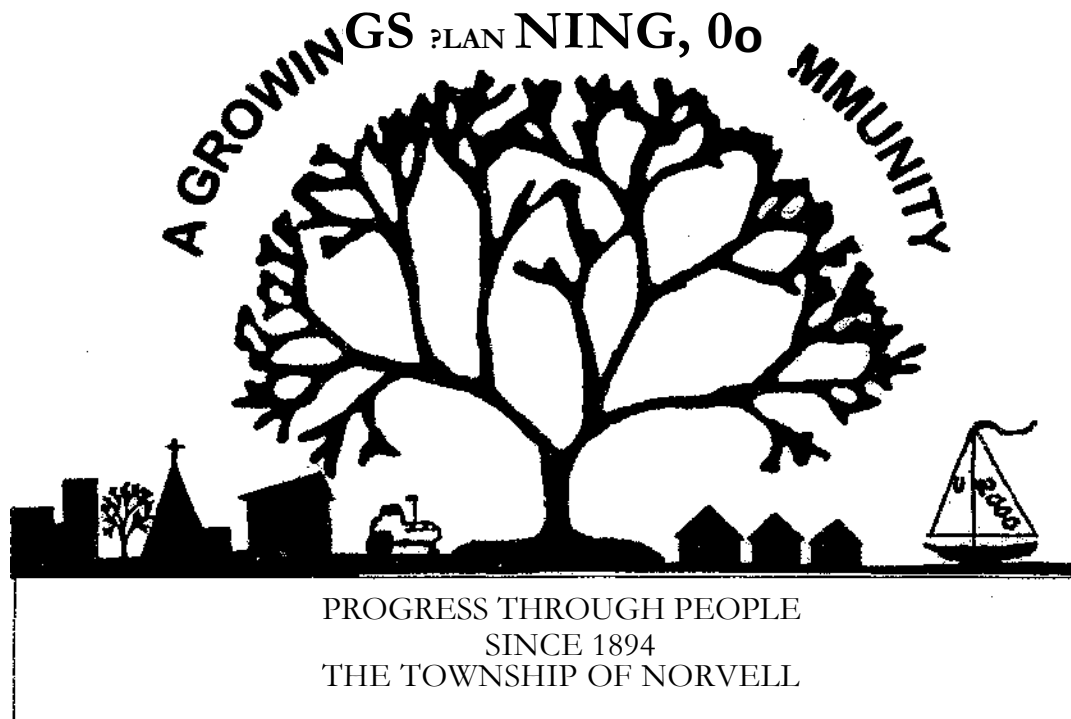


NORVELL TOWNSHIP

ZONING
ORDINANCE



JACKSON COUNTY,
MICHIGAN

NORVELL TOWNSHIP ZONING ORDINANCE

No. 6
as amended

12/8/2021

TABLE OF CONTENTS

ARTICLE I — ENACTING CLAUSE, TITLE, PURPOSES, AND LEGAL CLAUSES.....	1-1
Section 1.1 Enacting Clause.....	1-1
Section 1.2 Title	1-1
Section 1.3 Purposes.....	1-1
Section 1.4 Validity and Severability Clause.....	1-2
Section 1.5 Conflict with Other Laws.....	1-2
Section 1.6 Period of Effectiveness	1-3
Section 1.7 Effective Date.....	1-3
ARTICLE II — DEFINITIONS	2-1
Section 2.1 Definitions.....	2-1
2.1.0 Accessory Use, Building, or Structure..	2-1
2.1.1.1 Accepted Animal Waste Management Practices	2-1
2.1.1.2 Animal Feeding Operation	2-1
2.1.1.3 Animal Unit.....	2-2
2.1.1.4 Animal Waste	2-2
2.1.1.8 Aquifer	2-2
2.1.1.12 Asphalt Plant.....	2-2
2.1.1.16 Automobile Body Repair Establishment.....	2-3
2.1.2 Automobile Service Station.....	2-3
2.1.2.5 Bed and Breakfast Establishment	2-3
2.1.3 Billboard	2-3
2.1.4 Block.....	2-3
2.1.5 Board of Appeals.....	2-3
2.1.6 Boarding House or Rooming House	2-3
2.1.6.3 Body of Water	2-4
2.1.6.5 Bog.....	2-4
2.1.7 Building/Structure	2-4
2.1.8 Building Area.....	2-4
2.1.9 Building Height	2-4
2.1.10 Building Inspector	2-5
2.1.11 Central Sanitary Sewerage System	2-5
2.1.11.5 Child Care Facility	2-5
2.1.11.6 Concrete Plant	2-5
2.1.11.15 Clinic.....	2-5
2.1.11.17 Clubs	2-5
2.1.11.20 Commercial Agriculture.....	2-6
2.1.11.25 Commercial Fueling Station	2-6
2.1.12 Conditional Use.....	
2.1.13 Court (Open Space).....	2-6
2.1.13.5 Cul-de-sac	2-6
2.1.13.6 Deck	2-6

2.1.14	Drive-In	2-6
2.1.15	Dwelling Area	2-7
2.1.16	Dwelling	2-7
2.1.17	Dwelling — Single-Family	2-7
2.1.18	Dwelling — Two-Family	2-9
2.1.19	Dwelling — Multiple-Family	2-10
2.1.20	Easement	2-10
2.1.20.5	Erosion	2-10
2.1.21	Essential Services	2-10
2.1.22	Family	2-10
2.1.22.1	Farm	2-11
2.1.22.2	Farm Animals	2-11
2.1.22.4	Fen	2-11
2.1.23	Free-Standing Identification Sign	2-11
2.1.24	Floor Area	2-11
2.1.24.5	Funneling	2-11
2.1.25	Garage-Commercial	2-12
2.1.26	Garage-Private	2-12
2.1.26.2	Greenbelt	2-12
2.1.26.5	High Density Animal Feeding Operation	2-13
2.1.27	Home Occupation	2-13
2.1.28	Hotel	2-13
2.1.28.5	Hydrogeological Study	2-13
2.1.29	Junk Yard	2-13
2.1.30	Kennel	2-14
2.1.30.5	Lake	2-14
2.1.31	Lot	2-14
2.1.32	Lot Area	2-14
2.1.32.5	Lot, Contiguous	2-14
2.1.33	Lot Corner	2-14
2.1.34	Lot Coverage	2-14
2.1.35	Lot Depth	2-15
2.1.36	Lot, Platted	2-15
2.1.37	Lot of Record	2-15
2.1.38	Lot, Through or Double Frontage	2-15
2.1.39	Lot Width	2-15
2.1.39.5	Manufactured Housing Community	2-15
2.1.39.6	Manufactured Home	2-15
2.1.40	Manufacturing	2-16
2.1.41	Marina	2-16
2.1.42	Marsh	2-16
2.1.42.5	Mini-Warehouse	2-16
2.1.43	Mobile Home	2-16
2.1.44	Mobile Home Site	2-16
2.1.45	Mobile Home Stand	2-16
2.1.46	Motel	2-17
2.1.46.5	Motor Home	2-17
2.1.47	Non-Conforming Building or Structure	2-17

2.1.48	Non-Conforming Use.....	2-17
2.1.48.5	Noxious Weeds	2-17
2.1.49	Off-Street Parking Area	2-18
2.1.50	Outdoor Advertising Sign or Billboard	2-18
2.1.51	Outlot.....	2-18
2.1.52	Parcel	2-18
2.1.53	Parking Space.....	2-18
2.1.53.3	Person	2-18
2.1.53.5	Powercraft.....	2-18
2.1.54	Public Street	2-19
2.1.55	Quarry, Mineral Mining, or Extractive Operations.....	2-19
2.1.55.10	Retail Store	2-19
2.1.56	Riding Academy	2-19
2.1.56.1	Riparian	2-19
2.1.56.5	Riparian Property	2-19
2.1.57	Roadside Stand	2-19
2.1.57.5	Sapling	2-20
2.1.57.7	Shrub	2-20
2.1.58	Sign	2-20
2.1.59	State Licensed Residential Facility	2-20
2.1.60	Story	2-21
2.1.61	Story, One-Half.....	2-21
2.1.61.5	Stream	2-22
2.1.62	Street.....	2-22
2.1.63	Street Line	2-22
2.1.64	Structure	2-22
2.1.64.5	Swale	2-22
2.1.64.7	Swamp	2-22
2.1.64.9	Township Board of Appeals	2-22
2.1.65	Township Board	2-22
2.1.65.5	Township Planning Commission	2-23
2.1.66	Travel Trailer	2-23
2.1.66.5	Tree	2-23
2.1.66.7	Upland.....	2-23
2.1.67	Variance	2-23
2.1.67.3	Vegetative Strip	2-23
2.1.67.5	Wetlands.....	2-24
2.1.67.6	Wetland Boundary	2-24
2.1.67.7	Wetland Delineation.....	2-24
2.1.67.8	Wild Animal	2-24
2.1.67.9	Wireless Communication Facility	2-25
2.1.67.95	Wireless Communication Support Structure.....	2-25
2.1.68	Yard, Front	2-26
2.1.69	Yard, Rear.....	2-26
2.1.70	Yard, Side	2-26
2.1.71	Zoning Administrator	2-26
2.1.71.5	Zoning Inspector	2-26
Section 2.2	Undefined Terms	2-27

ARTICLE III – ESTABLISHMENT OF ZONING DISTRICTS 3-1

Section 3.1 Establishment of Zoning Districts 3-1
Section 3.2 Provision for Official Zoning Map 3-1
Section 3.2.1 Identification of Official Zoning Map 3-1
Section 3.3 Interpretation of District Boundaries 3-2
Section 3.4 Authority to Grant Zone Change..... 3-2
Section 3.5 Authority of Official Zoning Map 3-2
Section 3.6 Replacement of Official Zoning Map 3-3

ARTICLE IV – ZONING DISTRICT REGULATIONS..... 4-1

Section 4.1 Ag-1 Agricultural District..... 4-1
 a. Purpose..... 4-1
 b. Permitted Uses 4-1
 c. Conditional Uses 4-4
 d. Area, Yard, Height, and Bulk Requirements 4-5
 e. Required Off-Street Parking..... 4-5
 f. Performance Standards..... 4-5
 g. Required Site Plan Review by Planning Commission 4-5

Section 4.2 RS-1 Single-Family Suburban Residential District 4-6
 a. Purpose..... 4-6
 b. Permitted Uses 4-6
 c. Conditional Uses 4-6
 d. Area, Yard, Height, and Bulk Requirements 4-7
 e. Required Off-Street Parking 4-7
 f. Performance Standards..... 4-7
 g. Required Site Plan Review by Planning Commission 4-7

Section 4.2.5 RS-2 Single-Family Suburban Residential District 4-8
 a. Purpose..... 4-8
 b. Permitted Uses 4-8
 c. Conditional Uses 4-8
 d. Area, Yard, Height, and Bulk Requirements 4-9
 e. Required Off-Street Parking..... 4-9
 f. Performance Standards..... 4-9
 g. Required Site Plan Review by Planning Commission 4-9

Section 4.3 RL-1 Single-Family Lake Residential District 1 4-10
 a. Purpose..... 4-10
 b. Permitted Uses 4-10
 c. Conditional Uses 4-10
 d. Area, Yard, Height, and Bulk Requirements 4-11
 e. Required off-Street Parking 4-11
 f. Performance Standards..... 4-11
 g. Required Site Plan Review by Planning Commission 4-11

Section 4.3.5	RL-2 Single-Family Lake Residential District	4-12
a.	Purpose.....	4-12
b.	Permitted Uses.....	4-12
c.	Conditional Uses.....	4-12
d.	Area, Yard, Height, and Bulk Requirements	4-13
e.	Required Off Street Parking.....	4-13
f.	Performance Standards	4-13
g.	Required Site Plan Review by Planning Commission	4-13
Section 4.4	RM-1 Multiple Family Residential District	4-14
a.	Purpose.....	4-14
b.	Permitted Uses.....	4-14
c.	Conditional Uses.....	4-14
d.	Area, Yard, Height, and Bulk Requirements	4-15
e.	Distance Between Grouped Buildings	4-15
f.	Required Off-Street Parking	4-15
g.	Performance Standards	4-15
h.	Required Site Plan Review by Planning Commission	4-15
Section 4.5	MH-1 Mobile Home Residential District.....	4-16
a.	Purpose.....	4-16
b.	Permitted Uses.....	4-16
c.	Conditional Uses.....	4-16
d.	Area, Yard, Height, and Bulk Requirements	4-17
e.	Required Off-Street Parking	4-17
f.	Performance Standards	4-17
g.	Required Site Plan Review by Planning Commission	4-17
Section 4.6	C-1 Local Commercial District 1	4-18
a.	Purpose.....	4-18
b.	Permitted Uses.....	4-18
c.	Conditional Uses.....	4-19
d.	Area, Yard, Height, and Bulk Requirements	4-19
e.	Required Off-Street Parking	4-19
f.	Performance Standards	4-19
g.	Required Site Plan Review by Planning Commission	4-19
Section 4.7	C-2 General Commercial District 2	4-20
a.	Purpose.....	4-20
b.	Permitted Uses.....	4-20
c.	Conditional Uses.....	4-21
d.	Area, Yard, Height, and Bulk Requirements	4-22
e.	Required Off-Street Parking	4-22
f.	Performance Standards	4-22
g.	Required Site Plan Review by Planning Commission	4-22
Section 4.8	1-1 Light Industrial District	4-23
a.	Purpose.....	4-23

b.	Permitted Uses	4-23
c.	Conditional Uses	4-24
d.	Area, Yard, Height, and Bulk Requirements	4-25
e.	Required Off-Street Parking	4-25
f.	Performance Standards	4-25
g.	Required Site Plan Review by Planning Commission	4-25
h.	Required Transition Strip	4-25

ARTICLE V — SCHEDULE OF REGULATIONS 5-1

Section 5.1	Area, Height, Bulk, and Placement Regulations	5-1-5-4
	Zoning District — AG-1 Agriculture.....	5-5
	Zoning District — AG-1 Agriculture (on body of water)	5-6
	Zoning District — RS-1 Single Family Suburban Residential.....	5-7
	Zoning District — RS-2 Single Family Suburban Residential.....	5-8
	Zoning District — RL-1 Single Family Lake Residential.....	5-9
	Zoning District — RL-2 Single Family Lake Residential.....	5-10
	Zoning District — RM-1 Multiple Family Residential	5-11
	Zoning District — RM-1 Multiple Family Residential (on body of water)	5-12
	Zoning District— MH-1 Mobile Home Residential District	5-13
	Zoning District — MH-1 Mobile Home Residential District (on body of water)	5-14
Section 5.2	Compliance with Regulations	5-15
Section 5.3	Height Exceptions	5-15
Section 5.4	Accessory Structure	5-16
Section 5.5	Distance Between Grouped Buildings	5-17
Section 5.6	Transition Strips	5-17
Section 5.7	Lot Building Relationship.....	5-18
Section 5.7.5	Smoke and Carbon Monoxide Detectors.....	5-18
Section 5.8	Setbacks from Bodies of Water/Wetlands	5-18
Section 5.9	Driveway Setback and Sidewalk Setback.....	5-18
Section 5.10	Natural Features.....	5-18
Section 5.11	Required Common Open Space.....	5-19

ARTICLE VI — CONDITIONAL USES 6-1

Section 6.1	Purpose	6-1
Section 6.2	Authority to Grant Permits	6-1
Section 6.3	Application and Fee	6-1
Section 6.4	Site Plan Review Required for Conditional Uses	6-1
Section 6.5	Notification and Public Hearing	6-2
Section 6.6	Required Standards and Findings for Making Determinations	6-2
Section 6.7	Additional Development Requirements for Certain Uses	6-3
	A. Quarries, Mineral Mining, and Extractive Operations	6-3 — 6-19
	AA. Child Care Center Facility	6-20
	AAA. Public and Private Nursery, Primary or Secondary Non-Profit Schools; and College and University	6-20
	B. Junk Yards	6-20
	BB. Indoor and Outdoor Commercial Recreation Establishments.....	6-21

C.	Amusement Enterprises	6-22
D.	Asphalt or Concrete Plant	6-22
E.	Airports	6-27
F.	Amusement Parks	6-28
G.	Automobile Service Stations	6-28
H.	Automobile Repair Garages, including Auto Body Repair	6-29
I.	Commercially Operated Trails	6-29
J.	Country Clubs	6-30
K.	Drive-in Businesses	6-30
L.	Drive-in Theaters	6-31
M.	Feedlots	6-32
N.	Golf Courses	6-32
O.	Golf Driving Ranges.....	6-32
P.	Group or Organized Camp, Camping grounds, and General or Specialized Resorts	6-33
Q.	Hotels or Motels.....	6-33
R.	Landfills.....	6-33
RR.	Medical Marijuana Caregivers Requirements.....	6-36
S.	Travel Trailer Parks (and site condominium travel trailer parks)	6-41
	Vineyard Lake Condo Campground Map.....	6-41
T.	Bed and Breakfast Establishments	6-42
U.	Marinas	6-43
V.	Mini-warehouses	6-43
W.	High Density Animal Feeding Operations	6-44
X.	Limited Residential uses incidental to the primary commercial use	6-48
Y.	Convenience Stores which offer the sale of automobile fuels	6-48
Z.	Veterinarian Establishments	6-49
Section 6.8	Conditional Use Permit, Determination and Imposition of Conditions, Recommendation to Township Board	6-50
Section 6.9	Township Board Approval, Granting of Permit.....	6-50
Section 6.10	Re-application	6-50

ARTICLE VII – SITE PLAN REVIEW AND APPROVAL..... 7-1

Section 7.1	Purpose	7-1
Section 7.2	Buildings, Structures and Uses Requiring Site Plan	7-1
Section 7.3	Application Fee	7-2
Section 7.4	Planning Commission Review of Site Plan	7-2
Section 7.5	Required Data for Site Plan	7-2
Section 7.6	Standards for Site Plan Review	7-9
Section 7.7	Township Board Approval	7-9
Section 7.8	Expiration of Site Plan Certificate.....	7-9
Section 7.9	Amendment, Revision of Site Plan	7-9

ARTICLE VIII – SUPPLEMENTAL REGULATIONS..... 8-1

Section 8.1	Purpose	8-1
-------------	---------------	-----

Section 8.2	Sign Regulations	8-1
8.2.1	Purpose	8-1
8.2.2	Definitions	8-1
8.2.3	General Sign Regulations	8-4
8.2.4	Signs Permitted In All Districts.....	8-5
8.2.5	Prohibited Signs	8-6
8.2.6	Permitted Signs in Agricultural Districts.....	8-6
8.2.7	Permitted Signs in Residential Districts	8-7
8.2.8	Permitted Signs in Commercial, Industrial Districts	8-8
8.2.9	Outdoor Advertising Signs.....	8-10
8.2.10	Temporary Signs	8-11
8.2.11	Exempted Signs.....	8-13
8.2.12	Nonconforming Signs.....	8-14
8.2.13	Permits and Fees.....	8-14
8.2.14	Removal of Signs.....	8-15
8.2.15	Signs for Automobile Service Stations.....	8-16
Section 8.3	Off Street Parking and Loading-unloading Requirements	8-17
Section 8.4	Performance Standards	8-26
Section 8.5	Storage of Materials	8-29
Section 8.6	Sewage Treatment and Disposal Installations.....	8-30
Section 8.7	Mobile Homes.....	8-31
Section 8.8	Traffic Impact Study.....	8-32
Section 8.8.1	Traffic Impact Study Contents	8-32
Section 8.8.2	Submittal.....	8-35
Section 8.9	Planned-unit Residential Development	8-35
Section 8.10	Home Occupation	8-38
Section 8.11	Access to Public Streets	8-39
Section 8.12	Lot Partitions	8-39
A.	Purpose.....	8-39
B.	Authority	8-39
C.	Requirement of Land Divisions	8-40
D.	Lot Division in Recorded Plats	8-41
E.	Division of Unplatted Parcels.....	8-41
Section 8.13	Floor Area Requirements for Dwellings	8-42
Section 8.14	Motor Homes, Travel Trailers, and Tents	8-42
Section 8.15	Fences	8-45
Section 8.16	On Site Sanitation	8-45
Section 8.17	Large Gatherings	8-45
Section 8.18	Fires	8-55
Section 8.19	(RESERVED)	8-58
Section 8.19.5	Funneling.....	8-58
Section 8.20	Mobile Home Subdivisions	8-59
Section 8.21	Protection of Water Quality.....	8-60
Section 8.22	Street Lighting	8-61
Section 8.23	Sidewalks	8-61
Section 8.24	Prohibited Plants List.....	8-62
Section 8.25	Storage of Licensed, Operable Recreational Vehicles, Water Craft, Snowmobiles, and Motorcycles.....	8-63

Section 8.26	Keeping of Animals	8-63
Section 8.27	Adult-Related Business	8-64
A.	Intent	8-64
B.	Definitions	8-64
C.	Site Location Standards	8-66
D.	Site Development Standards	8-66
Section 8.28	Cul-de-sac Lots	8-67

ARTICLE IX – NONCONFORMITIES 9-1

Section 9.1	Nonconforming Uses of Parcels and Lots	9-1
Section 9.2	Nonconforming Buildings and Structures	9-1
Section 9.3	Nonconforming Uses of Buildings and Structures	9-2
Section 9.4	Change of Tenancy or Ownership	9-3
Section 9.5	Substandard, Nonconforming Lots of Record	9-3
	Side yard setback requirements for substandard, nonconforming lots of record	9-3
Section 9.6	Substandard, Nonconforming Lots of Record, Mobile Home Subdivisions ..	9-4
Section 9.7	Nonconforming Quarries, Mineral Mining, and Extractive Operations	9-4
Section 9.8	Substitution and/or Replacement of Single-Wide Mobile Home Dwelling ..	9-5
Section 9.9	Replacement of Decks in Lake Residential Areas	9-8

ARTICLE X – ADMINISTRATION OF THE ORDINANCE..... 10-1

Section 10.1	Purpose.....	10-1
Section 10.2	Administration.....	10-1
Section 10.3	Duties of Building Inspector.....	10-1
Section 10.4	Issuance of Zoning Compliance Permits	10-2
Section 10.5	Issuance of Certificate of Occupancy.....	10-2
Section 10.6	Voiding of Certificate of Occupancy.....	10-2
Section 10.7	Fees, Charges, and Expenses	10-2
Section 10.8	Violations and Penalties: Nuisance per Se: Abatement	10-3
Section 10.9	Public Notification	10-3
Section 10.9.1	Registration to Receive Notice by Mail.....	10-6

ARTICLE XI – BOARD OF APPEALS 11-1

Section 11.1	Board of Appeals Established	11-1
Section 11.2	Duties of the Board of Appeals.....	11-1
Section 11.3	Variance	11-1
Section 11.4	Voiding of and Re-application for Variance	11-2
Section 11.5	Appeals to the Board of Appeals.....	11-3

ARTICLE XII – CONFORMANCE TO COURT DECREE 12-1

TABLE OF CONTENTS (Continued)

SITE CONDOMINIUM DEVELOPMENT ORDINANCE (ORDINANCE NO. 97-34, as amended) . 13-1

- A. Purpose 13-1
- B. Definitions 13-1
 - 1. Area Line 13-1
 - 2. Building Envelope 13-2
 - 3. Condominium Act 13-2
 - 4. Condominium Lot 13-2
 - 5. Condominium Subdivision Plan 13-2
 - 6. Condominium Project 13-2
 - 7. Condominium Unit..... 13-2
 - 8. Contractible Condominium 13-2
 - 9. Convertible Condominium 13-2
 - 10. Expandable Condominium 13-3
 - 11. Lot 13-3
 - 12. Master Deed..... 13-3
 - 13. Township Board. 13-3
 - 14. Township Planning Commission..... 13-3
 - 15. Zoning Ordinance..... 13-3
- C. Condominium Plan - Required Contents 13-3
 - 1. Required Information; Section 66 13-3
 - 2. Facements for Utilities 13-4
 - 3. Private Streets 13-4
 - 4. Encroachment Prohibited 13-4
 - 5. Relocation of Boundaries 13-5
 - 6. Conformity with the Zoning Ordinance 13-5
- D. Site Plan Review Condominium Subdivision Layout, Design, Layout, Design and Approval 13-5
 - 1. Required Information; review and approval procedures 13-5
- E. Condominium Subdivision Approval-Additional Regulations 13-11
 - 1. Initial Information; Section 71 13 - 11
 - 2. Information to be Kept Current 13-12
 - 3. Site Plans - New Projects, Master Deed and Engineering and Inspections 13-12
 - 4. Site Plans - Expandable or Convertible Projects 13-12
 - 5. Master Deed, Restrictive Covenants and "As Built" Survey to be Furnished 13-13
 - 6. Monuments Required - Site Condominium Projects 13-13
 - 7. Monuments Required -All Condominium Projects 13-14
 - 8. State and County Approval 13-14
 - 9. Temporary Occupancy 13-15
 - 10. Single Family Detached Condominiums 13-15
 - 11. Multiple Family, Commercial and Industrial Condominiums 13-15
- F. Amendments 13-15
- G. Severability..... 13-15
- H. Violations and Penalties..... 13-16
- I. Typical Site Condominium Layout 13-17

ARTICLE I
ENACTING CLAUSE, TITLE, PURPOSES, AND LEGAL CLAUSES

Section 1.1 ENACTING CLAUSE.

An Ordinance adopted under authority of, and in accordance with the provisions of the Michigan Zoning Enabling Act No. 110 of the 2006 Public Acts of Michigan, as amended, to establish comprehensive zoning regulations for Norvell Township, Jackson County, Michigan, and to provide for the administration, enforcement and amendment thereof, and the repeal of all ordinances in conflict herewith.

Section 1.2 TITLE.

This Ordinance shall be known and may be cited as "The Zoning Ordinance of Norvell Township."

Section 1.3 PURPOSES.

This Ordinance has been established for the purposes of:

- A. Promoting and protecting the public health, safety, and general welfare;
- B. Protecting the character and stability of the agricultural, recreational, residential, commercial, and industrial areas; and promoting the orderly and beneficial development of such areas; and to prevent the acceleration of surface water run-off onto adjacent properties or bodies of water; as well as the contamination of adjacent properties or bodies of water;
- C. Preventing the overcrowding of land and undue concentration of population by regulating the intensity of use of land and the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, and privacy and to protect the public health;
- D. Lessening and avoiding congestion on public highways and streets;

- E. Providing for the needs of agriculture, recreation, residence, commerce, and industry in future growth to conform with the most advantageous uses of land, resources, and properties, with reasonable consideration of other things, the general and appropriate trend and character of land, building, and population development as studied and recommended by the Norvell Township Planning Commission and the Norvell Township Board.
- F Encouraging the most appropriate use of lands in accordance with their character and adaptability, and prohibiting uses which are incompatible with the character of development permitted within specified zoning districts;
- G. Conserving the taxable value of land and structures;
- H. Conserving the expenditures of funds for public improvements and services;
- I. Protecting against fire, explosion, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of the people.
- J. Providing for the completion, restoration, reconstruction, extension or substitution of non-conforming uses.

Section 1.4 VALIDITY AND SEVERABILITY CLAUSE.

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building, or structure, not specifically included in said ruling.

Section 1.5 CONFLICT WITH OTHER LAWS.

Where any condition imposed by any provision of this Ordinance upon the use of

any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of any ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern. This Ordinance is not intended to abrogate or annul any easement, covenant, or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant, or other private agreement, the provision of this Ordinance shall govern.

Section 1.6 PERIOD OF EFFECTIVENESS.

This Ordinance shall remain in full force and affect henceforth unless repealed.

Section 1.7 EFFECTIVE DATE

This Ordinance was adopted by the Township Board of the Township of Norvell, Jackson County, Michigan at a meeting held on October 13, 1981, and notice ordered published in the Jackson Citizen Patriot, a newspaper having general circulation in said Township, as required by Act 184 of the Public Acts of 1943, as amended.

Date: October 13, 1981, as amended

Adam G. Ulbin, Township Supervisor

Gloria J. Hubbell, Township Clerk

ARTICLE II DEFINITIONS

Section 2.1 DEFINITIONS.

For the purpose of this Ordinance, certain terms are herewith defined. When consistent with the context the present tense includes the future. Words used in the singular number include the plural number, and the plural the singular. The word "shall" is always mandatory and not merely permissive. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The words "used" or "occupied" include the words "intended," "designed," or "arranged" to be used or occupied.

2.1.0 Accessory Use, Building, or Structure:

A non-habitable use, building, or structure of a nature customarily incidental and subordinate to the principal use, building, or structure. This includes decks. (adopted 12/10/21)

2.1.1.1 Accepted Animal Waste Management Practices:

Methods through which animal wastes are handled, stored or utilized in an environmentally accepted manner so that pollutants generated by animal feeding operations and discharged to the waters of the State are reduced to levels compatible with established water quality objectives.

2.1.1.2 Animal Feeding Operation:

- a. Lot or facility where the following conditions are met:
 1. Animals have been, are, or will be, stabled or confined and fed or maintained for a total of 45 days or more, in any 12-month period, and
 2. A sustained ground cover (crops, vegetation; forage growth or post harvest residue) cannot be maintained during the normal growing season over that portion of the lot or facility where the animals are housed or confined.

- b. Two or more animal feeding operations if they are under common ownership and adjacent to each other or if they share a common area or system for waste disposal.
- c. A new animal feeding operation means an animal feeding operation proposed for construction, or an expansion, enlargement, alteration or substantial change in operation of an existing animal feeding operation.

2.1.1.3 Animal Unit:

A unit of measure used to determine the total number of single animal types, or combination of animal types, which are fed, confined, maintained or stabled in an animal feeding operation where one animal unit is equivalent to:

- One (1.0) beef or slaughter cattle
- Seven-tenths (0.7) mature dairy cattle, (whether milked or dry cows)
- Two and five-tenths (2.5) swine, each weighing 55 lbs. or more
- Five-tenths (0.5) horses
- Fifty-five (55) turkeys
- One hundred (100) laying hens or broilers
(if the facility has a liquid manure handling system)
- Five (5) ducks

2.1.1.4 Animal Waste:

Manure, bedding, flush waters or other by-products of commercial agriculture.

2.1.1.8 Aquifer:

A geological formation that is capable of yielding a significant amount of ground water to a well or spring.

2.1.1.12 Asphalt Plant:

An establishment engaged in petroleum refining, manufacturing asphalt-type roofing materials, asphalt and tar paving mixtures; and paving block made of asphalt and various compositions of

asphalt or tar with other materials.

2.1.1.16 Automobile Body Repair Establishment:

A structure and premises used for the primary purposes of automobile refinishing, body work, bumping and painting, or refinishing thereof.

2.1.2 Automobile Service Station:

A structure and premises used for the retail sale or supply of fuels, lubricants, air, water, and other operating commodities for motor vehicles; including the customary space and facilities for the installation of such commodities; and including space for storage, or servicing, such as polishing, washing, cleaning, greasing, oil change, and minor repairs, thereof

2.1.2.5 Bed and Breakfast Establishment:

A use within a single family dwelling unit in which transient guests are provided a sleeping room, breakfast and access to bathing and lavatory facilities in return for payment.

2.1.3 Billboard:

See Outdoor Advertising Sign

2.1.4 Block:

Land bounded by streets or by a combination of streets and public parks, cemeteries, railroad right-of-ways; bulkhead lines or shorelines; or the corporate boundary lines of the township.

2.1.5 Board of Appeals:

The Township Board of Appeals of the Township of Norvell, Jackson County, Michigan.

2.1.6 Boarding House or Rooming House:

A dwelling where meals and/or lodging are provided for compensation to persons by prearrangement for definite periods of time.

2.1.6.3 Body of Water:

A Lake or Stream.

2.1.6.5 Bog:

A peatland which is isolated from ground or surface water (only significant water inputs are directly from rain) and dominated by mosses (Sphagnum), shrubs, sedges, and evergreen trees such as black spruce and tamarack.

2.1.7 Building/Structure:

An enclosed structure having a roof supported by columns, walls, or other devices and used for the housing, shelter, or enclosure of persons, animals, or chattels. (adopted 12/10/21)

2.1.8 Building Area:

The total area taken on a horizontal plane at the largest floor level of a building and of all accessory buildings on the same lot exclusive of unroofed porches, terraces, patios, and steps; and of awnings and non-permanent canopies.

2.1.9 Building Height

The vertical distance measured from grade to the highest point of the roof. For a principal and/or accessory building, the measurement shall be taken at the point where the building is closest to the street upon which the lot frontage is located.

2.1.10 Building Inspector:

The Township Building Inspector of the Township of Norvell, Jackson County, Michigan.

2.1.11 Central Sanitary Sewerage System:

Any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public a sanitary sewerage disposal system from a central location or plant.

2.1.11.5 Child Care Facility:

A building and premises used to provide group care for children, including, but not limited to preschool, and private kindergartens.

2.1.11.6 Concrete Plant:

An establishment primarily engaged in manufacturing cement, including cement delivered to a purchaser in a plastic and/or unhardened state. This industry includes production of products from a combination of cement and aggregate.

2.1.11.15 Clinic:

An establishment where human patients are admitted for examination and treatment by a group of physicians, dentists or similar professionals on an outpatient basis. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation.

2.1.11.17 Clubs:

The building and facilities owned or used by a nonprofit organization of persons for special purposes or for the promotion of sports, arts, sciences, literature, politics, social activities, and other similar group activities.

2.1.11.20 Commercial Agriculture:

The use of land and/or structures for the growing and/or production of farm products for income.

2.1.11.25 Commercial Fueling Station:

An unmanned automated fuel service facility which dispenses gasoline and diesel fuel exclusively to commercial fleet vehicles.

2.1.12 Conditional Use:

A use which is subject to conditional approval by the planning commission and the township board. A conditional use may be granted only when the specific provisions of this Ordinance are complied with. A conditional use is not considered to be a nonconforming use.

2.1.13 Court (Open Space):

An open space, on the same lot with a building or group of buildings and which is bounded on two or more sides by such building or buildings.

2.1.13.5 Cul-de-sac:

A dead end public or private street, generally short in distance, which terminates in a circular or semi-circular section of street which allows for vehicle turnaround.

2.1.13.6 Deck:

A platform constructed of wood or other materials, which is attached or unattached to a dwelling unit, and commonly used for leisure activities.

2.1.14 Drive-in:

A business establishment so developed that its retail or service character is primarily dependent on providing a driveway approach or parking spaces for motor vehicles so as to service patrons while in the motor vehicles as well as within the building or structure.

2.1.15 Dwelling Area:

The dwelling area of a dwelling unit is composed of sleeping rooms, kitchen, dining room, den, studio, bathrooms, family and living rooms.

2.1.16 Dwelling:

One or more rooms for the use by one family only, as a housekeeping unit with space for a kitchen and bathroom facilities, living and sleeping areas.

2.1.17 Dwelling-Single-Family:

A detached building, including a manufactured home, premanufactured home, or conventionally constructed home, designed for or occupied by one family only, which complies with the following standards:

- a. Dwellings shall comply with the minimum square footage requirements of this ordinance as specified in Section 8.13.
- b. Dwellings in the RS-2 Single-Family Suburban Residential District shall have a minimum width of twenty (20) feet across every section. Dwellings in all other districts shall have a minimum width of twenty-four (24) feet across every section. (Attached enclosures designed to be used as a year-round living area shall meet the minimum width requirements of this section.)
- c. All habitable rooms shall have a minimum height as required in the Norvell Township Building Code. Where dwellings are required to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different from those imposed by the Norvell Township Building Code, then and in that event such federal or state standard or regulation shall apply.
- d. For health and safety reasons, all dwellings shall be firmly attached to a permanent foundation constructed on the site in accordance with the township building code, manufacturer specifications and/or all other state and federal regulations.

- e. Towing mechanisms, including axles, shall be removed from all homes at the time of installation and stored so as to not be visible to the community.
- f. Dwellings shall be connected to a public water and sewer system, if available, or to private facilities approved and certified by the Jackson County Health Department.
- g. Dwellings shall have, as a minimum, a 4.0 to 12-pitch roof.
- h. Roof drainage (gutter and downspout): Dwellings shall have a controlled method of water disposal from roofs that will collect and discharge all roof drainage to the ground surface at least ten (10) feet from foundation walls to an approved drainage system.
- i. For all exterior door openings, dwellings shall contain a stairway or ramp connected to a landing and/or porch.

Dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Inspector upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Inspector's decision. Any determination of compatibility shall be based upon the standards set both in the definition of "dwelling" as well as the character of residential development outside of manufactured housing communities within 1,000 feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20) percent of said area; or, where said area is not so developed, by the character of residential development outside of manufactured housing communities throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

- k. Dwellings shall contain no additions or rooms or other areas which are not constructed with similar materials and which are similar in appearance and which have similar quality of workmanship as the original structure, including the above-described foundation and permanent attachment to the principal structure.
- 1. Dwellings shall comply with all pertinent building and fire codes. In the case of mobile homes, the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards," effective June 15, 1976, as amended, shall apply. However, in no case shall a manufactured home be more than ten (10) years old at the time of placement on a lot.
- m. Dwellings shall be properly maintained against deterioration and/or damage from the elements or otherwise by prompt and appropriate repairs, surface coating, and other appropriate protective measures.
- n. The foregoing standards shall not apply to a mobile home located in a licensed manufactured housing community or mobile home subdivision except to the extent required by state or federal law or otherwise specifically required in this ordinance pertaining to such communities or subdivisions.

2.1.18 Dwelling - Two-Family:

A detached building designed for or occupied by two families only, with separate housekeeping and space for a kitchen and bathroom facilities, living and sleeping areas for each unit.(Standards in Section 2.1.17. (a) through (m), shall apply.)

2.1.19 Dwelling - Multiple-Family:

A building designed for or occupied by three or more families, with separate housekeeping and space for a kitchen and bathroom facilities, living and sleeping areas for each unit. (Standards in Section 2.1.17. (a) through (m), shall apply.)

2.1.20 Easement:

Any private or dedicated public way other than a street, providing a secondary means of access to a property having a width of not less than twenty-five (25) feet.

2.1.20.5 Erosion:

The process by which soil particles are detached and transported by water, ice, wind, and gravity down slope or to some downstream point.

2.1.21 Essential Services:

The erection, construction, alteration, or maintenance by public utilities or municipal departments, commissions, or boards, of underground or overhead gas, electric, steam or water transmission or distributing systems, collection, communications, supply or disposal systems, dams, weirs, culverts, bridges, canals, locks, including poles, wires, mains, drains, sewers, towers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals or signs and fire hydrants, and other similar equipment and accessories in connection therewith, for the general public health, safety, convenience, or welfare, but not including buildings or maintenance depots.

2.1.22 Family:

One or more persons living together in a room or rooms comprising a single housekeeping unit and related by blood, marriage, or adoption, and including the domestic employees thereof; or up to three (3) people not so related by blood, or adoption. A family is distinguished from a group occupying a rooming house, board house, lodging house, club, fraternity house, hotel, motel, or tourist home.

2.1.22.1 Farm:

A farm is real property used for the growing and/or production of farm products for income comprising at least five (5) contiguous acres.

2.1.22.2 Farm Animals:

Livestock including beef and dairy, goats, hogs, horses, poultry, sheep and other fur bearing animals, including but not limited to, mink.

2.1.22.4 Fen:

A type of peat land that receives mineral rich inputs of ground or surface water and dominated by sedges and other grass-like vegetation.

2.1.23 Free-Standing Identification Sign:

A sign designed to identify to persons not on the premises only the title of the business or profession conducted on the premises, and **supported by a structural frame independent of any other structure.**

2.1.24 Floor Area:

The sum of the gross horizontal areas of the several stories of a building excluding cellar and basement floor area, but including the area of walled and roofed porches and terraces. Dimensions for computing floor area shall be measured between exterior faces of walls.

2.1.24.5 Funneling:

The use of an inland waterfront property, parcel, or lot as common open space to serve as waterfront access for a separate, multi-family development, or property containing more than one parcel, lot or housing unit, which development or property is located away from the waterfront. More particularly, funneling is the use of a waterfront property, parcel, or lot contiguous to a body of water for access to such body of water by the owners, leasers, occupants, or licensees of any of the following types of property, if such property contains more than one parcel or lot, or more than one dwelling unit:

- a. Non-waterfront property under a separate legal description on the Jackson County Tax Roll or property

acquired under a separate deed on file with the Jackson County Register of Deeds;

- b. Non-waterfront property, if such property contains more than one dwelling unit;
- c. Property separated from shoreline properties by a public road.
- d. Funneling restrictions shall apply to any lot or parcel of land described by metes and bounds regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease.

The term funneling, as used herein, shall not include any public use of a public park or public access site provided or maintained by any unit of state, county or local government.

2.1.25 Garage-Commercial:

Any building available to the public operated for gain and which is used for storage, rental, greasing, washing, servicing, repairing, or adjusting of automobiles or other motor vehicles.

2.1.26 Garage-Private:

Any accessory building or structure used principally for storage of automobiles and for other incidental storage purposes only.

2.1.26.2 Greenbelt:

A vacant space abutting a body of water and intended to preserve water quality and to maintain the view of the water, which shall remain unoccupied.

2.1.26.5 High Density Animal Feeding Operation:

An animal feeding operation that houses or confines farm animals whose number total 300 or more animal units

2.1.27 Home Occupation:

An occupation that is traditionally and customarily carried on in the home being primarily incidental to the principal residential use. (Also see Article VIII Section 8.10)

2.1.28 Hotel: A building or structure or part thereof, occupied as the more or less temporary abiding place of individuals, in which the rooms are usually occupied singly for hire and in which no provisions for cooking are made, and in which building there may be a general kitchen, and/or public dining room for the accommodation of the occupants. The word "hotel" shall not include a "motel" or "motor court."

2.1.28.5 Hydro geologic Study:

A study which provides an evaluation of existing soils and ground water with respect to the ability of the soil to support septic systems, and other types of analyses.

2.1.29 Junk Yard:

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

2.1.30 Kennel:

Any premise on which three (3) or more dogs, cats, or similar animals are confined either permanently or temporarily for purposes of breeding, boarding, sale, leasing, or training for compensation

2.1.30.5 Lake:

A natural or permanent artificial inland body of water or impoundment that has definite banks, a bed, visible evidence of a continued occurrence of water, and a surface area of water that is more than 5 acres.

2.1.31 Lot:

A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area; and to provide such yards and other open spaces as herein required. Such lot may consist of a single lot of record; a portion of a lot of record, or contiguous portions of lots of record; or a parcel of land described by metes and bounds.

2.1.32 Lot Area:

The area within the lot lines, but excluding that portion in a road or street right-of-way, and/or lakes and streams.

2.1.32.5 Lot, Contiguous:

Two (2) or more parcels that share a common property line, or are divided by a public street, and under the same ownership.

2.1.33 Lot Corner:

A parcel of land at the junction of, and fronting or abutting on, two or more intersecting streets.

2.1.34 Lot Coverage:

The percentage of the lot occupied by buildings or structures, including accessory buildings, structures, and hydro impervious substances such as, concrete or asphalt driveways, patios and walkways. (Adopted 12/10/21)

2.1.35 Lot Depth:

The average distance between the front and rear line of a lot measured in the general direction of its side lot lines.

2.1.36 Lot, Platted:

A lot which is part of a subdivision and is shown on a map

thereof which has been recorded in the office of the Register of Deeds of Jackson County.

2.1.37 Lot of Record:

A lot which is part of a subdivision and is shown on a map thereof which has been recorded in the office of the Register of Deeds of Jackson County, or a lot described by metes and bounds, the deed to which has been recorded in said office of the Register of Deeds.

2.1.38 Lot, Through or Double Frontage:

An interior lot having frontage on two parallel or approximately parallel streets.

2.1.39 Lot Width:

The width of the lot measured at the required front yard setback line, and extending to a depth at least equal to the minimum lot width requirement of the zoning district in which the lot is located.

2.1.39.5 Manufactured Housing Community:

A parcel or tract of land of not less than fifteen (15) acres, under the control of a person upon which three (3) or more mobile homes are located in a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

2.1.39.6 Manufactured Home:

A structure, transportable in one (1) or more sections, which is built on a chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure, excluding, however, a vehicle designed and used as a temporary living quarters for recreational, camping, or travel purposes

including a vehicle having its own motor power or a vehicle moved on, or drawn by, another vehicle.

2.1.40 Manufacturing:

The process of converting, treating, or processing of raw material or previously processed material into another form.

2.1.41 Marina:

A commercial business dealing primarily with water related services and merchandise.

2.1.42 Marsh:

A frequently or continually inundated wetland characterized by grass like and other emergent vegetation adapted to saturated soil conditions.

2.1.42.5 Mini-Warehouse:

A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares.

2.1.43 Mobile Home:

For the purpose of this Ordinance, the term mobile home is herewith defined as a "Manufactured Home."

2.1.44 Mobile Home Site:

A plot of ground within a manufactured housing community designed for accommodation of a mobile home.

2.1.45 Mobile Home Stand:

That part of a mobile home site designed for the placement of a mobile home, attached appurtenant structures, or additions, including expandable rooms, enclosed patios, garages or structural additions.

2.1.46 Motel:

Any establishment in which individual cabins, courts, or similar structures or units, are let or rented to transients for periods of less than thirty (30) days. The term "motel" shall include tourist cabins and motor courts. A motor court or motel shall not be considered or construed to be either a multiple dwelling, a hotel, or a trailer coach park.

2.1.46.5 Motor Home:

A vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit capable of motoring under its own power.

2.1.47 Nonconforming Building or Structure:

A building or structure lawfully existing at the effective date of this Ordinance, or amendments thereto that does not conform to the requirements of the district in which it is situated.

2.1.48 Nonconforming Use:

A structure, building, plot, premise or land lawfully occupied by a use at the effective date of this Ordinance, or amendments thereto, that does not conform to the regulations of the district in which it is situated.

2.1.48.5 Noxious Weeds:

Plants found within the following list:

Plumeless thistle (*carduus acanthoides*)

Musk thistle (*carduus nutans*)

Bull thistle (*cirsium vulgare*)

Goldenrod (*genus solidago, family compositae*)

Ragweed (*ambrosia elatior*)

Poison sumac (*toxicodendron vernix*)

Poison ivy (*rhus toxicodendrum*)

Purple loosestrife (*lythrum spp.*)

2.1.49 Off-Street Parking Area:

A land surface or facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of automobiles.

2.1.50 Outdoor Advertising Sign or Billboard:

Any sign situated on private premises on which the written or pictorial information is not directly related to the principal use of the land on which such sign is located.

2.1.51 Outlot:

A lot, included within the boundary of a recorded plat, set aside for purposes other than a building site; such as a park, common open space, or other land dedicated to public use or reserved for private use.

2.2.52 Parcel:

A piece or tract of land in single or joint ownership.

2.1.53 Parking Space:

One unit of a parking area provided for the parking of one (1) automobile.

2.1.53.3 Person:

An agency, company, organization, firm, association, partnership, joint venture, corporation, trust or equivalent entity or a combination of any of them as well as a natural person.

2.1.53.5 Powercraft:

Watercraft containing a mechanical power unit as its main source of power or as a secondary or auxiliary source of power.

2.1.54 Public Street:

A public right-of-way which is certified and maintained by the Jackson County Road Commission.

2.1.55 Quarry, Mineral Mining, or Extractive Operations:

Any pit, excavation, or mining operation for the purpose of searching for or removing from the premises any earth, rock, sand, gravel, clay, stone, slate, marble, or other nonmetallic mineral in excess of fifty (50) cubic yards in any calendar year. This shall not include any excavation preparatory to the construction of a building site/or structure of less than two hundred fifty (250) cubic yards in any calendar year.

2.1.55.10 Retail Store:

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

2.1.56 Riding Academy:

Any establishment where horses are kept for riding, driving, or stabling for compensation; or incidental to the operation of any club, association, ranch, or similar establishment.

2.1.56.1 Riparian:

Adjacent to a body of water, a person who resides on a shoreline property.

2.1.56.5 Riparian Property:

Properties which abut a body of water.

2.1.57 Roadside Stand:

A temporary building or structure operated for the purpose of selling produce raised or produced on the premises where situated, provided at least fifty (50) percent of the agricultural products being sold are raised on the premises where situated, and its use shall not make a commercial district, nor shall its use be deemed a commercial activity.

2.1.57.5 Sapling:

Woody vegetation between 0.4 and 5.0 inches in diameter at breast height and greater than or equal to 20 feet in height, not including woody vines.

2.1.57.7 Shrub:

Woody vegetation usually greater than 3 feet but less than 20 feet tall, including multi-stemmed, bushy shrubs and small trees and saplings.

2.1.58 Sign:

Any device designed to inform, or attract the attention or persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations herein:

- a. Signs not exceeding one (1) square foot in area bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises but not having commercial connotations;
- b. Flags and insignias of any government except when displayed in connection with commercial connotations;
- c. Legal notices; identification, information, or directional signs erected, or required by governmental bodies;
- d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- e. Signs directing and guiding traffic and parking to private property, but bearing no advertising matter.

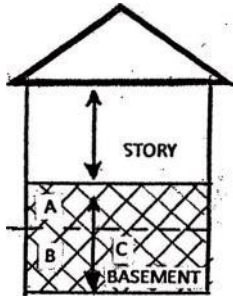
Also, see Outdoor Advertising Sign, and Free-Standing Identification Sign.

2.1.59 State Licensed Residential Facility:

A structure constructed for residential purposes that is licensed by the state which provides resident services for six (6) or fewer persons under twenty-four (24) hour supervision or care for persons in need of that supervision.

2.1.60 **Story:**

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it then the space between any floor and the ceiling next above it.

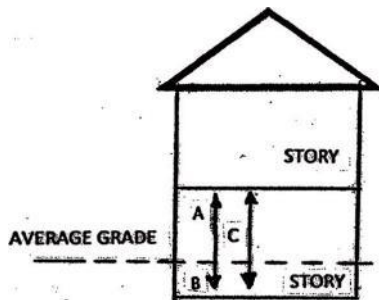


AVERAGE GRADE
- -

"A" LESS THAN "B"
"C" IS BASEMENT

2.1.61 **Story, One-Half:**

A story under the gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls, or not more than two (2) feet above the floor of such story and the floor area shall not exceed two-thirds (2/3) of the area of the floor below.



"A" GREATER THAN it
"C" IS Yrbay

2.1.61.5

Stream:

A body of water which has definite banks, a bed and visible evidence of a continued flow or continued occurrence of water, either permanent or intermittent.

2.1.62

Street:

A public or private thoroughfare which affords the principal means of access to abutting property.

2.1.63

Street Line:

The dividing line between the street right-of-way and the lot.

2.1.64

Structure:

Anything constructed, erected or placed with a fixed location on the surface of the ground, excluding but not limited to, decorative items such as bird houses/feeders, flag poles, trellises and mailboxes. (Amended 8/14/13)

2.1.64.5

Swale:

A low-lying or depressed and often wet stretch of land.

2.1.64.7

Swamp:

A forested wetland.

2.1.64.9

Township Board of Appeals:

The Board of Appeals of the Township of Norvell, Jackson County, Michigan.

2.1.65

Township Board:

The Township Board of the Township of Norvell, Jackson County, Michigan.

2.1.65.5 Township Planning Commission:

The Planning Commission of the Township of Norvell, Jackson County, Michigan.

2.1.66 Travel Trailer:

A vehicle designed as a travel unit for occupancy as a temporary or seasonal living unit, capable of being towed by a passenger vehicle.

2.1.66.5 Tree:

A woody plant 5 inches or greater in diameter at breast height and 20 feet tall.

2.1.66.7 Upland:

Any area that does not qualify as a wetland because the associated hydrologic regime is not sufficiently wet to elicit development of vegetation, soil, and/or hydrologic characteristics associated with wetlands.

2.1.67 Variance:

A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area and size of yards and open spaces and parking space; establishment of expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning districts.

2.1.67.3 Vegetative Strip:

Vegetation in its native state which remains undisturbed to preserve wetlands.

- 2.1.67.3** **Vegetative Strip:** Vegetation in its native state which remains undisturbed to preserve wetlands.
- 2.167.5** **Wetlands:** Those lands defined in Section 324.30301 (d) of Part 303, Wetlands Protection Act, 1994 Public Act 451, as amended.
- Wetlands have the following characteristics and functions:
1. Wetlands filter runoff, removing nutrients and other contaminants prior to their introduction into a lake or stream.
 2. During flood time, fish access wetland areas, using them for feeding, spawning, nursery and cover habitat.
 3. Wetlands provide breeding, loafing, cover, feeding and nesting habitat for a variety of marsh birds and waterfowl, escape cover and breeding habitat for fur bearers and cover and feeding habitat for upland wildlife species.
 4. Wetlands also provide valuable production habitat for reptiles, amphibians and macro invertebrates which are a vital part of the food web.
- 2.1.67.6** **Wetland Boundary:** The point on the ground at which a shift from wetland to upland occurs.
- 2.1.67.7** **Wetland Delineation:** The process by which the boundaries of a particular wetland are defined.
- 2.1.67.8** **Wild Animal:** Any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild animals shall include all animals defined as such by the Michigan Department of Natural Resources.
- 2.1.67.9** **Wireless Communication Facility:** All structural facilities, attached or accessory, related to the radio frequency spectrum for the purpose of transmitting or receiving radio

signals including radio and television towers, cellular telephone and paging devices, telephone devices and exchanges, microwave relay tower, telephone transmission equipment buildings, and commercial mobile radio service facilities. (Not included are facilities for citizen band radio; short wave radio; ham and amateur radio; television reception antennae; satellite dishes; and governmental facilities which are subject to state and federal law.)

Wireless communication facilities shall be specifically excluded from the definition of public utility.

- 2.1.67.95** **Wireless Communication Support Structure:** Any structure used to support attached wireless communication facilities, or other antennae or other facilities, including support lines, cables, wires, braces and masts intended primarily for the purpose of mounting an attached wireless communication facility or similar apparatus above grade, including any ground or roof-mounted pole, monopole, or other similar structures which support wireless communication facilities.
- 2.1.68** **Yard, Front:** An open unoccupied space extending the full width of the lot and situated between the street line and the front line of the principal building.
- 2.1.69** **Yard, Rear:** An open unoccupied space extending the full width of the lot and situated between the rear line of the lot and the rear line of the principal building.
- 2.1.70** **Yard, Side:** An open unoccupied space on the same lot with the principal building, situated between the side line of the principal building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. Roof overhangs of up to two (2) feet in width shall be permitted to extend into side yards. In addition, window wells shall be permitted to extend no more than three (3) feet into required side yards. Well may be covered by a grate or other device which both allows light to pass through and will not impede emergency passage.

The window well shall be no higher than one (1) inch above the surface of the ground, measured where the window well is attached to the foundation. Side yard setback requirements are established to impede the spread, and facilitate the suppression of fire; facilitate access of rescue and emergency vehicles, personnel, and equipment; reduce noise; and provide for adequate light and air circulation between buildings.

2.1.71 **Zoning Administrator:** The township zoning administrator of the Township of Norvell, Jackson County, Michigan

2.1.71.5 **Zoning Inspector:** The township zoning inspector of the Township of Norvell, Jackson County, Michigan.

Section 2.2 UNDEFINED TERMS

Any term not defined herein shall have the meaning of common and standard use.

**ARTICLE III
ESTABLISHMENT OF ZONING DISTRICTS**

Section 3.1 ESTABLISHMENT OF ZONING DISTRICTS.

The Township of Norvell is hereby divided into the following zoning districts as shown on the Official Zoning Map, which together with all explanatory matter shown thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

AG-1 District:	Agricultural District
RS-1 District:	Single-Family Suburban Residential District 1
RS-2 District:	Single-Family Suburban Residential District 2
RL-1 District:	Single-Family Lake Residential District 1
RL-2 District:	Single-Family Lake Residential District 2
RM-1 District:	Multiple-Family Residential District
MH-1 District:	Mobile Home Residential District
C-1 District:	Local Commercial District 1
C-2 District:	General Commercial District 2
I-1 District:	Light Industrial District

Section 3.2 PROVISION FOR OFFICIAL ZONING MAP

For the purpose of this Ordinance, the zoning districts as provided in Section 3.1 of this Ordinance are bounded and defined as shown on a map entitled "Official Zoning Map of Norvell Township" which, with all explanatory matter thereon, is hereby made a part of this Ordinance.

Section 3.2.1 IDENTIFICATION OF OFFICIAL ZONING MAP.

The Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, under the following words: "This is to certify that this is the Official Zoning Map referred to in the "Zoning Ordinance of Norvell Township," together with the effective date of this Ordinance. The Official Zoning Map shall be located in the Office of the Township Clerk and available for examination.

Section 3.3 INTERPRETATION OF DISTRICT BOUNDARIES.

Except where specifically designated on the Official Zoning Map, the zoning district boundary lines are intended to follow lot lines; the center lines of streets or alleys; the center lines of creeks, streams, or rivers; the center lines of streets or alleys projected; center lines of railroad rights-of-way lines; section lines; one-quarter section lines; one-eighth section lines; or a corporate limit line; all as they existed at the time of the enactment of this Ordinance, as subsequently modified and designated as such boundary line. Where a district boundary does not coincide with any of the above lines, the district boundary lines shall be dimensioned on the Official Zoning Map. When the location of a district boundary is uncertain, the Board of Appeals shall interpret the exact location of the district boundary.

Section 3.4 AUTHORITY TO GRANT ZONE CHANGE

The Township Board may, from time to time, on recommendation from the Planning Commission or on its own motion amend, modify, supplement, or revise the district boundaries or the provisions and regulations herein established, in accordance with the procedure of Act 184 of the Public Acts of 1943 as amended, whenever the public necessity and convenience and the general welfare requires such amendment. Said amendment may be initiated by resolution of the Township Board, the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Township Board or the Planning Commission, the petition requesting an amendment shall at the time of application pay a fee established by resolution of the Township Board, no part of which shall be returnable to the petitioner. Upon holding a public hearing the Planning Commission shall recommend approval or disapproval to the Norvell Township Board. The Norvell Township Board shall review all the evidence and recommendations supplied to them by the Planning Commission and shall approve or disapprove the zoning request at a Township Board meeting.

Section 3.5 AUTHORITY OF OFFICIAL ZONING MAP

Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the Township, shall be the final authority as to the current zoning status of any land, parcel, lot, building, or structure in the Township.

Section 3.6 REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of change made thereto. The Township Board may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions on the prior Official Zoning Map, but no such correction shall have the effect of amending the Zoning Ordinance or the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Norvell Township adopted on October 13, 1981, as amended."

**ARTICLE IV
ZONING DISTRICT REGULATIONS**

Section 4.1 AG-1 AGRICULTURAL DISTRICT.

a. Purpose:

This district is composed of those areas of the Township whose principal use is and ought to be farming. The regulations of this district are designed to conserve, stabilize, enhance, and develop farming and related resource-utilization activities, to minimize conflicting uses of parcels, lots, buildings, and structures detrimental to or incompatible with farming activities, and to prohibit uses of parcels, lots, buildings, and structures which require streets, drainage, and other public facilities and services of a different type of quantity than those normally required by farming activities.

b. Permitted Uses:

The following uses of parcels, lots, buildings, and structures are permitted in this district:

1. Single-family dwelling.
2. State Licensed Residential Facilities, except that no State Licensed Facility shall be located within 1500 feet of another State Licensed Residential Facility.
3. General and specialized farming and agricultural activities including the raising or growing of crops, livestock, poultry and other farm animals, products and foodstuffs, the quartering, storage, or preservation of said crops, livestock, poultry, animals, products and foodstuffs until consumed on the premises or until moved to a place of collection, distribution or processing; and the incidental sale of the crops, products and foodstuffs raised or grown on a lot or in a building or structure. Any lot that is kept as idle cropland or non-cropland shall be so treated as to prevent soil erosion by wind or water.
4. The raising or keeping of furbearing animals, horses, ponies, and other animals whether for profit or pleasure.
5. The raising or growing of plants, trees, shrubs, and nursery stock.

6. Roadside stand — provided that:
 - a. The stand is less than one hundred (100) square feet or less in size.
 - b. Roadside stand structures shall be located a minimum distance of twenty-five (25) feet from the edge of the road, and no closer than ten (10) feet from any lot line.
 - c. Adequate off-street parking shall be provided with safe ingress and egress to the adjacent street.
7. Public and private conservation and/or recreational areas, such as: forest preserve, game refuge, nature reservation, and similar public and private areas of low intensity use.
8. The growing, stripping, and removal of sod provided that said lot or portion thereof shall be reseeded after stripping by fall of the year in which it was stripped so as to reduce erosion of soil by water or wind.
9. Kennels:
 - (a) Buildings wherein animals are kept, dog runs, and /or exercise areas shall not be located closer than one hundred fifty (150) feet to any adjacent dwelling, agricultural or residential district property line or any building used by the general public and shall not be located in any required yard setback areas.
 - (b) Parking facilities shall be subject to a required front yard setback of thirty-five (35) feet.
 - (c) Shall be effectively screened by a hedge, wall, or solid fence at least three (3) feet above the highest point of the kennel or building which it screens.

10. A sign, only in accordance with the regulations specified in Article VIII, Section 8.2.
11. An accessory use, building, or structure.
12. Essential service structures.

c. Conditional Uses

The following uses of parcels, lots, buildings, and structures are permitted in this district subject to obtaining a conditional use permit as provided in Article VI.

1. Quarries, mineral mining and extractive operations.
2. Camping grounds, clubs, hunting lodges and riding academies.
3. Commercially operated trails for use by motorcycles, dune buggies, go-karts, snowmobiles, and similar types of vehicles; automobile racing, and animal racing.
4. Amusement enterprises.
5. Airport.
6. Radio or television sending or boosting station.
7. Public and private nursery, primary, or secondary nonprofit schools; and college and university.
8. Hospital, nursing home, sanitarium or other medical care facilities.
9. Churches and other buildings for religious worship.
10. Government or community owned buildings.
11. Cemetery.
12. Golf driving range, golf course, and country clubs.
13. Travel trailer park and/or site condominium travel trailer park, in accordance with P.A. 368 of 1978, as amended.
14. Feedlots.
15. Landfills.
16. Junk Yards.
17. Home occupation in accordance with Article VIII, Section 8.10.
18. High Density animal feeding operations.
19. Indoor and Outdoor Commercial Recreation Establishments.
20. Bed and Breakfast Establishment.

21. Veterinarian establishments, including animal clinics.
22. Child Care Facility.

d. Area, Yard, Height, and Bulk Requirements

As required in Article V, Section 5.1.

e. Required Off-Street Parking

As required in Article VIII, Section 8.3.

f. Performance Standards

As required in Article VIII, Section 8.4.

g. Required Site Plan Review by Planning Commission:

(for conditional use only) as required in Article VII.

**Section 4.2 RS-1 SINGLE-FAMILY SUBURBAN
RESIDENTIAL DISTRICT 1.**

a. Purpose:

This district is composed of those areas of the Township whose principal use is and ought to be single-family dwellings on moderately small-sized lots. The regulations of this district are designed to create a predominantly suburban character in those areas which are served by central sewer and water supply systems or areas where these facilities can reasonably be expected in the future. In addition to the dwellings permitted in this zoning district, certain residential and public uses are permitted which have been strictly regulated to make them compatible with the principal uses of this district.

b. Permitted Uses:

The following uses of parcels, lots, buildings, and structures are permitted in this district:

1. A single-family dwelling.
2. A sign, only in accordance with the regulations specified in Article VIII, Section 8.2.
3. State Licensed Residential Facilities, except that no State Licensed Residential Facility shall be located within 1500 feet of another State Licensed Residential Facility.
4. An accessory use, building, or structure.
5. Essential services structures.

c. Conditional Uses:

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article VI.

1. Golf course, but not including golf driving range.
2. Country club, public swimming pool, recreation club, and public and private park and playground.
3. Churches and other buildings for religious worship.
4. Public and private nursery, primary, and secondary nonprofit schools.

5. Government or community owned buildings.
6. Two-family dwellings.
7. Home occupation in accordance with Article **VIII**, Section 8.10.
8. Child Care Facility.

d. Area, Yard, Height, and Bulk Requirements:

As required in Article V, Section 5.1.

e. Required Off-Street Parking:

As required in Article **VIII**, Section 8.3.

f. Performance Standards:

As required in Article **VIII**, Section 8.4.

g. Required Site Plan Review by Planning Commission:

(for conditional use only) as required in Article **VII**.

Section 4.2.5 RS-2 SINGLE-FAMILY SUBURBAN RESIDENTIAL DISTRICT 2.

a. Purpose:

This district is composed of three subdivisions in the Township; First Addition to Sunset Beach, Sunset Beach and Vineyard Lake Heights; whose principal use is, and ought to be, single-family dwellings on small-sized lots. The regulations of this district are designed to create a predominantly suburban character in these areas where sewer and water facilities are proposed to be provided. In addition to the dwellings permitted in this zoning district, certain residential and public uses are permitted which have been strictly regulated to make them compatible with the principal uses of this district.

b. Permitted Uses:

The following uses of parcels, lots, buildings, and structures are permitted in this district:

1. A single-family dwelling.
2. A sign, only in accordance with the regulations specified in Article VIII, Section 8.2.
3. State Licensed Residential Facilities, except that no State Licensed Residential Facility shall be located within 1500 feet of another State Licensed Residential Facility.
4. An accessory use, building, or structure.
5. Essential services structures.

c. Conditional Uses

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article VI.

- 1 (Reserved)
2. Country club, public swimming pool, recreation club, and public and private park and playground.
3. Churches and other building for religious worship.
4. Public and private nursery, primary, and secondary nonprofit schools.

5. Government or community owned buildings
6. (Reserved)
7. Home occupation in accordance with Article **VIII**, Section 8.10

d. Area, Yard, Height, and Bulk Requirements:

As required in Article V, Section 5.1

e. Required Off-Street Parking:

As required in Article **VIII**, Section 8.3

f. Performance Standards

As required in Article **VIII**, Section 8.4

g. Required Site Plan Review by Planning Commission :

(for conditional use only) as required in Article **VII**.

Section 4.3 RL-1 SINGLE-FAMILY LAKE RESIDENTIAL DISTRICT 1.

a. Purpose:

This district is composed of those areas of the Township whose principal use is and ought to be single-family dwellings on small-sized lots. This district is intended to apply to lake developments existing as of the date of adoption of this amendment, February 11, 2004. The regulations of this district are designed to preserve and enhance those areas which are residentially developed near a body of water. In addition to the dwellings permitted in the zoning district, certain residential and public uses are permitted which have been strictly regulated to make them compatible with the principal use of this district.

b. Permitted Uses:

The following buildings and structures, and use of parcels, lots, buildings and structures are permitted in this district:

1. A single-family dwelling.
2. A sign, only in accordance with the regulations specified in Article VIII, Section 8.2.
3. State Licensed Residential Facilities, except that no State Licensed Residential Facility shall be located within 1500 feet of another State licensed Residential Facility.
4. An accessory use, building, or structure.
5. Essential service structures.

c. Conditional Uses:

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article VI.

1. (Reserved)
2. Country club, public swimming pool, and recreation club, public and private park, and playgrounds.
3. (Reserved)
4. Church and other buildings for religious worship.

5. (Reserved)
6. Home Occupation in accordance with Article VIII, Section 8.10.

d. Area, Yard, Height, and Bulk Requirements

As required in Article V, Section 5.1.

e. Required Off-Street Parking

As required in Article VIII, Section 8.3.

f. Performance Standards:

As required in Article VIII, Section 8.4.

g. Required Site Plan Review by Planning Commission:

(for conditional uses only) as required by Article VII.

Section 4.3.5 RL-2 SINGLE-FAMILY LAKE RESIDENTIAL DISTRICT 2.

a. Purpose:

This district is composed of those areas of the Township whose principal use is and ought to be single-family dwellings on small-sized lots. The regulations of this district are designed to preserve and enhance those areas undeveloped as of the date of adoption of this amendment February 11, 2004, which are suitable for residential developed near a body of water. In addition to the dwellings permitted in the zoning district, certain residential and public uses are permitted which have been strictly regulated to make them compatible with the principal use of this district.

b. Permitted Uses:

The following buildings and structures, and use of parcels, lots, buildings and structures are permitted in this district:

1. A single-family dwelling.
2. A sign, only in accordance with the regulations specified in Article VIII, Section 8.2.
3. State Licensed Residential Facilities, except that no State Licensed Residential Facility shall be located within 1500 feet of another State licensed Residential Facility.
4. An accessory use, building, or structure.
5. Essential service structures.

c. Conditional Uses:

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article VI.

1. Golf course, but not including golf driving range.
2. Country club, public swimming pool, and recreation club, public and private park, and playgrounds.
3. Church and other buildings for religious worship.
4. Two-family dwelling units.

5. Home Occupation in accordance with Article VIII, Section 8.10.
6. Child Care Facility.

d. Area, Yard, Height, and Bulk Requirements:

As required in Article V, Section 5.1.

e. Required Off-Street Parking:

As required in Article VIII, Section 8.3.

f. Performance Standards:

As required in Article VIII, Section 8.4.

g. Required Site Plan Review by Planning Commission:

(for conditional uses only) as required by Article VII.

Section 4.4 RM-1 MULTIPLE FAMILY RESIDENTIAL DISTRICT.

a. Purpose:

This district is composed of those areas of the Township whose principal use is or ought to be multiple-family dwellings. The regulations of this district are designed to permit a density of population and an intensity of land use in those areas which are served or can reasonably be expected to be served in the future by a central water supply system and central sanitary sewerage system, and which abut or are adjacent to such other uses, buildings, structures, or amenities which support, compliment or serve such a density and intensity. In addition to the dwellings permitted in this zoning district, there are permitted certain residential and public uses which have been strictly regulated to make them compatible with the principal use of this district.

b. Permitted Uses:

The following uses of parcels, lot buildings, and structures are permitted in this district:

1. Two-family dwellings.
2. Multiple-family dwellings.
3. A sign, only in accordance with the regulations specified in Article VIII, Section 8.2.
4. A planned unit residential development, only in accordance with the procedures and regulations specified in Article VIII, Section 8.9.
5. State Licensed Residential Facilities except that no State Licensed Residential Facility shall be located within 1500 feet of another State Licensed Residential Facility.
6. An accessory use, structure, or building.
7. Essential services structures.

c. Conditional Uses:

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article VI.

1. Single-family dwelling.
2. Golf course, but not including golf driving range.
3. Country club, public swimming pool, recreation club; and public and private parks and playgrounds.
4. Churches and other buildings for religious worship.
5. Public and private nursery, primary, and secondary nonprofit schools, and colleges and universities.
6. Medical and dental clinics.
7. Funeral establishments.
8. Hospitals, nursing homes and sanitariums.
9. (Reserved)
10. Mobile Home Subdivisions in accordance with the requirements of Section 8.20.
11. Government or community owned buildings.
12. Home Occupation in accordance with Article VIII, Section 8.10.

d. Area, Yard, Height, and Bulk Requirement:

As required in Article V, Section 5.1.

e. Distance Between Grouped Buildings:

As required in Article V, Section 5.5.

f. Required Off-Street Parking:

As required in Article VIII, Section 8.3.

g. Performance Standards:

As required in Article VIII, Section 8.4.

h. Required Site Plan Review by Planning Commission: (whether for permitted or conditional uses) as required in Article VII.

Section 4.5. MH-1 MOBILE HOME RESIDENTIAL DISTRICT

a. Purpose:

This district is composed of those areas of the Township whose principal use is and ought to be mobile home dwellings. The regulations of this district are designed to create an alternative housing type in the Township in those areas served by central water and sanitary sewer systems.

b. Permitted Uses:

The following uses of parcels, lot buildings, and structures are permitted in this district:

1. Manufactured Housing Communities in accordance with the regulations specified in Norvell Township Ordinance No. 46, as amended.
2. Mobile Home Condominiums shall comply with the Condominium Act of 1978, being Act 59, Public Acts of Michigan, 1978, as amended.
3. Mobile Home Subdivisions in accordance with the regulations specified in Article VIII, Section 8.20.
4. A sign, only in accordance with the regulations specified in Article VIII, Section 8.2.
5. State Licensed Residential Facilities except that no State Licensed Residential Facility shall be located within 1500 feet of another State Licensed Residential Facility.
6. An accessory use, structure, or building.
7. Essential services structures.

c. Conditional Uses:

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article VI.

1. Single-family dwellings.
2. Churches and other buildings for religious worship.

3. Public and private nursery, primary, and secondary nonprofit schools; and colleges and universities.
4. Government or community owned buildings.
5. Home Occupation in accordance with Article VIII, Section 8.10.

d. Area, Yard, Height, and Bulk Requirements:

As required in Article V, Section 5.1.

e. Required Off-Street Parking:

As required in Article VIII, Section 8.3.

f. Performance Standards:

As required in Article VIII, Section 8.4.

Required Site Plan Review by Planning Commission:

(whether for permitted or conditional uses) as required in Article VII.

Section 4.6 C-1 LOCAL COMMERCIAL DISTRICT.

a. Purpose:

This district is composed of those areas of the Township whose principal use is and ought to be local retail, service, and restricted repair business activities which serve adjacent and surrounding residential neighborhoods. This district has been located within the Township to permit the development of these business activities to protect adjacent agricultural, residential, and industrial areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways. To these ends, certain uses, which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district, have been excluded.

b. Permitted Uses:

The following uses of parcels, lots, buildings, and structures, are permitted in this district:

1. Clothing and apparel services, including laundry pickup, automatic laundry, dressmaking, millinery, tailor shop, and shoe repair shop.
2. Food services including grocery, meat market, bakery, fruit market, and ice-o-mats and similar self-service units.
3. Personal services, including barber shop and beauty salon, medical and dental clinics, music studios, banks and saving and loan associations, and other similar uses.
4. Retail services, including drug store, hardware, stationery and book store, news dealer, and news stand.
5. A sign, only in accordance with the regulations specified in Article VIII, Section 8.2.
6. An accessory use, building, or structure.
7. Essential service structures.

c. Conditional Uses:

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article VI.

1. Drive-in restaurants.
2. Animal hospitals or clinics.
3. Government or community owned buildings, but not including schools.
4. Marinas.
5. Limited residential uses incidental to the primary commercial use such as caretakers, night watchmen, and owner-operators.
6. Convenience stores offering the sale of automobile fuels.
7. Mini-warehouses.

d. Area, Yard, Height and Bulk Requirements:

As required in Article V, Section 5.1.

e. Required Off-Street Parking:

As required in Article VIII, Section 8.3.

f. Performance Standards:

As required in Article VIII, Section 8.4.

g. Required Site Plan Review by Planning Commission:

(whether for permitted or conditional use) as required by Article VII.

Section 4.7 C-2 GENERAL COMMERCIAL DISTRICT 2.

a. Purpose:

This district is composed of those areas of the Township whose principal use is and ought to be general retail, service, and restricted and repair business activities which serve the entire Township and surrounding area. This district has been located within the Township to permit the development of these business activities; to protect adjacent agricultural, residential, and industrial areas against the encroachment of incompatible uses; and to lessen congestion on public streets and highways. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district, have been excluded.

b. Permitted Uses:

The following uses of parcels, lots, buildings, and structures are permitted in this district:

1. All permitted uses allowed in C-1 Commercial Districts as provided in Section 4.6 (b) of this Ordinance.
2. Business and professional offices, such as legal, engineering, accounting, financial, and insurance; and business schools.
3. Agricultural services, including machinery sales and repair establishments, and farm supply stores.
4. Restaurant.
5. Automobile sales, automobile parts sales.
6. Trailer coach sales and repair.
7. Equipment services, including radio and television, electrical appliance shop, plumber, electrician, and other similar services and trades.
8. Drive-in retail and service establishments except drive-in theater.
9. Recreation services, including indoor theater, bowling alley, and roller and ice-skating rink.

10. Retail services including haberdashery, apparel shop, gift shop and dry goods and notion stores.
11. A sign, only in accordance with the regulations specified in Article VIII, Section 8.2.
12. An accessory use, building, structure.
13. Essential service structures.
14. Auto Service Stations.

c. Conditional Uses:

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article VI.

1. Establishments serving alcoholic beverages and/or providing entertainment.
2. Funeral establishments or mortuaries.
3. Motels or hotels.
4. Animal hospitals or clinics.
5. Open-air display areas for the sale of manufactured products such as or similar to garden furniture, earthenware, hardware items and nursery stock or the rental of manufactured products or equipment, such as household equipment, small tools, two-wheeled and four-wheeled utility trailers, pneumatic-tired cement mixers, wheelbarrows, rollers and similar products or equipment.
6. Automobile repair garage including auto body repair.
7. Commercial Fueling Station.
8. Government or community owned buildings but not including schools.
9. Drive-in theaters.
10. Outdoor commercial amusements.
11. Marinas.
12. Mini-warehouses.
13. Limited residential uses incidental to the primary commercial use such as caretakers, night watchmen, and owner-operators.

14. Convenience stores offering the sale of automobile fuels.

d. Area, Yard, Height, and Bulk Requirements:

As required in Article V, Section 5.1.

e. Required Off-Street Parking:

As required in Article VIII, Section 8.3.

f. Performance Standards:

As required in Article VIII, Section 8.4.

Required Site Plan Review by Planning Commission:

(whether for permitted or conditional uses) As required in Article VII.

Section 4.8 I-I LIGHT INDUSTRIAL DISTRICT:

a. Purpose:

This district is composed of those areas of the Township whose principal use is and ought to be light manufacturing and other limited industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive and radioactive hazards, and other harmful or obnoxious matter. This district has been located within the Township to permit the development of these industrial uses, to protect adjacent agricultural, residential, and commercial areas against the encroachment of incompatible uses, and to lessen congestion on public streets and highways. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district, have been excluded.

b. Permitted Uses:

The following uses of parcels, lots, buildings, and structures are permitted in this district.

1. Commercial laundries and dry-cleaning establishments; and frozen food lockers and ice and cold storage plants
2. Building material storage and sales.
3. Packaging of previously prepared materials, but not including the baling of discarded paper, rags, cloth, metal, iron, or other similar materials.
4. Printing, lithographic, blueprinting, and similar uses.
5. Automobile repair garage; construction and farm equipment sales and repair; and contractors' equipment yard.
6. Warehousing, material distribution centers and wholesale sales establishments, provided all products and materials are enclosed with a building.
7. Skilled trade services including plumbing, electric, and heating not engaging in any retail activities on the site.

8. Light industrial assembly which by the nature of the materials, equipment, and processes utilized are to a considerable extent clean, quiet, and free from any objectionable or dangerous nuisance or hazard including any of the following goods or materials:
pharmaceuticals, jewelry; musical instruments; sporting goods; glass products; small household appliances; electronic products; printed matter; baked and dairy products; advertising display; tents and awnings, brushes and brooms; cameras and photographic equipment and supplies; wearing apparel; leather products and luggage but not including tanning; products from such finished materials as plastic, bone, cork, feathers, felt, fiber, paper, glass, hair, horn, rubber, shell, or yarn.
9. Research and testing facilities.
10. Manufacturing.
11. A sign, only in accordance with the regulations specified in Article VIII, Section 8.2.
12. Essential service structures.
13. An accessory use, building, or structure.
14. Adult-Related Businesses

c. Conditional Uses:

The following uses of parcels, lots, buildings, and structures are permitted subject to obtaining a conditional use permit as provided in Article VI.

1. Restaurants.
2. Bus, truck, taxis and rail terminals.
3. Junk Yards.
4. Sanitary landfill.
5. Bulk fuel storage.
6. Trucking and cartage facilities including repairing and washing equipment and yards.
7. Government or community owned buildings, but not including schools.

8. Asphalt Plant.
9. Concrete Plant.
10. Open industrial uses or industrial product or materials storage, provided that any activity in which products or materials being processed or stored are located, transported or treated outside of apparatus vessels, or conduits, shall be provided with a solid permanently maintained wall or fence, no lower than the subject use or storage.

d. Area, Yard, Height, and Bulk Requirements:

As required in Article V, Section 5.1.

e. Required Off-Street Parking:

As required in Article VIII, Section 8.3.

f. Performance Standards:

As required in Article VIII, Section 8.4.

g. Required Site Plan Review by Planning Commission: (whether for permitted or conditional uses) As required in Article VII.

h. Required Transition Strip:

As required in Article V, Section 5.6.

Article V
Schedule of Regulations
Area, Height, Bulk, and Placement Regulations

Section 5.1

Zoning District	Minimum Lot Size		Single-Family Detached Dwelling	Maximum Building and/or Structure Height ^s		Lot Area Coverage	Minimum Yard Setback in Feet			
	Lot Area In Square Feet'	Lot Width in Feet'		Principal	Accessory		Maximum Percent for All Buildings, and/or Structures	Front	Sides	Rear
				Feet	Feet					
AG-I Agricultural	1 Acre	150	Not served by Public Sewer	35	22	10%				
	5 Acres"	200	All Other Uses		80		50 50 ²			
AG-1 Agricultural	V. Acre	150	Served by Public Sewer	35	22	10%	80 ⁶	20 Total 140' 40' 50 ²	25 50 ²	
AG-I Agricultural	1/2 Acre	100	Served by Public Sewer	35	22	10%	80 ⁶	Same as above	Same as above	
RS-1 Single-Family Suburban Residential District 1	15,000	100	Served by Public Sewer	35	22	30% 25% ¹⁰	20' 50 ²	10' Total 20' 15' 50 ²	20 50'	
	22,000	100	Not Served by Public Sewer						20 50 ²	
	1 Acre	100	All other uses						25%	20 50 ²
RS-2 Single-Family Suburban Residential' District I	10,000	80	With or Without Public Sewers	35	18	25%	15' 50 ²	8 Total 16' 15' 50 ²	10 50 ²	
	1 Acre	80	All Other Uses							
RL-1 Single Family Lake Residential	10,000	80	Served by Public	28	16	30% 25% ¹⁰	15' 50'	10' Total 20' 15' 50 ²	20' 50'	
	15,000	80	Not Served by Public Sewer							
	1 Acre	80	All Other Uses							

Article V
Schedule of Regulations
Area, Height, Bulk, and Placement Regulations

Section 5.1

Zoning District	Minimum Lot Size		Single-Family Detached Dwelling	Maximum Building and/or Structure Height ⁶		Lot Area Coverage	Minimum Yard Setback in Feet		
	Lot Area In Square Feet'	Lot Width in Feet'		Principal	Accessory		Maximum Percent for All Buildings, and/or Structures	Front	Sides
				Feet	Feet				
RL-2 Single Family Lake Residential District 2	18,000	120	Served by Public Sewer	28	16	25%	20' 50'	10 Total 20 35' 50 ²	25 50'
	25,000	120	Not Served by Public Sewer						
	I Acre	120	All Other Uses						100'
RM-1 Multiple-Family Residential	15,000	120	Served by Public Sewer	35	16	25%	35 ³	10 Total 20 25' 50'	35 50'
	22,000	120	Not Served by Public Sewer			30%			
	15,000	120	Two-Family Served by Public Sewer						
	25,000	120	Two-Family Not Served by Public Sewer						
RM-1 CONTINUED ON NEXT PAGE									

Footnotes:

1. Corner lot, side yard on the street side, shall be measured from the street right-of-way line.
2. Lot abutting a body of water.
3. Front yard setback shall be measured from the street right-of-way line.
4. Section 9.6, applies to Mobile Home Residential (MH-1) Districts existing as of the date of adoption of this amendment, October 20, 1983
5. Section 2.1.9, Building Height.
6. Front yard setback shall be measured from the centerline of the street.
7. Section 9.5, Side yard setback requirements for substandard, nonconforming lots of record. Side setback of 8' for lots 68' or less.
8. I Acre = 43,560 Square Feet.
9. Section 4.3a., applies to lake developments existing as of the date of adoption of this amendment, February 11, 2004
10. Applies to First Addition to Sunset Beach, Sunset Beach and Vineyard Lake Heights.
11. Minimum area required for livestock: domestic animals such as horses, cattle or poultry.

Article V
Schedule of Regulations
Area, Height, Bulk, and Placement Regulations

Section 5.1

Zoning District	Minimum Lot Size		Single-Family Detached Dwelling	Maximum Building and/or Structure Height ⁶		Lot Area Coverage	Minimum Yard Setback in Feet			
	Lot Area In Square Feet ⁷	Lot Width in Feet ²		Principal	Accessory		Maximum Percent for All Buildings, and/or Structures	Front	Sides	Rear
				Feet	Feet					
RM-1 Multiple-Family Residential (continued)	15,000 Sq. Ft. For the first two (2) dwelling units, and 2,000 Sq. Ft. for each additional dwelling.	120	Multiple-Family Served by Public Sewer	35	16 •	30%	35 ³	10 Total 20 25' 50 ²	35 50 ²	
	32,000 Sq. Ft. For the first two (2) dwelling units, and 2,000 Sq. Ft. for each additional dwelling.	120	Multiple-Family Not Served by Public Sewer							
	I Acre		All Other Uses						35 100 ²	

Footnotes:

1. Corner lot, side yard on the street side, shall be measured from the street right-of-way line.
2. Lot abutting a body of water.
3. Front yard setback shall be measured from the street right-of-way line.
4. Section 9.6, applies to Mobile Home Residential (MH-1) Districts existing as of the date of adoption of this amendment, October 20, 1983.
5. Section 2.1.9, Building Height.
6. Front yard setback shall be measured from the centerline of the street.
7. Section 9.5, Side yard setback requirements for substandard, nonconforming lots of record. Side setback of 8' for lots 68' or less.
8. I Acre = 43,560 Square Feet.
9. Section 4.3a., applies to lake developments existing as of the date of adoption of this amendment, February 11, 2004.
10. Applies to First Addition to Sunset Beach, Sunset Beach and Vineyard Lake Heights.
11. Minimum area required for livestock: domestic animals such as horses, cattle or poultry.

Article V
Schedule of Regulations

Section 5.1 Area, Height, Bulk, and Placement Regulations

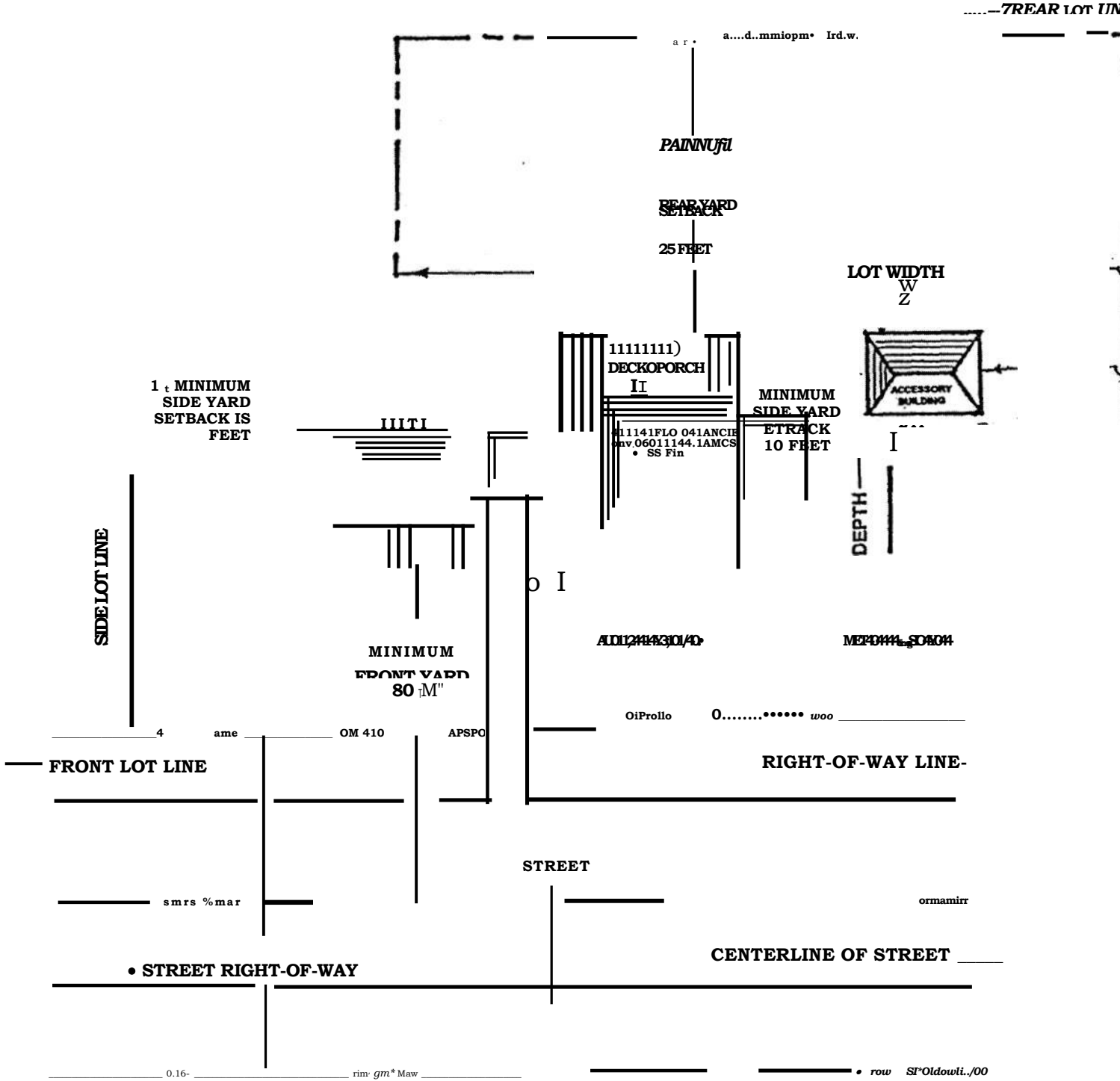
Zoning District	Minimum Lot Size	Minimum Lot Size		Maximum Building and/or Structure Height ⁵	Maximum Building and/or Structure Height ⁵	Lot Area Coverage	Min. Yard Setback In Feet	Min. Yard Setback In Feet	Min. Yard Setback In Feet
	Lot Area in Square Feet	Lot Width in Feet ²		Principal Feet	Accessory Feet	Maximum Percent for All Buildings, and/or Structures	Front	Sides	Rear
MH-1 Mobile Home Residential District	10,000	100	Single-Family Served by Public Sewer	35	16				
	15,000	100	Single-Family Not Served by Public Sewer						
	10,000	80 ⁴	Single-Family Served by Public Sewer	25	16				
	15,000	80 ⁴	Single-Family Not Served by Public Sewer						
	1 Acre	100	All Other Uses			30 50 ²			
C-1 Local Commercial District 1	3/4 Acre	100	Served by Public Sewer	30	30	25%	35 ³	20 Total 140 35' 50 ²	35 50 ²
		150	Not Served by Public Sewer						
C-2 General Commercial District 2	3/4 Acre	100	Served by Public Sewer	30	30	25%	35 ³	20 Total 40 35' 50 ²	35 50 ²
		150	Not Served by Public Sewer						
I-1 Light Industrial	1 Acre	150	Served by Public Sewer	35	35	30%	35 ³	30 Total 60 35' 100 ²	35 100 ²
	1 1/2 Acres	200	Not Served by Public Sewer						

Footnotes:

1. Corner lot, side yard on the street side, shall be measured from the street right-of-way line.
2. Lot abutting a body of water.
3. Front yard setback shall be measured from the street right-of-way line.
4. Section 9.6, applies to Mobile Home Residential (MH-1) Districts existing as of the date of adoption of this amendment, October 20, 1983
5. Section 2.1.9, Building Height.
6. Front yard setback shall be measured from the centerline of the street.
7. Section 9.5, Side yard setback requirements for substandard, nonconforming lots of record. Side setback of 8' for lots 68' or less.
8. 1 Acre = 43,560 Square Feet.
9. Section 4.3a., applies to lake developments existing as of the date of adoption of this amendment, February 11, 2004
10. Applies to First Addition to Sunset Beach, Sunset Beach and Vineyard Lake Heights.
11. Minimum area required for livestock: domestic animals such as horses, cattle or poultry.

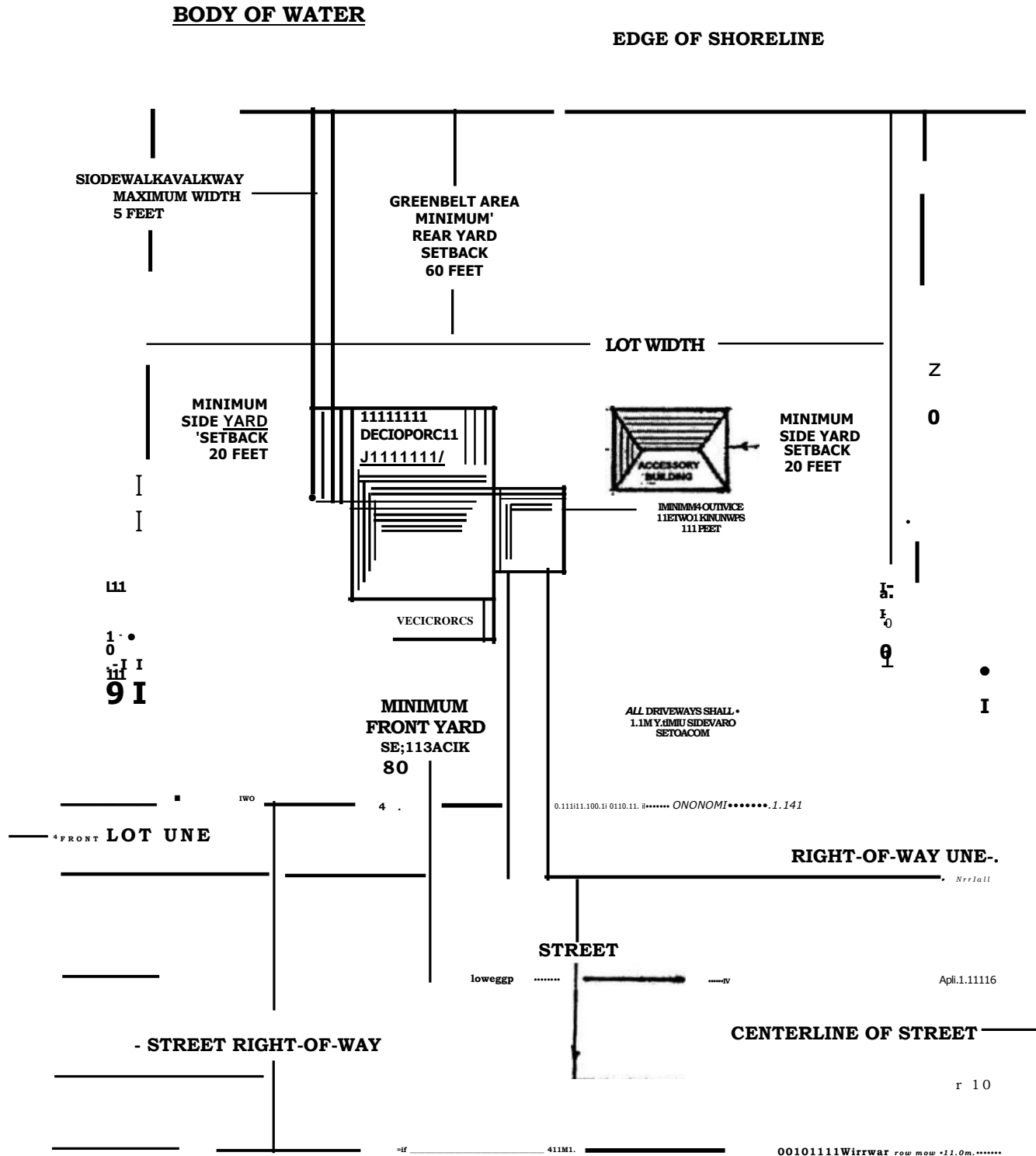
ZONING DISTRICT AG-I AGRICULTURE

MINIMUM YARD SETBACKS



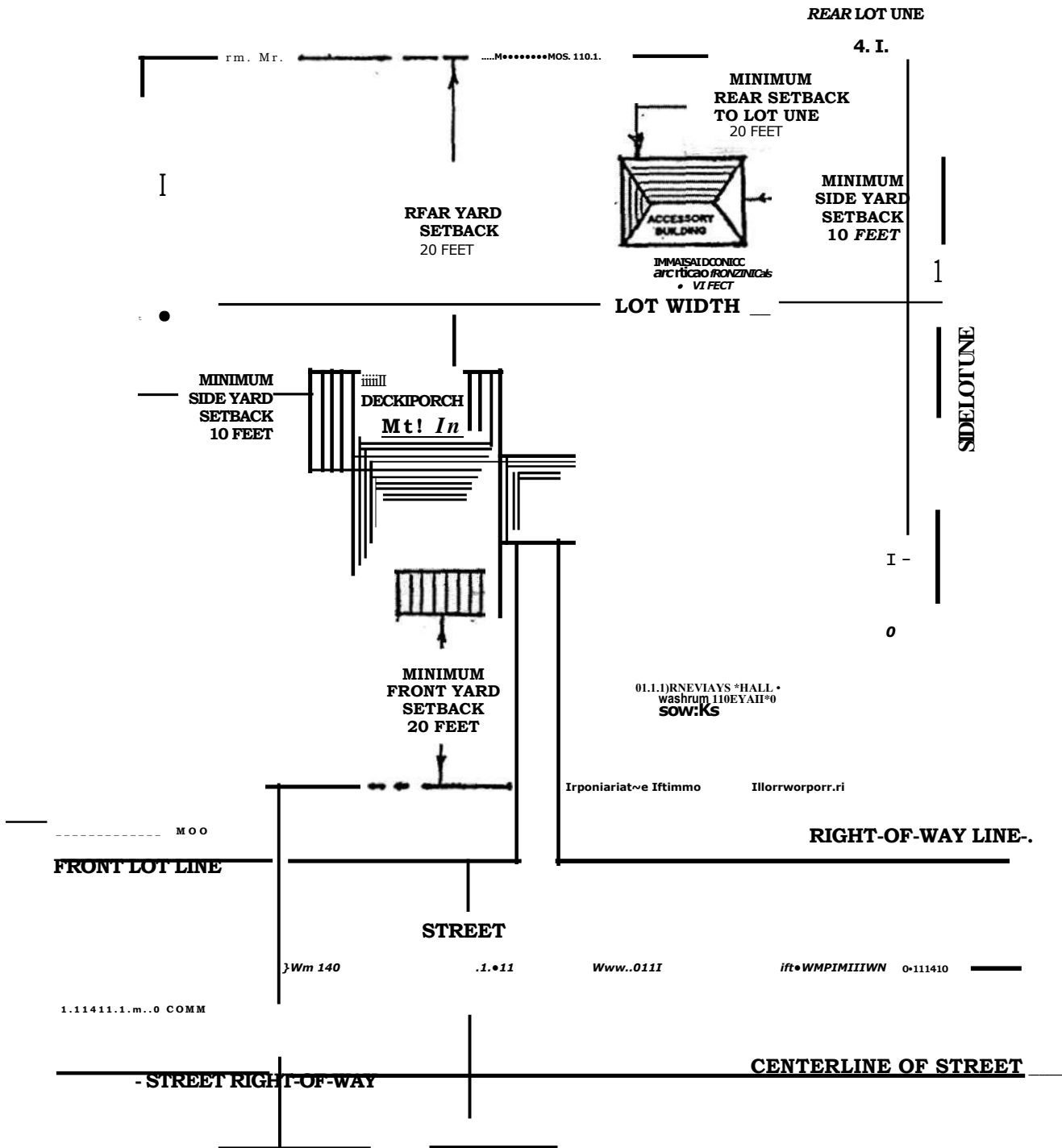
**ZONING DISTRICT
AG-1 AGRICULTURE**

MINIMUM YARD SETBACKS



ZONING DISTRICT RS-1 SINGLE FAMILY SUBURBAN RESIDENTIAL

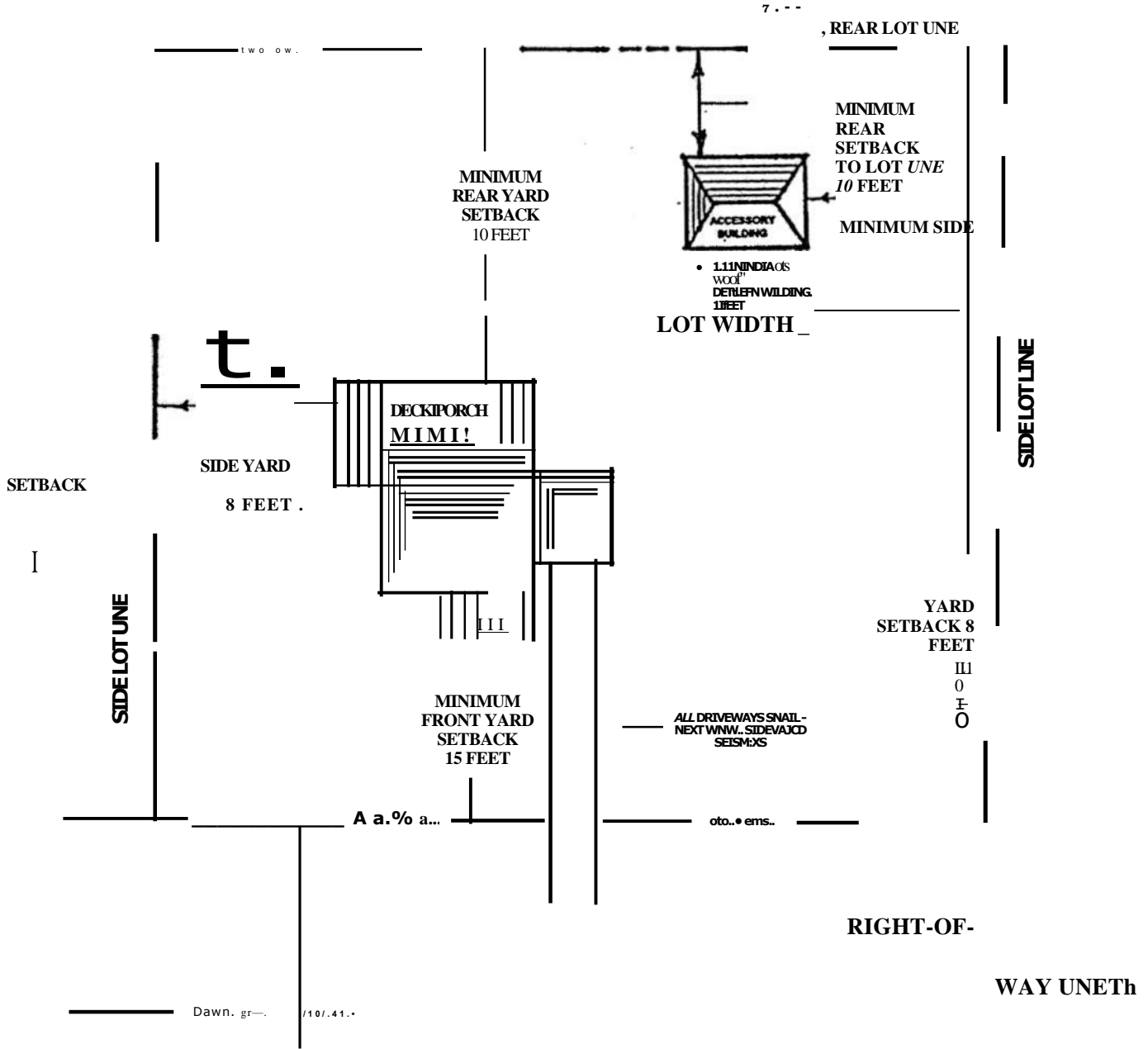
MINIMUM YARD SETBACKS



DRAWING NOT TO SCALE

**RS-2 SINGLE FAMILY
SUBURBAN RESIDENTIAL**

MINIMUM YARD SETBACKS



A

STREET

• STREET RIGHT-OF-WAY

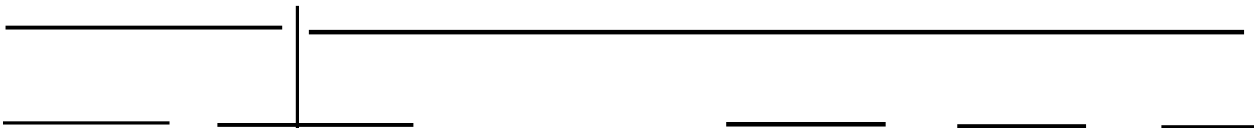


CENTERLINE OF STREET ———

0 . 1 1 , 1 2 0 - - - - - 0 W . N .

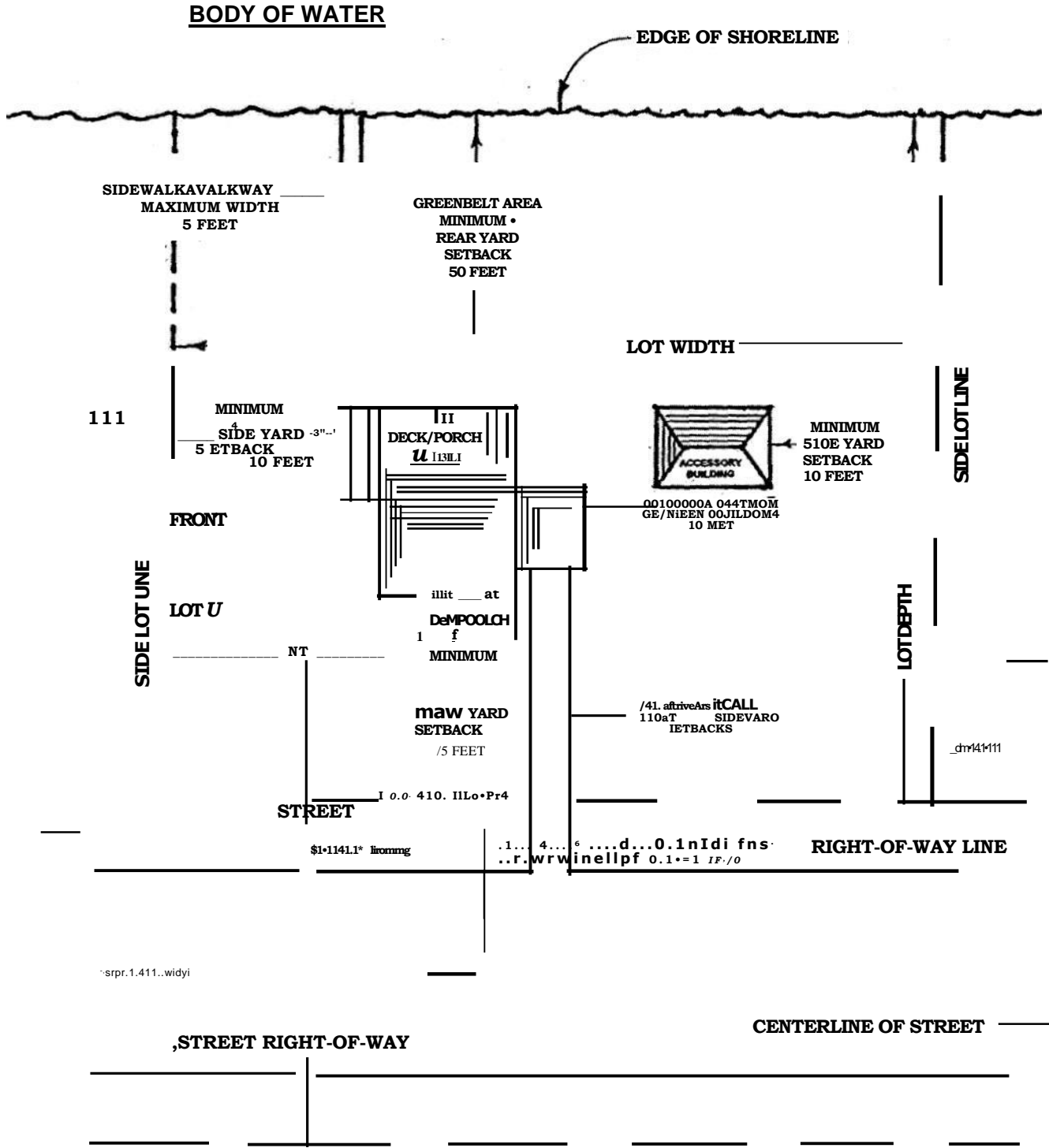
5-8

DRAWING NOT TO SCALE



ZONING DISTRICT
RL-1 SINGLE FAMILY
LAKE RESIDENTIAL

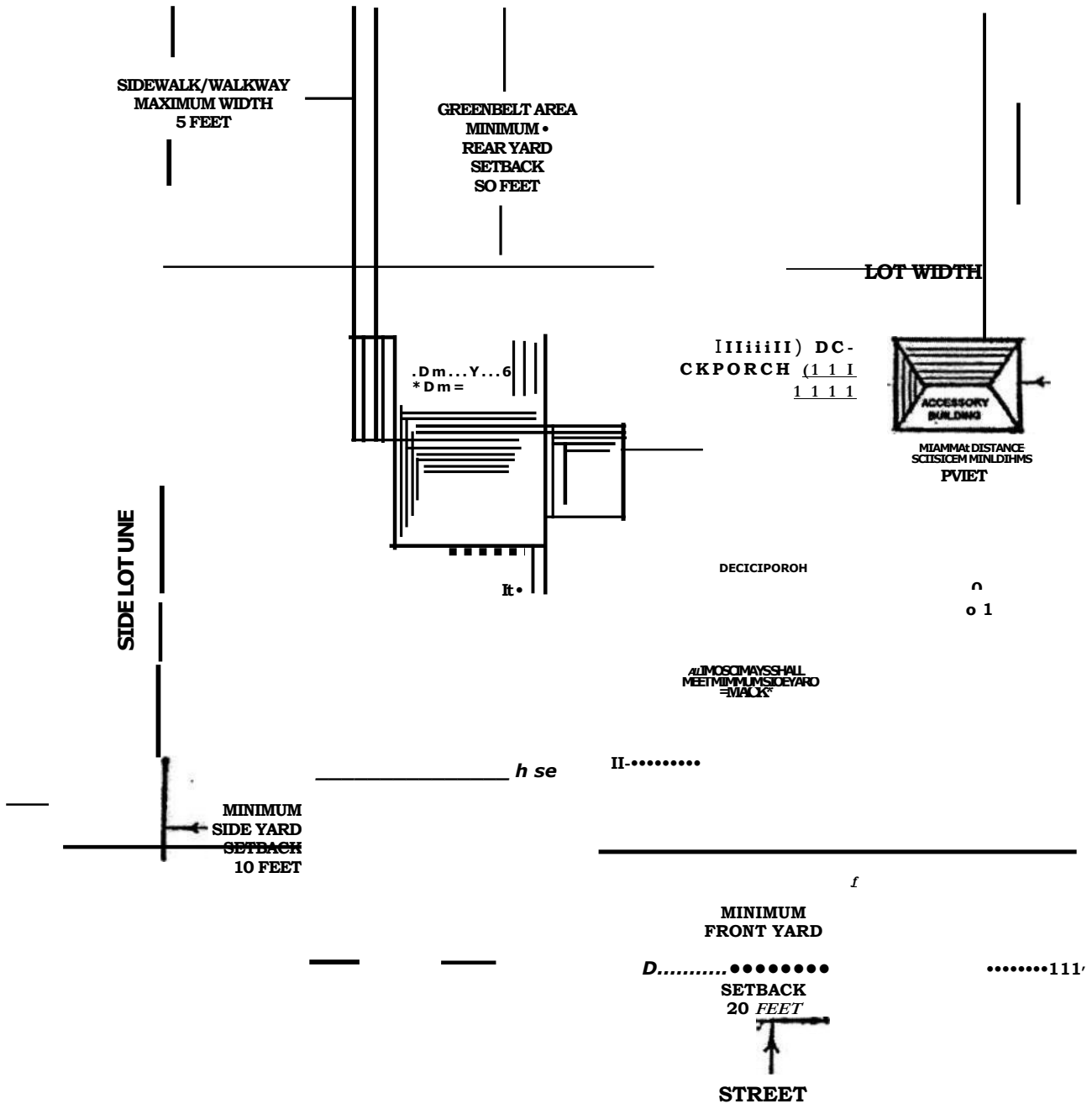
MINIMUM YARD SETBACKS



ZONING DISTRICT
 RL-2 SINGLE FAMILY
 LAKE RESIDENTIAL
MINIMUM YARD SETBACKS

BODY OF WATER

EDGE OF SHORELINE



W
Z
:3

1.4
SIDE YARD 54
10 FEET
SETBACK I 1

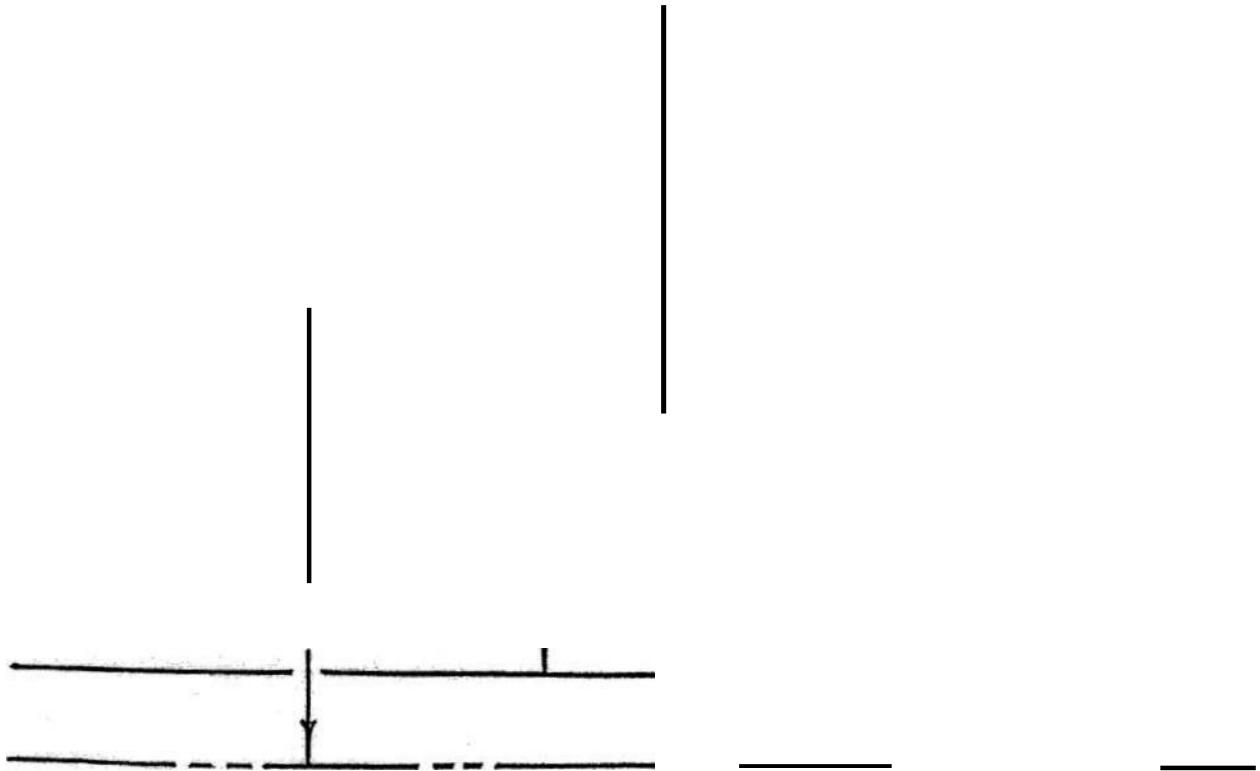
1. h_w :

- ,STREET RIGHT-OF-WAY

CENTERLINE OF STREET ———

arm, ****1*Altr...41.....0

DRAWING NOT TO SCALE



CENTERLINE OF STREET _____



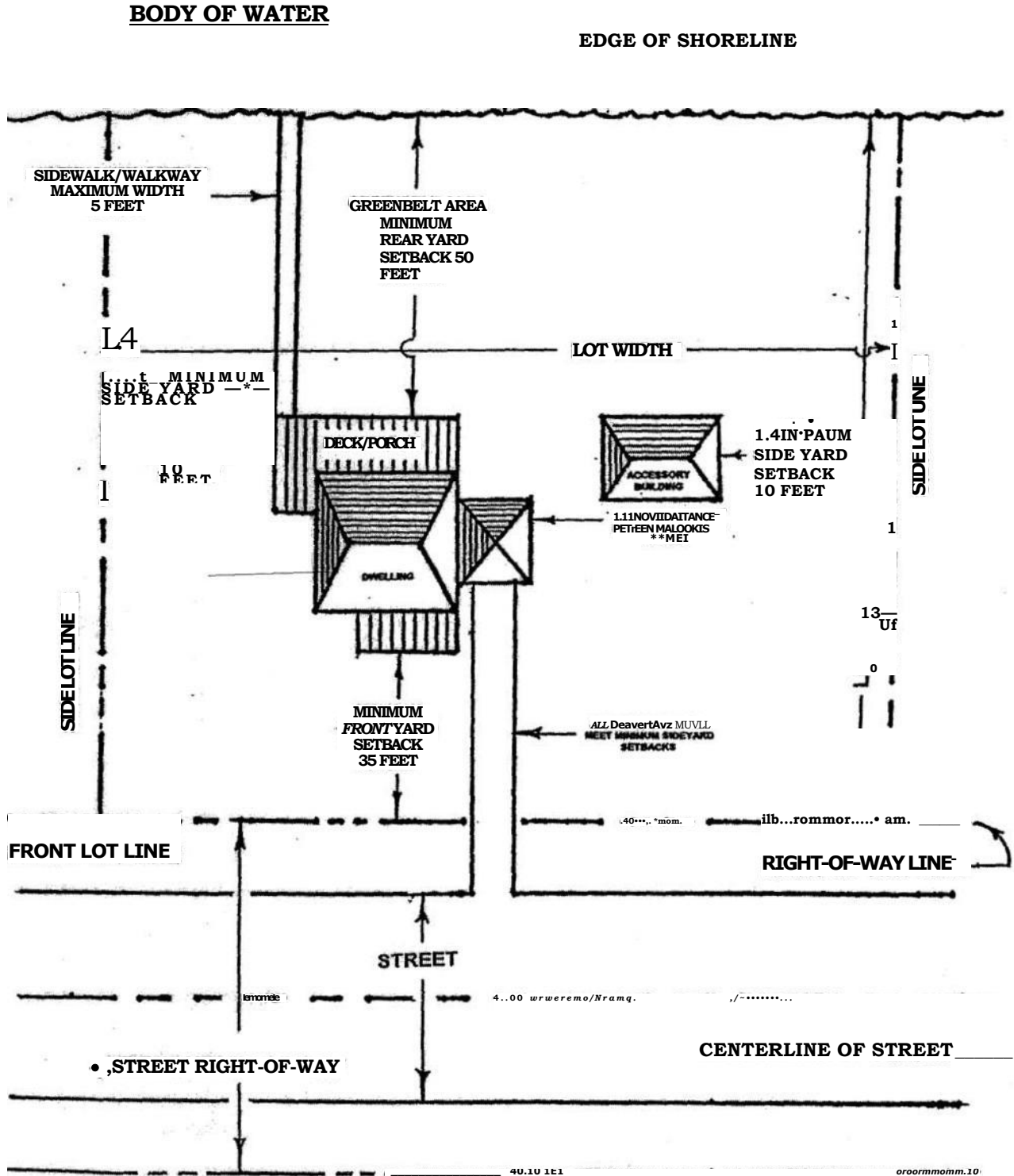
5-11

DRAWING NOT TO SCALE



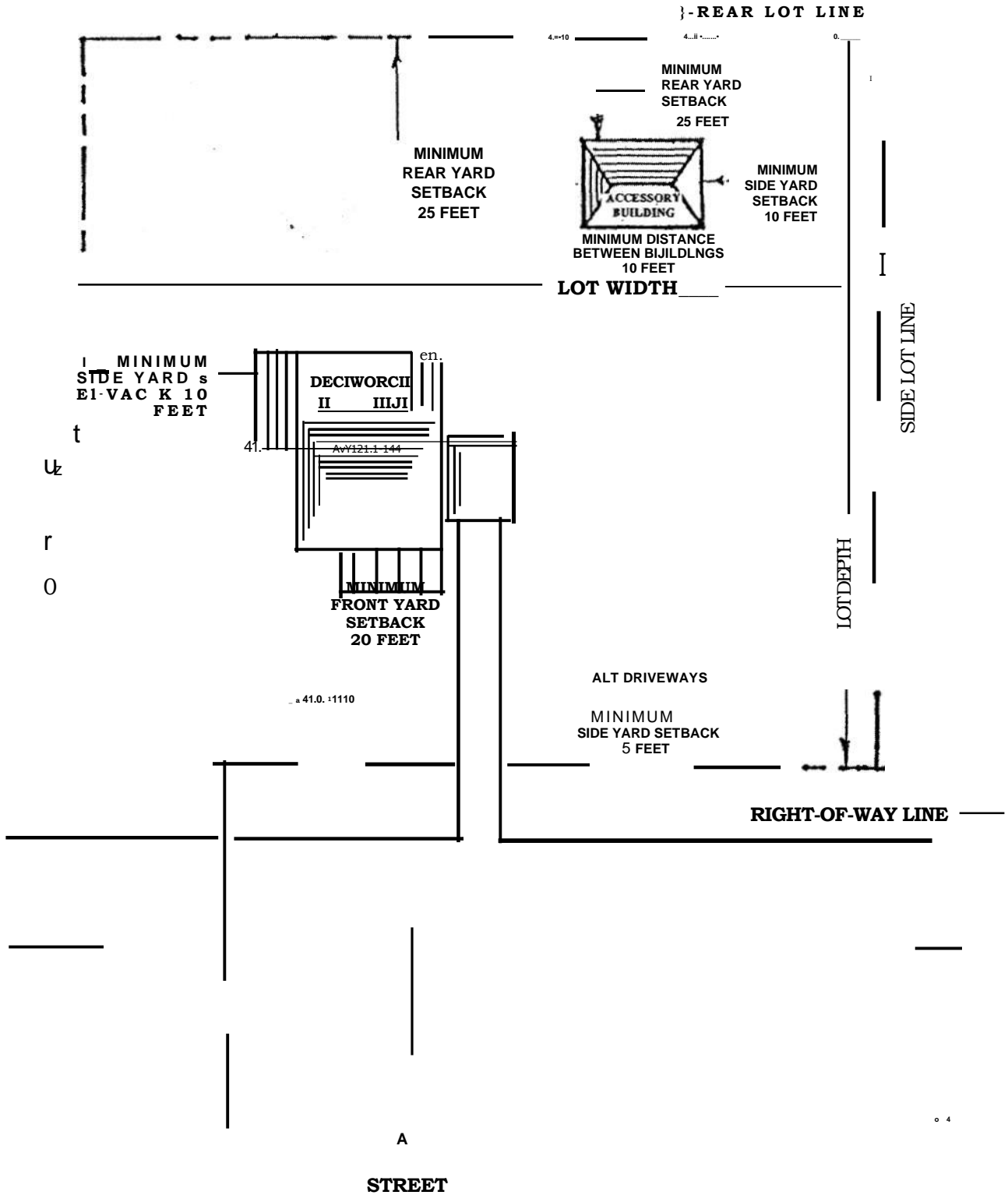
**ZONING DISTRICT
RM-1 MULTIPLE
FAMILY RESIDENTIAL**

MINIMUM YARD SETBACKS



DRAWING NOT TO SCALE

**ZONING DISTRICT
MH-I MOBILE HOME
RESIDENTIAL DISTRICT**



STREET RIGHT-OF-WAY

CENTERLINE OF STREET ———

.111W _____ • 11•4 _____ vds _____

5-13

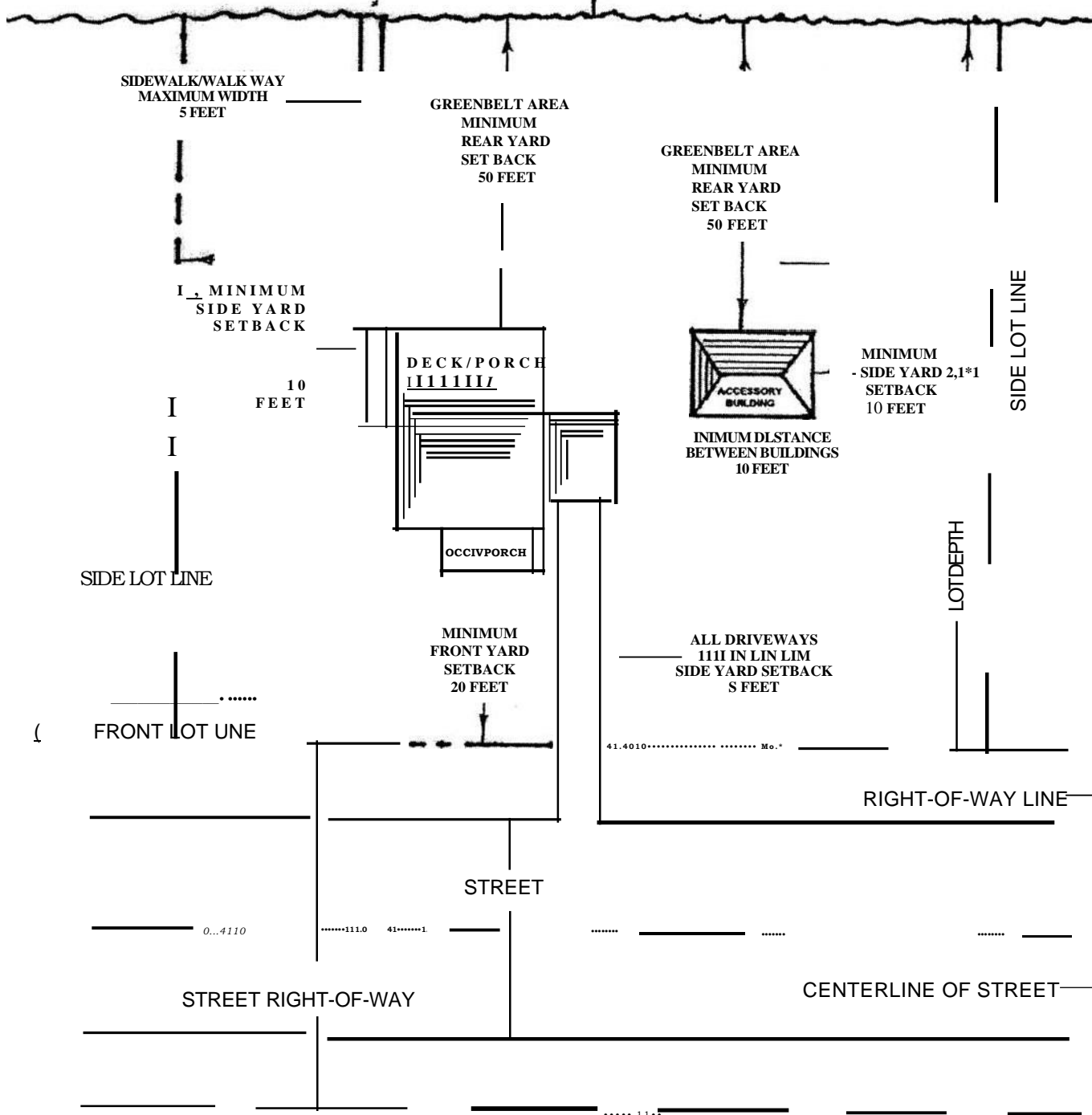
DRAWING NOT TO SCALE



**ZONING DISTRICT
MH-I MOBILE HOME
RESIDENTIAL DISTRICT**

BODY OF WATER

EDGE OF SHORELINE



ARTICLE V

Section 5.2 COMPLIANCE WITH REGULATIONS.

- A. No building or structure shall hereafter be erected or altered to exceed the height, to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards, or other open spaces than prescribed for the district in which the building or structure is located.
- B. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth for the district in which the yard or lot is located. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- C. No part of a yard or other open space required for, or in connection with, any structure for the purpose of complying with this Ordinance, shall be included as part of a yard or open space similarly required for any other structure.
- D. No basement or cellar shall be erected for dwelling purposes except after approval by the Norvell Township Board of Appeals. Underground homes, designed and constructed as complete dwellings, shall not be considered basement or cellar dwellings, and shall not require approval from the Norvell Township Board of Appeals for their construction to meet the requirements of the subsection.
- E. The use of any portion of a warehouse, storage building, basement of a partially completed building, garage, or accessory building for dwelling or sleeping purposes is prohibited in any zoning district.

Section 5.3 HEIGHT EXCEPTIONS.

Exceptions to the maximum height regulations for each district specified in this Ordinance may be permitted subject to the following provisions:

- A. The limitations affecting the height of structures shall not apply to the

following appurtenant appendages and structures provided they comply with all other provisions of this or any other applicable ordinances, parapet walls, chimneys, smokestacks, church spires, flagpoles, radio and television towers, penthouses for mechanical equipment, and water tanks.

- B. Building height in excess of the height above average ground level allowed in any district may be permitted by the Board of Appeals provided all minimum front, side, and rear yard depths are increased (1) foot for each additional one (1) foot of height and provided that adequate fire protection and compatibility with existing structure heights can be demonstrated.

Section 5.4 ACCESSORY STRUCTURES.

- A. No detached accessory building or structure over 200 sf shall be located closer than ten (10) feet to any other building or structure. (adopted 12-21)
- B. All accessory structures shall be subject to the standards and requirements as specified in Section 5.1, Article V Schedule of Regulations - Area, Height, Bulk and Placement Regulations. (adopted 12-21)
- C. A detached accessory building or structure shall not be placed on any lot in Zoning District RL-1 and RL-2 of less than two and one-half (2.5) acres unless there is an existing principal structure already located or under construction upon such lot. (adopted 12-21)
- D. A detached accessory building or structure shall meet the requirements of the Norvell Township Building Code. (adopted 12-21)
- E. Regardless of the acreage, a detached accessory building or structure shall not be connected to any type of on-site or municipal sewage disposal system except as permitted in applicable Industrial and/or Commercial Zoning, or applicable conditional use permit. (adopted 12-21)

F. Exceptions —

1. Farming operations shall be exempt from the provisions of this ordinance.
(adopted 12-21)
2. For the purposes of this ordinance, an accessory structure shall not include a Wireless Communication Facility or a Wireless Communication Support Structure. (adopted 12-21)

Section 5.5 DISTANCE BETWEEN GROUPED BUILDINGS.

In addition to the required setback lines provided elsewhere in this Ordinance, for group dwellings (including semi-detached and multiple dwellings) the following minimum distance shall be required between each said dwelling:

- A. Where buildings are front to front or front to rear, three (3) times the height of the taller building, but not less than seventy (70) feet.
- B. Where buildings are side to side, one (1) times the height of the taller building but not less than twenty (20) feet.
- C. Where buildings are front to side, rear to side, or rear to rear, two (2) times the height of the taller building but not less than forty-five (45) feet.

In applying the above standards, the front of the building shall mean that face of the building having the greatest length, and the rear is that face opposite the front. The side is the face having the smallest dimension.

Section 5.6 TRANSITION STRIPS.

- A. A transition strip shall be provided on every lot in the Industrial District which abuts a lot in a Residential or Commercial District, and on every lot in the Commercial District which abuts a lot in a Residential District.

- B. A use or structure on any lot in the Industrial District fronting a public road, street or way shall provide in addition to, and as an integral part of any site development on the front yard, a landscaped strip of land twenty (20) feet or more in depth; such landscaped strip to be defined by a concrete curb and designed to limit access to the lot and separate off-street parking areas from the public right-of-way.

Section 5.7 LOT BUILDING RELATIONSHIP.

Hereafter, every structure erected, altered, or moved shall be located on a lot as defined in this Ordinance, and except in the case of an approved multiple-family development, there shall be no more than one (1) principal structure and its permitted accessory structures located on each recorded parcel or lot in the Agricultural District and any Residential District.

Section 5.7.5 SMOKE AND CARBON MONOXIDE DETECTORS.

Operable smoke and carbon monoxide detectors shall be required in all new dwellings and dwellings in which major remodeling and/or repairs are completed.

Section 5.8 SETBACKS FROM BODIES OF WATER/WETLANDS.

Where a lot or parcel of land described by metes and bounds abuts a body of water or a wetland, a greenbelt with a minimum of fifty (50) feet shall be maintained between the body of water or wetland and any structure, except for a single sidewalk/walkway. The sidewalk/walkway shall be a maximum of five (5) feet in width.

Section 5.9 DRIVEWAY AND SIDEWALK SETBACK.

In any district, driveways and sidewalks shall be permitted within required side yard setbacks provided that one-half the width of the side yard setbacks shall be maintained as permanent open space adjacent to the lot line.

Section 5.10 NATURAL FEATURES.

An undisturbed vegetative strip consisting of indigenous vegetation of a minimum width of ten (10) feet shall be preserved contiguous to wetlands. Nothing in this Section prohibits the removal of noxious weeds as defined in Section 2.1.48.5 of this Ordinance.

Section 5.11 REQUIRED COMMON OPEN SPACE.

Subdivisions, site condominiums, and multiple family developments shall include open space centrally located for use by the residents of the development for active and/or passive recreation and developed as an integral part of the development, and be subject to the following:

- A. The minimum required area of common open space shall be ten (10) percent (%) of the gross lot area. Areas within twenty (20) feet of a building shall not be considered as common open space.

- B. Common open space areas may be located within a 100-year flood plain, but no portion of a common open space shall be located within a wetland.

- C. Except as otherwise stated in this Ordinance, common open space areas shall consist of a minimum of 10,000 square feet, have a dimension of not less than fifty (50) feet in width and abut a street. Required setbacks shall not be used in this calculation of common open space areas.

- D. Open space areas shall be separate and distinct from the area included within buildable lot boundaries.

- F A plan for maintenance of required common open spaces shall be provided and approved.

ARTICLE VI CONDITIONAL USES

Section 6.1 PURPOSE.

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

Section 6.2 AUTHORITY TO GRANT PERMITS.

The Planning Commission, as hereinafter provided, shall have the authority to recommend to the Township Board to grant conditional use permits, subject to such conditions of design, operation, and safeguards as the Township Board may determine for all conditional uses specified in the various district provisions of this Ordinance.

Section 6.3 APPLICATION AND FEE.

Application for any conditional use permit permissible under the provisions of this Ordinance shall be made to the Planning Commission through the Township Clerk by filling in an official conditional use permit application form; submitting required data, exhibits, and information; and depositing the required fee. Such application shall be accompanied by a fee set by the Township Board, except that no fee shall be required of any governmental body or agency. No part of such fees shall be returnable to the applicant.

Section 6.4 SITE PLAN REVIEW REQUIRED FOR CONDITIONAL USES.

Application for a conditional use permit shall require a site plan review according to Article VII. In addition, such basic information as the applicant's name, address

in full, telephone number, a notarized statement that the applicant is the owner involved or is acting on the owner's behalf, and the address and legal description of the property involved shall be required as a part of the Conditional Use Permit Application.

Section 6.5 NOTIFICATION AND PUBLIC HEARING.

Upon receipt of an application for a conditional use, one (1) notice that a request for conditional use has been made shall be published not less than five (5) nor more than fifteen (15) days before the date the application will be considered. In addition, property owners within 500 feet from the perimeter of the property in question will be notified of the application. At the initiative of the bodies responsible for approving conditional uses, or upon the request of the applicant, or a property owner within 500 feet of the property in question, a public hearing with notification as required for a notice above, shall be held before a decision is made on the conditional use.

Section 6.6 REQUIRED STANDARDS AND FINDINGS FOR MAKING DETERMINATIONS

The Planning Commission shall review the particular circumstances and facts of each proposed use in terms of the following standards and required findings, and shall find and record adequate data, information, and evidence showing that such a use on the proposed site, lot or parcel:

- A. Will be harmonious with and in accordance with the general objectives, intent, and purpose of this Ordinance.
- B. Will be designed, constructed, operated, maintained, and managed so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity.
- C. Will be served adequately by essential public facilities and services, such as: highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.

- D. Will not be hazardous or disturbing to existing or planned neighboring uses.
- E. Will not create excessive additional requirements at public cost for public facilities and services.

A written statement of findings and conclusions relative to the conditional use which specifies the basis for the decision and any conditions imposed shall be prepared by the planning commission and revised as necessary by the township board.

Section 6.7 ADDITIONAL DEVELOPMENT REQUIREMENTS FOR CERTAIN USES

A conditional use permit shall not be issued for the uses specified in this Section unless complying with the site development requirements as herein specified. The township board shall be empowered in the ordinance to impose additional conditions and safeguards necessary to protect the public health, safety, and general welfare property rights, and to ensure that the operation conforms with the intent and purpose of this ordinance. A violation of a requirement, condition, or safeguard shall be considered a violation of this Ordinance, and grounds for the Township Board to terminate and cancel such conditional use permit.

A. Quarries, Mineral Mining, and Extractive Operations.

The removal of soil, sand, gravel, stone and other earth materials shall be subject to the following conditions:

- I. Intent and Purpose: It is the intent and purpose of this section to promote the underlying spirit and intent of this Ordinance, but at the same time allow for the extraction of minerals in locations where they have been naturally deposited, and to insure that mineral mining activity shall be compatible with adjacent uses of land, the natural environment, and the capabilities of public services and facilities affected by the land use, and to insure that mineral mining activities are consistent with the public health, safety, and welfare of the Township.

A pre application Screening Conference, shall be a prerequisite for a Conditional Use permit application.

A Screening Committee shall be established to review informally with the applicant and/or representatives, all material related to the proposed sand and gravel extractive operation, prior to a formal application for a conditional use permit request being placed with the Township. This shall include the following: The relevant requirements of the Township's Zoning Ordinance, Site plan submission requirements, Comprehensive plan, and other development policies, regulations and applicable Township Ordinances as well as key issues which should be addressed by the applicant.

The Screening Committee is composed of one member of the Township Board, a member of the Planning Commission, the Township's Zoning Administrator, the Township's Attorney and the Township's Consulting Engineer.

The committee will conduct conferences and conduct reviews prior to actions related to the sand and gravel conditional use permit request. This gives the applicant an opportunity to meet informally with Township officials and consultants and avoid unnecessary delays and costs associated with preparation, processing and review of the application.

At this pre application conference, the applicant should be prepared to present an overview of their ideas for the extractive operation. They should be prepared to discuss in general the scope, sketches of informal concept layouts, haul routes, buildings, and equipment. Expected time-frames shall be outlined as well as all criteria contained in this section as it relates to the general nature of their operations. They should have some idea of the possible future uses of the site and some concept of reclamation. The interested parties should be prepared to respond to questions from the Screening Committee about their concepts and intentions.

A written report of the Screening Committee's findings of fact (including but not limited to findings of fact regarding the proposed extraction operation, applicable ordinance provisions pertaining to extractive operations, and other township ordinance provisions) shall be forwarded to the Planning Commission with a copy to the applicant.

The fee for a pre application screening conference meeting shall be set by the Township Board, and paid in full by the applicant prior to the Screening Committee's review.

The applicant shall complete the application form provided by the Township, attached with all required information and plans. The Township will notify the applicant of the time, date and place of this meeting.

The pre application conference shall be conducted as a public meeting. The time, date, location and purpose of the meeting shall be posted in accordance with the Open Meetings Act.

2. Use Restriction: Sand, gravel, stone and/or other mineral mining in the Township shall be prohibited unless first authorized by the grant of a conditional use permit by the Township Board in accordance with this Section.

Relocating materials, including sand, and gravel, from off-premises to be stored or mixed with extracted on-premises material is not permitted under this conditional use permit. Relocating materials from off premises to be crushed or otherwise processed prior to transportation off premises is considered manufacturing and is not included in this conditional use permit. Manufacturing is only permitted in the Industrial Zoning District.

3. Exemption: Quarry or mineral mining or extractive operations shall be prohibited within sixteen hundred (1,600) feet from the perimeter of subdivisions, site condominium developments, manufactured housing communities, multiple-

family developments, and suburban residential and lake residential zoning districts.

4. Application. In addition to the provisions of Articles VI and VII, fifteen (15) copies of an application shall be filed with the Zoning Administrator and shall include the following:
 - a. Land use study/drawings shall be color coded, showing the existing land uses with specification of type of use, e.g., single-family residential, multiple-family residential, retail, office, and density or individual units in areas shown, including:
 - (1) Property within a radius of one (1) mile around the site; and
 - (2) The property fronting on all vehicular routes within the Township contemplated to be utilized by trucks which will enter and leave the site.
 - b. Geological /hydrological/engineering survey above the water table.
 1. In the event that the mining operation shall take place above the water table, the following survey with written recommendations to the Township shall be provided by the Township's Engineer:
 - (a) The engineer shall visit the proposed site and specify the number and location of soil borings for each stage of mining operation by cell to determine groundwater elevation.
 - (b) Soil borings shall be taken based upon the Township Engineer's determination as specified in subsection 1. (a.).

- (c) The location of the borings shall be noted on the site plan with a log of each boring showing the depth of boring, soil types, ground water elevation, and elevation of any mottled soils encountered.
- (d) The owner, operator and/or permittee shall reimburse the Township for all expenses associated with these analyses.

c. Geological/hydrological/engineering survey below the water table.

- 1. In the event that the operation shall extend below the water table, the following shall be provided:
 - (a.) A geological/ hydrological/ engineering survey of the proposed site shall be prepared by certified professional experts, indicating:
 - (1) Level of water table throughout the proposed area;
 - (2) Opinion as to each and every effect on the water table and private wells and property owners within the reasonably anticipated area of impact during and subsequent to the operation;
 - (3) All qualitative and quantitative aspects of surface water, groundwater, and watershed anticipated to be impacted during and subsequent to the

operation to the geographical extent reasonably expected to be affected; and

- (4) Opinion whether the exposure of subterranean waters and/or the impoundment of surface waters, where permitted, will establish a suitable water level at the level or levels proposed as part of the operation, and whether the same will not interfere with the existing subterranean water or cause any harm or impairment to the general public.
- (5) The geological/hydrological/engineer certified professional experts, shall be selected by the owner, operator and/or permittee, and all expense associated with these analyses, shall be paid by the owner, operator and/or permittee.
- (6) This geological/hydrological survey analyses shall be reviewed by the Township Engineer, with written recommendations to the Planning Commission. The owner, operator and/or permittee shall reimburse the Township for all expenses associated with this review.

d. Description of the vehicles, machinery and equipment proposed for use on the property, specifying with respect to each, the anticipated noise and vibration levels and their hours of operation.

5. There shall be not more than one (1) entrance-way from a public road to the Quarry, Mineral Mining, and Extractive Operation lot for each six hundred sixty (660) feet of front lot line. All vehicles used for the transporting of materials from any quarry site shall travel to and from the site on a street route which minimizes adverse impacts on residential neighborhoods.
6. Mineral mining, extractive operations and processing activities relating to storage such as stockpiling shall not take place before 7:00 a.m. or sunrise, whichever comes later; or after 8:00 p.m. or sunset, whichever comes first; and no such activities shall take place after 12:00 p.m. on Saturday, nor all day on Sunday, nor the following days - New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day, and Michigan International Speedway race weekends (Friday through Sunday).
7. Truck Loading/Shipping: From the period of April 1 through October 31 of each year, the hours of operation for all truck loading and shipping from the site shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, Saturday loading hours shall be limited to the hours between 7:00 a.m. and 12 noon. From the period from November 1 to March 31 of each year, the hours of operation for all truck loading and shipping from the site shall be limited to the hours between 7:00 a.m. and 5:00 p.m., Monday through Friday, Saturday loading hours shall be limited to the hours between 7:00 a.m. and 12 noon. No loading/shipping shall take place on the following days - New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day, and Michigan International Speedway race weekends (Friday through Sunday).
8. On said lot, no excavating shall take place closer than:
 - a. One hundred fifty (150) feet to a street right-of-way line.
 - b. One hundred fifty (150) feet to a wetland.

- c. Three hundred (300) feet to any lot line in a non-residential district.
9. On said lot, for each ingress and egress, a paved driveway of not less than one hundred (100) feet in length, with a minimum width of twenty-two (22) feet shall be provided extending from the edge of the street. A crushed stone driveway two hundred (200) feet in length and twenty-two (22) feet in width shall be located from the terminus of the paved driveway into the site. Said driveways shall be constructed and maintained to support the maximum weight of vehicles. There shall be located on the site at all times a water truck of sufficient capacity for controlling dust on roads located outside the site. Other ecologically-safe dust suppressants that are organically based and non-hazardous to the environment, such as pine-sap-based emulsions or soy-bean-based products, may be used. There shall be located on the site at all times equipment which will operate a rotary broom for cleaning up debris within the site or on public roads when necessary.
10. Any odors, smoke, fumes, or dust generated on said lot by any digging, excavating, processing, stockpiling, or transportation operation and borne or able to be borne by the wind shall be confined within the lines of said lot so as not to cause a nuisance or hazard on any adjoining lot or public road.
11. Sound Control: Any crushing equipment or device utilized on the premises shall be housed in a wooden structure adequate to control noise and dust generated by crushing operation and associated processes. Crushing equipment located on the property shall not generate noise in excess of the number of decibels allowed in the Norvell Township Ordinance No. 22, the Anti-Noise and Public Nuisance Ordinance. Only materials mined from the property which is subject to this permit may be crushed on the premises.
12. When a quarrying operation creates a body of water, the owner, operator and/or permittee shall place appropriate

"KEEP OUT" - "DANGER" signs around said premises not more than two hundred (200) feet apart.

13. A permit shall be required from the Department of Environmental Quality (DEQ), Land and Water Management Division, for the creation of a body of water greater than five (5) acres in size.
14. Building Berm Line for Operation Structures. To reduce the effects of airborne dust, dirt, noise and vibration, a berm of not less than fifteen (15) feet in height shall be built around the immediate perimeter of all equipment and structures used for sorting, washing, crushing and other similar operations.
15. Weighing of Trucks: All trucks loaded with mined materials leaving the site shall be weighed on certified scales and a weigh ticket shall be provided to the driver of any such truck. The Township Clerk shall be provided with a copy of all scale certifications within 10 days of inspection. On-site scales shall be certified no less than once every six months.
16. Explosives: The use of explosives is prohibited.
17. Such removal, processing or storage shall not be conducted so as to cause the pollution by any material of any surface or subsurface watercourse, or body of water.
18. Such removal, processing, or storage shall not be conducted so as to cause or threaten to cause the erosion by water of any land outside of said lot or of any land on said lot such that earth materials are carried outside of the lines of said lot. Such removal shall not be conducted as to alter the drainage pattern of surface or sub-surface waters on adjacent property. In the event that such removal, processing, or storage shall cease to be conducted, it shall be the continuing responsibility of the owner or operator thereof to assure that no erosion or alteration of drainage patterns, as specified in this paragraph, shall take place after the date of the cessation of operation.
19. Wherever topsoil exists, suitable for growing turf or for other

land use at the time the operations begin, a sufficient quantity of topsoil shall be stockpiled on said site so that the entire site, when stripping or removal operations are completed, may be recovered with a minimum of four (4) inches of topsoil and the replacement of such topsoil shall be made immediately following the termination of the stripping or removal operation. Such replacement shall be in a manner suitable for growing turf or for other land uses. Areas of restored topsoil shall be seeded or sodded with vegetation that will prevent erosion from wind or water.

- a. Top Surface of Stockpile: The top surface of a stockpile shall be reduced to a topography which provides proper drainage and favorable conditions for vegetation, minimizes erosion and is consistent with a future use of the quarrying area.
- b. Surface Overburden Stockpile:
 - (1) Stockpile overburden shall be sloped at an angle which minimizes erosion, promotes vegetation and is consistent with a future use of the quarrying area.
 - (2) Where substantial natural vegetation is not expected within one (1) year or where erosion is occurring, or where the township Building Inspector and/or Zoning Administrator finds erosion likely to occur, which results or may result in injury or damage to fish and wildlife, the pollution of air or water, or which is causing or might cause injury to the person or property of others, surface overburden stockpiles shall be stabilized by planting with vegetative cover, or by other treatment, to prevent erosion, pollution, or injury.
 - (3) Screening vegetation that dies shall be replaced.

20. All fixed equipment and machinery shall be located a minimum of three hundred (300) feet from any lot line.

21. There shall be erected a chain link fence not less than six (6) feet in height around the periphery of the quarrying activity. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50) feet to the top edge of any slope.
22. All areas shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
23. The operator or operators shall prepare a long-term plan designating all areas proposed for future excavation. A scheduling sequence shall be provided to indicate the planned dates or excavation of each area. A short-term (two-year) plan for excavation shall also be provided which designates the initial area to be excavated. In preparing the long, and short-term plans, the operator or operators shall develop the plans consistent with the two-year approval cycle for conditional use permits for quarry operations as referenced in subsection 6.7.A.24.
 - a. The short-term (two-year) plan shall include the following:
 - (1) A detailed proposal as to method of operation, what type of machinery or equipment will be used, estimated period of time that such operation will cover, and all haul roads and truck entrance locations to be used.
 - (2) Site clearance methods and debris clean up.
 - (3) A detailed statement as to exactly what content and type of deposit is proposed to be extracted, the depth of the deposit, and the depth of excavation.
 - (4) All wetlands shall be delineated by monumentation.
 - (5) A map delineating access routes between the property and the nearest arterial road.

- (6) The impact of the removal process and methods of removal on adjoining areas.
- (7) The method and direction of the excavation.
- (8) The depth of grade level over the entire site from which the materials will be removed.
- (9) Provisions for grading, re-vegetation and stabilization that will minimize soil erosion, sedimentation, and public safety concerns.
- (10) The location of buildings, structures, equipment, stockpiles, roads, sediment ponds, drainage diversions, discharge points, or other features necessary to the quarrying activities and provision for the removal and restoration of the area at the projected termination.
- (11) The interim use or uses of reclaimed areas before the cessation of the entire quarrying operation.
- (12) Maps and other supporting documents may be required.
- (13) Color coded maps and plans shall be prepared which detail, for both the operations of the quarry, and the transport of product, the following:

Haul routes

Noise control

Dust control

De-watering process

Treatment of ponded or surface water

Drainage

Soil erosion control measures

Berming and screening from view

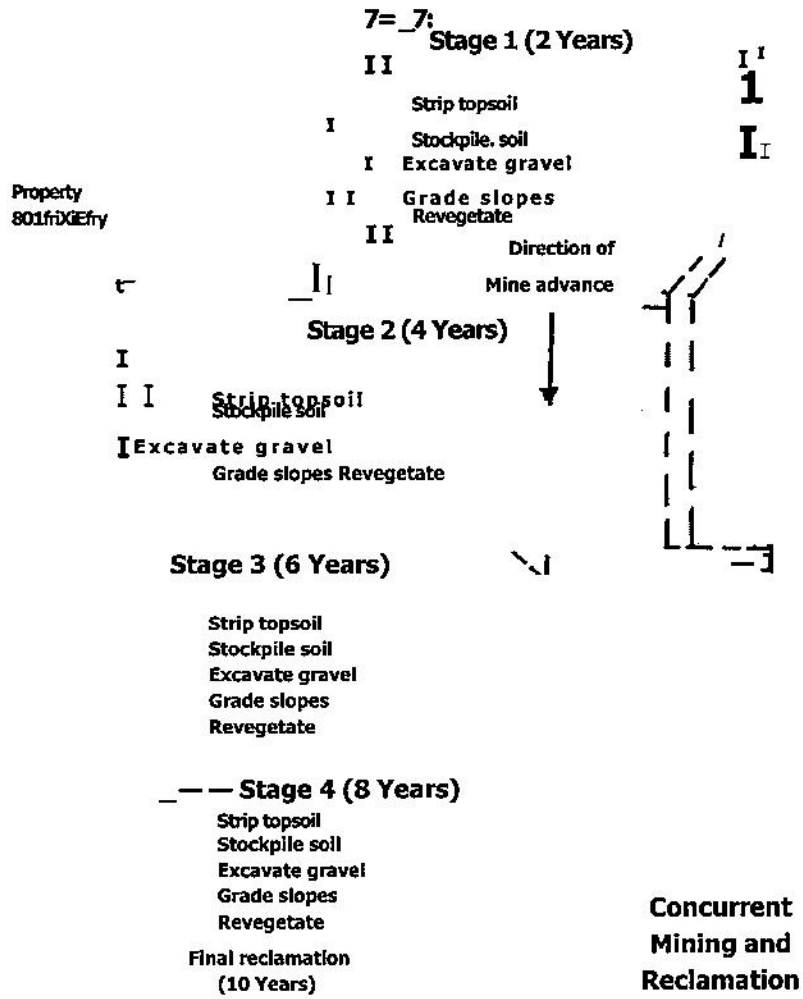
Mining limits

- (14) The site plan, in addition to displaying the information required in Article VII, Site Plan Review and Approval, and other provisions of the ordinance, shall display any staged, or cell, excavation and reclamation involving stripping of top soil, stockpiling of top soil or product, excavation of product, grade slopes, and re-vegetation.

- (15) A cross section perspective of each cell showing stages and timing of excavation and reclamation shall be provided.
Reclamation of any given stage of a cell shall be completed, stable and inspected prior to mining extraction of any other stage of the cell. (See the example: Concurrent Mining and Reclamation)**

**Example of Concurrent Mining and Reclamation CELL image is located on the next page.

CELL



(16) The following information shall be provided: the estimated season start and stop dates; the name of the financial institution (if any) backing the operation; and a list of names, addresses, and telephone numbers of persons, firms, or corporations having legal or equitable interest in the property.

- b. The operator or operators shall also file with the Planning Commission and the Township Building Inspector a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater intervals than two (2) feet, steps which shall be taken to conserve topsoil; proposed and final landscaping; and the location of future roads, drives, drainage courses, and/or other improvements contemplated.

The following shall apply to all restoration plans and activities:

- (1) The final slopes of the banks of any quarrying shall in no event exceed a slope of 3:1 (3 feet horizontal to 1 foot vertical). Where ponded water results from such use, the slope extending into the water shall be maintained at a maximum depth of five (5) feet.
 - (2) The filling of land with rubbish or garbage or any other waste matter in a quarry is hereby prohibited. Any back filling shall be with non-toxic, nonflammable, non-combustible solids.
 - 3) Following the termination of an approved quarrying use all exposed surfaces shall be seeded or sodded with vegetation that will prevent erosion from wind or water.
 - (4) The method of disposing of any equipment or structures used in the operation of the excavation upon completion of the excavation shall be specified.
24. The permit or each renewal thereof shall be for a period of not more than two (2) years and shall be renewable only on re-application, a redetermination by the Planning Commission, and a filing of a performance bond, which shall be set by the Township Board. The performance bond shall be used by the

township to complete restoration in the event the owner/operator of the quarry, mineral mining, and extractive operation fails to restore the site at the cessation of production activities.

No new cell shall be commenced until the previous cell has been completely restored and approved by the Township, and a new bond is in place in an amount approved by the Township Board.

25. **Permit Compliance:** Compliance with this permit shall be reviewed monthly by an official designated by the Township and shall be subject to review of past performance and verification that operations have been conducted according to the requirements of the Township zoning ordinance, the requirements of this permit and the approved Site Plan on file with the Township. Site operations shall be open to Township inspection at all times, and inspection shall take place as often as necessary to assure compliance.

26. **Annual Inspection:** The owner, operator and/or permittee shall reimburse the Township for an annual professional and independent inspection of its operations. The purpose of the inspection is to determine conformance to the Site Plan and operations in accordance with the terms agreed to by the owner, operator and/or permittee and the Township. The following is the inspection procedure:
 - a. An annual inspection shall be conducted by a registered civil engineer selected by the Township. This inspection is to take place sixty (60) days prior to the one-year anniversary of the permit and during the period of production at a time agreed upon by all involved parties. In each site visit, the inspector is to be accompanied by representatives of the site and the Township.
 - b. The inspector will submit a report of findings to both the Township and the operators of the site within twenty (20) working days following the inspection. The inspector is to take into consideration and respond to:
 - (1) Conformance to the Site Plan, General Plan and the conditions of the permit; and

27. **Excavation Surcharge:** To assure compliance with the provisions of this ordinance and the conditional use permit issued thereby, and to provide funding for the repair of streets and roads in the township, the owner, operator and/or permittee shall pay to Norvell Township an amount equal to a minimum of 2.0 cents per ton for each ton of any earth, rock, sand, gravel, clay, stone, slate, marble, or other nonmetallic minerals shipped from the site that has been mined from within the boundaries of Norvell Township. The owner, operator and/or permittee shall provide monthly to the Township Clerk a copy of the total number of tons trucked from the site. This excavation surcharge shall be paid annually by March 1 for the previous January through December period.

AA. Child Care Center Facility subject to the following standards:

1. The minimum lot area shall be twenty thousand (20,000) square feet.
2. A drop-off/pick-up area shall be provided for motorists off of the public street.
3. There shall be contiguous open space of a minimum of 5,000 square feet provided on the subject parcel. Said open shall not be located within a required front setback area.
4. The child care facility shall be properly licensed by the State of Michigan.
5. Child Care Facilities shall comply with the minimum building setbacks specified for principal buildings in the zoning district in which the Child Care Facility is located. In order to protect the quiet enjoyment of neighboring residents, the Planning Commission may impose greater setbacks than the minimum specified in those instances where the Child Care Facility would be located adjacent to single family dwellings.

AAA. Public and Private Nursery, Primary, or Secondary Non-Profit Schools; and College and University, subject to the following standards:

1. The minimum lot area shall be one and one half (1.5) acres in size.
2. A drop-off/pick-up area shall be provided for motorists off of the public street.

B. Junk Yards. In addition to and as an integral part of development, the following provisions shall apply:

1. Junk yards shall be established and maintained in accordance with all applicable State of Michigan laws and regulations.
2. It is recognized by this Ordinance that the location in the open of such material included in this Ordinance's definition of

"Junk Yard" will cause the reduction of the value of adjoining property. To the end that the character of the district shall be maintained and property values conserved, a solid, new opaque fence or wall at least seven (7) feet in height, and not less in height than the materials located on the lot on which a junk yard shall be operated, shall be located on said lot no closer to the lot lines than the yard requirements for buildings permitted in this district. All gates, doors, and access ways through said fence or wall shall be of solid, opaque material. In no event shall any materials included in this Ordinance's definition of "Junk Yard" be located on the lot on which a junk yard shall be operated in the area between the lines of said lot and the solid, opaque fence or wall located on said lot.

3. All traffic ingress or egress shall be on major streets and there shall be not more than one (1) entrance way to the lot on which a junk yard shall be operated from each public road on which said lot abuts.
4. On the lot on which a junk yard shall be operated, all roads, driveways, parking lots, and loading and unloading areas within any yard shall be paved or chemically treated so as to limit on adjoining lots and public roads the nuisance caused by wind-borne dust.

6.7BB Indoor and Outdoor Commercial Recreation Establishments, subject to the following:

A. Such uses shall include, but need not be limited to the following:

1. Recreational fields, rinks or courts, including football, softball, soccer, tennis, basketball, ice skating, skateboarding, and similar activities.
2. Miniature golf
3. Swimming pools open to the general public or operated by a private non-profit organization.
4. Archery and shooting ranges.
5. Music concert pavilions and band shells.
6. Amusement parks.

7. Uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, office for management functions, spectator seating and service areas, including locker rooms and rest rooms.
- B. No building activity, or spectator seating facility shall be located within one hundred (100) feet of a property line.
- C. Exterior lighting shall be installed in such a manner that it is deflected away from any adjacent residential properties and so that it does not impede the vision of traffic along adjacent streets.
- D. The site shall be cleared of debris after each activity so that litter does not accumulate on adjacent properties.
- E. Provisions shall be taken, at the discretion of the Planning Commission, to ensure that excessive dust, noise, traffic, lighting, glare, and trespassing are not inflicted on adjacent properties.

6.7C. Amusement Enterprises. In addition to and as an integral part of development, the following provisions shall apply:

1. Drive-in theaters shall be enclosed for their full periphery with a solid screen fence at least seven (7) feet in height. Fences shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.
 2. All fenced-in areas shall be set back at least one hundred (100) feet from any front street or property line.
 3. All traffic ingress or egress shall be on major streets and all local traffic movement shall be accommodated within the site so that entering and exiting vehicles will make normal and uncomplicated movements into or out of the public thoroughfare. All points of entrance or exit for motor vehicles shall be located no closer than two hundred (200) feet from the intersection of any two (2) streets or highways.
- D. Asphalt or Concrete Plant, shall be subject to the following conditions:**
1. Intent and Purpose: It is the intent and purpose of this section to promote the underlying spirit and intent of this approval of this Ordinance, but at the same time allow for the production

of Asphalt and Concrete, and to insure these activities shall be compatible with adjacent uses of land, the natural environment, and the capabilities of public services and facilities affected by the land use, and to insure that these activities are consistent with the public health, safety, and welfare of the Township.

2. Use Restriction: Asphalt and Concrete production in the Township shall be prohibited unless first authorized by the approval of a conditional use permit by the Township Board in accordance with this Section.
3. Exemption: Asphalt and Concrete production operations shall be prohibited within sixteen hundred (1600) feet from the perimeter of subdivisions, site condominium development, manufactured housing communities, multiple-family developments, and suburban residential and lake residential zoning districts.
4. Application: In addition to the provisions of Articles VI and VII, fifteen (15) copies of an application shall be filed with the Zoning Administrator and shall include the following:
 - a. Land use study/drawing showing the existing land uses with specification of the type of use, e.g., single-family residential, multiple-family residential, retail office, and density or individual units in the following areas shown, including:
 - (1) Property within a radius of one (1) mile around the site; and
 - (2) The property fronting on all vehicular routes within the Township contemplated to be utilized by trucks which will enter and leave the site.
 - b. Description of the vehicles, machinery and equipment proposed for use on the property, specifying with respect to each, the anticipated noise and vibration levels and their hours of operation.
5. There shall be not more than one (1) entrance-way from a

public road to the asphalt or concrete plant's lot for each six hundred sixty (660) feet of the front lot line. All vehicles used for the transporting of materials from any Asphalt or Concrete Site shall travel to and from the site on a street route which minimizes adverse impacts on residential neighborhoods.

6. Asphalt or Concrete production activities shall not take place before 7:00 a.m. or sunrise, whichever comes later; or after 8:00 p.m. or sunset, whichever comes first; and no such activities shall take place after 12:00 p.m. on Saturday, nor all day on Sunday, nor the following days - New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day, and Michigan International Speedway race weekends (Friday through Sunday).
7. Truck Loading/Shipping: From the period of April 1 through October 31 of each year, the hours of operation for all truck loading and shipping from the site shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, Saturday loading hours shall be limited to the hours between 7:00 a.m. and 12 noon. From the period from November 1 to March 31 of each year, the hours of operation for all truck loading and shipping from the site shall be limited to the hours between 7:00 a.m. and 5:00 p.m., Monday through Friday, Saturday loading hours shall be limited to the hours between 7:00 a.m. and 12 noon. No loading/shipping shall take place on the following days - New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day, and Michigan International Speedway race weekends (Friday through Sunday).
8. On said lot, no excavating shall take place closer than:
 - a. One hundred fifty (150) feet to a street right-of-way line.
 - b. One hundred fifty (150) feet to a wetland.
 - c. Three hundred (300) feet to any lot line in a non residential district

9. On said lot, for each ingress and egress, a paved driveway of not less than one hundred (100) feet in length, with a minimum width of twenty-two (22) feet shall be provided extending from the edge of the street. A crushed stone driveway two hundred (200) feet in length and twenty-two (22) feet in width shall be located from the terminus of the paved driveway into the site. Said driveways shall be constructed and maintained to support the maximum weight of vehicles. There shall be located on the site at all times a water truck of sufficient capacity for controlling dust on roads located outside the site. Other ecologically-safe dust suppressants that are organically based and non-hazardous to the environment, such as pine-sap-based emulsions or soy-bean-based products, may be used. There shall be located on the site at all times equipment which will operate a rotary broom for cleaning up debris within the site or on public roads when necessary.
10. Any odors, smoke, fumes, or dust generated on said lot by any digging, excavating, processing, stockpiling, or transportation operation and borne or able to be borne by the wind shall be confined within the lines of said lot so as not to cause a nuisance or hazard on any adjoining lot or public road.
11. Sound Control: Asphalt and Concrete production equipment located on the property shall not generate noise in excess of the number of decibels allowed in the Norvell Township Ordinance No. 22, the Anti-Noise and Public Nuisance Ordinance. Any device utilized on the premises shall be housed in a wooden structure adequate to control noise and dust.
12. Building Berm Line for Operation Structures. To reduce the effects of airborne dust, dirt, noise and vibration, a berm of not less than fifteen (15) feet in height shall be built around the immediate perimeter of all equipment and structures used for Asphalt or Concrete production.
13. Such production shall not be conducted so as to cause the pollution by any material of any surface or subsurface watercourse, or body of water.

14. All fixed equipment and machinery shall be located three hundred (300) feet from any lot line.
15. There shall be erected a chain link fence not less than six (6) feet in height around the periphery of the Asphalt and Concrete production activity. Fences shall be adequate to prevent trespass.
16. A plan shall be prepared to cover the anticipated period of operation of the asphalt or concrete plant. The plan shall include the following:
 - a. A detailed proposal as to method of operation, what type of machinery or equipment will be used, estimated period of time that such operation will cover, and all haul roads and truck entrance locations to be used.
 - b. Site clearance methods and debris clean up.
 - c. All wetlands shall be delineated by monumentation.
 - d. A map delineating access routes between the property and the nearest arterial road.
 - e. The location of buildings, structures, equipment, stockpiles, roads, drainage diversions, discharge points, or other features necessary to the Asphalt and Concrete production activities.
 - f. Color coded maps and plans shall be prepared which detail, for both the operations of the Asphalt and Concrete production, and the transport of product, the following:
 - Haul routes
 - Noise control
 - Dust control
 - Treatment of ponded or surface water
 - Drainage
 - Soil erosion control measures
 - Berming and screening from view

- g. The following information shall be provided: the estimated season start and stop dates; the name of the financial institution (if any) backing the operation; and a list of names, addresses, and telephone numbers of persons, firms, or corporations having legal or equitable interest in the property.
 - h. The method of disposing of any equipment or structures used in the operation of the Asphalt or Concrete production upon completion, shall be specified.
17. The permit shall require the filing of a performance bond. The performance bond shall be used by the township to complete restoration, in the event should the owner/operator fail to restore the site at the cessation of production activities.

E. Airports, subject to the following standards:

- 1. The area proposed shall be sufficient to meet the Federal Aeronautics Administration requirements for the class of airport proposed.
- 2. There are no existing flight obstructions such as towers, chimneys or other tall structures, or natural obstructions outside the proposed airport which would fall within the approach zone to any of the proposed runways or landing strips of the airport.
- 3. There is sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the Federal Aeronautics Administration or any other appropriate authority. In cases where air rights or easements have been required from the owners of abutting properties, in which approach zones fall, satisfactory evidence thereof shall be submitted with the application.
- 4. Any building, hangers, or other structures shall be at least 100 feet from any street or lot line.
- 5. The site plan submitted for review and approval shall, in addition to the information required in Subsection 7.5.C, include the proposed layout of runways, landing strips or

areas, taxi strips, aprons, roads, parking areas, hangars, buildings, and other structures and facilities; the location and height of all buildings, structures, trees, and overhead wires falling within the airport approach zone and less than 500 feet distance from the boundary lines of the airport.

F. Amusement parks, subject to the following standards:

1. The lot size shall be a minimum of ten (10) acres.
2. The site shall be so planned as to provide all ingress and egress directly onto a County Primary Road or a State or Federal Highway.
3. There shall be provided at least a one hundred (100) foot setback from the property line abutting the County Primary Road or State or Federal Highway.
4. Such use shall be located at least two hundred (200) feet from any property line of abutting residentially zoned lands.

G. Automobile Service Stations, subject to the following standards:

1. An automobile service station building housing an office and/or facilities for servicing, greasing and/or washing motor vehicles shall be located not less than forty (40) feet from any street lot line, and not less than twenty-five (25) feet from any side or rear lot line adjoining a residentially zoned district.
2. All driveways providing an ingress to, or egress from an automobile service station shall not be more than thirty (30) feet wide at the property line. No driveway or curb opening shall be located nearer than twenty (20) feet to any intersecting street right-of-way, or adjacent to residential property. No driveway shall be located nearer than thirty (30) feet, as measured along the property line, to any other driveway giving access to or from the same automobile service station.
3. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a

building. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street, or right-of-way.

4. Outdoor storage or parking of wrecked or partially dismantled vehicles shall be prohibited.

H. Automobile Repair Garages, including Auto Body Repair subject to the following standards:

1. An automobile repair garage shall be located not less than forty (40) feet from any street lot line.
2. An automobile repair garage shall be located not less than one hundred (100) feet from any residentially zoned area.
3. All repair equipment and activity shall be located within a completely enclosed building.
4. Outdoor storage or parking of wrecked or partially dismantled vehicles shall be prohibited for a period greater than ten (10) days.

I. Commercially operated trails for use by motorcycles, dune buggies, go-karts, snowmobiles, and similar types of vehicles; automobile racing, and animal racing subject to the following standards:

1. The minimum site size shall be ten (10) acres.
2. The sites shall have direct access to a County Primary Road or a State or Federal Highway.
3. There shall be provided at least a one hundred (100) foot setback from the property line that abuts the County Primary Road or State or Federal Highway.
4. Such use shall be located at least five hundred (500) feet from any property line of abutting residentially zoned lands.

5. The perimeter of the site shall be fenced with an opaque fence to reduce noise to a height of six (6) feet.
6. The site shall be cleared of debris after each activity so that litter does not accumulate on adjacent properties.
7. Provisions shall be taken, at the discretion of the planning commission, to ensure that excessive dust, noise, traffic, lighting, glare, and trespassing are not inflicted on adjacent properties.
8. Provisions shall be taken, at the discretion of the planning commission, to ensure that all health and safety factors and density considerations are satisfied, including, but not limited to: ingress, egress, parking density and overall capacity of the facility.

I. Country clubs, subject to the following standards:

1. Country clubs shall be associated with golf courses. Clubhouses and accessory buildings shall be located not less than two hundred (200) feet from abutting residentially zoned lands.

K. Drive-in businesses, subject to the following standards:

1. Access to and egress from a drive-in establishment shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing of vehicles on sidewalks or streets.
2. Ingress and egress driveways shall be located at least 25 linear feet from any corner when said property abuts an intersection of two streets to provide adequate sight distance from both vehicles and pedestrians.
3. No access or egress shall be so arranged that vehicles can enter or leave the area only by backing on or across any sidewalk or back into any street.
4. All access and egress driveways shall cross a sidewalk only in

such a manner that its width at the inner edge of the sidewalk is no greater than its width at the curb, excluding any curved or tapered section known as the curb return. Any portion of a parking or loading area abutting a sidewalk at a point other than a permitted driveway shall be provided with wheel stops, bumper guards, or other devices to prevent encroachment of parked, standing or moving vehicles upon any sidewalk area not contained within a permitted driveway.

5. All driveways providing ingress and egress to a drive-in business shall be not more than thirty (30) feet wide at the property line. No driveway shall be located nearer than thirty (30) feet, as measured along the property line, to any other driveway providing access to or from the drive-in business.

L. Drive-in theaters, subject to the following standards:

1. Drive-in theaters shall be enclosed for their full periphery with a solid screen fence at least seven (7) feet in height. Fences shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.
2. All fenced-in areas shall be set back at least one hundred (100) feet from any front street or property line.
3. The area accessible by patrons' vehicles shall if not paved, be chemically treated with a suitable material to prevent dust.
4. Reservoir parking space off the street shall be provided for patrons awaiting admission in an amount not less than 30 percent of the vehicular capacity of the theater.
5. The vehicular circulation shall be so designed and constructed as to permit only one way traffic within the boundaries of the tract on which the theater is to be located.
6. Ingress and egress from the highway shall be so designed and constructed as to provide for safe traffic movement.
7. The screen shall be so located and shielded so that the pictures shown thereon shall be invisible from any highway.

8. A structure for the sale and service of food and non-alcoholic beverages may be permitted as an accessory use for a drive-in theater.

M. Feedlots, subject to the following standards:

1. The minimum lot area shall be twenty (20) acres.
2. A site shall have direct access to a County Primary Road or a State or Federal Highway.
3. There shall be provided at least a one hundred (100) foot setback from the property line that abuts the County Primary Road or State or Federal Highway.
4. Such use shall be located at least five hundred (500) feet from any residence.

N. Golf courses, subject to the following standards:

1. The site shall be so planned as to provided all ingress and egress directly onto a County Primary Road or a State or Federal Highway.
2. Development features including the principal and accessory buildings and structures shall be so located and related to as minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than two hundred (200) feet from any property line of abutting residentially zoned lands.

O. Golf driving ranges, subject to the following standards:

1. Any floodlights used to illuminate the premises shall be installed in such a manner that the light shall be directed, shielded and deflected away from any adjacent residential properties and so that it does not impede the vision of traffic along adjacent streets.
2. Depending upon location, such activity may be limited to daylight or early evening hours.

P. Group or organized camps, camping grounds, and general or specialized resorts, subject to the following standards:

1. Minimum lot size shall be three (3) acres. The lot shall provide direct vehicular access to a public street or road.
2. Public stations, housed in all-weather structures, containing adequate water outlets, toilets, waste containers, shall be provided uniformly throughout the lot at a ratio of not less than one such station per each twenty (20) individual camp sites or not less than one such station per each one hundred (100) persons.
3. No commercial enterprises shall be permitted to operate on the lot.
4. Such use shall be located at least three hundred (300) feet from any abutting residentially zoned lands.

Q. Hotels or motels, subject to the following standards:

1. A swimming pool, tennis court or similar recreational activity may be established in conjunction with hotel or motel providing no charge is made for its use.
2. A hotel or motel shall not be located within three hundred (300) feet of any adjacent residential district.
3. Access shall be provided so as not to conflict with adjacent businesses or adversely affect traffic flow.
4. Each unit shall contain not less than two hundred fifty (250) square feet of floor area.
5. No guest shall establish permanent residence at a motel for more than thirty days within any calendar year.

R. Landfills, subject to the following standards:

1. All sanitary landfills shall be subject to the provisions of the Michigan Solid Waste Management Act, Public Act 641 of 1978, as amended.

2. There shall be not more than one (1) entrance way from a public road to said lot for each five hundred (500) feet of front lot line.
3. On said lot no sanitary landfill activities shall take place closer than one hundred (100) feet to any lot line.
4. On said lot a paved driveway of not less than two hundred (200) feet with a minimum width of twenty-two (22) feet shall be provided extending from the road or street and measured from the right-of way line. On said lot, all interior roads, parking lots, and loading and unloading area shall be paved, or chemically treated in an environmentally sensitive manner so as to limit on adjoining lots and public roads the nuisance caused by wind-borne dust.
5. Any refuse odors, fumes, or dust generated on said lot by any sanitary landfill or transportation operation and borne or able to be borne by the wind shall be confined within the lines of said lot so as not to cause a nuisance or hazard on any adjoining lot or public road.
6. Such sanitary landfill operation shall not be conducted as to cause the pollution by any material of any surface or subsurface, watercourse, or body outside the lines of the lot on which such use shall be located.
7. All fixed equipment and machinery shall be located at least one hundred fifty (150) feet from any lot line and five hundred (500) feet from any residential zoning district, but that in the event the zoning classification of any land within five hundred (500) feet of such equipment or machinery shall be changed to residential subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than one hundred (100) feet from any lot line.
8. There shall be erected a chain link fence not less than six (6) feet in height around the periphery of the development. Fences shall be adequate to prevent trespass.

9. All areas within any single development shall be rehabilitated progressively as they are filled to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural.
10. The operator shall file with the Planning Commission and the Zoning Inspector a detailed plan for the restoration of the development area which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater intervals than five (5) feet, proposed and final landscaping; and the location of future roads, drives, drainage courses, and/or other improvements contemplated. Such plans shall be subject to review and modification from time to time by the Planning Commission. The anticipated costs of carrying out the plans of restoration shall be included with said plans.
11. The operator shall file with the Township Board a performance bond, payable to the Township Board and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The amount of the required bond which will reflect the anticipated cost of the restoration shall be fixed by the Township Board. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.
12. The permit or each renewal thereof shall be for a period of not more than two (2) years and shall be renewable only upon reapplication, a redetermination by the Planning Commission and a filing of a performance bond, said redetermination to be made in accordance with the requirements of this Ordinance for the issuance of a conditional use permit.

Section 6.7 ADDITIONAL DEVELOPMENTAL REQUIREMENTS FOR
CERTAIN USES (adopted 12/21)

Subsection RR - Medical Marijuana Caregivers Requirements

The Township of Norvell in the Jackson County ordains:

A. Intent

1. Voters in the State of Michigan approved Initiated Law 1 of 2008, the Michigan Medical Marijuana Act (“MMMA”), authorizing the use of marijuana for certain medical conditions.
2. Under recent Michigan case law, Norvell Township may lawfully regulate land uses related to medical marijuana caregivers, so long as its regulations do not conflict with the MMMA.
3. It is the intention of Norvell Township that nothing in this Ordinance be construed to allow persons to engage in conduct that causes a public nuisance, or allow activity relating to the growing, distribution or consumption of marijuana that is otherwise illegal under state law.

B. Registered Primary Caregiver. A single, registered primary caregiver, in compliance with the Michigan Medical Marijuana Act, MCL 333.26421. et. seq. (MMMA), MMMA Administrative Rules, and the requirements of this Section, shall be permitted to grow marijuana as a home occupation as defined under Section 8.10 of the Township Zoning Ordinance. Nothing in this Ordinance, is intended to grant, nor shall it be construed as granting, immunity from criminal prosecution under state or federal law for growing, sale, consumption, use, distribution, or possession of marijuana not in strict compliance with the MMMA and the MMMA Administrative Rules.

The following requirements and standards shall apply to the location at which a medical marijuana caregiver grows and distributes medical marijuana to registered patients:

1. The medical use of marijuana shall comply at all times with the MMMA and the MMMA Administrative Rules, as amended.
2. Not more than one registered primary caregiver shall be permitted to operate at any one parcel.

3. The registered primary caregiver must be a full-time resident of the dwelling where the home occupation is operated.
4. The medical use of marijuana shall be conducted entirely within a dwelling or attached garage. "Medical use of marijuana" means the cultivation, possession, or use of marijuana, marijuana-infused products, or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition.
5. Except for lighting, heating, watering, drying or other equipment, or fertilizers, herbicides or other chemicals directly related to the medical use/cultivation of marijuana, no other materials or equipment not generally associated with normal ownership, use and maintenance of a dwelling shall be permitted.
6. Except for the primary caregiver, no other person shall deliver marijuana to the qualifying patient.
7. No one under the age of 18 years shall have access to medical marijuana.
8. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of a building, structure or premises in which equipment and devices that support the cultivation, growing or harvesting of marijuana are located or used.
9. If marijuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.
10. Related merchandise or products shall not be sold or distributed from the dwelling or property of the primary caregiver, apart from the permitted quantity of medical marijuana.
11. A conditional use permit is required for all medical marijuana caregiver operations to ensure compliance with all applicable requirements, laws and codes the portion of a building or other structure, such as a cultivation room, where energy use and heating requirements exceed typical residential limits and chemical storage occurs, are subject to inspection and approval by the zoning administrator or other authorized official. The property, dwelling and

all enclosed, locked facilities shall be available for inspection upon request by the zoning administrator, building official or law enforcement official.

12. Caregiver growing facilities may only be established on properties of 5 acres or more zoned Agricultural (AG-1).

A. Any portion of an outdoor enclosed locked facility shall be:

1. Set back at least eighty (80) feet from any lot line.
2. Set back at least one-hundred fifty (150) feet from any residential district.
3. Set back at least twenty-five (25) feet from any other outdoor enclosed locked facility on the same property
4. The growing facility must be enclosed by an opaque fence that is eight feet (8') in height to minimize light spillage, odor, and noise affecting adjacent properties.

B. The term “enclosed locked facility” has the meaning provided in the Act and means a closet, room, or other comparable, stationary, and fully enclosed area equipped with secured locks or other functioning security devices that permit access only by a registered primary caregiver or registered qualifying patient. Marijuana plants grown outdoors are considered to be in an enclosed, locked facility if they are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure and are grown within a stationary structure that is enclosed on all sides, except for the base, by chain-link fencing, wooden slats, or a similar material that prevents access by the general public and that is anchored, attached, or affixed to the ground; located on land that is owned, leased, or rented by either the registered qualifying patient or a person designated through the departmental registration process as the primary caregiver for the registered qualifying patient or patients for whom the marijuana plants are grown; and equipped with functioning locks or other security devices that restrict access to only the registered qualifying patient or the registered primary caregiver who owns, leases, or rents the property on which the structure is located. Enclosed, locked facility includes a motor vehicle if both of the following conditions are met:

1. The vehicle is being used temporarily to transport living marijuana plants from 1 location to another with the intent to permanently retain those plants at the second location.
 2. An individual is not inside the vehicle unless he or she is either the registered qualifying patient to whom the living marijuana plants belong, or the individual designated through the departmental registration process as the primary caregiver for the registered qualifying patient
13. No equipment or process shall be used in growing, processing, or handling of medical marijuana which creates noise, vibration, glare, light, fumes, odors, or electrical interference detectable to the normal senses at or beyond the property line. In case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio, television, or similar receiver off the premises or causes fluctuation of line voltage off the premises.
14. A primary caregiver operation shall not be located within one thousand (1,000) feet of the following: public or private elementary or secondary school; public or private preschool; licensed day care or child foster care facility; public park, beach or recreational area; or church, synagogue, temple or similar place of worship. Measurement shall be from the closest point of the property line containing the primary caregiver operation to the closest point of the property line containing the above listed facilities.

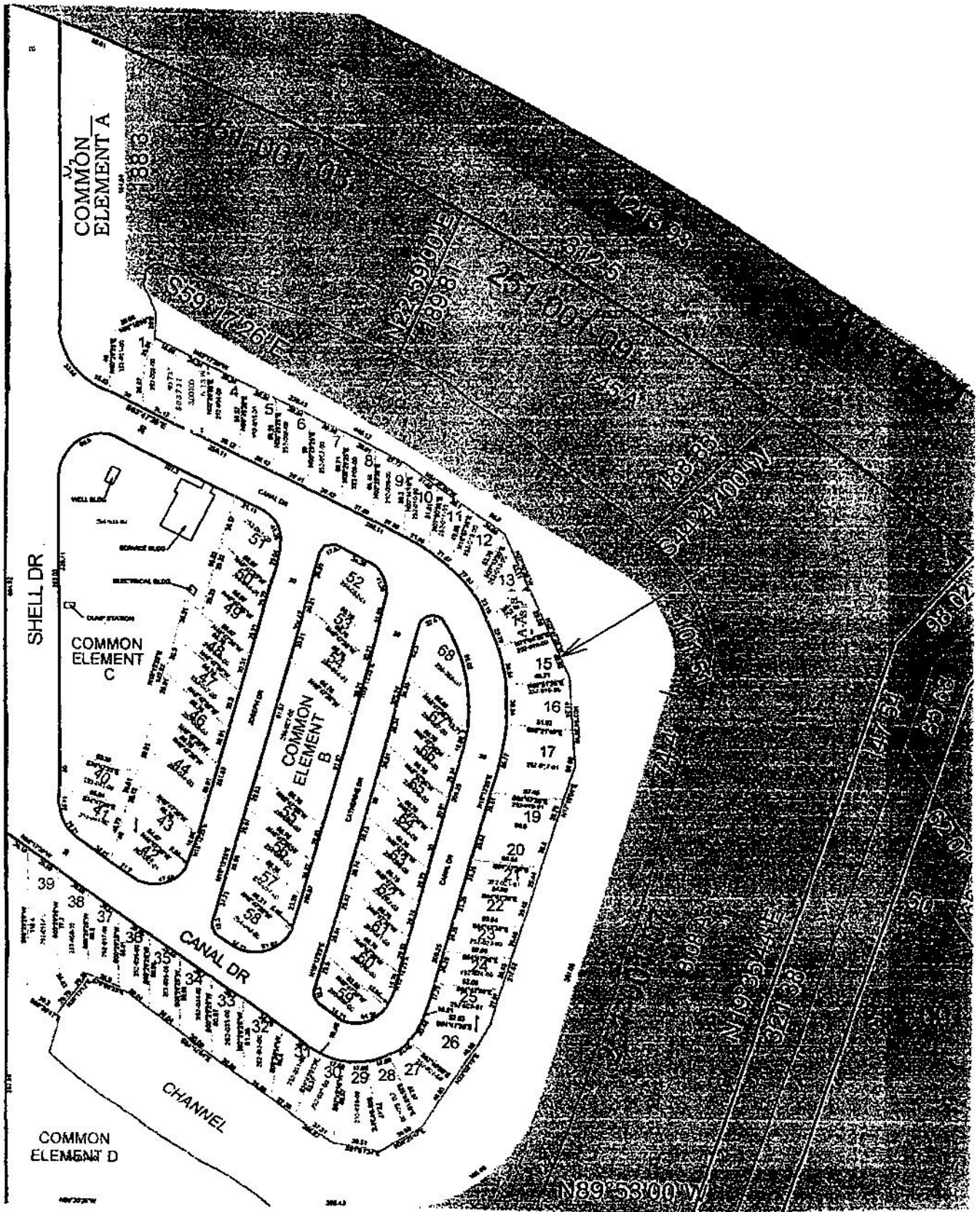
S. Travel trailer parks (and site condominium travel trailer parks) subject to the following standards:

1. The minimum lot area for such parks shall be twenty (20) acres.
2. The site shall be well-drained and not exposed to objectionable noise or odors.
3. Each travel trailer space shall contain at minimum 2,400 square feet and be at a minimum forty (40) feet wide and sixty (60) feet in depth. Each space shall be clearly defined on the ground by stakes or markers.
4. Travel trailer spaces shall be so arranged that no trailer will be parked less than 15 feet from an adjacent trailer. Travel trailer spaces

adjacent to a major street or highway shall provide a trailer setback of at least 25 feet.

5. Access to such parks shall be directly from a County Primary Road or State or Federal Highway and such access shall be of a design that will minimize traffic congestion. Streets or roadways within such parks shall be at least 30 feet in width. Streets shall be loop streets wherever possible. Cull-de-sac streets, where necessary, shall not exceed 600 feet in length and the turning circle shall be at least 80 feet in diameter.
6. All entrances and exit lanes within such parks shall be lighted to provide an intensity of at least five (5) foot candles.
7. A separate recreational area shall be provided in each such park at a ratio of at least 200 square feet per space, with a minimum of 5,000 square feet per park.
8. All provisions for water, laundry, sanitary facilities, fire protection, and electrical services shall be installed and maintained in accordance with all applicable township, county, and state laws and ordinances.
9. No commercial enterprises shall be permitted to operate on the lot, except that a convenience good shopping building may be provided on a lot containing more than eighty (80) sites.
10. Public stations, housed in all-weather structures, containing adequate water outlet, toilet, waste containers, shall be provided uniformly throughout the lot at a ratio of not less than one such station per twenty (20) sites.
11. All such parks shall be designed and maintained so that no travel trailer shall be located within fifty (50) feet of a body of water unless otherwise authorized by this ordinance.
12. Except as otherwise specified in this ordinance, the following setbacks shall be required for such parks:
 - a. A front yard setback of ten (10) feet.
 - b. A side yard setback of ten (10) feet.
 - c. A rear yard setback of ten (10) feet.
 - d. a greenbelt setback of fifty (50) feet from a body of water.

13. For parks existing prior to April 30, 2000 (the Vineyard Lake Condominium Travel Trailer Park), the following setbacks shall be required:
 - a. A front yard setback of five (5) feet except for lots abutting a body of water where the setback shall be zero (0) feet.
 - b. A side yard setback of five (5) feet.
 - c. A rear yard setback of five (5) feet.
 - d. A greenbelt setback of twenty (20) feet from a body of water.



T. Bed and Breakfast establishments, subject to the following standards:

1. The bed and breakfast establishment, if not served by public water and sanitary sewer service, shall be limited to four sleeping rooms for rent.
2. No such use shall be permitted on any property where there exists more than one (1) other bed and breakfast use within one thousand (1000) feet, measured between the closest property lines.
3. Such uses shall only be established in single-family dwellings.
4. One (1) parking space per room to be rented shall be provided on the site, in addition to the parking for a single-family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.
5. One kitchen shall be permitted as approved by the Jackson County Health Department.
6. Only one sign shall be allowed for identification purposes. Such sign shall be non-illuminated and unanimated, be mounted flat against the wall of the principal building, and not exceeding four (4) square feet in area.
7. The dwelling unit in which the bed and breakfast operation takes place shall be the principal residence of the operator, who shall live on the premises while the operation is active.
8. Accessory retail or service uses to a bed and breakfast establishment shall be prohibited, including but not limited to gift shops, antique shops, restaurants, bakeries, etc.
9. Meals shall be served only to residents, employees, family members and overnight guests.

U. Marinas, subject to the following standards:

1. Marinas shall be located to be directly accessible from county primary or State of Michigan trunk line roads. The operation of the marina shall not create traffic congestion on minor roads or streets through residential areas.
2. The site shall include a minimum 150 feet of water frontage.
3. Launching ramps, permanent/or seasonal dockage, boat repair facilities, and facilities for the sale of boating supplies and fuel, shall be located at least 50 feet from the nearest lot line.
4. Areas of boat storage shall be enclosed by an opaque wall or fence of eight (8) feet in height. Said fence or wall shall be constructed, composed of appropriate materials, and maintained to assure a pleasing appearance and structural integrity.
5. The marina shall be of a size and so designed such that all parking, storage, and vehicular maneuvering including boat launching, shall take place on the lot or parcel occupied by the marina.
6. Permanent/or seasonal dock facilities with Finger Piers shall be restricted to no more than six (6) watercraft for each one hundred (100) feet of water frontage; excluding launching ramps, and lot line setbacks as specified in subsection three (3)-
7. No storage of boats, trailers, or other goods or materials shall be permitted within fifty (50) feet of the water's edge.

V. Mini-warehouses, subject to the following standards:

1. No business activities other than the rental of storage units or interior storage area shall be conducted on the premises.

2. Mini-warehouses shall be located to be directly accessible from county primary or State of Michigan trunk line roads.

W. High Density Animal Feeding Operations

1. Application for Conditional Use. A request for a conditional use permit to operate a high density animal feeding operation shall include the following information in addition to that required of all conditional uses.
 - a. A site plan (see Article VII)
 - b. A description of similar facilities operated elsewhere by the following; the applicant, the owner of the property and/or the owners of the proposed operation.
 - c. A detailed description of any violation notices issued to the applicant or issued to farms, businesses, or other endeavors in which the applicant has an interest, by the State, county, or local government, or past litigation by anyone regarding other high density animal feeding operations conducted by the applicant or by other farms, businesses or endeavors in which the applicant has an interest.
 - d. A description of the types and numbers of livestock to be kept on the premises including the total number of animal units.
 - e. A description of which portions of the animal's life cycle will occur on site.
 - f. If waste application is to occur off site, the names and addresses of property owners of the land on which the waste is to be applied.

2. Required Permits

The operators of high density animal feeding operations shall obtain State and/or Federal permits as required and comply with the requirements of all applicable County, State and/or federal regulations.

As part of the application, the applicant shall provide the Township Planning Commission with written notification from the State Department of Natural Resources, the State Department of Agriculture and the County Soil Erosion and Sedimentation Control Agency of the need for any reports, permits, or environmental monitoring and programs including, but not limited to, the following:

- a. Preparation of an environmental impact statement.
- b. Preparation of a hydrogeological report.
- c. Preparation of an engineering plan.
- d. Surface and groundwater monitoring programs.
- e. Air emission permits.
- f. Water discharge permits.
- g. Soil erosion and sedimentation control permits.

Copies of all reports, permits and the results of all groundwater/surface water monitoring programs and air quality tests or other environmental monitoring programs as required by the regulating county, State or Federal Agency, or written notification of waiver, shall be provided to the Township Planning Commission as evidence that these requirements have been met before a conditional use permit shall be issued by the Township Board.

3. Setbacks and Location Standards

- a. All new structures and confined lots designed to house or contain farm animals or animal waste must be set back at least three hundred (300) feet from adjacent property lines, road right-of-ways and 1,250 feet from all lakes

and perennial streams.

- b. All new structures and confined lots designed to house or contain farm animals or animal waste must be set back at least one thousand two-hundred fifty (1,250) feet from any residence existing at the time construction is proposed except that of the facility operator; one thousand two-hundred fifty (1,250) feet from any existing school, church, nonfarm business, recreational area, or any existing public building; and two thousand five-hundred (2,550) feet from any area zoned for residential use or any area for which a recorded residential plat exists.
- c. If a high density animal feeding operation uses lagoons, reservoirs or other open storage areas as part of it's animal waste handling facility, the set back distances above shall be increased to two thousand five- hundred (2,500), two thousand five-hundred (2,500), and five thousand (5,000) feet, respectively.

4. Handling of Animal Waste

All high density animal feeding operations shall follow accepted animal waste management practices as established by the State Department of Agriculture, the Michigan Commission of Agriculture or the Jackson County Soil Conservation Service. The operator or operators of such facilities shall file with the Planning Commission and the Township Building Inspector a detailed plan for implementing such practices. This plan shall at a minimum, address the following components of animal waste management:

- a. Control of noise, dust, and odors, including a description of specific measures to be taken and a time table to implement the plan.
- b. The handling, storage, treatment and disposal of animal waste including a description of specific measures to be

taken and a time table to implement the plan.

- c. Barriers or other measures to be taken to control access to animal waste handling or treatment facilities.
- d. Animal waste from confinement manure storage pits or holding areas, when removed, shall be disposed of in a reasonable manner taking into account the wind direction and season of the year.
- e. No animal waste shall be applied to frozen ground or land slopes greater than six (6%) percent.
- f. The applicant shall provide a detailed plan for handling and temporary storage of excess animal waste in the event weather conditions, overfilling or structure damage to active lagoons or other waste storage facilities creates an emergency situation. Sufficient monies to insure implementation of this plan shall be placed in an escrow account.
- g. Methods used to transport animal waste on township, county, state, or interstate highways or through municipalities, shall not leak or discharge on the right-of-way or discharge on public or private property without the owner's consent.
- h. A detailed description of measures to be taken to dispose of dead animals.

5. Surety Bond

- a. Before the Township Board will issue a conditional use permit, the Applicant shall be required to submit to the Township a surety bond in favor of the Township Zoning Administrator to provide monies for the cleanup of accidental animal waste spills on public roadways; for the drilling of new water wells, or provision of an alternative water supply for neighbors who have

experienced "new" pollution; or for remediation of other environmental degradation which results from operation of the high density animal feeding operation. The Township may also use the proceeds of the bond for administrative costs, engineering studies, legal fees, compliance enforcement, pollution abatement and/or site restoration required as a result of the operation of high density animal feeding operation. The bond shall be in full force and effect from the commencement of the high density animal feeding operation until such time as there shall be restoration on the site following the closing of the operation. Conditions and dollar amount of the bond will be determined by the Township but the bond amount will not exceed five hundred thousand (\$500,000) dollars.

X. Limited residential uses incidental to the primary commercial use such as caretakers, night watchmen, and owner-operators with the following conditions:

1. No more than one (1) residential dwelling unit shall be allowed on any one parcel.
2. The residential use shall be clearly incidental and accessory to the primary commercial use of the property.
3. Adequate parking shall be provided to serve both the commercial and the residential use.
4. The residential unit shall meet the requirements of the BOCA code.

Y. Convenience stores which offer the sale of automobile fuels:

1. All gasoline pumps shall be located no less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline while parked upon or overhanging any public sidewalk, street, or right-of-way.

Z. Veterinarian establishments, including animal clinics, subject to the following standards:

1. Buildings wherein animals are kept, dog runs, and/or exercise areas shall not be located nearer than three hundred (300) feet to any adjacent residential district property line or any adjacent buildings used by the general public.
2. All principal use activities shall be conducted within a totally enclosed building.
3. Parking lots, the nearest edge of which is fifty (50) feet or nearer to a residential district or use, shall be effectively screened by a buffer strip, wall or fence at least three (3) feet above the highest point of the parking lot which it screens. Said buffer strips, wall, or fences shall be designed and constructed so as not to present a safety hazard for vehicles entering or leaving the site.
4. Norvell Township Ordinance No. 22, the Anti-Noise and Public Nuisance Ordinance shall be applicable.

Section 6.8 CONDITIONAL USE PERMIT, DETERMINATION AND IMPOSITION OF CONDITIONS, RECOMMENDATION TO TOWNSHIP BOARD.

If the facts in the case do not establish beyond a reasonable doubt that the findings and standards set forth in this Ordinance will apply to the proposed use, the Planning Commission shall not recommend to the Township Board that said Board should grant a conditional use permit. In recommending that a conditional use permit should be granted by the Township Board, the Planning Commission shall recommend such conditions of use as it deems necessary to protect the best interest of the Township and the surrounding property, and to achieve the objectives of this Ordinance.

Section 6.9 TOWNSHIP BOARD APPROVAL, GRANTING OF PERMIT.

Upon finding that the requirements of this Ordinance have been met by the applicant, the Planning Commission shall recommend approval or disapproval to the Township Board. When the Township Board gives final approval, a conditional use permit shall be issued to the applicant. The Township Board shall forward a copy of the permit to the applicant, Township Clerk, Building Inspector, and Planning Commission. The Building inspector shall not issue a zoning compliance permit until he has received a copy of the conditional use permit approved by the Township Board.

Section 6.10 RE-APPLICATION.

No application for a conditional use permit which has been denied wholly or in part by the Township Board shall be resubmitted for a period of three hundred and sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Planning Commission and Township Board to be valid.

ARTICLE VII
SITE PLAN REVIEW AND APPROVAL

Section 7.1 PURPOSE.

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

Section 7.2 BUILDINGS, STRUCTURES, AND USES REQUIRING SITE PLAN.

The Building Inspector shall not issue a zoning compliance or building permit for the construction of the buildings and structures identified in this Section unless a detailed site plan has been reviewed and approved by the Planning Commission and the Township Board.

- A. A multiple-family building.
- B. A planned unit residential development, in accordance with the provisions specified in ARTICLE VIII, Section 8.9.
- C. Any building or structure in any commercial or industrial district with a floor area greater than three thousand (3,000) square feet.
- D. More than one building or structure, except a sign, on a lot, parcel, or tract of land, or combination of lots under one ownership, in any commercial or industrial district.
- E. Manufactured Housing Community.
- F. All conditional uses.
- G. Residential development: A Single Family dwelling subdivision project of more than four (4) dwelling units. Condominium project consisting of not less than two (2) units.

Section 7.3 APPLICATION FEE

Any person may file a request for a site plan review by the Planning Commission by filing with the Township Clerk the completed application upon the forms furnished by the Clerk. Payment of a fee as established by resolution of the Township Board. As an integral part of said application, the applicant shall file at least sixteen (16) copies of a site plan.

Upon receipt of an application for a site plan review, one (1) notice that a request for a site plan review has been made shall be published not less than five (5) nor more than fifteen (15) days before the date the site plan will be considered. In addition, property owners within 500 feet from the perimeter of the property in question will be notified of the application. At the initiative of the bodies responsible for approving the site plan, or upon the request of the applicant, or a property owner within 500 feet of the property in question, a public hearing with notification as required for a notice above, shall be held before a decision is made on the site plan.

Section 7.4 PLANNING COMMISSION REVIEW OF SITE PLAN

Upon receipt of such application from the Township Clerk, the Planning Commission shall undertake a study of the same and shall make a recommendation to the Township Board to approve or disapprove such site plan, advising the applicant, in writing, of the recommendation, including any changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this Ordinance.

The Planning Commission shall submit one (1) copy of the approved site plan to the Township Board as well as the other data, exhibits, and information hereinafter required.

Section 7.5 REQUIRED DATA FOR SITE PLAN

Every site plan submitted to the Planning Commission shall be in accordance with the following requirements.

- A. Every site plan submitted, except site plans required for uses as prescribed in subsection 7.5.B. of this Ordinance, shall be drawn to a readable scale and shall include the following:
 1. The name of the applicant, scale used, a north arrow, the date prepared, and the name and address of the preparer if other than the applicant;
 2. All property boundaries and dimensions thereof; the location and use of all existing and proposed structures;

3. The location of all existing and proposed streets, parking lots, driveways, utilities and other improvements to be constructed or used as a part of the project;
 4. The current zoning classifications on the subject property and all adjacent property.
- B. Site plans submitted for the following uses shall be subject to the requirements of subsection 7.5.C. of this Ordinance.
1. The following conditional uses:
 - a. Quarries, mineral mining, and extractive operations.
 - b. Junk Yards.
 - c. Drive-in theaters and temporary amusement enterprises.
 - d. (reserved)
 - e. Airports.
 - f. Amusement Parks.
 - g. Automobile service stations.
 - h. Automobile Repair Garages.
 - i. Commercially operated trails for use by motorcycles, dune buggies, snowmobiles, and similar types of vehicles.
 - j• Country clubs.
 - k. Drive-in Businesses.
 - l. (Reserved).
 - m. Feedlots.
 - n. Golf courses.

- o. Golf driving ranges.
 - P. Group or organized camps, camping grounds, and general or specialized resorts.
 - q. Hotels or motels.
 - r. Landfills.
 - s. Travel trailer park and/or site condominium travel trailer park.
 - t. Mobile Home Subdivisions
 - u. High Density Animal Feeding Operations
 - v. Marinas
2. A multiple-family building.
 3. A planned unit residential development, in accordance with the provisions specified in ARTICLE VIII, Section 8.9.
 4. Any building or structure in any commercial or industrial district with a floor area greater than three thousand (3,000) square feet.
 5. More than one building or structure, except a sign, on a lot, parcel, or tract of land, or combination of lots under one ownership, in any commercial or industrial district.
 6. Residential development: Single Family Dwelling subdivision projects of more than four (4) dwelling units.
- C. Site plans submitted for the uses prescribed in **subsection 7.5.B** shall be submitted in accordance with the following requirements:
1. The site plan shall be of a scale not greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals one hundred (100) feet, and of such accuracy that the Planning

Commission and Township Board can readily interpret the site plan. Where required for clarity, the site plan shall be provided on more than one drawing.

2. The name of the proposed land use or development shall be provided. The property shall be identified by lot lines and location, including lot area, dimensions, angles, sizes, correlated with the legal description of said property. Such site plan shall be designed and prepared by a registered professional architect, engineer, surveyor, or community planner who shall affix a seal to the site plan. Such plan shall further include the name and address and phone number of the proprietor, property owner, developer, and designer. Property ownership shall be identified on the site plan. The date of the site plan preparation or revision shall be provided.
3. The site plan shall show the scale, north point, boundary dimensions, topography (at least two foot USGS contour intervals for both the existing parcel and as proposed), slopes in excess of seven percent (7%).
4. The site plan shall show existing natural features such as wood lots, streams, rivers, lakes, wetlands, 100 year flood plains drains, ridge lines, tree lines and similar features.
5. For subdivision plats, condominium projects, and multiple family developments, the lot layout, numbers, dimensions, and lot areas in square feet, including building setback lines showing dimensions shall be provided.
6. The locations of stands and species of trees existing that will remain, and those that will be removed shall be identified and wetland boundaries shall be delineated.
7. The site plan shall show existing man-made features such as building, structures, high tension towers, pipe lines, existing utilities such as water and sewer lines, excavations, bridges, culverts, drains and easements.

8. The site plan shall identify adjacent properties and their existing uses.
9. The site plan shall show the system for water supply, sanitary sewers, stormwater drainage, including the existing drainage courses and structure, methods, and direction of stormwater drainage, existing drainage pattern, erosion potential, proposed stormwater basins, retention and detention methods, and point of outlet at the proposed subdivision lines, including easements, shall be provided.
10. The site plan shall show site grading. The location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structure on the site, the height of all buildings and square footage of floor space.
11. Site plans for residential development shall include a density schedule showing the number of dwelling units per acre, including a dwelling schedule showing the unit type and number of each unit types.
12. The site plan shall show existing and proposed streets, driveways, sidewalks (including width) and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off street parking area and the identification of service lanes and service parking. Road names and right-of-way widths for existing and proposed roads shall be provided, road signage, road radii (to assess sufficiency for emergency vehicle turning movements). In addition, plan and cross section views shall be provided for all proposed roads.
13. The site plan shall show the proposed location, use, and size of common open space areas and the location of any landscaping, fences, walls or buffer strips on the site. Any proposed alterations to the topography, major earth changes including any building envelopes within which fill is proposed to take place, and other natural features shall be indicated. The site

plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.

14. The Planning Commission may require a geological/ hydrological/ engineering survey prepared by certified professional experts, indicating:
 - a. Level of water table throughout the proposed development area;
 - b. Opinion as to each and every effect on the water table and private wells and property owners within the reasonably anticipated area of impact of the development;
 - c. All qualitative and quantitative aspects of surface water, groundwater, and watershed anticipated to be impacted as a result of the development to the geographical extent reasonably expected to be affected; and
 - d. Opinion whether the exposure of subterranean waters and/or the impoundment, if any, of surface waters, where permitted, will establish a suitable water level at the level or levels proposed as part of the development, and whether the same will not interfere with the existing subterranean water or cause any harm or impairment to the general public.
15. A vicinity map of a scale of not less than 1" = 2,000' shall be submitted showing the location of the site in relation to the surrounding street system. The existing zoning designation of the site and adjacent parcels shall be identified on the site plan.
16. The Planning Commission may require a traffic impact study which relates the trip generation of the proposed development to existing and projected traffic capacities, volumes and patterns on surrounding streets (see Section 8.8).

17. A viewshed plan shall be prepared to the appropriate scale (see Section C. 1.) which identifies view limits on the site at 150 foot increments along the site perimeter. The viewshed plan shall include color photographs with their locations labeled on said plan to identify photo location and direction of shot.
18. An elevation drawing to scale of the site plan may be deemed necessary and required by the Planning Commission.
19. Any other information deemed necessary by the Planning Commission.
20. High Density Animal Feeding Operations site plans shall show, in addition, the following:
 - a. Location of all flood plains and wetlands
 - b. Location and size of all lagoons and other waste retention/disposal facilities.
 - c. Location of all land areas on site and off site which are proposed for animal waste application and shall include an indication of the concentration and frequency of waste application, and a soil report indicating the suitability of the site for animal waste application.
 - d. The vicinity map shall show the location of all residences, churches, businesses, schools, public buildings and recreational areas within a one (1) mile radius; the location of any area for which a recorded residential plat exists within a one (1) mile radius; the location of all private water supply wells within a one (1) mile radius; and the locations of all water bodies, rivers, wetlands and 100 year flood plains within one thousand (1,000) foot radius.

Section 7.6 STANDARDS FOR SITE PLAN REVIEW

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance. Further in consideration of each site plan, the Planning Commission shall find that provisions of ARTICLE VII, Section 7.2 through 7.5 of this Ordinance as well as the provisions of the zoning district or districts in which said buildings, structures and uses as indicated in the proposed site plan have been satisfactorily demonstrated and met by the applicant.

Section 7.7 TOWNSHIP BOARD APPROVAL

Upon the Planning Commission recommended approval of a site plan to the Township Board, the applicant shall file with the Township Board six (6) copies thereof. When the Township Board approves said recommended site plan, the Township Clerk shall within ten (10) days transmit to the Building Inspector one (1) copy with the Clerk's certificate affixed thereto, certifying that said approved site plan conforms to the provisions of this Ordinance as determined and approved by the Township Board.

If the site plan is disapproved by the Township Board, notification of such disapproval shall be given to the applicant within ten (10) days after such Board action. The Building Inspector shall not issue a zoning compliance permit until he has received a certified approved site plan.

Section 7.8 EXPIRATION OF SITE PLAN CERTIFICATE

The site plan certificate shall expire, and be of no effect, three hundred sixty-five (365) days after the date of issuance thereof, unless within such time the Building Inspector has issued a zoning compliance permit for any proposed work authorized under a said site plan certificate.

Section 7.9 AMENDMENT, REVISION OF SITE PLAN

A site plan, and site plan certificate, issued thereon, may be amended by the Township Board upon the request of the applicant. Such amendment shall be made upon application and in accordance with the procedure provided in ARTICLE VII of this Ordinance. Any fees paid in connection with such application may be waived or refunded at the discretion of the Township Board.

**ARTICLE VIII
SUPPLEMENTAL REGULATIONS**

Section 8.1 PURPOSE

It is the purpose of this article of this ordinance to provide regulations and requirements that supplement the provisions contained under the respective district regulations in Article IV, and may or may not apply in all zoning districts.

Section 8.2 SIGN REGULATIONS

8.2.1 Purpose

The purpose of this Section is to regulate on-site and outdoor advertising to protect the public health, safety and general welfare, to protect property values, and to protect the character of Norvell Township. The principal features are the restriction of advertising to the use of the premises on which the sign is located and the restriction of the total sign area permissible per site. Any sign placed on land or on a building for the purpose of identification or for advertising a use conducted on the premises shall be deemed an accessory use. It is intended that the display of signs will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays. Outdoor advertising signs (billboards), which advertise products or businesses not connected with the site or building on which they are located, are deemed to constitute a principle use of a lot.

8.2.2 Definitions

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

- c. Business Center:
A group of two or more stores, offices, research or manufacturing facilities which collectively have a name different from the name of any of the individual establishments and which have common off-street parking and entrance facilities.
- d. Canopy or Marquee Sign:
Any sign attached to or constructed within or on a canopy or marquee.
- e. District:
Zoning District as established by Norvell Township Zoning Ordinance.
- f. Free Standing Sign:
A sign supported by a structure independent of any other structure.
- g- Height of Sign:
The vertical distance to the top edge of the copy area or structure, whichever is higher, as measured from the adjacent street grade.
- h. Identification Sign:
A sign which carries only the name of the firm, the major enterprise, or the principal product or service offered for sale on the premises or a combination of these things only to identify location of said premises and not to advertise. Such signs shall be located only on the premises on which the firm or major enterprise is situated, or on which the principal product is offered for sale.
- i. Off-Site Sign: (Off-Premises Sign)
A sign other than an on-site sign.
- j. On-Site Sign: (On-Premises Sign)
A sign which advertises or identifies only goods, services, facilities, events, or attractions on the premises where located.

k. Outdoor Advertising Sign:

A sign, including billboards, on which the written or pictorial information is intended to advertise a use, product, service, goods, event or facility located on other premises, and which is intended primarily for advertising purposes.

1. Sign:

Any structure or part thereof, or devices attached thereto or painted or represented thereon, or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, trade mark or other representation used as, or in the nature of an announcement, advertisement, direction, or designation, commodity, service, business, profession, or industry, which is located on any land or in any building, in such manner as to attract attention from outside the premises, except signs not exceeding one (1) square foot in area bearing only property numbers, post box numbers, or names of occupants of premises.

m. Temporary Sign:

A sign that is intended to be displayed for a limited period of time, as specified in Section 8.2.10 herein.

n. Wall Sign:

A sign attached to, or erected against, the wall of a building with the face in a plane parallel to the plane of the building wall.

o. Window Sign:

A sign installed on, or in, a window for the purposes of viewing from outside the premises. This term does not include merchandise located in a window.

Portable Sign:

Any sign not permanently attached to the ground or a building.

8.2.3 General Sign Regulations

The following regulations shall apply to all signs in Norvell Township:

a. Illuminated Signs:

1. Residential Districts - Only indirectly illuminated signs shall be allowed in any residential district provided such sign is so shielded as to prevent direct light rays from being visible from a public right-of-way or an adjacent residential property.
2. Commercial and Industrial Districts - Indirectly or internally illuminated signs are permitted provided such signs are so shielded as to prevent direct light rays from being visible from a public right-of-way or an adjacent residential property.
3. No sign shall have blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness or color, or which are so constructed and operated as to create an appearance of writing or printing or a traffic signal, except that movement showing date, time, message and temperature exclusively shall be permitted. Nothing contained in this Ordinance shall be construed as preventing use of lights or decorations related to religious and patriotic festivities. Beacon lights or search lights shall not be permitted as a sign for advertising purposes except as provided in Section 8.2.10, Temporary Signs. Signs permitted in Subsection 8.2.3.a.3 shall be located a minimum of ten (10) feet above ground level.
4. All illuminated signs shall comply with the applicable National Electrical Code provisions concerning signs and wiring.

b. Measurement of Sign Area:

The area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all of the display area of the sign and including all of the elements of the matter displayed as measured three (3") inches in from the outside border of said geometric form or combination of forms.

c. Height of Sign:

No free standing sign shall exceed a height of sixteen (16) feet.

d. Setback Requirements for Signs:

Except as otherwise specified in this ordinance, the following setbacks shall be required for all signs:

All signs shall be set back from the adjacent road by a distance of not less than one-half ($1/2$) of the setback required for a structure on said parcel as provided for in the setback requirements of this Zoning Ordinance.

8.2.4 Signs Permitted in All Districts

Subject to the other conditions of this Ordinance, the following signs shall be permitted in Norvell Township.

- a. Off premise signs which bear names, information and emblems of service clubs, places of worship, civic organizations, and quasi-public uses shall be permitted. Each sign shall be not more than eight (8) square feet in area, shall not exceed a height of eight (8) feet, and shall be set back a minimum of ten (10) feet from the property line. All signs shall be consolidated within a single-frame, if more than one sign is placed at one location.
- b. Signs which direct traffic movement onto or within a property. Said signs shall not contain any advertising copy or logo, nor exceed eight (8) square feet in area. Horizontal directional signs, on and flush with paved areas may exceed eight (8) square feet. Directional signs shall be located on the property on which they are directing traffic and shall be located behind

the front right-of-way line.

- c. One church, civic organization, public building, or school announcement bulletin shall be permitted on any site that contains a church, civic organization, public building, or school regardless of the district in which it is located, provided said bulletin does not exceed thirty-two (32) square feet in area where the speed limit is forty-five (45) miles per hour or less and sixty (60) square feet in area where the speed limit is forty-six (46) miles per hour or more and a height of twenty-five (25) feet, and is set back from an adjacent road a minimum of one-half ($\frac{1}{2}$) of the setback required for a structure on said parcel as provided in this Zoning Ordinance. When a church, civic organization, public building or school has an identification sign as permitted elsewhere in this Ordinance, an announcement bulletin shall not be permitted.

8.2.5 Prohibited Signs

- a. Portable Signs:
Portable signs, except any temporary sign permitted in Section 8.2.10 herein, shall be prohibited.
- b. Unclassified Signs:
The following signs are prohibited:
 1. Signs that imitate an official traffic sign or signal which contains the words "stop," "go slow," "caution," "danger," "warning," or similar words except as otherwise provided in this Section.
 2. Signs that are of a size, location, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal or which obstruct the view in any direction at a street or road intersection.
 3. Signs that emit audible sound, odor, or visible matter.
 4. Roof signs that extend above the peak of the roof.

8.2.6 Permitted Signs in Agricultural Districts

- a. One sign advertising the type of farm products grown on a farm premises. Such sign shall not exceed twenty-four (24) square 8-6

feet in area.

- b. One identification sign shall be permitted for each public street frontage having a curb cut for a vehicle entrance, for a school, church building or other authorized use or lawful nonconforming use except a home occupation. Where a church has an announcement bulletin as permitted in Section 8.2.4 hereof, said identification sign shall not be permitted. Each sign shall not exceed thirty-two (32) square feet in area.
- c. One identification sign shall be permitted for a home occupation. The sign shall not exceed three (3) square feet in area and shall be attached flat against the front wall of the building.

8.2.7 Permitted Signs in Residential Districts

- a. One identification sign shall be permitted for each public street frontage of a subdivision, multiple-family building development, or a manufactured housing community development. Each sign shall not exceed thirty-two (32) square feet in area. One additional sign advertising "For Rent" or "Vacancy" may be placed on each public street frontage of a rental residential development provided that such sign shall not exceed three (3) square feet in area and is incorporated into the identification sign. Each sign shall be set back not less than five (5) feet from the right-of-way line of any public street, and shall not exceed five (5) feet in height.
- b. One identification sign shall be permitted for each public street frontage having a driveway for a school, church, or public building. Where a church has an announcement bulletin as permitted in Section 8.2.4 (c) herein, said identification sign shall not be permitted. Each sign shall not exceed thirty-two (32) square feet in area and eight (8) feet in height.
- c. One identification sign shall be permitted for a home occupation. The sign shall not exceed three (3) square feet in area and shall be attached flat against the front wall of the building.

- d. One identification sign shall be permitted for other authorized uses, or lawful non-conforming uses, except as otherwise permitted in this section, said signs shall not exceed eight (8) square feet in area, and shall be attached flat against the front wall of the building.

8.2.8 Permitted Signs in Commercial, Industrial Districts

On-site canopy or marquee signs, wall signs, and free standing signs are permitted in all commercial and industrial districts subject to the following conditions:

- a. Signs permitted for a single building on a developed lot or groups of lots developed as one lot, not in a business center subject to Section 8.2.8 (b):
 - 1. Area - Each developed lot shall be permitted at least eighty (80) square feet of sign for all exterior on-site signs. The area of exterior on-site signs permitted for each lot shall be determined as two (2) square feet of sign area for each one (1) linear foot of building length which faces one public street.
 - 2. Number - Each developed lot shall be permitted two (2) exterior on-site signs. For every developed lot that has frontage on two collector or arterial streets, three (3) exterior on-site signs shall be permitted. Only one freestanding identification sign shall be permitted on any street frontage. All businesses without a ground floor frontage shall be permitted one (1) combined exterior wall sign, in addition to the number of signs allocated to the developed lot. The total area of all exterior signs shall not exceed the total sign area permitted in Section 8.2.8 (a)(1).
- b. Signs permitted for a shopping center, office park, industrial park, or other integrated group of stores, commercial buildings, office buildings or industrial buildings, not subject to Section 8.2.8 (a):

1. Free Standing Signs: Each business center shall be permitted one free standing identification sign for each frontage on a public street. Each sign shall state only the name of the business center and the major tenants located therein. The maximum permitted sign area shall be determined as one (1) square foot for each one (1) linear foot of building which faces one public street. The maximum area for each free-standing sign shall be two hundred (200) square feet. Tenants of a business center shall not permit individual free-standing identification signs.
 2. Wall Signs: Each business in a business center with ground floor frontage shall be permitted one exterior wall sign. The sign area for such an exterior wall sign shall be computed as one (1) square foot for each one (1) linear foot of building frontage occupied by the business. All businesses without ground floor frontage shall be permitted one combined exterior wall sign not more than twenty-four (24) square feet in area.
 3. Park Signs: A free standing sign, identifying the primary tenants in an industrial park, may be installed at the entrance(s) to a park. Each parcel in a park will be allowed one (1) available space on a park sign. Each space shall be no larger than eight (8) inches by forty-eight (48) inches. Park signs shall be no higher than six (6) feet above the height of the public road at the point of the centerline most closely adjacent to the sign. No park sign shall be greater than eight (8) feet long. All park signs shall be located no closer to an adjacent road than one-half ($1/2$) of the minimum setback required for a structure on said parcel as provided in this Zoning Ordinance.
- c. A time and temperature sign shall be permitted in addition to the above permitted signs, provided that ownership identification or advertising copy does not exceed ten (10) percent of the total sign area and further provided that the total

area of the sign does not exceed thirty (30) square feet.

- d. No canopy or marquee sign shall extend into a public right-of-way except by variance granted by the Zoning Board of Appeals. In granting such a variance the Board of Appeals shall assure that the requirements of Section 11.3 of this Ordinance are complied with; that the minimum clearance of such sign is eight (8) feet measured from the sidewalk surface to the bottom edge of the sign; that the sign does not obstruct pedestrian or vehicular view; and that the sign does not create a hazard for pedestrian or vehicular traffic.
- e. In addition to the provisions of Section 8.2.8 (a) and (b) preceding, an automobile service station may have one additional sign for each public street frontage having a driveway, for the purpose of advertising gasoline prices and other services provided on the premises. Said sign shall be mounted on a free-standing structure or on the structure of another permitted sign, provided that clear views of street traffic by motorists or pedestrians are not obstructed. Said sign shall not exceed eight (8) square feet in area.
- f. Service Station Signs: Notwithstanding any of the provisions of this Article, no signs shall be located on fuel pump islands, except those constituting an integral part of the pump or those required by State law or regulation. No signs shall be attached to light standards. No signs shall be attached to fuel pump canopies except those identifying "self-service" and "full-service" pumps or similar messages, in which case the maximum sign size shall be six (6) square feet.

8.2.9 Outdoor Advertising Signs:

Outdoor advertising signs (billboards) shall be permitted under the following conditions:

- 1 Outdoor advertising signs (billboards) shall be permitted only in C-2 General Commercial, and I-1 Light Industrial Districts.
2. Outdoor advertising signs are required to have the same setback as other principal structures or buildings in the zone in which they are situated.

3. When two (2) or more outdoor advertising signs are along the frontage of a single street or highway they shall not be less than one thousand (1,000) feet apart. A double face, (back to back) or a V-type structure shall be considered a single sign.
4. The total surface area, facing in the same direction of any outdoor advertising sign shall not exceed one hundred fifty (150) square feet.
5. No outdoor advertising sign shall be erected on the roof of any building, nor have one sign above another sign.
6. Outdoor advertising signs may be illuminated by reflected light only, provided the source of light is not directly visible and is so arranged to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights. No illumination involving movement by reason of lighting arrangement or other devices shall be permitted.

8.2.10 Temporary Signs

- a. In single-family districts one sign for each public street frontage advertising a recorded subdivision or development shall be permitted. Each sign shall not exceed sixty-four (64) square feet in area. Each sign shall be removed within two (2) years after it is erected or when seventy-five (75%) percent of all lots or units within the subdivision or development are sold, whichever first occurs.
- b. In multiple-family districts one sign, not to exceed sixty-four (64) square feet in area shall be permitted on each public street frontage of a new multiple-family development for the purpose of advertising new dwelling units for rent or sale. Each sign shall be removed within sixty (60) days of the initial rental or sale of seventy (70%) percent of the dwelling units within the development.
- c. One identification sign shall be permitted for all building contractors, one for all professional design firms and one for all lending institutions on sites under construction, each sign not to

exceed six (6) square feet in area, with not more than a total of three (3) such signs permitted on one site. If all building contractors, professional design firms and lending institutions join together in one identification sign, such sign shall not exceed thirty-two (32) square feet in area, and not more than one sign shall be permitted on a site. Signs shall have a maximum height of ten (10) feet and shall be confined to the site of the construction, construction shed or construction trailer and shall be removed within fourteen (14) days after the issuance of a certificate of occupancy.

- d. Temporary signs announcing any annual or semiannual public, charitable, educational or religious event or function, located entirely within the premises on which the event or function is to occur, shall be permitted. Maximum sign area shall not exceed thirty-two (32) square feet. Signs shall be allowed no more than thirty (30) days in a calendar year. If building mounted, signs shall be flat wall signs and shall not project above the roof line. If ground mounted, signs shall not exceed six (6) feet in height.
- e. Temporary banners, pennants, search lights, balloons, or other gas filled figures shall be permitted for a period not to exceed fourteen (14) consecutive days. Such signs shall not obstruct pedestrian or vehicular view and shall not interfere in any way with safe traffic flow.
- f. (Reserved)

In residential districts and agricultural districts one (1) temporary real estate "For Sale," "For Rent," or "For Lease" sign, located on the property and not exceeding six (6) square feet in area shall be permitted. Said sign shall be set back a minimum of five (5) feet from the property line.

In the agricultural district on parcel of five (5) acres or more, and all other zoning districts one (1) sign of this type shall be permitted, provided it does not exceed thirty-two (32) square feet in area and is set back in accordance with Section 8.2.3 (d)

of this Ordinance.

If the lot has multiple frontages one additional sign which shall meet the locational and size requirements of this subsection (subsection 8.2.10.g) shall be permitted. Under no circumstances shall more than two (2) such signs be permitted on a lot.

Such signs shall be removed within seven (7) days following the sale, rent, or lease. In no case shall a sign advertising the sale, rent, or lease of a building that is not located on the property on which the sign is located, be permitted.

- h. In all Commercial and Industrial Districts, a sign designed as portable or mobile, which is in compliance with Section 8.2.3, may be used on each street frontage. A valid Temporary Sign Permit will be required for each sign in each location. Permits shall be issued for a maximum of fifteen (15) days within a ninety (90) day period upon payment of a fee established by the Norvell Township Board. Each sign will further comply with the following:
1. Signs shall be marked with manufacturers' name.
 2. Signs shall not be illuminated.
 3. All signs shall be placed no closer to the street right-of-way line than one-half ($1/2$) the minimum authorized front yard depth.
 4. Signs shall not exceed 32 square feet in area.
 5. Signs shall not exceed 6 feet in height measured from the surface of the ground.
 6. The complete sign unit will be firmly secured to the ground.

8.2.11 Exempted Signs

The following types of signs are exempted from all provisions of this Ordinance, except for construction and safety regulations and the following standards:

- a. Signs of a non-commercial nature and in the public interest, erected by, or on the order of a public officer, in the performance of a public duty, such as directional signs, regulatory signs, warning signs, and informational signs.
- b. Political campaign signs shall be removed no later than five (5) days following the election or primary.
- c. Names of buildings, date of erection, monument citations, commemorative tablets, and the like, when carved into stone, concrete, or similar material or made of other permanent type construction and made an integral part of the structure.

8.2.12 Nonconforming Signs

Nonconforming signs shall not:

- a. Be re-established after the activity, business or usage to which it relates has been discontinued for ninety (90) days or longer.
- b. Be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type or design of the sign.
- c. Be reestablished after damage or destruction, if the estimated expense or reconstruction exceeds fifty (50%) percent of the replacement cost as determined by the Building Inspector.

8.2.13 Permits and Fees

- a. A permit shall be required to erect or replace a sign, or to change the copy of a sign, that is regulated by Sections 8.2.8 and 8.2.9. The application shall be made by the owner of the property, or authorized agent thereof, to the Township Zoning Inspector, by submitting the required forms, fees, exhibits and information. Fees for sign permits shall be established by resolution of the Township Board.
- b. An application for a sign permit shall contain the following:
 - 1. The applicant's name and address in full, and a complete description of the relationship to the property owner.
 - 2. If the applicant is not the property owner, the signature of the property owner concurring in submittal of the

application.

3. The address of the property.
 4. An accurate scale drawing of the property showing location of all buildings and structures and their uses, and location of the proposed sign.
 5. A complete description and scale drawing of the sign, including all dimensions and the area in square feet.
- c. All signs shall be inspected by the Township Building Inspector for conformance to this Ordinance prior to placement on the site.
 - d. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six (6) months after the date of the permit. Said sign permit may be extended for a period of thirty (30) days upon request by the applicant and approval of the Building Inspector.
 - e. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure, unless a structural or size change is made, shall not require a sign permit.
 - f. Signs for which a permit is required shall be inspected periodically by the Building Inspector for the compliance with this Ordinance and other codes, requirements and laws of Norvell Township, including but not limited to the National Electrical Code, State Construction Code, and State Mechanical Code.

8.2.14 Removal of Signs

- a. The Building Inspector shall order the removal of any sign erected or maintained in violation of this Ordinance except for legal nonconforming signs. Thirty (30) days notice in writing shall be given to the owner of such sign or of the building, structure, or premises on which said sign is located to remove the sign or to comply with this Ordinance. The Township may after thirty (30) days notice, remove the sign. The Township shall also remove the sign immediately and without notice if it reasonably appears that the condition of the sign is such as to

present an immediate threat to the safety of the public. Any cost of removal incurred by the Township shall be assessed to the owner of type property on which such sign is located and may be collected in the manner of ordinary debt or in the manner of taxes and such charge will be a lien on the property.

- b. A sign shall be removed by the owner or lessee of the premises upon which the sign is located within thirty (30) days after the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Township shall remove it in accordance with the provisions stated in Section 8.2.14 (a) preceding. These removal provisions shall not apply where a subsequent owner or lessee conducts the same type of business and agrees to maintain the signs to advertise the type of business being conducted on the premises and provided the signs comply with the other provisions of this Ordinance

8.2.15 Signs for Automobile Service Stations

Notwithstanding other provisions of this Ordinance, one (1) permanently installed sign shall be permitted on each street frontage, installed so that a clear view of street traffic by motorists or pedestrians may not be obstructed in any way or to a height of sixteen (16) feet other than necessary supports, and not exceeding twenty-five (25) square feet in area. A sign or legend may also be placed flat on the main building or fueled pump canopies.

Section 8.3 OFF STREET PARKING AND LOADING-UNLOADING REQUIREMENTS

In all districts, in connection with industrial, business, institutional, agricultural, recreational, residential or other use there shall be provided at the time any building, structure, or use is erected, or uses established, enlarged or increased in capacity, off-street parking spaces for automobiles with the requirements herein specified.

- A. Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, for the above uses, shall be submitted to the Building Inspector for review at the time of application for a zoning compliance permit for the erection or enlargement of a building. Required off-street parking facilities shall be located on the same lot as the principal building or on a lot within three hundred (300) feet thereof except that this distance shall not exceed one hundred fifty (150) feet for single-family and two-family dwellings. This distance specified shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.
- B. No parking area or parking space which exists at the time this Ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance, unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this Ordinance within three hundred (300) feet of the proposed or existing uses for which such parking will be available.
- C. Parking of motor vehicles in residential zones shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type not to exceed one (1) ton shall be permitted per dwelling unit. The parking of any other type of commercial vehicle, except for those parked on school or church property, is prohibited in a residential zone. Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this Ordinance.

- D. Each off-street parking space for automobiles shall not be less than two hundred (200) square feet in area, exclusive of access drives or aisles, and shall be of usable shape and condition. There shall be provided a minimum access drive of ten (10) feet in width, and where a turning radius is necessary, it will be of such an arc as to reasonably allow an unobstructed flow of vehicles. Parking aisles for automobiles shall be of sufficient width to allow a minimum turning movement in and out of parking space. The minimum width of such aisles shall be:
1. For ninety (90) degrees or perpendicular parking the aisle shall not be less than twenty-two (22) feet in width.
 2. For sixty (60) degrees parking the aisle shall not be less than eighteen (18) feet.
 3. For forty-five (45) degree parking the aisle shall not be less than thirteen (13) feet in width.
 4. For parallel parking the aisle shall not be less than ten (10) feet in width.
- E. Off-street parking facilities required for churches may be reduced by fifty (50) percent where churches are located within three hundred (300) feet of usable public or private off-street parking areas. Off-street parking facilities for trucks at restaurants, service stations, and other similar and related uses shall be of sufficient size to adequately serve trucks and not interfere with other vehicles that use the same facilities. Such truck spaces shall not be less than ten (10) feet in width and fifty-five (55) feet in length.
- F. Every parcel of land hereafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements:
1. All off-street parking spaces shall not be closer than five (5) feet to any property line, except where a wall, fence or compact planting strip exists as a parking barrier along the property line.
 2. All off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of material which will

have a dust-free surface resistant to erosion.

3. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot or institutional premises.
 4. Any off-street parking area providing a space for five (5) or more vehicles shall be effectively screened on any side which adjoins or faces property adjoining a residential lot or institution by a wall, fence, or compact planting not less than four (4) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property.
 5. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two-family dwellings.
 6. Requirements for the provision of parking facilities with respect to two or more property uses of the same or different types may be satisfied if the permanent allocation of the requisite number of spaces designated is not less than the sum of individual requirements.
 7. The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various uses, computed in accordance with this Ordinance. Parking facilities for one use shall not be considered as providing the required parking facilities any other use, except churches.
- G. For the purposes of determining off-street parking requirements the following units of measurement shall apply.

1. Floor Area:

In the case where floor area is the unit for determining the required number of off-street parking spaces, said unit shall mean the gross floor area, except that such floor area need not include any area used for parking within the principal building and need not include any area used for incidental service storage installations of mechanical

equipment, penthouses having ventilators and heating systems, and similar uses.

2. Places of Assembly:

In stadiums, sport arenas, churches, and other places of assembly in which those in attendance occupy benches, pews, or other similar seating facilities, each eighteen (18) inches of such seating facilities shall be counted as one (1) seat. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

3 Fractions:

When units of measurement determining the number of required parking spaces results in requirement of a fractional space, any fraction up to and including one-half (A) shall be disregarded and fractions over one-half (A) shall require (1) parking space.

4. The minimum required off-street parking spaces shall be set forth as follows:

<u>Use</u>	<u>Parking Space Requirements</u>
Automobile or Machinery.	One (1) space for each two hundred (200) square feet of showroom floor area plus two (2) spaces for each service bay plus one (1) space for each two (2) employees.
Bank, Business and Professional Offices.	One (1) space for each two hundred (200) square feet of gross floor area.
Barber Shops and Beauty Parlors.	One (1) space for each chair plus one (1) space for each employee.
Bowling Alleys.	Five (5) spaces for each alley.
Churches, Auditoriums, Stadiums, Sport Arenas, Theaters, Dance Halls, Assembly Halls other than Schools.	One (1) space for each (4) seats.
Convenience Stores, with or without the sale of automobile fuels.	One (1) space for each two hundred (200) feet of retail floor area, plus one (1) space for each two (2) employees.

<u>Use</u>	<u>Parking Space Requirements</u>
Dwelling (Single-Family).	Two (2) spaces for each family or dwelling unit
Dwelling (Two-Family and Multiple-Family).	Two (2) spaces for each family or dwelling unit.

Funeral Homes and Mortuaries.	Four (4) spaces for each parlor or one (1) space for each fifty (50) square feet or floor area plus one space for each fleet vehicle, whichever is greater.
Furniture, Appliance Stores, Household Equipment and Furniture Repair Shops.	One (1) space for each four hundred (400) square feet of floor area.
Hospitals.	One (1) space for each bed excluding bassinets plus one (1) space for each two (2) employees.
Hotels, Motels, Lodging Houses, Boarding Homes.	One (1) space for each living unit plus one (1) space for each two (2) employees.
Automobile, Gasoline Service Stations.	One (1) space for each eight hundred (800) square feet of floor area plus one (1) space for each four (4) employees.
Manufacturing, Fabricating Processing and Bottling Plants, Research and Testing Laboratories.	One (1) space for each two (2) employees on maximum shift.
Medical and Dental Clinics.	One (1) space for each one hundred (100) square feet of floor area plus one (1) space for each employee.

Use	<u>Parking Space Requirements</u>
Restaurants, Beer Parlors, Taverns, and at Night Clubs.	One (1) space for each two (2) patrons maximum seating capacity plus one (1) space for each two (2) employees.
Self-service Laundry or Dry Cleaning Stores.	One (1) space for each two (2) washing and/or dry cleaning machines.
Elementary and Junior High Schools, Private, or Public	One (1) space for each employee normally engaged in or about the building or grounds plus one (1) space for each thirty (30) students enrolled.
Senior High School and Institutions of Higher Learning, Private or Public.	One (1) space for each employee in or about the building or grounds plus one (1) space for each four (4) students.
Super Market, Self-service Food and Discount Stores	One (1) space for each two hundred (200) square feet of floor area plus one (1) space for each two (2) employees.
Wholesale Establishments and Warehouses.	One (1) space for each four hundred (400) square feet of floor area plus one (1) space for each two (2) employees.

5 Where a use is not specifically mentioned the parking requirements of a similar or related use shall apply.

H. Loading-Unloading Requirements:

In connection with every building or part thereof hereafter erected, except single and two-family dwelling unit structures, there shall be provided on the same lot with such buildings, off-street loading and unloading spaces for uses which customarily receive or distribute material or merchandise by vehicle.

1. Plans and specifications showing required loading and unloading spaces including the means of ingress and egress and interior circulation shall be submitted to the Building Inspector for review at the time of application for a zoning compliance permit for the erection or enlargement of a use or a building or structure.
2. Each off-street loading-unloading space shall not be less than the following:
 - a. In a residential district (excluding single and two-family dwelling units) or C-1 Local Commercial District a loading-unloading space shall not be less than ten (10) feet in width and twenty-five (25) feet in length and, if a roofed space, not less than fourteen (14) feet in height.
 - b. In any C-2 General Commercial or I-1 Light Industrial District a loading-unloading space shall not be less than ten (10) feet in width and fifty-five (55) feet in length, and if a roofed space, not less than fifteen (15) feet in height.
3. Subject to the limitations of the next paragraph, a loading-unloading space may occupy all or any part of any required side or rear yard; except the side yard along a side street in the case of a corner lot. In no event shall any part of a required front yard be occupied by such loading space.
4. Any loading-unloading space shall not be closer than fifty (50) feet to any other lot located in any residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall, fence or compact planting not less than six (6) feet in height.
5. In the case of mixed uses, on one lot or parcel, the total requirements

for off-street loading-unloading facilities shall be the sum of the various uses computed separately.

6. All off-street loading-unloading facilities that make it necessary to back out directly into a public road shall be prohibited.
7. Off-street loading-unloading requirements for residential (excluding single and two-family dwellings) hotels, hospitals, mortuaries, public assembly, offices, retail, wholesale, industrial or other uses similarly involving the receipt or distribution of vehicles, having more than 5,000 square feet of gross floor area shall be provided with at least one (1) off-street loading-unloading space, and for every additional 20,000 square feet of gross floor space, or fraction thereof, one (1) additional loading-unloading space, the size of such loading-unloading space subject to the provisions of Section 8.3 H of this Ordinance.
8. Where a use is not specifically mentioned, the requirements of a similar or related use shall apply.

Section 8.4 PERFORMANCE STANDARDS

A. No parcel, lot, building, or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable element or condition so as to adversely effect the surrounding area or adjoining premises; provided that any use permitted by this Ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements.

1. Fire Hazard:

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

2. Radioactivity or Electrical Disturbance:

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbances.

3. Noise:

Noise which is objectionable due to volume, frequency, or beat shall be muffled or otherwise controlled so that there is no production of sound discernable at lot lines in excess of the average intensity of street and traffic noise at the lot lines. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

4. Vibration:

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

5. Smoke:

Smoke shall not be emitted with a density greater than No. 1 on the Ringleman Chart as issued by the U.S. Bureau of Mines except for blow-off periods of ten (10) minutes duration of one per hour when density of not more than No. 2 is permitted.

6. Odors:

No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on an adjoining lot or property.

7. Air Pollution:

No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.

8. Glare:

No direct or reflected glare shall be permitted which is visible from any property or from any public street, road, or highway.

9. Erosion:

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties, lakes, ponds, rivers, or streams.

10. Water Pollution:

Pollution of water shall be subject to such requirements and regulations as are established by the Michigan State Health Department, the Michigan Department of Environmental Quality, and the Jackson County Health Department.

- B. The application for a zoning compliance permit for a use subject to performance requirements shall be accompanied by a description of the machinery, process, and products; and specifications for the mechanisms and

techniques, to be used in meeting the performance standards.

The Building Inspector may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the performance standards. The costs of such services shall be borne by the applicant, and a copy of any report shall be furnished to the applicant and the Township Board.

Section 8.5 STORAGE OF MATERIALS

The location or storage of abandoned, discarded, unused, unusable, or inoperative appliances, furniture, equipment, or material shall be regulated as follows:

- A. On any lot or parcel in any open-area district, residential district, or commercial district, the owner or tenant, but not for hire or for business, shall locate and store such materials within a completely enclosed building.
- B. On any lot or parcel in any industrial district, the owner or tenant, whether or not for hire or for business, shall locate and store such materials:
 - 1. Within a completely enclosed building; or
 - 2. Within an area surrounded by a solid, new opaque fence or wall at least seven (7) feet in height and not less in height than the materials located or stored therein, and not closer to the lot lines than the minimum yard requirements for buildings permitted in said districts.
- C. Notwithstanding anything to the contrary contained in Chapter 8.3 of this Zoning Ordinance, owners, tenants, and/or users of property located in any districts except in the Industrial District shall be prohibited from outdoor storage on said parcels of the following items:
 - 1. No semi-trailer shall be stored or parked (except for a licensed, operable semi-trailer used in a farming operation) for more than seventy-two (72) hours on any lot or parcel, nor shall any such unit have removed from its undercarriage the axles and the unit then used for storage, garage, office or any other purpose in any such district, except in those used in connection with construction projects as determined by the Zoning Administrator where the unit shall be removed after the construction is completed.
 - 2. Packing or storage crates; parts of, or all, of a semi-trailer; and similar converted structures shall not be used as accessory structures in any zoning district. Railroad cars and airplanes shall not be used as accessory structures in any district.

Section 8.6 SEWAGE TREATMENT AND DISPOSAL INSTALLATIONS

In addition to the requirements established by the State of Michigan Department of Health, the following site development and use requirements shall apply:

- A. No device for the collection, treatment, and disposal of sewage wastes shall be installed and used unless approval of the Jackson County Health Department shall have been granted therefore.
- B. All operations shall be completely enclosed by a fence not less than six (6) feet high.
- C. All operations and structures shall be surrounded on all sides by a buffer strip of at least two hundred (200) feet in width with grass, vegetation, and structural screens placed to minimize the appearance of the installation and to help confine odors therein. The Township Board shall approve the treatment of all buffer strips.

Section 8.7 MOBILE HOMES

- A. No mobile home shall be used other than as a single-family dwelling and in a duly licensed Manufactured Housing Community or in a Mobile Home Subdivision, or as otherwise specified in the Ordinance. A mobile home may be used as a temporary field office provided it is certified as such by the Building Inspector.

- B. The Norvell Township Board shall have authority to grant a permit for the temporary occupancy of mobile homes subject to the following conditions:
 - 1. During the period of construction of a new permanent dwelling but not to exceed a period of twelve (12) consecutive months, the owner of such permanent dwelling premises, and members of such owner's immediate family, shall be permitted to occupy as a temporary residence one mobile home situated at such construction site provided such owner intends to occupy as a residence such dwelling upon completion of its construction.
 - 2. Such mobile home shall be located between the established setback line and the public right-of-way line of such premises.
 - 3. The mobile home shall contain sleeping accommodations, a flush toilet, and a tub or shower bath adequate to serve the occupants thereof.
 - 4. The sanitary facilities of the mobile home for the disposal of sewage and waste shall be properly connected to the public sewerage system available at such premises and in case such system is not there available, then properly connected to the existing septic tank sewage disposal system which is approved by the Jackson County Health Department for the permanent dwelling to be constructed thereof.
 - 5. A performance bond in an amount established by the Township Board shall be required to assure compliance with the provisions of this section. The amount of the bond shall be established annually by the Township Board and applied to all temporary mobile home permits issued under this section.

Section 8.8 TRAFFIC IMPACT STUDY

Norvell Township recognizes the direction correlation between land development and traffic operations. The intent of this chapter is to permit accurate evaluation of expected impact of proposed projects to assist in decision making. This section is further intended to help achieve the following objectives:

1. Provide a standard set of analytic tools and a format for preparing traffic impact studies.
2. Allow the Township to assess the effects that a proposed project may have on the community by outlining information needed and evaluation procedures to be used.
3. Help ensure safe and reasonable traffic operating conditions on streets and intersections after development of the proposed project.
4. Reduce the negative traffic impacts created by individual developments by helping to ensure that the transportation system can safely and efficiently accommodate the projected traffic increases.
5. Realize a comprehensive approach to the overall impacts of various developments along a corridor or within part of the Township rather than a piecemeal approach.
6. Provide direction to Township decision makers, transportation agencies, and developers of the expected impact of a project.
7. Alert the Township, transportation agencies, and developer of improvements or modifications needed to the roadway, access, or site design.
8. Protect the substantial public investment in the existing street system.

Section 8.8.1 Traffic Impact Study Contents

A. Description of the site and surroundings:

1. Illustrations and a narrative shall describe the characteristics of the site and adjacent roadway system (functional classification, lanes, speed limits, etc.). This description shall include surrounding land uses, expected development in the vicinity which could influence future traffic conditions, special site features, and a description of any committed roadway improvements.

- B.** Description of the requested rezoning or conditional use:
1. For rezoning request, a general description of the proposed use shall be provided.
 2. For a site plan review, condominium subdivision, and conditional use permit request, a description of factors including, but not limited to, the number and types of dwelling units, the gross and usable floor area, and the number of employees shall be provided. Any intended phasing or potential expansion shall be noted.
- C.** Description of existing traffic conditions:
1. Traffic counts: existing conditions including existing daily and peak hour traffic volumes on adjacent street(s) and intersections in the vicinity which are expected to be impacted. Traffic count data shall not be more than two (2) years old, except the Zoning Administrator may permit twenty-four (24) hour counts up to three (3) years old to be increased by a factor supported by documentation that traffic has increased at a rate of no more than 2 percent in the past 3-5 years. Traffic counts shall be taken Tuesday, Wednesday or Thursday on non-holiday weeks under normal driving conditions. Additional counts (i.e., on a Saturday for a proposed commercial development) may also be required in some cases. The individual preparing the impact study shall obtain the traffic counts during average or higher than average volume conditions for the area under study.
 2. Roadway characteristics shall be described and illustrated, as appropriate. Features to be addressed include lane configuration, geometries, traffic control devices, posted speed limits, average running speeds, gaps in the traffic flow, and any sight distance limitations. Existing levels of service shall be calculated for intersections included within the study area.
 3. Existing driveways and turning movement conflicts shall be illustrated and described.
 4. The existing right-of-way and any planned or desired expansion of the right-of-way requested by the applicable road agency shall be identified.
 5. Traffic accident data covering the most recent three (3) years for intersections analyzed in the impact study may be required, particularly for sites along corridors identified by the Planning Commission and/or the Jackson County Road Commission as critical

or congested corridors.

D. Trip Generation:

1. The impact study shall include forecasted trip generation of the proposed use for the a.m. and p.m. peak hours and the average daily traffic generated. The forecasts shall be based on the data and procedures outlined in the most recent edition of the Trip Generation Manual published by the Institute of Transportation Engineers (ITE) or other authoritative studies available.
2. When a traffic study is required for a rezoning request, the study shall contrast the traffic impact of the proposed use, or of a typical use permitted in the requested zoning district, with uses permitted in the current zoning district.

E. Impact Analysis:

1. For any project with a completion date beyond one year at the time of the traffic study, the analysis shall also include a scenario analyzing forecasted traffic at date of completion along the adjacent street network using a forecast based on a network model, historic annual percentage increases, and/or on expected development in the area. Traffic impact assessments shall acknowledge the traffic impacts of other uses approved, but not yet constructed, as determined by the Zoning Administrator which may affect traffic operations for the subject site.

F. Other Study Items:

1. The traffic impact study shall describe the need for, or provision of, any additional right-of-way where required.
2. The study shall note changes which should be considered to the site plan layout.
3. The study shall include a description of any non-motorized facilities.
4. If the use involves a drive-thru facility, the adequacy of the queuing (stacking) area shall be evaluated.
5. If a traffic signal is being requested, the relationship of anticipated traffic to traffic signal warrants in the Michigan Manual of Uniform Traffic Control Devices shall be reviewed. Analysis shall also be provided on the impacts to traffic progression along the roadway through coordinated timing, etc.

G. Preparers' Qualifications:

1. A required traffic impact study shall be prepared under the direction of a traffic/transportation engineer registered in the State of Michigan (PE) with a history of completing impact studies and other traffic engineering analyses. The preparer's resume shall accompany the study.

Section 8.8.2 Submittal

1. The applicant shall submit five (5) copies of the traffic study to the Township Zoning Administrator.
2. The Township Zoning Administrator shall distribute the traffic study to appropriate road agencies and Region II Planning Commission for their review and comment on the traffic impact study.
3. The appropriate road agencies and Region II Planning Commission shall provide the Township with their written comments prior to and action on the project. These reports shall be forwarded to the Township Planning Commission and/or Township Board for their consideration.

Section 8.9 PLANNED-UNIT RESIDENTIAL DEVELOPMENT

A. Purpose:

The purpose of this section is to permit flexibility in land planning for a residential development which is planned and developed as a complete unit, and which unit has an essential element, privately-owned common property, as for example, an internal park network abutting home sites in a cluster-type subdivision.

B. Application:

The owner of any tract of land in an RM-1 District comprising an area of not less than ten (10) acres may submit to the Planning Commission a plan for the use and development of all of the tract of land as a planned-unit

residential development.

C. Data Required:

A Preliminary Sketch Plan and a Detailed Site Plan must be submitted in accordance with the provisions of ARTICLE VII, SITE PLAN REVIEW AND APPROVAL. In addition to the site plan data specified in ARTICLE VII, the application shall contain such other pertinent information as may be necessary to make a determination that the contemplated arrangement or use may make it desirable to apply regulations and requirements differing from those ordinarily applicable under this Ordinance.

D. Public Hearing by Planning Commission:

Upon submission of the Detailed Site Plan, the Planning Commission shall hold a public hearing or hearings upon any application for a planned unit development, notice of which shall be given by one (1) publication in a newspaper of general circulation in the Township, within fifteen (15) days but not less than five (5) days next preceding the date of said hearing.

E. Required Standards for Grant and Approval:

If the Planning Commission approves the plan, it shall submit the plan to the Township Board for consideration and final action. The Planning Commission shall also transmit to the Township Board a report on the proposed development; such report may include recommendation for conditions to be imposed on the applicant. The Planning Commission's report shall state reasons for approval of the application and provide specific evidence that the proposed residential development has met the following standards.

1. The use of land shall be in conformance with the permitted uses of the RM-1 District.
2. That the average lot area per dwelling unit, exclusive of the area occupied by streets, but including the area to be devoted to parks and open spaces, will not be less than minimum lot area per dwelling unit required for the most intensive residential use permitted in the district.

3. The proposed development will be served adequately by essential public facilities and service, such as: highways, streets, police and fire protection, drainage structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use will be able to provide adequately any such service.
4. The proposed unit is of such size, composition, and arrangement that its construction, marketing, and operation are feasible as a complete unit, without dependence on any subsequent unit or development.
5. The common open-space, any other common properties, individual properties, and all other elements of the planned-unit residential development are so planned that they will achieve a unified environmental scheme, with open spaces and all other elements in appropriate locations, suitably related to each other, the site, and surrounding land.

F. Required Covenants, Easements, and Provisions in Plan:

The plan shall contain such proposed covenants, easements, and other provisions relating to the bulk, location, and density of residential units, accessory uses thereto, and public facilities as may be necessary for the welfare of the Planned-Unit Residential Development and consistent with the best interest of the entire Township.

The applicant may be required to dedicate land for street and park purposes and, by appropriate covenants, to restrict areas perpetually (for the duration of the Planned Unit Residential Development) as open space for common use. The development as authorized shall be subject to all conditions so impose, and shall be exempted for each provision of this Ordinance only to the extent specified in the authorization.

G. Tentative Board Approval:

The Township Board, upon the receipt of the Planning Commission's report on the proposed plan, may then give tentative approval to such plan, incorporating with the approval such conditions as the Township Board deems appropriate and in harmony with the general spirit of this Ordinance

to promote the public health, safety, morals, convenience, and general welfare.

H. Final Action by Applicant:

The applicant shall then review his application and plan in its final approved form and sign a statement that the Planned-Unit Residential Development Plan in its final form shall be binding on the applicant, his heirs, successors, and assignees.

I. Final Approval:

When the Township board gives final approval, a zoning compliance permit shall be issued for the Planned-Unit Residential Development even though size of lots, the depth of yards, and the required distance between grouped buildings and the building height, may not conform with all respects to the regulations of the district in which the project is to be located.

Section 8.10 HOME OCCUPATION

A home occupation shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. The following additional conditions shall be observed:

- A. Such home occupation shall be carried on within the dwelling or within a building accessory thereto and entirely by the inhabitants of the dwelling.
- B. No article shall be sold or offered for sale on the premises except such as is produced within the dwelling or accessory building or is provided incidental to the service or profession conducted within the dwelling or accessory building.
- C. There shall be no exterior storage of materials or equipment.
- D. No nuisance shall be generated by any heat, glare, noise, smoke, vibration, noxious fumes, odors, vapors, gases or matter at any time.
- E. No hazard of fire, explosion or radioactivity shall exist at any time.

- F. The establishment of a home occupation shall not necessitate exterior modification, except as may be required to accommodate persons with disabilities, or as may be required by the Building Official, to any building on the property.
- G. Home occupations are permitted in both principal and accessory buildings. However, in no case shall more than 400 square feet of gross floor area of the principal and accessory buildings combined be utilized for a home occupation.
- H. The Planning Commission may stipulate the hours of operation in order to avoid possible disquieting effects from the home occupation to adjacent properties.
- I. Toilet facilities shall be provided in the principal structure. No toilet facilities shall be located in an accessory structure.

Section 8.11 ACCESS TO PUBLIC STREETS

Except as otherwise provided in this Ordinance, in any district, every use, building, or structure established after the effective date of this Ordinance shall be on a lot or parcel which adjoins a public street.

Section 8.12 LOT PARTITIONS

A. Purpose:

The purpose of this section is to regulate and control the partitioning or dividing of platted lots, outlots, or other parcels of land in a recorded plat and/or the division of unplatted parcels in the Township of Norvell, in order to promote the safety, public health, and general welfare of the community by providing for orderly growth and harmonious development of the community and achieving individual property lots of maximum utility and livability.

B. Authority:

This section is enacted pursuant to the statutory authority granted by the Land Division Act 288 of 1967, as amended.

C. Requirements of Land Divisions:

1. Each resulting parcel shall meet the minimum lot width and lot area requirements of Section 5.1 of the Norvell Township Zoning Ordinance for the applicable zoning district.
2. Each resulting parcel shall meet the requirements of Section 8.11 and 8.19.5 of the Norvell Township Zoning Ordinance.
3. The term "exception" is prohibited when used to describe a new property description from the parent parcel or vice versa.
4. A legal survey showing all existing buildings and structures shall be required for each land division and one for the remainder (the original parent parcel) before the split can be finalized.
The following exceptions shall apply: That any division of property resulting in 40 acres or more, shall not require a survey provided it complies with the Michigan Land Division Act being MCL 560.108 and 560.109. The property owner shall be required to provide the Township with a legal description for all property of 40 acres or more.
5. For the land division to be considered in the next tax year, the final legal survey and/or legal description of a parcel that is 40 acres or more, must be submitted and approved by the assessor before tax day (December 31) of this year.
6. Land divisions shall not be granted without verification that the real estate taxes are currently paid in full.

D. Lot Division in Recorded Plats:

The division of a lot in a recorded plat is prohibited, unless approved following application to the Township Board. The application shall be filed with the Township Clerk and shall state the reasons for the proposed division. No lot in a recorded plat shall be divided resulting in a smaller area or lesser width than prescribed by the Zoning Ordinance of Norvell Township. Each resulting lot shall meet the requirements of Section 8.11 and 8.19.5 of the Norvell Township Zoning Ordinance. Division does not include a property transfer between two (2) or more adjacent lots, if the property taken from one (1) lot is added to an adjacent lot for the purpose of adding to the existing building site or sites, and any resulting parcel shall not be considered a building site unless the parcel conforms to the minimum lot area and lot width requirements of the Norvell Township Zoning Ordinance. No building permit shall be issued, or any building construction commenced, until the division has been approved by the Township Board, an entrance driveway permit approved by the Jackson County Road Commission, and the suitability of the land for building sites has been approved by the Jackson County Health Department.

E. Division of Unplatted Parcels:

The division of unplatted parcels is prohibited, unless approved following application to the Township Board. The application shall be filed with the Township Clerk and shall state the reason for the proposed division. The division, or divisions, will be governed by the terms of the Land Division Act of 1967, P.A. Act 288, as amended. The resulting parcels or lots shall meet the minimum lot area and lot width of the Norvell Township Zoning Ordinance for the district involved. Each resulting parcel or lot shall meet the requirements of Section 8.11 and 8.19.5 of the Norvell Township Zoning Ordinance. Division does not include a property transfer between two (2) or more adjacent parcels, if the property taken from one (1) parcel is added to an adjacent parcel for the purpose of adding to the existing building site or sites, and any resulting parcel or lot shall not be considered a building site unless the parcel or lot conforms to the requirements of this act and to the minimum lot area and lot width requirements of the Norvell Township Zoning Ordinance. No building permit shall be issued, or any building

construction commenced, until the division has been approved by the Township Board, an entrance driveway permit obtained by the Jackson County Road Commission, and the suitability of the land for building sites has been approved by the Jackson County Health Department.

Section 8.13 FLOOR AREA REQUIREMENTS FOR DWELLINGS

Except as noted below, the floor area per dwelling unit erected on any lot or parcel shall not be less than that established by the following table. In determining floor area, only area used for living quarters shall be counted. Utility rooms, garages, carports, non-walled and non-roofed porches, laundry areas, heater-rooms, and basements are to be excluded.

<u>Number of Bedrooms in Each Dwelling Unit</u>	<u>Minimum Floor Area Per Each Dwelling Unit</u>
0-2	1,000'
3	1,200'
4	1,400'
5	1,600'

There shall be a specific exemption from the regulations specified above. In the Suburban Residential (RS-2) District, the minimum floor area shall be eight hundred (800) square feet for a 0-2 bedroom unit. The RS-2 District is located in areas of the township which were platted and developed at higher densities prior to the adoption of the ordinance.

Section 8.14 MOTOR HOMES, TRAVEL TRAILERS, AND TENTS

The following provisions shall apply:

1. Except as expressly permitted in Subsection 6 below, no motor home, travel trailer, or tent shall be used as a permanent dwelling.
2. A motor home, travel trailer, or tent may be occupied in a duly licensed tent campground or travel trailer park.

3. Except as noted in subsection 6 below, no property owner shall permit the temporary occupancy of their land by any motor homes, travel trailers, tents or any combinations thereof for a period to exceed thirty (30) days in any calendar year, and further subject to the requirement that any motor home, travel trailer, tent or combination thereof must be located within three hundred (300) feet of the property owner's permanent dwelling equipped with water and sanitary facilities as certified by the zoning inspector.
4. Except as otherwise provided in this Ordinance, in any district, motor homes, travel trailers, or tents shall not be permitted to be stored on any lot or parcel unless said motor home, travel trailer, or tent is under the same ownership as said lot or parcel.
5. Motor homes, travel trailers, and tents shall not be permitted to be occupied in commercial or industrial zoning districts.
6. In residentially zoned areas up to three motor homes and/or travel trailers, and/or tents may be placed and occupied for periods of less than 30 days in any calendar year on a lot upon which exists an occupied detached single-family structure, two-family, or multiple family structures.
7. The building inspector, upon the approval of the zoning administrator shall have the authority to grant a permit for the temporary occupancy of a motor home, or travel trailer at a building site, subject to the following conditions:
 - a. During the period of construction of a new permanent dwelling, but not to exceed a period of six (6) consecutive months, the owner of said property, and members of the owner's immediate family, shall be permitted to occupy as a temporary residence, not more than one (1) such motor home, or travel trailer located at the construction site provided said property owner intends to occupy as a residence the permanent dwelling upon completion of its construction.
 - b. The building inspector, upon the approval of the zoning administrator, shall have the authority to grant a six (6) month extension of the permit for a continuous temporary occupancy at this site, provided the construction of the permanent dwelling

is progressing at a rate of not less than five (5%) percent per month over a six (6) month period.

- c. Said motor home or travel trailer shall meet the Schedule of Regulations of Article V, Section 5.1: Area, Height, Bulk, and Placement Regulations of the ordinance.
- d. Said motor home or travel trailer shall have an operable smoke and carbon monoxide detector.
- e. Said motor home or travel trailer shall contain sleeping accommodations, flush toilet, and a tub or shower bath adequate to serve the occupants thereof. The sanitary facilities of the motor home or travel trailer for the disposal of sewage and waste shall be properly connected to a public water and sewer system, if available, or properly connected to private facilities approved and certified by the Jackson County Health Department.
- f. Special Permits — The Township Supervisor or designated official shall have the authority to grant a written permit in special emergency and/or unusual cases for a specified period of time, which would otherwise be in violation of the provisions of this Subsection (8.14.6).
- g. A performance bond in an amount established by the Township Board shall be required to assure compliance with these provisions. The amount of the bond shall be established annually by the Township Board and applied to all temporary motor home or travel trailer permits issued under the Ordinance.
- h. Administrative Liability — No officers, agents or employees of the Township or members of the Township Board shall render themselves personally liable for any damage that may accrue to any person as a result of any act, decision or other consequences or occurrence arising out of the discharge of his/her duties and responsibilities pursuant to this Subsection (8.14.6).

Section 8.15 FENCES

- A. Except as otherwise provided in this Ordinance, fences in all districts shall be subject to the following conditions:
 - 1. Fences within or along any rear or side yard shall not exceed six (6) feet in height as measured from the surface of the ground.
 - 2. Fences located within or along the required front yard shall not exceed four (4) feet in height as measured from the surface of the ground.
 - 3. Lake lot fences in any front, side, or rear yard shall not exceed four (4) feet in height as measured from the surface of the ground.
 - 4. Fences in the AG-1 District erected for the containment of farm animals as defined may exceed the maximum height requirements relative to the type of animals contained.

- B. No fence with barbs, spikes, nails, or other sharp or electrified devices shall be permitted in any residential district nor shall any lot line fence in any district be constructed as to constitute a hazard to the public health and welfare.

Section 8.16 ON SITE SANITATION

Except as otherwise specified in this Ordinance, domestic sewage shall be disposed of through either a public sewer system, a septic tank and tile drainage system, or a chemical sewage system approved by the Jackson County Health Department. In no case, except as specified in the following provisions and other provisions of this ordinance, shall a permanent or temporary privy be permitted in any district:

- A. A temporary privy may be permitted during the construction of a structure for a period not to exceed three months or for a period of time approved by the Township Board.

Section 8.17 LARGE GATHERINGS

Circuses, carnivals, theatrical exhibitions, public shows, displays, and other forms

of entertainment, amusement, or exhibitions; including but not limited to musical festivals, rock festivals, peace festivals, a similar outdoor gathering or assemblies which attract in excess of seventy-five (75) persons shall require a permit, applied for and obtained as hereinafter described, for each such gathering or assembly. These shall also apply to gatherings or assemblies that would require a rally permit, or a temporary campground license.

A. Application for Permit.

Application for a permit to conduct an outdoor gathering or assembly shall be made in writing on forms provided by the Norvell Township Clerk at least sixty (60) days prior to the date of the proposed gathering or assembly. Each application shall be accompanied by a fee established by the Norvell Township Board and shall include the following information:

1. The name, age, residence and mailing address of the person making the application. (Where the person making the application is a partnership, corporation or other association, this information shall be provided for all partners, officers and directors, or members. Where the person is a corporation, a copy of the articles of incorporation shall be filed, and the names and addresses shall be provided of all shareholders having financial interest greater than \$500.00.)
2. A statement of the kind, character, and type of proposed gathering or assembly.
3. The address, legal description and proof of ownership of the site at which the proposed gathering or assembly is to be conducted. Where ownership is not vested in the prospective applicant, he shall submit an affidavit from the owner indicating his consent to the use of the site for the proposed gathering or assembly.
4. The date or dates and hours during which the proposed gathering or assembly is to be conducted.
5. An estimate of the maximum number of attendants expected at the gathering or assembly for each day it is conducted and a detailed explanation of the evidence of admission which will be used and of

the sequential numbering or other method which will be used for accounting purposes.

6. A detailed explanation, including drawings and diagrams where applicable of the plan to provide for the following:
 - a. Police and fire protection.
 - b. Food and water supply and facilities.
 - c. Health and sanitation facilities.
 - d. Medical facilities and services including emergency vehicles and equipment.
 - e. Vehicle access and parking facilities.
 - f. Camping and trailer facilities.
 - g. Illumination facilities.
 - h. Communications facilities.
 - i. Noise control and abatement.
 - j. Insurance and bonding arrangements.

In addition, the application shall be accompanied by a map or maps of the overall site of the proposed assembly.

- B. Upon receipt of an application, the Clerk shall forward copies of the application to the Norvell Township Police, Jackson County Health Department, the Norvell Township Building Inspector, and other appropriate public officials as the Clerk deems necessary. The Clerk shall also forward copies of the application to the Norvell Township Board. Such officers and officials shall review and investigate matters relevant to the application and within twenty (20) days of receipt thereof, shall report their findings and recommendations in writing to the Norvell Township Board.

- C. Approval of Permit.

Within 45 days of the filing of the application, the Township Board shall issue, set conditions prerequisite to the issuance of, or deny, a permit. The Township Board may require that adequate security or insurance be provided before a permit is issued. Where conditions are imposed as prerequisite to the issuance of a permit is defined, within five (5) days of such action, notice thereof shall be mailed to the applicant by certified mail,

and, in the case of denial, the reasons therefore shall be stated in the notice.

D. A permit may be denied if:

1. The applicant fails to comply with any or all requirements of this ordinance, or with any or all conditions imposed pursuant hereto, or with any other applicable provision of state or local law; or,
2. The applicant has knowingly made a false, misleading or fraudulent statement in the application or in any supporting document. A permit shall specify the name and address of the applicant, the kind and location of the gathering or assembly, the maximum number of attendants permissible, the duration of the permit and any other conditions imposed pursuant to this Ordinance. It shall be posted in a conspicuous place upon the premises of the gathering or assembly, and shall not be transferred to any other person or location. The permit shall be valid only for the dates issued on the permit.

E. In processing an application, the Norvell Township Board shall, at a minimum, require the following:

1. Security Personnel:

The applicant shall employ at his own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of the maximum number of attendants at the gathering or assembly and for the preservation of order and protection of property in and around the site of the gathering or assembly. No permit shall be issued unless the chief law enforcement officer for the Township of Norvell in cooperation with the Director of State Police is satisfied that such necessary and sufficient security personnel will be provided by the applicant for the duration of the gathering or assembly.

2. Water Facilities:

The applicant shall provide potable water, sufficient in quantity and pressure to assure proper operation of all water using facilities under

conditions of peak demand. Such water shall be supplied from a public water system, if available, and if not available, then from a source constructed, located, and approved in accordance with Act 294, Public Acts of 1965, as amended, and the rules of regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, or from a source delivered and stored in a manner approved by the Jackson County Health Department.

3 Restroom Facilities:

The applicant shall provide separate enclosed flush-type water closets as defined in Act 266, Public Acts of 1929, as amended, and the rules and regulations adopted pursuant thereto and in accordance with any other applicable state or local law. If such flush-type facilities are not available, the Jackson County Health Department may permit the use of other facilities which are in compliance with Act 273, Public Acts of 1939, as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law.

The applicant shall provide lavatory and drinking water facilities constructed, installed, and maintained in accordance with Act 266 of the Public Acts of 1929, as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law. All lavatories shall be provided with hot and cold water and soap and paper towels.

The number of type of facilities required shall be determined, on the basis of the number of attendants, in the following manner:

<u>Facilities</u>	<u>Male</u>	<u>Female</u>
Toilets	1:50	1:50
Water Outlets	1:50	

Where the gathering or assembly is to continue for more than 12 hours, the license shall provide shower facilities, on the basis of the number of attendants, in the following manner:

<u>Facilities</u>	<u>Male</u>	<u>Female</u>
Shower Heads	1:100	1:100

All facilities shall be installed, connected, and maintained free from obstructions, leaks and defects and shall at all times be in operable condition as determined by the Jackson County Health Department.

4. Food Service:

If food service is made available on the premises, it shall be delivered only through concessions licensed and operated in accordance with the provisions of Act 269, Public Acts of 1968, as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law.

If the gathering or assembly is distant from food service establishments open to the public, the applicant shall make such food services available on the premises as will adequately feed the attendants.

5. Medical Facilities:

If the gathering or assembly is not readily and quickly accessible to adequate existing medical facilities, the applicant shall be required to provide such facilities on the premises of the gathering or assembly. The kind, location, staff strength, medical and other supplies and

equipment of such facilities shall be as prescribed by the Jackson County Health Department.

6. Liquid Waste Disposal:

The applicant shall provide for liquid waste disposal in accordance with all rules and regulations pertaining thereto established by the Jackson County Health Department. If such rules and regulations are not available or if they are inadequate, then liquid waste disposal shall be in accordance with the United States Public Health Service Publication No. 526, entitled, "Manual of Septic Tank Practice." If liquid waste retention and disposal is dependent upon pumpers and haulers, they shall be licensed in accordance with Act 243, Public Acts of 1951, as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable state or local law, and, prior to issuance of any permit, the applicant shall provide the Jackson County Health Department with a true copy of an executed agreement in force and effect with a licensed pumper or hauler, which agreement will assure proper, effective and frequent removal of liquid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

7. Solid Waste Disposal:

The applicant shall provide for solid waste storage on, and removal from, the premises. Storage shall be in approved, covered, fly tight and rodent proof containers, provided in sufficient quantity to accommodate the number of attendants. Prior to issuance of any permit, the applicant shall provide the Jackson County Health Department with a true copy of an executed agreement in force and effect with a licensed refuse collector, which agreement will assure proper, effective and frequent removal of solid waste from the premises so as to neither create nor cause a nuisance or menace to the public health.

8. The applicant shall implement effective control measures to minimize the presence of rodents, flies, roaches, and other vermin on the

premises. Poisonous materials, such as insecticides or rodenticide shall not be used in any way so as to contaminate food, equipment, or otherwise constitute a hazard to the public health. Solid waste containing food waste shall be stored so as to be inaccessible to vermin. The premises shall be kept in such condition as to prevent the harborage of feeding of vermin.

9. Public Bathing Beaches:

The applicant shall provide to make available or accessible public bathing beaches only in accordance with Act 218, Public Act of 1967, as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision of state or local law.

10. Access and Traffic Control:

The applicant shall provide for ingress to and egress from the premises so as to insure the orderly flow of traffic onto and off of the premises. Access to the premises shall be from a highway or road which is a part of the county system of highways or which is a highway maintained by the State of Michigan. Traffic lanes and other space shall be provided, designed and kept open for access by ambulance, fire equipment, helicopter and other emergency vehicles. Prior to the issuance of a permit, the Director of the Department of State Police and the Director of Transportation must approve the applicants plan for access and traffic control.

11. Parking:

The applicant shall provide a parking area sufficient to accommodate all motor vehicles, but in no case shall there be provided less than one automobile space for every four (4) attendants.

12. Camping and Trailer Parking:

An applicant who permits attendants to remain on the premises between the hours of 2 a.m. and 6 a.m. shall provide for camping and

trailer parking and facilities in accordance with Act 171, Public Acts of 1970, as amended, and the rules and regulations adopted pursuant thereto, and in accordance with any other applicable provision by state or local law.

13. Illumination:

The applicant shall provide electrical illumination of all occupied areas sufficient to insure the safety and comfort of all attendants. The applicant lighting plan shall be approved by the building inspector.

14. Insurance:

Before the issuance of a permit, the applicant shall obtain public liability insurance with limits of not less than \$100,000 and property damage insurance with a limit of not less than \$25,000 from a company or companies approved by the Commissioner of Insurance of the State of Michigan, which insurance shall insure liability for death or injury to persons or damage to property which may result from the conduct of the gathering assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for the duration of the permit. The evidence of insurance shall include an endorsement to the effect that the insurance company shall notify the Clerk of Norvell Township in writing at least 10 days before the expiration or cancellation of said insurance

15. Bonding:

Before the issuance of a permit, the applicant shall obtain, from a corporate bonding company authorized to do business in Michigan, a corporate surety bond in the amount of \$50,000 in a form to be approved by the Norvell Township Board attorney, conditioned upon the applicant's faithful compliance with all of the terms and provisions of this ordinance and all applicable provisions of state or local law, and which shall indemnify the Township of Norvell, its agents, officers, and employees, and the Township Board against any and all loss, injury or damage whatever arising out of or in any way connected with the assembly and which shall indemnify the owners of

property adjoining the assembly site for any costs attributable to cleaning up and/or removing debris, trash, or other waste resultant from the assembly.

16. Fire Protection:

The applicant shall, at his own expense, take adequate steps as determined by the state fire marshal, to insure fire protection.

17. Fencing:

The applicant shall erect a fence completely enclosing the site, of sufficient height and strength as will preclude persons in excess of the maximum permissible attendants from gaining access and which shall have sufficient gates properly located so as to provide ready and safe ingress and egress.

18. Communications:

The applicant shall provide public telephone equipment for general use on the basis of at least one unit for each 1,000 attendants.

19. Miscellaneous:

Prior to the issuance of a permit, the Township Board may impose any other condition(s) reasonably calculated to protect the health, safety, welfare, and property of attendants or of citizens of the Township of Norvell.

F. Revocation of Permit:

The Township Board may revoke a permit whenever the applicant, his employee or agent fails, neglects or refuses to fully comply with any and all provisions and requirements set forth herein or with any and all provisions, regulations, ordinances, statutes, or other laws incorporated herein by reference.

G. Violations:

It shall be unlawful for an applicant, his employee, or agent, to knowingly:

1. Advertise, promote or sell tickets to, conduct, or operate a gathering or assembly without first obtaining a permit as herein provided.
2. Conduct or operate a gathering or assembly in such a manner as to create a public or private nuisance.
3. Conduct or permit, within the gathering or assembly, any obscene display, exhibition, show, play, entertainment or amusement.
4. Permit any person on the premises to cause or create a disturbance in, around, or near the gathering or assembly by obscene or disorderly conduct.
5. Permit any person to unlawfully consume, sell, or possess, intoxicating liquor while on the premises.
6. Permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs, drugs or other substance as defined in Act 343, Public Acts of 1952, as amended.

Section 8.18 FIRES

The incineration of garbage and other items including such items as roof shingles, rubber, plastic, and other petroleum based products shall not be permitted.

Incineration of refuse, leaves, paper or wood, shall be permitted if done in accordance with the following rules:

1. Except as otherwise permitted in this ordinance, all such burning shall be done in a container constructed as to prevent the dispersal of sparks and burning materials to neighboring or adjacent buildings or premises.
2. Burning leaves, brush fires, or fire for the purpose of clearing lands, outside of a container, shall be permitted only upon the issuance of a permit. In this instance a container as required in subsection 8.18.1

shall not be required. Permits for fires of this type located in particular geographic areas of the township shall be obtained from the Chief of the Fire Department serving that particular geographic area.

3. No such burning shall be done within twenty (20) feet of an existing building, or within ten (10) feet of a side or rear lot line.
4. No such burning shall be done prior to 8:00 a.m., and shall not be continued after 8:00 p.m. or sunset, whichever comes first; on any day.
5. No burning shall be done unless under the charge of supervision of an adult. No burning of any kind shall be left unattended.
6. No such burning shall be done at any time or place when wind conditions will create or be apt to create a nuisance to anyone or the property of anyone in the vicinity thereof, or be a danger to the property of any person in the vicinity thereof.
7. No such burning shall be done where its maximum size is not controllable by one adult.
8. No burning of any kind (excluding campfires and permanent or portable outdoor grills) shall take place on Sunday, or the days immediately preceding or following holidays. Holidays, for the purpose of this ordinance shall include: New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day, and Christmas Day. Also, no burning shall take place on Michigan International Speedway race weekends (Friday, Saturday and Sunday).
9. Campfires shall be permitted provided they take place in pits constructed to be no less than one (1) foot deep and no larger than three (3) feet in diameter, or contained in a solid fire-proof structure at ground level. The provisions of Subsections 2, 4, and 8 shall not apply to campfires.
10. Penalties.

Any person who violates this section of the Zoning Ordinance or fails to comply with any of the requirements of this section shall:

- (1) Be subject to the penalties stated in Section 10.8, and shall
- (2) Pay to the Township the total cost of any fire department response.

Section 8.19 (RESERVED)

Section 8.19.5 FUNNELING

Funneling, as defined in Section 2.1.24.5 of this ordinance shall be permitted subject to the following restrictions:

- A. A lot or parcel used for funneling shall meet the required minimum lot width and area for the district in which the lot is located.
- B. Beginning at forty (40) feet of width of water front properties, one (1) power craft shall be permitted, plus another power craft for every additional forty (40) feet of water front property or fraction thereof, except no more than two (2) powerboats shall be permitted per non-riparian lot.

This limitation applies only to craft powered by engines and there is no limit on the number of row boats, sail boats, dinghies, rubber boats, canoes, or small boats provided they are not powered by engines.

- C. Funneling shall not be construed as to apply to members of the immediate family or occasional guests of the riparian property owner.
- D. The provisions of Section 9.1 (Nonconforming uses of parcels and lots) shall be applicable to funneling. Parcels or lots used for funneling at the date of adoption of this amendment, December 13, 2000, shall be permitted to be used for such purposes in accordance with the provisions of Section 9.1, with the exception that the provisions of Section 9.1.C. shall not apply.

Section 8.20 MOBILE HOME SUBDIVISIONS

Subject to the following standards:

1. All mobile home subdivisions shall comply with the subdivision control act of 1976, being Act 288, Public Acts of Michigan, 1976, as amended.
2. All mobile homes located in the mobile home subdivision shall be constructed to the standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards," effective June 15, 1976, as amended.
3. Towing mechanisms, including axles, shall be removed from all homes at the time of installation and stored so as to not be visible to the community.
4. For all exterior door openings, dwellings shall contain a stairway or ramp connected to a landing and/or porch.
5. Operable smoke and carbon monoxide detectors shall be required in all new dwellings and dwellings in which major remodeling and/or repairs are completed.
6. Individual fuel oil, liquid petroleum, or other fuel tanks or combustible personal property shall not be permitted to be stored in or under any home.
7. Area, height, bulk, and placement regulations for lots in mobile home subdivisions shall be identical to those required in the RS-1 (Single Family Suburban Residential District) and RL-1 (Single-Family Lake Residential District) as specified in Section 5.1 AREA, HEIGHT, BULK, AND PLACEMENT REGULATIONS of this Ordinance.

Section 8.21 PROTECTION OF WATER QUALITY

The purpose of this section is to maintain and protect the water quality of Norvell Township, by preserving wetlands in their natural state. To preserve these wetlands, the following regulations and requirements shall apply:

1. Consistent with state law, any dredging or filling of these existing wetland areas is prohibited.
2. To assure the preservation of natural wetland vegetation, mowing of the vegetation is prohibited.
3. The use of any herbicide, pesticide, or fertilizer on wetlands is prohibited except as authorized by the County or State Health Department to protect the public health, or as a part of a state approved program or use to eradicate or reduce invasive or obnoxious species.
4. Riparian Property owners.

 A single access by elevated boardwalk or mulch wood chip path (whichever is least intrusive) may be constructed through a wetland area to afford lake access for riparian properties. This single access shall be by the shortest, least intrusive route with a terminal point on the water. Access shall be approved by the Michigan Department of Environmental Quality. The boardwalk or wood chip path shall be a maximum of five (5) feet in width.
5. Site condominiums, manufactured housing communities and multiple family developments.

For site condominiums, manufactured housing communities, and multiple family developments, wetlands shall be held in common ownership. A single access by elevated boardwalk or mulch wood chip path (whichever is least intrusive) may be constructed through a wetland area to afford lake access for non lake-front properties. This single access shall be by the shortest, least intrusive route with a terminal point on the water. Access shall be approved by the Michigan Department of Environmental Quality. The boardwalk or wood chip path shall be a maximum of five (5) feet in width.

6. Wetland delineation.

Wetlands shall be delineated by monumentation. Monuments shall be solid plastic posts two (2) inches in diameter, encased in concrete and extending upward thirty-six (36) inches from ground level.

Monuments shall be placed no more than eighty (80) feet apart, and where wetlands intersect with lot line.

Section 8.22 STREET LIGHTING

Street lighting shall be installed in such a manner that light projects downward and is deflected away from any adjacent residential properties and so that it does not impede the vision of traffic along adjacent streets.

Section 8.23 SIDEWALKS

Sidewalks shall be required, prior to the issuance of an occupancy permit for each dwelling unit within the Manufactured Housing Communities, as permitted in the MH-1 Mobile Home Residential Zoning District, Multiple Family housing developments and Planned Unit Developments, as permitted in the RM-1 Multiple Family Residential Zoning District; and in Subdivisions and Site Condominium projects in any district in which they are permitted. Sidewalks shall be located in the front of the lot in the right-of-way no closer than five (5) feet from the street, and shall extend the entire width of the lot. The sidewalks shall be constructed of concrete, and shall be set upon a two (2) inch minimum sand base with expansion joints every fifty (50) feet. The minimum depth of the concrete shall be four (4) inches, except where the sidewalks are built across driveways. In those instances, the minimum depth shall be six (6) inches. Sidewalks shall be constructed in compliance with Act 8 of the Public Acts of 1973, being Section 125.1361 et seq., of the Michigan Compiled Laws, an act which regulates sidewalks for persons with disabilities.

Section 8.24 PROHIBITED PLANTS LIST

Prohibited Plant Materials for Subdivisions, Site Condominiums, Manufactured Housing Communities, Multiple Family Developments & Planned Unit Developments:

The following plant materials shall not be used for landscaping proposed under any circumstances because of susceptibility to storm damage, disease or other undesirable characteristics:

- Box Elder
- Slippery Elms
- American Elm
- Horse Chestnut (nut bearing)
- Poplar
- Aspen
- Ailanthus
- Tree of Heaven
- Ginkgo (female)
- Catalpa
- European Barberry
- Eastern Red Cedar

The following trees are not permitted as they split easily, their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests:

- Box Elder
- Ginkgo (female only)
- Honey Locust (with thorns)
- Mulberry
- Cottonwood
- Black Locust
- Willow
- Siberian Elm
- Chinese Elm

**Section 8.25 STORAGE OF LICENSED, OPERABLE
RECREATIONAL VEHICLES, WATER CRAFT,
SNOWMOBILES, AND MOTORCYCLES.**

Except as otherwise provided in this Ordinance, in any district, licensed, operable recreational vehicles, water craft, snowmobiles, motorcycles or similar items shall be permitted to be stored on any lot or parcel provided said recreation vehicles, water craft, snowmobiles, or motorcycles are the personal property of the owner of said lot or parcel. Storage of recreational vehicles, water craft, snowmobiles, motorcycles, or similar items which are not the personal property of the owner of said lot or parcel shall be prohibited.

Section 8.26 KEEPING OF ANIMALS

- A. The keeping of household pets, including dogs, cats, fish, birds, hamsters and other animals generally regarded as household pets is permitted in any agricultural or residential zoning district.

- B. Horses
 1. Horses may be kept or housed on a non-commercial basis only in the Agricultural (AG-1) Zoning District. A minimum lot size of three (3) acres is required.
 2. The number of horses permitted shall be determined as follows: One (1) horse per three (3) acres for the first horse and one (1) additional horse for each additional one (1) acre of land thereafter.
 3. All horses shall have stables or other permanent structures available of such design as to provide protection from the elements. Such stables shall comply with the regulations applicable to accessory structures.
 4. Areas in which the horses are kept shall be completely enclosed by a fence meeting the requirements of Section 8.15, Fences. Said fence shall be kept in repair so as to prevent the horses from exiting the fenced-in-area.

C. The keeping of wild animals, as defined in this Ordinance, shall be prohibited in any agricultural or residential zoning district.

Section 8.27 Adult-Related Businesses

A. Intent:

The purpose of this section is to regulate the location but not to exclude adult related businesses by preventing the concentration of these uses. However, under no circumstances is public nudity, as defined herein, permissible in Norvell Township. These regulations were created with the understanding that the Township acknowledges that there are some uses which, because of their very nature, have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having deleterious effects upon adjacent residential and commercial areas. The Township recognizes that regulation of adult related businesses is necessary to ensure that adverse effects will not contribute to the blighting or downgrading of a surrounding residential neighborhood.

B. Definitions:

As used in this Ordinance, the works and phrases following each have the meanings assigned to them herein.

- I. Adult related business: Any activity described in any of the remaining paragraphs of this subsection and any other business having any employee or entertainer (in person or by motion picture, television, hologram, or other type of image) displaying any specified anatomical area or engaging in any "specified sexual activity" as defined herein.
2. Adult book store: An establishment having as a substantial or significant portion of its stock in

trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or establishment with a segment or section devoted to the sale or display of such material.

3. Adult motion picture theater: An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified anatomical areas," (as defined below) for observation by patrons therein.
4. Adult mini-motion picture theater: An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," (as defined below) for observation by patrons therein.
5. Adult Outdoor Theater: An outdoor commercial facility used for motion pictures or other shows which represent material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas".
6. Public Nudity: Knowingly or intentionally displaying in a public place, or for the payment or promise of payment by any person, including but not limited to, payment or promise of payment of an admission fee, any individual's genitals, or anus with less than a fully opaque covering.
7. Specified sexual activities:
 - a. Human genitals in a state of sexual stimulation or arousal.

- b. Act of human or animal masturbation, sexual intercourse (homosexual or heterosexual), or sodomy.
- c. Fondling of or erotic touching of human genitals, pubic region, buttock, or female breast.
- d. Bestiality.
- e. Fellatio and cunnilingus.
- f. Human excretory functions.
- g. Sadomasochistic abuse.

C. Site Location Standards:

- 1. No adult related business shall be established on any premises where there exists more than one (1) other adult related business within one thousand feet, measured between the closest property lines.
- 2. Adult related businesses shall be prohibited within sixteen hundred (1600) feet from the perimeter of residentially zoned lots, or a church or school, as measured between the closest property lines.
- 3. No adult related business shall be established which permits public nudity, as defined herein.

D. Site Development Standards:

Adult related businesses, as defined and listed in Section 8.27.B of this ordinance, shall comply with the following regulations:

- 1. Adult related businesses shall not be located in buildings in which dwelling units are located.
- 2. Activities conducted within buildings housing the aforementioned uses shall be shielded in such a manner that no person outside the building can see said activities, provided however that such shielding shall not consist of a curtain alone, shall not obstruct the exit sign or panic hardware for

egress from the exit, nor be constructed in such a way as to block the exit, subject to the approval of the Fire Chief.

3. Compliance shall be achieved with all applicable regulations of this ordinance.

Section 8.28

Cul-de-sac Lots

- a. A lot shall be considered to be a cul-de-sac lot if the lot has more than one-half of its required frontage on the cul-de-sac.
- b. The cul-de-sac shall be determined to commence at the intersection of the radius of the cul-de-sac with the street right-of-way line.
- c. A lot on a cul-de-sac shall have frontage on a cul-de-sac which is not less than 80 percent (80%) of the minimum lot width required for the zoning district in which it is located.

**ARTICLE IX
NONCONFORMITIES**

Section 9.1 NONCONFORMING USES OF PARCELS AND LOTS.

Where, on the effective date of adoption or amendment of this Ordinance, a lawful use of a parcel or lot exists that is no longer permissible under the provisions of this Ordinance, such use of the parcel or lot may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming use of a parcel or lot shall be enlarged, expanded, or extended to occupy greater area of land that was then occupied on the effective date of adoption or amendment of this Ordinance and no accessory use, building, or structure shall be established therewith.
- B. No such nonconforming use of a parcel or lot shall be moved in whole or in part to any other portion of such parcel or lot not occupied on the effective date of adoption or amendment of this Ordinance.

If such nonconforming use of a parcel or lot ceases for any reason for a period of more than one hundred and eighty (180) consecutive days, the subsequent use of such parcel or lot shall conform to the regulations and provisions set by this Ordinance for the district in which such parcel or lot is located.

Section 9.2 NONCONFORMING BUILDINGS AND STRUCTURES.

Where, on the effective date of adoption or amendment of this Ordinance, a lawful building or structure exists that could not be built under the regulations of this Ordinance by reason of restrictions upon lot area, lot width, lot coverage, height, open spaces, or other characteristics of such building or structure or its location upon a lot, such building or structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. No such building or structure shall be enlarged, expanded, extended, or altered in a way which increases its nonconformance.

- B. Should any such building or structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- C. Should any such building or structure be moved for any reason for any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

Section 9.3 NONCONFORMING USES OF BUILDINGS AND STRUCTURES.

Where, on the effective date of adoption or amendment of this Ordinance, a lawful use of a building or structure exists that is no longer permissible under the regulations of this Ordinance, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

- A. No existing buildings or structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, expanded, extended, or altered except in changing the use of such building or structure to a use permitted in the district in which such building or structure is located.
- B. When a nonconforming use of a building or structure is discontinued or abandoned for more than one hundred and eighty (180) consecutive days, the building or structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.
- C. On any building or structure devoted in whole or part to any nonconforming use work, may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not to exceed ten (10) percent of the then current replacement value of the building or structure, provided that the volume of such building or the number of families housed therein, or the size of such structure as it existed on the date of adoption or amendment of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any building or structure or part thereof declared to be unsafe by an official charged with protecting the public safety upon order of such official.

- D. Should any building or structure containing a nonconforming use be moved, for any reason for any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.
- E. Should any structure devoted to whole or in part to any nonconforming use be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed and again be devoted to any use except in conformity with the regulations of the district in which it is located.

Section 9.4 CHANGE OF TENANCY OR OWNERSHIP.

There may be a change of tenancy, ownership, or management of any existing nonconforming use, building, or structure, provided there is no change in the nature or character of such nonconforming use, building, or structure.

Section 9.5 SUBSTANDARD, NONCONFORMING LOTS OF RECORD.

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 or structures may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lot must be in separate ownership and not contiguous with other lots in the same ownership as of the date of adoption of this Ordinance. This provision shall apply even though such lots fail to meet the requirements for area or width. If two or more lots, or combinations of lots, are contiguous in single ownership, and are of record at the time of passage or amendment of this Ordinance; and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be a single parcel. No portion of said parcel or lot which does not meet lot width and area requirements shall be used or sold for development purposes, nor shall any division of the parcel or lot be made which leaves remaining any parcel or lot with width or area below the requirements stated in this Ordinance.

Side yard setback requirements for substandard, nonconforming lots of record: All setback requirements, as contained within the following zoning districts (RS-1 Single Family Suburban Residential, RS-2 Single Family Suburban Residential, RL-1 Single Family Lake Residential and MI-I-1 Mobile Home Residential District) in which the lot is located, shall be provided, with the

following exception. For lots of sixty eight (68) feet or less in width which fail to meet minimum lot width requirements, the sum of the two side yard setbacks shall not be less than sixteen (16) feet; however, in no case shall any side yard setback be less than eight (8) feet in width.

Section 9.6 SUBSTANDARD, NONCONFORMING LOTS OF RECORD, MOBILE HOME SUBDIVISIONS.

A special class of nonconformities shall be established for lots located within mobile home subdivisions established prior to the effective date of this amendment, October 20, 1983. In the Mobile Home Residential (MH-1) District within mobile home subdivisions, notwithstanding limitations imposed by other provisions of this ordinance, a mobile home and customary accessory building or structure may be placed or erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. Such lots shall be in separate ownership as of the date of adoption of this Ordinance. This provision shall apply even though such lots fail to meet the requirements for area or width that are generally applicable in the District. Such lots shall have a minimum ten (10) foot front yard setback requirement. Side and rear dimensions and other requirements of the lot shall be specified in the Mobile Home Residential (MH-1) District. If two or more lots or combination of lots with contiguous frontage and single ownership are of record at the time of passage or amendment of this ordinance and if all or part of the lots do not meet the requirements for lot width and area as established by this Ordinance, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance and no portion of said parcel or lot shall be used or sold which does not meet lot width and requirements established in this Ordinance. Nor shall any division of the parcel or lot be made which leaves remaining any parcel or lot with width or area below the requirements stated in this Ordinance.

Section 9.7 NONCONFORMING QUARRIES, MINERAL MINING, AND EXTRACTIVE OPERATIONS.

A special class of nonconformities will be established for existing, legal nonconforming gravel pits and gravel extraction operations.

In the case of nonconforming quarries, mineral mining, and extractive operations, existing holes may be worked and enlarged on the land which constituted the lot on which operations were conducted at the time of becoming nonconforming,

predicated upon compliance with the following restrictions:

- A. The amount of mineral material produced in any future year shall be permitted to increase by ten percent (10%) over the amount produced in the year preceding the date of adoption of this amendment.
- B. The hours of operation shall not increase.
- C. The amount of noise, vibration, and dust from the operation shall not increase.
- D. The extent of the area of the mining operation shall not increase beyond the limits of land designated or held for that purpose at the time of adoption of this ordinance.

A conditional use permit shall be obtained for all nonconforming pits not meeting the above-referenced requirements.

No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment.

Section 9.8 SUBSTITUTION AND/OR REPLACEMENT OF SINGLE-WIDE MOBILE HOME DWELLINGS.

There shall be a specific exemption from the preceding prohibitions, whether in Article IX or any other section of this ordinance, for the substitution and/or replacement of a nonconforming use, a Single-Wide Mobile Home, when such use is occupied as a Single-Family Dwelling place.

- A. A special class of non conformities shall be established for a single-wide mobile home dwelling, existing prior to the effective date of this ordinance (August 1, 2001). These standards shall apply to nonconforming single-wide mobile home dwellings located in the Agricultural (AG-1) District and Single-Family Suburban Residential (RS-1) District. This amendment could allow the improvement of a nonconforming Single-Wide Mobile Home Dwelling by substitution and/or replacement upon approval by the Zoning Administrator, provided the improvements meet the following criteria:
 - 1. SAFETY STANDARDS

The standards for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled "Mobile Home Construction and Safety Standards," effective June 15, 1976, as amended, shall apply.

2. HOME SIZE

A mobile home shall not contain less than 760 square feet of area, as measured by the outside dimensions, nor have an outside width of less than 13 feet. The home shall contain steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.

3. TOWING MECHANISM

Towing mechanisms shall be removed from all homes at the time of installation and stored so as not to be visible to the community.

4. ANCHORING SYSTEM

For Health Safety and Welfare reasons, the building shall be firmly attached to a permanent foundation constructed on the site in accordance with the township building code, manufacturer specifications and all other state and federal regulations.

5. WATER AND SEWER

Dwellings shall be connected to a public water and sewer system, if available, or to private facilities approved and certified by the Jackson County Health Department.

6. EXTERIOR DOOR OPENINGS

For all exterior door openings, dwellings shall contain a stairway or ramp connected to a landing and/or porch.

7. ADDITIONS

Dwellings shall contain no additions or rooms or other areas which are not constructed with similar materials and which are similar in

appearance and which have similar quality of workmanship as the original structure, including the above described foundation and permanent attachment to the principal structure.

8. CONSTRUCTION STANDARDS

All habitable rooms shall have a minimum height as required in the Norvell Township Building Code. Where a dwelling is required to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different from those imposed by the Norvell Township Building Code, then and in that event such federal or state standard or regulation shall apply.

9. SMOKE AND CARBON MONOXIDE DETECTORS

Operable smoke and carbon monoxide detectors shall be required in all dwellings.

10. SCHEDULE OF REGULATIONS

Dwellings shall comply with the requirement of this Ordinance as specified in Section 5.1: Area, Height, Bulk and Placement Regulations.

- B. The owner of said dwelling place shall make application to the Zoning Administrator requesting a substitution and/or replacement for the nonconforming use, a single-wide mobile home. If the Zoning Administrator determines that for reasons of health, sanitation, safety or the well-being of the occupants that the request is proper, the Zoning Administrator shall then make the following findings of fact and apply the following standards:
1. That the use was originally constructed as a dwelling place and has continuously been occupied as a dwelling place.
 2. That public utilities and highways or roads adequately service the mobile home.
 3. That the proposed changes will materially and substantially benefit the use as a dwelling place and/or make the use more in conformity

with the provisions on this Zoning Ordinance and any building code.

4. That the proposed changes will not have an adverse effect upon the uses in the general vicinity by creating new or different violations of this Zoning Ordinance.
 5. That the use will be designed and constructed so as to be harmonious and appropriate in appearance with existing or intended character of the general vicinity.
- C. All applications under this section shall be submitted on forms provided by the Township and shall be accompanied by a complete set of floor plans and/or blue prints, a driveway permit, well and a septic permit.

A fee shall be established by Resolution of the Township Board for the review of applications under this section.

Section 9.9 Replacement of Decks in Lake Residential Areas

There shall be a specific exemption from the preceding prohibitions, whether in Article IX, or any other section of this ordinance, for the replacement of decks within the Lake Residential (RL-1) District which are nonconforming due to their location within fifty feet of the lake, or body of water.

- A. A special class of nonconformities shall be established for the replacement of decks which existed prior to the effective date of the enactment of Section 5.1, Footnote 2, which requires that structures be located at least fifty (50) feet from a body of water. It is recognized through this amendment that decks in lake residential areas are an integral part of lake residential life, and that views of the lake are held at high value to lakefront property owners. It is also recognized that structures have the potential to introduce contaminants into the surface water including but not limited to silt, oils and fuels stored in such structures, and nutrient enriched runoff resulting from the additional volume of storm water running off impervious paved surfaces and roofs. As a means of balancing these conflicting consequences of development near bodies of water, this ordinance authorizes the replacement of existing non-conforming decks located on the lake-side of dwellings, subject to the following conditions:

1. Decks may be replaced to occupy an area no greater than the original

footprint, in any of its dimensions. No expansion shall be permitted.

2. Decks which are replaced shall not be constructed to second stories, or higher, unless they existed to such heights prior to the date of adoption of this ordinance.
3. Decks which are replaced in accordance with this Section shall not be covered with a roof, or enclosed at the date of adoption of this ordinance.
4. Decks which are replaced in accordance with this Section shall not be enclosed.
5. Decks shall not be replaced with concrete slabs, or other impervious materials that reduce drainage opportunities.
6. Decks which are replaced in accordance with this Section shall not encroach into the required fifty (50) foot setback area by a distance of more than twenty-five (25) feet.
7. The placement, or extension of decks into side yard setback areas shall be prohibited.
8. Decks shall not be placed in wetlands.
9. Decks shall not be placed in outlots, walkways adjacent to the water, or easements including those which were established prior to the date of this ordinance which are non-conforming due to width.

**ARTICLE X
ADMINISTRATION OF THE ORDINANCE**

Section 10.1 PURPOSE.

It is the purpose of this Article to provide for the procedures for the administration of this Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violators, and enforcement of the provisions of this Ordinance and amendments thereto.

Section 10.2 ADMINISTRATION.

Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Building Inspector or by such deputies of his department as the Township Board may designate to enforce the provisions of this Ordinance.

1. The Norvell Township Board hereby appoint(s) and designate(s) the Zoning Administrator and/or members of the Norvell Township Police Department to enforce the provisions of the Norvell Township Zoning Ordinance and they shall be deputies of the Building Inspector for that purpose. (Resolution adopted August 30, 1994)

Section 10.3 DUTIES OF BUILDING INSPECTOR.

The Building Inspector shall have the power to grant zoning compliance permits and certificates of occupancy and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with the Ordinance, nor shall the Building Inspector vary or change any terms of this Ordinance. The Building Inspector shall submit to the Planning Commission and the Township Board quarterly reports fully explaining the type and nature of uses permitted by right; the nature and extent of violations of this Ordinance; and the type and nature of non-conforming uses, buildings, and structures.

Section 10.4 ISSUANCE OF ZONING COMPLIANCE PERMITS.

No building or structure, or part thereof, shall hereafter be located, erected, constructed, altered, converted, or enlarged or moved, nor shall any change be made in the use of any building, structure, or land without a zoning compliance permit having been obtained from the Building Inspector for such building, structure or land. A zoning compliance application shall be submitted to the Building Inspector. The Building Inspector shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications including a plat plan in duplicate drawn to scale. The Building Inspector shall retain the original copy for his files. Whenever the buildings, structures, and uses as set forth in the application are in conformity with the provisions of this Ordinance, the Building Inspector shall issue the applicant a zoning compliance permit within five (5) days of the filing thereof. Where action of the Board of Appeals or the Planning Commission is require in any case as set forth in the Ordinance, the Building Inspector shall issue such permit promptly following such action.

Section 10.5 ISSUANCE OF CERTIFICATE OF OCCUPANCY.

No building or structure or part thereof, shall be occupied by or for any use for which a zoning compliance permit is required by this Ordinance unless and until a certificate of occupancy shall have been issued for such use.

A certificate of occupancy shall be issued by the Building Inspector within three (3) days after receipt of such application if it is found the building or structure, or part thereof, is in accordance with the provisions of this Ordinance.

Section 10.6 VOIDING OF CERTIFICATE OF OCCUPANCY.

Any certificate of occupancy granted under this Ordinance shall become null and void if such use, buildings, or structure for which said certificate was issued is found by the Building Inspector to be in violation of this Ordinance. The Building Inspector upon finding such violation shall immediately notify the Township board of said violation and voiding of the certificate of occupancy.

Section 10.7 FEES, CHARGES, AND EXPENSES.

No permit, certificate, conditional use approval, or variance shall be issued unless

or until such costs, charges, fees, or expenses required in this Ordinance or other Township Ordinances have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, unless or until preliminary charges and fees have been paid in full. A listing of all fees and charges for permits shall be posted in the township office.

**Section 10.8 VIOLATIONS AND PENALTIES: NUISANCE PER SE:
ABATEMENT.**

Uses of land and dwellings, buildings, or structure, including motor homes, travel trailers, and tents, uses erected, altered, razed or converted in violation of any provision of this Ordinance are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building structure, motor home, travel trailer, tent, or land shall be adjudged guilty of maintaining a nuisance per se. Anyone violating any of the provisions of this Ordinance shall upon conviction thereof be subject to a fine of not more than five hundred (\$500) dollars and the costs of prosecution thereof, by imprisonment in the County Jail for a period not to exceed ninety (90) days, or both. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the regulations of this Ordinance.

Section 10.9 PUBLIC NOTIFICATION

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

- A. Responsibility: When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Norvell Township Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Norvell Township and mailed or delivered as provided in this Section.
- B. Content: All mail, personal and newspaper notices for public hearings shall:

1. Describe nature of the request: Identify whether the request is for a rezoning, text amendment, conditional use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
2. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
3. When and where the request will be considered: Indicate the date, time and place of public hearings(s).
4. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
5. Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

C. Personal and Mailed Notice:

1. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
 - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within five

hundred (500) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Norvell Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

- c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to Section 10.9.2, Registration to Receive Notice by Mail.
 - d. Other governmental units or infrastructure agencies within one (1) mile of the property involved in the application.
2. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Norvell Township Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
- D. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing on an application for a rezoning, text amendment, conditional land use, planned unit development, variance, appeal, or ordinance interpretation shall be provided not less than fifteen (15) days before the date the application will be considered for approval.

Section 10.9.1 REGISTRATION TO RECEIVE NOTICE by MAIL

- A. General: Any neighborhood organization, Public Utility Company, railroad, or any other person may register with the Norvell Township Clerk to receive written notice of all applications for development approval pursuant to Section 1.C.c., Personal, and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Norvell Township Clerk shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.

- B. Requirements: The requesting party must provide the Norvell Township Clerk information on an official form to ensure notification can be made. All registered persons must re-register annually to continue to receive notification pursuant to this Section.

**ARTICLE XI
BOARD OF APPEALS**

Section 11.1 BOARD OF APPEALS ESTABLISHED.

There is hereby established a Board of Appeals, which shall perform its duties and exercise its powers as provided in act 110 of the Public Acts of 2006, as amended, in such a way that the objectives of this Ordinance shall be observed, the public health and safety secured, and substantial justice done.

Section 11.2 DUTIES OF THE BOARD OF APPEALS.

The Board of Appeals shall hear and decide only such matters as the Board of Appeals is specifically authorized to pass on as provided in this Ordinance including but not limited to appeals made from administrative officials, dimensional variances, parking and loading variances, and interpretation of the Zoning Map boundaries.

Section 11.3 VARIANCE. A variance from the terms of this Ordinance shall not be granted by the Board of Appeals unless and until:

- A. A written application for a variance is submitted, demonstrating:
1. That special conditions and circumstances exist which are unique to the land, structure, or buildings involved and which are not applicable to other lands, structures, or buildings in the same district.
 2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
 3. That the special conditions and circumstances do not result from the actions of the applicant.

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
 5. That no nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- B. The Board of Appeals shall make findings that the requirements of the Ordinance have been met by the applicant for a variance.
 - C. The Board of Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - D. The Board of Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare
 - E. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 10.8 of this Ordinance.

Section 11.4 VOIDING OF AND RE-APPLICATION FOR

VARIANCE. The following provisions shall apply:

- A. Each variance granted under the provisions of this Ordinance shall become null and void unless:
 1. The construction authorized by such variance or permit has been

commenced within one hundred and eighty (180) days after the granting of such variance and pursued diligently to completion;
or

2. The occupancy of land or buildings authorized by such variance has taken place within one hundred and eighty (180) days after the granting of such variance.
- B. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred and sixty-five (365) days from such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

Section 11.5 APPEALS TO THE BOARD OF

APPEALS. The following provisions shall apply:

- A. Appeals, How Taken: Appeals from the ruling of the Building Inspector or the Township Board concerning the enforcement of the provisions of this Ordinance may be made to the Board of Appeals within such time as shall be prescribed by the Board of Appeals by general rule, by the filing with the officer from whom the appeal is taken who shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- B. Who May Appeal: Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board, agency, or bureau of the Township, County, or State.
- C. Fee for Appeal: A fee prescribed by the Township Board shall be paid to the Township Clerk at the time of filing the notice of appeal which the Board of Appeals shall pay over, within thirty (30) days after deciding any appeal, to the General Fund of the Township.
- D. Effect on Appeal: Restraining Order: An appeal stays all proceedings

in furtherance of the action appealed from unless the officer from whom the appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

- E. Hearing by the Appeals; Requests; Notice, Hearing: When a request for appeals has been filed in proper form with the Board of Appeals, the Board of Appeals Secretary, or Township Clerk shall immediately place the said request for appeal upon the calendar for next available hearing, and cause notice, stating the time, place, and object of the hearing to be published in a newspaper of general circulation in the Township and to be served personally or by registered return receipt mail at least ten (10) days prior to the date of such hearing, upon the party or parties making the request for appeal. In addition, property owners within 500 feet from the perimeter of the property in question shall be notified of the hearing. (amended 12/10/2021)

- F. Representation of Hearing: Upon the hearing, any party or parties may appear in person or by agent or by attorney.

- G. Decisions of the Board of Appeals and Appeals to the Circuit Court: The Board of Appeals shall decide upon all matters appealed from within a reasonable time and may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Building Inspector or Township Board from whom the appeal is taken. The Board of Appeals' decision of such appeals shall be in the form of a resolution containing a full record of the findings and determination of the Board of Appeals in each particular case. Any person having an interest affected by such resolution shall have the right to appeal to the Circuit Court on question of law and fact.

ARTICLE XII
CONFORMANCE TO COURT DECREE

Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction shall be adopted by the Township Board and the amendments published without referring the same to any other board or agency.

**SITE CONDOMINIUM DEVELOPMENT ORDINANCE
ORDINANCE No. 97-34, as amended**

Section A.

Purpose

Pursuant to authority conferred by the Condominium Act, Act 59 of 1978, as amended, all condominium plans must be approved by the Norvell Township Board. A site plan shall be required for all site condominium projects. Each condominium unit shall be located within a zoning district that permits the proposed use.

Section B.

Definitions

The following definitions shall apply in the construction and application of this ordinance:

- 1. Area Line**
 - a. Front Yard Area Line — A line located at the outer edge of a limited common area associated with a particular building envelope. The front yard area line is the area line which runs most nearly parallel with the street or private road which provides access to the condominium lot.**
 - b. Rear Yard Area Line — A line located at the outer edge of a limited common area associated with a particular building envelope. The rear yard area line is the area line lying opposite of the front yard area line.**
 - c. Side Yard Area Line — A line located at the outer edge of a limited common area associated with a particular building envelope. The side yard area lines are those area lines which are neither front or rear yard area lines. Side yard area lines extend from the front yard area line to the rear yard area line on either side of the building envelope.**

2. Building Envelope — That part of the condominium project designed and intended for separate ownership and use, as described in the master deed.
3. Condominium Act — Public Act 59 of 1978, as amended.
4. Condominium Lot — The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.
5. Condominium Subdivision Plan — The site, survey and utility plans, floor plans; and sections as appropriate, showing the existing and proposed structures and improvements including the location thereof on the land. The condominium plan shall show the size, location, area, vertical boundaries and volume of each unit comprising enclosed air space. A number shall be assigned to each condominium unit. The condominium plan shall include the nature, location, and approximate size of the common elements.
6. Condominium Project — means a plan or project consisting of not less than two (2) condominium units established in conformance with the Condominium Act, Michigan Public Act 59 of 1978.
7. Condominium Unit — The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.
8. Contractible Condominium — A condominium project from which any portion of the submitted land or buildings may be withdrawn pursuant to express provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.
9. Convertible Condominium — A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

10. Expandable Condominium — A condominium project to which additional land may be added pursuant to the express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.
11. Lot — As used in this section, the term "Lot" shall mean the same as "Condominium Lot."
12. Master Deed — The condominium documents recording the condominium project as approved by the Zoning Administrator to which is attached as exhibits and incorporated by reference the approved by laws for the project and the approved condominium subdivision plan for the project.
13. Township Board — The Board of Trustees of The Township of Norvell, Jackson County, Michigan.
14. Township Planning Commission — The Planning Commission of The Township of Norvell, Jackson County, Michigan.
15. Zoning Ordinance — The currently enforceable Zoning Ordinance No. 6, as amended of The Township of Norvell.

Section C.

Condominium Plan — Required Contents

1. **All condominium plans shall include the information required by Section 66 of the Condominium Act and the following:**
 - a. **A survey plan of the condominium subdivision.**
 - b. **A flood plain plan, when appropriate.**
 - c. **A site plan showing the location, size, shape, area and width of all condominium units.**
 - d. **A utility plan showing all sanitary sewer, water, and storm sewer lines and easements graded to Norvell Township or other entities for installation, repair and maintenance of all utilities.**

- e. **A street construction, paving and maintenance plan for all private roads within the proposed condominium subdivision.**
- f. **A storm drainage and stormwater management plan, including all lines, swales, basins, and other facilities.**
- g. **In accordance with Section E. 10, the developer or proprietor shall provide evidence that the proposed overall density of the site condominium development will not exceed the maximum permitted density of a platted subdivision, if a platted subdivision were proposed for the site.**
- h. **Other requirements as described in this Ordinance.**

2. Easements for Utilities

The condominium plan shall include all necessary easements granted to Norvell Township for the purposes of constructing, operating, inspecting, maintaining, repairing, altering, replacing, and/or removing pipelines, mains, conduits and other installations of a similar character (hereinafter collective called "public structures") for the purpose of providing public utilities, including conveyance of sewage, water and storm water run-off across, through and under the property subject to said easement, and excavating and refilling ditches and trenches necessary for the location of said structures.

3. Private Streets

If a condominium development is proposed to have private streets, they shall be developed to the minimum design, construction, inspection, approval, and other applicable standards and requirements of the Jackson County Road Commission for a dedicated public street.

4. Encroachment Prohibited

Encroachment of one condominium unit upon another, as described in Section 40 of the Condominium Act, shall be prohibited by the condominium by laws and recorded as part of the master deed.

5. Relocation of Boundaries

The relocation of boundaries, as described in Section 48 of the Condominium Act, shall conform to all setback requirements of the Norvell Township Zoning Ordinance for the district in which the project is located, shall be approved by the Zoning Administrator, and this requirement shall be made part of the by laws and recorded as part of the master deed.

6. Conformity with the Zoning Ordinance

All individual condominium units shall conform to the requirements of the Norvell Township Zoning Ordinance.

These requirements shall be approved by the Zoning Administrator, and these requirements shall be made part of the bylaws and recorded as part of the master deed.

Section D.

Site Plan Review — Condominium Subdivision Layout, Design and Approval

1. All condominium subdivision plans shall conform to the plan preparation requirements; review and approval procedures; layout and improvement standards of a Site Plan Review and Approval.

a. Purpose:

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

b. Building, structures, and uses requiring site plan:

Site plans submitted for Condominium projects.

The Building Inspector shall not issue a zoning compliance or building permit for the construction of the buildings and structures identified in this Section unless a detailed site plan has been reviewed and approved by the Planning Commission and the Township Board.

c. Application fee:

Any person may file a request for a site plan review by the Planning Commission by filing with the Township Clerk. The application shall be on forms furnished by the Clerk. Payment of a fee as established by resolution of the Township Board shall be required. As an integral part of said application, the applicant shall file at least six (6) copies of a site plan.

Upon receipt of an application for a site plan review, one (1) notice that a request for a site plan review has been made will be published not less than five (5) nor more than fifteen (15) days before the date the site plan will be considered. In addition, property owners within 500 feet from the perimeter of the property in question shall be notified of the application. At the initiative of the bodies responsible for approving the site plan, or upon the request of the applicant, or a property owner within 500 feet of the property in question, a public hearing with notification as required for a notice above, shall be held before a decision is made on the site plan.

d. Planning Commissions' review of a site plan:

Upon receipt of such application from the Township Clerk, the Planning Commission shall undertake a study of the same. The Planning Commission shall make a recommendation to the Township Board to approve or disapprove such site plan. The applicant shall be advised in writing, of the recommendation, including any changes or modifications in the proposed site plan as are needed to achieve conformity to the standards specified in this Ordinance.

The Planning Commission shall submit one (1) copy of the approved site plan to the Township Board as well as the other data, exhibits, and information hereinafter required.

e. Required data for a site plan:

Every site plan submitted to the Planning Commission shall be in accordance with the following requirements.

1. The site plan shall be of a scale not greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals one hundred (100) feet, and of such accuracy that the Planning Commission and Township Board can readily interpret the site plan. Where required for clarity, the site plan shall be provided on more than one drawing.
2. The name of the proposed land use or development shall be provided. The property shall be identified by lot lines and location, including lot area, dimensions, angles, sizes, correlated with the legal description of said property. Such site plan shall be designed and prepared by a registered professional architect, engineer, surveyor, or community planner who shall affix a seal to the site plan. Such plan shall further include the name and address and phone number of the proprietor, property owner, developer, and designer. Property ownership shall be identified on the site plan. The date of the site plan preparation or revision shall be provided.
3. The site plan shall show the scale, north point, boundary dimensions, topography (at least two foot USGS contour intervals for both the existing parcel and as proposed), slopes in excess of seven percent (7%).
4. The site plan shall show existing natural features such as wood lots, streams, rivers, lakes, wetlands, 100 year Flood plains, drains, and similar features.
5. For subdivision plats, condominium projects, and multiple family developments, the lot layout, numbers, dimensions, and lot areas in square feet, including building setback lines showing dimensions shall be provided.

- 6. The locations of stands and species of trees shall be identified and wetland boundaries shall be delineated.**
- 7 The site plan shall show existing man-made features such as building, structures, high tension towers, pipe lines, existing utilities such as water and sewer lines, excavations, bridges, culverts, drains and easements.**
- 8. The site plan shall identify adjacent properties and their existing uses.**
- 9. The site plan shall show the system for water supply, sanitary sewers, stormwater drainage, including the existing drainage courses and structure, methods, and direction of stormwater drainage, existing drainage pattern, erosion potential, proposed stormwater basins, retention and detention methods, and point of outlet at the proposed subdivision lines, including easements, shall be provided.**
- 10. The site plan shall show the location, proposed finished floor and grade line elevations, size of proposed principal and accessory buildings, their relation one to another and to any existing structure on the site, the height of all buildings and square footage of floor space.**
- 11. Site plans for residential development shall include a density schedule showing the number of dwelling units per acre, including a dwelling schedule showing the unit type and number of each unit types.**
- 12. The site plan shall show existing and proposed streets, driveways, sidewalks (including width) and other vehicular and pedestrian circulation features within and adjacent to the site; also, the location, size and number of parking spaces in the off street parking area and the identification of service lanes and service parking. Road names and right-of-way widths for existing and proposed roads shall be provided, road signage, road radii (to assess sufficiency for emergency vehicle turning movements). In addition, plan and cross section views shall be provided for all proposed roads.**

- 13. The site plan shall show the proposed location, use, and size of common open space areas and the location of any landscaping, fences, walls or buffer strips on the site. Any proposed alterations to the topography, major earth changes including any building envelopes within which fill is proposed to take place, and other natural features shall be indicated. The site plan shall further show any proposed location of connections to existing utilities and proposed extensions thereof.**

- 14. The Planning Commission may require a geological/hydrological/engineering survey prepared by certified professional experts, indicating:**
 - a. Level of water table throughout the proposed development area;**

 - b. Opinion as to each and every effect on the water table and private wells and property owners within the reasonably anticipated area of impact of the development;**

 - c. All qualitative and quantitative aspects of surface water, groundwater, and watershed anticipated to be impacted as a result of the development to the geographical extent reasonably expected to be affected; and**

 - d. Opinion whether the exposure of subterranean waters and/or the impoundment, if any, of surface waters, where permitted, will establish a suitable water level at the level or levels proposed as part of the development, and whether the same will not interfere with the existing subterranean water or cause any harm or impairment to the general public.**

- 15. A vicinity map of a scale of not less than 1" = 2,000' shall be submitted showing the location of the site in relation to the surrounding street system. The existing zoning designation of the site and adjacent parcels shall be identified on the site plan.**

- 16. The Planning Commission may require a traffic analysis which relates the trip generation of the proposed development to existing and projected traffic capacities, volumes and patterns on surrounding streets.**
- 17. Any other information deemed necessary by the Planning Commission.**
- 18. A deposit in the form of cash, certified check, or irrevocable bank letter of credit shall be made with Norvell Township if required by the Township Board to guarantee the installation and completion of any required public sanitary sewer, water supply, and drainage facilities, within a length of time agreed upon from the date of final approval of the condominium plan by the Planning Commission.**

f. Standard for Site Plan Review:

In reviewing the site plan, the Planning Commission shall ascertain whether the proposed site plan is consistent with all regulations of this Ordinance.

g. Township Board Approval:

Upon the Planning Commission recommended approval of a site plan to the Township Board, the applicant shall file with the Township Board six (6) copies thereof. When the Township Board files approval of said recommended site plan, the Township Clerk shall within ten (10) days transmit to the Building Inspector one (1) copy with the Clerk's certificate affixed thereto, certifying that said approved site plan conforms to the provisions of this Ordinance as determined and approved by the Township Board.

If the site plan is disapproved by the Township Board, notification of such disapproval shall be given to the applicant within ten (10) days after such Board action. The Building Inspector shall not issue a zoning compliance permit until he has received a certified approved site plan.

h. Expiration of Site Plan Certificate:

The site plan certificate shall expire, and be of no effect, three hundred sixty-five (365) days after the date of issuance thereof, unless within such time the Building Inspector has issued a zoning compliance permit for any proposed work authorized under a said site plan certificate.

i. Amendment, Revision of Site Plan:

A site plan, and site plan certificate, issued thereon, may be amended by the Township Board upon the request of the applicant. Such amendment shall be made upon application and in accordance with the procedure provided in Section D of this Ordinance. Any fees paid in connection with such application may be waived or refunded at the discretion of the Township Board.

Section E.

Condominium Subdivision Approval — Additional Regulations

The following regulations shall apply to all condominium projects within Norvell Township:

1. Initial Information

Concurrently with notice required to be given Norvell Township pursuant to Section 71 of Public Act 59 of 1978, as amended, a person, firm or corporation intending to develop a condominium project shall provide the following information with respect to the project:

a. The name, address and telephone number of

1. All persons, firms or corporations with an ownership interest in the land on which the condominium project will be located together with a description of the nature of each entity's interest (for example: fee owner, optionee, or land contract vendee).
2. All engineers, attorneys, architects or registered land surveyors associated with the project.

3. **The developer or proprietor of the condominium project.**
 - b. **The legal description of the land on which the condominium project will be developed together with the appropriate tax identifications numbers.**
 - c. **The acreage content of the land on which the condominium project will be developed.**
 - d. **The purpose of the project (for example: residential, commercial, industrial, etc.).**
 - e. **The number of condominium units to be developed in the subject parcel.**
2. **Information to be Kept Current:**

The information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a Certificate of Occupancy has been issued pursuant to the Norvell Township Zoning Ordinance. A certificate of occupancy shall be required prior to occupancy, except as herein provided.

3. **Site Plans — New Projects, Master Deed and Engineering and Inspections:**

Prior to recording of the master deed required by Section 72 of Public Act 59 of 1978, as amended (M.C.L. 559, 108), the condominium project shall undergo site review and approval pursuant to Section D of this Ordinance. In addition, the township shall require appropriate engineering plans and inspections prior to the issuance of any Certificates of Occupancy in accordance with the Norvell Township Zoning Ordinance.

4. **Site Plans — Expandable or Convertible Projects:**

Prior to expansion or conversion of a condominium project to additional land, the new phase of the project shall undergo site plan review and approval pursuant to Section D.

5. Master Deed, Restrictive Covenants and "As Built" Survey to be Furnished:

Prior to the issuance of a certificate of occupancy, the condominium project developer or proprietor shall furnish the Zoning Administrator with the following: One (1) copy of the recorded master deed, one (1) copy of all restrictive covenants and two (2) copies of an "as built survey." The "as built survey" shall be reviewed by the Zoning Administrator for compliance with township ordinances. Fees for this review shall be established by resolution of the Township Board.

Monuments Required-Site Condominium Projects:

All condominium projects which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites, shall be marked with monuments as provided in this subsection:

- a. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium project, if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.**
- b. All monuments used shall be made of solid iron or steel bars at least one-half (½) inch in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.**
- c. Monuments shall be located in the ground at all angles in the boundaries of the condominium project; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium project, and at the intersection of alleys with the boundaries of the condominium project; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; at all angles of an intermediate traverse line and at the intersection of all limited common elements and common elements.**

- d. If the required location of a monument is an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
- e. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half ($\frac{1}{2}$) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
- f. All required monuments shall be placed flush with the final ground elevation where practicable.
- g. All unit corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen inches (18) long and one-half (A) inch in diameter or other approved markers.
- h. The Norvell Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) years, on the condition that the proprietor deposits with the Township Clerk cash or a certified check, or irrevocable bank letter of credit turning to Norvell Township, whichever the proprietor selects, in any amount not less than fifty (\$50.00) dollars per monument and not less than two hundred (\$200.00) dollars in total. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

7 Monuments Required — All Condominium Projects:

All condominium projects shall be marked at their boundaries with monuments meeting the requirements of this ordinance.

8. State and County Approval:

The developer or proprietor of the condominium project shall establish that appropriate state and county approvals have been received with regard to the domestic water system for the proposed project and with regard to the sewage disposal system for the proposed project.

9. Temporary Occupancy

The Zoning Administrator may allow occupancy of the condominium project before all improvements required by this Ordinance are installed provided that a bond is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to Norvell Township. Zoning Compliance Permits shall be issued only in accordance with the Norvell Township Zoning Ordinance.

10. Single Family Detached Condominiums

Single family detached condominiums shall be subject to all requirements and standards of the applicable zoning district including but not limited to minimum lot size. The overall density of the site condominium development shall not exceed the density of a platted subdivision, if such a development were proposed for the site.

11. Multiple Family, Commercial and Industrial Condominiums

Two-family, multiple-family, commercial and industrial condominium projects shall be located only in those zoning districts allowing those uses as permitted or conditional uses, and shall be subject to all of the requirements and standards of the Zoning District in which they are located. Such standards shall include but not be limited to minimum floor area requirements, minimum lot size, density, and the setback requirements of the Ordinance for the District in which the project is located.

Section F.

Amendments

The Township Board may amend these regulations from time to time in the interests of the public health, safety, and welfare.

Section G.

Severability

Invalidation of any of these regulations by a court will not affect the remaining regulations, which will remain in full legal force.

Section H.

Violations and Penalties

- 1. Criminal Penalties — Any person violating any of the provisions of this Ordinance shall upon conviction thereof be subject to a fine of not more than five hundred (\$500) dollars and the costs of prosecution thereof, by imprisonment in the County Jail for a period not to exceed ninety (90) days, or both each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the regulations of this Ordinance.**

Typical site condominium layout

Typical lot

General Commons

