities within a cemetery and construction which is otherwise ancillary to a land use.
- B. Excavation done as part of a farm or farming operation as defined by the Michigan Right to Farm Act, PA 93 of 1971, as amended.

MINING PERMIT INSPECTOR: Means a qualified individual hired by the Township with the ability to access, provide advice and inspect new and existing mining and mineral extracting operations.

MOBILE HOME: see Dwelling, Mobile.

MOBILE HOME PARK: A parcel of land which has been planned and improved for the placement of three (3) or more mobile homes for residential dwelling use.

MOBILE HOME SITE: A plot of ground within a mobile home park designed for the accommodation of one mobile home.

MOTEL OR MOTOR COURT: A series of attached, semi-detached or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

MUNICIPAL CIVIL INFRACTION CITATION: A written complaint or notice prepared by an authorized Township official, directing a person to appear in court regarding the occurrence or existence of municipal civil infraction violation by the person cited.

NATURAL RESOURCE(S): Includes, but is not limited to, topsoil, clay, sand, gravel, cobble, stone, bedrock, regolith, mineral or non-mineral as such terms are used in this Ordinance.

NONCONFORMING LOT OF RECORD: A lot of record that legally existed on or before the effective date of this ordinance or any amendment to this ordinance which does not meet dimensional requirements of this ordinance or amendment.

NONCONFORMING STRUCTURE: A building, structure, or portion thereof that lawfully existed before the effective date of this ordinance or any amendment to this ordinance which does not meet the floor area, setback, parking or other dimensional regulations for the zoning district in which such building or structure is located.

NONCONFORMING USE: A use which lawfully occupied a building or land at the effective date of this Ordinance or Amendments thereto that does not conform to the use regulations of the Zoning District in which it is located.

NONMETALLIC MINERAL: Means a product, commodity or material consisting principally of naturally occurring inorganic, nonrenewable material. Nonmetallic minerals include, but are not limited to, stone, sand, gravel, clay, cobbles, gypsum, limestone and topsoil.

NUISANCE FACTOR: An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical

Norwood Township Zoning Ordinance

characteristics of activity or use across a property line which can be perceived by or affects a human being of reasonable sensibility, or the generation of an excessive or concentrated movement of people or things, such as noise, dust, heat, electronic or atomic radiation, objectionable effluent noise or congregation of people, particularly at night.

NURSERY, PLANT MATERIALS: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery does not include space used for the sale of fruits or vegetables.

OFF STREET PARKING LOT: A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted ingress and egress to at least two (2) vehicles.

ON-SITE WIND ENERGY SYSTEM: A land use for generating electric power or mechanical energy from wind and is an accessory use that is intended to primarily serve the needs of the consumer at that site.

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

ORDINARY HIGH-WATER LINE: The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. On an inland lake which has had a level established by law, it means the high established level. On a river or stream, the ordinary high-water mark shall be the ten-year flood limit line.

PARENT PARCEL: Any lot, from which sub lots or sub parcels are created after the adoption date of this ordinance.

PARKING SPACE: An area of definite length and width exclusive of drives, aisles, or entrances, giving access thereto, and fully accessible for the storage or parking of permitted vehicles.

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

PLANNING COMMISSION: For the purpose of this Ordinance the term Planning Commission is deemed to mean the Norwood Township Planning Commission.

PLANNED UNIT DEVELOPMENT (PUD): A type of development to be planned and built as a unit and which permits upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development.

Norwood Township Zoning Ordinance

PLOT PLAN: A plot plan is a drawing or diagram which shows the building(s), utilities, layout and position of existing and proposed construction usually at a defined scale.

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

PORCH, OPEN: A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or integral roof with principal building or structure to which it is attached.

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

PROCESSING: Means the washing, sorting, crushing, aggregating, grinding, blending, mixing, loading/unloading, storage or cutting of soil, clay, sand, gravel, cobbles, stone, minerals or nonmetallic minerals.

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

QUARRYING OPERATION: Means the excavation, mining, excavation operation mineral extraction and/or processing of stone, minerals or nonmetallic minerals whether solid or fractured and/or which enquire excavation, blasting, cutting, pounding, drilling or other processing.

REGOLITH: Means unconsolidated mineral material that is not capable of supporting life and which is not topsoil or sand.

RESORT: A recreational lodge, camp or facility operated for gain, and which provides overnight lodging and one or more of the following: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming, hunting and fishing and related or similar uses normally associated with recreational resorts.

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

ROAD, PRIVATE: Any road which is privately constructed and has not been accepted for maintenance by the County Road Commission, State of Michigan or the federal government, but which must meet the requirements of the Norwood Township Zoning Ordinance.

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

Norwood Township Zoning Ordinance

ROADSIDE STAND: An accessory and temporary farm structure operated for the purpose of selling agricultural products grown or produced on premises or on other properties under same ownership or management.

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

SAND- MANUFACTURED: has the same size characteristics of Sand-Natural but is produced by processing of aggregate - Natural; and aggregate - Manufactured.

SAND - NATURAL: means the unconsolidated, natural accumulation of granular material created through erosion, glaciations or the natural movement of water consisting predominantly of particles having a diameter of between 0.05mm to 2.0 mm as defined by the USDA textural classification system.

SAND AND GRAVEL: Means a mixture that primarily consists of sand and gravel as individually defined in this Ordinance. Sand and gravel may contain lesser amounts of silt and/or clay.

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

SEASONAL USE: Any use or activity that cannot be conducted or should not be conducted each month of the year.

SETBACK MEASUREMENT: The setback shall be measured to the building or structure's eaves or any appurtenance(s), whichever is deemed closest to the applicable setback.

SIGN: An identification, description, illustration or device affixed to, or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, person, activity, institution, or business. A sign so described may be either mobile or non-mobile.

SHADOW FLICKER: Alternating changes in light intensity caused by the moving blade of a wind-energy system casting shadows on the ground and stationary objects, such as, but not limited to, a window at a dwelling.

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

SOUND PRESSURE: An average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

SOUND PRESSURE LEVEL: The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

Norwood Township Zoning Ordinance

SPECIAL APPROVAL: Approval by the Township Planning Commission of a use of land in a district that is not antagonistic to other land use in the district when such use is specified in this Ordinance for that district upon such approval.

STORY: That portion of a building, other than a basement or 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. A "mezzanine" floor shall be deemed a full story only when it covers more than fifty (50%) percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the next above it is twenty-four (24) feet or more.

STRUCTURAL CHANGE OR ALTERATION: See Alterations.

SURFACE WATERS: Means drains, streams, rivers, creeks, ponds, lakes, and other water bodies as Defined by Michigan's Part 301:

- A. "Inland Lakes and Streams Act, PA 451 of 1994, as amended. The definition applies to public and private lands regardless of zoning classification or type of ownership."

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

TELECOMMUNICATION TOWERS AND FACILITIES OR TOWER: All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

TEMPORARY BUILDING AND/OR USE: A structure or use permitted by this Zoning Ordinance to exist during periods of construction of the main building or for special events.

TEST TOWER: A temporary tower erected to passively collect environmental data for any purpose.

TOPSOIL: Means the unconsolidated, natural material that supports or is capable of supporting plant life and naturally covers subsurface layers of regolith, glacial drift, and/or bedrock.

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

Norwood Township Zoning Ordinance

TOWER HEIGHT: Either of the following:

- A. **Horizontal Axis Wind Turbine Rotors:** The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.
- B. **Vertical Axis Wind Turbine:** The distance between the ground and the highest point of the wind turbine generator.

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

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

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

WIRELESS COMMUNICATIONS EQUIPMENT: The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

YARD: A space open to the sky between a building and the lot lines of the parcel of land on which located, unoccupied or unobstructed by an encroachment or structure except as otherwise provided by this Ordinance.

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

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

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

ZONING PERMIT: A zoning permit is written authority as issued by the Zoning Administrator on behalf of the Township permitting the construction, moving, exterior alteration, or use of a building in conformity with the provisions of this Ordinance.

Norwood Township Zoning Ordinance

ARTICLE III: GENERAL PROVISIONS

Section 3.01 - The Effect of Zoning

- A. In order to carry out the intent of this Ordinance, no use or activity on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Ordinance, and a Zoning Permit has been obtained, except in the case of lawful nonconforming uses.
- B. If any activity, use, building, structure or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building or structure shall be declared a nuisance and may be required to be vacated, dismantled, abated, or cease operations by any legal means necessary and such use, activity, building or structure shall not be allowed to function until it is brought into conformance with this Ordinance.
- C. In the event that any lawful use, activity, building or structure which exists or has begun substantial construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and be allowed to remain as such, including completion of construction.

Section 3.02 – Nonconforming Lots, Buildings, Structures, Uses and Sites

Intent: This section establishes regulations that govern the completion, restoration, reconstruction and expansion of nonconforming buildings which do not increase the footprint or otherwise increase the nonconforming situation. Nonconforming buildings and uses are buildings and uses which do not conform to one or more of the provisions and/or requirements of this ordinance or any subsequent amendments, but which were lawfully established prior to the time of adoption of this Ordinance.

- A. Nonconforming Uses: Nonconforming uses are not considered to be compatible with the current or intended land use of the district in which they are located. Nonconforming lots and buildings are typically those established prior to the current zoning standards. The township intends to allow continued use of these lots and buildings in certain cases.
- B. Illegal Nonconforming Use: Those alleged nonconforming uses which cannot be proved conclusively to have been existing prior to the effective date of this Ordinance shall be declared illegal nonconforming uses and shall be discontinued following the effective date of this Ordinance.
- C. Continuation of an Existing Legal Nonconforming Uses: The lawful use of a building or land existing at the time of the effective date of this Ordinance may be continued although such use does not conform to the provisions of this Ordinance; however, no accessory use, building or structure shall be established.
- D. Nonconforming Existing Uses of Land: A nonconforming use of land or a conforming building may be continued within the area of land occupied by the use at the effective date of this ordinance.
- E. Modifying Uses: In the event that a nonconforming use is modified or altered to eliminate remove or lessen any or all of its nonconforming characteristics, then said nonconforming characteristics shall not be reestablished or increased. Any new use shall conform to the provisions of this Ordinance.
- F. Changing Uses: If no structural alternations are made, a nonconforming use of a building may be changed to another nonconforming use similar in nature to the original nonconforming use or a

Norwood Township Zoning Ordinance

more conforming use upon receipt of a special use approval as described in Article VII, "Section 7.01 General Requirements", of the Norwood Township Zoning Ordinance.

- G. **Discontinuance:** In the event that a nonconforming use is discontinued for a period of one (1) year, the use of the property shall thereafter conform to a use permitted in the zone in which it is located.

Section 3.02.1 - Nonconforming Buildings and Structures

Where a lawful building or structure exists at the effective date of this Ordinance that could not be built under the present regulations by reason of restrictions on area, lot coverage, height, yards, landscape buffer, off-street parking, loading space, minimum setback, or other characteristics of the structure or its location on the lot, such building or structure may continue to be used, provided it remains otherwise lawful, subject to the following provisions.

- A. **Permitted Building Improvements:** A residential building which is nonconforming may be altered or rehabilitated if such activity will make it more conforming to the regulations of this Ordinance or building codes.
- B. **Permitted Expansion of Residential Buildings:** A residential nonconforming building may be allowed to expand provided the expansion does not increase the size of the established footprint, or the expansion is within a yard which retains compliance with the required setback and height (e.g. a home with a nonconforming front yard setback may be expanded in the rear so long as the rear yard setback remains conforming). Provided that the following criteria are met for the subject building:
1. Any well and/or sanitary septic systems shall have approval from the Health Department of Northwest Michigan.
 2. The only nonconforming situation on the parcel shall be dimensional ones related to the house and/or garage.
 3. Any other expansion shall be prohibited unless a variance is granted by the Zoning Board of Appeals.
- C. **Permitted Expansion of Nonresidential Nonconforming Buildings:** Nonresidential nonconforming buildings shall not be expanded except to the extent permitted by the Zoning Board of Appeals pursuant to the authority granted in Article IX, Section 9.3, "Duties and Powers of the Zoning Board of Appeals", of the Norwood Zoning Ordinance. A building necessary for an existing agricultural activity may be enlarged, altered, or rehabilitated if the purpose is to maintain or improve the agricultural activity.
- D. **Permits Required:** In all cases, any expansion of a nonconforming building or a building on a nonconforming lot shall require approval by the Health Department of Northwest Michigan.
- E. **Permitted Repairs:** Nothing in this Ordinance shall prevent the repair, reinforcement, reconstruction, building construction, or other such improvements of a nonconforming building, or part thereof, rendered necessary by wear and tear, deterioration, flood, fire or vandalism provided the cost of such work shall not exceed fifty (50) percent of the market value of such a building prior to the time such work is started.

Section 3.02.2 - Market Value

For the purpose of the Article, the applicant shall provide verification of market value through an appraisal done by a licensed real estate appraiser. The appraisal shall be done on a before repair and after repair basis. The Zoning Administrator shall review the appraisal. In making the appraisal, the appraiser can consider the value of repairs or improvements based only on a written estimate from a licensed contractor provided at the expense of the applicant.

Norwood Township Zoning Ordinance

Section 3.02.3 - Nonconforming Lot of Record

For the purpose of this Article, a lot of record that legally existed on or before the effective date of this ordinance or any amendment to this ordinance which does not meet dimensional requirements of this ordinance or amendment.

- A. Permitted Construction of Residential Buildings: In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected upon any parcel of land which was a single lot of record at the effective date of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district. 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 the lot is located. Variances for yard requirements shall be obtained through approval of the Zoning Board of Appeals.
- B. Permitted Expansion of Residential Buildings: Conforming single family dwellings and customary accessory buildings located upon any parcel of land which was a single lot of record at the effective date of this Ordinance which fails to meet the requirements for area or width, or both, that are generally applicable in the district, may be allowed to expand provided that the expansion complies with all height, bulk and other requirements not involving area or width, or both, of the lot, for the district in which the lot is located. Variances for yard requirements shall be obtained through approval of the Zoning Board of Appeals.

Section 3.03 - Principal Uses

No lot may contain more than one (1) principal structure or use, except upon determination by the Planning Commission. Groups of apartment buildings, offices, retail business buildings, agricultural structures, or other similar groups of buildings may be considered principal structures or uses, as determined by the Planning Commission. However, a grouping of accessory buildings shall not be considered principal structures or uses.

Section 3.04 - Accessory Buildings

- A. Authorized accessory buildings may be erected as part of the principal building or may be connected to the principal building by a roofed porch, breezeway or similar structure or may be completely detached from the principal building.
- B. Where any accessory buildings is attached to a principal building, such accessory building shall be considered part of the principal building for purposes of determining yard dimensions.
- C. A detached accessory building shall be located no closer to a side or rear lot line than the permitted distance for the principal structure on the same lot.
- D. An accessory structure shall not be located in the front yard. Due to the double frontage of waterfront properties, an exception is provided to allow for an accessory structure between the principal structure and the road on waterfront parcels, but no accessory structure shall be allowed between the principal structure and the water.
- E. An accessory building shall not occupy more than thirty (30) percent of the rear yard.
- F. No accessory structure may be built prior to the commencement of construction on the principal structure.
- G. Mobile homes shall not be used as an accessory building.
- H. Accessory Dwelling Unit

Norwood Township Zoning Ordinance

Section 3.04.1 - Purpose:

To address the identified need of providing and preserving affordable and secure housing for all while preserving the appearance and character of the Township's residential areas; by permitting as an accessory use, the creation of a separate self-contained dwelling unit incidental and subordinate to an existing single-family residence. The creation of such accessory dwelling units will promote the general welfare of the Township, by allowing all the population to continue to live in the Township, either in their present home or in the accessory dwelling units permitted.

- A. An accessory dwelling unit shall be located on the same premises as a one-family residence as a permitted use in A, R-1 and RR Districts.
- B. A principal owner of the principal dwelling must reside in either the principal dwelling or the accessory dwelling unit.
- C. The accessory dwelling unit shall not exceed 600 square feet or forty (40) percent of the floor area of the existing residence whichever is greater.
- D. The number of off-street parking spaces for the accessory dwelling unit shall be not less than one.
- E. The occupancy of the accessory dwelling unit shall be no more than two (2) persons.
- F. All zoning district bulk and setback requirements shall apply to the site.
- G. Accessory dwelling units shall be reviewed by the Planning Commission to ensure compliance to the following standards:
- H. Architectural design, style and appearance of the principal residential building must be maintained. If an addition is proposed as part of the creation of the accessory dwelling unit, the addition must be consistent with the existing façade, roof pitch, building materials and colors and windows of the building; The use of private water and septic systems for the accessory dwelling unit shall be subject to the approval of the Northwest MI Health Department. The accessory dwelling unit shall comply with all applicable housing, building, fire and health code requirements.

Section 3.04.2 Application Procedure:

The applicant shall submit the following information for Planning Commission review:

- A. A plot plan showing the location of the proposed accessory dwelling unit, lot identification (address and property number), size of lot, dimension of lot lines, existing improvements, location of structures on adjacent lots within one hundred (100) feet, abutting streets, driveways, and parking areas.
- B. Sufficient architectural drawings or clear photographs to show the exterior building alterations proposed.
- C. Interior floor plans showing the floor area of the proposed accessory dwelling unit and primary dwelling.
- D. Prior to granting approval, the Planning Commission must determine that a proposed accessory dwelling unit is compatible with existing land uses in the area would not be detrimental to the safety or convenience of vehicular or pedestrian traffic.
- E. Following approval from the Planning Commission, the applicant shall receive a permit for the Accessory Dwelling Unit specifying the conditions, restrictions and details of the approval.

Section 3.05 - Temporary Buildings

Temporary buildings for use incidental to construction work, all debris, and all construction related signs shall be removed within thirty (30) days after the completion, occupancy or abandonment of the work.

Norwood Township Zoning Ordinance

Section 3.06 - Razing of Buildings

No building shall be razed until a zoning permit has been obtained from the Zoning Administrator. Said permission shall be conditioned on the applicant completing the razing within such reasonable time period as shall be prescribed and complying with such regulations as to health and safety as the Building Inspector may prescribe including filling of excavations and proper termination of utility connections.

Section 3.07 - Restoration of Unsafe Building

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

Section 3.08 - Intersection Visibility

On any corner lot in any district requiring front and side yards, no fence, wall, screen, hedge, sign or other structure or planting shall obstruct vision between the heights of three (3) and ten (10) feet within the triangular area formed by the intersecting street right-of-way lines and a straight line intersecting them at points which are on said right-of-way lines and thirty (30) feet distant from their point of intersection. Such heights of clear vision areas shall be measured from the elevation of the street centerlines at the point of intersection. No vision shall be blocked from a driveway between the heights of three (3) feet and ten (10) feet, measured above the elevation of the street centerline, within ten (10) feet of any front property line.

Section 3.9 - Essential Services

Essential services, as defined herein, shall be permitted as authorized and regulated by law, public policy and specific zoning regulations in any district, it being the intention otherwise to exempt such erection, construction, alteration, and maintenance from the application of this Ordinance when not in conflict with Article I of this Ordinance. When in conflict, the Board of Appeals shall have the power to determine reasonable conditions under which such facilities shall be erected. Telecommunication towers, alternative tower structures, antennas, and wind turbine generators shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

Section 3.10 - Mobile Homes

Mobile homes sited on individual lots shall meet the standards for minimum lot size, yard set-backs, minimum floor area and minimum dwelling unit width for the district in which they are located and shall meet the following additional standards:

- A. Mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Mobile Home Commission requirements.
- B. Mobile homes shall be installed according to manufacturer's set up requirements, and the construction of the unit shall comply with the National Mobile Home Construction and Safety Standards Act of 1974.
- C. The wheels, axles and towing assembly shall be removed from a mobile home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.
- D. Mobile homes shall not be used as an accessory building.

Section 3.11 - Recreational Vehicles

- A. Occupancy of travel trailers, motor homes and other similar vehicles in all districts shall be allowed for a period of not more than fifteen (15) days in any thirty (30) day period.

Norwood Township Zoning Ordinance

- B. Two (2) recreational vehicles shall be allowed to be stored, occupied or set up on parcels with an existing dwelling unit, provided such vehicles are not located in the front yard and shall be required to meet the side and rear yard setbacks. On waterfront property, such vehicles may be located in the front yard between the principal structure and the road, but not on the waterfront side of the principal structure. In the event that any recreational vehicle occupies a parcel for longer than the sixty (60) day limit, it shall be stored either within an enclosed structure or shall be screened to not be visible from the adjacent property or the abutting road.

Section 3.12 – Camping

Overnight camping on private property without a dwelling unit shall be an allowable use in all districts, EXCEPT the R-1 district, provided the recreational vehicle shall occupy such a parcel for not longer than 15 consecutive days. Camping for periods of greater than 15 days, shall require a zoning permit. No more than two (2) such zoning permits for camping shall be granted for a parcel in any calendar year and each permit shall be valid for a period of not greater than forty-five (45) days.

Section 3.13 - Landscape Buffer

A landscape buffer, (see “buffer strip” definition) shall be required for any commercial or industrial use that abuts a residential use on either the side yard or rear yard. In all instances, this may be provided as part of the side or rear yard requirements.

Section 3.14 – Greenbelt

To preserve natural resources, water quality and community scenic and recreational values, a greenbelt shall be established and maintained on all waterfront property. The greenbelt shall include all the land area located within fifty (50) feet of the ordinary high-water mark of a lake or a stream abutting or traversing the property in question. Within the greenbelt, the following development or use restrictions shall apply:

- A. No structures shall be allowed except for boathouses, launching ramps and docking facilities including steps and retaining walls, and such facilities shall meet the side yard setback for the district in which they are located. Any dock shall comply with the setback requirements for the riparian line as determined by the state law. No boathouse shall exceed twelve (12) feet in height above the ordinary high-water mark.
- B. No dredging or filling shall be allowed except for reasonable sanding of beaches where permitted by state or federal law.
- C. The use of asphalt, concrete, wood or other similar surfaces shall be limited to walkways or stairs necessary for water access or boat launch ramps.
- D. The use of pesticides, herbicides and fertilizers is prohibited.
- E. Leaves, grass clippings and similar yard and garden wastes may not be burned or stored.
- F. Neither septic tanks nor septic system filtration fields may be located within the greenbelt.
- G. Natural vegetation cover, including trees, shrubs or herbaceous plants shall be maintained on a least seventy percent (70%) of the lake or stream frontage within the greenbelt, unless a landscape plan is submitted and approved by the Planning Commission. Beach sand, gravel, parcel, cobblestone or rock may be substituted for vegetated areas where these materials naturally exist.
- H. The greenbelt shall be shown on any plot plan or site plan submitted for approval during the process of developing a water frontage

Norwood Township Zoning Ordinance

Section 3.15 - Home Business

While Norwood Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance which may be caused by non-residential activities. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in the given districts, and thus to maintain and preserve the character of said district.

A. Home Occupations: Allowed by right with no permit required.

B. Home Based Businesses:

1. Home Based Businesses may be permitted in all zoning districts in which single-family dwellings are permitted, subject to the review and approval by the Planning Commission. A zoning permit is required.
2. Home Based Businesses shall be operated in their entirety within the dwelling (not within an attached or detached garage or accessory building) and shall occupy no more than twenty-five percent (25%) of the dwelling's ground floor area. Attached and detached residential garages may be used for incidental storage.
3. Home Based Businesses shall be conducted primarily by the person or persons occupying the premises as their principal residence. Not more than one (1) non-resident persons shall be working at the given premises to assist with the business, including both non-resident employees and those working with the business on a contractual basis.
4. Additions to a dwelling for the purpose of conducting a Home-Based Business shall be of an architectural style that is compatible with the architecture of the dwelling and shall be designed so that the addition can be used for dwelling purposes if the Home-Based Business is discontinued.
5. Home-Based Businesses shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or neighborhood.
6. Home-Based Businesses shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home-Based Business, shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the dwelling for residential purposes.
7. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
8. The outdoor storage of goods and/or materials of any kind is prohibited. No goods or materials shall be sold that are not produced through the conduct of the Home-Based Business.
9. No process, chemicals, or materials shall be used which are contrary to any applicable state or federal laws.
10. Hours of operation shall be approved by the Planning Commission.

C. Cottage Industries:

1. Cottage industries may be permitted as a special approval in any zoning district in which single-family dwellings are permitted, subject to review and approval by the Planning Commission. Cottage industries shall be allowed on the basis of individual merit, a periodic review of each cottage industry shall be performed to ensure the conditions of approval are adhered to. If a premise is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed for compliance with the original permit by the Zoning

Norwood Township Zoning Ordinance

Administrator. If any changes are necessary, the request will be reheard by the Planning Commission.

2. Cottage industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. There shall be no exterior evidence of such industry.
 3. A cottage industry shall occupy not more than one building. The floor area of such a building shall not exceed eight hundred (800) square feet.
 4. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and road rights-of-way. If required the type of screening shall be determined at the discretion of the Planning Commission.
 5. Cottage industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding zoning district. Any machinery, mechanical devices or equipment employed in the conduct of a Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the premises for residential purposes.
 6. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
 7. Cottage industries shall be conducted only by the person or persons residing on the premises. The Planning Commission may allow up to two non-residents working at the given premises to assist with the business, including both non-resident employees and those working with the business on a contractual basis.
 8. To ensure that the cottage industry is compatible with surrounding residential use, a "not-to-exceed" number of vehicles that may be parked at any given time during business operations shall be established by the Planning Commission during the review and approval process.
 9. Hours of operation shall be approved by the Planning Commission.
- D. Termination, Extensions, Revisions, and Inspections:
1. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section. The extension can be for no more than one (1) year.
 2. Any home business (home occupation or cottage industry) shall be subject to periodic review by the Zoning Administrator.
 3. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the home business. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a special approval (see Section 7.02 Uses Subject to Special Approval).
 4. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on the findings of fact. Reasonable conditions may be imposed to prevent conflicts with other property uses or to assure compatibility with the standards of this ordinance. The Planning Commission shall have the authority to order a limit on the hours of operation, impose conditions of operation or, if deemed necessary, order the complete termination of the activity.
 5. Proposed revisions or additions to a cottage industry shall constitute a change of use and shall be subject to special approval by the Planning Commission.

Norwood Township Zoning Ordinance

Section 3.16 – Fences and Walls

Unless stricter requirements are provided in other specific provisions in this Ordinance, fences or walls may be permitted on any property in any District, with a zoning permit, provided that no fence or wall exceeds a height of six (6) feet and shall be no closer than five (5) feet to the front property line or road right-of-way, and further provided such fence or wall shall not obstruct sight distances needed for safe vehicular traffic, nor create a hazard to traffic or pedestrians. Fences may be located on the lot line in the side or rear yards. Where a lot borders a lake or stream, or has lake views, fencing shall not be constructed on the waterfront side within the required fifty (50) foot greenbelt. Fences shall not exceed four (4) feet in height, where they obstruct the views of the water from neighboring properties.

Section 3.17 - Water Supply and Sewage Disposal Facilities

All water supply and sanitary sewage disposal systems either public or private, for any building thereafter erected, altered or moved upon any premises shall be subject to compliance with District Health Department sanitary code requirements. Plans must be submitted to and approved by the responsible agencies. The written approval of such facilities by District Health Department shall be filed with the application for a building permit. Building permits require a Township zoning permit. Applicants may wish to do preliminary site testing (such as perc testing) preceding zoning permit application, but is not required.

Section 3.18 - Storm Water Retention

Storm water drainage in excess of natural conditions shall be retained on site. This provision may require storm water retention ponds where appropriate. An exception may be made for water leaving the site via an adequately sized existing storm water ditch, storm water pipe or through other storm water facilities that will be developed at the same time as the proposed new use. Storm water management efforts shall be consistent with the provisions of the Charlevoix County Storm water and Soil Erosion Control Program. In the case of conflicting regulations, between the Township Zoning Ordinance and the Charlevoix County Storm Water and Erosion Control Program, the more stringent of the two shall apply. Written approval from the Michigan Department of Transportation (MDOT) shall be required for an additional site run-off directed into a state trunk line ditch, i.e. US-31.

Section 3.19 - Groundwater Protection

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

- A. Sites at which hazardous substances and polluting material are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water and wetlands.
- B. Secondary containment for above ground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- C. General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
- D. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

Norwood Township Zoning Ordinance

- E. The Planning Commission may require a performance bond or similar assurance for safeguards prior to approval. Properties having an approved site plan shall be monitored over time to ensure compliance with the approved plan, with a compliance review occurring at least every five years.

Section 3.20- Dumping of Materials

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

- A. Dumping or stockpiling of waste material or junk; the collection, accumulation, storage or disposal of waste material, used construction material, junk or refuse is prohibited, except under the following circumstances:
 - 1. Such practices are a necessary accessory use to a permitted agricultural use.
 - 2. Such practices occur in a junkyard authorized under this Ordinance and are included in the approved site plan.
 - 3. Such practices are a necessary accessory use to a commercial or industrial use authorized under this Ordinance and are included in the approved site plan.
- B. Dumping of soil, sand and clay materials: the material to be placed on the site shall be of such a composition as not to create potential contamination of the natural environment including groundwater, vegetation, soils and surface waters; no dumping of soil, sand, clay or similar material shall be undertaken that appreciably increases the surface runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by retention on the development parcel, percolation into the soil, evaporation, or by transport by natural drainage way or conduit to any appropriate point of discharge. Extensive dumping of material shall be construed to mean the placing of fill material on a lot or property so as to create a recognizable change in character of the natural terrain of such lot or property.
- C. Dumping of toxic materials and/or nuclear wastes shall not be allowed in Norwood Township.

Section 3.21- Junkyards, Salvage Yards, Sanitary Landfills

Location of a junkyard, salvage yard or sanitary landfill shall be not less than one-hundred-twenty-five (125) feet from any public highway. All uses of such facilities shall be completely screened from sight by natural terrain, or by a neatly finished and maintained wooden or masonry fence, or by well-maintained evergreens. Glare from any process, such as arc welding, conducted at a junkyard, salvage yard or sanitary landfill, which emits harmful rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.

Section 3.22 - Outdoor Lighting

Norwood Township finds the naturally lit night sky is an important aspect of our environment and a resource which contributes significantly to our quality of life by contributing to the public peace and to the health, safety and welfare of the residents and visitors of Norwood Township. That to preserve and protect this resource it is necessary to regulate the use of outdoor light fixtures to minimize light pollution which has a detrimental effect on the environment, astronomical research, amateur astronomy, and general enjoyment of the night sky, and causes unnecessary and/or unwanted illumination of adjacent and even distant properties; that it is in the public interest to conserve electrical energy; and that it is in the public interest to protect vehicular and pedestrian traffic from dangerous glare and light pollution in the night sky.

- A. Standards - Commercial and Industrial Districts and Land Uses: All outdoor light fixtures and lighting practices shall conform to the following standards:

Norwood Township Zoning Ordinance

1. All outdoor light fixtures shall have full cut-off shielding such that no light is emitted above an imaginary horizontal plane passing through the fixture below the light source regardless of type or wattage, EXCEPT for gas lighting, glass tubes filled with Neon, Argon or Krypton, and small decorative fixtures such as porch lights.
 2. Baffles or shields shall be required as needed so that light sources are not visible beyond the property on which they are installed, so that direct light rays are not directed above a horizontal plane passing through the fixture, and also so that vehicular and pedestrian traffic are protected from glare and from the intense light of directly visible light sources.
 3. Exterior lighting should be designed and installed to conserve electrical energy by:
 - a. Using fixtures with good optical control to distribute light in the most effective and efficient manner;
 - b. Using the minimum amount of light to meet the lighting criteria for safety and visibility;
 - c. Using low pressure sodium outdoor light fixtures where required and wherever else feasible;
 - d. Energizing light fixtures only when necessary by means of automatic timing devices and through the use of motion detection devices on security lighting;
 - e. Requiring that certain outdoor light fixtures be turned off between 11:00 p.m. and sunrise.
 4. Sodium light sources shall be used for street lighting, parking lot lighting, and for security lighting when security lighting is not energized by motion detection devices. Where feasible low-pressure sodium lighting is to be encouraged.
 5. All outdoor recreational facilities, including but not limited to tennis courts, baseball, softball, basketball, football, trails, golf courses, and driving ranges shall be illuminated with fixtures equipped with full cut-off shielding as needed to direct and restrict light to the playing surface and playing air space as well as the immediate surrounding area and to eliminate glare in the night sky insofar as possible as well as unnecessarily reflected light in the immediate vicinity or on adjacent property.
 6. Floodlights shall be directed downward, shielded as necessary so that the light source is not directly visible from roads or adjacent property, and located and directed so that light is unnecessarily reflected onto adjacent property or into the night sky.
 7. In addition to fixture design and shielding, architectural and landscape design features may be incorporated into an outdoor lighting plan to meet the requirements and comply with the intent of this Section of the ordinance.
- B. Requirements, Limitations and Prohibitions – Commercial and Industrial Districts and Land Uses:
1. Searchlights, lasers or other high-intensity light designed primarily to light the sky for advertising or entertainment purposes are prohibited as being contrary to the express intent of this Section.
 2. Advertising signs shall not be illuminated between one (1) hour after close of business and one (1) hour before opening of business on the following day except by special permission granted as a condition of site plan approval. All fixtures or circuits illuminating advertising signs shall be equipped with automated timing devices. If externally illuminated, all advertising, signs, advertising kiosks and information boards shall be illuminated from the top downward with full cut-off shielding and such other shielding to direct the light on the sign or structure face only and shield the light source from view of vehicular and pedestrian traffic and adjacent property. If illuminated from the interior, signs, off premises signs, advertising kiosks, and information boards shall have a dark background with lighter colored translucent (not transparent) lettering, logos, and designs. Signs shall not incorporate any flashing or moving lights except as permitted under Section 3.26 Signs.

Norwood Township Zoning Ordinance

3. Quartz and mercury vapor lighting are prohibited because of the broad spectrum of visible light which these sources emit and because of the diffusive and reflective character of such light.
 4. All parking lots in Commercial and Industrial districts shall be illuminated when in use during regular business hours and thereafter only until the public and employees have left the premises.
 5. Entrance and traffic marker lights along access roads and drives, in parking lots and along pedestrian ways shall be sodium type and equipped with full cut-off shielding as well as shielding to keep the light source out of view of vehicular and pedestrian traffic.
 6. The use of non-conforming bulbs and fixtures in Commercial and Industrial districts shall not be permitted.
 7. Outdoor display areas including but not limited to automobile or equipment dealer display or storage lots may be illuminated during the hours the business is open to the public or until 11 p.m., whichever is later. Metal halide light sources may be used provided such fixtures are equipped with full cut-off shielding and project only the minimum amount of light necessary for good visibility.
 8. Lighting of building facades shall be from the top and directed downward with full cut-off shielding and additional shielding to keep the light source from the view of vehicular and pedestrian traffic and adjacent property.
 9. Security lighting shall be directed away from road traffic and adjacent properties.
- C. Standards: Residential and Recreational Districts and Land Uses: All outdoor light fixtures and lighting practices shall conform to the following standards:
1. All outdoor fixtures shall have full cut-off shielding such that no light is emitted above an imaginary horizontal plane passing through the fixture below the light source regardless of type or wattage.
- D. Requirements Limitations and Prohibitions –Residential Districts and Land Uses:
1. Residential security lighting shall be energized by motion detectors unless otherwise permitted as a condition of site plan or plot plan approval. Security lighting shall be directed away from and/or shielded from road traffic and adjacent properties.
 2. Residential yard lights shall be a sodium light in a fixture with full cut-off shielding.
 3. Quartz and mercury vapor lighting are prohibited because of the broad spectrum of visible light which these sources emit and because of the diffusive and reflective character of such light.
- E. Approved Materials: The provisions of this article are not intended to prevent the use of any design, material or method of installation, even if not specifically prescribed by this Section, provided that such alternative has been approved by the Planning Commission and meets or exceeds the Illuminating Engineers Society (EIS) Standards.
- F. Exemptions: The following uses and activities shall be exempt from these Exterior Lighting Regulations:
1. Emergency equipment
 2. Holiday decorations, provided that such decorative exterior lighting shall not include searchlights, flood lights, stroboscopic lights, or lights which create glare or distractions potentially dangerous to vehicular or pedestrian traffic, or lights which create unnecessary and unwanted glare in the night sky.
 3. All outdoor light fixtures producing light directly by the combustion of fossil fuels such as kerosene lanterns or gas lamps, are exempt from the requirements of this Section.
 4. Voluntary compliance with the intent of this Section at any facility exempt from this Section is encouraged.

Norwood Township Zoning Ordinance

Section 3.23 - Private Road Construction Standards

- A. All private roads constructed in Norwood Township shall be constructed in a good and workmanlike manner upon and parallel to the centerline of a permanent right-of-way easement duly recorded with the Charlevoix County Register of Deeds. Such easements shall meet the following requirements:
1. The permanent right-of-way easement shall at a minimum be forty (40) feet in width unless additional right-of-way is required for adequate construction.
 2. Single access private roads in excess of one half (1/2) mile shall be required to provide a cul-de-sac with a minimum sixty (60) foot radius of right-of-way and a minimum fifty(50) foot radius paved surface.
 3. The right-of-way easement width on curved portions of roads shall be the same as for tangent portions.
- B. Roads shall be constructed in a manner to sufficiently control storm water runoff and permit effective storm water drainage and prevent soil erosion.
- C. Soil erosion control measures shall be applied in accord with the requirements of the Charlevoix County Soil Erosion and Sedimentation Control Program and the County Storm Water Ordinance.
- D. Roads shall be laid out to the greatest extent feasible to achieve the following objectives: (Listed below in order of priority, as it is recognized that some may conflict with others on any given site)
1. On soils not classified as "hydric" (wetland soils) by the USDA Soil Conservation Service.
 2. Along fence rows or the edges of the open fields adjacent to any woodlands (to reduce impact upon agriculture or forestry uses and shelter from winter winds, and to enable new construction to be visually absorbed by natural landscape features).
 3. On areas not considered prime farmland soils or in areas considered as important timberland soils on a national or regional basis.
 4. In locations least likely to impact scenic vistas, as seen from public roads.
- E. All private roads shall have names approved by the Township Board and accepted by the Charlevoix County Numbering System and Charlevoix County Road Commission.
- F. Identification signs shall be required for private roads and shall be similar in design to those identifying public roads in the township. In addition to road identification, private road signs shall also include the wording "PRIVATE ROAD" in a minimum of four (4) inch high letters and "NOT MAINTAINED BY CHARLEVOIX COUNTY ROAD COMMISSION" in a minimum of two (2) inch high letters.
- G. All private roads servicing or to serve two (2) or more lots, parcels or condominium units shall have a road maintenance agreement and deed restrictions which provides for the perpetual private (non-public) maintenance of such roads and/or easements to a necessary and reasonable standard to serve the several interests involved. These documents shall contain the following provisions:
1. A method of initiating and financing of such road and/or easements in order to keep the road in a reasonably good and usable condition.
 2. A workable method of apportioning the costs of maintenance and improvements.
 3. Contain provisions that the owners of any and all of the property using the easement shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitee, tradesmen and others bound to or returning from any of the properties having a right to use the road. Provisions shall be included to allow ingress and egress of emergency and other public vehicles for whatever public services are necessary.

Norwood Township Zoning Ordinance

4. A notice that if repairs and maintenance are not made, the Township Board may bring the road up to the design standards specified in this Ordinance and assess owners of parcels on the private road for the improvements, plus an administrative fee in the amount of 25% for out-of-pocket costs.
5. A notice that except for the above, no public funds of Norwood Township are to be used to build, repair or maintain the private road.
- H. The maximum grade of any portion of any private road shall not exceed seven (7%) percent.
- I. The maximum grade of any portion of driveways connecting a building envelope located on a lot to a public road or private road shall not exceed ten (10%) percent.
- J. A private road serving a maximum of six (6) lots, parcels, or site condominiums shall at a minimum meet the following design standards:
 1. Have a sand and gravel base of not less than twelve (12) inches in depth of which the top six (6) inches in depth shall be at a minimum road grade gravel;
 2. Have a roadbed not less than sixteen (16) feet wide;
 3. Be constructed over adequate culverts where necessary;
 4. If unpaved, culverts shall be installed along the roadway.
- K. A private road serving seven (7) or more lots, parcels, or site condominiums may shall at a minimum meet design specifications and road construction standards as outlined in the Charlevoix County Road Commission Requirements and Specifications for Plat and Development Road Construction with the following exceptions:
 1. On the Typical Road Cross Section:
 - a. Minimum Finished Grade shall be nineteen (19) feet;
 - b. Minimum Pavement width shall be eighteen (18) feet;
 - c. The minimum Gravel Base width shall be nineteen feet (19) feet;
 - d. Gravel shoulders are not required but the pavement shall be flush with the shoulder elevation;
 - e. Planning Commission may waive the requirement for a bituminous surface and require a sand and gravel base of not less than twelve (12) inches in depth of which the top six (6) inches in depth shall at a minimum be road grade gravel.
- L. A maximum of one access private road shall be allowed per parent parcel. The Planning Commission may allow additional access private roads if they find due to siting requirements that it would be impractical to service all lots on a parent parcel with one access road.
- M. Zoning permits for the construction of dwelling units on lots or site condominium units serviced by a private road shall not be issued until the road servicing the lot or site condominium unit is completed as per the appropriate above standards.
- N. All proposed private road intersections shall be designed to provide adequate sight distances for corners, minimum stopping, and minimum vertical curve length.

Section 3.24 - Garage Sale:

Garage sales shall be for a maximum of three (3) days. There shall be a limit of three garage sales at any one residence within any twelve (12) month period of time. All temporary signs advertising such sales shall be removed within twenty-four (24) hours at the end of the sale.

Section 3.25- Signs General Conditions:

- A. No signs shall be constructed, altered, or relocated except in conformity with this Ordinance.
- B. Flashing, animated, or moving signs shall not be permitted. This provision is not intended to exclude those signs which give time and temperature, provided that no other animated messages are displayed.

Norwood Township Zoning Ordinance

- C. Signs shall be in harmony and consistent with the architecture of the building and relate to the features of the building in terms of location, scale, color, lettering, materials, texture, and depth. Signs shall not be dominant, but shall be proportionate and shall compliment the building, existing signs, and surroundings.

Section 3.25.1- Signs Not Requiring a Sign Permit:

The following signs may be placed in any zoning district without a sign permit, provided such signs comply with any applicable federal or state law or regulation and are located so as not to cause a nuisance or safety hazard:

- A. One (1) non-illuminated identification sign per use, not exceeding two (2) square feet of sign surface;
- B. Street name signs, route markers and other traffic control signs erected or approved by state, or county agencies when necessary to give proper directions or to otherwise safeguard the public;
- C. Non-advertising signs exclusively devoted to controlling property access (no trespassing, private property, keep out, no hunting, hiking trail, day use only, and similar instructional Non-advertising signs erected by any organization, person, firm or corporation that is needed to warn the public of dangerous conditions and unusual hazards including but not limited to: road hazards, high voltage, fire danger, explosives, severe visibility, etc.; messages), provided the sign surface does not exceed the maximum size of two (2) square feet;
- D. Non-advertising signs marking a historically significant place, building or area when sanctioned by a national, state or local historic organization recognized by the Planning Commission;
- E. Signs that have been approved in conjunction with a valid site plan or zoning permit for any principal or accessory use, and signs required by federal or state agencies in connection with federal or state grant programs;
- F. Temporary real estate signs;
- G. Signs advertising sales such as garage, estate, auction, moving, and yard sales, may be posted for no more than seven (7) consecutive days and removed within twenty-four (24) hours of the end of the sale;
- H. Political signs.

Section 3.25.2 - Signs Permitted in All Zoning Districts

- A. Construction Signs: Signs advertising building(s) under construction may be erected for the period of construction and shall not exceed a total face area of thirty-two (32) square feet. Such signs shall be erected on the building or lot where such construction is being carried on and shall be removed upon completion of construction as determined by the Township zoning administrator.
- B. Directional Signs: Directional signs which indicate the direction of traffic flow, but contain no advertising, may be erected on parking lot, said signs shall be no more than two (2) square feet on a side, and may be illuminated.
- C. Political Sign: Temporary signs for political campaigns shall be permitted in any district provided they are placed no sooner than thirty (30) days before the election and removed within seven (7) days following the election.
- D. Real Estate Sign: Signs used for advertising land or buildings for rent, lease, or sale shall be permitted in any district provided such signs are located on the property intended to be rented, leased, or sold. Signs advertising the rent, lease or sale of homes which are located within a residential subdivision or condominium may be permitted at the entrance to the subdivision or condominium, but may not be located within the road right-of-way. Such signs referring to

Norwood Township Zoning Ordinance

residential uses shall not exceed an area of six (6) square feet. Such signs referring to non-residential uses shall not exceed twenty (20) square feet.

- E. Temporary Community Event Signs : Temporary community event signs shall not exceed eight (8) square feet in area. Temporary signs shall be displayed or erected for a period not to exceed thirty (30) days within a ninety (90) day period. Signs located within a road right-of-way must comply with State, County and/or other controlling jurisdiction's standards.
- F. Way Finding Signs: A Way Finding Sign is defined as an off-premise sign for the purpose of facilitating vehicular tourist transit to local destinations.
 - 1. Way finding signs shall be located one (1) foot outside of the road right-of-way.
 - 2. Illumination of way finding signs is prohibited.
 - 3. No more than one (1) way finding sign post may be located within one hundred (100) lineal feet of another.
 - 4. Maximum height is eight (8) feet about grade.
 - 5. Maximum individual sign area shall be two (2) square feet for a total of twelve (12) square feet per post.
 - 6. Written permission shall be required from the property owner.
 - 7. Sign may be double sided.

Section 3.25.3 - Signs Permitted in Residential Districts:

- A. Development Identification Sign: One (1) freestanding or wall-mounted sign per entrance which identifies the name of a subdivision, condominium project, multiple-family complex or mobile home park not to exceed thirty-two (32) square feet in area. A freestanding sign shall not to exceed an overall height of six (6) feet above the ground level. A wall-mounted sign shall not project outward from the wall more than one (1) foot or above the top of the wall. Such signs are intended to be of a non-commercial, permanent nature. Signs located on a boulevard entrance within a private road right-of-way shall be designed to insure the creation of a clear vision zone allowing exiting vehicles to have adequate sight lines for oncoming traffic.
- B. Home Occupation Signs: One (1) freestanding or wall-mounted non-illuminated sign not to exceed six (6) square feet and identifying the name of the occupant of the residence or the Home Occupation. Freestanding signs shall not exceed four (4) feet in height. Wall mounted signs shall not project outward from the wall more than one (1) foot or above the cornice or roof line. Cottage Industries may have illumination which meets Township zoning ordinance standards and receives site plan approval.
- C. New Development Sale Signs: One (1) freestanding sign advertising the rental, lease, or sale of dwelling units or lots for a new residential development is permitted only on the site within which the units for sale are located. Such signs are permitted for a period not to exceed two (2) years. Thereafter, extension may be permitted on an annual basis. Freestanding signs shall not exceed thirty-two (32) square feet in area and ten (10) feet in height.
- D. Public/Semi-Public Identification Signs: Private schools, churches and buildings housing governmental functions and utilities of the township, county or state or any subdivision thereof, are permitted to erect a sign not to exceed thirty-two (32) square feet in area and a maximum overall height of six (6) feet.
- E. Residential Management Signs: One (1) freestanding or wall-mounted sign identifying rental or management officials associated with residential developments is permitted. Freestanding signs shall not exceed six (6) square feet in area and six (6) feet in height. Wall-mounted signs shall not exceed six (6) square feet.

Norwood Township Zoning Ordinance

Section 3.25.4 – Signs Permitted in the Agricultural District

- A. On-premise signs shall not exceed a total of sixty (60) square feet in surface display area and no one sign shall exceed thirty-two (32) square feet.
- B. All signs shall not be permitted in the road right-of-way.

Sign Type	Max Height	Max Area	
Development Identification Sign	6'	32 sq. ft.	1 freestanding or wall-mounted sign
Home Occupation	4'	6 sq. ft.	1 freestanding or wall-mounted
New Development Sales	10'	32 sq. ft.	1 freestanding
Public/Semi-Public	6'	32 sq. ft.	1 freestanding
Residential Mgmt.	6'	6 sq. ft.	1 freestanding or wall-mounted
Agricultural	N/A	60 sq. ft. w/one sign not exceeding 32 sq. ft.	Multiple
Commercial and Industrial Signs	See Section 3.26.6	See Section 3.26.6	See Section 3.26.6

Section 3.25.5 – Signs Permitted in Industrial, Commercial and Mineral Industrial Resource Districts:

A. Individual Development Identification Sign:

1. For an individual commercial, industrial, church, school or hospital use as located on a lot or group of lots developed as one lot, one (1) freestanding and one (1) wall-mounted sign.
2. The total area of wall signs for each business shall not exceed one (1) square foot for every two (2) lineal feet of building frontage, or one-hundred (100) square feet, whichever is less.
3. A freestanding sign shall not exceed fifty (50) square feet in size or ten (10) feet in height.
4. Sign designs that incorporate unique characteristics related to the business and/or that enhance the architecture or historical significance of the building, the maximum total area of signs for each business can be increased by five (5) percent of the frontage, or twenty (20) square feet, whichever is less.

B. Multi-Tenant Identification Signs:

1. For developments with multiple uses or tenants, such as a shopping center or office complex located on a lot or group of lots developed as one lot, one (1) monument sign to advertise the name of the shopping center or premises, and one (1) wall-mounted sign per each individual use.
2. Any such development shall be permitted a total of up to one (1) monument sign, to advertise the name of the shopping center or premises. The monument sign shall not exceed seventy-five (75) square feet in size.
3. Where total parcel frontage is five-hundred (500) feet or greater, two (2) ground signs may be permitted, provided that the ground signs must be separated by a minimum of five-hundred (500) feet.
4. In addition, in multi-tenant developments such as shopping centers, individual tenants or uses shall be permitted to have one (1) wall sign not to exceed one (1) square feet per two (2) lineal foot of building frontage.

Norwood Township Zoning Ordinance

C. Industrial/Research/Office Park Identification Signs:

For an industrial, research, or office park, one (1) monument sign per park and one (1) freestanding or wall-mounted sign, per section 3.26.6 A, for each individual use to be located on the lot of that individual use.

3.25.6 - Specific Sign Standards:

- A. Canopy signs: may be used as an alternative to wall signs and may project a maximum of six (6) feet from the edge of the building, measured horizontally parallel to the ground. Any sign area on the canopy shall be included in calculations of maximum wall sign square footage.
- B. Directional Signs: no more than one (1) directional sign shall be permitted per approved driveway, with a maximum sign area of two (2) square feet per sign, and a maximum height of three (3) feet.
- C. Monument Signs: are encouraged as an alternative to pole signs, with a minimum setback of ten (10) feet from the right-of-way, when located to ensure adequate sight distance for motorists. No ground sign serving a single tenant or multi-tenant building having a common entrance shall exceed a maximum height of six (6) feet, including a two (2) foot base as measured from the elevation at a point along the nearest right-of-way line the sign is directed to, determined by a line drawn from the closest point of the sign to the right-of-way at a ninety (90) degree angle. In no instance shall the sign be placed on an artificial mound or berm in such a manner to exceed the maximum height of six (6) feet.
- D. Temporary Grand Opening Signs: One temporary grand opening sign may be permitted on the site for a period not to exceed fourteen (14) days for those businesses which are new to a particular location. A business shall only be allowed to use a temporary grand opening sign once during its stay at the same location or have new owners; this does not apply to new operators or management. The sign shall be no larger than thirty-five (35) square feet in surface display area per side and shall not exceed ten (10) feet in height. Wind-blown devices, such as pennants, spinners, and streamers shall also be allowed on the site of the business advertising a grand opening for the fourteen-day time period designated for the grand opening sign.
- E. Wall Signs: signs shall not project beyond or overhang the wall or any permanent architectural feature by more than one (1) foot and shall not project above the roof or parapet by more than one (1) foot from the structure surface to which it is attached.
- F. Window Signs: The total of all window signs, temporary and permanent, shall not exceed one-third (1/3) of the total window area. The area of permanent window signs shall also be counted in determining compliance with standards for total area of wall signs.

The Planning Commission may modify the specific standards of this section during site plan review, provided the result is consistent with the intent of this ordinance and furthers a public purpose.

3.25.7 - Billboards:

- A. Billboards are regulated for the following general purposes:
 - 1. To promote traffic safety;
 - 2. To protect public and private investment and property values in buildings, land development, and open space;
 - 3. To prevent obstruction of light and sunshine;
 - 4. Promote and preserve the natural features and rural character, and;
 - 5. Limit the adverse impact that would be caused by a proliferation of billboards and off-premises advertising signs and resulting visual pollution.

Norwood Township Zoning Ordinance

- B. Billboards are not appropriate in the various areas zoned for residential purposes in that the advertising activity is commercial in nature. Such activity would be harmful to property values, aesthetics and the quality of life in residential areas;
- C. Billboards or off-premises advertising signs are not appropriate in the various areas zoned C because development in this area has the potential to be intense which is inconsistent with the additional visual clutter and distraction caused by billboards
- D. The limited presence of billboards or off-premises advertising signs is compatible only in those portions of the I and MIRD Districts along US 31, subject to spacing and other limitations to promote traffic safety. Other areas of these districts are not compatible with the presence of billboards or off-premises advertising signs. Areas of these districts involve heavy commercial or industrial traffic with unlimited access to the road.
- E. Billboards are incompatible with the views of natural features and rural countryside.
- F. Billboards represent competition for the visual attention of drivers and thus, must be limited due to the traffic levels and patterns along US 31.
- G. Billboard shall be allowed as a permitted use only in the following districts:
 - 1. The I and MIRD within 300 feet of the US 31 right-of-way.
 - 2. No billboard shall have a total area of all faces in excess of one-hundred twenty (120) square feet or sixty (60) square feet per sign face.
 - 3. No billboard shall have a maximum height greater than ten (10) feet in height.
- H. No billboard shall be closer than two thousand (2,000) feet to any other billboard on either side of the right-of-way. For the purposes of this Section, the linear feet between billboards shall be measured along the center line of the highway or street right of way from points on the center line which are directly opposite the center of the bases of those structures being measured and shall apply to both side of the street or highway.
- I. The area of any billboard shall be included in the calculations for the total amount of signage permitted on any site.
- J. No billboard or off-premises advertising sign shall be allowed closer than 500 feet to the intersection of US 31 and another public or private street, nor closer than 500 feet to the intersection of US 31 and property used for railroad purposes. The distance from a billboard to an intersection shall be measured from the center of the bases of those structures being measured to the center line of the intersection.
- K. No billboard shall be constructed within two thousand (2,000) feet of any residential or agricultural zoned district. For the purpose of determining the distance for setbacks, the distance shall be measured at ground level directly below the farthest protruding portion of the billboard or off-premises advertising sign to the closest point on the subject property line.
- L. Each billboard or off-premises sign shall be set back at least 100 feet from the front yard property line and 50 feet from each side or rear yard property line.
- M. No billboard or off-premises advertising sign shall have sign faces which change its copy, display, or message by the use of motorized copy, digital imaging, or other enhancement.
- N. Any extension of the sign face above, below, or to the side of a sign face shall be counted in the area of the sign face and height of the billboard.
- O. Lighting for any billboard or off-premises advertising sign shall comply with the lighting standards of the Township, including; all lighting must be downward directed toward the sign face and shall be shielded to prevent glare on adjacent property or roadways.
- P. Billboards or off-premises advertising signs shall be subject to site plan review and approval.

Norwood Township Zoning Ordinance

3.25.8 - Permits, Applications, Plans, Specifications, Revocation, and Appeal:

- A. No sign shall be erected, repaired or altered on the same or other premises or maintained within the Township without first obtaining a permit from the zoning administrator, unless otherwise permitted within this zoning ordinance.
- B. When any sign becomes insecure, in danger of falling or otherwise unsafe, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this Ordinance, the owners shall correct the situation upon notice of the Zoning Administrator.

Section 3.27 – Towers, Permitted Uses:

- A. Telecommunication towers and alternative tower structures located on property owned, leased, or otherwise controlled by Norwood Township shall be permitted provided a license or lease authorizing such telecommunication tower or alternative tower structure has been approved by Norwood Township.
- B. Wireless communications equipment is a permitted use of property and is not subject to special use approval or any other approval if all the following requirements are met:
 - 1. The wireless communications equipment will be collocated on an existing wireless communications support structure or on an existing equipment compound.
 - 2. The existing wireless communications support structure or existing equipment compound was previously approved by Norwood Township.
 - 3. The proposed collocation will not do any of the following:
 - a) Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
 - b) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.
 - c) Increase the area of the existing equipment compound to greater than 2500 square feet.
 - 4. The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound.
- C. Wireless communications equipment that meets the requirements of subsection B (1) and (2) but does not meet the requirements of subsection B (3) and (4) is a permitted use of property if it receives a special use approval as listed in Article VII of this Ordinance.
- D. Telecommunication towers and alternative tower structures located on property owned, leased, or otherwise controlled by Norwood Township shall be permitted provided a license or lease authorizing such telecommunication tower or alternative tower structure has been approved by Norwood Township.

Section 3.28 – Animals

The following shall apply to the keeping of animals and livestock:

- A. Except for individual pets or 4-H projects, the raising or keeping of small animals, such as rabbits, poultry, goats or sheep, shall not be permitted on parcels less than two and one half (2.5) acre in size;
- B. The keeping of large livestock, such as hogs, horses or cattle is allowed on any parcel of land in the Rural Residential or Agricultural district five (5) or more acres in size and;
- C. Such animals shall not be kept closer than seventy-five (75) feet from a neighboring residential structure and shall be properly fenced so as not to be a nuisance factor.

Norwood Township Zoning Ordinance

Section 3.29 - Off-Street Parking, Loading and Unloading Requirements and Standards:

Off-street parking space with adequate access to all spaces shall be provided and maintained in all zoning districts at the time of erection or alteration of any main building, that is adequate for parking, loading and unloading of vehicles according to the requirements listed below, and including at least the minimum number of spaces required by the table in Section 3.30 Minimum Number of Parking Spaces per Unit.

A. Parking Requirements:

1. Parking for other than residential use shall be either on the same lot or within three-hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.
2. Residential off-street parking space shall consist of a parking strip, driveway, garage or any combination located on the premises they are intended to serve. In a residential district, a licensed commercial vehicle may be parked provided it is owned or operated by someone residing on the premises.
3. Adequate space should be provided in all parking, loading and unloading areas to facilitate turning around of vehicles so that the entry on to streets and county roads may be in a forward manner and not by backing. Furthermore, in parking, loading and unloading areas where internal movement of vehicles is necessary, adequate aisle space shall be provided to insure vehicular and pedestrian safety.
4. A minimum of one-hundred-sixty-two (162) square feet shall comprise one (1) vehicular parking space or nine (9) feet by eighteen (18) feet.
5. Computation of floor area of buildings shall be exclusive of basements, cellars or attics where these areas are used for storage or utilities; calculated using the outside perimeter of building. In the case of a single-story structure, the floor area may be reduced by ten (10) percent to accommodate storage or utilities.
6. The Township Planning Commission shall determine the required parking space not specified in Section 3.30 Minimum Number of Parking Spaces per Unit.
7. Adequate area must be provided for snow piling and on-site drainage. Handicap parking must be provided as required by State and Federal regulations. Designation of parking area must be clearly identifiable for use by the public.
8. The Planning Commission may waive parking requirements based on evidence from the applicant that the specified number of spaces in this Ordinance are not necessary and/or if adequate area is identified in the site plan for future parking needs.

Section 3.30 - Minimum Number of Parking Spaces per Unit:

- | | |
|---------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| A. Auto repair and service stations: | Two (2) parking spaces for each service bay; plus one (1) parking space for each employee on maximum working shift. |
| B. Bed and breakfast establishments: | Two (2) parking spaces for the operator; plus one parking space for each guest room; plus one parking space for each non-resident employee. |
| C. Banks, business offices, studios and professional offices of architects, lawyers, and similar professions: | Three (3) parking spaces; plus one (1) additional parking space for each three hundred (300) square feet of floor area. |

Norwood Township Zoning Ordinance

- D. Barber shops and beauty parlors: Two (2) parking spaces for each operator chair; plus, one (1) parking space for each two (2) employees.
- E. Bowling establishments: Five (5) parking spaces for each bowling lane.
- F. Churches, theaters, and auditoriums except schools: One (1) parking space for each four (4) seats; plus, one (1) parking space for each two (2) employees.
- G. Community center, library, museum or art center: One (1) parking space for each two hundred (200) square feet of floor area.
- H. Cottage Industry: Two (2) parking spaces for each dwelling unit, plus one (1) additional space for the business.
- I. Dwellings: Two (2) parking spaces for each dwelling unit
- J. Home occupations: Two (2) parking spaces for dwelling use; plus additional parking spaces as determined by Planning Commission to accommodate customers or clients.
- K. Hospitals, clinics and similar establishments: One (1) parking space for each bed and/or examining room; plus, one (1) parking space for each two (2) employees on maximum working shift; plus, one (1) parking space for each two hundred (200) square feet of floor area.
- L. Hotels, motels, tourist homes and lodging house: One (1) parking space for each sleeping room; plus, one (1) parking space for each two (2) employees on the maximum working shift.
- M. Laundromats: One (1) parking space for each two (2) washing machines and/or dry-cleaning machines.
- N. Manufacturing or industrial establishments, warehouse or similar establishment: Two (2) parking spaces for each two (2) employees on maximum working shift; plus, pace to accommodate all vehicles used in connection with the operations of the establishment.
- O. Plumbing, printing and similar service shops and businesses:

Norwood Township Zoning Ordinance

One (1) parking space for each employee; plus, one (1) parking space for each three hundred	(300) square feet of floor area.
P. Private clubs, night clubs, dance halls and similar recreational establishments:	One (1) parking space for each one hundred (100) square feet of floor area.
Q. Professional offices of doctors, dentists and similar professions:	One (1) parking space for each one hundred (100) square feet of floor area or a minimum of four (4) parking spaces, whichever is greater.
R. Restaurants and similar establishments for sale and service of food and drink, except liquor and drive-ins:	One (1) parking space for each one hundred (100) square feet of floor space.
S. Retail stores:	One (1) parking space for each one-hundred-fifty (150) square feet of floor area.
T. Schools (except high schools):	One (1) parking space for each ten (10) seats in main assembly room, or one (1) parking space for each employee plus two (2) parking spaces for each classroom, whichever is greater.

Section 3.31 - Loading and Unloading Space

Every building or structure engaged in loading and unloading goods shall provide space on the premises in addition to that required for parking, for the loading, unloading and standing of all vehicles to avoid undue interference with public use of the highway.

Section 3.32 – Clearing, Grading, and Filling

In order to protect soil resources, adjacent properties, public roads, public watercourses, and to provide for adequate drainage of surface water, the following rules shall apply to all construction activities requiring permits pursuant to this Ordinance:

- A. Clearing of a Site Stripping and removal of topsoil from the site is prohibited.
- B. Flow Restrictions: The final grade of ground areas surrounding a building or structure shall be designed and landscaped such that surface water flows away from the building or structure and is managed in a manner which avoids increased flow (volume or speed) onto adjacent properties or public roads, the erosion or filling of a roadside ditch, the blockage of a public watercourse or the creation of standing water over a private sewage disposal drainage field.
- C. Elevation Restrictions Filling a parcel of land with earth or other materials to an elevation above the finished grade of adjacent development land or the natural grade for adjacent undeveloped land is prohibited without written approval of the Planning Commission.

Section 3.33 – Parking and Storage of Commercial Vehicles:

- A. No commercial or business semi-trailers or other storage trailers shall be parked or stored within the front yard of any property located along a public road or highway for a period of more than fourteen (14) days in a calendar year. Such trailers utilized in site construction and associated with a valid zoning permit, shall not be located within the front yard.
- B. In Residential districts (R1, RR), commercial vehicles with a carrying capacity of greater than twenty-four-thousand (24,000) pounds, must be parked or stored in an enclosed structure.

Norwood Township Zoning Ordinance

Section 3.34 On-Site Wind Energy Systems:

A. General Provisions

An on-site wind energy system is an accessory use in all districts except (Conservation Reserve where they will not be allowed) which shall meet the following standards. Not more than one (1) on-site wind energy system shall be permitted in any permitted zoning district as an accessory use if such on-site wind energy system complies with all of the following standards:

1. Designed to primarily serve the needs of a home, farm, or small business.
2. Shall have a tower height of 105 feet or less
3. Property Set-back: Each on-site wind energy system shall meet a setback from any adjoining lot line and from any public or private road a distance equal to the tower height. Setbacks shall be measured from the outermost point on the base of the applicable tower. Guy-wire anchors and accessory buildings used with the on-site wind energy system shall comply with the applicable setback requirements of the district in which located.
4. Shadow Flicker: The on-site wind energy system shall be designed and sited in such a manner to minimize shadow flicker expected to fall on a roadway and on any existing structures located off the property on which the on-site wind energy system is constructed.
5. Sound Pressure Level: On-site wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system.
6. Construction Codes, Towers, & Interconnection Standards: On-site wind energy systems including towers shall comply with all applicable state construction and electrical codes and local building permit requirements. On-site wind energy systems including towers shall comply with Federal Aviation Administration requirements, the Michigan Airport Zoning Act (Public Act 23 of 1950, MCL 259.431 et seq.) the Michigan Tall Structures Act (Public Act 259 of 1959, MCL 259.481 et seq.), and local jurisdiction airport overlay zone regulations.
7. Safety: An On-site wind energy system shall have automatic braking, governing, or a feathering system to prevent uncontrolled rotation or over speeding. All wind towers shall have lightning protection. If a tower is supported by guy wires, the wires shall be clearly visible to a height of at least six feet above the guy wire anchors. The minimum vertical blade tip clearance from grade shall be 20 feet for a wind energy system employing a horizontal axis rotor.

Section 3.35 -Regulations Pertaining to Quarrying Operations, Mining Operations, Excavation Operations and Mineral Extraction Operations:

All lands on which a quarrying operation, mining operation, excavation operation or mineral extraction operation is undertaken shall be subject to the following regulations, which regulations shall be interpreted and administered in accordance with all applicable provisions contained within this Zoning Ordinance.

- A. The Owner/Operator shall not cause or permit air pollution, noise pollution or water pollution in a manner that exceeds or violates any federal, state, county, or township permits.
- B. The Owner/Operator shall berm or screen between an open pit of any type and any part of a property boundary within two hundred (200') feet of any open pit area, except adjacent to a public or private right-of-way in which case such berm or screen shall border any such right-of-way.
- C. The Owner/Operator shall post the operation at any property boundary within two hundred (200') feet of an open pit operation.
- D. The Owner/Operator shall berm and screen that portion of any boundary contiguous to any lands zoned "residential" and/or occupied for residential purposes.

Norwood Township Zoning Ordinance

- E. No land shall be disturbed nor any structure erected (except berm or screen) within one-hundred (100') feet of any boundary or adjacent to any public or private right-of-way.
- F. The Owner/Operator shall install groundwater monitoring wells as indicated and necessary pursuant to a hydrogeological study and plan. The location and depth of any such wells shall be dictated by the hydrogeological study. The Owner/Operator shall submit to the Mining Permit Inspector data regarding water levels and water quality gathered at such wells at least annually, and more frequently at the request of the Township Planning Commission or Zoning Administrator.
- G. Annual Plans. The Owner/Operator shall submit Annual Plans to the Township Zoning Administrator for review based upon approved Site, Operational and Reclamation Plans. The Annual Plan shall contain the following:
 - 1. Location and perimeter of disturbed mining land;
 - 2. Location and perimeter of abandoned mining land;
 - 3. Location and perimeter of inactive and/or reserved mining land;
 - 4. Open mining pit(s);
 - 5. Stockpile(s);
 - 6. Road(s) internal to the mining operation;
 - 7. Changes in open pit and stockpile areas during the preceding year indicate by vertical (north-south) cross-hatching;
 - 8. Anticipated changes in open pit and stockpile areas during the following year indicated by horizontal (east-west) cross-hatching;
 - 9. Date of operation;
 - 10. Name of and contact information for the individual responsible for the preparation of the Annual Plan;
 - 11. Proof of liability insurance, pollution liability insurance or the ability to obtain such insurance in the total amount of at least \$5 million dollars, with at least one million dollars (\$1,000,000.00) per occurrence covering the proposed or existing operation;
 - 12. A description of any major equipment or operational changes to the operation in the preceding or following annual period, including a detailed listing of any environmental letter or notices;
 - 13. Surface water drainage on or away from the mine area, including routes;
 - 14. Disturbed wetlands or wetlands created with accompanying permits allowing for the same from all applicable federal, state and local agencies;
 - 15. The plan will be submitted each year on the anniversary of the original land use approval date.
- H. Changes in Plans. The Owner/Operator may alter, change, or amend a site plan, reclamation plan or operational plan at any time by submission of the same in the same manner as the original site plan, reclamation plan or operational plan was submitted. Upon such submittal of any changed site plan, reclamation plan or operational plan the process for reviewing the same shall be identical to the processes contained in this Ordinance for the submission of an original, new site plan, reclamation plan or operational plan.

**Section 3.36 - Site Reclamation for:
Quarrying Operations, Mining Operations, Excavation Operations and Mineral
Extraction Operations for the Mineral Industrial Resources District (MIRD):**

Final grading and site restoration in accordance with the unique character of the surrounding area shall be included in a reclamation plan submitted as part of the site plan application, (when required by this Ordinance), and must be approved by the Planning Commission prior to the issuance of a zoning permit.

Norwood Township Zoning Ordinance

A. General Reclamation Requirements

1. All reclamation activities shall be initiated, as described in the approved reclamation plan, at the earliest possible date, and will be phased if so authorized by the Planning Commission.
2. Areas shall be reclaimed pursuant to the reclamation plan approved by the Planning Commission and shall comply with the following minimum standards:
 - a. Upon completion of the excavation or the expiration of the zoning permit, whichever is sooner, the site shall be restored in compliance with the approved reclamation plan, including all disturbed surfaces, shall be stabilized with vegetation to minimize erosion issues.
 - b. Vegetation shall be restored by the appropriate seeding of grasses, or the planting of trees and shrubs, to establish a permanent vegetative cover on the land surface to stabilize the soil and minimize erosion and match the pre-existing vegetation unless otherwise approved by the Planning Commission.
 - c. The reclamation area shall be graded so that no gradients in disturbed earth are steeper than a slope of 1:3 (vertical: horizontal).
 - d. The native stockpiled topsoil and additional materials (as necessary) shall be spread over the disturbed area, to a depth equivalent to the pre-excavation depth, except exposed rock surfaces, roads or other planned improvements which remain in accordance with the approved reclamation plan.
 - e. Backfill and grading materials shall not be noxious, flammable or toxic.
 - f. Fill and soils shall not be overly compacted and of sufficient quality to be well drained, non-swelling. If the reuse plan involves development of dwellings or other buildings, fills and soils shall be of proper bearing.
 - g. Any site debris, brush and tree piles, temporary structures and/or berms which are not part of the approved reclamation plan shall be removed.
 - h. All temporary structures and/or structures no longer being utilized for their intended and approved purpose (including associated footings to a minimum depth of five feet) shall be completely removed from the premises upon completion of the activity unless said structures are of sound construction and are compatible with the reclamation goals. Said structures shall be accurately depicted upon the approved reclamation plan.
 - i. If the reuse plan involves a recreational or wildlife facility, reclamation plans shall be reviewed by the recreation, fisheries and wildlife specialists in the Michigan Department of Natural Resources.
 - j. The reclamation process shall be completed within one year and shall comply with all federal, state, county, or local erosion control, soil stabilization and/or runoff requirements or ordinances.
 - k. The Planning Commission may impose additional reclamation requirements based on the site-specific conditions to ensure the reclaimed site will be compatible with surrounding areas.
 - 1) The applicant shall be required to post an acceptable performance guarantee pursuant to Section 8.06 of this Ordinance in the amount of the estimated reclamation costs, as approved by the Township.
 - 2) Site activities shall not be initiated on any location of the site until such performance guarantee has been posted for that area of the site. The performance guarantee shall be held by the Township for one year from date of completion of the restoration to ensure that site restoration is established. For long-term projects, a re-evaluation of the performance guarantee shall be required every three years to ensure the

Norwood Township Zoning Ordinance

performance guarantee is still a sufficient amount for adequately covering the restoration cost for the site.

B. Site Specific Use Requirements

All Pits from all Types of Operations Covered Reclamation: For an open pit site, reclamation concurrent with operations within the pit shall be undertaken to the extent that the reclamation activities will not interfere with the operations within the pit or if the activity will damage the reclaimed area. Areas shall be reclaimed pursuant to a reclamation plan approved by the Planning Commission and shall comply with the following additional standards:

1. Excavation, which has created or extended lakes, ponds or other bodies of water shall meet standards and specifications (particularly with respect to underwater slopes and drop-offs) promulgated by the U.S. Department of Agriculture, Natural Resources Conservation Service shall be approved by that agency.
2. Where excavation operations result in a body of water, the owner or operator shall place appropriate, "Keep Out – Danger", signs around said premises not more than one-hundred-fifty (150) feet apart.
3. Fencing for public safety may be required by the Planning Commission, based on site specific conditions such as proximity of the excavation area to a property line, or road right-of-way.

Norwood Township Zoning Ordinance

ARTICLE IV: ZONING DISTRICTS AND MAP

Section 4.01 - Classification of Zoning Districts

For the purpose of this Ordinance, the following Zoning Districts shall be established in Norwood Township:

A	Agricultural District
CR	Conservation Reserve District
R-1	Low density Residential District
RR	Rural Residential District
MH	Mobile Home Park District
C	Commercial District
I	Industrial District
MIRD	Mineral Industrial Resources District

Section 4.02 - Zoning Map

The areas assigned to each Zoning District and the boundaries thereof shown on the map entitled "Norwood Township Zoning Map, Charlevoix County, Michigan" are hereby established, and said map and all proper notations and other information shown thereon are hereby made a part of this Zoning Ordinance. See Page 3 for the current Zoning Map.

Section 4.03 - Boundaries of Districts

Unless otherwise specified, the boundary lines of the Zoning Districts shall be interpreted as following along section lines, or customary subdivisions of sections, or centerlines of highways or streets, or the shoreline of waterways, or property lines of legal record at the office of the Charlevoix County Register of Deeds on the date of the enactment of the Zoning Ordinance. The official Zoning Map shall be the final authority in any dispute concerning district boundaries. The official map shall be kept up to date, with any amendments to the Ordinance involving changes to the official map noted and portrayed on said map.

- A. The official zoning map, including legally adopted amendments, shall be designated as such by the signature of the Township Clerk. Where uncertainty exists as the exact district boundaries, the following shall prevail:
 1. Where boundary lines are indicated as approximately following streets, alleys, or highways; the center lines of the said streets, alleys, or highways shall be considered to be exact boundary lines.
 2. Boundaries indicated as approximately following lot lines shall be considered to follow said lot lines.
 3. Where the application of the above rules leaves a reasonable doubt as to the exact location of a district boundary, the provisions of the more restrictive district shall govern the entire parcel in question, unless determined otherwise by the Zoning Board of Appeals.

Section 4.04 - Zoning of Vacated Areas

Whenever any street, alley, highway, or other public right-of-way within the Township have been abandoned by official government action, such right-of-way lands attach to and become part of the land adjoining. Such right-of-way property shall automatically acquire and be subject to the provisions of the Zoning District of the abutting property. In the case of an abandoned right-of-way which also serves as the district boundary, the centerline of the right-of-way shall be the district boundary.

Norwood Township Zoning Ordinance

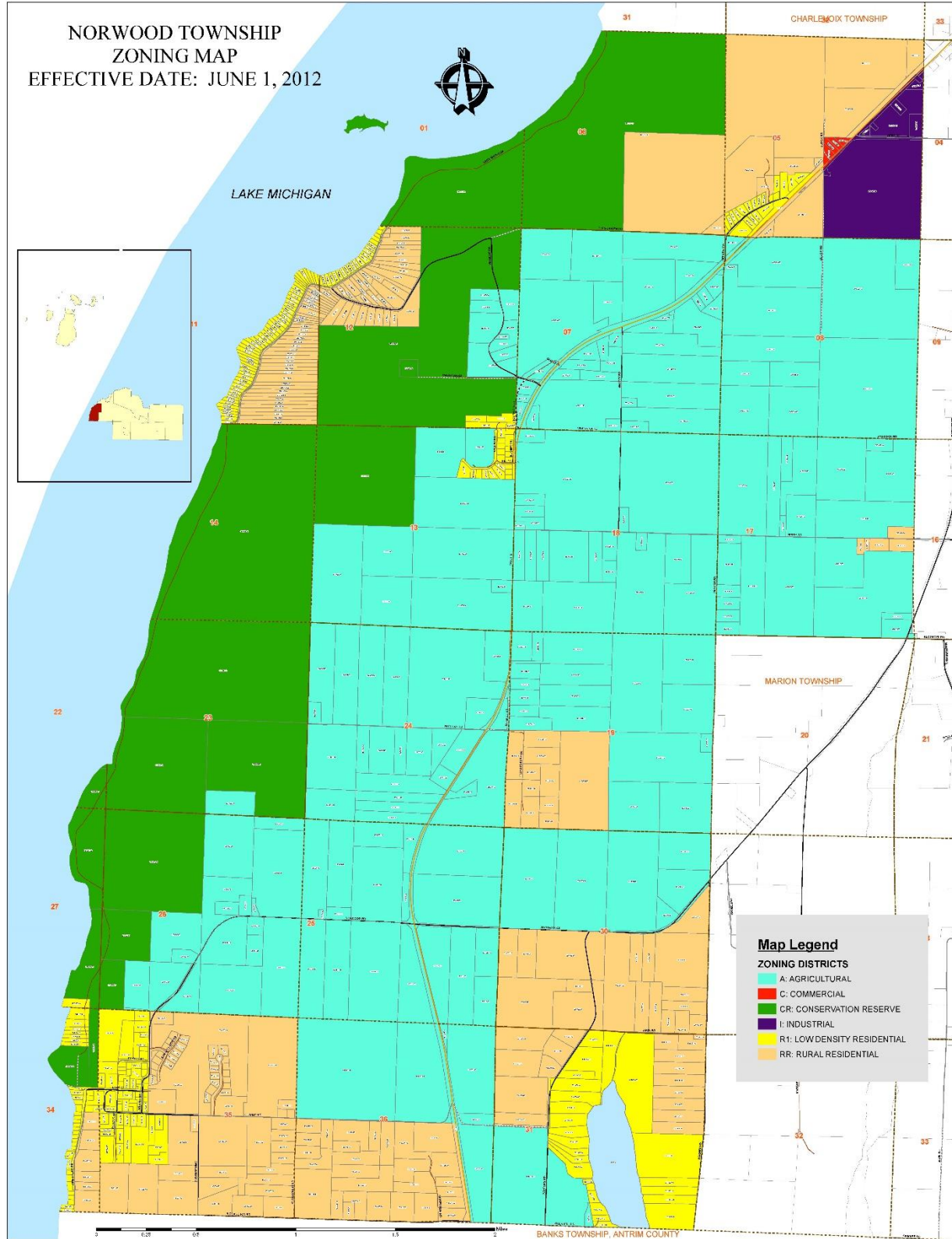
Section 4.05 - Zoning of Filled Areas

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

Section 4.06 - Zoning District Changes

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

Norwood Township Zoning Ordinance



Norwood Township Zoning Ordinance

ARTICLE V: DISTRICT REGULATIONS

Section 5.00 – District Regulations

Section 5.01 - Agricultural (A)

The following provisions shall apply to the Agricultural District (A):

- A. Intent: The predominant land uses in this District are primarily rural in character, including agricultural uses mixed with water bodies, forestlands and open lands. It is the intent of this Ordinance to conserve and promote the general continuance of these uses, where suitable conditions exist. The other land use prominent in the agricultural district is rural residential, which is compatible with the agricultural uses and will be allowed to continue.
The provisions of this section also recognize the gradual extension of other property uses into the district, and the importance of adopting good standards to guide such developments, if properly integrated, the inclusion of such uses is provided by special approval.
- B. Permitted Uses: Except as otherwise provided, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses:
1. Agriculture, including both general and specialized farming, tree farms, and forestry
 2. Single family and two-family dwellings
 3. Accessory Dwelling Units
 4. Accessory uses to the buildings and uses customarily incidental to the above permitted uses
 5. Artisans Gallery
 6. Farm Stands
 7. Home Occupations
 8. Home-Based Businesses
 9. Plant nurseries and greenhouses
 10. Bed and Breakfast Inns
 11. Farm-a-culture including tours, rides, shows, u-pick, special events and educational activities
 12. Short-term residential rental – see General Ordinance No. 02 of 2018, Short-Term Rental Ordinance
- C. Uses Subject to Special Approval: Shall be subject to the provisions of *Section 7 Uses Subject to Special Approval*:
1. Farm Markets
 2. Sand and gravel excavation
 3. Temporary sawmills
 4. Public and private campgrounds
 5. Golf courses and country clubs
 6. Private airports and landing strips
 7. Public buildings, schools, and facilities
 8. Places of worship and related religious buildings
 9. Planned Unit Developments (PUD)
 10. Kennels, veterinary clinics and animal hospitals
 11. Cemeteries
 12. Cottage industries
 13. Telecommunications and Wireless Communication Towers
 14. Meteorological Towers, Anemometer Towers and Test Towers

Norwood Township Zoning Ordinance

15. Wine, beer, spirits and food services associated with vineyards, breweries and distilleries
 16. Accessory buildings and uses customarily incidental to these special approval uses
- D. Dimensional Regulations: Structures and uses in the Agricultural District are subject to the area, height, bulk and placement requirements in *Section 5.09* Schedule of Regulations.

Section 5.02 - Conservation Reserve (CR)

The following provisions shall apply to the Conservation Reserve District (CR):

- A. Intent: The land uses in this district are intended to promote the proper use, enjoyment and conservation of water, land, topographic and forest resources of the Township particularly adapted to recreational and forest uses. The provisions of this section also recognize the gradual extension of other property uses into the district, and the importance of adopting good standards to guide such developments. If properly integrated, the inclusion of such uses is provided by special approval.
- B. Permitted Uses: Except as otherwise provided, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses:
1. Public parks and recreation facilities
 2. Docks and boat landings
 3. Accessory uses to the buildings and uses customarily incidental to the above permitted uses.
 4. Private Parks and Recreation facilities
 5. Accessory buildings and uses customarily incidental to the above uses.
- C. Dimensional Regulations: Structures and uses in the Conservation Reserve District are subject to the area, height, bulk and placement requirements in *Section 5.09* Schedule of Regulations.

Section 5.03 - Low Density Residential (R-1)

The land uses in this District are intended to encourage and accommodate residential structures located on existing smaller individual lots, parcels, or site condominiums along with other residential related facilities which serve the residents within the District. The following provisions shall apply to the Low-Density Residential District (R-1):

- A. Uses Permitted: Except as otherwise provided, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses:
1. Single family dwellings
 2. Public parks and recreation facilities
 3. Docks and boat landings
 4. Home Occupations
 5. Home-Based Businesses
 6. Short-term residential rental – see General Ordinance No. 02 of 2018, Short-Term Rental Licensing Ordinance
 7. Accessory uses to the buildings and uses customarily incidental to the above permitted uses
- B. Uses Subject to Special Approval: Shall be subject to the provisions of *Section 7 Uses Subject to Special Approval*:
1. Bed & breakfast facilities
 2. Public buildings and facilities
 3. Places of worship and related religious buildings.
 4. Planned Unit Developments (PUD)
 5. Accessory buildings and uses customarily incidental to the above special approval uses

Norwood Township Zoning Ordinance

6. Artisans Gallery
 7. Two-Family Dwellings
 8. Accessory dwelling units
- C. Dimensional Regulations: Structures and uses in the Low-Density Residential District are subject to the area, height, bulk, and placement requirements in *Section 5.09 Schedule of Regulations*.

Section 5.04- Rural Residential (RR)

The following provisions shall apply to the Rural Residential District (RR):

- A. Intent:
The Rural Residential (RR) District is designed to provide a location within the Township for low density single family residential housing.
- B. Permitted Uses:
Except as otherwise provided, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses:
1. Single family dwelling
 2. Home Occupations
 3. Home-Based Businesses
 4. Public parks and recreation facilities
 5. Public buildings and facilities
 6. Docks and boat landings
 7. Accessory uses to the buildings and uses customarily incidental to the above permitted uses
 8. Artisans Gallery
 9. Accessory dwelling units
 10. Short-term residential rental – see General Ordinance No. 2 of 2018 – Short-term Rental Licensing Ordinance
- C. Uses Subject to Special Approval: Shall be subject to the provisions of *Section 7 -Uses Subject to Special Approval*:
1. Places of worship and related religious buildings
 2. Cemeteries
 3. Public utility buildings
 4. Schools
 5. Hospitals and other institutions for human care
 6. Bed & Breakfast facilities
 7. Cottage Industries
 8. Accessory buildings and uses customarily incidental to the above special approval uses
 9. Meteorological Towers, Anemometer Towers and Test Towers
 10. Two-Family Dwellings
- D. Dimensional Regulations: Structures and uses in the Rural Residential District are subject to the area, height, bulk and placement requirements in *Section 5.09 Schedule of Regulations*.

Section 5.05 - Mobile Home Park District (MH)

The following provisions shall apply to the Mobile Home Park District (MH):

- A. Intent: The purpose of the provisions of this District is to preserve the interests of the various types of residential developments which should be permitted in every community for the protection of residents of any mobile home type development; these regulations are considered as a minimum standard to be applied to all mobile home park developments in the Township.

Norwood Township Zoning Ordinance

- B. Permitted Uses: Except as otherwise provided, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses:
 - 1. Mobile home parks
 - 2. Single family dwelling
 - 3. Public parks or recreation facilities
- C. Uses Subject to Special Approval: Shall be subject to the provisions of *Section 7 - Uses Subject to Special Approval*:
 - 1. Public buildings and facilities
 - 2. Planned Unit Developments (PUD)
 - 3. Accessory buildings and uses customarily incidental to the above special approval uses
- D. Dimensional Regulations: Structures and uses in the Mobile Home Park District are subject to the area, height, bulk, and placement requirements in *Section 5.09 Schedule of Regulations*.

Section 5.06 - Commercial District (C)

The following provisions shall apply to the Commercial District (C):

- A. Intent: The purpose in creating the Commercial District (C) is to provide space for commercial uses within the Township. This district will provide limited jobs and a small economic base.
- B. Permitted Uses:
 - 1. Retail sales
 - 2. Restaurants and bars
 - 3. Motels and resorts
 - 4. Professional, medical and financial offices, services and institutions
 - 5. Hospitals
 - 6. For profit recreation and entertainment facilities
 - 7. Funeral homes
 - 8. Gasoline/service station and repair
 - 9. Marina and marine repair
 - 10. Car wash facilities
 - 11. Residential dwellings on second floor of commercial
 - 12. Veterinary Hospitals and Kennels
 - 13. Accessory buildings and uses customarily incidental to the above permitted uses.
- C. Uses Subject to Special Approval: (shall be subject to the provisions of *Section 7 - Uses Subject to Special Approval*):
 - 1. Planned Unit Developments (PUD)
 - 2. Public parks and recreation facilities
 - 3. Public buildings and facilities
 - 4. Civic, social, and fraternal organization facilities
 - 5. Places of Worship and related religious facilities
 - 6. Convalescent or nursing homes
 - 7. Multiple family dwellings
 - 8. Telecommunication, Meteorological Towers, Anemometer Towers and Test Towers
 - 9. Other uses as deemed similar by the Planning Commission
 - 10. Adult Oriented Business
- D. Dimensional Regulations: Structures and uses in the Commercial District are subject to the area, height, bulk and placement requirements in *Section 5.09 Schedule of Regulations*.

Norwood Township Zoning Ordinance

Section 5.07- Industrial (I)

The following provisions shall apply to the Industrial District (I):

- A. Intent: The Industrial (I) District is designed to provide for a variety of manufacturing and light industrial uses, in areas of the Township which afford direct access to all-weather highways.
- B. Permitted Uses:
 - 1. Production, processing, assembly, manufacturing or packaging of goods, or materials which do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration, electrical or any similar nuisances. Such facilities may include testing, repair, storage, distribution, and sales of such products.
 - 2. Construction related services, sales and contracting offices
 - 3. Machine shop
 - 4. Warehouses and storage buildings, but not including commercial bulk storage of flammable liquids and gases
 - 5. Outdoor storage facilities, including self-storage facilities
 - 6. Accessory buildings and uses customarily incidental to the above special approval uses
 - 7. Telecommunication Towers, Meteorological Towers, Anemometer Towers and Test Towers.
- C. Uses Subject to Special Approval: (subject to the provisions of *Section 7, Uses Subject to Special Approval*)
 - 1. Animal processing facilities
 - 2. Planned Unit Development
 - 3. All uses listed in *Section 5.06 – Commercial District*
- D. Dimensional Regulations: Structures and uses in the Industrial District are subject to the area, height, bulk and placement requirements in *Section 5.09, Schedule of Regulations*.

Section 5.08 Mineral/Industrial Resources District (MIRD)

The following provisions shall apply to the (MIRD):

- A. Intent: The (MIRD) is designed to promote the orderly development of quarrying operations, mining operations, excavation operations and mineral extraction operations, including all onsite processing related thereto. Additionally, the District is designed to properly manage the effects of quarrying operations, mining operations, excavation operations and mineral extraction operations inclusive of all onsite processing related thereto and to encourage good practices for these uses while preserving for the future, the rural character and natural resources, proper reclamation and proper planning for future land use subsequent to the completion of all quarrying operations, mining operations, excavation operations and mineral extraction operations. Uses are both permitted by right as well as by special use within the District.
- B. Permitted Uses:
 - 1. Production, processing, assembly, manufacturing or packaging of goods, or materials which do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration, electrical or any similar nuisances. Such facilities may include testing, repair, storage, distribution, and sales of such products.
 - 2. Construction related services, sales and contracting offices
 - 3. Machine shop
 - 4. Quarrying operations, mining operations, excavation operations and mineral extraction operations, including all onsite processing related thereto.
- C. Uses Subject to Special Approval:
 - 1. Warehouses and storage buildings, but not including commercial bulk storage of flammable liquids and gases
 - 2. Outdoor storage facilities, including self-storage facilities

Norwood Township Zoning Ordinance

3. Adult oriented businesses
 4. Telecommunication tower/facility
 5. Junkyard or salvage yards
 6. Animal processing facilities, subject to United States Department of Agriculture and local District Health Department
 7. Planned Unit Development (PUD)
 8. Accessory buildings and uses customarily incidental to the above special approval uses
 9. Meteorological Towers, Anemometer Towers and Test Towers
 10. All permitted uses and uses subject to special approval in the Mobile Home Park District (MH)
 - a. It is specifically intended that all permitted uses in the (MH) District are subject to special approval in the (MIRD) District.
- D. Dimensional Regulations: Structures and uses in the (MIRD) are subject to the area, height, bulk, and placement requirements in *Section 5.09, Schedule of Regulations*.

Notwithstanding any other Ordinance provisions, all existing quarrying operations, mining operations, excavation operations and mineral extraction operations, including all onsite processing thereto and other existing lawful uses, but which become nonconforming as a result to the amendment of the Norwood Township Zoning Ordinance creating the (MIRD) with definitions, shall be allowed to continue in the same manner as such operations have been at the time that the Ordinance amendment becomes effective. In the case of quarrying operations, mining operations, excavation operations and mineral extraction operations, including all onsite processing thereto, all existing pits or shafts shall be allowed to continue to be quarried, mined and excavated as applicable until the gravel, sand, topsoil, minerals and nonmetallic minerals have been taken. This includes the ability to expand any such quarry operation, mining operation, excavation operation and mineral extraction operation as well as onsite processing of minerals that exist on the date this Ordinance amendment is effective until the continuous, existing vein of gravel, sand, topsoil, minerals and nonmetallic minerals being extracted have been exhausted. Any new quarrying operation, mining operation, excavation operation and mineral extraction operation which requires ground to be broken outside the walls and floor of an existing quarry operation, mining operation, excavation operation and mineral extraction operation which is commenced after the effective date of this Ordinance amendment shall comply with all the provisions of the (MIRD) and other provisions of the Norwood Township Zoning Ordinance related thereto excepting operations which to continue, must go across existing private roads, public roads and existing easements. No new operation shall commence after adoption of this Ordinance until the Owner/Operator has complied with this Section and other applicable Articles and Sections of this Zoning Ordinance.

Norwood Township Zoning Ordinance

Section 5.09- Schedule of Regulations

Zoning District	District Name	Minimum Lot Area		Maximum Height of Structure		Minimum Yard Setbacks (in feet)(g)			Minimum Dwelling Unit		Max % of Lot Coverage
		Area	Width	Stories	Feet	Front	Side	Rear	Width	Floor Area	
A	Agricultural	5 acres	300'	2.5	35' (e)	50' (a) 50' (c)(f)	25' (f)	100' (f)	23'	690 sq. ft.	15%
CR	Conservation Reserve	20,000 sq. ft.	150'	2.5	35'	50'	20'	50'	23'	690 sq. ft.	15%
R-1	Low Density Residential	20,000 sq. ft.	100'	2.5	35'	50' (c)	15' (d)	50'	23'	920 sq. ft.	15%
RR	Rural Residential	3 acres	200'	2.5	35'	50' (c)	15'	100'	23'	690 sq. ft.	15%
MH	Mobile Home	As regulated by the State of Michigan									
C	Commercial	2 acres	150"	2.5	35'	100'	0 (b)	50'			35%
I	Industrial	2 acres	150'	2.5	35'	100'	0(b)	50'			15% incl. outdoor storage
MIRD	Mineral/ industrial Resources District	20 acres, inclusive of smaller lots which are contiguous	400'	2.5(e)	35'(e)	100'	100'	100'			15% structures only

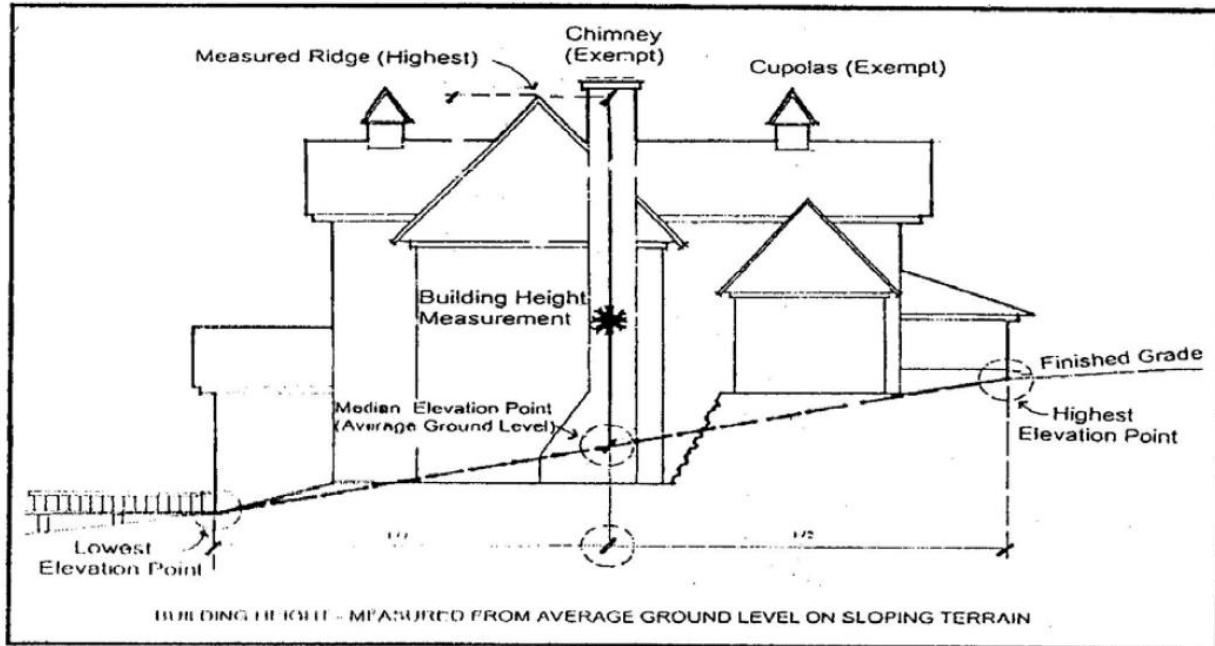
*D.U. Dwelling Unit

Footnotes to Schedule of Regulations:

- a. For lots which border a lake or a stream, the minimum structure setback on the waterfront side shall be fifty (50) feet from the ordinary high-water mark.
- b. Side yards shall be increased in the Commercial (C) and Industrial (I) and Mineral/Industrial Resource (MIRD) districts, where adjacent to any Conservation Reserve or Residential District. In such cases the adjacent District regulations will apply.
- c. Planned Unit Development located on a major road shall be setback at least seventy (70) feet from the road right-of-way.
- d. For lots of record, less than one hundred fifty (150) feet wide, the side yard setback shall be reduced to ten (10) feet.
- e. Exceptions to height standards for Agricultural Uses and in the MIRD the maximum height of permitted agricultural accessory structures or structures in the MIRD that are essential and customarily used in agricultural operations associated with a farm or operations allowed in the M I R D shall be forty-five (45) feet, except that the maximum height of silos or cylindrical structures shall be one-hundred (100) feet, provided that all such accessory farm structures shall be located at least one-hundred (100) feet from any residential dwelling other than the dwelling on the lot or parcel where the accessory farm structures are located.

Norwood Township Zoning Ordinance

- f. Agricultural accessory buildings shall be setback at least thirty-five (35) feet or the height of the building from any lot line, whichever is greater, and shall be at least fifty (50) feet from the main dwelling.
- g. All setbacks shall be measured from the proposed rights-of-way.



Norwood Township Zoning Ordinance

ARTICLE VI:

PLAN REVIEW

Section 6.01 - Plan Review (All Districts)

Site plans and plot plans give the Zoning Administrator and Planning Commission an opportunity to review development proposals. The use of the plan review ensures that the physical changes in the property meet with local approval and that development occurs as it was promised by the applicant.

- A. Pre-Application Conference: The applicant shall request a pre-application conference with the Zoning Administrator, Planning Commission Chair (or designee), and other Township representatives, as appropriate. While no formal action is taken, the conference will allow for the sharing of information and guidance in the preparation of the site plan. Applicants are encouraged to provide conceptual drawings/plans of the proposal.
- B. Optional Site Walk: The Planning Commission and/or the applicant may request a special meeting at the proposed development. The purpose of the visit is to assess the site's unique features. This meeting shall be open to the public and treated like a traditional meeting of the Planning Commission.
- C. Circumstances Requiring a Plot Plan:
The Zoning Administrator may accept a plot plan upon determining a complete site plan is not essential to ensure compliance with this Ordinance for the following:
 - 1. Artisans Gallery
 - 2. Farm-a-Culture Activities
 - 3. Bed and Breakfast Inns
 - 4. Kennels
 - 5. Essential Services
 - 6. Home -Based Businesses
 - 7. Cottage Industries
 - 8. Short-term Residential Rentals
 - 9. Accessory Dwelling Units
 - 10. Other Uses as Determined by the Planning Commission
- D. Plot Plan Requirements:
 - 1. The shape, location and dimensions of the lot, drawn to scale. When necessary, a survey may be required by the Zoning Administrator.
 - 2. The location, shape and size of all buildings or other structures
 - 3. The location and configuration of the lot access and driveway.
 - 4. The existing and intended use of the lot and of all such structures upon it
 - 5. Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.
- E. Circumstances Requiring a Site Plan:
 - 1. Erection, moving, conversion or structural alteration to a building or structure other than a single or two-family dwelling.
 - 2. All site condominiums, planned unit developments, and subdivisions creating more than four (4) development sites.
 - 3. Changes of use for an existing structure or lot.
 - 4. Any excavation, filling, soil removal or mining, except for the creation of ponds for agricultural use.

Norwood Township Zoning Ordinance

- F. Site Plan Data Required: Each site plan submitted shall contain the following information unless specifically waived, in whole or in part by the Township Planning Commission when it finds those requirements are not applicable to the proposed development.
1. The name and address of the property owner.
 2. The date, north arrow, scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = fifty (50) feet for parcels under three (3) acres and not less than one (1) inch = one hundred (100) feet for parcels three (3) acres or more.
 3. A scaled drawing of the property, showing at a minimum the boundary lines of the property including all dimensions. The drawing should show existing and proposed grades and drainage systems and structures. A certified survey of the property, prepared and sealed by a professional licensed surveyor, showing at a minimum the boundary lines of the property, to include all dimensions and legal description may be required for final approval
 4. The location of all existing and proposed structures on the site, including the shape, size, location, height and floor area of all structures; the floor area and ground coverage ratios, and the finish ground and basement floor grades, as applicable. In addition, include proposed streets, roads, driveways, parking spaces, loading spaces, sidewalks, walkways, signs, exterior lighting, parking for the proposed uses (show the dimensions of a typical parking stall and parking lot), loading and unloading areas, common use areas and recreational areas and facilities, as applicable to the proposed development.
 5. The location and width of all abutting rights-of-way.
 6. The location of existing environmental features, such as streams, wetlands, shore lands, mature specimen trees, wooded areas, archaeological features as defined under this Ordinance, and identification of existing manmade features such as roads or structures which are either to be retained, removed or altered, or any other unusual environmental features, as applicable.
 7. If evidence of archaeological features exists at a proposed mine site, the Township may request a State Archaeologist or accredited representative to evaluate the site. If significant archaeological or historic features are located within the area to be disturbed by the proposed excavation, a suitable mitigation plan must be negotiated with the Township.
 8. The location and identification of all existing structures within a two hundred (200) foot radius of the site.
 9. The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a request for a zoning change, the classification of the proposed new district must be shown.
 10. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
 11. A location sketch of the proposed use or structure.
 12. The type, location and size of all existing and proposed utilities.
 13. The location, size and slope of all surface and subsurface drainage facilities.
 14. Summary tables, cross-sections and/or floor plans should be included with site plans for proposed structures, giving the following information:
 - a. The number of units proposed, by type, including a typical floor plan for each unit.
 - b. The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
 - c. Typical elevation drawings of the front and rear of each building.
 15. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.

Norwood Township Zoning Ordinance

16. Disturbed wetlands or wetlands created with accompanying permits allowing for the same from all applicable federal, state and local agencies;
 17. Anticipated hours of operation for proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.
- G. Submittal Procedures: The applicant shall submit the following prior to being scheduled for Planning Commission review:
1. Pre-Application Conference
 2. Township Application and Fees. The Zoning Administrator, may at the time of application, require an escrow to be submitted.
 3. Written description of the proposed project or use
 4. Any additional information requested
 5. Eight (8) paper copies of the proposed site plan and one (1) complete digital copy of the submission package.
 6. Each site plan shall conform to all provisions of the Zoning Ordinance unless variances have been previously granted.
 7. Complete applications will be reviewed by the Planning Commission when received at least 30 days prior to their next scheduled meeting.
 8. Applications subject to review under *Article VII: Uses Subject to Special Approval*, may apply concurrently.
- H. Approval Process: The Planning Commission shall have the responsibility and authorization to approve, disapprove or approve with conditions, the Site Plan in accordance with requirements of the zoning district in which the proposed use is located and shall further consider the following criteria:
1. The proposed use will be properly served by essential public facilities and services, including but not limited to highways, streets, emergency services, drainage systems, water and sewage disposal facilities, and schools.
 - a. The location and nature of the use will not be in conflict with any principal permitted use and the proposed use will be designed, constructed, operated, and maintained to be compatible with the use(s) of surrounding properties. The planning commission shall at a minimum consider:
 - b. The location and screening of vehicular circulation and parking areas in relation to the use of surrounding property.
 - c. The location and screening of outdoor storage, outdoor activity or work areas and mechanical equipment in relation to the use of surrounding property.
 - d. The hours of operation of the proposed use.
 - e. Proposed landscaping or other site amenities.
 2. The use will not create a traffic problem or hazard. The planning commission shall at a minimum consider:
 - a. Provisions for pedestrian traffic, including sidewalks.
 - b. The proximity of the use to major thoroughfares and intersections.
 - c. Traffic that could be generated by the proposed use.
 - d. Adequacy of driver sight distances.
 - e. Required vehicular turning movements.
 3. The use will not be any more objectionable to adjacent and nearby properties than would be any permitted principal use of the district by reason of traffic, noise, vibration, dust, fumes, smoke, odor, fire hazard, glare, flashing lights, or disposal of waste and sewage.

Norwood Township Zoning Ordinance

4. The proposed use will not discourage or hinder the appropriate development and use of the adjacent premises and the neighborhood and will not be detrimental to the economic well-being of the adjacent premises and the neighborhood.
 5. The site plan is consistent with and meets the requirements of the Norwood Township Land Use Plan.
 6. The proposed use is compatible with the natural environment and conserves natural resources and energy.
 7. The arrangement of uses on the property, including the orientation of buildings, driveways, parking areas, open spaces, the visual exposure of waste storage facilities, loading docks, or service door, in order that the arrangement of uses promotes public safety, protects land values, and carries out the spirit and intent of the Zoning Ordinance.
 8. Any conditions or modifications required by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting.
- I. Expiration/Extension of Site Plan:
1. The site plan shall expire unless substantial construction of an approved site plan improvement has begun within 365 days of approval. Thirty days prior to expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one year extension of the site plan. The Planning Commission shall grant the requested extension for an additional one year, if it finds good cause for the extension and that the zoning regulations governing the site plan approval have not changed since the approval.
 2. If the site plan approval expires pursuant to subsection A. above, no work pursuant to the site plan shall be undertaken until a new site plan approval is obtained from the Planning Commission following the procedures for site plan approval.
 3. Additional Site Plan Requirements for Quarrying Operations, Mining Operations, Excavation Operations and Mineral Extraction Operations: *In addition to the site plan data required under this Section 6.01, the following additional site plan data for quarrying operations, mining operations, excavation operations or mineral extraction operations is required:*
 - a. Community features by an expert in these fields.
 - b. A hydrogeological study providing sufficient description of the general surface and groundwater conditions, including wetlands on and adjacent to the project site. Such study shall describe the surface-ground water connections and the chemical characteristics of water on the site. In addition, such study shall specify anticipated A vicinity sketch showing the location of the site in relation to the surrounding street and road system.
 - c. The proposed location, with a plan view of the estimated depth and time table of extraction.
 - d. The proposed location of spoils piles, tailing ponds, sediment basins, material stockpiles, onsite processing areas, including but not limited to crushing and sorting equipment and other permanent or temporary facilities and structures utilized in the project.
 - e. An assessment of the proposed operation's impact on the natural, historic, economic and hydrological impacts of the operation, if any. As applicable, the Owner/Operator shall identify plans to alleviate possible problems in the water table supply to adjacent landowners in order to eliminate any adverse impacts.
- J. Operation Plan:
1. A description outlining the estimated life span which the operation will cover; the type of material to be extracted; the type of mining operation and processing equipment to be used; measures to control noise, vibration, dust and pollution from the operation; plans for blasting, if any; effect on groundwater flow; proposed frequency of and travel route to be

Norwood Township Zoning Ordinance

used to transport the mined material to processing plants and markets, and the proposed steps to be taken to relieve adverse effects in accordance with Parts 31: W after Pollution Control Act; 201: Environmental Response Act; and 55: Air Pollution Control Act of Michigan's Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended.

2. A description of the social and economic impact on Norwood Township and Charlevoix County, including an estimate of the number of potential employees, proposed transportation routes for employees and product, and impacts or changes in the present road system that might be necessary by the proposed operation. The Planning Commission reserves the right to establish truck routes, number of vehicles per day and truck weight requirements for all vehicles entering, exiting and operating on Township public roads with respect to any quarrying operation, mining operation, excavation operation and/or mineral extraction operation.
- K. Roads: Equipment used on roads must meet all federal, state and local guidelines, including any guidelines of the Charlevoix County Road Commission with respect to loads. Additionally, any private lanes, roads or driveways leading out of the site shall meet the requirements of the Charlevoix County Road Commission with respect to where they may require that the Owner/Operator use certain roads, routes, load limits and reasonable limitations on the daily amount of truck and heavy equipment traffic entering and leaving the site. Additionally, for the type of vehicles used, an opinion from the State Highway Commission (MDOT) or the County Road Commission, as applicable, that the existing roads, from point of egress from the site will utilize a road in each direction to connect to a Class A road and those roads are suitable for the traffic. If the operation will use Class A roads only no such traffic study or opinion is required. The site plan application will include a study of the ability of all connecting roads to handle the projected traffic, including a study of the road bed, shoulders, road width, expected road bed deterioration, site distance analysis, expected daily traffic at peak times, in compliance with the applicable MDOT and county road standards.
- L. A Reclamation Plan Showing the Following:
 1. Final grading, anticipated final slope angles, wall reduction, benching and terracing of slopes, slope stabilization and re-vegetation, erosion control, and alternative future land uses.
 2. Description of topsoil stripping, if any, storage/staging location, and conservation measures during storage and replacement.
 3. Plan description of anticipated final topography, water impoundments and artificial lakes on the property.
 4. Plans for disposition of surface structures, roads and related facilities after the cessation of mining.
 5. A plan for disposal or treatment of any harmful or toxic materials found in any formation penetrated by the mining operations or produced during processing or minerals, and of chemical or materials used during the mining or processing operations.

Norwood Township Zoning Ordinance

ARTICLE VII: USES SUBJECT TO SPECIAL APPROVAL AND SUPPLEMENTAL SITE DEVELOPMENT STANDARDS

Section 7.01- General Requirements

Uses requiring special approval shall be subject to the general provisions of the zoning district where located in addition to applicable provisions of this Article to prevent conflict with or impairment of the other uses or uses permitted by right of the district. Each use shall be considered an individual case.

Section 7.02 - Uses Subject to Special Approval

- A. Pre-Application Conference: The applicant shall request a pre-application conference with the Zoning Administrator, Planning Commission Chair (or designee), and other Township representatives, as appropriate. While no formal action is taken, the conference will allow for the sharing of information and guidance in the preparation of the site plan. Applicants are encouraged to provide conceptual drawings/plans of the proposal.
- B. Applications: Application shall be submitted through the office of the Zoning Administrator, to the Planning Commission, on a special form provided for that purpose, and shall include the following:
1. Plan prepared under the requirements of *Section 6.01 Plan Review (All Districts)* - Site Plan Data Required.
 2. Name and address of applicant and owner of the premises.
 3. Description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
 4. A statement by applicant appraising the effect on the neighborhood.
 5. The application shall be accompanied by the fee established by the Township Board of Trustees.
- C. Public Hearings: A public hearing shall be held for all special approval requests. The secretary of the Planning Commission shall provide notice of the special approval request and public hearing as required by the Michigan Zoning Enabling Act, PA 110 of 2006 as amended (MCL 125.3101) this notice shall be given not less than 15 days before the date the application will be considered. The notice shall describe the nature of the special approval request; indicate the subject property, state when and where the special approval request will be considered, and when and where the written comments will be received concerning the request. Notices shall be provided as follows:
1. One notice shall be published in a newspaper which circulates generally in the Township.
 2. Notice shall be sent by mail or personal delivery to the owners of the subject property.
 3. Notice shall be sent by mail or personal delivery the owners of property within 300 feet of the boundary of the subject property for all Special Approvals except for Mining/Mineral Extraction Operations which shall require a notice sent to all owners of property within two (2) miles of the subject site.
- D. Standards for granting Special approval: Approval of a special approval proposal shall be based on the determination that the proposal, will comply with all applicable requirements of this Ordinance, including site plan review criteria set forth in Section 6.01 Plan Review (All Districts), applicable site development standards for specific uses set forth in Section 7.03 Supplemental Site Development Standards, and the following standards:
1. Compatibility with Adjacent Land Uses: The proposed special approval shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design of the proposed special approval shall minimize the impact of site activity on

Norwood Township Zoning Ordinance

surrounding properties. In determining whether this requirement has been met, consideration shall be given to:

- a) The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 - b) The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
 - c) The hours of operation of the proposed use. Approval of a special approval request may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
 - d) The bulk, placement and materials of construction of the proposed use in relation to surrounding uses.
 - e) Proposed landscaping and other site amenities. Additional landscaping over and above the requirements of this Ordinance may be required as condition of the special approval.
2. Public Services: The proposed special approval shall be located so as to be adequately served by essential public facilities and services, such as highways, streets, emergency services, drainage systems, water and sewage facilities, and schools, unless the proposal contains an acceptable plan for providing necessary services or evidence that such services will be available by the time the special approval is established.
 3. Impact of Traffic: The location of the proposed special approval within the zoning district shall minimize the impact of the traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:
 - a) Proximity and access to major thoroughfares.
 - b) Estimated traffic generated by the proposed use
 - c) Proximity and relation to intersections.
 - d) Adequacy of driver sight distances.
 - e) Location of and access to off-street parking.
 - f) Required vehicular turning movements.
 - g) Provisions for pedestrian traffic.
 4. Detrimental Effects: The proposed special approval shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental or hazardous to persons or property or to public health, safety, and welfare. In determining whether this requirement has been met consideration shall be given to the level of traffic noise, vibration, smoke, fumes odors, dust, glare and light.
 5. Economic Well-Being of the Community: The proposed special approval shall not be detrimental to the economic well-being of those who will use the land or residents, businesses, landowners, and the community as a whole.
 6. Compatibility with Natural Environment: The proposed special approval shall be compatible with the natural environment and conserve natural resources and energy.
 7. Approval: The Planning Commission may deny, approve, or approve with conditions, requests for special approval, based on the standards above. The Planning Commission has the authority to impose reasonable conditions on any special approval granted, as per Section 8.03.
 8. Inspection: The Zoning Administrator shall have the right to inspect any special approval use, to ensure continued compliance with the conditions of the special approval.

Norwood Township Zoning Ordinance

Section 7.03 - Supplemental Site Development Standards

Those permitted uses and uses allowed by Special Approval enumerated in any zoning district, if included below, shall be subject to the following conditions and requirements, in addition to the standards specified in *Section 7.02.3 Standards for Granting Special Approval*:

- A. Manufactured Home Developments: Manufactured home developments shall be permitted in the Mobile Home District, MH, after a hearing by the Planning Commission, provided the following conditions are satisfied:
1. Manufactured home parks for the location of three (3) or more manufactured or mobile dwelling units shall be developed pursuant to the requirements of The Mobile Home Commission Act, Public Act 96 of the State of Michigan, 1987, and shall be licensed by the State of Michigan according to the Act.
 2. Internal roads in manufactured housing developments shall have access to a public thoroughfare or be connected to such road by a permanent easement, shall be hard surface, and shall follow additional requirements of Manufactured Housing Commission Rules 920-923. Each home site shall be provided with two (2) parking spaces. A minimum of one (1) additional parking space for every three (3) home sites for visitor parking shall be provided within five hundred (500) feet of the home sites. Additional parking requirements per Manufactured Housing Commission Rules 925-926 shall be followed.
 3. The layout of the manufactured housing development and included facilities shall be in accordance with acceptable planning and engineering practices and shall provide for the convenience, health, safety and welfare of the residents.
 4. An obscuring wall, fence or landscape screen not less than four (4) nor more than six (6) feet in height may be provided on all sides of the manufactured housing development, with the exception of that portion providing ingress and egress to the development.
 5. Units shall be attached to a Michigan Manufactured Housing Commission approved foundation or basement and anchoring system, and shall be installed according to manufacturer's setup instructions.
 6. Manufactured or mobile dwelling units shall be placed in such a manner as to provide minimum safe distance on all sides from neighboring units and other structures, according to the Manufactured Housing Commission Rules 941 and 944.
 7. Recreation and/or open space:
 - a. A manufactured housing development that contains fifty (50) or more home sites shall have not less than two percent (2%) of the development's gross acreage designated as open space, but not less than twenty-five thousand (25,000) square feet. Such area (including accompanying equipment) shall be developed and maintained by the management to provide safe and healthful recreation for residents of the development.
 8. Any yard areas and open spaces shall be maintained in a clean, presentable condition at all times.
- B. Planned Unit Development: The purpose of the Planned Unit Development (PUD) is to allow design and use flexibility on a given site while at the same time protecting present and future residents and public facilities from the adverse effects of unplanned or unregulated development. This approach allows the applicant to utilize innovative designs and methods to control the effects of development rather than having rigid numerical zoning standards dictate design parameters. The burden of proving a Planned Unit Development is within the parameters and intent of this Ordinance is completely upon the applicant. The Norwood Township Planning Commission shall determine whether or not the design contains sufficient public benefits and safeguards as to make the effects of the development compatible with the intent of this Ordinance. It is the expressed intent of this section to allow such items as setbacks, yards,

Norwood Township Zoning Ordinance

parking spaces, type of dwelling unit, and use to be regulated on an overall impact or gross development basis rather than individually for each lot, use, or structure. Non-residential uses can be considered in PUD's and limited to 5% or less of the total project. Planned Unit Development application shall be considered against the standards and purpose outlined below. The discretionary judgmental process shall follow, first the procedures specified in this Article and second other conditions specified in this Ordinance, such as under the General Provisions and Site Plan Review requirements:

1. The long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state, and/or national basis; and reducing to a significant extent the non-conformity of a non-conforming use or structure, i.e., modification of a non-conforming use or structures so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning district in which it is situated.
2. Size: A Planned Unit Development shall be of sufficient size to contain on the site both physically and aesthetically not only the development proposed but also any effects of such development that would ordinarily be apparent and different from the effects of permitted uses on the adjacent properties.
3. Internal Design Standards:
4. Unified Control of Property: The proposed development shall be under single ownership or control such that there is a single person or entity having responsibility for completing the project in conformity with the Planned Unit Development regulations. This provision shall not prohibit a transfer of ownership or control, provided that notice of such transfer is given immediately to the Norwood Township Clerk.
5. A Planned Unit Development shall be designed so as to provide future users, residents, visitors, and public service personnel with light, air, privacy, circulation patterns, park areas, and public services equal to or greater than those required of the same uses in any zoning district where they are permitted.
6. The required dedicated open space in the amounts set forth below:
7. Provide for the privately-owned open space to be maintained by private property owners with an interest the open space.
8. Provide maintenance standards and a maintenance schedule.
9. Provide for assessment of the private property owners by Norwood Township for the cost of maintenance of the open space in the event that it is inadequately maintained and becomes a public nuisance.
10. All utilities serving a Planned Unit Development, including electric, telephone, and cable television lines, shall be placed underground, wherever feasible.
11. A pedestrian circulation system shall be provided that is isolated as completely as possible from the vehicular circulation system. The layout of vehicular and pedestrian circulation routes shall respect the pattern of existing or planned streets, sidewalks, and bicycle pathways in the vicinity of the site.
12. All sensitive natural features such as drainage ways and streams, wetlands, land within the 100-year floodplains, and stream or river banks (which by virtue of soil and slope may create highly erodible hazards to the public health and safety) shall remain unencumbered by any principal or accessory buildings and structures.
13. Drainage ways and streams shall be protected by a fifty (50) foot natural vegetation strip measured from the ordinary high-water mark of such drainage ways or streams and otherwise comply with Section 3.13.

Norwood Township Zoning Ordinance

14. Planted or landscaped buffer areas of twenty-five (25) feet width are required wherever feasible along all exterior boundaries of the property to be developed.
 15. A minimum of 50% of the gross project area shall be open space protected under a conservation easement or an equivalent recorded legal instrument acceptable to the Township. The full extent of common open space area dedicated for the use by residents in the development, or the public, shall be shown on the Site Plan. The development consolidates and maximizes usable open space.
 16. The maximum allowable residential units shall be computed based on the requirements of Section 5.08, Article V – Schedule of Regulations. The project acreage used for this calculation shall be the gross project area less any state regulated wetlands, or portions thereof, which are present within the gross project area.
 17. Recognizing that individual sites lend themselves to different design solutions with different space utilization requirements and that the Planned Unit Development process requires that the planning Commission exercise discretion in approving PUD's, densities in excess of those specified above in this section may be permitted with up to fifteen (15) percent more dwelling units for proposals of superior design quality and proposals that would significantly advance the policies and objectives of the Norwood Township Land Use Plan and enhance the general safety and welfare
 18. External Effects Standard:
 - a. A Planned Unit Development shall be designed so as not to create any significant negative impact upon adjacent properties, residents, or public facilities.
 - b. Every Planned Unit Development shall conform to all county and state regulations including but not limited to soil erosion and sedimentation control, sedimentation management, access, waste disposal and water supply.
- C. Approval Procedures:
1. Pre-Application Conference: The procedure of application and approval of a PUD permit shall include one (1) or more informal conferences between the applicant, Township Planning Commission designee, and Zoning Administrator. The applicant shall inform the Zoning Administrator of the applicant's general intentions at this time. The Planning Commission or Zoning Administrator may request or recommend the applicant request representatives from Township or County agencies (department of public works, fire department, road commission, health department, and other agencies) to attend such informal conferences. After consideration of comments from the pre-application meetings, the applicant shall prepare a preliminary plan.
 2. Requirements of preliminary plan: Following the pre-application conference, the applicant may file a PUD application with the Zoning Administrator in order to receive a formal Planning Commission review of a Preliminary Planned Unit Development Plan for the subject property. The applicant shall submit 12 copies of Preliminary Planned Unit Development Plan with the PUD application, at least 21 days prior to the date of the Planning Commission meeting at which a Public Hearing on the Plan is to be scheduled. The Preliminary Planned Unit Development Plan shall provide at a minimum all the information specified under Article VI – Site Plan Review and any additional reasonably related information requested by the Zoning Administrator or Planning Commission to judge the public benefits and safeguards of the project.
 3. The applicant shall provide an existing condition map separate from the site plan: The existing conditions map shall include a property location map, property dimensions and boundaries, major tree stands, water bodies (streams, rivers, lakes, ponds), rock outcrops, both regulated and unregulated wetlands, drainage courses, topography including

Norwood Township Zoning Ordinance

identification of steep slopes (>18%), generalized soil conditions, and other natural features. Also, existing human made features including roads within and bordering the project, buildings, easements and utilities shall be shown on the existing conditions map. This plan shall be prepared to the same scale as the site plan and shall be sealed by a registered engineer, architect, landscape architect, or surveyor who prepared the plan.

D. Planned Unit Development Review Procedure:

1. Approval/Action: A public hearing shall be held by the Planning Commission on each PUD request properly filed under the terms of this Ordinance. Notice of the public hearing shall be given following the procedures specified in Section 7.02 above. Following the public hearing, the Planning Commission shall approve, disapprove, approve subject to specified conditions/revisions or table for additional information to the proposed Planned Unit Development. If the required conditions or revisions are, in the opinion of the Planning Commission, substantive in nature, a second public hearing shall be held. Approvals shall be valid for one calendar year or 365 days. If a final plan is not submitted within 365 days the preliminary approval shall become null and void.
2. Final Approval: A final plan shall be prepared by the applicant incorporating any changes specified by the Planning Commission as part of the preliminary approval. The Zoning Administrator shall review the final plan for compliance with the provisions of the preliminary approval. If found to be in compliance, the Zoning Administrator shall issue a final approval and shall notify appropriate agencies that construction permits may be issued. Final approval shall be valid for 12 months, with one possible 12-month extension upon application. If construction permits are not obtained within this time, the approval shall become null and void.
3. Performance Bonds: To ensure compliance with the approved final plan, the Township shall require a deposit, (cash, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township) to cover the estimated cost of improvements. The performance guarantee shall be deposited, with the Township Clerk, at the time of the issuance of the permit authorizing the activities or project. The Township may not require the deposit of performance guarantee before the Township is prepared to issue the permit. The Township shall rebate or release any cash deposits in reasonable proportion to the ratio of work completed on the required improvements as work progresses.
4. Fees for PUD Project Plan: Review shall be established or revised by resolution of the Township Board.
5. Following Final Approval of the Site Plan: The applicant shall construct the site plan improvements in complete conformity with the approved plan. Failure to do so is a violation of this Ordinance and subject to the sanctions of *Section 8.07 – Violations and Penalties*.

E. Adult Oriented Business: The purpose and intent of the Sections of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious and other similar public and private uses.

1. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety and general welfare of Township residents.
2. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their

Norwood Township Zoning Ordinance

intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Township ordinance, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law.

3. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.
 - a. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually oriented business.
4. No sexually oriented business shall be established on a parcel which is within one thousand (1,000) feet of any parcel zoned R-1, RR or MH.
5. No sexually oriented business shall be established on a parcel within one thousand (1,000) feet of any residence, park, school, child care organization, or place of worship, or other sexually oriented business. This distance shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the residence, school, child care organization, place of worship, or other sexually oriented business.
6. The proposed use shall conform to all specific density and setback regulations, etc. of the zoning district in which it is located.
7. The proposed use must meet all applicable written and duly promulgated standards of Norwood Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
8. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
9. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that states:
10. "Persons under the age of 18 are not permitted to enter the premises", and;
11. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
12. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
13. Hours of operation shall be limited to 8:00 AM to 12:00 AM.
14. All off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one hour after the business closes.
15. Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
 - a. Is handicap accessible to the extent required by the Americans With Disabilities Act;
 - b. Is unobstructed by any door, lock or other entrance and exit control device;

Norwood Township Zoning Ordinance

- c. Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
 - d. Is illuminated by a light bulb of wattage of no less than 25 watts;
 - e. Has no holes or openings in any side or rear walls.
16. Review Procedures for Sexually Oriented Businesses
- a. The Planning Commission shall adhere to the following procedures when reviewing a special approval application for a sexually oriented business:
 - 1) If the Planning Commission determines that a special approval application for a sexually oriented business is not complete when it is first presented to the Planning Commission, it shall provide written notice by first class mail within three (3) business days of said determination detailing the items required to complete the application. Upon payment of a new filing fee, the applicant may resubmit the amended application for review by the Planning Commission for completeness.
 - 2) If the Planning Commission determines that the application is complete, it shall within sixty (60) days of said determination make and adopt specific findings with respect to whether the proposed sexually oriented business is in compliance with the standards designated in Sections 7.02.3 Standards for Granting Approval and 7.03.10 (A-M). If the Planning Commission has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved or denied the issuance of a special approval for the same within sixty (60) days of its determination that a completed application has been filed, then the special approval shall be deemed to have been approved.
 - 3) Prompt judicial review of adverse determination: If the Planning Commission denies a special approval application for a sexually oriented business pursuant to the above paragraphs, then the applicant shall be entitled to prompt judicial review by submitting a written request to the Zoning Administrator. The Township shall within three (3) business days of the receipt of such written notice do the following:
 - 4) File a petition in the Circuit Court for the County of Charlevoix seeking a judicial determination with respect to the validity of such denial and, in conjunction therewith, apply for a preliminary and permanent injunction restraining the applicant from operating the sexually oriented business in violation of the Township Zoning Ordinance;
 - 5) Request that the application for issuance of a preliminary injunction be set for a show-cause hearing within five (5) business days or as soon thereafter as is possible after the filing of such petition. In the event the applicant appears at or before the time of such show-cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing the Court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the Township shall be required to waive its application for preliminary injunction and shall join in such request.
 - 6) In the event that the applicant does not waive notice and/or does not request any early hearing on the Township's application for permanent injunction, it shall never the less be the duty of the Township to seek the earliest possible hearing date under Michigan law and the Michigan Court Rules.
 - 7) The filing of written notice of intent to contest the Planning Commission's denial of a special approval shall not in any way affect the validity of such denial, but such denial shall be deemed invalid and the special approval application automatically approved

Norwood Township Zoning Ordinance

if, within fifteen (15) business days of the filing of the Township's petition, a show-cause hearing has not been scheduled.

F. Mining/Mineral Extraction Operations:

1. Purpose and Scope:

- a. To provide the procedures required for application, review and approval of extraction operations, including mining, and natural resource extraction, except for those controlled under State or federal regulations for property located outside of the Mineral Industrial Resources District (MIRD). The Township is cognizant that land use development outside of the Mineral Industrial Resources District (MIRD) within the Township now consists almost entirely of rural residential properties, lake view and lake front properties, and farmland. As such, an industrial use such as mining/mineral extraction has a potentially greater impact on the rural residential properties and farms located outside of the Mineral Industrial Resources District (MIRD) and to a greater degree than in other townships within Charlevoix County where land has developed differently. This uniqueness has to do with the topography, natural beauty and proximity to Lake Michigan. Waterfront property and numerous water view and natural vistas located within the Township outside of the Mineral Industrial Resources District (MIRD) have resulted in a significant investment by Township residents in their properties and the need to preserve the unique aspects in Norwood Township outside of the Mineral Industrial Resources District (MIRD).
- b. No person shall establish a commercial excavation operation, mining operation outside the Mineral Industrial Resources District (MIRD) or quarrying operation as defined in this Zoning Ordinance without first obtaining a zoning permit under the provisions of this Ordinance. A person shall be allowed to extract or mine a valuable natural resource from any property owned by them within zoning districts outside the Mineral Industrial Resources District (MIRD) if the applicant/property owner meets the provisions of this section as well as other applicable sections of the Norwood Township Zoning Ordinance.
- c. The burden of proof to show that no very serious consequences would result from the extraction of natural resources is borne by the applicant/property owner seeking a permit to extract natural resources.
- d. A zoning permit issued under this Ordinance shall not be required for the purposes of common household gardening, landscaping, construction grading, farming, farm operations, and general ground care.
- e. Approval Authority: Approval shall require meeting all site plan review standards; in accordance with Section VI: Site Plan Review; standards under Section VII: Uses Subject to Special Approval; and Supplemental Site Development Standards under this section 7.03.11 of Article VII of the Norwood Township Zoning Ordinance; a thorough review of section 8.06: Posting of Financial Guarantee. Site plan approval will not be required for excavation or fill activities associated with building construction nor the development of real estate pursuant to duly issued permits. Amendments to an approved site plan also shall be considered a major change and follow such procedures as outlined in Section VI: Site Plan Review.

2. Processing:

- a. The processing of top soil, sand, gravel, regolith, minerals and nonmetallic minerals, as defined in this Ordinance, is expressly prohibited in all zoning districts outside of the Mineral/ Industrial Resources District (MIRD) other than what is minimally necessary to load top soil, sand, gravel, regolith, minerals and nonmetallic minerals onto vehicles for

Norwood Township Zoning Ordinance

their transportation to the Mineral Industrial Resources District (MIRD) Zoning District within the Township or outside of the Township where such processing is allowed.

3. Application and Approval Procedures.
 - a. Application: In addition to the application requirements under *Article VI, section 6.01* and *Article VII, section 7.02* of this Zoning Ordinance, an applicant shall provide the following:
 - b. A hydrogeological study of the proposed mining/mineral extraction site by a certified engineer qualified to conduct such a study to industry standards. This study shall also include an inventory of all wells within one (1) mile radius of the proposed mining/mineral extraction site.
 - c. Archeological and historical impact study by an individual recognized to be qualified in the field by the Michigan State Historic Preservation Office.
 - d. The impact on existing or proposed sewage system(s), municipal water supply, gas, electric and other utilities, including telegraphic lines.
 - e. A traffic and road impact study of the route proposed for vehicles entering and exiting the site. The study shall also depict with precision:
 - 1) The impact upon traffic as a result of operations on the proposed mining/mineral extraction site; and impact that vehicles accessing the site will have on Township public roads with respect to their structural integrity of the roads over which vehicles will be traveling to and from the site.
 - 2) Noise impact of road hauling.
 - 3) A property value study determining the impact that the proposed mining/mineral extraction operation will have on surrounding property by a qualified real estate appraiser licensed in the State of Michigan.
 - 4) A study showing with precision the baseline dust levels generated from the property and the dust levels proposed from the mining/mineral extraction operations; including, based upon climatological statistics both the volume of dust and location(s) where the dust would likely land during any given season on property located within one (1) mile of the proposed mining/mineral extraction operation. There shall be included in this study data regarding the dust's impact on the chemical pH and make up of soil upon which the dust is expected to land and/or settle in one hundred (100) yard intervals.
 - 5) A baseline noise and sound study by a qualified engineer showing noise and decibels at one hundred (100') yard intervals from the edge of the property of the proposed mining/mineral extraction operation going out one (1) mile from the property line.
 - 6) The proposed noise levels in one hundred (100) yard intervals that the operation intends to generate for one (1) mile.
 - 7) A seismic impact study by a certified engineer qualified to conduct such a study to industry standards. This study shall analyze the quantitative and qualitative seismic impact of proposed operations including haul road(s) within a one (1) mile radius of the proposed mining/mineral extraction site.
4. Approval Procedures: In addition to the standards for approval contained in Article VI, Site Plan Review, and Article VII, Section 7.02, the Planning the Planning Commission shall consider and apply all of the following factors. An Applicant must show that each of the following factors has been met:
 - a. That by extracting the natural resource(s), the Applicant and/or the owner of the property can receive revenue and reasonably expect to operate at a profit.
 - b. That there is a need for the natural resources by a person or legal entity in the market served by the proposed mining/mineral extraction operation.

Norwood Township Zoning Ordinance

- c. That the property contains natural resources which would result in the applicant/property owner receiving revenue which one could reasonably expect to operate at a profit.
- d. That there is a need in the market for gravel mining, general mining and quarrying operations as defined in this Ordinance.
- e. Information to meet this standard should include, but not be limited to, market prices for the material to be mined recognized in the industry that is proposed to be sold within a twenty-five (25) mile radius of the applicant's proposed mining/mineral extraction site.
- f. That the mining/mineral extraction operation will not result in very serious consequences as a result of:
 - g. The relationship of extraction and associated activities with existing land uses. This includes, but is not limited to:
 - h. That the extraction and associated activities would have no impact or a *de minimis* impact on the surrounding land uses within a two (2) mile radius of the proposed mining/mineral extraction operation.
 - i. The impact on existing land uses in the vicinity of the property.
 - j. This shall include a showing by the Applicant that there will be no impact or a *de minimis* impact on the lifestyle of the occupants of properties and uses of properties within a two (2) mile radius of the proposed mining/mineral extraction operation.
 - k. The impact on property values in the vicinity of the property and along proposed hauling route(s) serving the property, based upon credible evidence.
 - l. This shall include evidence by a qualified appraiser licensed in the State of Michigan showing that there will be no impact on existing property values or on the growth of properties located within a two (2) mile radius of the proposed mining/mineral extraction operation or within a two (2) mile radius of the hauling route(s).
- m. The impact on pedestrian and traffic safety in the vicinity of the property and along the hauling route(s) serving the property.
- n. This shall include a showing by the Applicant that the safety features of existing roads, as constructed, as well as their durability and wear and tear will not be impacted as a result of traffic generated by the proposed mining/mineral extraction operation. This evidence must be shown through a study recognized by Michigan Chapters of the Institute of Transportation Engineers (ITE) by a qualified civil engineer.
- o. The impact on other identifiable health, safety and welfare Interests in the Township.
- p. This shall include a showing by the Applicant that noise, dust and traffic being generated or pertaining to the proposed mining/mineral extraction operation will have no impact or a *de minimis* impact on the citizens and surrounding properties within two (2) miles of the proposed mining/mineral extraction operation and within two (2) miles of the hauling route(s) for the proposed mining/mineral extraction operation.
- q. That there is a local public interest in the extraction of the specific natural resources on the property.
- r. This shall include a showing by the applicant of an active need for the product coming from the proposed mining/mineral extraction operation by a public and private entities within a twenty-five (25) mile radius of the proposed mining/mineral extraction operation such that absent the existence of the proposed mining/mineral extraction operation, the public and private market would either cease to exist or result in prices for the product exceeding twenty-five (25%) percent of existing market prices for the product based upon the existing market in Emmet, Otsego, Charlevoix and Antrim Counties.

Norwood Township Zoning Ordinance

- s. Verification that all applicable state and federal permits have been procured.
 - t. Verification of Financial Guarantees per Section 8.06 and 8.06.1.
 - u. The Planning Commission may determine reasonable hours of operation, blasting hours, noise levels, dust control measures and traffic, not preempted by part 632 of the natural Resources and environmental protection act, 1994 PA 451, MCL 324.63201 to 324.63223.
- G. Telecommunication Tower:
- 1. Towers and attendant accessory structures shall be enclosed by security fencing not less than six feet (6') in height and shall also be equipped with an appropriate anti-climbing device.
 - 2. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required:
 - 3. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the compound.
 - 4. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - 5. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
 - 6. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
 - 7. Towers and antennas shall meet the following requirements:
 - a. Towers shall be setback the height of the tower from any property line.
 - b. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - c. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is at a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - d. If an antenna is installed on a structure other than to or closely compatible with, the color of the supporting structure to make the antenna and related a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical equipment as visually unobtrusive as possible.
 - e. Where a feasible alternative exists, towers, alternative tower structures and supporting structures shall not utilize a power source which generates noise able to be heard by a person of normal aural acuity at adjoining property lines or public property; however, this section shall not be construed as limiting the use of temporary generators or similar devices used to create power during periods of interruption of the primary power source.
 - f. If required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

Norwood Township Zoning Ordinance

- g. Towers shall be located so that they do not interfere with television and radio reception to neighboring residential areas.
 - h. No signs other than signs required pursuant to federal, state, or local law or ordinance shall be allowed on an antenna or tower.
 - i. Towers shall be located no closer than one (1) mile from an existing telecommunication tower or the minimum distance necessary to limit the total number of towers located within the Township as necessary to provide adequate wireless communication service.
 - j. A tower shall not be located within two hundred feet (200') or three hundred percent (300%) of the height of the tower, whichever is greater, of a single family or multiple family dwelling unit, church, school, or other structure normally used and actually used for the congregation of persons. Distance for the purpose of this section shall be measured from the base of the tower structure to the lot line of the single family or multiple family dwelling unit, church, school, or other structure normally used and actually used for the congregation of persons.
 - k. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment. Along with said removal, said owner shall restore the site of said antenna or tower to its original condition prior to location of the antenna or tower subject to reasonable wear and tear. Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. The Zoning Board may require the applicant to file a bond equal to the reasonable cost of removing the tower, antenna, alternative tower structure, or other supporting structures(s) as a condition of a special use permit given pursuant to this section.
8. After site plan and special use application has been submitted, the Zoning Administrator shall have 14 days to make a determination that the application is complete. If determined incomplete, a written statement shall be provided specifying the delinquencies. After determination that the application is complete, the Township shall act within 60 days or the application will be considered approved.
9. The Planning Commission shall have the ability to waive the requirements of this section in the best interest of quality wireless communications due to topography, environmental, aesthetic and/or similar findings.

Norwood Township Zoning Ordinance

ARTICLE VIII:

ADMINISTRATION AND ENFORCEMENT OF ORDINANCE

Section 8.01 - Zoning Administrator

The provisions of this Ordinance shall be administered and enforced by a Township Zoning Administrator, appointed by the Township Board of Trustees for such term and subject to such conditions and at such rate of compensation as said Board shall determine as reasonable.

Section 8.02 - Zoning Permit

- A. No building or structure subject to the provisions of this Ordinance shall hereafter be erected, structurally altered, reconstructed, used, or moved, nor shall any excavation of land commence until a Zoning Permit application has been filed with the Township Zoning Administrator and a Zoning Permit has been issued by the Zoning Administrator. No Zoning Permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance.
- B. The application shall be signed by the owner of the premises or his agent and shall certify that all provisions of this Ordinance and other applicable laws and requirements are to be complied with.
- C. Any application requiring approval from the Planning Commission must be submitted not less than thirty (30) days prior to a scheduled meeting for consideration at that Planning Commission meeting. The application shall be accompanied by:
 - 1. A site plan, if required, or a sketch in duplicate, in a scale sufficient to clearly detail— as determined by the Zoning Administrator, the location and dimensions of the premises including the boundary lines of all parcels of land under separate ownership contained therein; the size, dimensions, location on the premises, and height of all buildings, structures or other impervious surfaces in existence, to be erected and/or altered; the width and alignment of all abutting streets, highways, alleys, utility locations, easements and public open spaces; the front yard dimensions of the nearest building on both sides of the proposed building or structure; the location and dimensions of sewage disposal facilities both on adjoining land or lots and those to be erected on the lot under consideration; and the location of all wells on adjoining lands or lots and those to be erected on the lot under consideration.
 - 2. All properties under two (2) acres in size shall be required to submit a title or legal survey, sealed by a professional surveyor (not a mortgage survey). The Zoning Administrator shall have the authority to waive this requirement when such a survey is not deemed necessary.
 - 3. Copies of permits or waivers of permits by other agencies as may be required by statute and/or by the Zoning Administrator or this Ordinance.
 - 4. Such other information as may be required to determine compliance with the Ordinance.
 - 5. A Zoning Permit shall not be issued until all other necessary permits required by statute have been obtained or waived with exception of those permits issued by the Charlevoix County Building Department.
 - 6. The location of the property boundaries and all structures shall be staked on the ground for Zoning Administrator approval prior to the issuance of the Zoning Permit.
- D. Any Zoning Permit under which substantial construction has not started or if no substantial construction has been done in the furtherance of the zoning permit, the zoning permit will expire after (12) months from date of issuance shall expire.
- E. The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with the provisions of the Ordinance, or in the case of a false statement or misrepresentation made in the application. The owner shall be notified of such

Norwood Township Zoning Ordinance

revocation in writing. The Zoning Administrator shall have the authority to issue a stop work order on work in progress when that work violates the zoning ordinance provisions.

- F. No Zoning Permit shall be valid until the required fees have been paid. No separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Township Board of Trustees.
- G. Within eighteen (18) months from the onset of construction or movement of earth for the purpose of erecting any dwelling, building, accessory structure, or structure of any type, such dwelling, building, accessory structure of any type shall be finished and weather-proofed from the outside such that an ordinary person viewing the dwelling, building, accessory structure or structure of any type would presume that construction has been completed.
- H. No zoning permit shall be required for accessory structures less than one-hundred (100) square feet in size. Such accessory structures shall be constructed and located in compliance with all applicable provisions of this Ordinance.

Section 8.03 – Conditions

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

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

Section 8.04 - Rehearing Process

- A. Final Decisions: Except as provided in this section, a decision of the Planning Commission or Zoning Board of Appeals shall be final. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
 - 1. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
 - 2. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact which occurred after the public hearing.
 - 3. The township attorney by a written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

Norwood Township Zoning Ordinance

- B. Rehearing Procedure: A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.
1. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
 2. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
 3. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicants' last known address or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
 4. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

Section 8.05 – Fees

Section 8.05.1 – Fee Schedule

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

- A. Zoning permits.
- B. Special use permits.
- C. Ordinance interpretations by the Zoning Board of Appeals: appeals of administrative interpretation or request for interpretation. Appeals and requests for interpretations initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
- D. Classification of unlisted property uses.
- E. Requests to change a nonconforming use to another nonconforming use.
- F. Requests for variances from the Zoning Board of Appeals.
- G. Requests for rezoning of property by individual property owners or amendments to the zoning ordinance text. Rezoning of property or text amendments initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
- H. Site plan reviews.
- I. Requests for a planned unit development (PUD).
- J. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.

Norwood Township Zoning Ordinance

Section 8.05.2 – Additional Fees

- A. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.
- B. If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs.
- C. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than twenty-five percent (25%) of the initial escrow deposit or less than twenty-five percent (25%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals shall require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal.
- D. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.
- E. New applications from a previous Applicant whether for a special approval, site plan review or a variance request shall not be accepted or processed by the Township until unpaid Township fees, or escrow in arrears, if any, have been completely paid. The Township Clerk shall monitor the deposit and notify the applicant and the Planning Commission of the status of the escrow to ensure that the escrow is kept in compliance with this subsection 8.05.2.

Section 8.06 - Posting of Financial Guarantee

The Township is empowered to require a performance bond, letter of credit or certified check in an amount equal to the estimated cost of road, lighting, utility, sidewalk, landscaping and drainage improvements associated with the project. Such performance guarantee shall be deposited with the Clerk of the Township at the time of the issuance of the permit authorizing the activity or project to insure faithful completion of the improvements indicated with the approved site plan; if not, said performance guarantee deposits only when requested by the depositor, based on the percent of improvement completed, as attested to by the depositor and verified by the Zoning Administrator except as applicable for mining operations, etc., in the (MIRD) as provided in subparagraph B. below and under *Article III, Section 3.37* of this Ordinance. In cases where provisions of this Ordinance have not been met, the amount of the aforementioned performance guarantee shall be used by the Township to complete the required improvements; and the balance, if any, shall be returned to the applicant.

Norwood Township Zoning Ordinance

Section 8.06.1 - Additional Requirements for (MIRD)

- A. In addition to the requirements provided in Section 8.06 above, Owner/Operator(s) of quarrying operations, mining operations, excavation operations and mineral extractions operations shall have their financial guarantee(s) utilized in a manner which establishes the method and time line for reclamation such that acreage or fraction thereof of land has an amount of security applied to it. This amount shall be reevaluated no less than every three (3) years. The amount shall be adjusted per acre or fraction thereof as determined by the Township Planning Commission or Zoning Administrator as the operation reclaims land and activity decreases on existing acreage or increases on previously undisturbed acreage. The Planning Commission or Zoning Administrator shall consult with an industry expert as to the appropriate amount of financial guarantee.
- B. In the event that the Planning Commission or Zoning Administrator determine that such bonding requirements are inadequate or excessive, a hearing will be scheduled before the Planning Commission regarding the amount of financial security and after input of facts by the Zoning Administrator and other professional staff, as well as , the Owner/Operator having an opportunity to be heard and provide input on the same, such financial security may be adjusted by the Planning Commission upon conclusion of such hearing.
- C. The Planning Commission shall certify to the Township Board, Owner/Operator and the issuer of any surety bond or other financial guarantee the filings of such bond or guarantee and the reclamation of any abandoned lands (or previously disturbed lands) and the number of acres so reclaimed within thirty (30) days following receipt of the Annual Plan and certification of such reclamation by the Owner/Operator.

Section 8.07 - Violations and Penalties

Section 8.07.1 - Nuisance per se

Any land, dwellings, buildings or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.

Section 8.07.2 – Inspection

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

Section 8.07.3 – Penalties

- A. Any person, partnership, limited liability company, corporation, or association who creates or maintains a nuisance per se or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of the Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with provisions of this Ordinance.
- B. The Township Zoning Administrator is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Norwood Township Zoning Ordinance

- C. In addition to enforcing this Ordinance, as a municipal civil infraction, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 8.07.4 - Conflicting Regulations

In the interpretation of this Ordinance, this Ordinance shall rule unless there exists a conflict with a regulation, deed restriction or private covenant which is more stringent, in which case the more stringent regulations will rule.

Section 8.08 – Enforcement

Any person, partnership, corporation or association who creates or maintains a nuisance per se, as defined by this ordinance, or who violates or fails to comply with this ordinance or any permit issued pursuant to this Ordinance shall be deemed to have committed a municipal civil infraction. Every day that such violation continues shall constitute a separate distinct offence under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.

Section 8.09 - Violations and Penalty

- A. Any building, structure or use constructed, altered, moved, or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.
- B. The Township Board may institute proceedings in an appropriate court to enjoin, abate and remove said nuisance.
- C. Any person or other entity who violates any of the provisions of this ordinance is responsible for a civil infraction defined by Michigan Law and subject to a civil fine of up to \$500.00, plus costs, which may include all direct or indirect expenses to which the Township has put in connection with the violations. A violator of this ordinance shall also be subject to such additions sanctions, remedies and judicial orders as are authorized under Michigan law. Each day a violation of this ordinance continues to exist constitutes a separate violation.

Section 8.10 – Severability

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Norwood Township Zoning Ordinance

ARTICLE IX: ZONING BOARD OF APPEALS (ZBA)

Section 9.0 – Purpose

In order that the objectives of this Ordinance may be fully and equitably achieved, that a means shall be provided for competent interpretation of this Ordinance, that the health, safety and welfare of the public be secured, and that justice be done, there is hereby established a Township Zoning Board of Appeals which shall perform its duties and exercise its powers as provided in Section 603 of Act 110 of the Public Acts of 2006, as amended (MCL 125.3603).

Section 9.01 – Membership

- A. The Township Board shall appoint three (3) members of the Zoning Board of Appeals.
- B. The first member of the Zoning Board of Appeals shall be a member of the Township Planning Commission for the term of his or her office. In addition, another member of the Zoning Board of Appeals may be a member of the Township Board for the term of his or her office.
- C. The remaining member of the Zoning Board of Appeals shall be selected from the electors of the township and shall be representative of the population distribution and of the various interests present in the township. Except for members serving on the Zoning Board of Appeals because of their membership on the Township Planning Commission or Township Board, each member of the Zoning Board of Appeals shall serve for a term of three (3) years.
- D. An elected officer of the Township shall not serve as Chairperson. An employee or contractor of the Township Board may not serve as a member of the Zoning Board of Appeals.
- E. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. The alternate members shall be called on a rotating basis (in the order of their appointment) by the chairperson of the Zoning Board of Appeals to sit as regular members if a regular member will be unable to attend one (1) or more meetings or when a regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- F. The Norwood Township Board may remove a regular or alternate member of the Zoning Board of Appeals for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

Section 9.02 - Rules of Procedure

- A. The Zoning Board of Appeals shall adopt rules and regulations to ensure proper conduct of its meetings. Copies of such regulations shall be made available to the public at the office of the Township Clerk.
- B. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at other times as the Zoning Board of Appeals in its rules of procedures may specify or at such times as the Zoning Board of Appeals may determine necessary. The meeting shall be open to the public and comply with the Open Meetings Act.
- C. The Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Zoning Board of Appeals are present.
- D. The Zoning Board of Appeals shall act by resolution or motion. The concurring vote of a majority of the members of the entire ZBA shall be necessary to reverse an order, requirement, decision,

Norwood Township Zoning Ordinance

or determination of the Zoning Administrator or the Planning Commission, to decide in favor of an applicant on any matter upon which the ZBA is required to pass under this Ordinance.

- E. Minutes shall be recorded of all proceedings that shall contain evidence and data relevant to every case considered together with the votes of the members and the final disposition of each case. The grounds of every determination shall be stated. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals' permanent records. Such minutes shall become a public record and as such be filed in the office of the Township Clerk. A copy of the decision shall be sent promptly to the applicant and the Zoning Administrator.
- F. A recording Secretary shall be appointed for the Zoning Board of Appeals. The Zoning Administrator may be responsible for acting as secretary of the Zoning Board of Appeals and providing administrative services for the Zoning Board of Appeals, except when the Zoning Board of Appeals is deciding an appeal from a decision of the Zoning Administrator. In cases involving an appeal from a decision of the Zoning Administrator, when the Zoning Administrator is acting as the recording secretary, the Township Clerk shall act as secretary and provide administrative services for the Zoning Board of Appeals. The Township attorney may be requested to attend any meeting of the Zoning Board of Appeals.

Section 9.03 - Duties and Powers of the Zoning Board of Appeals

The Zoning Board of Appeals shall have all powers and duties granted by State law, by this Ordinance and the Township Board including the following specified duties and powers:

- A. Review: Shall hear and decide appeals from and review any order, requirement, decision or determination made in the administration of this Ordinance by the Zoning Administrator or Planning Commission, except for Planning Commission decisions concerning special approvals and planned unit developments.
- B. Interpretation: Shall have the power to:
- C. Hear and decide upon appeals for the interpretation of the provisions of this Ordinance;
- D. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with the decision made by the Zoning Administrator;
- E. Classify a use which is not specifically mentioned in the Zoning Ordinance;
- F. Consider use variances;
- G. Consider non-use variances.

Section 9.04 - Application of the Variance Power

- A. Use Variance: The Zoning Board of Appeals may grant a use variance only upon finding that an unnecessary hardship exists. A use variance is a variance that permits a use that is otherwise prohibited in a zoning district. A finding of unnecessary hardship shall require demonstration by the applicant of the following:
 - 1. The property cannot be reasonably used for any purpose permitted in the zoning district without the variance.
 - 2. The need for the variance is due to unique circumstances particular to the property and not generally applicable in the area or to other properties in the same zoning district.
 - 3. The problem and resulting need for the variance has not been self-created by the applicant and/or the applicant's processors.
 - 4. The variance will not alter the essential character of the area. In determining whether the effect the variance will have on the character of the area, the established type and pattern of land uses in the area and the natural characteristic of the site and the surrounding area will be considered.

Norwood Township Zoning Ordinance

- B. Non-Use Variance: The Zoning Board of Appeals may grant a non-use variance only upon finding that practical difficulty exists. A non-use variance is a variance from any standard or requirement of the Ordinance, such as, but not limited to a deviation from density, bulk, setback, parking, landscaping and sign standard requirements. A finding of practical difficulty shall require demonstration by the applicant of the following:
1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and not due to applicant's personal or economic hardship.
 2. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
 3. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.
 4. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners.
 5. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district. In granting a variance the Zoning Board of Appeals may attach reasonable conditions as provided in Section 8.03 of this Ordinance.

Section 9.05- Zoning Board of Appeals Submittal

The applicant is required to submit surveys, plans and data as required under Article VI: Site Plan Review or other information deemed reasonably necessary for making any informed decision on his or her appeal.

Section 9.06 - Rules

- A. The Zoning Board of Appeals may specify, in writing, to the applicant such conditions in connection with the granting that will, in its judgement, secure substantially the objectives of the regulations or provisions to which such variance applies including the requirement of a bond. The breach of any such condition shall automatically invalidate the permit granted.
- B. No more than the minimum variance from the terms of this Ordinance shall be granted which is necessary to relieve the practical difficulty or unnecessary hardship.
- C. Each variance granted shall become null and void unless the provisions of the variance have been utilized by the applicant within one (1) year after granting the variance. An extension, not to exceed one (1) year, may be granted upon request of the applicant.
- D. Prior to granting a variance, all other existing infractions related to this Ordinance or other Township Ordinances shall be resolved.

Section 9.07- Appeals to Circuit Court

The decision of the Zoning Board of Appeals is final. However, a party aggrieved by the decision may appeal that decision to the Circuit Court. Any such appeal shall be filed within 30 days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the Zoning Board of Appeals, if there is no chairperson, or within 21 days after the Zoning Board of Appeals approves the minutes of its decision.

Norwood Township Zoning Ordinance

Section 9.08- Stay of Proceedings

An administrative appeal to the Zoning Board of Appeals and an appeal of a decision by the Zoning Board of Appeals to circuit court stays all proceedings of the action appealed from, including the effectiveness of any zoning permit issued, unless the Zoning Administrator certifies to the Zoning Board of Appeals after such appeal has been filed that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, unless ordered stayed by the Zoning Board of Appeals or the circuit court.

Norwood Township Zoning Ordinance

ARTICLE X AMENDMENTS AND ENACTMENT

Section 10.00 - Amendment to this Ordinance

- A. The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in Act 110 of the Public Acts of 2006 as amended.
- B. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Norwood Township Zoning Map may be amended, supplemented or changed by action of the Township Board following a recommendation from the Township Planning Commission.
- C. Proposals for amendments, supplements or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment.
- D. The procedure to be followed for initiating and processing an amendment shall be as follows:
 1. Each petition by one (1) or more persons for an amendment shall be submitted by application to the Zoning Administrator on a standard form provided and shall be accompanied by the fee as prescribed by the Township Board. No part of such fee shall be returnable to a petitioner if the public hearing is held.
 2. The Zoning Administrator shall notify, in writing, the Township Clerk and Chair of the Planning Commission at or before the time s/he transmits the amendment request to the Planning Commission.
 3. The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
 4. Before ruling on any proposal the Planning Commission shall conduct at least one (1) public hearing, notice of the time and place of which shall be given by a newspaper of general circulation in the Township, the first to be printed not less than fifteen (15) days before the date of such hearing and by notifying all property owners within three hundred (300) feet of any land proposed for rezoning and all occupants of single and two-family dwellings within three hundred feet not less than eight (8) days prior to the public hearing. Not less than fifteen (15) days' notice of the time and place of such hearing shall also be given by mail to each Public Utility Company and railroad within the zone affected who have registered to receive such notices. The notices shall include the places and times at which the tentative text and any map of the Zoning Ordinance may be examined and shall be verified by an affidavit of mailing or personal service.
 5. The Planning Commission shall review and apply the following standards and factors in the consideration of any re-zoning request:
 - a. Is the proposed rezoning consistent with the Norwood Township Land Use Plan?
 - b. Is the proposed rezoning reasonably consistent with surrounding uses?
 - c. Will there be an adverse physical impact on surrounding properties?
 - d. Will there be an adverse effect on property values in the adjacent area?
 - e. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
 - f. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?

Norwood Township Zoning Ordinance

- g. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
 - h. Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
 - i. Is the rezoning in conflict with the planned use for the property as reflected in the master plan?
 - j. Is the site served by adequate public facilities or is the petitioner able to provide them?
 - k. Are there sites nearby already properly zoned that can be used for the intended purposes?
 - l. The community should evaluate whether other local remedies are available. Presently, cities and villages are allowed to grant use variances.
6. Following the public hearing the Planning Commission shall submit the proposed amendment including any zoning map changes to the County Planning Commission. If the recommendation of the County Planning Commission has not been received within 30 days after the receipt of the Ordinance by the County, it shall be conclusively presumed that the County has waived its right for review.
 7. The Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing.
 8. The Township Board may hold additional public hearings if they decide it is necessary. Notice of such hearing shall be published in a newspaper, which circulates in the Township not less than fifteen (15) days before the hearing. The Township Board may adopt or reject any proposed amendment or refer back to the Planning Commission for further review as prescribed by Act 110 of the Public Acts of 2006, as amended.
 9. Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect eight days after publication or at a later date as may be specified by the Township Board at the time of adoption.
 10. No application for a rezoning which has been denied by the Township shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Planning Commission to be valid.

Section 10.01 - Enactment and Effective Date

- A. This Ordinance was adopted on March 18, 2019 by the Norwood Township Board of Trustees and will be effective eight (8) days after publication of a notice of adoption, which must be published within fifteen (15) days of its adoption in accordance with Section 11a of Act 184 of the Public Acts of 1943, as amended. The Zoning Ordinance effective date is March 30, 2019. The foregoing Zoning Ordinance and Zoning Map were presented at a public hearing on October 8, 2018.
- B. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective eight (8) days after publication of a notice of adoption of said amendments or revisions in accordance with Act 110 of the Public Acts of 2006 as amended.